Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTY-FIFTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME 81—PART 3

MARCH 18, 1937, TO APRIL 15, 1937

(Pages 2377 to 3568)

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1937

Congressional Record

SEVENTY-FIFTH CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 18, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord himself is our keeper; the Lord is our defense upon our right hand. Great peace have they who love Thy law. The Lord God will preserve our going out and our coming in from this time forth; praise ye the Lord. Heavenly Father, may we be faithful and manly, and, wherever we are, may we fill the measure of love and peace with all that is best. We pray Thee to grant Thy blessing upon all conditions of men. Kindle again the extinguished torch of their disappointments. Use us, blessed Lord, to perform all deeds of kindness; to encourage some forgotten friend of our childhood; to help some struggling youth to his ambition; and to some darkened home may we bring hope. Heavenly Father, keep us mindful these days of the earthly calendar of our Lord, the vastness of His dominion, His majesty, the sweep of His intelligence, and the eternity of His being, and unto Thee be all glory both now and ever. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 272. Joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill and joint resolution of the House of the following titles:

H. R. 4720. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes; and

H. J. Res. 217. Joint resolution providing for the construction and maintenance of a National Gallery of Art.

The message also announced that the Senate disagrees to the amendments of the House to the joint resolution (S. J. Res. 75) entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH, Mr. WHEELER, Mr. GILLETTE, and Mr. CAPPER to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McREYNOLDS. Mr. Speaker, I am sorry, but I shall have to object.

ANNIVERSARY OF THE BIRTH OF GROVER CLEVELAND

Mr. HOFFMAN. Mr. Speaker, I want to announce this is the anniversary of the birth of Grover Cleveland, the great Democratic President who suppressed the strike in Chicago in 1894.

THE NEUTRALITY ACT OF 1937

Mr. McREYNOLDS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 51, to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended.

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 32]

Binderup	Dingell	Jenckes, Ind.	Nichols
Bradley	Ditter	Kelly, N. Y.	O'Brien, Mich.
Buckley, N. Y.	Dixon	Knutson	Schaefer, Ill.
Burdick	Doxey	Lamneck	Scrugham
Cannon, Wis.	Drew, Pa.	Lesinski	Smith, Va.
Casey, Mass.	Duncan	Lewis, Md.	Tinkham
Chapman	Frey, Pa.	McClellan	Tolan
Cole, N. Y.	Gasque	McCormack	Vincent, B. M.
Connery	Goodwin	McGehee	Weaver
Cravens	Hancock, N. Y.	McGranery	Withrow
Crosby	Harlan	McGroarty	Wood
Crowther	Havenner	Maas	
Curley	Healey	Mahon, S. C.	

The SPEAKER. Three hundred and seventy-seven Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. McREYNOLDS] that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 51.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 51, the neutrality bill of 1937, with Mr. WARREN in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose last Tuesday section 2 of the joint resolution had been read and is now open to amendment.

Mr. COX. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. RICH. Mr. Chairman, I object.

The Clerk read as follows:

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

SEC. 3. (a) Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the

United States to any belligerent state, named in the proclamation, or to any neutral state for transhipment to, or for the use of, any such belligerent state.

(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such armed conflict is of such a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to said foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any such state or to any other state for transshipment to, or for use in, the state named in the proclamation.

(d) The President, by proclamation, shall definitely enumerate the arms, ammunition, or implements of war, the export of which is prohibited by this section.

(e) When in the judgment of the President the conditions which have caused him to issue his proclamation or proclamations have ceased to exist he shall revoke the same and the provisions hereof shall thereupon cease to apply, except with respect to offenses committed, or forfeitures incurred prior to such revocation.

Mr. FISH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 19, line 9, after section 3 (a), strike out all of page 19 and on page 20 down through line 8. On line 9, change paragraph (d) to (b). Strike out all of paragraph (e). Insert the following, so as to read:

"SEC. 3. (a) It shall be unlawful to export, or attempt to export or cause to be exported, arms, ammunition, or implements of war from any place in the United States in peace or war."

Mr. FISH. Mr. Chairman, I want to congratulate the leadership of the House for providing 10 hours of general debate. There were those doubters who believed there would not be sufficient requests for time to warrant considering this bill for 10 hours. As a matter of fact, near the conclusion of the debate we had to cut down some of the requests to 4 minutes and in some instances to 1 minute.

Debate on both sides of the House has been conducted on a very high order and plane, and, as far as I am concerned, on a nonpartisan basis. I am making my appeal, as I did when I spoke first in this House, that this bill be considered purely on its merits and on a nonpartisan basis. It is a question of war and of peace or declaring the peace policy of the United States.

During the World War Republicans and Democrats served alongside each other shoulder to shoulder, not as Republicans and Democrats but as Americans. We served under a great war President, our Commander in Chief, Woodrow Wilson. [Applause.] There was no question of politics once you were in the Army. You served as Americans and you died as Americans. It was only toward October or November 1918 that Woodrow Wilson himself injected the partisan angle by asking for the election of a Democratic Congress, which was a colossal political blunder. Later on came the question of the League of Nations, which, unfortunately, developed a political angle. As far as peace or war is concerned, there should be no partisanship, and I am pleading for the consideration of the amendment on the basis of merit and merit alone. It is a question of war and of peace or declaring the peace policy of the United States.

The amendment I have offered is a very simple one. The present law today provides that it is unlawful to ship arms, ammunition, and implements of war in time of war to belligerent nations. Everybody is for this. I want to make this provision applicable also in time of peace. [Applause.] Why should we sell arms to nations preparing for war in order to go to war for the sake of profit, greed, and blood money? Why should we prepare the nations of the world for war and become the symbol of arms, ammunition, and the dollar sign for wholesale slaughter?

I submit in all sincerity and all good faith that with many foreign nations arming to the teeth, going mad building armaments, and spending $15,000,000,000 this year—three times as much as they spent 3 years ago and four times as much as they spent back in 1914—if we are sincere, if we are in good faith at all about this bill, we ought to extend its provisions against shipment of arms in time of peace as well as time of war. [Applause.]

I hope, if the gentlemen and gentlewomen of this House vote down this amendment, we will have a chance—and I am going to give it to you—to vote on it by a motion to recommit on a roll-call vote.

If we are against the sale of implements of war in time of war, the logical thing to do is to stop it in time of peace.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. We have signed the Briand-Kellogg Pact to renounce war as an instrument of policy, except for national defense. Having done this, we have outlawed war except for national defense. Having outlawed war, it is only logical and proper that the next step should be to outlaw the sale of ammunition and implements of war. This is what I am proposing to do here, to extend the prohibition to times of peace. Otherwise we become the potential slaughterhouse of the world. We will be selling armament right up to the day nations declare war. To my mind it is actually worse to prepare these nations for war than to supply them munitions of war once they have entered into war. Once they have entered into war we cannot stop it; but before they enter into war we can stop it by not selling them ammunition and implements of war which might also be used against our own soldiers. My proposal constitutes a real neutrality policy in time of peace as well as of war and would be a far more effective step toward promoting peace than anything contained in this bill.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield; certainly.

Mr. JOHNSON of Texas. The amendment which the gentleman now proposes he did not propose or even suggest during the consideration of the bill by the Foreign Affairs Committee of the House?

Mr. FISH. I am glad the gentleman asked that.

Mr. JOHNSON of Texas. Is that true or not?

Mr. FISH. Certainly it is true, which is all the more reason we should consider it here. I did not think of this amendment before the committee. There are many other amendments I hope Members of the House will offer today to improve this legislation. We did not give any too much consideration to the details of the bill, and we received almost no help from outside in writing it.

Mr. SIROVICH. Will the gentleman include munitions in addition to ammunition and implements?

Mr. FISH. No; certainly not; only arms, ammunition, and implements of war.

Mr. SIROVICH. How about munitions that could be converted into arms, ammunition, and implements of war?

Mr. FISH. No; I do not want to go that far. This is the law now as affecting belligerent nations. I want to extend it to time of peace to all nations.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield for another question?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. I did not quite catch the full import of the amendment as it was read, but, as I understood it, the amendment substitutes the few lines the gentleman offers in the amendment for the entire section?

Mr. FISH. No. If this is adopted, which I hope it will be, we will then put back practically all that section as written. I do not want to take anything out of it.

Mr. JOHNSON of Texas. I simply want to understand the amendment, which I did not understand when it was read.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. Yes.

Mr. SIROVICH. The gentleman stated he is sincere in including a prohibition against the shipment of arms, ammunition, and implements of war in time of peace as well as in time of war. Is that right?

Mr. FISH. That is right.

Mr. SIROVICH. The other day during the consideration of the bill I asked the difference between ammunition and munitions and was told that munitions were raw material——

Mr. FISH. That is right.

Mr. SIROVICH. Which could be converted into arms, ammunition, and implements of war. Why not include munitions, then?

Mr. FISH. Because then you would have a total embargo; you would have a Jeffersonian embargo, and I am absolutely against that. [Applause.]

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am very much surprised that the gentleman from New York [Mr. FISH] should offer this amendment when he is the ranking man on the Foreign Affairs Committee and has never even suggested such an amendment prior to this time. I hardly think he hopes to get anywhere with the amendment, but that it is offered for publicity.

As you know, my friend, the gentleman from New York [Mr. FISH], when he wants to get something through the House, always states, "Now, this is nonpartisan", and yet the gentleman cannot make a speech on this floor without getting into partisanship before he concludes. How many on this floor from the reading of the amendment know what it is aside from the gentleman who has a copy of it? You heard him say that this is nonpartisan, and I say to you that that is what this discussion ought to be, but I challenge him now to cite any instance when he has been on this floor in favor of a bill that came out of the Foreign Affairs Committee since Franklin D. Roosevelt has been President, and although he may have supported an amendment the gentleman cannot cite an instance where he did not criticize the President before he got through with his speech.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Tell me one instance.

Mr. FISH. I shall be very pleased to tell the gentleman, because the gentleman has placed his name on all of these bills giving the President the power——

Mr. McREYNOLDS. Just tell me one instance.

Mr. FISH. Giving the President the power to determine the aggressor nation, and I have opposed every one of them.

Mr. McREYNOLDS. Has not the gentleman criticized the President with respect to every bill that has come in here?

Mr. FISH. And I have been justified in doing that, because every one the gentleman has brought in has been wrong.

Mr. McREYNOLDS. This has been true ever since the gentleman has been on the Foreign Affairs Committee, and yet he always states that it is nonpartisan.

Such sentiment ought not to be considered by the committee at this time. The gentleman was on the committee and this amendment could have been considered if he had wanted it considered, and I do not think my position requires any further argument. I know this House is not going to uphold such procedure. [Applause.]

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the subject to which I am about to address myself, to all intents and purposes, may not be a part of this bill, and before I enter into the discussion I want it understood that I have voted for every single piece of labor legislation that has come before the House since I have been a Member of the Congress; but when people desecrate the noble, real, honest labor organizations by setting up false fronts and masquerade under the guise of true labor organizations and as such enters the field of anarchy, then it is about time that the Members of this House and the people of this Nation take cognizance of the fact. [Applause.]

A situation has arisen in the great State of Michigan that is not local, but is national in its scope. Oh, the Supreme Court of the United States, in a few of its late decisions by usurpation of legislative duties, declared certain acts of Congress unconstitutional, and has laid down the law that labor and agriculture are local problems, and how far afield have they gone? Both labor and agriculture are national problems and nothing could illustrate this any stronger than the present sit-down strikes, that are in their nature nothing more or less than outright anarchy. I pray to our Lord that the President's proposal to reorganize the courts will be enacted with all haste so that we here in Washington will be able to pass legislation to cope with this serious condition which threatens the very foundation of our democratic government.

In the city of Detroit today self-constituted leaders of outlaw organizations and their sympathizers are marching by the thousands. Last Saturday, I am informed, somewhere around 20,000 of them paraded around the courthouse in the great city of Detroit and by noise stopped the action of the courts. The fair name of labor, I say, is being besmirched by those who would impose their communistic tendencies on honest labor leaders. The honest labor leaders are not in sympathy with the actions of these vandals.

I am reliably informed that the false labor leaders—these anarchists, if I must say it—who are a disgrace to real, honest labor, have gone into private business places and have confiscated the keys of such private business places, have taken charge and have put up signs, "Information booth here", and have run the owners out on the streets.

Today in Detroit I understand open warfare is carried on in defiance of organized society.

I have the highest respect for Gov. Frank Murphy, of Michigan. No man's heart beats more true to the cause of labor and the common masses than his. No man has worked harder and has been more sincere in his efforts to cope with the sinister forces of fascism and communism. He has disregarded them and has dedicated himself to the great spiritual movement known as humanism. He is attempting to restore men to their rights without bloodshed, without display of brute force, and without turning away from the course of real Americanism. You will recall the wonderful work he did in the Flint strike in behalf of labor, and now there are those of communistic tendencies—yes, anarchistic actions—who are taking advantage of his kindness, his fine attitude, to further their own selfish interests.

I understand he has made the statement—

That neither party to any dispute can take a position in defiance of the law. The public authorities charged with the responsibility for the protection of the public are prepared to use proper means to this end.

He further stated, "All labor disputes can be adjusted peaceably through negotiations." Therefore you may rest assured that he in his fairness wants to avoid bloodshed. I abhor anything that will end in bloodshed, but I think the time has come when certain rascals who are taking advantage of this great man should be curbed, and I hope that before it is too late constituted authority will reach out with the law and take such troublemakers to a place where they will not be able to interfere with organized society. If it is not done soon, these outlaws will bring about the very thing none of us want, and that is bloodshed. Arrest these outlaw leaders and let real, honest, true Americans lead labor on to glorious victory. I love the cause of labor but will fight to the limit anyone who will besmirch it with anarchistic methods.

The Apostle Paul was keenly aware of the demands of his stewardship when he said:

I am debtor both to the Greeks and the barbarians—both to the wise and the unwise. So as much as is in me is, I am ready to preach the gospel at Rome also.

So I, feeling keenly the love of country, the cause of labor, the duty I owe to my people, and regarding highly the oath of office I have taken to defend the Constitution of the United States, not only against enemies from without but those from within, who either by ignorance or design would wreck the principles of that sacred document and thereby

bring about a collapse of our democratic form of government, I address my remarks not only to Republicans, not only to Democrats who have forgotten their promises of last fall but to all citizens of this Nation, both wise and unwise.

I wish I had time to go into the history of the development of the usurpation of the Supreme Court of the legislative duties. I have not but will do so at a later date.

There are those who blame the proposal to reorganize the judiciary for the conditions today, and some that I have just described. They are wrong. Some of the members that have molded the philosophy of the United States Supreme Court to such an extent that it is practically impossible to legally care for labor or agriculture are responsible, and the sooner that the Court is reorganized so that real American human laws will be treated as the Constitution provides—that is, to promote the general welfare and secure the blessings of liberty to ourselves and our posterity—just so soon we will end all this trouble.

In my humble opinion, if the President's proposal is enacted into law now, we will have interpretations of laws within the Constitution that will free labor and agriculture from the shackles of the past and save this democracy for ourselves and our posterity.

Mr. O'CONNELL of Montana. Mr. Chairman, I make the point of order that the gentleman from Michigan is proceeding out of order.

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman may proceed out of order.

Mr. O'CONNELL of Montana. Mr. Chairman, I object.

The CHAIRMAN. Under the rule debate must be confined to the bill and the pending amendment. The gentleman from Michigan will proceed in order.

Mr. HOOK. Mr. Chairman, this bill or this amendment refers to arms and ammunition. They refer to the stopping of the sale of arms and ammunition, and in the city of Detroit they are using arms and ammunition today in open warfare, sir, against organized society.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOOK. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes out of order.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 5 minutes out of order. Is there objection?

Mr. O'CONNELL of Montana. Mr. Chairman, I object.

Mr. HOOK. Is the gentleman afraid to hear the truth?

Mr. COX rose.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. COX. Mr. Chairman, I move to strike out the paragraph, and ask unanimous consent that I may proceed for 5 minutes out of order.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed out of order. Is there objection?

Mr. FISH. Mr. Chairman, I reserve the right to object.

Mr. O'CONNELL of Montana. Mr. Chairman, I object.

Mr. RANKIN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. RANKIN. Mr. Chairman, in reply to the remarks of the gentleman from New York [Mr. FISH] I wish to say that we are never going to control the shipment of munitions of war, we are never going to prevent the sale and manufacture of munitions of war, we are never going to prevent the men of greed from making millions from the blood of the people of this world through the sale of munitions of war, or prevent them from drawing our country into foreign conflicts until this Government manufactures its own munitions and takes this business out of private hands. [Applause.]

So long as you leave in the hands of private enterprise the right to manufacture everything from armor plate to cartridges, from flying machines to bayonets, you are going to have those greedy interests who, as I say, make millions at the sacrifices of civilization, stirring up wars throughout the world.

A day or two ago the French Republic, realizing the danger of being drawn into foreign conflicts by their own selfish interests in their own country, nationalized the manufactures of munitions of war of all kinds.

If America would keep out of war, we must take this power of the manufacture and sale of munitions of war out of the hands of private enterprise, and until we do that we are likely, at any time, to be dragged into conflicts with foreign countries by the propaganda of those selfish interests who made their billions out of the last war.

There are two things necessary, in my opinion, to maintain the peace of America. One of them is that we should be properly defended. In order to be properly defended we must do one of two things. We must either make our air force an independent department of the Government or else we must put the Army and the Navy and the air force under one head. So long as our air force is hampered by the static attitude of old superannuated Army and Navy officers we are never going to be properly defended.

I said yesterday I should rather have one of these young men that I hear leave this Capital at night to fly a thousand miles through rain and storm, through heat and cold, defend my country in time of war than a dozen old superannuated Army officers, ground officers, who know nothing about flying, trying to run our air force.

So far as I am individually concerned, I should rather have Amelia Earhart Putnam defend my country than to have half a dozen old superannuated, long-spurred Army officers—who helped to destroy General Mitchell—who have never been off the ground, who are trying to control our air force, attempt to defend it.

We must make our air force independent of the Army and the Navy, of this old group that controls both of these institutions, and have an independent air force, or we must put them all under one head, so that they may be directed by the heads of different bureaus so as to give us a real up-to-date air department.

Then, if we are to perpetuate the peace of the world, we must take out of the hands of the private manufacturers the right to coin their millions from the blood and tears of the suffering people of the world through the manufacture and sale of munitions of war. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All debate upon the pending amendment has expired. The question is on the amendment offered by the gentleman from New York [Mr. FISH].

Mr. RANKIN. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the Fish amendment, as follows:

Amendment offered by Mr. FISH: Page 19, line 9, after the abbreviation "Sec. 3 (a)", strike out all of page 19, and on page 20 down through line 8. On line 9 change "(d)" to "(b", strike out all of paragraph "(e)" and insert the following, so as to read:
"SEC. 3 (a). It shall be unlawful to export or attempt to export or cause to be exported arms, ammunition, or implements of war from any place in the United States in peace or war."

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 74, noes 101.

So the amendment was rejected.

Mr. GIFFORD rose.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GIFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GIFFORD. Mr. Chairman, most of us have been very patient in considering the arguments made by members of the committee. Some of us are extremely doubtful how we should vote on the final draft of this legislation. A little phrase has been running through my mind this morning like this: "Silence is sometimes golden; at other times it is just simply plain yellow."

The possible results of this legislation forced this upon my attention. As I have before said, however, in the absence of anything more courageous or more mandatory in character, taking the view of the gentleman from New Jersey [Mr. EATON], we may feel it the wiser plan to vote affirmatively. But I do not want my country to be plain yellow. Nevertheless, I may climb this tree with you to get away from a forest fire, as I have before stated.

Lest I be considered out of order, my remarks will be largely based on the discretion given to the President. Whenever the administration in power has to conduct the Nation's affairs, criticisms from the other side naturally would be forthcoming. Through this entire bill there is whenever the President has issued "this" or determined "that", and, of course, there may be politics, so-called, in the criticism of giving the President of the United States discretion in making these highly important decisions. I presume these decisions must be left to somebody, and he is the only President I have got. Much as I am fearful about his hasty decisions and his lack of willingness to make decisions when anarchy is in our own country and on our own doorstep, we may be forced to clothe him with the power contained in this bill.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I do not yield. I only have 5 minutes. If it had not been for the courageous statements in another body on yesterday, I might have felt that the Congress itself would remain silent in this present hour of domestic peril. But some courageous Members have at last, of their own volition, not waiting for the President, expressed their views with force and clearness. It can be assumed that they have delayed expression waiting for some courageous act of the administration. However, all through this entire bill you are leaving much discretion to the President. We have much reason to be fearful of his future decisions.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield now?

Mr. GIFFORD. Yes; I yield.

Mr. JOHNSON of Texas. Did I understand the gentleman by his observation and criticism of the President to desire the return of Mr. Hoover?

Mr. GIFFORD. Oh! Did I criticize the President?

Mr. JOHNSON of Texas. No.

Mr. GIFFORD. No. I will give your President credit for all good intentions in the world, but read the Saturday Evening Post of latest issue, reminding us that hell is paved with good intentions, and if war should come from his good intentions, I do not want to see hell paved with his good intentions, do I? Or do you? Good intentions have nothing to do with it. It is results that must be considered in this bill when granting such powers.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. HOOK. Does not the gentleman know when he criticizes the President——

Mr. GIFFORD. Did I criticize the President?

Mr. HOOK. That the Supreme Court has said these labor problems are local problems?

Mr. GIFFORD. In speaking of the President and my criticism possibly, my fearfulness may be justified, when a President will attempt to arouse the country against the judiciary, and attempt to destroy the faith of our people in that great and last bulwark of our liberties.

I am indeed fearful of the views of the President and of his constantly changing views, and I should be excused for mildly criticizing the great discretion granted him in this proposed resolution. Pending decision of amendments to be offered I am still doubtful as to how I should vote in its final form.

[Here the gavel fell.]

Mr. KOPPLEMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOPPLEMANN: Page 20, line 4, strike out the word "or", and on line 5, after the words "of war", insert "or materials of war"; and add, after the word "war", on line 10, the words "and materials of war."

Mr. McREYNOLDS. Mr. Chairman, I make a point of order against the amendment. This section does not deal with materials of war. The amendment is not in order at this place in the bill. It is not germane to the bill at this point. In the next section it will be germane. The next section deals with materials of war. This section only deals with the exporting of arms and implements of war.

The CHAIRMAN (Mr. WARREN). The Chair is inclined to agree with the gentleman from Tennessee that the amendment would be germane if offered to section 4, but it is not germane to section 3. The Chair, therefore, sustains the point of order.

The Chair will recognize the gentleman from Connecticut [Mr. KOPPLEMANN] after section 4 has been read.

Mr. BERNARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BERNARD: Page 19, line 22, strike out all of subsection (c).

Mr. BERNARD. Mr. Chairman, this section reads that "when the President shall find a state of civil strife exists in a foreign state and that such armed conflict is of such magnitude", and so on.

This section applies very clearly. We have a very vivid and tragic example of what this section would do today in Spain. The people of Spain today, under a democratic government for the first time in its history, are being attacked by the forces of fascism. No one in the world dares deny that. We have ample proof that the forces of Hitler and Mussolini are actively engaged against the Spanish democratic government.

We have placed an embargo on Spain; an arms embargo against a friendly democratic country, while at the same time we shut our eyes to the fact that the forces of fascism, under Mussolini and Hitler, are doing their level best to rape the democracy of Spain. We are faced today, Mr. Chairman, with a situation of great importance, and we must give due consideration to this proposal, because this clause will of necessity place an embargo on any other democratic nation which may be faced with a similar situation.

If we are to prevent fascism; if we are to prevent that terrible instrumentality used and engendered by the ruthless and dying capitalistic systems of Italy and Germany, where the laboring masses have been exploited and all civil liberties have been thwarted, then let us at least be frank in our purpose and adopt, if we will, a policy of giving aid to the imperialistic designs of Italy and Germany.

Why was fascism adopted in Italy and Germany? Because the working class of these countries awakened, and the tories fearing loss of wealth and power singled out ruthless demagogues and directed them to mercilessly beat the masses into submission. That is exactly what happened in Italy and Germany; that is exactly what Franco has been directed to do in Spain today.

When the great bulk of the Spanish people were illiterate and living under a feudal state no one objected, no one came to their rescue, but when the people of Spain finally opened their eyes and had the audacity, the temerity to establish a government of their own, then the enemies of the working class came to the rescue of the money lords, those who had been in control of the Spanish Government before.

In this view, Mr. Chairman, I am not alone. Permit me to read an excerpt from the bulletin of the Methodist Federation for Social Service, the issue for March 1937:

We want a world organized around the democratic way of life. The Fascist are determined to destroy that of life and to do it by merciless warfare. The only chance of stopping them without fighting is to prevent any economic aid from this country for their war plans and activities and to enable the victims of their attack to get aid here in such ways as will not draw us into conflict. The proposal to include civil strife in the neutrality bill invites the Fascist powers to do elsewhere, perhaps on this continent, what they have done in Spain.

Other great churchmen in this country are of the same opinion, as the Reverend Edgar DeWitt Jones, who is the president of the Federal Council of Churches. This is not a lone voice, Mr. Chairman. Most of us have been sent to this body to serve our constituents. We have in our own great America those who have been cheated, fooled, and exploited; and the forces of fascism are at work in this country the same as they are throughout Europe. The forces of fascism in America today are the du Ponts, the Morgans, and those who during the last campaign so bitterly attacked the Democratic administration. Are we as servants of our constituents going to betray the mandate of our people? I maintain, Mr. Chairman, that this country is facing a grave danger, because fascism is threatening the very foundation of all democracies and unless we wake up and have the courage to be fair in our international dealings and do that which is right for our people we may regret our action of today. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am not surprised at the amendment offered by the gentleman from Minnesota [Mr. BERNARD]. It is an appeal from a vote which was had in this House on January 6, 1937, upon the first resolution that was passed at this session of Congress convened, Public Resolution No. 1. On a roll call every Member of the House voted for it except the gentleman who has just spoken, the vote being 406 ayes and 1 nay. He voted against it. That resolution prohibited the exportation of arms, ammunition, and implements of war to Spain, specifically naming that country.

The gentleman from Minnesota [Mr. BERNARD] objects today to the bill under consideration for the reason that he thinks it is legislation inclined to help one of the factions in the Spanish contest. It was not so intended and it will not so do. This provision simply adds to the temporary neutrality law which we now have by also providing that it shall apply when there is a state of civil strife existing in a foreign country which is of such magnitude or which is carried on under such circumstances that it may involve the peace of the United States, that the same law that prohibits the exportation of arms, ammunition, and implements of war to belligerent nations shall also be applied against the factions in this civil strife.

Mr. Chairman, the gentleman's speech is not one that I would call neutral; it is a speech which espouses the cause of one of the belligerents engaged in the war in Spain.

Mr. BERNARD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. I will be as kind to the gentleman as he was to me; I will not.

Mr. Chairman, the war that is going on in Spain has illustrated the necessity for this legislation. When we passed the temporary neutrality law we did not realize that any civil war might assume such magnitude that it would be necessary for us to prohibit the exportation of arms, but the warfare going on in Spain has now reached that proportion where it is not local, where it is not national, but where it is international. The nations of the earth are involved and the peace of the world is threatened by that warfare. By the passage of this resolution we do not say that we think that those who are loyal to the Spanish Government are right or that those who are opposing the Government are right. We say to both factions, as we say in this bill with reference to all belligerent nations, that we will not ship arms, ammunition, or implements of war to either faction.

The gentleman from Minnesota and those whom he represents are unfortunate in trying to maintain neutrality by such speeches, because they fan the fires of prejudice and hatred between the factions. As far as I am concerned, I am not in sympathy with either fascism or communism, and I intend to be neutral in all foreign wars. First of all, I love my own country and I want to keep it out of the conflict of other wars. This is the motive that has actuated us in bringing in this legislation. We want to be neutral in mind, in body, and in law. I think, therefore, Mr. Chairman, that this bill is necessary as a part of our law, because the condition in Spain has developed the necessity for legislation to deal with a state of civil strife that has assumed that magnitude, not because we want to help one side or the other but because we want to keep our hands off and help neither.

This amendment ought to be defeated. [Applause.]

[Here the gavel fell.]

Mr. LUCKEY of Nebraska. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, judging by what has been said during this debate I feel confident that there is no one who wants war. We all want peace. But are we not wandering around in a fairyland of misconception? Are we not attempting to deal with a very concrete problem in the dreamy method of chasing after a pot of gold at the foot of a rainbow?

It seems that some have a misconception of the effectiveness of international law as a law of war and of the principle of freedom of the seas. This debate has brought out the fact that when a strong militarized nation is fighting for its very life, international law is but a scrap of paper and means nothing. It has further shown that freedom of the seas is but a myth when maritime powers are at a death grip. We have been proclaiming this doctrine of freedom of the seas for 144 years without being able to get the naval powers of the world to accept it. We fought the War of 1812 to defend this principle, but when the war was ended we got a peace treaty that did not even mention the principles for which we had fought. In 1917 we joined in another war, partially in defense of the freedom of the seas. We joined a group of nations who had abnegated every component part of the doctrine of freedom of the seas to fight against an enemy who was equally opposed to that doctrine.

Dream all you want to of the pot of gold that lies beyond the war zone, but do not place us in a position where we must again go through the horrors of another great war in the pursuit of war profits. No amount of war trade can ever repay us for the tremendous loss we sustained. Sure, the doors of trade were wide open. Our exports were greater than they had ever been. We made profits unheard of before. We made new millionaires by leaps and bounds. We were reveling in wealth. We owned over half the gold in the world, and we became the richest nation on earth. We were worshipping at the shrine of the "Golden Calf." But there was no blessing in those ill-gotten gains. It was blood money garnered in the game by the merchants of death. The mad dance was merry as long as it lasted. But oh, the awakening after the delerium tremens came to an end! What a headache there was the morning after the night before. But like the drunkard who again craves a drink the next morning, we want to leave the door of war profits open so that we may again participate in war trade when the next opportunity comes.

Two thousand years ago our Savior raised the question, "What profiteth a man if he gain the whole world, yet lose his own soul?" But was not our conscience eased by the thought that we had done "our bit" to put an end to war in the world for evermore? Oh, the irony of it all! Like the Raven of Edgar Allan Poe, may it be said of war profits:

Take thy beak from out my heart, and take thy form from off my door.
Quoth the Raven, "Never, never more."

Do we realize what the World War cost us? The World War will have cost us, by the time the last veteran is pensioned, hospitalized, and buried, $100,000,000,000. It has cost us in lives 126,000 of our finest young men. It has been the main contributary cause of our depression. It has saddled on the backs of the American people a debt of over $34,000,000,000. This debt entails an annual interest cost of over $1,000,000,000. It has been the main contributary factor in unbalancing our Budget, which was $1,000,000,000 per annum prior the World War and which has now reached the staggering sum of over $8,000,000,000 per annum.

In addition to these vast monetary losses it has lowered the spiritual and moral standards of our Nation. The deplorable crime condition of today is in part an aftermath of the war. Competent authorities estimate the annual crime bill of the United States to exceed $12,000,000,000. In addition to all this we have incurred the enmity and hate of those whom we tried to save. We are called "the shylock", as Kipling says in his Hymn of Hate:

At the eleventh hour he came,
But his wages were the same
As ours, who all day long had trod
The winepress of the wrath of God.
Since his back had felt no load,
Virtue in him still abode.
So he swiftly made his own
Those lost spoils he had not won.

My friends, never, never more must we be misled by the mirage of war profits. Never, never more must we lend our ears to the siren song of the emissaries from abroad to join them in the dance of death. We can do only one thing in legislation to keep our country out of wars, and that is prevent any unnecessary involvements with those countries at war. The only way this can be done is to keep our people from being killed at sea and keep our goods from being sunk or seized by belligerent nations. May this measure be so amended as to achieve this purpose. [Applause.]

Mr. HAINES. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, perhaps no subject in this Congress is being watched with more interest than that of neutrality. As a nation, we want to be at peace with the world, and the efforts that have been made by our own country in the past to keep us out of war, I am sure, will meet with the approval of any fair-minded man or woman anywhere. There seems to be an idea prevalent throughout the Nation that by the passage of neutrality legislation we can keep out of war. I do not believe it is possible for the Congress to pass any legislation that will accomplish this, but we can enact into law legislation that will contribute to peace by preventing all shipments of war materials and control the conduct of our people with certain limitations that will greatly aid us in this objective. I want to compliment the Committee on Foreign Affairs for the fine bill they are presenting to the House for consideration, and to say that it is my purpose to support the bill because I believe it to be sound and that it will contribute to peace, even though it may not do all we desire.

As I understand this bill, whenever the President issues a proclamation that a state of war exists between two nations, this bill provides that thereafter it shall be unlawful to export or attempt to export or cause to be exported arms, ammunition, or any other implements of war to any belligerent country or to any neutral country for transshipment to a nation at war; but, of course, Mr. Chairman, we have a law like this at the present time, but it will expire on May 1, and what we are attempting to do now in this bill is to have a permanent law on the statute books of the United States. There has been an addition made, however, to the existing law which covers civil strife whenever such civil strife reaches a point where it might be called warfare, and whenever the President has to issue another proclamation showing that our neutrality is involved, in order to save the lives in commerce of the United States. The bill also provides that the President, by proclamation, shall state definitely the arms, ammunition, or implements of war which are prohibitive. Under the provisions of this bill—if its provisions are enacted into law—they can come here and buy articles from us, but they must pay for them immediately. In other words, the ownership must immediately be transferred to the consignee. We might not have been involved in the last war had this been done, but it will be remembered that American citizens retained ownership of commodities they sold belligerents until they were delivered at the point of destination—hence American citizens were deprived of their rights and had their property destroyed, which finally led us into the World War. It is rather difficult to look to the future and undertake to tell what kind of a war may arise, or what may be necessary to keep us out of war, but I do believe that America should not abandon its rights to the freedom of the seas; and, if I understand this bill correctly, Mr. Chairman, it does permit us to do business with belligerents so long as it is not in the war zone or area. For example, if Great Britain were to go to war with some other nation, under the provisions of this bill, it would not prevent us from doing business with Canada, and it seems to me that there is nothing wrong with a provision that permits us to do this. We certainly dare not destroy our shipping interests when there is no necessity for it, and especially when the war zone is in another part of the world. There are some limitations, however, which are left to the discretion of the President.

I believe that the history of the United States will prove conclusively that our Presidents of the past have been peace-minded just as much as the Congress, and inasmuch as the Constitution of the United States provides that this power shall be delegated to the President, I can see no force to the argument that this is a surrender of the power of Congress. In another section of the bill the President is given discretion in naming commodities; I think this is a wise thing to do, because all commodities might not be considered contraband, but whenever they were declared to be contraband the President would likely name every commodity contraband that an American vessel could not carry aboard. The United States trades with practically all of the world, and we certainly do not want to sacrifice our world trade by passing legislation that would drive trade away from us. So I think this is a wise provision in the bill that does not prevent us from doing business with the balance of the world, even though those nations be at war, so long as we can maintain our neutrality. We certainly do not want to deny to our people the right to visit Canada in the event England might be at war with some other nation, because the records will show that we have many thousands of people in the United States who have homes in Canada, have business interests in Canada, and what is true of Canada is likewise true in many other parts of the world.

I am in entire accord, Mr. Chairman, with the provision that prohibits making loans or extending any credit to Governments that are engaged in war, and I think this is a very wise provision. If we are to remain a neutral people, it is wise that we keep our people as neutral as possible, and that, of course, is the objective we are seeking in this legislation. It is perfectly obvious that no matter where war starts you will find people in our own country taking sides, and for this reason I am in accord with the provision that makes it illegal to solicit contributions to be handed to certain favored groups unless these contributions are for humanitarian purposes.

In section 6 of the bill we deal with American vessels carrying arms, which is prohibited, and is a law at the present time.

In section 7 it refers to the use of American ports as a base of supply, which is also an existing law.

In writing legislation of this sort, Mr. Chairman, we must consider all of our nationals. We have a great many American citizens who live on the various islands of the sea, and unless we would have the provision that permits them to get off those islands they would be marooned there unless the President can prescribe that they can leave on other vessels than those flying the American flag. This may not be a perfect bill, but, as I indicated before, I do not believe that any neutrality legislation can be written that will guarantee to the American people the full measure of peace that we so anxiously seek, but I do think that this is a step in the right direction, and I sincerely trust that the bill will meet with the approval of the great mass of American people. I am sure that it is an honest effort to stay out of war. Our people will never agree that we become isolationists and separate ourselves entirely from the balance of the world, and in this measure we certainly do not surrender all of our rights guaranteed to us under international law. I hope that the day may never come that this fair land of ours must again send its manhood and womanhood to war, because I have observed that war never settles anything, but in its stead it brings intense suffering and sorrow to countless thousands of men, women, and children. I also believe, Mr. Chairman, that the greatest safeguard we have for peace is adequate preparation, so that the balance of the world may know that while we are a

man, that this bill is necessary as a part of our law, because | plorable crime condition of today is in part an aftermath

us to do business with belligerents so long as it is not in the | balance of the world may know that while we are a

peace-loving people, we shall never surrender our rights as citizens of the world. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Minnesota [Mr. BERNARD].

The amendment was rejected.

Mr. COFFEE of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am down in the well of the House in defense of my good friend the gentleman from Minnesota. The gentleman from Minnesota is acting only as spokesman for that group numbering in the hundreds of thousands of liberals in the United States who feel that the pending McReynolds bill and the provision in it aimed at civil war is directed primarily at the civil war in Spain, and is in effect and should be construed, by implication at least, as an act in alliance with the Fascist forces who are attempting to tear down the independent government of Spain.

In order that I may explain to the Members of the House that the gentleman from Minnesota is not without support in his contention, I would remind you that the Methodist Federation for Social Service; Federated Council of Churches of Christ in America; the United Christian Council for Democracy; the Nation; the New Republic; American League Against War and Fascism; the Witness, the latter being the official publication of the Episcopal Church; the New York Post; the Philadelphia Daily Record; ex-Congressman Vito Marcantonio; Prof. Paul H. Douglas; John Dewey; Mrs. Lorado Taft; Albert Einstein, the great German scientist; Robert Morss Lovett; Bishop Francis J. McConnell, of the Methodist Church; Bishop Robert L. Paddock, of the Episcopal Church; Devere Allen; and the historian, who some regard as America's greatest historian, Henry Elmer Barnes; Alfred Bingham; Heywood Broun, America's greatest columnist; Sherwood Eddy, international secretary of the Y. M. C. A.; Rabbi Stephen Wise, foremost of the Jewish rabbis of America—all of these and countless more are behind the gentleman from Minnesota in his demand of this House that the section in reference to civil war be deleted.

If any Member of the House is laboring under the delusion that the gentleman from Minnesota has no support, and is, in fact, unsupported by countless thousands in this country who are asking a fair deal for the civil war strugglers in Spain or the civil war fighters anywhere, he is sadly mistaken.

I could read on and on organization after organization which has requested the gentleman from Minnesota and myself to take a stand in this House in reference to this legislation so that the United States Government, for the first time in history, will not put a provision in a bill preventing humanitarian aid in the way of furnishing food, clothing, and medical aid to a friendly democratic government fighting against the invasion of fascism.

Turn around and look at the picture of Marquis de Lafayette. For what is he famed in the United States? He helped this country in a civil war when the American constitutional founders were fighting to establish a republic in the United States. It was the help of such men as the Marquis de Lafayette, Kosciusko, Baron von Steuben, the Count de Grasse, Count d'Estange, the French admirals, that made possible independence in the United States. Are we going to take a stand that will be construed by liberals throughout the entire world as an act friendly only to the Fascist forces? Are we going to say we will stand aside and permit the forces of dictatorship Italy and dictatorship Germany to enter Spain and tear it asunder? If we are going to allow that to continue, how long will it be before all of the democracies in the civilized world will find themselves confronted by these invaders?

[Here the gavel fell.]

Mr. ALLEN of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to continue another minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALLEN of Pennsylvania. If the gentleman from Washington feels so strongly about this matter, why did he not vote against the embargo on arms to Spain 2 months ago when the gentleman had a chance to do so?

Mr. COFFEE of Washington. There were a great many of us who voted one way on that resolution, laboring under a misapprehension as to the purpose for which the resolution was sought. There were a great many of us who would have voted the other way had we understood fully the provisions. Also, we were assured by the chairman of the committee there would shortly be a neutrality bill which would take care of the situation.

[Here the gavel fell.]

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I suppose this bill will pass by a heavy vote in the House of Representatives. I make no concealment of the fact I await its passage with a sinking heart. It may be that mine is a voice crying in the wilderness, but such as it is, I ask the indulgence of the Committee for but a moment while I utter a sentiment or two with respect to the implications of this bill.

I agree with an estimate of it which I understand was given in the Senate by Senators BORAH and JOHNSON, and with estimates of it given in part, at least, upon the floor here yesterday by more than one Member.

To me it means the surrender of an ancient and precious tradition, the sacrifice of an ideal. True, it is costly at times to live up to great traditions, costly sometimes, terribly costly, to live up to a great ideal. But that we should determine in advance of the event that we shall not live up to our ideals, that we shall not attempt to preserve our traditions, is to me a sad thing.

The struggle for liberty has been going on in this poor old world for centuries. Liberty is a thing of the spirit. It fills the hearts and souls of men with a strength and eagerness far surpassing the influence of material things. Human beings have been struggling for centuries to achieve it and have been struggling for centuries to hold it when achieved. As we look across the world today it is apparent that in many great areas the struggle will have to commence all over again.

This country has worshiped the ideal of liberty. We have achieved it. If we are viligent we will preserve it for our children. We did not achieve it without assistance. We achieved it with the assistance of those who were imbued with the same ideals of liberty. The gentleman from Washington who preceded me pointed to the portrait of the Marquis d'Lafayette as an example of this ideal.

What does this bill propose? It proposes in effect that no matter whether some little struggling people, ground down and oppressed by a mightier power, shall raise the cry for help it is decided in advance, to all practical intents and purposes, that America smugly shall say, "We are not interested."

[Here the gavel fell.]

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, I think the gentleman from Minnesota is right in what he said yesterday, that this bill offers an open invitation to the great aggressors the world over. Present-day aggressors and potential aggressors smile cynically when they see this bill go through. They are armed to the teeth. They have material resources which will sustain them in their conquests. It is the little fellow who will be dismayed when he sees what this bill means to him, for under it he is cut off, he is told he may not even purchase a weapon with which to defend his liberty or to achieve it. He is told in advance that America is not interested. It is an amazing prospect.

Under this cash-and-carry program, what will be the situation? It is that America announces to the world that she is willing to do business with the strong, with nations strong

enough to send their merchantmen to our coasts and protect them while they are here and while they are loading the goods which we sell them. The necessary implication is that while the strong are doing that, and we are doing business with the strong, the strong will see to it we do not do business with the weak.

In other words, America decides by the passage of legislation of this kind never again to give encouragement to struggling little peoples, and decides that if the strong are strong enough she will do business with them. We are doing a disservice to liberty.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield for one question?

Mr. WADSWORTH. I cannot yield.

I am not casting aspersions upon the motives, much less the intelligence, of my colleagues, but this bill is going to pass because we are in a state of hysteria. That I believe to be the case. But, be that as it may, I view its passage with a sinking heart. [Applause.]

Mr. JOHNSON of Texas. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I have a very high regard, as well as great admiration, for the ability of the distinguished gentleman from New York [Mr. WADSWORTH], who has just addressed the committee. I was hopeful, however, I might ask him a question so that I might know his position in this matter, but I gathered from his remarks that he belongs to that school of thought that believes we should pass no neutrality legislation. I will ask the gentleman if he will answer that question so I may know his position?

Mr. WADSWORTH. What is the gentleman's question?

Mr. JOHNSON of Texas. Is the gentleman opposed to all of this legislation?

Mr. WADSWORTH. I would not go further than the present law and I would only extend that for 1 year.

Mr. JOHNSON of Texas. I understood the gentleman to attack the present law with respect to shipment of arms.

Mr. WADSWORTH. The principle underlying the present law is made a permanent policy. I would not let it go more than 1 year, and I would confine it to the present law. To write it down in permanent statute is the thing I dread.

Mr. JOHNSON of Texas. If it is wrong in principle, why extend it for a year?

Mr. WADSWORTH. Perhaps my willingness that the Government of the United States shall experiment for a short time would account for that. I have no faith in it as a permanent law.

Mr. JOHNSON of Texas. We have had this law prohibiting shipment of arms to belligerent nations for more than 2 years.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. I yield.

Mr. KVALE. It may be stated that the gentleman from New York [Mr. WADSWORTH] and myself, while we may have a general pair for all practical purposes on 9 out of 10 measures that come before the House because our political views differ, nevertheless, as a former Senator, as the author of the National Defense Act, and as a former chairman of the Military Affairs Committee of the Senate, I have a very high regard for his views, and I think the gentleman has made a contribution to this discussion. [Applause.]

Mr. JOHNSON of Texas. Mr. Chairman, the attack is made here that in this bill we are surrendering something. We are in a way limiting and curtailing our rights, but this is being done for the great purpose of keeping our country from becoming involved in war. We want to say to the nations of the earth and give notice to the world that we are against war; that we are not only against it, but that we will not furnish the implements of death by which war is carried on.

Mr. Chairman, if this is right—and the gentleman states he is in favor of it for 1 year—why is it not right as a matter of permanent policy?

They talk about freedom of the seas, Mr. Chairman; but when war comes, what freedom does any country have except the freedom that it can assert by force? Freedom of the seas is a myth in time of war, and no power can assert or exercise that right unless it is armed and equipped to enforce it. International law in time of war is not international law except as one nation has the power to enforce it.

There was one statement that the gentleman made, however, I would like to take notice of. The gentleman stated that this measure is designed and intended to help the larger nations of the earth and that they will smile with complacency and pleasure at the fact it is to be passed. I think I know, Mr. Chairman, that the nations of Europe, large and small, are all against this bill. They do not want us to deny during war the sale of arms and extending of credit. In the past when war has come in foreign countries they have looked to this Nation for credit and for munitions of war. Under this bill we will no longer do either, and the refusal of the United States so to do will be a deterrent against war.

[Here the gavel fell.]

Mr. JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to speak for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JOHNSON of Texas. And now, Mr. Chairman, we say to them, "When you want to fight, when you want to settle your international disputes by war, we will furnish you neither munitions nor credit", and without munitions and money they cannot successfully carry on any war. The large nations and the small nations of Europe are against this legislation because we have been a harbinger in the past for credit and munitions, but we are now giving notice to the powers of the world that we are going to quit it. [Applause.]

Mr. McREYNOLDS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

Mr. HOFFMAN. Mr. Chairman, I have an amendment to offer, and I object.

Mr. McREYNOLDS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. KOPPLEMANN. Mr. Chairman, I, too, have great respect for the gentleman from New York [Mr. WADSWORTH]. He did me the honor of listening as I addressed this House the other day on this bill. He must have heard my statement to the effect that since we have no recourse through the nations of the world today to get world peace, we must proceed selfishly in our desire for peace at least for America. I am glad that the gentleman from New York spoke, because he mentioned two outstanding American leaders who have opposed concurrent action by the nations of the world. He used the names of Senator JOHNSON of California and Senator BORAH. The best argument—and that is why I rise—that has been made for a world court and a get-together of the nations of the world for peace, prompted by the desire of liberty for the small nations of the world, was made by the gentleman from New York [Mr. WADSWORTH]. I hope in the future he will be as consistent in his argument when measures come before this House or other bodies that will embody the ideal of world peace. [Applause.]

Mr. HOFFMAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 19, line 22, after the word "whenever", strike out the words "the President shall find that."

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The amendment was rejected.

The Clerk read as follows:

EXPORT OF OTHER ARTICLES AND MATERIALS

SEC. 4. (a) Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act and

he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 3, or to a state wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe, for any American vessel to carry such articles or materials to any belligerent state, or any state wherein civil strife exists, named in said proclamation or proclamations issued under section 3 of this act, or to any other state for transshipment to, or for the use of, such belligerent states or within such state where civil strife exists. The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to transport.

(b) Whenever the President shall have issued a proclamation or proclamations under section 3 of this act and he shall thereafter find that the placing of further restrictions on exportation of commodities from the United States to the belligerents, or to any state wherein civil strife exists, is necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives or commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful except under such limitations and exceptions as the President may prescribe to export or transport from the United States to any belligerent state or state wherein civil strife exists named in said proclamation or proclamations issued under section 3 of this act, or to any other state for transshipment to, or for the use of, such belligerent state or such state wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials.

Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or airship contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

(c) The President shall from time to time by proclamation extend such restrictions as are imposed under this section to other states as and when they may be declared to become belligerents under proclamations issued under section 3 of this act.

(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under this section.

(e) Any proclamation issued by the President under this section shall apply equally to all belligerents.

Mr. SHANLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHANLEY: On page 23, line 12, after the period, insert "(f) Except with respect to prosecutions committed or forfeitures incurred prior to May 1, 1939, this section and all proclamations issued thereunder shall not be effective after May 1, 1939."

Mr. SHANLEY. Mr. Chairman, neutrality, like liberty, has been the motive of good deeds and common precept of crime since the sowing of the seed by Grotius in 1625. Those of us who have been arguing for a searching, cautious study of neutrality believe that this type of amendment, the effect of which is to bring before the House biennially the review and possible perfection of existing neutrality legislation, will be provocative of beneficial results. We must bracket ourselves between ignorant change and ignorant opposition to change. This committee has worked faithfully and honestly and sincerely. Like the committee in the other body, it has been presented with problem after problem and has analyzed every one of them, and has come to a conclusion in majority fashion that this type of bill will best effect the ends of its philosophy.

Those of us who bitterly oppose the Pittman bill naturally seek with this amendment not to frustrate the international policy of our President but to bring once more to the American people the fact that this subject is so vast, so complex—may I use the words of the Supreme Court in the Curtis decision, when they said that neutrality is "delicate, complicated, and manifold." Because of that belief and precedents that go back to Chief Justice Marshall's utterances, they gave almost irresponsible power to the Chief Executive in external affairs.

I said the other day in presenting to you the problem of reciprocal-trade treaties, that we ought to be very cautious before we adopt the automatic embargo of the Pittman bill. I believe that with this amendment we are going to correct more than one evil, but we are going to keep before the American people this great subject. When we bring it before them biennially, we give them an opportunity to correct any mistakes that have been made.

Mr. EATON. Mr. Chairman, will the gentleman yield?

Mr. SHANLEY. I yield.

Mr. EATON. Are we to understand that the effect of the gentleman's amendment is to make section 4 temporary for 2 years?

Mr. SHANLEY. Yes.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHANLEY. I yield.

Mrs. ROGERS of Massachusetts. Would the gentleman change that and make it for 1 year? We are not lazy people. We will be in session next year. Why not change it to 1 year?

Mr. SHANLEY. I thought of that. However, in the great international pattern of our President, with the reciprocal-trade treaties, with the possibility of a disarmament conference, and another tripartite currency conference, I believe that 2 years will serve his purpose and permit a better unfolding of his foreign policy.

Mrs. ROGERS of Massachusetts. Then would it not be better, on account of the reciprocal-trade agreements alone, to reenact the present law?

Mr. SHANLEY. Not necessarily. As I said the other day, the positing of this discretionary power in the President's hands in contradistinction to the mandates of the Pittman bill give him the opportunity to make his reciprocal-trade policy coincide with his neutrality ideas. Certainly he will not allow one to laugh at the other. At the most I used 2 years only relatively.

In the time remaining may I say that in response to many requests as to whether the present bill would permit the solicitation and reception of money for humanitarian purposes, I have the assurances of the chairman of the committee, Mr. MCREYNOLDS, that an explanatory clause will be added to section 5. I have promised several people that I would seek this clarifying amendment. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I rise to support the amendment offered by the gentleman from Connecticut [Mr. SHANLEY]. I am sorry if we get into such a condition of affairs on a neutrality bill where it becomes a contest between this side and the other side, between Democrats and Republicans. The amendment I previously offered, in a nonpartisan way, was turned into a partisan issue, and the chairman of the Committee on Foreign Affairs got up and made a political speech and did not discuss the merits of the amendment at all. I am again asking you to consider this amendment on the basis of merit. This bill, like ancient Gaul, is divided into three parts—the good, which should be kept; the bad, which should be eliminated; and the indifferent, that should be perfected.

The amendment offered by the gentleman from Connecticut [Mr. SHANLEY] tries to perfect the bad and indifferent parts of the bill, or at least to make such provisions temporary.

These experiments are untried and novel and probably dangerous, and might actually involve us in war. He wants to avoid making those permanent and instead to limit them for 2 years. I am willing to go along for either 1 year or 2 years with these experiments. If they turn out all right then we can proceed in the next Congress to make them permanent or if not, to change them.

It seems to me this is a very sound amendment and ought to be considered on its merits; and I appeal to my Republican friends, this having been offered by a Democrat, that we should consider the amendment on its merits regardless of partisanship.

My colleague the gentleman from New York [Mr. WADSWORTH] made an able speech here a little while ago. I do not agree with him. He spoke in behalf of the doctrine of freedom of the seas. Everybody knows that our contention for the freedom of the seas has dragged us into every single European war in the last 150 years. He makes an appeal for liberty in small nations. What have we got to do with the form of government in any nation other than our own? What have we got to do with the form of government in Russia, in Germany, in Italy, in Great Britain, or in any of the small nations? That is not our business. The American people have decided to modify the doctrine of the freedom of the seas and propose to do it in this bill. I admit the section discriminating against American ships goes way beyond my views regarding proper concessions to our rights as a neutral on the high seas.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for a question right there?

Mr. FISH. I yield.

Mr. SIROVICH. Will the gentleman be so kind as to explain the significance of his last remarks, especially remembering the statement of Woodrow Wilson that we went into the World War to make the world safe for democracy?

Mr. FISH. Woodrow Wilson made that statement, and that statement has turned out to be a farce and a mockery. We were involved in the World War because we insisted on our rights as a neutral to send our ships anywhere we wanted to send them. That is the doctrine of the freedom of the seas and that is what involved us in war; but we do not propose to be involved in any other wars fighting for the freedom of the seas, we propose to modify it in this bill and keep this country out of war. [Applause.]

[Here the gavel fell.]

Mr. MCREYNOLDS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I may state that I also approve the amendment offered by the gentleman from Connecticut, and I think the members of the committee do as well. We have given this subject quite a good deal of study. These bills have been written rather by piecemeal. The first one merely covered arms and ammunition and extended, I believe, to February 28 or March 1 of 1936. The next bill we passed on the subject included arms and ammunition and extended the policy to credits. The operation of that bill expires on May 1 of this year.

The question of commodities is a very serious one. It is rather a question what might occur in the future, and that is why we have tried to place in the bill with regard to the handling of commodities provisions giving the President proper discretion.

We hear a good deal of talk about mandatory provisions. It is my view the discretionary provisions are just as necessary to keep us out of war as any of the so-called mandatory provisions. The great need is flexibility. Inasmuch as this is an experiment, inasmuch as it is entirely different from any bill that has been introduced heretofore on this question, we feel it should apply for a period of only 2 years. By that time perhaps we can profit by the legislation and by further study.

I rise also to say, Mr. Chairman, that I am glad and delighted that the senior Republican member of my committee and myself certainly do agree on one proposition. I trust we can have a vote before he gets away from me. [Laughter.]

Mr. LUDLOW. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I ask unanimous consent to proceed for 3 minutes in addition to the 5 allowed me under the rule on my pro-forma amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for 8 minutes. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I rise to support the amendment offered by the gentleman from Connecticut, which I think immeasurably improves the bill; and I am delighted to hear the able chairman of the committee state that he accepts the amendment.

All of us recognize the great ability, the unfailing patriotism, and the good intent of the author of the pending bill, Judge MCREYNOLDS, and all of us appreciate the enormous difficulty of the task he has sought faithfully to accomplish—the establishment of America's neutral position in the world—but we should give the most careful thought to the far-reaching implications of the measure he has brought before us.

The gentleman from New York [Mr. O'CONNOR] raised a question as to whether the enactment of this bill would establish a permanent Anglo-American alliance. I do not raise the question—I assert it. Furthermore, I am fortified by up-to-the-minute statistics to prove it. Only yesterday the Bureau of Foreign and Domestic Commerce completed the compilation of export statistics for the calendar year 1935. This report shows that in 1935 we exported to Germany goods valued at $91,981,000; to France, $117,013,000; to Italy, $72,415,000; to Japan, $203,283,000, while to the British Empire we exported goods valued at $973,400,000. In other words, our exports to Great Britain were more than double our exports to all of the other leading countries combined. If this bill only limited exports to normal quotas, it would not be quite so bad, but we can readily see with Britain's mastery of the seas how this bill in the future will make America the great British storehouse and source of supply of all war materials not strictly munitions of war. Surely this bill must give great cheer and encouragement to Downing Street.

Furthermore, if we want to take a long step toward the creation of a dictatorship in America and the establishment of a fascist form of government molded in the best Hitler and Mussolini style, we will pass this so-called neutrality bill, but if we want to hold true to the American traditions of democracy and preserve the principle of popular rule as the chart and compass of our national destiny, we will defeat the bill with its dangerous proposal to confer vastly increased war-making powers on the President.

Dictatorships are the prevailing fashion all around the world. Nations are going centripetal at an amazing rate and our country is no exception. In heaven's name, cannot we see in all of the present trends of governments that we are heading rapidly enough in the direction of a dictatorship in America without passing the so-called "discretionary" provisions in this bill which would be tantamount to transferring the war-making power from the Congress to the Executive?

President Roosevelt is a peace-loving President, thank the Lord. His effort to establish a concord of nations in the Western Hemisphere entitles him to the highest meed of praise. I would trust him implicitly to do everything possible to keep us out of war.

But we must remember that we are writing a permanent neutrality law today, and we must make allowance for many different kinds of Presidents in the years to come. If every future President of the United States, as provided under section 4 of the McReynolds bill, is to be allowed to slosh around in international affairs as his judgment and inclination may dictate, levying embargoes against some nations and allowing free and unrestricted trade with other nations according to his fancy, we will never have any peace and security in this country. If section 4 stays in the resolution, the title should be changed, and it should be called "a resolution to get America into war."

I have never played poker in my life, but I think I know something about the peculiarities of the intriguing game. Imagine what would happen in a group of poker players, with arsenals strapped to their hips, when the prospective winner is about to reach over to rake in the pot if the "neutral" manager of the house were to announce that the rules of the game had been changed, thus making the prospective winner the prospective loser. There would certainly be some shooting and there will be plenty of shooting in which the United

States will be involved if the President, in the midst of the game of war, is allowed free rein to juggle with embargoes, because every move he would make would be bound to be unneutral toward some country engaged in the war.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent to proceed for 4 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Colorado. Mr. Chairman, I understood that all debate on this amendment expired after the gentleman from Indiana used his 8 minutes.

The CHAIRMAN. On the conclusion of the gentleman's remarks all time will have expired on the pending amendment.

Mr. KVALE. Then, Mr. Chairman, I ask unanimous consent that that agreement may be set aside. I object to the extension of time requested by the gentleman from Indiana and ask for recognition. I have sought recognition. I have a bona fide amendment.

The CHAIRMAN. The Chair has informed the gentleman from Minnesota that at the proper time the Chair will recognize him, when he offers the amendment.

Under the rules of the House all debate on the pending amendment will have expired upon the expiration of the remarks of the gentleman from Indiana.

Mr. KVALE. Is the pending amendment an amendment offered by the gentleman from Indiana?

The CHAIRMAN. The pending amendment is an amendment offered by the gentleman from Connecticut.

The gentleman from Indiana is recognized for 4 additional minutes.

Mr. LUDLOW. The gentleman from Texas [Mr. JOHNSON] in his speech said that the President already has power enough to get this country into war at any time. That being true—and it is true—does he not have power enough in all conscience, and why should we give him any more war power?

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I cannot yield; my time is too limited.

Mr. JOHNSON of Texas. The gentleman mentioned my name.

Mr. LUDLOW. I am sorry, but I cannot yield.

The best interests of the people of America and of posterity demand that these discretionary provisions, which comport with a dictatorship but ill become a republic, should be voted down overwhelmingly.

It is no wonder that this House of Representatives—which is still, I hope, the refuge of the people—broke into applause when the able gentleman from New York [Mr. O'CONNOR], in opening this neutrality debate last Friday, said:

Personally this right—

The right to declare war—

is one right of Congress I should never vote to surrender to any Executive.

In the interest of our common country and the perpetuation of our heritage of freedom, which we hope to hand down unimpaired to our children and our children's children, when we write a permanent neutrality law that is to stand for all time, we should remember our obligation to posterity. We should oppose with all our might a further centralization of the war power in America and should stand for a decentralization of that power to the people themselves. Let those who have to suffer and, if need be, to die and to bear the awful burdens and griefs of war have something to say as to whether war shall be declared. In Hitler-controlled Germany and Mussolini-controlled Italy absolute domination over the lives and happiness of the people rests with one man, whose will for war or peace cannot be challenged. We do not want to raise any of the Hitler and Mussolini breed in this country. Let us keep our soil sacred to the cause of liberty. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, I offer an amendment to the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Colorado to the amendment offered by Mr. SHANLEY: Strike out the figures "1939" in the last line of the amendment and insert in lieu thereof the figures "1938."

Mr. MARTIN of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Colorado. I understand there is no debate allowable on this amendment to the amendment.

The CHAIRMAN. The gentleman may have 5 minutes.

Mr. MARTIN of Colorado. I have not attempted to secure time because of my understanding that no further debate would be allowed.

The CHAIRMAN. All time for debate has expired on the Shanley amendment. The gentleman is recognized for 5 minutes.

Mr. MARTIN of Colorado. Mr. Chairman, I have already expressed my views briefly on this legislation. I have stated that this was the most experimental, the most novel, and speculative legislation perhaps ever considered by an American Congress. I am referring to section 4.

The original neutrality legislation, the present law, was given a tryout for a period of just 1 year and it was not particularly experimental or speculative. It is a very simple, definite proposition to place an embargo on arms, ammunition, and war equipment, on loans and credits to foreign nations, and to keep Americans off of belligerent vessels. It is very easily appraised and administered.

Now we are entering a vast, new, exploratory field in which we cannot even conjecture what the possible results will be or in what it may involve this country. I want to repeat what I said the other day that when the time comes, as it must under this legislation, we surrender not only the freedom of the seas but the use of the seas, as well as all of our foreign trade. Bear in mind we are not merely giving up something under this legislation known by a term that is very difficult to define—freedom of the seas—we are going to give up absolutely the use of the seas by all American ships for all purposes. That is exactly what this legislation means, and in addition we will give away all of our trade with the world. This is the way it must work out in practice if we are to avoid the sinking of American ships. This was settled in the World War.

I am not so confident as some of the proponents of extreme neutrality legislation appear to be, that when this program is put into effect in war the national reaction to it will be what they hope it will be. Perhaps quite the contrary may be the case.

We have passed many important emergency bills in this Congress, a number of them much more important than this one and we have put a limitation in those bills of 1 year. We limited the original act to 1 year and I can see no reason on earth why we should not limit this legislation to 1 year. We may learn something within the next 12 months. We may be able to come back within the next 12 months and legislate differently, more informatively. There will be a Congress here a year from now, so why attempt to tie the hands of the administration for 2 years?

Mr. SHANLEY. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Connecticut.

Mr. SHANLEY. The gentleman from Colorado does not mean to say we cannot amend this bill next year?

Mr. MARTIN of Colorado. Certainly not. There is no need, from that standpoint, for a 1-year or a 2-year limitation. We can leave it wholly free from limitation and come back here next year and repeal or amend it if we want to, or we can do that 3 months from now. If my amendment fails, I shall vote for the gentleman's amendment.

Mr. SHANLEY. I am glad to have the gentleman's statement on that.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado [Mr. MARTIN] to the amendment.

Mr. Chairman, I appreciate very much what the gentleman from Colorado [Mr. MARTIN] said, but we have given this all kinds of study. We feel the term should be 2 years, which is a reasonable time, just as the gentleman from Connecticut [Mr. SHANLEY] stated. If there is any reason to change the law next year, and if it is desired by the Congress to do so, it may be changed, but we do not want to be forced to take this matter up next year unless necessary. We feel that 2 years is the proper limitation, and I, therefore, hope the membership of the House will vote down the 1-year proposition and leave it at 2 years, which we have suggested.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. MARTIN] to the amendment offered by the gentleman from Connecticut [Mr. SHANLEY].

The question was taken; and on a division (demanded by Mr. MARTIN of Colorado) there were—yeas 45, noes 97.

So the amendment to the amendment was rejected.

Mr. LUCKEY of Nebraska. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Connecticut.

The Clerk read as follows:

Amendment offered by Mr. LUCKEY of Nebraska as a substitute for the amendment of Mr. SHANLEY: Page 20, line 19, after section 4, strike out the entire section through page 23, line 12, ending "this section shall apply equally to all belligerents" and insert "(a) whenever the President shall have issued the proclamation."

Mr. McREYNOLDS (interrupting reading of amendment). Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McREYNOLDS. The gentleman is offering an amendment as a substitute for the entire section. It is not germane to the amendment of the gentleman from Connecticut [Mr. SHANLEY], which is a limitation, and is not a substitute for the amendment. The amendment of the gentleman from Nebraska is not a limitation and is not germane to the pending amendment.

The CHAIRMAN. The Chair sustains the point of order on the ground the amendment offered by the gentleman from Nebraska is clearly not a substitute for the amendment offered by the gentleman from Connecticut.

The question is on the amendment offered by the gentleman from Connecticut.

The question was taken, and the amendment was agreed to.

Mr. FISH. Mr. Chairman, I offer an amendment to strike out section 4 (a).

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 20, line 19, strike out all of subsection (a).

Mr. FISH. Mr. Chairman, apparently there are several schools of thought to be considered in respect to neutrality legislation—those who prefer discretionary powers being given to the President; those who favor mandatory legislation by the Congress; and those who are in between, who favor neither one but believe that American shipping should carry goods and commodities at its own risk.

This section is the crux of the bill. It is short, and everybody ought to get a copy of the bill and see what paragraph (a) of section 4 does. It is the paragraph which discriminates against American shipping. It permits the President of the United States to say that certain commodities shall not be carried by American ships to belligerent nations. It gives the President discretionary power to wreck the American merchant marine. If this section is adopted, we delegate and surrender our constitutional power to lay embargoes to the President.

My proposition is simply this: Strike it all out, including the lines reading:

The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to transport.

If that delegation of embargo power is stricken out, then we hope to insert an amendment to the effect that American ships will be considered the same as any other ships, and can carry the same commodities, except they shall do so at their own risk.

If this is done, then we protect our American merchant marine and our own shipping. If we do not do it, this is what happens:

First, we surrender—and a good many Members of Congress are getting tired of delegating away our own constitutional powers—to lay embargoes to the President, who in turn will probably delegate it to some subordinates in the State Department to legislate for us; and to legislate against whom and against what? Why, American shipping and American commerce, so neutral nations, Japan, England, and others, can come over here, take our trade, and profit by it, thus literally destroying our own merchant marine.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. MAY. I am just a little puzzled to understand the gentleman's position now as compared with what it was an hour or two ago, when he favored absolute abandonment of the high seas. The gentleman now argues we are liable to destroy our commerce.

Mr. FISH. Not at all. As I stated before, I take a middle course. I am willing to modify our rights regarding the freedom of the seas. I do not think we should permit our ships, as we did in the World War, to go to belligerent nations to get us into war simply for the sake of profit and greed. I want to modify that right, and I want American ships to take our commodities on the same basis as foreign ships, but to take the commodities at their own risk.

Mr. MAY. Does the gentleman believe this bill leads to the abandonment of the high seas by our commerce?

Mr. FISH. Certainly a modification of it.

Mr. MAY. Yet the gentleman is going to vote for it?

Mr. FISH. I never said I would vote for it. There are many things in the resolution I do not like.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. JOHNSON of Texas. With respect to this provision, which prohibits American ships from carrying certain commodities to belligerent nations, it is the sinking of American ships which might involve us in war and not the sinking of other ships, is it not? This is to prohibit our ships under certain conditions from carrying commodities to belligerent nations, so as to prevent our becoming involved in war.

Mr. FISH. This amendment practically destroys American shipping. If the provisions are carried out by the President and he proclaims American ships cannot carry certain commodities to belligerent nations, then we transfer such trade to England, Japan, or to the other big shipping nations.

Mr. JOHNSON of Texas. However, the gentleman does not believe any President would exercise this power unless there were an emergency?

Mr. FISH. The very purpose of the bill under this section is to discriminate against American shipping. There is no other purpose in it. All you have to do is to read the section. If you want to give up your embargo power, if you want to say to the President and the subordinates in the State Department, "Go ahead and discriminate against American ships and give this trade to other foreign nations", then adopt this section, because that is the very purpose of it. There is no other meaning to it whatever.

We spend millions of dollars each year to build up our merchant marine. We spend hundreds of millions of dollars to build up our Navy. If this paragraph goes through, you might as well scuttle the Navy and the merchant marine or lock them up in Chesapeake Bay, and make a laughingstock of the strongest and greatest Nation in the world by saying, "We do not dare carry our own trade; we are going to turn it over to someone else."

The proposal I make is halfway between the mandatory provision, favored by those who seek the old Jeffersonian embargo to lock our ships up in our own ports, which failed over 100 years ago, and the provision favored by those who would give discretionary power to the President to discriminate against American shipping.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. MURDOCK of Arizona. Our merchant marine has been subsidized. Would it not be a better proposition to subsidize our merchant marine in time of war and keep the ships within our ports?

Mr. FISH. It is not going to involve us in war if we say to our own ships that they can transport our own goods to belligerent nations at their own risk, because we serve notice on them that we are not going to war if they are sunk.

Mr. MURDOCK of Arizona. I am in favor of protection of our merchant marine. However, in time of war if we sent our ships across the sea at their own risk and they were sunk or captured, would not that inevitably involve us in war?

Mr. FISH. Certainly not; no more than the other section of the bill where we say that American nationals shall not travel on vessels of a belligerent nation except at their own risk.

[Here the gavel fell.]

Mr. RICHARDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have no desire to criticize unduly the gentleman's argument, but I have been trying in vain today to understand what the gentleman from New York really stands for. The gentleman says in one breath that this section does away with our merchant marine and that he is trying to preserve the doctrine of freedom of the seas for the benefit of our merchant marine. Then just a moment ago he said that belief in the doctrine of freedom of the seas has involved us in every foreign war since we became a nation. Then he said he is for peace. Now make heads or tails out of that.

We could do without the business that our merchant marine does in a year if by so doing we could keep America out of war, because, as a matter of fact, during the year 1936 the entire business of the American merchant marine was about 10,300,000 tons and was only valued at about $750,000,000. During the World War we lost about $41,000,000,000, or in other words the war cost us that amount, directly and indirectly, and yet the gentleman comes in here and preaches at one time the doctrine of preserving freedom of the seas, when we can only preserve that by going to war, because there is no appeal provided by national or international law from condemnation based upon an embargo list. If warning countries embargo our goods and establish a contraband list and they are sold in a prize court, there is no appeal except going to war and massing the young manhood of America, as well as the dollars of America, to preserve freedom of the seas. Mr. Chairman, there is no consistency in such a position.

The gentleman states he is for some kind of discretionary legislation, but his type of discretionary legislation is in no man's land, because no man can understand the extent to which he would go in the matter of discretionary legislation.

The only difference between the position of the gentleman from New York and the position of the committee on this side of the House is that the gentleman thinks that discretionary legislation should stop where the gentleman from New York says, and not where the committee provides it shall stop. The committee has made an exhaustive study of the matter and has decided otherwise.

The gentleman in his minority report made this statement about discretionary legislation, and I leave it to the members of the committee to decide whether or not he is in favor of discretionary legislation of some kind:

Whenever the President shall have issued a proclamation or proclamations, as provided by section 3.

As a matter of fact, that gives discretionary power to the President, because war is never declared these days; it simply comes about and exists, and it is up to the President of the United States to say whether or not a state of war exists in the world.

The gentleman goes on a little further and states in his minority report:

When the President has decided that question—

And—

he deems it necessary in order to promote the security and protect the peace and neutrality of the United States, and he shall so proclaim, it shall thereafter be unlawful for any American citizen or person to in any way—

Do this, that, or the other; in other words, according to the gentleman's statement, the President of the United States should have authority to decide whether or not this or that would be inimical to the interests of the United States. So you see even the gentleman himself cannot get away from discretionary power.

[Here the gavel fell.]

Mr. RICHARDS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RICHARDS. Now, Mr. Chairman, I made some remarks the other day about the inconsistency of the very delightful gentleman from New York and his arguments.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for a question to help him there?

Mr. RICHARDS. Yes.

Mr. SIROVICH. My good friend the gentleman from New York [Mr. FISH] stated that an American ship should be permitted to leave our harbor to go to a belligerent port at its own risk.

I call his attention to the fact there is not a merchant marine line operating from an American port that is not constructed up to 75 percent of its value by the money of the Government of the United States. They have 20 years to amortize the money that is so invested, and how would we, through the President and the Congress, ever permit a ship to leave our ports where our own money is invested and which would be sunk at our expense.

Mr. RICHARDS. I thank the gentleman.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The amendment was rejected.

Mr. KVALE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KVALE: Page 22, line 18, at the end of the paragraph, insert a new paragraph to read:

"Any provisions herein included shall apply to communications, controls, including cable, radio, and mail dispatches, and shall give to the President full authority to amplify, restrict, or curtail such services as may to him seem required in the interest of peace or averting possible or actual hostility."

Mr. KLOEB. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. KVALE. Mr. Chairman, realizing possibly that that point of order may apply, I ask the gentleman to withhold the point of order.

Mr. KLOEB. Mr. Chairman, I withhold the point of order.

Mr. KVALE. Mr. Chairman, I throw this amendment, which is hastily sketched and not so aptly phrased, into this discussion because I think the Committee has made one important omission in the consideration of the problem that the gentleman from Connecticut [Mr. KOPPLEMANN] has termed vast. It is so vast that there are few minds in this Chamber—and I do not include myself in that category—that are able to grasp the full significance of what we are doing today, but when one takes care of provisions and supplies, arms and munitions of war, and disregards communications, with the place they have taken in public life and international relations today, I say again it is an important omission in the bill of the importance of the measure that is before us today.

I ask the Members to give respectful attention to this most important corollary. Here is something that we are writing into our permanent statutes.

I have been reluctant to come to the belief that we should give discretionary power to a Chief Executive, not because I lack faith in the great man who now occupies that seat, but because some others may follow and because someone may abuse the power that we today give to our President if we pass the bill in its present form and it eventually becomes law.

I do now ask the membership of this body, and I do ask the conferees that may try to reconcile the differences between the Senate concept and the concept of this body as to what should be final law, to consider this matter of the control of communications and propaganda, radio, and correspondence, and cables in time of great emergency or in times of actual war.

The idea is not original with me. I am a diligent reader of the Philadelphia Record, because I like its frank enunciation of editorial policies and because I like its complete analysis in its financial page. This idea was born at about the time this controversy started in the mind of the editor of the Philadelphia Record, and to him I am indebted for it.

I have given it a great deal of thought since I first saw it, and I have spoken to some of the thinking members of the press and to some of the thinking citizens of my own district and of this body since that time. I think it is something that deserves our careful and close attention. I telephoned this afternoon to the librarian of that paper, and I hope to include that editorial as a part of my remarks, and I shall withhold them until such time as I receive it. Mr. Chairman, I ask unanimous consent to incorporate in my remarks a copy of the editorial to which I have referred.

The editorial is as follows:

[From the Philadelphia Record of Oct. 19, 1936]

NEWS MUST BE NEUTRAL, TOO

What are the pillars of American neutrality?

No shipment of munitions.

No credit to belligerents.

No American protection for citizens who insist on traveling in war zones.

To these add one further important factor—

The most strenuous efforts on the part of the Government to see to it that the American people are kept fully informed as to both sides of any foreign conflict.

For the same reason that there must be an embargo on goods, the State Department must make every effort to circumvent any nation which, for propaganda purposes, tries to put an embargo on European news to the United States.

During the World War the British held the European end of the trans-Atlantic cable and censored all war and diplomatic news. For that reason only the allied side of the case could be presented here and the atrocity stories faked by the Allies, as well as the soft pedal on the American dispute with the British over our neutrality rights, were powerful factors in leading this country into war with Germany.

That situation must not be allowed to arise again.

We must stand ready to accept the fact that the British shall control the sources of most American newspaper information on Europe.

Although Great Britain is not at war, it is already exercising that power to further its own propaganda interests here. The refusal to allow the Italian spokesman, Baron Pompeo Aloisi, to relay a radio address to the United States is a flagrant example of the British method.

The State Department, the Navy Department, and the Communications Commission in Washington are reported agreed that the British action was a violation of a treaty with the United States. The State Department is contemplating sending a note of protest to London.

More to the point than such a protest would be an official statement to the American people by Secretary Hull and the President, pointing out that the British have violated a treaty and warning the public to be very cautious about taking sides on the basis of what news is allowed to filter through from Europe.

The State Department should also use its embassies and legations more for the purpose of informing the American people concerning the true state of affairs abroad.

Some newspapers, such as the Record, do their best to present both sides of all foreign conflicts. But the task is difficult, especially in any case involving Britain.

British propaganda methods are so much more subtle and effective than those of any other nation, that foreign news, almost invariably, takes on a pro-British tinge.

The ties of language and the similarity, superficial at least, between our institutions and those of Great Britain form another hold which the British have upon American public opinion.

During the World War there was a little group of well-informed citizens who believed that President Wilson could have kept America out of the war simply by keeping the public informed as to the true state of our relations with Great Britain during that period.

The British systematically, flagrantly and defiantly violated American "rights" during the war, and in the opinion of many there existed at least as much basis for our going to war with Britain as for going to war with Germany.

Secretary Lansing deliberately obscured the diplomatic struggle with the British in a mist of legal verbiage, although the causes of conflict were very real.

At present we must pursue exactly the opposite course. The public must be kept informed of every international move affecting the United States.

It is folly to expect that the British will not establish a censorship over news cables in event of another war.

It is up to the American State Department to see to it that such a censorship does not accomplish its object.

The CHAIRMAN. The Chair states to the gentleman from Minnesota that the gentleman will have to get that permission when we get back into the House. The time of the gentleman from Minnesota has expired.

Mr. KLOEB. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. For what reason?

Mr. KLOEB. For the reason that the amendment offered by the gentleman from Minnesota is not germane to section 4. Section 4 deals entirely with the export of articles and materials other than actual munitions of war. The gentleman's proposed amendment deals with communications, radio and otherwise, and, therefore, is not germane to the section to which it is sought to be applied.

The CHAIRMAN. Section 4, subsection (b), deals with the exportation of commodities. As stated by the gentleman from Ohio [Mr. KLOEB] this amendment includes communications, cables, radio, and mail dispatches, and it is certainly not germane to section 4 of the bill. For that reason the Chair sustains the point of order.

Mr. FERGUSON rose.

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. FERGUSON. Mr. Chairman, to offer an amendment.

Mr. McREYNOLDS. Mr. Chairman, let us see if we cannot come to an agreement in respect to time for debate upon this section and all amendments thereto.

Mr. FISH. I would suggest not less than half an hour.

Mr. McREYNOLDS. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

Mr. LUCKEY of Nebraska and Mr. KOPPLEMANN reserved the right to object.

Mr. McREYNOLDS. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate upon this section and all amendments thereto close in 30 minutes.

The question was taken; and on a division (demanded by Mr. McREYNOLDS) there were ayes 82 and noes 61.

So the motion was agreed to.

Mr. KVALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KVALE. Will the Chair advise me if the amendment which I offered, and which was ruled out of order, will be in order if offered as a separate section at the proper time?

The CHAIRMAN. The Chair, of course, cannot pass upon that until it has actually been offered by the gentleman. At the proper time, if it is offered, the Chair will attempt to rule on it.

Mr. KOPPLEMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KOPPLEMANN. Earlier in the afternoon I submitted an amendment, and the Chair ruled it out of order under

the section where it was offered, but stated it would be in order under the next section. My purpose in asking the question now is, will I be recognized to offer the amendment, in view of the vote that has just been taken to shut off, unfairly, proper amendments that the American people want voted upon in this House?

The CHAIRMAN. The Chair does not think that the gentleman from Connecticut propounded a proper parliamentary inquiry, but in order to satisfy the gentleman, if the Chair is permitted, he intends to recognize the gentleman from Connecticut.

The gentleman from Oklahoma [Mr. FERGUSON] is recognized.

Mr. FERGUSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FERGUSON: Page 20, line 18, strike out all of section 4.

Mr. BOILEAU. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. It is my understanding that the gentleman from New York offered that same amendment, and it was voted down.

The CHAIRMAN. The gentleman from New York offered an amendment to strike out section 4 (a). That has been disposed of.

Mr. FERGUSON. Mr. Chairman, we have had a great deal of discussion today about the effect of this bill in time of war. I would like to call the attention of the membership to the possible effect of this section which ties up our merchant marine and puts an embargo on our foreign trade except on a cash-and-carry basis, in time of peace, to the effect it can have immediately.

You Members here who represent wheat and cotton sections of the country must certainly realize that the prices of those commodities are based on future conditions. They are sold on future deliveries, and under the basis of this section of the bill, no country in the world is going to continue to come to this Nation for those products or any other products if she can get them from any other source. What nation would continue to trade with us? Trade is interchange of products. We cannot make this a one-sided proposition. You cannot say the values of our imports and exports are such and such, and that amount of money does not make any difference in the national picture, but just consider rubber, this one product only, which amounts to some $350,000,000 annually, which might be considered unimportant in dollars; what if the importation of that product were shut off and all the big manufacturing industries in the automobile centers were cut off? It is not dollars and cents alone. We must maintain our trade. If this section is cut out, it would return the bill to its original status of last year. If we do not vote to take this section out of the bill today, we give our world trade, which the Democratic Party under the leadership of Secretary Hull, has tried to bring back, the worst black eye since this House passed the Hawley-Smoot tariff bill in 1930.

If you do not think the State Department is aware of this situation, I would like to read the testimony of Mr. Hackworth, legal adviser of the State Department, before the committee:

Mr. Chairman, I want to make it clear to the committee that the State Department is not advocating any particular bill. We are not advocating any particular legislation, and I would not want that impression to get out, but we do feel that it would be a mistake to put an embargo on a large number of commodities and have stagnation of our trade here in this country that would give rise to a great many difficulties.

That is the State Department. In another instance Mr. Hackworth made this statement:

If we are going to include commodities at all, I think the suggestion of the chairman that you provide for passing of title would be far the better method of procedure.

"If you are going to include them at all." He infers that he wishes they were not included at all. Here is the Assistant Secretary of State before the Senate committee.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

Mr. BOILEAU. Mr. Chairman, reserving the right to object, I regret to object, but the time has been limited. If the time will be extended to 35 minutes, I would not object, but the time has been limited.

Mr. FERGUSON. Mr. Chairman, may I have unanimous consent to proceed for 1 minute?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERGUSON. The Assistant Secretary of State pointed out that the trade in our products, such as cotton, would be channeled to other countries. Again I want to call attention to the statement of the chairman of the committee when he said:

If I had my way, I would exempt foodstuffs and clothing.

Then he goes on to say:

I hope the President will never put them in there; but under the Pittman bill they will all be in there.

Now, Mr. Chairman, let us strike out section 4 and save our trade, our commodity market, and last, but not least, our honor, and not put ourselves on record as saying we are going to trade with Japan and England alone, who control the seas, and the rest of the world can go elsewhere for their products. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. KLOEB. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma.

Mr. Chairman, I shall take only 4 minutes, in order to consume no more time than necessary.

Mr. Chairman, the gentleman offers an amendment which would serve to strike out sections 4 (a) and (b) of the bill as offered by the House. By striking out section 4 (a) he would accomplish what the gentleman from New York a few moments ago unsuccessfully sought to accomplish, the elimination of subsection 4 (a). Subsection (a) gives to the President the discretion to limit the use of American ships in belligerent waters, or to restrict their use entirely if the peace, safety, and neutral position of the United States are endangered.

Section 4 (b) would require, in the wisdom of the Executive, if the peace and safety of the United States were endangered, the transfer of title to all goods and materials other than munitions of war that might be shipped from the shores of the United States.

I say to my friend, the gentleman from Oklahoma, that it has been my position from the beginning, as I stated in a rather lengthy speech a few days ago, that personally I would be satisfied with the permanent reenactment of the present law prohibiting the export of munitions of war, the making of loans and credits, and permitting the travel of American citizens on belligerent ships only at their own risk; but I recognize the fact that there is a great popular demand to attack this problem of American ships going into belligerent waters in wartime, and if we are to attack it at all, I say that we have evolved here perhaps the surest method of arriving at a satisfactory conclusion that could be evolved. Certainly, if we followed the provisions of the so-called Pittman bill, as enacted by another body, and sent to this House, making these provisions mandatory and automatic upon the outbreak of any little war on any part of the globe, certainly by so doing we would injure the shipping of the United States.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. KLOEB. I yield.

Mr. JOHNSON of Texas. I call the gentleman's attention to the fact that this section has already been limited to 2 years by the amendment of the gentleman from Connecticut.

Mr. KLOEB. These provisions have now by amendment in this body been limited to a period of 2 years, and, therefore, I sincerely ask that the House vote down the proposed amendment.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. KLOEB. I yield.

Mr. FERGUSON. If I do not misinterpret the gentleman, my amendment striking out section 4 would make the bill conform to his personal desires.

Mr. KLOEB. No. It would have satisfied me in the beginning, but I am wholeheartedly for section 4 now with the 2-year limitation, because I believe, and wish to impress this upon my friends and the Members of this House, that it is wholesome and proper that certainly within the next 2 years this House again take up this question and discuss these neutrality problems in the interest of the peace and safety of the United States. I do not believe we should foreclose discussion or virtually foreclose it by making these provisions permanent. It is well that we keep our minds open, that we test carefully these important steps that we are taking, and that your committee in the House and this body, acting under the direction of its committee, carefully take on these great problems. They should be opened to discussion again, certainly within a period of the next 2 years.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield further?

Mr. KLOEB. I yield.

Mr. FERGUSON. In my estimation the gentleman from Ohio is one of the best-informed Members of the House.

Mr. KLOEB. I thank my friend.

Mr. FERGUSON. I wish he had stood by his original convictions on this bill and not been influenced by the wave of popular opinion.

Mr. KLOEB. Mr. Chairman, having stated my position, I yield back the balance of my time.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I heartily endorse the amendment of the gentleman from Oklahoma. I have stated before my position on so-called neutrality legislation. On Tuesday last, the 16th, in general debate, I said the measure that I believe would be the greatest protection to this country is the reenactment of the present so-called neutrality law.

So far as I can tell, no one is really anxious to pass this legislation. Apparently the President does not ask for its passage. Apparently the State Department does not ask for its passage. Surely our fine Secretary of State, Mr. Hull, cannot want its passage, as, if this section remains in the bill, the reciprocal-trade agreements with belligerent countries will be but scraps of paper and gone with the first breath of war; and he has repeatedly stated in effect that the greatest aid to peace is a free flow of trade among countries.

Mr. Chairman, neutrality is the most important subject the Congress has considered thus far. It has been considered, with one or two minor exceptions, in a nonpartisan way, as it should be, in an American way. This has been proved by the action of the chairman of the committee, the gentleman from Tennessee [Mr. MCREYNOLDS], in accepting the amendment of the gentleman from Connecticut, which improves the bill by limiting its operation to 2 years. I maintain, however, that during that time this country could easily be embroiled in war as a result of this section. Looking back over the years that have intervened since the World War, every Member will remember that we were in that war less than 2 years. Thus, within the 2 years of the life of this bill, it would be possible to engage in and complete a great world war.

Mr. DONDERO. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. DONDERO. As I understand the amendment of the gentleman from Oklahoma, its adoption would mean that there would go out of the bill that provision which spells the only difference between the law as it stands now and the bill before the House.

Mrs. ROGERS of Massachusetts. As I understand, the gentleman is correct.

Mr. FERGUSON. That is correct.

Mr. DONDERO. In other words, we would still have the old neutrality law that is on the books, but which expires on the 1st of May.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I am sorry I cannot yield further.

Mr. Chairman, the gentleman from Ohio [Mr. KLOEB] has stated there is a great public demand that shipping on the high seas be controlled during war. I find that there is a great public demand for peace. The debate on the floor of the House proves that we are all groping in the dark, but that we are all, each and everyone of us, striving to find the right way, if that be possible, to maintain peace, to keep this country at peace.

But we all know from press reports of conditions existing in our own country and conditions existing across the sea that everyone in this country, as well as across the sea, is in a supersensitive state. If the President of the United States should change the rules of the game after the game has started, or after the war has started, it would undoubtedly be considered an unneutral act by one nation or the other; there would be reprisals and we would be at war. Let us stay steadily in session, if it be necessary, to enact proper legislation.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. KOPPLEMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KOPPLEMANN. When the eminent chairman of the Committee on Foreign Affairs, in statesmanlike fashion, took the floor he offered a motion restricting all debate on this section to 30 minutes.

Mr. MCREYNOLDS. Is the gentleman making a speech about me?

Mr. KOPPLEMANN. I am offering a parliamentary inquiry. He moved that all debate on this section be concluded in 30 minutes.

Mr. MCREYNOLDS. Mr. Chairman, I make the point of order that the gentleman is not stating a parliamentary inquiry.

Mr. KOPPLEMANN. If the gentleman will give me a chance, I will state it.

The CHAIRMAN. The Chair will rule at the end of the gentleman's statement of the parliamentary inquiry.

Mr. MCREYNOLDS. Is the Chairman going to listen to a speech?

The CHAIRMAN. The Chair wants to hear what the parliamentary inquiry involves.

Mr. KOPPLEMANN. The 30 minutes was intended for the benefit of the House. Almost from the time that that motion was agreed to by the House the members of the committee, one after another, have secured time. I presume I know the answer to the parliamentary inquiry already, but I want to call it to the attention of the Members of the House. I make the point that the members of the committee are consuming all of the time.

The CHAIRMAN. The Chair does not consider that the gentleman has stated a parliamentary inquiry.

The gentleman from Pennsylvania [Mr. FADDIS] is recognized for 5 minutes.

Mr. FADDIS. Mr. Chairman, I am sure that most Members of the House approach the consideration of the question of neutrality with a great deal of reluctance. We realize that it is a question full of complications, and full of possibilities of future complications which no one at this time can foresee. In fact, it is a question full of dynamite. I fully share the apprehensions of the gentleman from New York [Mr. WADSWORTH] in respect to this legislation.

There is, however, an ardent public demand for neutrality legislation, which demand is based upon the popular belief that it will keep us out of war. There are those who believe that the more mandatory the provisions of this legislation are the more certain it is to keep us out of war. They believe it can be made to work automatically like a pop valve

on a boiler. I sincerely wish I could share in their optimism, but I cannot.

I confess my inability to peer far enough into the future, to envision conditions which may arise from time to time concerning our diplomatic and commercial intercourse with other nations. I do know, however, that we are here and now attempting to formulate a policy to cover contingencies over which we can have no control.

I can see that once having committed ourselves to a fixed policy in the direction of neutrality we are bound to it for better or for worse. Once having announced this policy to the world, we must make up our minds to accept all of its consequences, whether beneficial or detrimental. We will have surrendered the initiative. We will have placed ourselves at the mercy of whatever combinations of other nations may result from our action. Just how far we are willing to go is only a matter of how much we are willing to sacrifice.

We must presume, when we announce our policy to the world, that we intend to adhere to it rigidly. We must not enter into the matter with our fingers crossed and regard it as a mere scrap of paper to be violated at will. We must remember that some day our very national existence may depend upon its administration. If we are willing to sacrifice our export trade; if we are willing to sacrifice our merchant marine; if we are willing to sacrifice our freedom of the seas; if we are willing to jeopardize our national existence by being forced to sit supinely helpless while a combination of nations forms to destroy us; if we are to surrender our traditional policy of a protector to weaker American nations; we can say to every nation in the world, "We refuse to trade with you under any circumstances while you are at war." That would be neutrality, absolute and mandatory, but it would not guarantee peace.

Legislation is not written for the past. It is written for the future. When we legislate for domestic affairs, we do so in order to control the future. We can have no control over the future of world affairs unless we retain our initiative. If we do not participate, our voice is lost. By mandatory legislation we may very easily precipitate what we wish to avoid.

We are by no means a self-sufficient nation. We are dependent upon other nations for many of the commodities essential to our industrial life in time of peace and our national safety in time of war. We, in turn, produce many commodities essential to other nations both in peace and war. If we refuse to sell to those nations when they are at war, they may retaliate upon us in like circumstances. If we refuse to trade with them during wartime, they may refuse to trade with us during peacetime.

Mr. Chairman, we are an exporting nation and the employment of a certain proportion of our population depends upon our export trade. We are a commercial nation. This commerce is not the commerce of the few who handle our export trade, but the commerce of the people of the Nation. It is the products of our farms, mines, mills, and factories. Place us under an embargo, either during peace or war, and a surplus of many commodities will develop. This surplus will result in lowering prices, unemployment, lower standards of living, and internal dissention. In case of war, somewhere in the world, we cannot, like a turtle, withdraw into our shell, even if we do not participate.

Mandatory neutrality is a fantastic dream, and those who so ardently advocate it would be the first to riot, if a surplus of their crops should result because of it. I wonder that they do not demand that we write a Federal subsidy into a mandatory bill to protect them in case it should ever become effective.

Just how far are we willing to surrender our freedom of the seas? If we surrender it in wartime, may it not also be curtailed in peacetime? What of our merchant marine? Do we wish it to rot in our harbors, while other nations secure the shipping trade which should be ours? The war will end but commerce will continue. We must keep our markets or lose our commerce.

How can we define in mandatory legislation what is a state of war or differentiate, beforehand, between wars which threaten to embroil us and those which do not? Mandatory legislation would apply to a comic-opera war between Balkan states or a war between two of the banana republics, just the same as one between two great maritime powers.

Whatever legislation we write is of doubtful benefit and dangerous to our future. Whatever we write must be by way of being flexible. It must be capable of being adapted to conditions which may arise. Our policy along this line must not be based upon the desires of impractical visonary fanatics. It must be based upon common sense and must recognize national needs. We must not surrender our rights of self-defense, either directly or indirectly. We must take into account our national future, because that is the heritage of our posterity. We must not mortgage it by allowing our commercial life to be threatened by a faint-hearted policy and unnecessary restrictions hastily arrived at.

Mr. Chairman, I believe this committee is to be congratulated upon their able handling of this most complex question. They have provided us with a bill which, I believe, to be workable. It is a bill which is capable of being administered to protect the future of the Nation. Certainly no President or no Congress will permit this Nation to become involved in a war if there is any alternative. I do not fear to entrust the administration of this bill to any President, whatever may be his politics, because I will trust any President to keep this Nation out of war if at all possible. I hope the bill will pass.

The CHAIRMAN (Mr. WARREN). The Chair desires to make the statement that the time has been fixed at 30 minutes, and there remains of that time 10 minutes. The Chair will first put the question on the amendment offered by the gentleman from Oklahoma [Mr. FERGUSON]. After that amendment has been disposed of, the Chair will recognize the gentleman from Connecticut [Mr. KOPPLEMANN] for 5 minutes, and after that, if the Chair is permitted to do so, he will recognize the gentleman from Nebraska [Mr. LUCKEY] for the other 5 minutes.

The question is on the amendment offered by the gentleman from Oklahoma [Mr. FERGUSON].

The question was taken; and on a division (demanded by Mr. FERGUSON) there were—ayes 29, noes 108.

So the amendment was rejected.

Mr. KOPPLEMANN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Strike out all of section 4 (a), beginning on line 19, page 20, and in lieu thereof insert the following:

"SEC. 4 (a). Upon the issuance of a proclamation under section 3 of this act the President shall proclaim a list of materials of war, and thereafter it shall be unlawful to export any such materials of war from any place in the United States to or for the use of any belligerent states, either directly or indirectly."

Mr. KOPPLEMANN. Mr. Chairman, I intend to introduce two other amendments following this one and at the proper time I shall ask the indulgence of the House through unanimous consent to permit me to explain those amendments which I intend to offer.

Thus far in this debate everyone has talked around the question but not to the point, which is the choice of profits through wartime trade, or giving up such profits and trade for peace. There has been nothing directed to real neutrality. We even had an amendment offered and approved by the committee, in spite of the fact it was not considered within the Foreign Affairs Committee. The amendment says that 2 years from now we will again think about this matter. I presume if my good friend the gentleman from Tennessee is the chairman of the Foreign Affairs Committee at that time we will not have an opportunity to properly and fairly consider the question on the floor of the House.

My amendment simply adds the words "materials of war" to "arms, ammunition, and implements of war." A great deal has been said in the public press and from the public platform about profits in war, war booms, and the devastating after effects of war.

May I read from an address of our President. I do not know whether the committee considered the President's views while they were considering the neutrality bill which has been offered here, or, perhaps I should say the so-called neutrality bill that has been offered us.

Our President said at Chautauqua, N. Y., on August 14 of last year:

> Industrial and agricultural production for a war market may give immense fortunes to a few men. For the Nation as a whole it produces disaster.

Do not forget that. The President said that to the people during the last campaign, and the people answered him on November 3.

In his address at Chautauqua the President also said:

> Nevertheless, if war should break out again in another continent, let us not blink the fact that we would find in this country thousands of Americans who, seeking immediate riches, fool's gold, would attempt to break down or evade our neutrality.

I charge we are evading neutrality now. We are violating the promise of the President to the American people in this measure which the Foreign Affairs Committee has offered to you. In this bill we are attempting to take care of those thousands of Americans who are seeking fool's gold. Let us not deceive ourselves that the McReynolds bill will cause any great heartache to those who desire to sell their goods to nations at war. The McReynolds bill allows this dangerous trade to continue without the least restriction.

This amendment is for the purpose of correcting one of the evils existing in this so-called neutrality measure. My amendment, simply stated, provides that materials of war can be embargoed. They are just as necessary for the fighting of a war as arms, and the sale of such materials is just as dangerous to our peace.

The President further said:

> It would be hard to resist that clamor. It would be hard for many Americans, I fear, to look beyond and realize the inevitable penalties, the inevitable day of reckoning that comes from false prosperity. To resist the clamor of that greed if war should come would require the unswerving support of all Americans who love peace.

You on this side of the House subscribed to that position in your districts before your people. You also supported the Democratic platform, which reads—

> We shall continue to observe a true neutrality in the disputes of others; * * * to guard against being drawn by * * * private trade into any war which may develop anywhere.

Now, what do I propose under this amendment? I propose to stop a false boom. If we do not stop this boom, which can develop very easily, through the use of the $7,000,000,000 of foreign money now in this country, such a boom would have dangerous results, for, with the drying up of the funds, a profitable trade would be cut off and hundreds of Americans thrown out of employment. It would indeed be a hard, if not impossible, task to resist this clamor for continuance of this trade. Such action would place us right back where we were in those dangerous years of 1914–17. It was this policy more than any other one which forced us into the World War. We must now take over against any repetition of this disaster. In the words of the President:

> If we face the choice of profits and peace, the Nation will answer, must answer, "We choose peace."
>
> It is the duty of all of us to encourage such a body of public opinion in this country that the answer will be clear and for all practical purposes unanimous.

This can be done only by having the power to embargo war materials made mandatory.

Mr. LUCKEY of Nebraska. Mr. Chairman, we are facing a very serious situation in this House at this time. We are considering now the most important section in this bill, and here we are gagged, the time cut down, so it is impossible for us to offer the amendments which we in a bona-fide way propose to offer.

When this bill came before this House 2 years ago we were given 20 minutes on each side to debate one of the most important bills that has come before the Congress of the United States, to keep this country out of war.

Last year, again, we were gagged to 40 minutes. Today, when this matter is up for consideration, we are again gagged, so that we cannot offer our amendments with sufficient time for debate.

What is the force back of this? Oh, it is the greed and lust to carry on trade and garner ill-gotten gains from behind the war lines.

The American people are calling for a real neutrality bill. Instead of giving them a loaf of bread, we are giving them a stone.

I am sorry the situation has arisen, but the American people will not stand for profiteers making profits out of war by carrying on a trade which will make millionaires again, as it has in the past, and garner tremendous amounts of blood money.

I wish I had had an opportunity to offer my amendment, with adequate time to discuss it. We are here giving the President discretionary power. I have great confidence in the President, but you recall what took place when this problem was put before President Woodrow Wilson in the World War. Finally, he succumbed to the pressure, loans were made to belligerents, and inevitably we were drawn into war.

The same loophole is left open here. I do not want anybody, whether he is a Republican President or a Democratic President, to have the power to make it possible for us to be dragged into war. I want the Congress of the United States to have that power as the Constitution gives it to us.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. LUCKEY of Nebraska. Yes.

Mr. BOILEAU. As I understand the amendment, which the gentleman will offer in a few minutes, provides for mandatory neutrality. Is that correct?

Mr. LUCKEY of Nebraska. It does.

Mr. BOILEAU. It strikes out the discretionary features and makes the provisions of section 4 mandatory?

Mr. LUCKEY of Nebraska. It does.

This amendment makes mandatory a cash-and-carry policy on all goods exported by sea to any port or place which can be reached only by traversing those waters adjacent to a belligerent nation and which are within the zone of belligerent operations. This section does not in any way apply to shipments of articles and commodities either by land or on the Great Lakes. The reasons for confining our policy to exports by sea alone are simple and are not subject to question.

First. No effective or permanent neutrality policy can be established which has for a fundamental basis the assumption that our relations with Canada can be placed upon the same basis as our relations with non-American states.

Second. The protection of American lives and property during periods of neutrality is one of protecting those lives and that property upon the high seas exclusively. The only two wars in which we have participated that grew out of maritime or neutral maritime difficulties found their basis upon questions affecting sea-borne commerce and sea-borne passenger carrying.

Third. In any future war in which Canada may become a zone of belligerent operations any neutrality policy we might have would go by the boards. The continuance of the Monroe doctrine, the protection of this country, and the protection of vast American commercial interests would alone govern our action in such a war.

This amendment makes mandatory a cash-and-carry policy on all sea-borne commerce to such places as can be reached only by traversing the actual zones of belligerency. The reasons for making mandatory these provisions are simple and undeniable.

First. International law and international practice establish the fact that goods considered by the belligerents to be contraband shall be subject to seizure and that the ship carrying such goods be equally subject to seizure. Limited contraband is subject to detention and requisition by the power seizing those goods.

Second. The head of a neutral state or the government of that state has no power to declare what is and what is not contraband or limited contraband of war. That determination rests solely with the belligerent powers.

Third. The determination of contraband and limited contraband in warfare is made solely upon the grounds of self-preservation and self-interest.

state of war or differentiate, beforehand, between wars] views while they were considering the neutrality bill which

Fourth. The action of a neutral nation in declaring an embargo on certain articles and commodities during a period of actual hostilities cannot but be regarded as a discriminatory and unneutral act by the belligerent upon whom the embargo weighs most heavily. The same action taken prior to the existence of belligerency cannot be regarded as an overt act of discrimination because of the fact that the action is taken when no injury is done.

Fifth. The use of discretionary power by the President in stopping shipments of certain articles and commodities while other articles and commodities are permitted to enter the channels of trade with belligerents would be discriminatory as previously explained and would constitute a technical act of war the consequences of which would jeopardize the American position as a neutral nation.

This amendment applies not only to American exports of commodities but to American vessels as well. The reasons for the placement of these limitations upon the merchant marine are easily understood.

First. Any vessel, regardless of its neutral character, entering actual war zones with cargoes destined to the ports of a belligerent is subject to destruction and seizure if it carries any articles or commodities regarded as being contraband or limited contraband of war by either of the belligerent parties. The risks run by such a vessel are limited only to seizure of ship and cargo if the intercepting force is capable of maintaining control of those belligerent waters. The life of all on board such vessels is in danger if the intercepting craft is a submarine or aircraft which cannot by virtue of its character go through the processes of search and seizure.

Second. The United States Navy cannot protect merchant ships in zones of belligerent operations if those zones are established contiguously to European or Asiatic nations. The difficulties of operating such a protecting fleet thousands of miles from its bases makes such a policy impossible, even if we were to have a navy second to none or twice as big as any other naval power—a condition which does not exist.

Third. The use of the United States Navy as a convoying or protective agency for merchant vessels in belligerent zones contiguous to European or Asiatic states would be possible only through the maintenance of operating bases in those waters, a condition which could only be brought about through a declaration of war on one side or the other, whereby we could be assigned naval bases by our allies. Such an action would end the neutrality which is the object of this legislation.

This amendment does not deprive American merchant vessels of their carrying trade to any ports outside said belligerent zones. Commerce with other neutrals would be limited only to the extent where it was necessary to protect our citizens from actual loss of life and property. The past practice of providing sea lanes in belligerent zones, whereby neutral ships might carry cargoes to neutral ports, has been amply demonstrated.

This amendment gives us the widest possible extension of foreign trade during periods of neutrality that can be provided without danger to American property and life.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired. All time has expired.

The question is on the amendment of the gentleman from Connecticut.

The question was taken; and on a division (demanded by Mr. DUNN) there were—ayes 30, noes 91.

So the amendment was rejected.

Mr. LUCKEY of Nebraska. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LUCKEY of Nebraska: Page 20, line 19, after "Sec. 4", strike out the entire section through page 23, line 12, ending "this section shall apply equally to all belligerents", and insert: "(a) Whenever the President shall have issued the proclamation as provided in section 3 of this act, thereafter it shall be unlawful for any American person to retain or assert any right, title, or interest in any article or commodity exported by sea from the United States to any port or place which can be reached only by traversing those waters adjacent to a belligerent state which are within the zone of belligerent operations as determined by the President, and no such right, title, or interest shall be recognized by the Government of the United States or by any court or officer of the United States, and any contract for the insurance of any article or commodity so exported, or any American interest therein, or any American vessel carrying such article or commodity, shall be null and void and unenforceable in any court of the United States.

"(b) When in the judgment of the President the conditions which have caused him to issue the proclamation as provided in section 3 of this act shall have ceased to exist, he shall revoke same and the provisions of this section shall thereupon cease to apply."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 41, noes 69.

So the amendment was rejected.

Mr. McREYNOLDS and Mr. COFFEE of Washington rose.

Mr. McREYNOLDS. Mr. Chairman, I offer a perfecting committee amendment.

The CHAIRMAN. The gentleman from Tennessee, the chairman of the committee, is recognized.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. Mr. Chairman, is it in order now to offer a preferential motion to strike out the enacting clause before the amendments offered by the gentleman from Tennessee? The gentleman from Washington [Mr. COFFEE] has been trying to get recognition for that purpose.

The CHAIRMAN. The Chair was endeavoring to dispose of all of the amendments to this particular section before recognizing the gentleman with a preferential motion, which the Chair intends to do after the amendments are disposed of.

The Clerk read as follows:

Committee amendment offered by Mr. McREYNOLDS: Page 21, line 7, after the word "materials", insert "overseas."

The amendment was agreed to.

Mr. McREYNOLDS. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McREYNOLDS: Page 22, line 6, after the word "materials", insert "other than personal goods and effects."

The amendment was agreed to.

Mr. KOPPLEMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOPPLEMANN: Strike out from the last two words in line 17, down to and including the words "it shall", in line 24, on page 21, and after the word "thereafter", in line 24, insert the words "it shall"; strike out the words beginning in line 24, except the word "any", down to and including the word "prescribed", on page 22, line 1.

Mr. KOPPLEMANN. Mr. Chairman, I ask unanimous consent that I may proceed for 3 minutes.

Mr. McREYNOLDS. Mr. Chairman, reserving the right to object, I have no objection if the gentleman will talk about his amendment and explain it, instead of talking about the chairman of the committee. I want the gentleman to explain his amendment, because that is what the Committee is interested in. Does the gentleman agree to this?

Mr. KOPPLEMANN. I have asked for 3 minutes.

Mr. McREYNOLDS. I object, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut?

The amendment was rejected.

Mr. KOPPLEMANN. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. KOPPLEMANN: After the words "this act", in line 22, strike out the rest of that line, the rest of that page, lines 1 to 4, inclusive, on page 22, and the words "claim and it shall" in line 5; after the word "thereafter", in line 5, insert the words "it shall"; after the word "unlawful", in line 5, strike out the rest of that line and line 6 up to the last word; in line 7 change the word "such" to the word "any"; in line 12 of page 21 strike out all the rest of this subsection, beginning with the words "the President shall."

Mr. KOPPLEMANN. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

Mr. CARTER. I object, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was rejected.

Mr. COFFEE of Washington. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. COFFEE of Washington moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. COFFEE of Washington. Mr. Chairman, the thing against which the gentleman from Connecticut [Mr. KOPPLEMANN] was aiming in this bill was the fact that the bill contains no restriction upon the free sale and transport by the people of the United States of essential or raw materials of war.

Section 4 of this bill contains a provision giving the President discretionary power to restrict certain designated essential or raw materials of war and provides that the same may not be shipped in American ships, but shipped in foreign bottoms, and then only after the title has been transferred to the vendee.

I had hoped, until the chairman of the committee, on his own motion, restricted debate to 30 minutes, to offer an amendment providing for a wartime quota on the sale of war materials.

I want to remind the House that every peace society in America is on record in favor of a peacetime quota for the transportation and sale of essential materials of war. There is no provision in this bill for the taking of private profits out of the sale of essential materials of war, except under such restrictions as are provided by the President. In other words, we still can sell to belligerents in time of war essential materials of war—not munitions, but essential materials of war.

The gentleman from Connecticut [Mr. KOPPLEMANN] offered an amendment providing for an embargo in time of war upon these essential war materials.

Stephen Raushenbush, who is, perhaps, America's foremost expert on this subject, in a personal letter to myself, made this illuminating statement:

• • • The two pending bills, the Pittman bill and the McReynolds bill, do not, however, remove the incentive for us to take sides with our largest customers. They do not, in other words, do anything to prevent a war boom from getting started.

Every peacetime organization, including the National Council for the Prevention of War, the American Council Against War and Fascism, as well as all of the leading organizations that have spent years of study on this subject, inveigh against section 4 because section 4 does not prohibit, neither does it restrict, the sale of essential war materials to belligerents in time of war. The only thing the McReynolds bill does is to give the President discretionary power to limit sale of these goods to those which are transported in foreign ships and limiting also shipment of war materials to those of which the title is transferred to the vendee at the point of delivery.

I submit to the Members of the House that unless this bill is so amended as to restrict to a peacetime quota—a quota, in other words, determined by averaging over a preceding number of years for the sale of war material—we have failed to enact a worth-while neutrality bill, and for this purpose I intend now to offer an amendment, based upon a provision in the Pittman bill of last year, pending in the Senate in the Seventy-fourth Congress, which will provide for a peacetime quota, restricted to the average over a preceding number of years, of war materials to belligerents in time of war, and providing further that such war materials shall not be shipped in American bottoms, and providing further that the title thereto shall be transferred to the vendee at the delivery point. This will satisfy the peace and neutrality organizations in the United States.

Mr. Chairman, I ask unanimous consent to offer this amendment to the bill.

The CHAIRMAN. There is a motion pending, made by the gentleman from Washington himself.

Mr. SIROVICH. Mr. Chairman, ladies and gentlemen of the Committee, I rise in opposition to the motion to strike out the enacting clause, and I will tell you why.

A most instructive and patriotic address was delivered this afternoon by our distinguished colleague from New York [Mr. WADSWORTH] on the subject of liberty. It inspired me. It stirred my emotions. There is a historical legend referable to Thomas Jefferson and Thomas Payne, who had a controversy on the subject of liberty. Thomas Jefferson is alleged to have stated that "where liberty is, there is where my home is." Thomas Payne replied, "Where liberty is not, there is where my home is"; and immediately thereafter he sailed for France after his glorious contribution to the American cause to help to establish a republic in France. In front of the White House is Lafayette Square. In that historic section we find the great monuments dedicated and consecrated to the memory of Rochambeau, Lafayette, Pulaski, Kosciusko, and Baron von Steuben, all patriotic foreigners of different nationalities, who came to aid America to establish this liberty-loving Nation of ours.

Throughout the civilized world a great conflict is now being waged between two forms of government. One is fascism of the right and left type, symbolizing the powerful pressure that is being utilized by dictators to subvert the will of the majority through force and the power of authority. Second, we have parliamentary constitutional democracies that stand for liberty, freedom, and justice. The three great, powerful nations who have thus far withstood the ravages of fascism and are battling to preserve and conserve parliamentary constitutional democracies are the United States, Great Britain, and France.

Mr. Chairman, I believe that today all thinking citizens have come to a greater appreciation of the doctrines of Woodrow Wilson than ever before. For today democracy is more imperiled than it ever was in the days of the Kaiser.

We joined the allied powers to wage war against the forces of autocracy because we clearly foresaw that if those powers were permitted to defeat the forces of democracy represented by England and France we should be the next target. Woodrow Wilson was a greater political realist than he has been given credit for. He understood clearly that the British Empire is our first line of defense. If any autocratic power should defeat or destroy the British Empire, our Nation's safety as a democracy would be jeopardized. So we went to war to make the world safe for democracy, believing that the destruction of the autocratic forces of Europe would be a guaranty for the security of our democratic regime in the United States.

But it seems that the defeat of the autocratic forces were not sufficiently decisive, for no sooner was kaiserism destroyed than fascism and other sinister forces raised their ugly heads and established a regime of despotism more tyrannical than kaiserism ever was. The Fascist organization is more bent upon conquest and world domination than was the old regime. Under the old order in Europe, there was a semblance of majority rule. The Fascist regime, however, has established a principle of authority versus majority, and in so doing has introduced an order of regulated force which reflects the order of the jungle, where might makes right.

This Fascist jungle rule is tyrannical in its internal affairs and aggressively imperialistic in external policies. It has declared open war, not only against all democratic forces within its own boundaries but against all democratic powers without. The Fascist group, in all of its colors, has abrogated the rights of man and has declared a war against all forces of the spirit. To entrench itself economically the Fascist regime has embarked upon a policy of armament, not only of a greater and more military strength but also to cope with its unemployment problem. In view of the imperialistic designs of the Fascist authorities, this armament policy constitutes a definite threat to democratic countries which it hates and tries to overwhelm. Fascism is out to crush democracy, and it says so openly. To defend

reached only by traversing those waters adjacent to a belligerent

themselves these democratic countries must arm themselves to the teeth.

America is usually a peaceful nation, but still the Fascist states compel us to increase our armament and to spend billions for preparedness. England and France, the two great European democracies, are our first line of defense. If you strike out the enacting clause of this bill, and prevent the passage of this neutrality bill that would give the President discretionary powers to help our European democracies, whose very safety is being jeopardized by the dictators of Europe, we may become the next victims of the wrath of the Fascist nations.

Mr. Chairman, I believe that the British Empire is our first line of defense, and their military strength is our military strength, and their safety is our safety. We should cooperate in every way that we can to protect the parliamentary constitutional democracies of England and France. I would even be in favor of canceling the debts that they owe to our country in order to proclaim to these dictatorial, fascistic nations who are jeopardizing the peace of the world that the material and financial resources of the United States are behind the two great powerful parliamentary constitutional democracies, England and France, in their endeavor to preserve their democratic forms of government. Such a move by us would insure world peace.

Two potent reasons compel me to advocate such a policy: First, we are a part and parcel of the Anglo-Saxon civilization, of which we are all proud and which we all want to see perpetuated. The fall of the British Empire would be a terrible catastrophe for Anglo-Saxon civilization. We simply cannot remain indifferent to the destinies of this Empire; when it is attacked we must come to its aid. The three great democracies, France, the British Empire, and the United States, must either defend the democratic regime or be destroyed separately. Either all three democracies will survive and then make the rest of humanity democratic or they will all be destroyed. It is for this reason that from the point of view of our own interests, as a democracy, we cannot be indifferent to an attack of the Fascist powers against any major democratic country in Europe. There is not one American citizen with an understanding of the international situation who would be indifferent to such an attack. Thus our neutrality legislation cannot disregard these two factors—the British Empire as our first line of defense and the British Empire as the center of Anglo-Saxon civilization, of which we are a part and in whose survival we are vitally interested.

It is possible that in the future a major Fascist power will attack and destroy a minor democratic state in whose existence America, as a democracy, is interested. Can it be said that American democracy will look indifferently at such an attack? Every American citizen will resent it and will side with the victim. A democratic government as ourselves must express in its policies the sentiments of the majority of its population.

The neutrality legislation that we are now enacting for a period of 2 years, giving our President discretionary power, is only experimental. We can always improve it. Absolute neutrality is only found in death. Our American neutrality policy, therefore, should and must always be relative and elastic, and not rigid and absolute.

I sincerely trust that the motion of my distinguished colleague from Washington to strike out the enacting clause do not prevail, and that this splendid neutrality bill that is now being debated, amended, and considered be passed. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

Mr. COFFEE of Washington. Mr. Chairman, I ask unanimous consent to withdraw my motion to strike out the enacting clause.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COFFEE of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. COFFEE of Washington: Page 20, line 17, after the word "revocation", strike out all of section 4 of said bill, commencing with the word "export", on line 18, page 20, to and including the word "belligerents", in line 12, page 23, and insert in lieu thereof the following:

"SEC. 4. (a) Whenever during any war in which the United States is neutral the President shall find that the placing of restrictions on the shipment from the United States to belligerent countries of certain articles or materials used in the manufacture of arms, ammunition, or implements of war, or in the conduct of war, will serve to promote the security and preserve the neutrality of the United States, or to protect the lives and commerce of nationals of the United States, or that to refrain from placing such restrictions would contribute to a prolongation or expansion of the war, he shall so proclaim, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, or sell for export, such articles or materials from any place in the United States to any belligerent country named in the proclamation, or to any neutral country for transshipment to or for the use of any such belligerent country in excess of a normal amount, in quantity and kind, of exports from the United States to the respective belligerent countries prior to the date of the proclamation, such normal amount to constitute the average of shipments during a previous period of years to be determined by the President: *Provided*, That no restriction or prohibition imposed under this section shall under any circumstances be applied to food or medical supplies: *Provided further*, That no such articles or materials may be transshipped from the boundaries of the United States, as hereinabove delimited, until all rights, title, and interest therein shall have been transferred to some foreign government agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials.

Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or airship contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States: *Provided further*, That subsequent to said proclamation by the President it shall be unlawful for any vessel or aircraft of the United States to carry such articles or materials to any belligerent country, or to any neutral country for transshipment to or for the use of any such belligerent country.

(b) The President shall, by proclamation, definitely enumerate the articles or materials the exportation of which is to be restricted, and he may, from time to time, modify or revoke, in whole or in part, any proclamation issued by him under this section when he shall find that the conditions which caused him to issue his proclamation have ceased to exist or have so changed as to justify, in his opinion, such modification or revocation.

(c) The President shall, from time to time, by proclamation, extend such restrictions as are imposed under this section to other countries as and when they may become involved in such war.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Washington.

The question was taken; and on a division (demanded by Mr. COFFEE of Washington) there were—ayes 24, noes 81.

So the amendment was rejected.

Mr. KVALE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KVALE: Page 23, after line 12, insert a new section to read as follows:

"SEC. 5. Any provisions herein included shall apply to communications, controls, including cable, radio, and mail dispatches, and to give to the President full authority to amplify, restrict, or curtail such services as may to him seem required in the interest of peace or of averting possible or actual hostility."

Mr. KVALE. Mr. Chairman, I shall not intrude upon the patience of the body more than to say that if this amendment is embodied in the bill it will allow the conferees to touch a subject which is important in my mind and which should not have been ignored in the preparation of a measure as vital as this.

Mr. McREYNOLDS. Mr. Chairman, this is a question that would have to be given serious consideration. It might be a good thought, but we cannot afford to accept it and put it in the bill under these conditions. It is too far-reaching.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. CASE of South Dakota. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will recognize the gentleman inasmuch as 10 minutes have not yet been consumed on the amendment.

CONTROL OF COMMUNICATIONS—A REAL DANGER

Mr. CASE of South Dakota. Mr. Chairman, the amendment which has been offered would be a real danger if incorporated into this bill. The suggestion that communications and the control of communications and news from Europe or any part of the world where war is going on should be put into the hands of one man is the most dangerous suggestion that has been offered in connection with the entire debate upon this bill.

If there is anything that will preserve the free thinking and clear opinion of the American people with regard to any problem of war, it is that the lines of communication and correspondence shall be free and open, that we will know what is going on in the world.

Mr. KVALE. Will the gentleman yield for a question?

Mr. CASE of South Dakota. I yield.

Mr. KVALE. While I am in complete agreement with the statement the gentleman just made, my amendment is offered to provoke thought and prevent the spread of propaganda that always precedes an international conflagration. I do not think we have any quarrel.

Mr. CASE of South Dakota. I appreciate the opportunity to bring to this body also a statement of the President in the address last summer that was already mentioned by the gentleman from Connecticut. He then said:

We can keep out of war if those who watch and decide have a sufficiently detailed understanding of international affairs to make certain that the small decisions of each day do not lead toward war, and if, at the same time, they possess the courage to say "no" to those who selfishly or unwisely would let us go to war.

As an illustration of the importance of free expression of facts concerning the development of dangerous conditions abroad, I might call attention to a few lines that appeared in a column in one of the Washington papers yesterday morning. It said:

Argentine purchased more military airplanes and military equipment from the United States last February than any other country, totaling $703,800. This despite the Roosevelt-inspired Buenos Aires Peace Conference. Mr. Hull, however, is pointing to reciprocity, since Argentina in turn is selling us more corn than ever before. During the first week of March 2,774,000 bushels arrived.

Those of you who are familiar with the findings of the Nye committee of investigation know that page after page of their report is consumed in detailing the way in which the embargoes on arms have been evaded by countries in Latin America, and yet in this bill we have a specific section that exempts Latin-American republics from the application of the act. This makes those countries the cesspools for the operations of the international merchants of death.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CASE of South Dakota. If there is a joker in this bill, it is in the provision that provides exemptions whereby your district and your district and your district is taxed to provide money to pay for corn-hog checks to keep the farmers of America from growing corn so that a market can be created here for the importation of 2,774,000 bushels of corn in 1 week to establish a balance of trade to pay for $703,000 worth of airplane equipment to go to other countries engaged in war at this time. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. KVALE].

The amendment was rejected.

The Clerk read as follows:

FINANCIAL TRANSACTIONS

SEC. 5. (a) Whenever the President shall have issued a proclamation as provided for in section 3 of this act, it shall thereafter during the period of the war or civil strife be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or state wherein civil strife exists, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person, or to solicit or receive any contribution for any such government, or political subdivision, or any person acting for or on behalf of such government or subdivision: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

(d) When the President shall have revoked his proclamation as provided for in section 3 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

Mr. McREYNOLDS. Mr. Chairman, I offer a committee amendment, which is at the desk.

The Clerk read as follows:

Committee amendment offered by Mr. McREYNOLDS: On page 24, in line 10, after the period, insert: "Nothing in this subsection (A) shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance or for food and clothing to relieve human suffering when made for a person or persons or organization when not acting for or on behalf of such government or political faction wherein civil strife exists."

Mr. McREYNOLDS. Mr. Chairman, I should like to have the attention of the membership for 2 or 3 minutes. I want to show why I have offered this amendment. It is really an explanation of what is contained in the original provision, but there has been so much misinterpretation, some of it intentional and some of it innocent, as to what the other section meant, that I do this for explanation.

Here is the section that raised the controversy. Here is the section where you got the picture of the little girl, and they stated that you should vote against this section of the McReynolds bill because you could not send relief to Spain.

I want to say that there is no such thing in this bill. Remember, this section prohibits the loaning or the extending of any loans to any foreign government or belligerent, and that is followed with this:

Or to solicit or receive any contribution for any such government or political subdivision or faction, or any person acting for or on behalf of such government or subdivision.

The only purpose of that provision is to prevent taking up collections in this country and sending them to belligerent governments, but the statement has been made, especially by those who are in sympathy with a certain crowd in the Spanish rebellion, that this would prohibit the sending of medical supplies, and so forth, which it does not. I have added this amendment to show it. This is the amendment:

Nothing in subsection (a) shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance or for food and clothing to relieve human suffering when made for a person or persons or organizations when not acting for or on behalf of such government or political factions wherein civil strife exists.

In other words, all we prohibit is the collection of funds to be sent to the belligerent government. They can collect money for persons for relief of any character regardless of whatever it may be.

The statement has been made that no relief organization, not even the Red Cross, is in Spain today. I checked on this through Admiral Grayson's office, and was told that there are 10 representatives of the International Red Cross in Spain and that they are administering relief to both sides. The American Red Cross has already donated $15,000 to be used for that purpose, and another call has been made to which they will respond.

Mr. EATON. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. EATON. It seems to me, Mr. Chairman, that the statement our chairman is making ought to gain the support of every man in this House regardless of previous considerations. I for one am strong for it. I think it is a most excellent addition.

Mr. MAAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is presumably a humanitarian one, and that is undoubtedly the intention of its author. I hope that the chairman of the committee is not correct; that the bill permits the sending of relief even without this amendment, and I hope the amendment will be voted down. There is nothing humanitarian about any part of war. Let there be no misunderstanding; when you aid either the army through supplying medical supplies or the civilian population who are backing up the army, you are only prolonging the war and permitting the killing of more soldiers. The thing that ended the World War was not the Allied Armies' defeating the German Army; it was the collapse of the German people behind the German Army.

Every dollar that we send to help any sufferers—of course, everybody is a sufferer in a war—prolongs the war. The sooner a war is over, the sooner the suffering will stop. Every dollar that you send to buy medical supplies for the combatants or food and clothing for the civilian population behind the army means taking a man's life.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. JOHNSON of Texas. According to the gentleman's theory the Red Cross and other humanitarian organizations ought not to help relieve suffering in case of war?

Mr. MAAS. Exactly.

Mr. JOHNSON of Texas. Is the gentleman against the Red Cross' participating in war to relieve suffering?

Mr. MAAS. I am against our assisting in continuing European or other wars by any means. The sooner the collapse comes the fewer men will be killed and the sooner the war will be over. If we send money for ambulances, medical supplies, food, and clothing it means that just that much money will not have to be diverted from the purchase of munitions by warring peoples.

Mr. McREYNOLDS. If the gentleman will permit an interruption, that is the reason it is limited to humanitarian organizations.

Mr. MAAS. What is the difference? If you contribute to humanitarian organizations, then the Government does not have to spend what it otherwise would have to spend for such purposes.

Mr. JOHNSON of Texas. It is not to be contributed to the Government.

Mr. MAAS. That does not make any difference, it is an indirect aid to the Government.

Mr. JOHNSON of Texas. It is to be contributed to Red Cross and other relief organizations.

Mr. MAAS. Every dollar spent in supporting the civilian population behind an army prolongs the war, just as definitely as if you give bullets to the army. Modern wars are not duels between armies; they are basic struggles of peoples; and when we aid the people who are belligerents, we are aiding their armies, we are participating in the conflict, and we shall be drawn into it, regardless. Nothing so inflames a people as the bombing of Red Cross units. If we organize and send abroad such units to aid in places where wars are going on, these units are bound to be shelled or bombed from the air. When an American Red Cross hospital or ambulance is hit while operating in a foreign war zone, the result will be fierce denunciation in this country, with an inflamed public opinion that will put us in a war frame of mind. We are likely to become engaged in wars in which we have no natural concern whatever. Let us mind our own business and keep out of foreign brawls. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time on the amendment has expired.

Mr. BOILEAU. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU to the amendment offered by Mr. McREYNOLDS: Strike out all after the word "suffering" and insert in lieu thereof the following: "among noncombatants."

Mr. BOILEAU. Mr. Chairman, first of all let me say that I agree with the statement of the distinguished chairman of this committee when he says that his amendment does not mean anything. I agree with him just 100 percent. His amendment does not mean one single thing except that it serves the purpose, I am sure, of partly confusing this issue. He said that it was his understanding that the bill without this amendment meant exactly the same as it would with the amendment. I agree with him absolutely that it means the same thing either way. It means, Mr. Chairman, that hereafter if this amendment of the gentleman from Tennessee should be adopted, people could not solicit, or collect, or receive funds in this country for the purpose of buying medical supplies, or giving medical aid to a government or to a warring faction in case of civil strife. They permit such collection if they can find someone who has absolutely no interest in the war, who is not acting on behalf of his government, or his faction, or a faction with which he is in sympathy. If they can find such a human being they can make relief collections for him, but they cannot supply it to him if he is acting for his government.

But any man or woman who presumes to be friendly to his government or his own faction would naturally be acting in behalf of his or her own group, faction, or government in receiving the money for medical supplies, medical assistance, or food to relieve human suffering. I submit therefore the amendment offered by the genteman from Tennessee means nothing. If you want to humanize this thing, I suggest you should remove that restriction and enable the people in this country whose hearts, will, and desire is to give assistance to other people along the line of medical aid and assistance, food or clothing for noncombatants, to do so; and that is as far as I go in that respect. The amendment offered by the gentleman goes really further than I do with reference to food and clothing. If the people of this country want to make contributions, let us give those contributions to anyone who will see that they are properly used. You cannot find a person in Spain today, I dare say, who would accept this responsibility, whether it is on the Fascist side or the democratic-government side of the controversy. You could not find anyone who would assume the responsibility of taking this medical aid, assistance, or food and use it in the interest of humanity, because all of them have taken sides and they would insist upon acting on behalf of their own side. They would be an agent of their government. As a result, it would be unlawful to have the money used in that way. It just does not make sense. If we are going to act upon the impulse of our hearts, if we are going to act because we believe it is fair and just to aid a peope who are in this distress, let us take away these ridiculous provisions and limitations.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. Mr. Chairman, I appeal to the Members to bear in mind that the McReynolds amendment means nothing. The gentleman has admitted that.

Mr. McREYNOLDS. The explanation of it.

Mr. BOILEAU. The gentleman will agree with me that his amendment means nothing?

Mr. McREYNOLDS. I agree with the gentleman it means nothing because the same provisions of the amendment are contained in the bill itself.

Mr. BOILEAU. It means nothing. So do not be fooled.

Mr. Chairman, this amendment was offered for the purpose of clarifying something that did not need clarification.

It is clear to anyone. It falls short of doing the job right. Let us not be so picayunish and so small that we are not willing to say anyone who wants to turn this money over to help suffering humanity cannot do so unless he does it this way or that.

Bear in mind the amendment I have offered to the gentleman's amendment retains this part of the gentleman's language:

Nothing in this subsection (a) shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance or for food and clothing to relieve human suffering.

That much of the gentleman's amendment I have retained, and I have just added "among noncombatants." The food and clothing would be sent, not to those who are combatants but only to noncombatants.

[Here the gavel fell.]

Mr. JOHNSON of Texas. Mr. Chairman, I rise in opposition to the amendment to the amendment.

Mr. Chairman, the difference in the substitute amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] in lieu of the amendment offered by the gentleman from Tennessee, chairman of the Foreign Affairs Committee, is simply this: The amendment offered by the chairman of the Foreign Affairs Committee would authorize contributions to individuals or humanitarian organizations but not to the belligerent governments—to organizations who were independent of and not under the control of the governments at war—whereas the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] specifically authorizes those contributions to be made to the governments that may be at war. Here is the vice of his amendment. We have provision in here that our people cannot make loans to belligerent governments and they cannot ship goods to the belligerent governments under such conditions. Under the gentleman's amendment [Mr. BOILEAU], we could make contributions to the governments at war. This would permit an evasion and would nullify the prohibition against loans and gifts would be made instead of loans.

Mr. BOILEAU. Will the gentleman yield?

Mr. JOHNSON of Texas. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Just for this particular purpose.

Mr. JOHNSON of Texas. I know that, but it goes to the governments. The point I make is that we are endeavoring to pass a neutrality law. We are saying we will not lend money to the belligerents. The amendment offered by the gentleman from Wisconsin would cause collections to be taken up and given to the various governments, and this would afford opportunity for evasion of the law.

Mr. BOILEAU. The money only.

Mr. JOHNSON of Texas. Yes. While we are willing to help suffering humanity, we say the money should be contributed to organizations like the Red Cross that are not a part of the governments themselves, because the government, as another gentleman stated, might use the money for war purposes rather than for humanitarian purposes. The difference between the two amendments is that the amendment offered by the gentleman from Tennessee [Mr. MCREYNOLDS] is one to help humanity, whereas the amendment offered by the gentleman from Wisconsin would help the belligerent governments. That is the difference.

Mr. BOILEAU. The gentleman will admit my amendment does not provide that the money can be turned over for all purposes. It provides that the money may be collected to provide only medical aid and food.

Mr. JOHNSON of Texas. Yes; but it is paid to the government, and there is the vice of the amendment; the warring governments will use it as they please, and once they secure possession of the money we will be powerless to prevent them spending it as they please.

Mr. BOILEAU. But to noncombatants only.

Mr. JOHNSON of Texas. Mr. Chairman, the gentleman's amendment is vicious in that it provides that contributions may be taken up in this country and sent to warring governments.

The governments, as the other gentleman said awhile ago, may spend it for munitions or whatever purpose they like. The amendment offered by the gentleman from Tennessee provides that during a war they shall not take up collections in this country or receive contributions for warring nations. The evidence shows in New York alone one organization had raised $125,000 on behalf of one side of the war factions in Spain. We want to stop that. We want our people to be neutral, and having meetings and raising money for factions at war is not neutrality. The question was asked, Are you going to prevent the giving of humanitarian help over there? The section as written did not prevent that, but in order to eliminate any question that such could be done the gentleman from Tennessee offers the amendment which permits contributions to these organizations for humanitarian purposes only.

However, this does not satisfy the gentleman from Minnesota and those who are taking sides. They want their money contributed to the warring factions or governments at war, and we are against this. It is not neutrality. The substitute offered by the gentleman from Minnesota [Mr. BOILEAU] should be defeated.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin to the committee amendment.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 16, noes 87.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question now recurs on the committee amendment.

The committee amendment was agreed to.

Mr. MCREYNOLDS. Mr. Chairman, I offer a committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. MCREYNOLDS: Page 23, line 21, after the comma after the word "Government", insert "or on behalf of any faction of any state wherein civil strife exists."

The committee amendment was agreed to.

Mr. MCREYNOLDS. Mr. Chairman, I offer a further committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. MCREYNOLDS: Page 24, line 1, after the word "subdivision", insert the words "or faction."

The committee amendment was agreed to.

The Clerk read as follows:

AMERICAN VESSELS PROHIBITED FROM CARRYING ARMS

SEC. 6. Whenever the President shall issue a proclamation provided for in section 3 of this act, thereafter, until the proclamation shall have been revoked, it shall be unlawful for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state named in such proclamation as being at war or to a state wherein civil strife is proclaimed to exist, or to any other state, transshipment to, or for the use of, a belligerent state or a state wherein civil strife is proclaimed to exist.

Whoever, in violation of the provisions of this section, shall take, attempt to take, or shall authorize, hire, or solicit another to take any such vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than $10,000 or imprisoned not more than 5 years, or both; and in addition such vessel, her tackle, apparel, furniture, equipment, and the arms, ammunition, and implements of war on board shall be forfeited to the United States.

Mr. MCREYNOLDS. Mr. Chairman, I offer a clarifying amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MCREYNOLDS: Page 25, line 8, strike out the comma after the word "state" and insert the word "for."

The amendment was agreed to.

Mr. REES of Kansas. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. REES of Kansas: Page 25, line 6, after the word "war", insert "or other commodities."

Mr. MCREYNOLDS. Mr. Chairman, I raise a point of order against the amendment. Commodities are not included in this section.

Mr. REES of Kansas. Will the gentleman reserve his point of order?

Mr. McREYNOLDS. I reserve the point of order if the gentleman desires to make an explanation of the amendment.

Mr. REES of Kansas. Here is an opportunity, if we really want to stay out of such entanglements as we had in the World War. Let us keep American ships out of belligerent waters, whether they are carrying ammunition, implements of war, merchandise, or whatever commodities they may be.

Mr. JOHNSON of Texas. This matter is taken care of in another provision of the bill, section 4 (a), in reference to prohibiting American ships from carrying other commodities.

Mr. REES of Kansas. I am not sure the paragraph is clear and definite enough.

Mr. JOHNSON of Texas. Yes. I think if the gentleman will examine the bill, he will find section 4 (a) will take care of this situation.

Mr. REES of Kansas. Then I withdraw the amendment. But I still believe that the provision in section 4 does not take care of the situation, for the reason that section 4 of the bill leaves the question at the discretion of the President as to whether any articles or materials are to be excluded from American ships, and then section 4 provides that the President shall from time to time definitely enumerate the articles and materials which shall be unlawful for American vessels to transport. My amendment makes it unlawful for any American vessel to carry any commodities to any belligerent state that is at war or where civil strife is proclaimed to exist. I believe the law should be mandatory that American vessels should not be allowed to carry any commodities to belligerent nations in time of war.

The amendment was withdrawn.

Mr. HILL of Washington. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, only in Committee of the Whole do we have a chance to vote on these amendments, and that is not a record vote. Therefore, I think it is only fair to those of us who desire that we be permitted to tell the Members of the House and people throughout the country where we stand on these amendments.

I voted for these amendments. I shall vote to recommit the bill, if the question comes up, in order to have the Pittman amendment come up for consideration on this bill. If we cannot get that amendment, I am going to vote for this bill, and I will tell you why.

It is a step in the right direction toward peace. Even though it is a very weak step, I am willing to take this step with you. I may say here, as I said the other day, I am against what is known as the policy of freedom of the seas.

I am opposed, secondly, to giving discretion to the President in this case, not because I do not have a great deal of confidence in the present President—I have—but because during war, there is hysteria, there is provocation, there is pressure, and there is propaganda, which even the President of the United States cannot withstand. Therefore I am against giving discretion to the President.

Third. I am in favor of having a peace quota on those things which are not war implements. This was the amendment we tried to pass on here a while ago.

Fourth. I believe the United States should refuse to give protection not only to cargoes but also to ships which are carrying implements of war.

Fifth. I am against all profits in war.

Sixth. I will go a step further and agree with my friend the gentleman from Mississippi [Mr. RANKIN], who said the only solution is not only to take all profits out of war but to let the Government produce and construct all war implements. I am willing to go with him in that effort, but until we achieve it I want to take all profits out of war.

Lastly, I want to speak of the amendment offered by the gentleman from New York [Mr. FISH], in which he suggested that during peacetime, as well as in time of war, we should refuse to permit people in the United States to send implements of war into any country. Why? I hear people on the floor of the House cry "Peace, peace", and I wonder if in their hearts they really want peace. Some people want peace, but they want it in such a way as to ship supplies to Spain.

Let me say if the modern Sancho Panzas and Don Quixotes in Spain want to fight each other, let them go to it, but I for one want to keep from sending any implements of war to them to enable them to carry on their fight. It is all right to ship the necessities of life and medical supplies to them, but that is all. As to implements of war, let us prohibit their export in time of peace, as well as in time of war.

The objection made by the chairman of this committee was that the amendment was introduced by a Republican. Mr. Chairman, a great Republican whom all of us, Democrats as well as Republicans, honor and revere, Abraham Lincoln, was charged with being an abolitionist, the epithet of that day. What was his reply? He said, "I will go with the abolitionists as long as they are right, and I will turn from them when they are wrong."

Therefore, if some Member on the other side of the House, Mr. FISH, in this instance, introduces an amendment which will prevent the United States from shipping implements of war during times of peace, I have the right to follow him if he is right, even though he is a Republican.

[Here the gavel fell.]

Mr. HILL of Washington. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HILL of Washington. Another thing said by the chairman was that this was not introduced in the committee room. Has it come to such a pass that here on the floor of the House amendments cannot be offered and supported? I think the mere fact it was not offered in the committee should not preclude us from supporting it.

I am afraid we are forgetting 20 years ago—1917. I am afraid we forget the causes of war and their consequences. The gentleman from Oklahoma got up on the floor of the House here and said:

> Our trade must be protected, not only that of the shippers but the trade of the people.

Does the gentleman forget that the World War cost the people of the United States $40,000,000,000? Does he forget that the Allies today owe this country $11,000,000,000? Does not this offset all the trade of the United States during war? I am afraid we forget the blood that was shed in that war. I am afraid we forget our soldiers lying on the fields of France. I am afraid we forget 20 years ago, and since that time, the deception of the European powers when they came begging for money to arm themselves again. I am afraid we forget the riding of the four horsemen of the Apocalypse during that frightful war and for years thereafter. I am afraid we forget the terrible injury to the morale of our whole people. I am afraid that we forget that it almost destroyed our modern civilization.

Mr. Chairman, a great English poet, Rudyard Kipling, wrote one of the finest poems, I believe, in the English language—The Recessional—and this is the way he closes it:

> Lord God of Hosts, be with us yet
> Lest we forget, lest we forget.

I wonder if we should not remember, and not forget, the years of 1917 and 1918 as a lasting lesson on the futility of war? [Applause.]

Mr. VOORHIS. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I am intensely interested in this subject. I am afraid I am being forced to the conclusion that, as a matter of fact, the House of Representatives is really not ready to pass judgment on this question. [Applause.]

I had hope we could amend this measure to make it strong and frank and clear-cut. Already I know we cannot do so. I shall vote for it, I suppose, as the best thing we can get, but I shall do so with heavy heart.

I believe that until we can come to the place where we can face squarely and honestly the fact that on the one hand, if we insist on trade and freedom of the seas, we have to expect to sacrifice American men in war; and, on the other

hand, if we sincerely want peace we have to face the necessity of great sacrifices of trade in order to remain at peace, and until we can have the courage to take our choice between the two we will not be ready to vote on a genuine and sincere neutrality measure.

I would not question the sincerity of a single Member of this House, but I do submit that many of us have said in our campaigns that we are for neutrality; that we would never vote to send another American soldier across the sea. That is what I said, and I meant it; and because I still mean it I am intensely eager to see us pass legislation here which would prohibit the sale of munitions by Americans at any time and which would embargo every kind of material of war absolutely to any belligerent, not merely on American ships, but on all kinds of ships, in order to try to keep this pledge. Short of this we have, I think, done little toward keeping our country out of war. Short of this we shall end up by sending American men overseas to bleed and die for the sake of trade.

I recognize there is another point of view which is honest and sincere and for which I have the utmost respect. This is the point of view that America should be a crusading nation, protecting her trade everywhere, insisting upon her rights, crusading to protect the weak and to protect the smaller nations, picking out the aggressor nation and siding with the nation that is not the aggressor. But if we are to do this, we should unite hand in hand with other nations that we feel we can trust and embark upon that policy definitely with our eyes open, realizing it leads inevitably to war, and forget the idea of neutrality, and not pretend we are considering it at all. To be consistent, I believe those who hold the foregoing point of view ought to advocate America's joining the League of Nations.

As I say, I have sincere respect for those who hold this idea, and perhaps those people are right; but I hope, on the other hand, that we can find a way in which we can keep America at peace. I have hoped we could develop an "American peace", developing friendships with South America and with the entire Western Hemisphere, building up commerce and trade and a consciousness of neutrality among a group of nations and keeping out of wars in other parts of the world. But I think we must have very strong measures, a good deal stronger than this bill, if we are to be able to do this. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

TRAVEL BY AMERICAN NATIONALS ON BELLIGERENT VESSELS

SEC. 9. Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act and he shall thereafter find that the maintenance of peace between the United States, and foreign states, or the protection of the lives of citizens of the United States, or the protection of the commercial interests of the United States and its citizens, or the security of the United States requires that American citizens should refrain from traveling on the vessels of the state or states named in the said proclamation or proclamations, he shall so proclaim, and thereafter it shall be unlawful for any citizen of the United States to travel on any vessel of the state or states named in the proclamation or proclamations issued pursuant to section 3 of this act, except under such limitations and in accordance with such rules and regulations as the President shall prescribe: *Provided, however,* That the provisions of this section shall not apply to a citizen traveling on a vessel whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further,* That they shall not apply under 90 days after the date of the President's proclamation to a citizen returning from a foreign state to the United States or to any of its possessions. When, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee and others interested if it would not suffice to insert into this bill a declaration to the effect that any American citizen traveling on a belligerent vessel does so at his own risk, rather than make it actually a crime to do so.

Mr. McREYNOLDS. Mr. Chairman, we had this in our bill last year, and after studying it, and with the fear that American citizens would be traveling at their own risk, and be blown up, and then fearing the effect of that on the people of the United States, fearing they would forget about the man traveling at his own risk, we thought it best to put in this other provision, and in the discretion of the President.

Mr. WADSWORTH. May I ask the chairman of the committee what is the penalty for a man doing this?

Mr. McREYNOLDS. Not over 5 years' imprisonment nor more than a ten-thousand-dollar fine—either or nothing.

Mr. WADSWORTH. Mr. Chairman, I suppose any protest coming from me at this time will be of little avail, but it seems to me that we are going pretty far when we say to an American citizen that he cannot travel on a belligerent vessel and threaten him with fine and imprisonment up to as much as 5 years for doing so.

Mr. McREYNOLDS. More or less. It may be the minimum.

Mr. WADSWORTH. We cannot anticipate what personal crisis may overtake an American citizen. It may be that he may find himself very far from home.

Mr. McREYNOLDS. Oh, we have taken care of that in this bill.

Mr. WADSWORTH. How?

Mr. McREYNOLDS. By putting in the provision about the discretion of the President, so that he can give the man permission.

Mr. WADSWORTH. Mr. Chairman, the chairman of the committee says that all these things have been taken care of. If that is the fact, there is not much use in the provision.

Mr. McREYNOLDS. The President has the discretion.

Mr. WADSWORTH. But an American citizen may find himself in an exceedingly difficult situation and he is the only person who may judge of the degree of the difficulty. He may find that he has to go to a foreign country which is a belligerent. He may have to go there for family reasons, he may be compelled to go in ordinary decency; it may be the impending death of a relative, and it may be that the only way he can go there is on a belligerent vessel. He is more than willing to go at his own risk, but potentially, at least, this bill makes him a criminal if he goes. I think we have gone just about far enough in this kind of legislation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Colorado: Page 28, lines 7 and 8, strike out the words "vessels of the state or states named in the said proclamation or proclamations" and insert the words "high seas"; line 10, beginning with the word "of", strike out the remainder of the line and all of lines 11, 12, and 13 and insert in lieu thereof the words "on the high seas."

Mr. McREYNOLDS. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, the effect of my amendment will be to forbid and prevent Americans from traveling on any vessels on the high seas during the period of the emergency proclaimed by the President. It is not anticipated by me that this amendment will be adopted. It is offered merely for the purpose of enabling me to indicate that this section and section 4 and this entire legislation will not effectuate the desired objective, that it is unworkable, that it is impracticable, that it will not protect American lives or property in case of foreign war, or keep us out of war; but that, on the contrary, it may plunge us into foreign wars; and the implication was carried in the statement which the gentleman from Tennessee [Mr. McREYNOLDS] made a moment ago with reference to passengers on the high seas, that it was feared the passenger would go on a belligerent vessel and get killed, which would so inflame the country that it might result in war.

I pointed out in the House the other day that it was not the violation of or a failure to observe any of the things in this bill which precipitated us into the World War. We did not get into the World War because American ships were carrying contraband of war or because American citizens were traveling on belligerent vessels. We were precipitated into the World War because Germany, in pursuance of a proclaimed policy, had begun sinking everything that floated on the high seas and had destroyed a number of peaceful unarmed American vessels which carried no contraband or war supplies, and they were sunk without warning on the high seas by German submarines and American citizens murdered, and that precipitated the war.

Now, let us get down to brass tacks. I wish a naval officer, like the gentleman from California [Mr. IZAC], could show us, explain to us, the modus operandi on the high seas during the time of war. We will say that an American vessel leaves an American port, not carrying any contraband or any materials banned by the President, and bound for a neutral port, but that fact cannot be known by belligerent warships. In the old days, ships of war overhauled merchant vessels, brought them to, boarded them, and searched them. If they had contraband of war they took them in tow as prisoners of war. If not, they turned them loose. The policing of the seas in future wars will be carried on by submarines, indeed it was during the World War. It is impractical for submarines to seize and search these vessels. Every vessel that sails from an American port during time of war will be suspected by belligerent powers as having contraband. They cannot board them and examine them, so they will sink them. That is precisely what happened prior to our entry into the World War and plunged us into that war.

It can happen under this bill. It all indicates that in spite of all this legislation we will fail to reach the objective of keeping this country out of war.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. MARTIN] has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Chairman, I move to strike out the last word.

We have about concluded the most enlightening as well as the most thorough debate indulged in by the House in a long time. The leaders of the majority are to be congratulated on permitting free and open discussion of this vital measure. Of course we are all against war and for peace. However, so long as there is hatred, jealousy, envy, and ambition in the hearts of men, there will be differences of opinion among those men. The same is true of nations. Individuals may enter into agreements never to quarrel and to always submit their disputes to arbitration. When the crucial test comes, however, passion, anger, temper, and thoughtlessness usually prevail, and the mere fact that we have agreed not to fight does not prevent a fight. This being true, no neutrality law, however rigid, will accomplish all that is hoped for. The measure before us is practical in the sense that it expresses the hopes and the aspirations of almost a unanimous American people. It is impractical in the sense, however, that we all know that when a war comes, the country will be controlled largely by the circumstances as they exist at the time. In short, our good intentions, even though expressed in sound, legal language, are ruthlessly brushed aside and we meet the occasion as we see it at the time.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Iowa.

Mr. DOWELL. This will serve notice on the nations of the world that, so far as our Government is concerned, we intend to be neutral in their controversies.

Mr. MICHENER. It will serve notice upon the world that the American people intend to be neutral. I doubt, however, if our people comprehend fully just what neutrality means in case of war between two other nations. The complications arising are so many and so involved that it is almost an impossibility to even contemplate them in advance.

Mr. DOWELL. The American people understand that they want this Government to keep out of war.

Mr. MICHENER. Yes; they want to keep out of war, and of that there can be no doubt.

Mr. BERNARD. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes; I yield to the gentleman from Minnesota.

Mr. BERNARD. This bill, in my humble opinion——

Mr. MICHENER. I did not yield for a statement. My time is too limited. I yielded for a question only. I shall not attempt to discuss the details of the McReynolds bill, which has been substituted by the committee for the Pittman bill, which passed the Senate. The bill we pass here today is not going to become the law of the land. Neither will the Pittman bill be enacted into law, but these two bills are going to conference, and the conferees will write the legislation that we will eventually approve. But that legislation must come within the four corners of the two bills.

The principal difference between the Senate and House bills is with reference to restriction of shipments of other materials in addition to war supplies. The Senate bill automatically requires transfer of title to all such material before shipment is made, while the House bill gives the President discretion to determine whether or not this limitation should be placed upon the particular type of materials to be restricted.

In short, if our Government prohibits the sale and exportation of arms, ammunition, and implements of war, and also denies credit and loans to other nations engaged in war, we will have at least determined in the most positive manner our aversion to war; and have adopted a measure that will be a deterrent, as I view it.

No war can be carried on without munitions and credit. Since the United States has become a world power the nations of the world have always looked to the United States for both credit, munitions, and other implements with which to carry on their wars. If this country is interested in the profits of war—either domestic or foreign—then that is one thing. On the other hand, if this country is interested in doing away with all war, that is another thing. We cannot have our cake and eat it too. Of course, there is temporary prosperity for this country in a great European war, so long as we are not involved. If we are permitted to stand on the side lines, furnish the materials to the warring nations, and receive the financial benefit, we are by these very acts aiding and abetting the warring nations to pursue the very thing we are praying against. So here is a decision that we must make. It is a decision between profit and world peace, and I am sure that if our people could vote on this matter the vast majority would vote for peace and not for profit.

The Pittman bill writes all the rules before the advent of the war. The world is given notice that this country will not in any way attempt to furnish materials of any kind that can be used for war purposes to the warring nations. There can be no misunderstanding. There can be no partiality, and there is no discretion lodged in any agency. I therefore prefer the Pittman bill. This is a far-reaching measure, of course, and some of the implications are not pleasing. Both of these measures provide that we can only do business with any belligerent nation on a cash-and-carry basis. Under no circumstances will we sell any materials of any kind to belligerent nations unless title passes completely in this country and responsibility for removal from the country rests squarely upon the shoulders of the purchaser. It has been said that the passage of this legislation will make the United States the ally of Great Britain in the Atlantic and of Japan in the Pacific, for the reason that these nations control these respective waters, and that if Great Britain is at war she will be able to purchase on a cash-and-carry basis because she will be able to do her own carrying, and that the same will be true of Japan. This is one of the phases of the proposal that I do not like. However, no law

is perfect in every particular, and this is but a 2-year experiment.

Again, the opponents of this measure tell us that we are abandoning our time-honored policy of insisting upon the freedom of the seas. There is no question but that the neutrality legislation of a year ago, and as embodied in the pending measure, do abandon that time-honored tradition. Woodrow Wilson said that we entered the World War to make the world safe for democracy. I think we all realize now that we entered the World War primarily because we insisted upon the freedom of the seas, and that the destruction of the *Lusitania* violated that policy and overnight we were in the midst of the conflagration.

Again that brings us to the question of profit or peace. Had this neutrality law been in effect in 1917, the fact that the *Lusitania* was carrying munitions of war, and American citizens knowingly and intentionally were passengers on the *Lusitania* in violation of our law, then it would not have been the duty of this country to enter the war because of the violation of a policy or a law upon which we insisted. Sad as it is, international law, as has been demonstrated so many times in the past, amounts to little when nations get at each other's throat in a war for supremacy.

Like many others here, I have delivered many addresses picturing the American merchant marine and the American Navy on the seven seas of the world protecting American life, American commerce, and American traditions, and I only would that it were possible to continue such a policy without the awful risk of bringing us into a world war at any time, in which dispute this country really has no interest.

The gentleman from Texas [Mr. JOHNSON], a member of the Foreign Affairs Committee, has called our attention to the fact that in more than 100 cases various Presidents of the United States have sent armed forces to foreign lands to protect the rights, the lives, and the property of American citizens. The President, as Commander in Chief of the Army and Navy, and as our Chief Executive, now has that authority, but I am sure that we do not want any such authority exercised without great caution. One of the principal objections to the McReynolds bill, so far as I am concerned, is the discretionary power lodged in the President. The gentleman from Texas [Mr. JOHNSON] in his splendid argument gives as one reason for granting this discretion that—

> You cannot tell what kind of a war it is going to be. You do not know where it is going to be. You do not know whether the nations engaging in the war will have navies or not. You do not know whether it will be hazardous for our people to sail the seas or for our people to sell goods. You have to leave that discretion in the hands of the President to determine as a given situation may arise.

Now, to me the gentleman's statement is the best reason in the world for the passage of the Pittman bill and preventing any of these controversial questions arising which must be settled when the war is on. Clearly, nothing could provoke war quicker than a decision by the President made in favor of one belligerent when possibly that decision might be the deciding factor in the war. Let us write the rules before the game starts, and then let the President act as the referee and enforce the rules. We have already granted too much power to the Executive all along the line, and I hope the time is not far distant when this House will realize where such action is leading us.

This Nation has an almost unbearable tax burden today. We had a similar burden directly after the World War. Yet we thought the country was prosperous during the World War. The truth is that this country loaned the foreign nations something like $16,000,000,000 to carry on the war. With this money the foreign nations bought materials in our country. We borrowed the money from our citizens to loan to those nations, and our citizens received the same money back in payment for the materials sold to the foreign nations. The net result was that when the war was over the foreign nations still owed us the money, and they owe it today. On March 15 every Member in this body filed an income-tax return with the Federal Government, and a part of the tax he paid was required to pay interest on that same money this Government borrowed from its citizens to make us prosperous during the World War. This war business is a vicious circle. The dollars destroyed can be repaid, but if any war is measured by the grief and sorrow and suffering of the people involved, there can be no repayment and no compensation.

In connection with neutrality and war let us not forget that the world is again indulging in a mad armament race. The principal nations in Europe have larger armies than ever in history. Their navies exceed all dreams, and the end is not yet. Our country is following suit. Just realize that this Congress will this year appropriate more than $1,000,000,000 for our national defense. Just remember that that means approximately $8 tax this year for every human being in our land, or $40 for every family. Now, I believe in a proper national defense, and I was pleased to vote the other day for an amendment requesting the President to assemble another world conference looking toward naval disarmament. We had such a conference in 1921. America led the way in that conference and destroyed some good battleships. There was much criticism on the part of some of our citizens. However, years have passed since that conference and an unprejudiced appraisal now convinces us that it postponed for more than 10 years this competitive race among the leading nations. The taxpayers of our country must appreciate that that conference has saved our people around $4,000,000,000 that would have been spent had there been no naval conference. Another conference might do as well and, let us hope, perhaps better.

This is all germane to the subject we are discussing, because war is the main thing against which we are attempting to legislate. I reiterate that this neutrality legislation does involve a change of policy. That is what we want. The policies we have been following have led us into war, and while this bill is undoubtedly faulty in many ways, yet it is headed in the right direction and will tend to isolate us from the quarrels of other nations. Yes; it is harsh in some particulars, and there will be complaint on the part of those who want to manufacture war materials for the sake of the dollars resulting. But by and large, the masses of our people are so opposed to war anywhere in the world that when this law is thoroughly understood it will be accepted with universal accord. Take all the profit out of war, but if we must have war, then let us conscript not only the man power but industry, labor, and agriculture as well. A profitless war all along the line will as a general proposition, I believe, mean no war.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

All time has expired.

The Clerk read as follows:

NATIONAL MUNITIONS CONTROL BOARD

SEC. 10. (a) The National Munitions Control Board, established by section 2 of the joint resolution (Public Res. No. 67, 74th Cong.) approved August 31, 1935, shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this act or by other law, the administration of this act is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

The Board shall be convened by the Chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original

certificate. Every person required to register under the provisions of this section shall pay a registration fee of $500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration, in which case he shall pay a registration fee of $00. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of $500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than $50,000 during the 12 months immediately preceding the renewal, or a fee of $100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of $400 to every person who shall have paid a registration fee of $500 pursuant to section 2 of the joint resolution (Public Res. No. 67, 74th Cong.) approved August 31, 1935, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration.

All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(c) No purchase of arms, ammunition, and implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this act.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this act to any other country or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this act without first having obtained a license therefor.

The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., title 50, sec. 72), are hereby repealed as of December 31, 1937.

Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

(e) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

(f) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this act, and full information concerning the licenses issued hereunder.

Mr. McREYNOLDS. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McREYNOLDS: Page 30, line 14, strike out "$00" and insert "$100."

The committee amendment was agreed to.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

There is a great demand from the American people for the passage of this legislation. I believe the passage of this legislation will serve notice upon the nations of the world that the United States does not intend to engage in any of their controversies and that the United States intends to do all in its power to preserve peace.

I intend to support this legislation, believing it will aid in preserving peace in the world.

Mr. BERNARD. Mr. Chairman, I rise in opposition to the pro-forma amendment.

I believe I am interested in peace and neutrality as much as any individual in this House, but at the same time I am firmly convinced that the passage of this bill will do more to promote war in the world than any other bill that has ever been presented before this body. If we want to be sincere with ourselves we have to admit that so far our neutrality plan has been in favor of the forces of fascism. We cannot deny that. We all know that Italy and Germany have been sending thousands and thousands of soldiers and enormous quantities of war material to Spain. In spite of that knowledge we have done nothing whatsoever toward placing an arms embargo against Germany or Italy. Why?

I want to warn you that unless we are careful, if we allow ourselves to pass this bill, we will see the forces of fascism being greatly encouraged—bolder, more arrogant, and more bloodthirsty.

One of my esteemed colleagues on the Democratic side alluded to the famous Spanish embargo resolution a little while ago, and said that I was the only one who voted against it. I am very proud of that vote. Let me tell you, however, that if the pending bill passes, Franco is going to be greatly pleased; so will Hitler and Mussolini. As soon as the Spanish embargo resolution was passed, General Franco made the following statement:

President Roosevelt behaved in the manner of a true gentleman. His neutrality legislation stopping the exportation of war materials to either side, the quick manner in which it was passed and carried into effect, is a gesture we nationalists shall never forget.

If we want to please and promote the forces of fascism, let us pass this bill. If, on the other hand, we are interested in the welfare of the American people, if we are actually interested in democracy, liberty, and human progress, then let us defeat this damnable, diabolic, un-American, pro-Fascist measure.

[Here the gavel fell.]

Mr. PACE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PACE: Page 31, line 20, after the word "act", insert "or who has intentionally violated any of the terms, conditions, provisions, or prohibitions of this act."

Mr. PACE. Mr. Chairman, subsection (c), on page 31, which I seek to amend, now provides that the United States Government will not purchase arms and ammunition from a manufacturer who fails to register. This, under the bill, is the only condition under which the Government will not purchase arms from a manufacturer. My amendment merely adds the declaration that neither will the Government purchase arms and ammunition from a manufacturer who intentionally violates the terms and conditions of this act. We have spent hours and days and, including the previous action of the Congress, years in trying to secure a neutrality act. Certainly now we should not permit any munitions manufacturer deliberately to violate the terms of this bill and still be the recipient of orders from the Government.

The sole purpose of the amendment, Mr. Chairman, is to put the munitions manufacturers on notice that if they deliberately and intentionally seek to sell and transport munitions in violation of this act, then our Government will not make purchases from them.

Mr. McREYNOLDS. Mr. Chairman, the gentleman's amendment is not necessary, because munitions manufacturers cannot do business with the Government unless they are licensed, and it is unlawful for them to do business if they are unlicensed.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia.

The amendment was rejected.

The Clerk read as follows:

SEC. 14. In every case of the violation of any of the provisions of this act where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Mr. McREYNOLDS. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McREYNOLDS: Page 34, section 14, line 4, after the word "act", insert "or of any rule or regulation issued pursuant thereto."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk concluded the reading of the committee substitute.

The CHAIRMAN. The question is on the adoption of the committee substitute, as amended, for the Senate joint resolution.

The committee substitute as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WARREN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration Senate Joint Resolution 51, the Neutrality Act of 1937, pursuant to House Resolution 151, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment is to strike out all after the resolving clause and insert the following:

That this act may be cited as the Neutrality Act of 1937.

DEFINITIONS

SEC. 2. For the purposes of this act—

(a) The term "United States", when used in a geographical sense, means the continental United States, the Territories and insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b) The term "person" means a natural person, corporation, partnership, organization, or association.

(c) The term "vessel" means every description of watercraft (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel (including aircraft) documented under the laws of the United States.

(e) The term "vehicle" means every description of carriage (including aircraft) or other contrivance used, or capable of being used, as a means of transportation on or over land.

(f) The term "Board" means the National Munitions Control Board.

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

SEC. 3. (a) Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state, named in the proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.

(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such armed conflict is of such a magnitude, or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to said foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any such state or to any other state for transshipment to, or for use in, the state named in the proclamation.

(d) The President, by proclamation, shall definitely enumerate the arms, ammunition, or implements of war, the export of which is prohibited by this section.

(e) When in the judgment of the President the conditions which have caused him to issue his proclamation or proclamations have ceased to exist, he shall revoke the same and the provisions hereof shall thereupon cease to apply, except with respect to offenses committed, or forfeitures incurred prior to such revocation.

EXPORT OF OTHER ARTICLES AND MATERIALS

SEC. 4 (a) Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 3, or to a state wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe, for any American vessel to carry such articles or materials overseas to any belligerent state, or any state wherein civil strife exists, named in said proclamation or proclamations issued under section 3 of this act, or to any other state for transshipment to, or for the use of, such belligerent states or within such state where civil strife exists. The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to transport.

(b) Whenever the President shall have issued a proclamation or proclamations under section 3 of this act and he shall thereafter find that the placing of further restrictions on exportation of commodities from the United States to the belligerents, or to any state wherein civil strife exists, is necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives or commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful except under such limitations and exceptions as the President may prescribe to export or transport from the United States to any belligerent state or state wherein civil strife exists named in said proclamation or proclamations issued under section 3 of this act, or to any other state for transshipment to, or for the use of, such belligerent state or such state wherein civil strife exists, any articles or materials other than personal goods and effects whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials.

Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or airship contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

(c) The President shall from time to time by proclamation extend such restrictions as are imposed under this section to other states as and when they may be declared to become belligerents under proclamations issued under section 3 of this act.

(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under this section.

(e) Any proclamation issued by the President under this section shall apply equally to all belligerents.

(f) Except with respect to prosecutions committed or forfeitures incurred prior to May 1, 1939, this section and all proclamations thereunder shall not be effective after May 1, 1939.

FINANCIAL TRANSACTIONS

SEC. 5. (a) Whenever the President shall have issued a proclamation as provided for in section 3 of this act, it shall thereafter during the period of the war or civil strife be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or state wherein civil strife exists, or of any political subdivision thereof, or of any person acting for or on behalf of such government, or on behalf of any faction of any state wherein civil strife exists, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person, or to solicit or receive any contribution for any such government, or political subdivision, or faction, or any person acting for or on behalf of such government or subdivision: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions. Nothing in this subsection (a) shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance or for food and clothing to relieve human suffering when made for a person, or persons, or organization when not acting for or on behalf of such government or political faction wherein civil strife exists.

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

(d) When the President shall have revoked his proclamation as provided for in section 3 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

AMERICAN VESSELS PROHIBITED FROM CARRYING ARMS

SEC. 6. Whenever the President shall issue a proclamation provided for in section 3 of this act, thereafter, until the proclamation shall have been revoked, it shall be unlawful for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state named in such proclamation as being at war or to a state wherein civil strife is proclaimed to exist, or to any other state for transshipment to, or for the use of, a belligerent state or a state wherein civil strife is proclaimed to exist.

Whoever, in violation of the provisions of this section, shall take, attempt to take, or shall authorize, hire, or solicit another to take

any such vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than $10,000 or imprisoned not more than 5 years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and the arms, ammunition, and implements of war on board shall be forfeited to the United States.

USE OF AMERICAN PORTS AS BASE OF SUPPLY

SEC. 7. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States, fuel, men, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a belligerent state, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interest of the United States and its nationals, or to promote the security or neutrality of the United States, he shall have the power and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any part of the cargo, to any warship, tender, or supply ship of a belligerent state.

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously cleared from a port of the United States during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent state, he may prohibit the departure of such vessel during the duration of the war.

SUBMARINES AND ARMED MERCHANT VESSELS

SEC. 8. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States, or of its possessions, by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. When, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

TRAVEL BY AMERICAN NATIONALS ON BELLIGERENT VESSELS

SEC. 9. Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act and he shall thereafter find that the maintenance of peace between the United States and foreign states, or the protection of the lives of citizens of the United States, or the protection of the commercial interests of the United States and its citizens, or the security of the United States requires that American citizens should refrain from traveling on the vessels of the state or states named in the said proclamation or proclamations, he shall so proclaim, and thereafter it shall be unlawful for any citizen of the United States to travel on any vessel of the state or states named in the proclamation or proclamations issued pursuant to section 3 of this act, except under such limitations and in accordance with such rules and regulations as the President shall prescribe: *Provided, however*, That the provisions of this section shall not apply to a citizen traveling on a vessel whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further*, That they shall not apply under 90 days after the date of the President's proclamation to a citizen returning from a foreign state to the United States or to any of its possessions. When, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

NATIONAL MUNITIONS CONTROL BOARD

SEC. 10. (a) The National Munitions Control Board, established by section 2 of the joint resolution (Public Res. No. 67, 74th Cong.) approved August 31, 1935, shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this act, or by other law, the administration of this act is vested in the Department of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of $500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration, in which case he shall pay a registration fee of $100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of $500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than $50,000 during the 12 months immediately preceding the renewal, or a fee of $100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of $400 to every person who shall have paid a registration fee of $500 pursuant to section 2 of the joint resolution (Public Res. No. 67, 74th Cong.) approved August 31, 1935, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration.

All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(c) No purchase of arms, ammunition, and implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this act.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this act to any other country, or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this act without first having obtained a license therefor.

The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., title 50, sec. 72), are hereby repealed as of December 31, 1937.

Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

(e) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

(f) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this act, and full information concerning the licenses issued hereunder.

EXCEPTIONS—AMERICAN REPUBLICS

SEC. 11. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

REGULATIONS BY THE PRESIDENT

SEC. 12. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this act; and he may exercise any power or authority conferred on him by this act through such officer or officers, or agency or agencies, as he shall direct.

PENALTIES

SEC. 13. Any arms, ammunition, or implements of war exported or attempted to be exported from the United States in violation of any of the provisions of this act and any vessel or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223–225; U. S. C., title 22, secs. 238–245).

In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

SEC. 14. In every case of the violation of any of the provisions of this act or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

APPLICATION OF PROVISIONS OF THIS ACT

SEC. 15. If any of the provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 16. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act.

REPEAL

SEC. 17. The joint resolution (Public Res. No. 67, 74th Cong.) approved August 31, 1935, as amended and extended by the joint resolution (Public Res. No. 74, 74th Cong.) approved February 29, 1936, is hereby repealed, but such repeal shall not affect the validity of any proclamation, rule, regulation, certificate of registration, or license, issued pursuant to that resolution.

Amend the title so as to read: "Joint resolution to maintain the neutrality of the United States in the event of war between or among foreign nations, and for other purposes."

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 196, noes 41.

Mr. BOILEAU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. FISH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FISH. I am, Mr. Speaker; in its present form.

The Clerk read as follows:

Mr. FISH moves to recommit the resolution to the Committee on Foreign Affairs with instructions to the committee to report the same back forthwith with the following amendment: On page 20, after line 17, add a new paragraph, to be known as paragraph (f), to read as follows:

"It shall be unlawful to export or attempt to export or cause to be exported arms, ammunition, or implements of war from any place in the United States in time of peace, as well as in time of war."

The SPEAKER. The question is on the motion to recommit.

Mr. FISH. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 275, not voting 39, as follows:

[Roll No. 33]

YEAS—118

Allen, Ill.	Dunn	Knutson	Rees, Kans.
Amlie	Eicher	Kopplemann	Rich
Anderson, Mo.	Engel	Kvale	Robsion, Ky.
Andresen, Minn.	Englebright	Lambertson	Rogers, Mass.
Arends	Fish	Leavy	Rutherford
Bates	Fleger	Lemke	Sauthoff
Bernard	Fletcher	Lord	Schneider, Wis.
Bigelow	Focht	Luckey, Nebr.	Scott
Binderup	Fries, Ill.	Ludlow	Secrest
Bolleau	Garrett	McSweeney	Shafer, Mich.
Buckler, Minn.	Gehrmann	Magnuson	Smith, Maine
Burdick	Gifford	Mapes	Smith, Wash.
Cannon, Wis.	Gilchrist	Martin, Mass.	Snell
Carlson	Gray, Ind.	Mason	South
Carter	Griswold	Maverick	Stefan
Case, S. Dak.	Guyer	Michener	Taylor, Tenn.
Ciason	Gwynne	Mott	Teigan
Cluett	Hendricks	Murdock, Ariz.	Thom
Coffee, Wash.	Hildebrandt	O'Connell, Mont.	Tobey
Connery	Hill, Wash.	O'Day	Towey
Crawford	Hoffman	O'Malley	Transue
Crosser	Honeyman	O'Neill, N. J.	Treadway
Crowther	Hope	Oliver	Voorhis
Culkin	Hull	Pace	Wene
Dirksen	Jarrett	Patterson	Withrow
Disney	Jenkins, Ohio	Pierce	Wolcott
Ditter	Johnson, Minn.	Polk	Wolfenden
Dondero	Kenney	Rankin	Woodruff
Douglas	Kinzer	Reed, Ill.	
Dowell	Kniffin	Reed, N. Y.	

NAYS—275

Aleshire	Driver	Kloeb	Rabaut
Allen, La.	Eaton	Kocialkowski	Ramsay
Allen, Pa.	Eckert	Kramer	Ramspeck
Andrews	Edmiston	Lambeth	Randolph
Arnold	Ellenbogen	Lanham	Rayburn
Ashbrook	Evans	Lanzetta	Reece, Tenn.
Atkinson	Faddis	Larrabee	Reilly
Bacon	Farley	Lea	Richards
Barden	Ferguson	Lewis, Colo.	Rigney
Barry	Fernandez	Long	Robertson
Beam	Fitzgerald	Lucas	Robinson, Utah
Beiter	Fitzpatrick	Luce	Rogers, Okla.
Bell	Flannagan	Luecke, Mich.	Romjue
Biermann	Flannery	McAndrews	Sadowski
Bland	Forand	McClellan	Sanders
Bloom	Ford, Calif.	McFarlane	Schaefer, Ill.
Boehne	Ford, Miss.	McGranery	Schuetz
Boyer	Frey, Pa.	McGrath	Schulte
Boykin	Fuller	McKeough	Seger
Boylan, N. Y.	Fulmer	McLaughlin	Shanley
Bradley	Gambrill	McLean	Shannon
Brooks	Gavagan	McMillan	Sheppard
Brown	Gearhart	McReynolds	Sirovich
Buck	Gildea	Maas	Smith, Conn.
Bulwinkle	Gingery	Mahon, Tex.	Smith, W. Va.
Burch	Goldsborough	Ma.oney	Snyder, Pa.
Byrne	Gray, Pa.	Mansfield	Somers, N. Y.
Caldwell	Green	Martin, Colo.	Sparkman
Cannon, Mo.	Greenwood	Massingale	Spence
Cartwright	Greever	May	Stack
Casey, Mass.	Gregory	Mead	Starnes
Celler	Griffith	Meeks	Steagall
Champion	Haines	Merritt	Sullivan
Chandler	Halleck	Millard	Sumners, Tex.
Chapman	Hamilton	Miller	Sutphin
Church	Hancock, N. Y.	Mills	Sweeney
Citron	Hancock, N. C.	Mitchell, Ill.	Swope
Clark, Idaho	Harlan	Mitchell, Tenn.	Tarver
Clark, N. C.	Harrington	Moser, Pa.	Taylor, S. C.
Claypool	Hart	Mosier, Ohio	Terry
Cochran	Harter	Mouton	Thomas, N. J.
Coffee, Nebr.	Hartley	Murdock, Utah	Thomas, Tex.
Colden	Havenner	Nelson	Thomason, Tex.
Cole, Md.	Hennings	Nichols	Thompson, Ill.
Collins	Higgins	Norton	Tinkham
Colmer	Hill, Ala.	O'Brien, Ill.	Tolan
Cooley	Hill, Okla.	O'Connell, R. I.	Turner
Cooper	Hobbs	O'Connor, Mont.	Umstead
Costello	Holmes	O'Connor, N. Y.	Vincent, B. M.
Cox	Hook	O'Leary	Vinson, Ga.
Cravens	Houston	O'Neal, Ky.	Vinson, F. M.
Creal	Hunter	O'Toole	Wadsworth
Crosby	Imhoff	Owen	Wallgren
Crowe	Izac	Palmisano	Walter
Cullen	Jacobsen	Parsons	Warren
Cummings	Jenckes, Ind.	Patman	Wearin
Daly	Johnson, Okla.	Patrick	Weaver
Deen	Johnson, Tex.	Patton	Welch
Delaney	Johnson, W. Va.	Pearson	West
Dempsey	Jones	Peterson, Fla.	Whelchel
DeMuth	Kee	Peterson, Ga.	White, Idaho
DeRouen	Kelly, Ill.	Pettengill	Whittington
Dickstein	Kennedy, Md.	Peyser	Wigglesworth
Dies	Kennedy, N. Y.	Pfeifer	Williams
Dingell	Keogh	Phillips	Wolverton
Dockweiler	Kerr	Plumley	Woodrum
Dorsey	Kirwan	Poage	Zimmerman
Doughton	Kitchens	Powers	The Speaker
Drewry, Va.	Kleberg	Quinn	

NOT VOTING—39

Allen, Del.	Duncan	Lesinski	Scrugham
Boland, Pa.	Eberharter	Lewis, Md.	Short
Boren	Gasque	McCormack	Smith, Va.
Brewster	Goodwin	McGehee	Taber
Buckley, N. Y.	Healey	McGroarty	Taylor, Colo.
Cole, N. Y.	Jarman	Mahon, S. C.	Thurston
Curley	Jenks, N. H.	O'Brien, Mich.	White, Ohio
Dixon	Keller	Ryan	Wilcox
Doxey	Kelly, N. Y.	Sabath	Wood
Drew, Pa.	Lamneck	Sacks	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "nay."

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Short (for) with Mr. O'Brien of Michigan (against).
Mr. Cole of New York (for) with Mr. Duncan (against).
Mr. Brewster (for) with Mr. Lamneck (against).

General pairs until further notice:

Mr. Taylor of Colorado with Mr. Taber.
Mr. McCormack with Mr. Jenks of New Hampshire.
Mr. Smith of Virginia with Mr. White of Ohio.
Mr. Lewis of Maryland with Mr. Goodwin.
Mr. Wilcox with Mr. Scrugham.
Mr. Boland with Mr. Healey.
Mr. Doxey with Mr. Keller.
Mr. Gasque with Mr. Lesinski.
Mr. Sabath with Mr. Ryan.

Mr. Dixon with Mr. Boren.
Mr. Jarman with Mr. McGehee.
Mr. Kelly of New York with Mr. Curley.
Mr. Drew of Pennsylvania with Mr. Hook.
Mr. Buckley with Mr. Eberharter.
Mr. Wood with Mr. Allen of Delaware.
Mr. Mahon of South Carolina with Mr. Sachs.

Mr. FORD of Mississippi. Mr. Speaker, my colleagues the gentlemen from Mississippi, Mr. DOXEY and Mr. MCGEHEE, are necessarily detained. If they were present, I am not advised how they would vote on the motion to recommit, but they would vote "yea" on the final passage of the bill.

Mr. RICHARDS. Mr. Speaker, I desire to announce that my colleague the gentleman from South Carolina, Mr. MAHON, is detained from the House on account of a death in his family. If present, he would vote "nay" on the motion to recommit and "yea" on the passage of the bill.

Mr. CANNON of Missouri. Mr. Speaker, my colleague the gentleman from Missouri, Mr. WOOD, who is absent on official business, requests me to say that if he were present he would vote "nay" on the motion to recommit and "yea" on the passage of the bill.

Mr. MCGRANERY. Mr. Speaker, my colleague the gentleman from Pennsylvania, Mr. SACKS, is unavoidably absent. If present, he would vote "nay" on the motion to recommit.

Mr. HARLAN. Mr. Speaker, may I announce that my colleague the gentleman from Ohio, Mr. LAMNECK, is absent on account of official business. If present, he would vote "nay" on the motion to recommit.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. MCREYNOLDS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 376, nays 13, not voting 42, as follows:

[Roll No. 34]

YEAS—376

Aleshire	Coffee, Nebr.	Flannery	Houston
Allen, Ill.	Colden	Fleger	Hull
Allen, La.	Cole, Md.	Fletcher	Hunter
Allen, Pa.	Collins	Focht	Imhoff
Amlie	Colmer	Forand	Izac
Anderson, Mo.	Connery	Ford, Calif.	Jacobsen
Andresen, Minn.	Cooley	Ford, Miss.	Jarman
Andrews	Cooper	Frey, Pa.	Jarrett
Arends	Costello	Fries, Ill.	Jenckes, Ind.
Arnold	Cox	Fuller	Jenkins, Ohio
Ashbrook	Cravens	Fulmer	Johnson, Minn.
Atkinson	Crawford	Gambrill	Johnson, Okla.
Barden	Creal	Garrett	Johnson, Tex.
Barry	Crosby	Gavagan	Johnson, W. Va.
Bates	Crosser	Gearhart	Jones
Beam	Crowe	Gehrmann	Kee
Beiter	Crowther	Gifford	Kelly, Ill.
Bell	Culkin	Gilchrist	Kennedy, Md.
Biermann	Cullen	Gildea	Kennedy, N. Y.
Bigelow	Daly	Gingery	Kenney
Bland	Deen	Goldsborough	Keogh
Bloom	Delaney	Gray, Ind.	Kinzer
Boehne	Dempsey	Gray, Pa.	Kirwan
Boileau	DeMuth	Green	Kitchens
Boyer	DeRouen	Greenwood	Kleberg
Boykin	Dickstein	Greever	Kloeb
Boylan, N. Y.	Dies	Gregory	Kniffin
Bradley	Dingell	Griffith	Knutson
Brooks	Disney	Griswold	Kocialkowski
Brown	Ditter	Guyer	Kopplemann
Buckler, Minn.	Dockweiler	Gwynne	Kramer
Bulwinkle	Dondero	Haines	Kvale
Burch	Dorsey	Halleck	Lambertson
Byrne	Doughton	Hamilton	Lambeth
Caldwell	Douglas	Hancock, N. Y.	Lanham
Cannon, Mo.	Dowell	Hancock, N. C.	Lanzetta
Cannon, Wis.	Drewry, Va.	Harlan	Larrabee
Carlson	Driver	Harrington	Lea
Carter	Dunn	Hart	Leavy
Cartwright	Eaton	Harter	Lemke
Case, S. Dak.	Eckert	Hartley	Lewis, Colo.
Casey, Mass.	Edmiston	Havenner	Long
Celler	Eicher	Hendricks	Lord
Champion	Ellenbogen	Hennings	Lucas
Chandler	Engel	Higgins	Luce
Chapman	Englebright	Hildebrandt	Luckey, Nebr.
Church	Evans	Hill, Ala.	Luecke, Mich.
Citron	Faddis	Hill, Okla.	McAndrews
Clark, Idaho	Farley	Hill, Wash.	McFarlane
Clark, N. C.	Ferguson	Hobbs	McGranery
Clason	Fernandez	Hoffman	McGrath
Claypool	Fitzgerald	Holmes	McKeough
Cluett	Fitzpatrick	Honeyman	McLaughlin
Cochran	Flannagan	Hope	McLean
McMillan	O'Neal, Ky.	Robinson, Utah	Taylor, Tenn.
McReynolds	O'Neill, N. J.	Rogers, Okla.	Terry
McSweeney	O'Toole	Romjue	Thom
Maas	Oliver	Rutherford	Thomas, N. J.
Magnuson	Owen	Sadowski	Thomas, Tex.
Mahon, Tex.	Pace	Sanders	Thompson, Ill.
Maloney	Palmisano	Sauthoff	Thurston
Mansfield	Parsons	Schaefer, Ill.	Tobey
Mapes	Patman	Schneider, Wis.	Tolan
Martin, Colo.	Patrick	Schuetz	Towey
Martin, Mass.	Patterson	Schulte	Transue
Massingale	Patton	Scott	Treadway
Maverick	Pearson	Secrest	Turner
May	Peterson, Fla.	Seger	Umstead
Mead	Peterson, Ga.	Shafer, Mich.	Vincent, B. M.
Meeks	Pettengill	Shanley	Vinson, Ga.
Merritt	Peyser	Shannon	Vinson, F. M.
Michener	Pfeifer	Sheppard	Voorhis
Millard	Phillips	Sirovich	Waligren
Miller	Pierce	Smith, Conn.	Walter
Mills	Plumley	Smith, Maine	Warren
Mitchell, Ill.	Poage	Smith, Wash.	Wearin
Mitchell, Tenn.	Polk	Smith, W. Va.	Weaver
Moser, Pa.	Powers	Snell	Welch
Mosier, Ohio	Quinn	Snyder, Pa.	Wene
Mott	Rabaut	Somers, N. Y.	West
Mouton	Ramsay	South	Whelchel
Murdock, Ariz.	Ramspeck	Sparkman	White, Idaho
Murdock, Utah	Randolph	Spence	White, Ohio
Nelson	Rankin	Stack	Whittington
Nichols	Rayburn	Starnes	Wigglesworth
Norton	Reece, Tenn.	Steagall	Williams
O'Brien, Ill.	Reed, Ill.	Stefan	Withrow
O'Brien, Mich.	Reed, N. Y.	Sullivan	Wolcott
O'Connell, R. I.	Rees, Kans.	Sumners, Tex.	Wolfenden
O'Connor, Mont.	Reilly	Sutphin	Wolverton
O'Connor, N. Y.	Rich	Sweeney	Woodruff
O'Day	Richards	Swope	Woodrum
O'Leary	Rigney	Tarver	Zimmerman
O'Malley	Robertson	Taylor, S. C.	The Speaker

NAYS—13

Bacon	Dirksen	O'Connell, Mont.	Teigan
Bernard	Ludlow	Robsion, Ky.	Tinkham
Burdick	Mason	Rogers, Mass.	Wadsworth
Coffee, Wash.			

NOT VOTING—42

Allen, Del.	Doxey	Kerr	Sacks
Binderup	Drew, Pa.	Lamneck	Scrugham
Boland, Pa.	Duncan	Lesinski	Short
Boren	Eberharter	Lewis, Md.	Smith, Va.
Brewster	Fish	McClellan	Taber
Buck	Gasque	McCormack	Taylor, Colo.
Buckley, N. Y.	Goodwin	McGehee	Thomason, Tex.
Cole, N. Y.	Healey	McGroarty	Wilcox
Cummings	Jenks, N. H.	Mahon, S. C.	Wood
Curley	Keller	Ryan	
Dixon	Kelly, N. Y.	Sabath	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "aye."

So the Senate joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Lamneck (for) with Mr. Short (against).
Mr. Brewster (for) with Mr. Cole of New York (against).

General pairs:

Mr. Taylor of Colorado with Mr. Taber.
Mr. McCormack with Mr. Jenks of New Hampshire.
Mr. Smith of Virginia with Mr. Goodwin.
Mr. Lewis of Maryland with Mr. Fish.
Mr. Wilcox with Mr. Scrugham.
Mr. Boland of Pennsylvania with Mr. Healey.
Mr. Doxey with Mr. Keller.
Mr. Gasque with Mr. Lesinski.
Mr. Sabath with Mr. Ryan.
Mr. Dixon with Mr. Boren.
Mr. Kelly of New York with Mr. McGehee.
Mr. Drew of Pennsylvania with Mr. Hook.
Mr. Curley with Mr. Teigan.
Mr. Buckley of New York with Mr. Eberharter.
Mr. Wood with Mr. Allen of Delaware.
Mr. Mahon of South Carolina with Mr. Sacks.
Mr. Duncan with Mr. Cummings.
Mr. Kerr with Mr. Binderup.
Mr. McClellan with Mr. Buck.
Mr. Thomason of Texas with Mr. McGroarty.

Mr. HIGGINS. Mr. Speaker, my colleagues the gentleman from Massachusetts, Mr. MCCORMACK, and the gentleman from Massachusetts, Mr. HEALEY, are unavoidably absent. If present, they would vote "nay" on the motion to recommit and "aye" on the passage of the bill.

Mr. SADOWSKI. Mr. Speaker, my colleagues the gentleman from Michigan, Mr. LESINSKI, and the gentleman from Michigan, Mr. O'BRIEN, are unavoidably absent. If present, they would have voted "nay" on the motion to recommit and "aye" on the passage of the bill.

Mr. WILLIAMS. Mr. Speaker, my colleague the gentleman from Missouri, Mr. DUNCAN, is unavoidably absent on account of the death of his mother. If present, he would have voted "nay" on the motion to recommit and "aye" on the passage of the bill.

Mr. MCREYNOLDS. Mr. Speaker, I want to ask the Chair a question with respect to straightening out a vote. A gentleman came in and thought he had voted in place of the gentleman from New York [Mr. FISH]. I am not sure whether the vote was so recorded or not.

The SPEAKER. The gentleman from New York [Mr. FISH] did not vote.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

The title of the Senate joint resolution was amended.

CAVELIER DE LA SALLE

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent to extend, at this point in the RECORD, a brief announcement with reference to the two hundred and fiftieth anniversary of the death of Cavelier de La Salle, who discovered the Mississippi Valley.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PETTENGILL. Mr. Speaker, a quarter of a thousand years ago tomorrow, March 19, 1687, at or near Navasota, Tex., one of the greatest empire builders of all time met his death. I refer to René Robert Cavelier, Sieur de La Salle.

His richest legacy, which he left to his king and to posterity, was the Louisiana Territory, which he established by discovery and exploration.

The millions who live in the valley of the imperial Mississippi, as well as in other sections of the United States, and Canada and his native France, can only profit if they pause to reflect upon the hardships he endured, the courage that spurred him on, and the Christian faith that sustained him. It is doubtful if any man who ever trod this continent excelled him in "the arduous greatness of things done."

The people of southern Michigan and northern Indiana take an especial interest in perpetuating his memory, for it was near what is now South Bend that he first crossed over from the St. Lawrence Basin to the Mississippi watershed on December 5, 1679.

It is on that famous portage that the La Salle memorial committee of South Bend hopes to see some day erected an international shrine in his memory. I trust that the Congress of the United States may aid in that undertaking.

For what now follows I am indebted to Dr. L. A. Rausch, chairman of that committee:

On Friday, March 19, 1937, the schools of the United States, Canada, and France have been asked to unite in the commemoration of the two hundred and fiftieth anniversary of the death of René Robert Cavelier, Sieur de La Salle.

La Salle, as this scholarly explorer is known in history, was born to wealthy parents in 1643, and spent his childhood in his native city of Rouen, on the river Seine in France. Here, where he could watch the ships coming from and going to the sea, he acquired a taste for business and adventure which in later life caused him to renounce his intention to become a Jesuit priest, and set his course to America in search of a passage to China.

La Salle's plan was to explore into the heart of the American continent, and establish forts as preliminary steps in a vast program of colonization, which was to protect the water route that he assumed led to the Pacific Ocean and the Orient.

On all his important journeys, La Salle was accompanied by priests, the ministers of his church. Where La Salle built a fort, there also he erected a chapel for the worship of his God. His high moral standard, which he imposed on those who traveled with him, caused many to desert.

It was La Salle, the diplomat, who in the glamorous court of Louis the XIV, persuaded the King and his counselors to grant La Salle the right to explore and colonize the new continent.

Again it was La Salle, the diplomat, who in the wilderness persuaded the Illinois and Miami chiefs to discontinue their feuds and join him as subjects of France, thereby obtaining without the force of arms, security for his explorations and colonizations. In the presence of the Council Oak, which still stands near the portage used by La Salle, the pipe of peace was smoked by white and red men alike, a symbol of friendship and loyalty.

The calumet is truly symbolic of La Salle, for he believed in peaceful progress. However, he also believed that ability to defend one's self often prevented undesirable attack, so we find La Salle always able to defend his party with force of arms if necessary, showing at all times a courage built upon preparedness, yet preferring the peaceful council and calumet rather than a decision through the shedding of blood.

Twenty years in the wilderness demonstrated all the fine and noble qualities of the man La Salle. His several journeys claimed for France that vast territory of the Mississippi Valley, which La Salle named Louisiana, and which later was given by France to the then young United States. It was La Salle who discovered and named the Ohio "The Beautiful River." It was La Salle who first journeyed from a source of the Mississippi, the Kankakee River, to its mouth on the Gulf of Mexico. It was La Salle who by accident established a colony in what is now the State of Texas in the region of Matagorda Bay.

Disaster followed disaster throughout the career of La Salle, but an unconquerable spirit caused him to carry on when less sturdy souls would have given up. The storm on the Gulf of Mexico, which caused La Salle to miss the mouth of the Mississippi, forced the establishment of his last colony on the Matagorda River. But, in his characteristic manner, La Salle set about to rediscover the river he had missed, in an effort to reach his Canadian estates, with the intention of starting again.

It was while his party was on his back-track that a disgruntled follower, hiding in the underbrush along the trail, shot La Salle dead as La Salle was hastening to the relief of another member of his party who was in distress.

Thus an untimely end was brought to the career of the peer of French explorers. And his body, stripped of all valuables, was tossed into the bushes, left to an unknown fate beside an unmarked trail near one of the rivers in Texas on the morning of March 19, 1687.

The Council Oak and the La Salle Portage Trail in South Bend, Ind., mark the gateway to the West—the shortest portage between the Great Lakes and Mississippi waterways—which was used often by La Salle. Here was consummated the most important treaty of La Salle's wilderness career. So it is fitting, on this the quarto-millenial anniversary of the death of La Salle, that we as a nation promptly continue to completion the proposed International shrine to La Salle to be erected overlooking the La Salle Portage and the council site.

EXTENSION OF REMARKS

Mr. KVALE. Mr. Speaker, I ask unanimous consent to include in my remarks delivered today a copy of a brief editorial upon which my remarks were based.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Minnesota if he knows that it is contrary to the rules of the House to put editorials in the RECORD?

The SPEAKER. Does the gentleman object to the request?

Mr. RICH. I am not objecting, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Monday next after the reading of the Journal and the disposition of matters on the Speaker's desk.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, and I must object, because we have set aside that day, which was the day for the Committee on the District of Columbia in order that we might take up an appropriation bill and have general debate. I am sure the gentleman could secure time in general debate on that day.

Mr. RICH. Then, Mr. Speaker, I ask that I may have the time on Tuesday.

Mr. RAYBURN. Mr. Speaker, I shall have to object to the request because the bill will be read that day under the 5-minute rule. If the gentleman wants to change his request to Thursday, I shall have no objection.

Mr. RICH. Then, Mr. Speaker, I submit the request for Wednesday.

Mr. RAYBURN. That is Calendar Wednesday, and I shall have to object to that.

Mr. RICH. Mr. Speaker, may I ask the gentleman from Texas [Mr. RAYBURN] whether he is going to permit any other Member of the House to have any time between now and Thursday?

Mr. RAYBURN. I am not.

Mr. RICH. Then, Mr. Speaker, I ask unanimous consent that I may address the House for 15 minutes on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. LANZETTA. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a statement which I made before a subcommittee of the Committee on Agriculture, which has under consideration the bill H. R. 5326.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GAVAGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a recent speech of the Postmaster General of the United States.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Michigan [Mr. HOFFMAN] may address the House for 15 minutes tomorrow following the special orders already entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE NEUTRALITY BILL

Mr. THOMASON of Texas. Mr. Speaker, I was called out of the Chamber during the roll call on the final passage of the neutrality bill and was unable to return before the roll call was concluded. Had I been present I would have voted "aye", and I ask unanimous consent that the RECORD may disclose this fact.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McGRANERY. Mr. Speaker, my colleague the gentleman from Pennsylvania, Mr. SACKS, is still unavoidably detained. If present, he would have voted "aye" on the passage of the neutrality bill.

EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to include as a part of my extension of remarks certain excerpts from the report of the Monetary Commission.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

CONTROL OF INSECT PESTS OR PLANT DISEASES

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. JONES, NELSON, and HOPE.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PATRICK, for Thursday and Friday, on account of official business.

To Mr. McFARLANE, for Thursday and Friday, on account of official business.

To Mr. CURLEY, indefinitely, on account of illness.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 272. Joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House adjourned until tomorrow, Friday, March 19, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, March 19, 1937. Business to be considered: Hearing on H. R. 185, railway-signal systems.

EXECUTIVE COMMUNICATIONS, ETC.

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

448. A letter from the Attorney General, transmitting a proposed draft of a bill to amend the Judicial Code in respect to claims against the United States for just compensation; to the Committee on the Judiciary.

449. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1937, for the Department of Agriculture, Bureau of Entomology and Plant Quarantine, amounting to $2,000,000 (H. Doc. No. 170); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ECKERT: Committee on the Territories. H. R. 5416. A bill to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935; without amendment (Rept. No. 430). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 5559. A bill to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); without amendment (Rept. No. 431). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 5550. A bill to provide for the payment of attorneys' fees from Osage tribal funds; without amendment (Rept. No. 432.) Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ATKINSON: Committee on Claims. S. 179. An act for the relief of J. H. Richards; without amendment (Rept. No. 398). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 593. A bill for the relief of Albert Wheeler; with amendment (Rept. No. 399). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 844. A bill for the relief of John Mack; with amendment (Rept. No. 400). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 1084. A bill for the relief of Samuel Cripps; with amendment (Rept. No. 401). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 1281. A bill for the relief of Irene Wright, mother and guardian of Harold Wright, a minor; with amendment (Rept. No. 402). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 1304. A bill for the relief of John E. Sandage; without amendment (Rept. No. 403). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 1689. A bill for the relief of Dominga Pardo; with amendment (Rept. No. 404). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 1759. A bill for the relief of Minnie D. Hines; with amendment (Rept. No. 405). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2218. A bill for the relief of Helen Marie Lewis; without amendment (Rept. No. 406). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2494. A bill for the relief of J. E. Midyette; with amendment (Rept. No. 407). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2630. A bill for the relief of R. N. Teague and Minnie Teague; with amendment (Rept. No. 408). Referred to the Committee of the Whole House.

Mr. DREW: Committee on Claims. H. R. 2935. A bill for the relief of Montrose Grimstead; with amendment (Rept. No. 409). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 2985. A bill for the relief of Edmond G. Warren; with amendment (Rept. No. 410). Referred to the Committee of the Whole House.

Mr. JACOBSEN: Committee on Claims. H. R. 3276. A bill for the relief of the Delaware Bay Shipbuilding Co.; with amendment (Rept. No. 411). Referred to the Committee of the Whole House.

Mr. DREW: Committee on Claims. H. R. 3426. A bill for the relief of Rose McGirr; without amendment (Rept. No. 412). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 3557. A bill for the relief of the Coast Fir & Cedar Products Co., Inc., with amendment (Rept. No. 413.) Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3583. A bill for the relief of Martin J. Blazevich; with amendment (Rept. No. 414). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 3654. A bill for the relief of Mrs. Lawrence Chlebeck; with amendment (Rept. No. 415). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 3841. A bill for the relief of Col. J. P. Barney; with amendment (Rept. No. 416). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 3924. A bill for the relief of Harry W. Sturrup; with amendment (Rept. No. 417). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4591. A bill for the relief of Sallie Gillespie; with amendment (Rept. No. 418). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4679. A bill for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States; without amendment (Rept. No. 419). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4681. A bill for the relief of Edward C. Paxton; without amendment (Rept. No. 420). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4762. A bill for the relief of Edward Y. Garcia and Aurelia Garcia; with amendment (Rept. No. 421). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4770. A bill for the relief of Elmer Geske; with amendment (Rept. No. 422). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5104. A bill for the relief of the Acme Wire & Iron Works; with amendment (Rept. No. 423). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 5112. A bill for the relief of Frank Lee Borney; with amendment (Rept. No. 424). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 5146. A bill for the relief of Sarah E. Palmer; without amendment (Rept. No. 425). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5206. A bill for the relief of Jacob G. Ackerman; without amendment (Rept. No. 426). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5304. A bill for the relief of the Polygraphic Co. of America; without amendment (Rept. No. 427). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5354. A bill for the relief of Charles Somogi, Jr.; without amendment (Rept. No. 428). Referred to the Committee of the Whole House.

Mr. SEGER: Committee on Claims. H. R. 5456. A bill for the relief of Harold Scott and Ellis Marks; without amendment (Rept. No. 429). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CELLER: A bill (H. R. 5752) to repeal the special tax on retail dealers in oleomargarine, and for other purposes; to the Committee on Agriculture.

By Mr. CASE of South Dakota: A bill (H. R. 5753) to authorize payment of the amounts due on delinquent homestead entries on certain Indian reservations; to the Committee on Indian Affairs.

By Mr. OLIVER: A bill (H. R. 5754) relative to the issuance of part of the coins authorized by the act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of York County, Maine", approved June 26, 1936; to the Committee on Coinage, Weights, and Measures.

By Mr. RAMSAY: A bill (H. R. 5755) relating to the Federal Employers' Liability Act, the taking of depositions, admissibility and perpetuation of testimony, cross-examination of interested witnesses, and trial procedure with reference thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. ROMJUE: A bill (H. R. 5756) authorizing a preliminary examination and survey of the Wyaconda River in Clark and Lewis Counties, Mo., with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. COCHRAN: A bill (H. R. 5757) to simplify accounting; to the Committee on Expenditures in the Executive Departments.

By Mr. DRIVER: A bill (H. R. 5758) to authorize the creation of a permanent revolving fund for loans to levee, drainage, irrigation, and reclamation districts, mutual nonprofit companies, and incorporated water-users' associations; to the Committee on Banking and Currency.

By Mr. HILL of Oklahoma: A bill (H. R. 5759) granting the consent of Congress to the several States to levy corporation license, franchise, or other similar taxes or fees measured by the value of capital or capital stock employed or

invested and/or the amount of business done by corporations engaged in interstate commerce within the taxing States; limiting the power to levy such taxes to the value of property and capital or value of capital stock owned or employed and/or business done by such corporations within the taxing States; and preventing double taxation; to the Committee on Ways and Means.

By Mr. PIERCE: A bill (H. R. 5760) to amend the Social Security Act with respect to the meaning of the term "agricultural labor"; to the Committee on Ways and Means.

By Mr. FISH: A bill (H. R. 5761) to restrict the importation of cotton, wool, and rayon, and for other purposes; to the Committee on Ways and Means.

By Mr. BLAND: A bill (H. R. 5762) to authorize the President of the United States to lend or give World War relics and other property at Fort Eustis, Va., to the American Legion Museum at Newport News, Va.; to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 5763) to provide for the extension of the boundaries of the Hot Springs National Park, in the State of Arkansas, and for other purposes; to the Committee on the Public Lands.

By Mr. BOYLAN of New York: Joint resolution (H. J. Res. 284) authorizing the President of the United States of America to proclaim the 13th day of April of each year Thomas Jefferson's Birthday; to the Committee on the Judiciary.

By Mr. SIROVICH: Joint resolution (H. J. Res. 285) authorizing the erection in Washington, D. C., of a monument in memory of Col. Robert Ingersoll; to the Committee on the Library.

By Mr. FISH: Joint resolution (H. J. Res. 286) providing for an amendment to the Constitution; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Maryland, memorializing the President and the Congress of the United States to act promptly and favorably on the proposals submitted by the President for improving the judiciary branch of the Government; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BREWSTER: A bill (H. R. 5764) granting a pension to Abbie S. Smith; to the Committee on Pensions.

Also, a bill (H. R. 5765) granting an increase of pension to Sarah E. Packard; to the Committee on Invalid Pensions.

By Mr. CLARK of Idaho: A bill (H. R. 5766) for the relief of Charles E. La Vatta; to the Committee on Claims.

By Mr. FITZPATRICK: A bill (H. R. 5767) for the relief of Eugenio Soldo; to the Committee on Immigration and Naturalization.

By Mr. GARRETT: A bill (H. R. 5768) for the relief of A. B. Chambers and in behalf of Mary Louise Chambers, a minor; to the Committee on Claims.

By Mr. HIGGINS: A bill (H. R. 5769) authorizing the Secretary of War to award a Distinguished Service Cross to Daniel Foley; to the Committee on Military Affairs.

By Mrs. JENCKES of Indiana: A bill (H. R. 5770) granting a pension to Rose Grubbs; to the Committee on Pensions.

By Mr. LUECKE of Michigan: A bill (H. R. 5771) granting an increase of pension to Helen A. Halsted; to the Committee on Invalid Pensions.

By Mr. PATRICK: A bill (H. R. 5772) granting a pension to Charlotte Dean; to the Committee on Pensions.

Also, a bill (H. R. 5773) granting a pension to Mollie G. Tomlinson; to the Committee on Pensions.

Also, a bill (H. R. 5774) for the relief of Jack Page; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 5775) granting an increase of pension to Susie F. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5776) granting an increase of pension to Eva E. Franklin; to the Committee on Invalid Pensions.

By Mr. SHANLEY: A bill (H. R. 5777) for the relief of Capt. Francis H. S. McKeon; to the Committee on Claims.

By Mr. WELCH: A bill (H. R. 5778) to confer jurisdiction on the District Court of the United States for the District of Columbia to hear, determine, and render judgment upon the claim of C. A. Blume against the United States; to the Committee on Claims.

PETITIONS, ETC.

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

1189. By Mr. ASHBROOK: Petitions of Rev. and Mrs. J. B. Cullison and Mr. and Mrs. Harry W. Stewart, Roscoe, Ohio, protesting against any law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1190. By Mr. BIERMANN: Memorial of the farmers of Winneshiek County, Iowa, favoring the continuance of the present agricultural-conservation program; to the Committee on Agriculture.

1191. By Mr. CRAWFORD: Petition of residents of Saginaw, Mich., opposing the plan of the President to increase the number of Justices of the Supreme Court and thereby control the judicial powers; to the Committee on the Judiciary.

1192. Also, petition of residents of St. Johns, Mich., opposing any plan to prohibit the use of the mails for distribution of Christian periodicals; to the Committee on the Judiciary.

1193. By Mr. CURLEY: Resolution of the Railroad Employees' National Pension Association, supporting the President's plan for judicial reorganization; to the Committee on the Judiciary.

1194. Also, resolutions of the International Association of Bridge, Structural, and Ornamental Iron Workers, supporting the President's recommendations for judicial reform embodied in his message to the Congress of February 5, 1937; to the Committee on the Judiciary.

1195. Also, resolutions of the American Labor Party, urging enactment of the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1196. Also, resolution of the Central Trades and Labor Council of Greater New York and Vicinity, endorsing the President's plan for judicial reform; to the Committee on the Judiciary.

1197. By Mr. DIXON: Memorial of the Ohio Senate, memorializing Congress to support the recommendations of Hon. Franklin D. Roosevelt, President of the United States, with reference to the Federal judiciary; to the Committee on the Judiciary.

1198. By Mr. FISH: Petition of 71 citizens and residents of Middletown, Orange County, N. Y., opposing the President's proposal to pack and control the Supreme Court; to the Committee on the Judiciary.

1199. By Mr. FITZPATRICK: Petition of the American Labor Party of New York State, urging the support of the President's gallant, courageous, and practical endeavors for judicial reform; to the Committee on the Judiciary.

1200. Also, petition of the Railroad Employee's National Pension Association, endorsing the President's program with relation to the United States Supreme Court; to the Committee on the Judiciary.

1201. By Mr. KEOGH: Petition of the Detroit Federation of Teachers, Local 231, Detroit, Mich., concerning the Harrison-Black-Fletcher bill for Federal aid to schools, with amendments; to the Committee on Education.

1202. Also, petition of the United Association of Railroad Veterans, concerning the Pettengill bill (H. R. 1668) covering repeal of long-and-short-haul clause of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

1203. By Mr. KINZER: Petitions of A. L. Halteman and others, of West Chester, Pa., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

1204. Also, petitions of the citizens of Lancaster and Chester Counties, urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1205. By Mr. MERRITT: Resolution of the Eastern Federation of Feed Merchants, Inc., favoring an increase of tax on vegetable oils entering the United States which may be used as butter substitutes; to the Committee on Ways and Means.

1206. Also, resolution of the Walden Democratic Club, endorsing President Roosevelt's plan to reorganize the Supreme Court and urging its Representatives and Congressmen to vote for the plan; to the Committee on the Judiciary.

1207. Also, resolution of the Eugene S. Smith Council, No. 189, Junior Order United American Mechanics, of Syosset, Long Island, favoring the adoption of House bill 4356, because there are 6,284,613 aliens now in the United States, many of whom are inimical to American traditions; to the Committee on Immigration and Naturalization.

1208. Also, resolution of the Eugene S. Smith Council, No. 189, Junior Order United American Mechanics, of Syossett, Long Island, urging upon Congress the adoption of House bill 4353 providing for the deportation of habitual alien criminals and other undesirable aliens in the United States; to the Committee on Immigration and Naturalization.

1209. Also, resolution of the Eugene S. Smith Council, No. 189, Junior Order United American Mechanics, of Syossett, Long Island, urging upon Congress the adoption of House bill 4355, providing for the registration of all aliens in the United States, in order to facilitate the apprehension of the criminal alien; to the Committee on Immigration and Naturalization.

1210. Also, resolution of the Eugene S. Smith Council, No. 189, Junior Order United American Mechanics, of Syossett, Long Island, urging upon Congress the adoption of House bill 4354, providing for reducing immigration to 90 percent, to authorize the exclusion of any alien whose entry into the United States is inimical to public interest, to prohibit the separation of families through the entry of aliens leaving dependents abroad; to the Committee on Immigration and Naturalization.

1211. By Mr. MILLARD: Resolution adopted by the Phi Delta Phi Association, New York, opposing the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

1212. By Mr. PETERSON of Georgia: Petition of citizens of Evans County and Bulloch County, Ga., concerning the enactment of old-age pension bill (H. R. 2257) by Mr. ROGERS of Oklahoma; to the Committee on Ways and Means.

1213. By Mr. PFEIFER: Petition of the Ancient Order of Hibernians of Allegheny County, Pittsburgh, Pa., urging the passage of the McCarran-Mead bills (S. 70 and H. R. 167); to the Committee on the Post Office and Post Roads.

1214. By Mr. RAMSAY (by request): Petition of Willard S. Isham, Washington, D. C., praying the House of Representatives to appoint a committee to investigate charges made by him against the judges of the Court of Claims; to the Committee on the Judiciary.

1215. By Mr. SHAFER of Michigan: Resolution of the Railway Employes' National Pension Association, calling upon Congress to cooperate with President Roosevelt in his Supreme Court reorganization proposals; to the Committee on the Judiciary.

1216. Also, petition signed by the Reverend P. L. Perkins, of Albion, and 18 other citizens, of Calhoun County, Mich., urging Congress to enact the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

1217. By Mr. SUTPHIN: Resolution by the Southern Ocean County Democratic Club of New Jersey, supporting the President in his plan to reform the Supreme Court; to the Committee on the Judiciary.

1218. By Mr. TEIGAN: Petition of the Minnesota State Legislature, urging passage of the Frazier bill for the refinancing of farm mortgages through the Federal farm-loan system, the Federal Reserve Banking System, and the Postal-Savings Depository System, and creating a board of agriculture to supervise the same; to the Committee on Agriculture.

SENATE

FRIDAY, MARCH 19, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, who hast watched above us while we slept and from the night hast called another day, be with us through the hours that stretch before us all untried, and fill them with such noble thoughts and care for the common weal as will grave upon each brow a look of patient power. Be near to every heart here and throughout the world this day, O Savior of mankind, and shelter with the shadow of Thy cross of love all those who are so overborne with grief, and may the Nation's sympathy be unto them the earnest and the pledge of Thine own tenderness.

Blessed Christ, who in the long ago didst take little children into Thine arms to comfort and bless them there, open our eyes that, looking beyond the horizon of earth's sorrows, we may see Thee as Thou art and hear again Thy gentle voice saying, "Suffer the little children to come unto me for of such is the kingdom of heaven." Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 17, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. In order that we may be assured of the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dieterich	Lee	Radcliffe
Bachman	Duffy	Lewis	Reynolds
Bailey	Ellender	Lodge	Robinson
Barkley	Frazier	Logan	Russell
Bilbo	George	Lonergan	Schwartz
Black	Gerry	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McGill	Steiwer
Bridges	Green	McKellar	Thomas, Okla.
Brown, Mich.	Guffey	McNary	Thomas, Utah
Bulow	Hale	Maloney	Townsend
Burke	Harrison	Minton	Tydings
Byrd	Hatch	Moore	Vandenberg
Byrnes	Hayden	Murray	Van Nuys
Capper	Herring	Neely	Walsh
Caraway	Holt	Norris	Wheeler
Chavez	Hughes	O'Mahoney	White
Clark	Johnson, Calif.	Overton	

Mr. LEWIS. I announce that the senior Senator from Ohio [Mr. BULKLEY], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from New Hampshire [Mr. BROWN], the Senator from Nevada [Mr. MCCARRAN], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent on public business; while the Senator from New York [Mr. WAGNER] is unavoidably detained from the Senate.

Mr. BULOW. I announce that my colleague the junior Senator from South Dakota [Mr. HITCHCOCK] is detained from the Senate because of a death in his family.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

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

THE DISASTER AT NEW LONDON, TEX.

Mr. CONNALLY. Mr. President, I ask unanimous consent to speak for 2 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Texas will proceed.

Mr. CONNALLY. Mr. President, the whole country has been shocked by a terrible tragedy which occurred yesterday in the great State which I in part have the honor to represent in this body. An explosion which wiped out the lives

of hundreds of innocent school children at New London, Tex., produced a holocaust which staggers the imagination and arouses the grief and sympathy of the whole Nation.

In this tragic hour may I pay tribute to the American Red Cross and to the United States Army, both of which acted with promptitude and efficiency in extending all aid that is within their power and resources. It is also a matter of pride that the people of Texas and her public authorities have quickly responded to the necessities of the situation and have provided corps of physicians, nurses, and hospital facilities to care for the maimed, wounded, and injured. The hearts and sympathies of the people of Texas are profoundly moved by this stupendous calamity. I know that their feelings are universally shared by the people of America.

Mr. SHEPPARD. Mr. President, I join my colleague [Mr. CONNALLY] in deploring the calamity which occurred in Texas yesterday. It was one of the major disasters of history, terrible beyond every power of expression. The Nation is bowed in grief today, and I feel that I speak advisedly when I say that the entire Senate is in deepest sympathy with the stricken families, the stricken community, and the stricken State.

REORGANIZATION OF THE FEDERAL JUDICIARY—NOTICE OF RADIO ADDRESS BY FORMER JUSTICE CLARK

Mr. ROBINSON. Mr. President, probably no subject has aroused more general public interest than that relating to the proposed reorganization of the Federal judiciary. Various viewpoints are being presented in public addresses, in magazines, and in newspapers. Almost unaccountably, to me at least, the issues involved in the plan presented by the President have overshadowed other topics discussed in the two Houses of the Congress and in the country at large.

Recently one of the Justices of the Supreme Court, Mr. Justice McReynolds, expressed his views on the subject in a public speech and quite naturally they were given widespread publicity.

As I now recall, the only living former member of the Supreme Court resigned from the bench in order to devote his time to the cultivation of public opinion in behalf of international peace. He is Mr. John Hessin Clark, a lawyer of great learning, a gentleman of refinement, a scholar of renown. He is expected to deliver a radio address next Monday evening, March 22, at 9 o'clock, eastern standard time, on the relation of the President's proposal to the Federal Constitution.

I take the liberty of making this announcement in order that Senators and others who are interested in hearing what he may have to say will be apprised of his intention to speak and have the opportunity of hearing the eminent jurist.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting sundry nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES, Mr. NELSON, and Mr. HOPE were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 28. An act to authorize the deportation of aliens who secured preference-quota or nonquota visas through fraud by contracting marriage solely to fraudulently expedite admission to the United States, and for other purposes;

H. R. 29. An act to declare that a citizen of the United States who votes in a political election in a foreign state or who participates in certain voting abroad to determine sovereignty of foreign territory shall lose United States citizenship and nationality; and

H. R. 3679. An act to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.;

S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa;

S. 997. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa;

H. R. 1096. An act for the relief of Michael E. Sullivan; and

H. J. Res. 272. Joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes.

NAVAL APPROPRIATIONS—REPORT OF COMMITTEE ON APPROPRIATIONS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, which was read and ordered to lie on the table, as follows:

UNITED STATES SENATE,
Washington, March 19, 1937.

To the PRESIDENT OF THE SENATE:

Under the order of the Senate of the 17th instant, Mr. BYRNES, from the Committee on Appropriations, filed with me, as Secretary of the Senate, on the 18th instant, the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes, with amendments and an accompanying report (No. 203) thereon.

Very truly yours,

EDWIN A. HALSEY, *Secretary.*

COOS BAY WAGON ROAD GRANT LANDS, OREGON

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation relating to the revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands, situated in the State of Oregon, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

GRAND CANYON NATIONAL PARK AND MONUMENT, ARIZ.

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to revise the boundary of the Grand Canyon National Park in the State of Arizona; to abolish the Grand Canyon National Monument; to restore certain lands to the public domain, and for other purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

LIMITS OF TOWN OF ST. THOMAS, VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copy of an ordinance adopted by the

Municipal Council of St. Thomas and St. John on November 23, 1936, to extend the limits of the town of St. Thomas, together with a justification therefor, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, responding to Senate Resolution 82 (agreed to on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, and embodying a statement showing the extent and manner in which operations under the Department of the Interior have been affected, as well as a statement showing the instances in which there has been a conflict among the inferior Federal courts with respect to such cases, which was referred to the Committee on the Judiciary and ordered to be printed (S. Doc. No. 37).

He also laid before the Senate a letter from the Secretary of Agriculture, submitting in response to Senate Resolution 82, a statement of all cases in which injunctions affecting the Department of Agriculture have been issued by the Federal courts since March 4, 1933, excepting cases relating to processing taxes under the Agricultural Adjustment Act, as to which the Department of Justice will submit a statement, which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed (S. Doc. No. 38).

He also laid before the Senate a letter from the Secretary of Commerce, submitting a statement in response to Senate Resolution 82 (agreed to on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed (S. Doc. No. 39).

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

Concurrent resolution memorializing the President of the United States and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that the Government of the United States should perform its solemn promise and duty and place American agriculture on the basis of equality with other industries by providing an adequate system of credit, and that adequate legislation to that end should be adopted at the earliest possible date

Whereas the farmers throughout the entire United States have lost and are losing their lands and chattels through inability to refinance loans and their property because of high interest rates and low prices of agricultural commodities; and

Whereas agriculture is the basic industry of this country, and there can be no sound business prosperity unless the business of agriculture is placed on a sound basis and on an equal basis with other industries; and

Whereas a bill has been introduced in the Senate of the United States, known as the Farmers' Farm Relief Act, commonly called the Frazier bill, to liquidate and refinance agricultural indebtedness, and to encourage and promote agriculture, commerce, and industry by establishing an efficient credit system, through which the unjust and unequal burdens placed upon agriculture during the period of price fixing and deflation may be lightened by providing for the liquidation and refinancing of farm mortgages and farm indebtedness at a reduced rate of interest through the Federal farm-loan system, the Federal Reserve Banking System, and the Postal Savings Depository System, and creating a board of agriculture to supervise the same; and

Whereas this bill is a sound economic measure, designed to remedy the inequalities under which agriculture is now laboring: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the senate concurring), That the Congress of the United States be, and it is hereby, urgently petitioned to enact the said bill into law, and that the President of the United States be urged to approve said measure after its passage; be it further

Resolved, That the Minnesota Members of the United States Senate and the Representatives in Congress from the State of Minnesota be, and they are hereby, petitioned and most earnestly urged to use their best efforts to bring about a speedy enactment of said legislation; be it further

Resolved, That a duly authenticated copy of this resolution be presented to the President of the United States, to the presiding officers of the Senate and of the House of Representatives of the Congress of the United States, and to each of the Senators and Representatives from the State of Minnesota in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the State of Oregon, which were referred to the Committee on Agriculture and Forestry:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that—

Whereas under the Federal Farm Loan Act and the Farm Credit Act of 1935 deficiency judgments are taken on mortgage securities on loans; and

Whereas there is now pending in the Seventy-fifth Congress Senate bill No. 816, by Senator POPE, a bill introduced on January 14, 1937, which amends the Federal Farm Loan Act and Farm Credit Act of 1935, adding a new section, no. 13, to provide as follows: "No deficiency judgment shall be taken in the foreclosure of any first mortgage obtained as security for any loan: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That the legislative assembly of the State of Oregon hereby does petition the Congress of the United States to enact this proposed amendment into law; and be it further

Resolved, That the secretary of state of Oregon is hereby directed to send a copy of this memorial to the Speaker of the House of Representatives and the President of the Senate, Washington, D. C., a copy to Senator POPE, of Idaho, a copy to each Senator and Representative from the State of Oregon, and also a copy hereof to the speaker of the house and the president of the senate of each State legislature in the United States which shall convene during the year 1937.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Legislature of the State of Oregon, respectfully represent:

Whereas weeds constitute one of the greatest agricultural problems in the United States and constitute the greatest source of agricultural loss, with the possible exception of soil erosion; and

Whereas a conference representing five different upper Mississippi Valley States estimated an annual crop loss of $1,000,000,000 because of weeds; and

Whereas the State of Idaho, after large expenditures previous to 1936, engaged in a $2,000,000 weed-control program for that State in 1936, three-fourths of which was financed with Federal money; and

Whereas the Northwestern States, including Utah, Montana, Wyoming, Oregon, and Washington are taking steps in the matter of weed control; and

Whereas 57 percent of the land in Oregon is in Federal ownership; and

Whereas the weed problem has been recognized by the three farm organizations of Oregon, namely, the Oregon State Grange, the Farmers' Educational and Cooperative Union, and the Farm Bureau Federation as of major importance, and they have passed resolutions favoring National, State, county, and individual weed control; and

Whereas the Oregon State Planning Board has reported an annual loss of $1,500,000 from a limited number of perennial noxious weeds in Oregon alone and have recommended additional research work, additional control work; and

Whereas it is the consensus of opinion of these bodies that noxious weeds are gaining ground rapidly, that the control measures are inadequate, and that more research is needed and that the weed problem is no longer an individual problem but a public problem: Be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That the legislative Assembly of the State of Oregon hereby does petition the Congress of the United States:

1. To enact H. R. 4009 authorizing an appropriation of $50,000,000 to be apportioned among the various States of the United States, and does hereby endorse this bill and recommends its enactment.

Resolved, That the secretary of state be, and hereby is, authorized and directed to forward one copy of this memorial to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Secretary of the United States Department of Agriculture, and to each Member of the Oregon delegation in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Post Offices and Post Roads:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the thirty-ninth legislative assembly of the State of Oregon, convened in regular session, respectfully represent that:

Whereas there are approximately 250 mail carriers in the State of Oregon, known as "star route carriers"; and

Whereas there are thousands of such carriers in the Western States of these United States; and

Whereas such star route mail carriers are contract carriers and their contracts are based upon competitive bidding, which, during the past 4 years has been exceptionally low and such carriers are underpaid; and

Whereas the said star route mail carriers should be compensated for their faithful service during the past 4 years under exceptionally adverse conditions: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That this thirty-ninth legislative assembly of the State of Oregon does hereby petition and memorialize the Congress of the United States to pass the bill now pending before the Congress of the United States providing for the extension of the contracts of such carriers for the period of 4 years; and be it further

Resolved, That this thirty-ninth legislative assembly of the State of Oregon does hereby memorialize the Congress of the United States to so amend such bill as to increase the compensation now paid to such carriers; and be it further

Resolved, That the Secretary of State of the State of Oregon, is hereby directed to send a copy of this memorial to the Speaker of the House of Representatives and the President of the Senate, Washington, D. C., a copy to each Representative and Senator from the State of Oregon, also a copy hereof to the speaker of the house and president of the senate of each State legislature in the United States which shall convene during the year 1937.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Delegates of the State of Maryland, which was referred to the Committee on the Judiciary:

A house resolution commending the President for his message to Congress, recommending changes in the Federal judiciary

Whereas at the recent election, the President received an overwhelming vote of confidence and an endorsement of his program for the economic recovery of the country; and

Whereas during the past 4 years he has devoted his time and given his strength for the purpose of bringing relief to the needy, employment to the unemployed, and economic recovery for the entire country; and

Whereas it has been recognized for years that changes should be made in the Federal judiciary, in order to expedite the trial of cases, and especially appeals from lower courts involving constitutional questions; and

Whereas it is the general practice of the States to retire judges when they reach the age of 70, thereby enabling the courts to function more efficiently; and

Whereas the President is proposing to place the Federal courts on a more efficient basis and should be supported by all those who want to see the courts administered in an efficient and expeditious manner: Therefore, be it

Resolved by the House of Delegates of Maryland, That the Congress of the United States be, and it is hereby, urgently requested to act promptly and favorably on the proposals submitted by the President for improving the judicial branch of the Government; and be it further

Resolved, That the chief clerk of the House of Delegates of Maryland be, and he is hereby, directed to send a copy of these resolutions to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to each Member of the Congress of the United States from the State of Maryland.

The VICE PRESIDENT also laid before the Senate the following resolution of the Senate of the State of Ohio, which was referred to the Committee on the Judiciary:

Senate Resolution 56

Resolution memorializing Congress to support the recommendations of Hon. Franklin D. Roosevelt, President of the United States, with reference to the Federal judiciary

Whereas the recommendations of the President to Congress with reference to the structure, the method of selecting the personnel, and the procedure of the Federal courts, if carried into effect, would insure a more efficient and higher quality of administration of justice in our Federal courts generally; and

Whereas it is apparent that such reorganization is much needed and will further the ends of justice and will promote the general welfare and expedite the business before the said judiciary; and

Whereas in respect to the Supreme Court of the United States to bring to the Court the invaluable asset of enlightened experience of fresh views, closer contacts with and more sympathetic understanding of current economic, social, and political operations and their relations to the exercise by Congress of its legitimate powers under the Constitution of the United States and retain the invaluable experience of the older Justices of the Court: Therefore be it

Resolved, That the Congress of the United States is hereby respectfully memorialized to assist the President of the United States, Hon. Franklin D. Roosevelt, in accomplishing the reorganization of the Supreme Court and the Federal judiciary to the end that our Federal courts may deserve continued respect and confidence of the American people and serve their constitutional purpose as an indispensable instrumentality in the whole life of the Republic; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Vice President, the Speaker of the House of Representatives, the United States Senators, and Members of Congress from Ohio.

The VICE PRESIDENT also laid before the Senate a petition (in the form of a resolution) of 102 citizens, being members of the Legislature of the State of Washington, praying for the enactment of old-age pension legislation, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by Local Lodge, No. 547, Brotherhood of Maintenance of Way Employees, of Lakeland, Fla., and Moving Picture Machine Operators' Local, No. 249, International Alliance Theatrical Stage Employees, of Dallas, Tex., favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by Division No. 38, A. O. H., of Pittsburgh, Pa., favoring the enactment of the so-called McCarran-Mead bill, being the bill (S. 70) providing postal employees' longevity pay, which was referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution adopted by the American Legion Auxiliary Capitol Post, No. 1, of Topeka, Kans., favoring the enactment of legislation to prevent profiteering in time of war, and to equalize the burdens of war, and thus provide for the national defense, and promote peace, which was referred to the Committee on Military Affairs.

Mr. GIBSON presented a memorial of several citizens of Island Pond, Vt., remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by a meeting of voters and citizens of the town of Rupert, Vt., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similar character, which was referred to the Committee on the Judiciary.

Mr. LODGE presented eight memorials of sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similar character, which were referred to the Committee on the Judiciary.

He also presented three memorials, numerously signed, of sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by citizens of Deerfield, Franklin County, Mass., in annual town meeting assembled, protesting against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 1038) for the relief of Victor M. Ruiz C and Luz Elena Robles, reported it with an amendment and submitted a report (No. 204) thereon.

He also, from the same committee, to which was referred the bill (H. R. 448) for the relief of C. C. Young, reported it without amendment and submitted a report (No. 216) thereon.

Mr. BROWN of Michigan, from the Committee on Claims, to which was referred the bill (S. 1471) for the relief of Jordan Roberts, reported it with amendments and submitted a report (No. 205) thereon.

Mr. ELLENDER, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 1402. A bill for the relief of P. S. Everest (Rept. No. 206);

S. 1414. A bill for the relief of Jack J. Wick (Rept. No. 207); and

S. 1753. A bill for the relief of James A. Fox (Rept. No. 208).

Mr. ELLENDER also, from the Committee on Claims, to which was referred the bill (S. 1589) for the relief of Mr. and Mrs. Robert O. Brown, reported it with amendments and submitted a report (No. 209) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

S. 784. A bill for the relief of Amelia Corr (Rept. No. 210);

S. 1320. A bill to provide for the reimbursement of certain civilians employed at the Naval Operating Base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on pier 7, at the naval operating base, on that date (Rept. No. 211); and

H. J. Res. 43. Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein (Rept. No. 213).

Mr. ANDREWS, from the Committee on Naval Affairs, to which was referred the bill (S. 1330) to authorize the attendance of the Marine Band at the United Confederate Veterans' 1937 reunion at Jackson, Miss., June 9, 10, 11, and 12, 1937, reported it without amendment and submitted a report (No. 212) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1507. A bill authorizing the return of the commission of John Baptiste Ashe as a major in the Continental Army to Martha B. Rogers, nee Ashe (Rept. No. 214); and

S. 1905. A bill to amend the National Firearms Act approved June 26, 1934 (Rept. No. 215).

Mr. REYNOLDS, from the Committee on Military Affairs, to which was referred the bill (S. 1212) authorizing the conveyance to the State of Virginia, for highway purposes only, of portions of the Fort Myer Military Reservation, Va., and for other purposes, reported it with an amendment and submitted a report (No. 218) thereon.

Mr. BACHMAN, from the Committee on Military Affairs, to which was referred the bill (S. 1473) to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports, reported it with amendments and submitted a report (No. 219) thereon.

Mr. BLACK, from the Committee on Education and Labor, to which was referred the bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education, reported it with an amendment in the nature of a substitute and submitted a report (No. 217) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports as indicated thereon:

S. 532. A bill to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train dispatching offices and train dispatching service and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers (Rept. No. 220);

S. 1077. A bill to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes (Rept. No. 221); and

H. R. 3898. A bill to amend section 318 of the Communications Act of 1934.

Mr. BARKLEY, from the Committee on Interstate Commerce, to which was referred the bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation, reported it without amendment and submitted a report (No. 222) thereon.

SAFETY IN THE AIR—PRINTING OF SUPPLEMENTARY REPORT

Mr. COPELAND. Mr. President, I have several matters from the Committee on Commerce to present to the Senate. First, through my own misunderstanding, there was not printed in the RECORD the supplementary report of the Committee on Safety in the Air submitted by me at the session of Wednesday last. This is of interest to the Senate because of the loss of our late colleague Mr. Cutting. I ask that the supplementary report be printed in full in the RECORD as presented by me.

There being no objection, the report (S. Rept. 185) was ordered to be printed in the RECORD, as follows:

The Committee on Commerce, on June 7, 1935, was directed by resolution (S. Res. 146, 74th Cong., 1st sess.) to investigate certain airplane accidents in interstate air commerce and to make suitable recommendations thereon. The resolution reads as follows:

"Whereas an airplane owned by Transcontinental Western Air, Inc., while engaged in interstate air commerce was wrecked near Macon, in the State of Missouri, on the 6th day of May 1935, resulting in the death of five persons, among whom was an honored member of this body, Hon. Bronson M. Cutting; and

"Whereas it is imperative that life and property transported through interstate air commerce should be accorded the greatest degree of safety obtainable through the use of every reasonable safeguard; and

"Whereas it is essential, in order to protect life and property in transportation through the air, that a thorough and searching inquiry should be made into the causes of the wreck referred to and into the efforts, if any, for the prevention of accidents of like character, and the safeguards, if any, provided both by the companies engaged in interstate air commerce and the precautions and safeguards, if any, required by governmental agencies; and

"Whereas such investigation and the knowledge to be derived therefrom are necessary to enable the Congress to adopt legislation:

"*Resolved*, That the Committee on Commerce, or a subcommittee thereof, be, and it is hereby, authorized and directed to investigate fully and thoroughly the said wreck of the airplane owned by Transcontinental Western Air, Inc., which occurred on the 6th day of May 1935, near Macon, in the State of Missouri, and any other accidents or wrecks of airplanes engaged in interstate air commerce in which lives have been lost; and to investigate fully and thoroughly interstate air commerce, the precautions and safeguards provided therein, both by those engaged in such interstate air transportation and by officials or departments of the United States Government; and to investigate fully and thoroughly the activities of those entrusted by the Government with the protection of property and life by air transportation, and the degree, adequacy, and efficiency of supervision by any agency of Government, including inspection and frequency thereof, and to take testimony in all aspects in relation to any of the matters herein indicated and in relation to any subject related thereto; be it further

"*Resolved*, That the said Committee on Commerce, or the subcommittee thereof appointed for the purpose, shall determine what legislation, if any, shall be adopted in the interest of safety of life and property transported in interstate air commerce, and what legislation, if any, shall be adopted to prevent accidents in the air and to provide appropriate safeguards for their prevention; and be it further

"*Resolved*, That for the purposes of this resolution, such committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, sit, and act at such times and places during the sessions or recesses of the Senate during the Seventy-fourth and succeeding Congresses until a final report is submitted; to employ such counsel, experts, clerical, stenographic, and other assistance, and to require, by subpena or otherwise, the attendance of witnesses, the production of books, papers, and documents, to administer oaths, take testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, not to exceed the sum of $10,000, shall be paid from the contingent funds of the Senate upon vouchers approved by the chairman."

ing conditions of train dispatchers (Rept. No. 220);

shall be paid from the contingent funds of the Senate upon vouchers approved by the chairman."

Acting under the authority of this resolution, the committee reports as follows:

SCOPE OF THE SURVEY

This committee is the seventeenth committee or board which, during the past 17 years, has studied the major problems of and considered possible improvements in American aeronautics. The present study has extended over a period of 20 months.

The general subject of safety in the air has many ramifications, and almost every phase of aeronautical development involves safety in one way or another. In order to make its survey complete and its recommendations of practical and constructive value, your committee has found it both necessary and desirable to study the entire history of American aeronautics.

A number of months were spent in taking the testimony of numerous aeronautical experts, representative of the best available thought. This testimony covers several thousand printed pages and an even larger volume of exhibits. Representatives of the committee visited and studied the aeronautical situation at many points and along a number of our Federal airways. The committee made known its willingness to hear any person desiring to submit views pertaining to the subject under investigation. Reports of our predecessors, the 16 committees and boards mentioned, were carefully studied so that your committee might profit from their investigations and conclusions.

In view of our studies and experiences we feel we are prepared to advise the Senate as to the present needs in aviation. We shall venture to recommend certain changes which we believe are essential to the promotion of air safety.

GENERAL OBSERVATIONS

The United States is the only great nation where progress in aeronautics has resulted, not from the biddings of war offices but from the advantages of competition and freedom resulting from peace. In fact, there has been a complete divorcement between military and civil aeronautics. Speaking generally, the industry merits admiration and support. What has been accomplished, especially in scheduled air-line activities, is little short of miraculous.

Perhaps because of the aforementioned divorcement there has circulated in this country a belief that American aeronautics, both military and civil, is inferior to that of the rest of the world. Generally speaking, that conception is not well founded. In air-line operation and in the qualitative production and standardization of motors, planes, and equipment of above-average quality, we excel. In the performance of certain experimental military aircraft due to the availability of an approved and proven higher-horsepower engine, some other countries excel.

Our Federal Government has developed a series of domestic airways, forming a network which covers much of the continental United States. As is the case with facilities designed to aid coastwise and inland waterway navigation, the Federal Government has installed and owns most of the essential parts of the air-navigation facilities. One important factor in the successful operation of civil aeronautics has been the aid given by the Government in the way of increasing radio facilities.

The operations of our scheduled air lines, including the transporting of mail by air, have developed into the world's most highly successful systems. American commercial aeronautics is supreme throughout the world when judged by any of the accepted standards of appraisal. This is true whether we consider it in terms of numbers of miles of organized air routes; miles flown per day; passengers, mail, and express carried per day; infrequency of accidents to planes and equipment; numbers of commercial airplanes in operation; numbers of the personnel operating them; comfort and convenience of operation; or the capacity for production of airplanes and equipment. A careful examination of the accident records of our scheduled air lines indicates that, in this particular also, America leads the world; flying by American scheduled air lines is safer than similar flying in other countries. In every important respect the United States leads in civil and commercial aeronautics.

We can say these things in all truth. But because they are true, the Government is not absolved from the duty to leave no stone unturned in promoting greater safety. Much remains undone.

COMMITTEE'S PRELIMINARY REPORT

A preliminary report (Rept. No. 2455, 74th Cong., 2d sess.) was submitted on June 20, 1936, by this committee. It presented (a) our findings relating to the cause of the airplane accident at Atlanta, Mo., on May 6, 1935, in which our colleague Senator Bronson M. Cutting and four other persons were killed; and (b) certain recommendations for changes in the personnel of the Bureau of Air Commerce, Department of Commerce, charged with the administration of the Federal provisions for safety in the air.

We regret that full use of the pertinent facts and voluminous evidence produced by your committee's thorough investigation into the subject of safety in the air has not yet been made. All of our findings, particularly those included in our preliminary report, have been made available all this time.

SCIENTIFIC DEVELOPMENT

Safety and progress in aeronautics are obtained by the proper coordination of a number of factors. The first one is to make certain of the continued scientific development of the industry and all its parts.

In order that our scientific basis of design and construction may not fall behind the rest of the world, it is essential to keep up to date the laboratory equipment of the National Advisory Committee for Aeronautics. It seeks to advance the science of aeronautics through its coordination of fundamental aeronautical research activities wherever undertaken in America. With the far-sighted support of Congress it has developed at Langley Field, Va., research laboratories which, until recently, have been unexcelled.

A few years ago its equipment was in advance of the rest of the world. But foreign countries have copied our equipment and, in some respects, improved upon it. We would make greater progress were we able to rebuild this equipment in the light of present-day knowledge. Accuracy of design and increased safety depend upon the research findings of the National Advisory Committee for Aeronautics. Its request for more modern equipment should be approved if America is expected to build larger, faster, and safer airplanes.

It is not only sound but also essential that the Government strive for advancement in scientific research into the problem of safety in flight. This is the sort of research that is vitally needed for our national defense, and which is so costly no private body could be expected to engage in it.

We do not consider it sound practice for the Government to do either experimental or development work in matériel. That should be left to industry. But funds ought to be provided by Congress to the appropriate Government departments for the purchase of worth-while results, the fruit of industry's experimentation and development.

Specifically, the Bureau of Air Commerce, as we see it, should not engage in scientific, experimental, or development work in its own shops or laboratories. It should confine itself to coordination, stimulation, and direction of technical advance and safety in private industry. Fundamental research into the problems of flight being within the province of the National Advisory Committee for Aeronautics, the other steps should be taken by private enterprise. Of all the factors contributing to progress in these two fundamentals, technique and safety, the actual competition of the air lines in their efforts to afford better service to the public has been by far the greatest.

Mindful of this, and yet appreciative of the fact that the air lines should undertake nothing of an experimental nature in actual flight where the lives of passengers are involved, we are recommending that provision be made for the coordination[1] of flight testing of ground and air equipment and of fuel oils and lubricants by the Department of Commerce. The actual work should be done by the air lines flying without passengers, but receiving regular mail allowances. This experimental work in flights should not be counted in computing by the Interstate Commerce Commission fair rates of payments to be made by the Postmaster General.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Aeronautics is a rapidly advancing branch of engineering science; its development is dependent upon the conduct of fundamental scientific research pertaining to the problems of flight. We are fortunate in having in the United States a scientific organization devoted to this research. The product of the National Advisory Committee for Aeronautics laboratories has been the chief factor in the recent remarkable development, not only of American aircraft, but of aircraft the world over. Its work covers (a) the present trend of design and construction toward larger airplanes of higher speeds; (b) America's present aircraft procurement programs for the national defense; and (c) the current demands of (1) national defense, (2) the air-transport industry, and (3) the private flyer for still greater plane efficiency and safety.

It will be seen how extremely important it is that the research facilities of the National Advisory Committee be encouraged and increased. Such support is essential for the development of greater performance, efficiency, and safety. Likewise, in the public interest, the cost of production should be reduced to the minimum so that the most accurate design data attainable shall be made available to American aircraft designers and manufacturers. Such plans should be drawn in the light of actual flight performance, which has not always been possible with existing research facilities.

Foreign nations, especially Italy, Germany, England, Soviet Russia, and France, have recently copied and improved upon American research equipment. Those countries are planning extensions of their research facilities, which within 2 years, unless corrective action be taken without delay, will enable them to surpass the United States in certain technical development of aircraft. Under the spur of tremendous aircraft building programs, an international race in the field of aeronautical research is on. America's leadership is seriously threatened. It is in the interest of our national defense, and also of American commercial aeronautics, that we should not lose our national superiority by permitting our technical development of aircraft to lag. The only way to prevent this is for us constantly to provide modern research facilities for the National Advisory Committee. We should not fail to improve and augment existing facilities and personnel to enable that efficient organization more effectively to meet the rapidly increasing needs of aeronautics.

[1] Where the term "coordinate" or "coordination" is used in this report, it is employed in the sense only, viz: to bring into a common action, movement, or condition; to regulate and combine in harmonious action; to adjust or harmonize—as to coordinate muscular movement. The committee does not intend that in performing coordinating work any of the actual elements coordinated shall be performed by the coordinator. In coordinating, however, the coordinator should catalog and assume the responsibility of seeing that all interested parties benefit by such cataloging and coordination.

We recommend that the sum of $631,000 be allotted forthwith to the National Advisory Committee for Aeronautics for fundamental research. The record of this committee would cause us to endorse any recommendation on this expenditure which the chairman of that organization would care to make. To us it would seem that $131,000 of this might well be used for the employment of engineers, scientists, and technicians of the highest caliber attainable in the world, and the balance of $500,000, we believe, could be spent well on a program recently agreed upon by engineers representing several private aeronautical concerns and approved by the National Advisory Committee for Aeronautics.

Both for land planes and for seaplanes, research facilities are needed. They must be had to make investigations with larger scale models operated at higher speeds. Fundamental data should be available for the design and construction of better and larger aircraft. The results of such research will provide a more accurate basis for the expenditure of millions of dollars in the construction of new aircraft. The truth of these statements must be self-evident.

AIRCRAFT ENGINES

Almost every commission or congressional body that has investigated aeronautics during the past generation, and investigations by governmental bodies have averaged at least one a year since 1916, has found that American aeronautics needs for safety and for other reasons, more powerful aircraft engines. Most of the investigating bodies have recommended that the Government take constructive action on this subject. This sound advice has fallen upon deaf ears. In the eyes of those officials chosen to administer them, Federal aeronautical appropriations have not been great. Apparently the Army, Navy, and governmental bodies handling commercial aeronautics fear to take from their annual appropriations a sum large enough really to place America first in aircraft engines. To avoid this obstacle it would appear to be wise to appropriate a fund for the engineering development of powerful aircraft engines, the appropriation not to be charged to the annual appropriation of a Government department. Larger power plants than are now available in this country would contribute to safety on our air lines. Types other than the conventional ottocycle engine might make for greater security in the varying conditions of flight. Military demands dominate and have brought into existence larger engines abroad than here. To provide the incentive for the development of engines that might well be of inestimable value in military aviation in the event of emergency, we make a definite recommendation for the appropriation of $1,500,000 to bring into being in American shops, proven higher powered American motors. This should promote the early advent of larger power output in units and keep us abreast of foreign power plants. Not only will this benefit safety in commercial work but it will insure larger engines with higher performance for military aircraft in the Army and the Navy.

In 1934, instigated by the wisdom of the House Committee on Military Affairs, the Congress took such action as we are now recommending. Unfortunately, the language of the appropriation was not sufficiently specific. A small portion of the appropriated money was alloted by the President for a different purpose. The rest reverted to the Treasury. America needs more powerful aircraft engines and needs them as quickly as they can be developed.

Europe now designs more powerful and better performing large aircraft than does the United States. Whatever Europe has in the way of supremacy is by virtue of having available more horsepower in its aeronautical engines. Without more powerful engines our commercial and military aerial supremacy is threatened. As it is now, should we start today on this program, we shall still require years to accomplish it. Aeronautical engines are costly to develop, as well as to purchase. In no country does private capital find it possible to develop them. Every country that might threaten our national supremacy in the air has been and is now appropriating money for a solemn purpose which in America we are neglecting. Our possible enemies, in the only war that might defeat the United States, are engaged in such a development. Powerful aircraft engines, at least equal to those that are being used by our military and commercial aerial rivals, are an economical form of insurance against the mad dogs of war. It is the recommendation of your committee that the present Congress make an appropriation for this purpose, the money to become immediately available and to remain available until expended. It should be earmarked for the specific purpose of designing and developing high-powered aircraft engines. Your committee visualizes engines of between perhaps 3,000 and 4,000 horsepower as being desirable and necessary.

STRUCTURAL FAILURES

One witness testified that there has been a tendency of air lines to lighten ships in order to increase their pay load. Your committee has very carefully investigated this point and finds it to be without foundation. As a matter of fact, there have been no major structural failures in the air in scheduled air-line operations for some considerable time.

FURTHER POSSIBILITIES IN SAFETY INVENTIONS

A survey of the air-line accidents occurring in this country since the advent of the plane which can fly on one of two power plants, points the way to one clearly defined field of opportunity for inventors working toward safety in scheduled flying.

While the plane is en route, high up between stations, flying would actually seem to be safer than any other medium of transportation. We find no evidence of accidents resulting from failure during this period of flight which, after all, consumes most of the time on any one trip. It is on the take-off and on the approach for landing in bad weather that the accidents have occurred.

The "take-off" accident, due in part to "thick" weather, can be included for purpose of this analysis in the zone of flying wherein the pilot is coming down through the fog, mist, rain, or other atmospheric condition which renders the ground invisible or uncertain to the crew. In this maneuver, often performed with hills, ground obstacles, or high buildings nearby, the pilot must of necessity be positive of his position every instant. His general location does not suffice; he must have his "pin-point", the course he is "tracking", and his diminishing altitude, precise to a matter of feet, every moment of his approach. It is not on a two-dimensional area like a vessel at sea, but in the three dimensions of space, that his exact whereabouts to a matter of feet must be known to the pilot as he comes in on his glide at the high speed of a let-down. Aircraft drift so quickly, so unnoticably in high changing wind currents, that the utmost caution is necessary in the use of instruments for this purpose. The greatest technical contribution to be made to safe flying is the positive reliable solution of the problem.

Having landing fields or terminals away from buildings, preferably away from deceptive water areas, on the highest land in the neighborhood, is the first essential, for it has been proven that with existing equipment the problem is practically solved if the terrain and environs at the terminal are good. But when the destination is surrounded with mountains or high buildings, better and more auxiliary equipment for checking and verifying must be provided to counteract the possibility of a drift sidewise or of an unexpected rise or drop in altitude.

Radio is the one promise on the horizon at the present time for the solution of this problem. Radio in itself is a new science that is extremely complicated. Along with aeronautics, it is comparatively young, and there are not available many flying radio experts to whom the task can be presented. Moreover, some of our best radio experts are not familiar with the peculiar problems of actual flight.

We have mentioned one of the obvious solutions, the desirability of terminal airports with good approaches, free from obstacles. A second proven ground aid would obviously be the installation of many more radio marker beacons in the environs of airports. While the present proven radio marker beacon suitable for this purpose costs about $2,000, there is every hope that simple devices can be developed so that large numbers can be set up for use in bad weather, in series, multiples, or in any arbitrary layout. Each, with its distinctive recognition tone or code, will enable the pilot to establish what he calls a definite "fix." Given the reassurance that would then come as he passed over each, the chances of accidents which have occurred since modern and up-to-date flying methods have come into being would be minimized very materially.

However, technical improvements such as these are more within the field of the administrative agency of the Government than in the legislative scope of your committee. For this reason, in this report, and in legislation which we shall recommend, we aim to be sure that within the Government such organization shall prevail that there can be no room for confusion, no chance of unnecessary delays in making decisions. There must be an alert attitude to insure progress of the science of air navigation, and particularly in this problem of instrument flying on coming in for landing.

GOVERNMENTAL ADMINISTRATION

Reciting that the needs of aeronautics are so numerous and so pressing that there should be one official to give full and undivided attention to aeronautical matters, the Morrow Board, among its far-seeing recommendations, insisted that the Department requires an Assistant Secretary of Commerce. This is a position already legally provided for by act of Congress.

Your committee is of the opinion that a sound solution of our aeronautical difficulties lies first in a revival of the office of Assistant Secretary of Commerce for Air, and to assign to that official no extraneous duties. Not only is aeronautics a fast-moving industry, but it is highly technical. Speed in making decisions of great importance is frequently required. It would take a novice in this position a long time to acquire the necessary knowledge to be highly efficient. In charge of aeronautics should be a man who has ample time to devote to the job, experience enough to administer it, and force of character to control the position.

It is believed that the primary reason for many complaints and rumblings against the administration of civil aeronautics by the Department of Commerce is because no one of sufficient rank and practical experience devotes all his time to the problem. Aeronautics within the Department of Commerce as it is organized today is a stepchild. There can be no intelligent planning and forethought continuously devoted to the present or future needs of civil aeronautics unless the existing administration be improved.

We have no reason to doubt our long-held conviction that there should be an Assistant Secretary for Air in the Department of Commerce. The aeronautical industry in the United States has been rapidly assuming proportions of great importance. It will grow by leaps and bounds. It is of vital necessity to the future development and prosperity of the Nation that the aeronautical industry should be encouraged to develop to the utmost possible extent. In its scientific development it should not only be kept abreast, but, if possible, should be put ahead of other countries. These potentialities are in themselves ample enough to justify the restoration of an office of the rank of Assistant Secretary.

ASSISTANT SECRETARY FOR AERONAUTICS

In our proposed set-up the Assistant Secretary of Commerce (or, if this position be not restored, the Director of Aeronautics), with the approval of the Secretary of Commerce, is given the duties enumerated in section 172 of the Air Commerce Act of 1926, as amended. Briefly stated, these are as follows:

(a) To encourage the establishment or airport facilities and other air-navigation facilities.

(b) To make recommendations as to the necessary meteorological service.

(c) To study the possibilities for development of air commerce and of the aeronautical industry and trade, and to collect and disseminate information relative thereto.

(d) To advise with the Bureau of Standards, the National Advisory Committee for Aeronautics, and other agencies in and out of the executive branch of the Government, in carrying forward research, development, and improved air-navigation facilities, with a view to greater safety.

(e) To investigate accidents in civil air navigation in the United States, including the attending facts, conditions, and circumstances. He is given the authority to hold hearings, examine witnesses, etc., reporting to the Secretary of Commerce all the facts discovered.

(f) To keep himself informed through existing Government channels regarding progress of aviation in other countries.

(g) To decide on the selection of new airways and sites on airways.

It is the thought of the committee that these responsibilities of the Secretary of Commerce fall into three categories: First, the promotion of aeronautics for the public good, together with the promotion of safety therein; second, the provision of approved aids and the control of all ground air-navigation facilities, both private and public; and third, the control of all flight activities.

(1) We feel that the Director of Aeronautics, whether he be an Assistant Secretary of Commerce, or whatever title he be given, should be the one person in the Department of Commerce directly responsible, under the Secretary, for general supervision of all the functions established by law to promote aeronautics and safety in the air.

(2) Reporting to him directly and to him only, should be an assistant responsible for the conduct and administration of a Division of Ground Facilities.

(3) Likewise, reporting directly and exclusively to him should be another assistant in charge of administration in the Division of Flight Activities.

DIVISION OF GROUND FACILITIES

On page 11 we discuss a proposed Bureau of Federal Airways. In the event that an Assistant Secretary of Commerce for Air is appointed, and we believe he should be, this activity of the Department of Commerce would be known as the "Bureau of Federal Airways." That is intended to do for aeronautics what the Bureau of Public Roads has done for highways, and the Bureau of Lighthouses in that field. We urge again that generous treatment of this problem is important to the perpetuity and sensible growth of air traffic.

In the event the Office of Assistant Secretary for Aeronautics be not restored and the work be supervised by a Director of Aeronautics, the two subdivisions above outlined (Ground Facilities and Flight Activities) must be maintained. For administrative reasons these must be segregated and delegated to assistants, as before indicated.

Likewise, the head of the Division of Ground Facilities should divide his responsibility into (a) construction and (b) maintenance.

(a) Construction of airways: This includes airports, emergency fields, and all ground facilities.

(b) Maintenance of ground facilities: These two divisions must be kept apart. A sharp line of demarcation must be drawn between construction and maintenance. We should be quite unwilling to have an organization set up, proposing to place construction and maintenance in the hands of one man, or of the same field group.

We are content to have the man in charge of the Branch of Construction and the man in charge of the Branch of Maintenance immediately responsible to the Chief of the Division of Ground Facilities. In view of the fact, however, that it might be the duty of the supervisor of maintenance sometimes to criticize the construction of the various facilities installed by the supervisor of construction, it would be fatal to air safety and the welfare of the public to have these two branches so intimately related that there should be embarrassment on the part of either supervisor to criticize the work of the other. We hope this recommendation in our report may not be overlooked in the mass of material which we are presenting.

We are assuming that there will be a spirit of cooperation, and that the supervisor of maintenance, having charge of ground facilities, shall be in constant contact with the corresponding supervisor in the department of regulation, which we will later describe.

The supervisor of maintenance shall be directly responsible to the chief of ground facilities, who in turn will report to the Director of Aeronautics. It should be the duty of the Maintenance Branch to see that all the ground facilities which have to do with safe airline transportation and private flying may be in first-class operating condition at all times.

BUREAU OF FEDERAL AIRWAYS

In order to secure a well-conceived system of connecting airways and continuity of purpose and planning in the construction of such airways, your committee feels that there should be created within the Department of Commerce a division, a Bureau of Federal Airways, (a) just as there is now within that Department a Bureau of Lighthouses and (b) just as there now exists within the Department of Agriculture a Bureau of Public Roads. The situation as pertains to our Federal airways reminds your committee very much of the situation which existed years ago in the Bureau of Agriculture as regards our surface highways. Two generations ago the Department of Agriculture was receiving so many requests and inquiries from farmers concerning the building of farm roads that the Secretary of Agriculture then designated two men to conduct an office within the Department of Agriculture, known as the Bureau of Road Inquiry. This bureau or office was created in 1892, not by legislative act but by the Secretary of Agriculture. At a later date this Bureau grew to such an extent that it finally became the Bureau of Public Roads.

The results from this worth-while activity are well known; America has created perhaps the finest system of surface highways existing in any nation of the world. Only by similar action may this country hope that such Federal airways as are planned for will be constructed in accordance with a well-conceived plan of action of a continuous and continuing nature, one that permits each airway to bear its proper relationship to each other.

In order to build a large aeronautical industry, manufacturing and encouraging the use of small private airplanes, your committee believes that the problem is very much the old story of which came first, the chicken or the egg. If there shall not be a large number of private airplanes, many of the proposed Federal airways may not be needed. Without the airways, the planes cannot be operated. It is the policy of all major nations to encourage private flying for what it is worth to national defense in the event of an emergency. With our wide expanse of territory, private flying is developing spontaneously and rapidly. It should be encouraged as a matter of national importance, as in other countries. Your committee foresees a sensible, simultaneous growth in the construction and use of private planes, and the development of Federal airways, just as happened in the matter of private motor vehicles and surface roadways. As roads grew better the public purchased more motor vehicles. As more motor vehicles were purchased, more public roads were not only desirable, but also essential and were constructed. Road building and manufacturing progressed hand in hand. Our national problem of building an aeronautical industry will, in your committee's opinion, be solved by applying this same general method. As we continue to build the airways more persons can operate and so will purchase more private planes. As we continue to purchase private planes, more need will exist for building Federal airways. Progress in each field goes hand in hand with the other.

Industry, not Government, will solve the problem of the low-priced private airplanes. In the meantime the Government might well cease spending money in designing such aircraft for private use and use the money so saved for more intelligent and timely expenditures toward the problem of immediate safety in the air. The best, quickest, and cheapest way to build a strong aircraft industry is to have the Government launch a sensible, continuous program, providing for the annual construction and maintenance of new and additional Federal aids to air navigation. This is exactly the same program as that used by our Government in constructing and maintaining coastwise and inland waterways.

The analogy of the waterways is more accurate than the analogy of public roads, because the air may truthfully be compared to the ocean or to inland waterways. As we have already noted, speaking from a broad viewpoint, the air is the only ocean exclusively navigable to all points of the earth's surface at all times. This ocean, which we call air, is navigated close to the earth—the coast line. Navigation along a specific airway may be compared to navigation along an inland waterway. For example, just as our Nation builds and marks its inland waterways along the Mississippi River, so also must this country build and mark its airway which parallels the Mississippi River.

We feel that generous treatment of this problem is important to the continuance and sensible growth of air traffic. Its handling warrants the creation of a bureau of Federal airways within the Department of Commerce, just as that Department now has its Bureau of Lighthouses.

DIVISION OF FLIGHT ACTIVITIES

Just as the chief of ground facilities has charge of all the ground equipment and ground personnel, the chief of flight activities will have charge of all air equipment and air personnel.

It shall be his duty to apply the regulatory powers recited in section 173 of the Air Commerce Act of 1926, as amended. These are as follows:

(a) Registration of aircraft.

(b) Rating of aircraft as to air-worthiness.

(c) Examination and rating of airmen.

(d) Examination and rating of privately owned air navigation facilities.

(e) Air traffic rules.

(f) Issuance, suspension, and revocation of certificates of all sorts, insofar as they apply to aeronautics.

(g) Supervision of schools and the instruction given to pilots and flight mechanics.

We do not undertake to go into details regarding this scheme of organization. We believe the thoughts we have in mind are self-evident. We are convinced, however, that if an organization is provided and its functioning is closely supervised by the Assistant Secretary for Aeronautics or the Director for Aeronautics, safety in the air will be promoted a thousandfold.

INSPECTION FORCE

The Department of Commerce has not stood alone in its testimony as to its need for an increase in its inspection force. The testimony of the air lines has likewise stressed the importance of the Government "tightening up" on its inspection of both the air lines and the private flyers. A fatal accident to a private flyer hurts all flying, because it instills fear into the public mind. It is fear, not fare, that keeps the seats of scheduled airplanes from being filled. If unjustified fear be eliminated, every seat in every existing air line would very likely be filled on every trip. The air lines would then be in need of additional equipment. The outgo and income of the post office for air mail would not only be balanced, but probably the cost of carrying the air mail could be reduced. If we remove this symptom of unwarranted fear, we shall have solved the problem of "subsidizing" the air lines.

The air lines request, and your committee feels these requests are justified, that (a) the Government should have a maintenance inspector of one man at each complete air terminal; (b) two Government inspectors should be placed on each major air line; (c) one should be provided for each small air line, to inspect the enforcement of safety rules; (d) Government inspectors should be thoroughly qualified in the details of their business; (e) they should be appointed because of their experience and knowledge; (f) that the "merit system", as distinguished from the political system, should prevail; and (g) Government inspectors, who are maintenance men, should visit the factories where airplanes are built during a sufficient period of time while new planes are under construction to make sure they shall be familiar with the planes when ready for use in the air.

The science of aeronautics changes so rapidly that one cannot keep up with it unless given every chance to familiarize himself with that which he is going to inspect. When air lines are contracting for new equipment running into great sums of money, be that equipment of an experimental or of a production nature, a Government inspector should be stationed at the factory while construction is proceeding. Thus criticisms by the Government of the airplane can be handled during the construction period rather than at a later time when public safety might be involved, and when changes would involve a needless waste to the air lines, perhaps of millions of dollars.

Not only are the inspectors along the air lines insufficient in number but particularly is the Department of Commerce inspection system woefully undermanned as regards private flying. The Department has about 60 inspectors to examine, inspect, and pass upon 14,000 licensed flyers, 24,000 student and other pilots, 8,000 airplanes, and 2,500 mechanics and other miscellaneous personnel. It will be noted that the 60 air-line inspectors are annually required to examine over 48,500 persons and machines. In other words, each inspector has to inspect per year over 800 human beings and airplanes scattered from one end of the country to the other. This is more than any man can do properly. No wonder the Assistant Director of the Bureau of Air Commerce testified that lack of inspection was responsible for some of the deaths in private flying aircraft accidents.

Formerly, the Department of Commerce inspected private aircraft semiannually. Lack of personnel has reduced this operation so greatly that such inspections are made but once a year. Annual inspections of aircraft are felt by your committee to be insufficient for safety in private flying. An airplane is so complicated and so subject to need of attention that it is unsafe for it to be permitted to operate with annual inspections only. Surely, the need (a) for eliminating politics from the air-lines inspection service, (b) for the substitution of the merit system in place of patronage, and (c) for drastic increase in the number of Government inspectors is beyond debate.

INSPECTION OF RADIO TRANSMITTERS AND INSTALLATIONS ABOARD AIRCRAFT

While your committee has not been able to find record of many failures in radio transmitters or receivers aboard airplanes, it is not entirely satisfied with the present system prevailing to regulate, inspect, and check this apparatus and the manner in which radio is handled in daily use.

It is a fact that in several of the recent crashes the pilot, while not exactly lost, thought, as he approached his destination, that he was at a point some distance from where he actually was.

A pilot on arriving at his objective over, or actually in clouds and out of sight of the ground, invariably has moments of suspense as he lowers slowly, waiting for the "break through" or the time when he can see everything below. Wind shifts can carry a plane off quickly to one side or another, sometimes without the knowledge of the crew. Navigation at high speed of flight demands the use of radio tied-in accurately with ground "fixes" during this maneuver. Normally all this is quite a simple task, but if the radio fails, it is dangerous, especially if there are high hills nearby. This problem was one of the last obstacles to be surmounted in making bad-weather flying safe. However, to insure that it shall always be properly taken care of, your committee intends later to recommend that certain obligations in safe operation be placed with the Federal Communications Commission. Licensing, approval of equipment, methods of installation and operation thereof, together with any standards, should be set up and flexibly administered by the Department of Commerce as at present. However, a Bureau of Aircraft Radio within the Federal Communications Commission will be responsible for the occasional inspection, checks, warnings, and enforcement on the normal operation of aircraft so far as radio is concerned.

CONSTRUCTION AND CONTROL AT AIR TERMINALS

The equipment and maintenance of certain selected landing areas should become a Federal or State, or possibly a joint, responsibility. A few municipalities maintain airports for traffic, the chief beneficiaries of which are municipalities outside the respective States. Newark is a good example of a city in another State assuming almost the entire burden of air transport landing facilities for the entire New York metropolitan area.

City pride results frequently in a municipality assuming an unjustified obligation to provide facilities which keep its terminal in satisfactory condition for interstate air commerce. The ownership, operation, and maintenance of an airport used in interstate commerce should be assumed by the largest possible political division enjoying the benefits from the facility, just as is the case now with our inland waterways. The present and future construction and maintenance of the inland waterways and the facilities for coastwise shipping is assumed by the public at large. A similar arrangement should exist for air navigation facilities used in interstate air commerce. A further and supporting reason for suggesting Federal control and support of such landing areas along Federal airways is the growing use of municipal air terminals by military aircraft. The necessity for centralized control of every part of our Federal airways system, including air terminals, is indicated by the rapid development of radio control over all airplane movements on our Federal airways.

The present system of airway traffic control has in it a missing link, caused by the fact that the control of the Federal Government does not reach within the boundaries of the air terminals. The complete control of the Federal Government along the Federal airways should not be jeopardized by breaks in the system. The navigation of the airplane should be controlled, not only while the airplane is in the air along the airways, but also during its maneuvering on or about air terminals. There is every evidence that such a development is mandatory and should not be delayed.

SPEEDY ACTION NEEDED

Your committee finds that the death of our colleague, Senator Cutting, was caused by failure of the Government's ground organization to function properly, and by inadequate and deficient airway aids. In view of this we should endeavor to have our country organize all Federal airways so that this distressing accident may in some manner eventuate in the saving of the lives of other persons.

Thiers asserted that "the first business of a government is to govern"; surely, the second business of a Government is to protect the lives of its people, whether at home or abroad, and whether on land, on water, or in the air. No Government could be respected that permitted the continuance of conditions in relation to its highways, waterways, or airways, that might result in unnecessary destruction of lives.

Aids to air navigation present a problem for which there can be but one solution. There must be no delay in doing all we can to make flying safe. Immediate approval of a program of safety will bring a sense of security that is not now felt by our citizens. There is sure to be praise for our efforts to get immediate and definite action in this direction. There will be bitter criticism if we fail.

Federal airway traffic control was instituted in 1936, but as we have indicated, expansion of the system at various congested air terminals is already becoming essential. As time goes on, the congestion will increase along all the airways and particularly at an increasing number of air terminals.

The Seventy-fourth Congress appropriated funds for airway traffic control at eight congested air terminals. It is discouraging that but five of these have as yet been installed. The main need at present is (a) to continue the system already started, and (b) to expand the number of cities served as air traffic gives evidence of becoming congested. We anticipate that during the coming few years a few additional cities may need to be added annually to those for which appropriations are made to control the traffic.

It was evident in March of 1936 that Congress would appropriate funds for airway traffic control so as to remove this outstanding hazard to safety in flight. The appropriation for this purpose was approved by the President on May 15, 1936. But the Bureau of Air Commerce did not move until July 7. Even then it added little to what the scheduled air lines had already provided. Months have elapsed and all this time human lives have been unnecessarily jeopardized. While the Bureau has debated, the desire and decision of Congress have remained in suspense. The launching of airway traffic control, contemplated by congressional action, has been unduly delayed.

FLYING HOURS

The Secretary of Commerce is not only authorized, but he is actually directed, by section 12 of the Air Mail Act, to fix maximum flying hours. Not only is the Air Mail Act clear on this point, but the legislative history of the statute is explicit in this particular. Numerous rulings of the Supreme Court, even including those as recent as 1936, have held that, when there is in the same statute a particular enactment and also a general one, which in its most comprehensive sense would include what is embraced in the former, the particular enactment must be operative; the general enactment must be taken to affect only such cases within its general language as are not within the provisions of the particular enactment. Section 12 of the Air Mail Act, as amended, thus beyond question governs the question of maximum flying hours for pilots, while section 13 pertains only to their other working conditions. (See subject "Pilot Fatigue" below.) Therefore, the Department of Commerce is exonerated, in the opinion

of your committee, from charges by witnesses to the effect that the Department had violated the law with respect to pilots' flying hours.

PILOT FATIGUE

For some years there has been more or less of a controversy over the maximum numbers of hours a pilot may fly without reaching that point of fatigue which endangers safety in the air. At the aero-medical meeting in Los Angeles last August, flight surgeons were practically unanimous in their opinion that it is not work but worry over affairs not related to piloting nor to aeronautics that causes the drain on a pilot's human faculties, creating a menace to safety. In view of the advance that has taken place in aeromedicine, the opinion of that competent medical body must be accepted, and now we may hope that the problem of pilot fatigue can be and should be settled scientifically. A committee of leading American physicians has been appointed to work out the details of a proposed scientific study of this question.

A great majority of the accidents now taking place in scheduled air transportation are being blamed on the human element, particularly on the pilot. The personnel of our private flyers are a splendid and really unusual lot of men. There may be exceptions, of course, but, in general, a comparison of our private flyers with the personnel in other fields of life shows that airmen are outstanding. This holds true with the men on the ground as well as the men in the air.

Your committee considers the matter of pilot fatigue so fundamental and so necessary of accurate scientific determination that we believe immediate action should be taken. To that end we recommend an appropriation at this session of Congress of $50,000, the money to become immediately available and to remain available until expended in the financing of a scientific study of, and the securing of a scientific answer to this question of pilot fatigue.

The Federal Coordinator of Transportation, in his publication dated March 1936, entitled "Hours, Wages, and Working Conditions in Scheduled Air Transportation", said the following on this particular subject:

"The former maximum and present limits of flight-hours per month for pilots and copilots were fixed empirically. The maximum of flight-hours per month recommended some years ago by the Aero-Medical Association also lacked a carefully developed scientific basis. So important a limitation should have a more substantial basis. Scientific determination of critical points in fatigue is now possible by the use of methods and apparatus developed in recent years. Such an investigation should be instituted along lines broad enough to embrace consideration of the effects not only of different flight periods but also differences in type and equipment of planes, in noise and vibration, in visibility, in extent and character of navigational aids and landing conditions, in terrain, altitude, and temperature, and in the latter connection, the effects in particular of frequent or marked changes of altitude and temperature on the human system. The effects of different operating schedules, especially those requiring long layovers and different durations, also require consideration. Records of accidents should be studied to obtain such light as they may afford on the influence of different flight conditions. In the last 2 or 3 years some of the factors entering into the fatigue questions have undergone important change, such as the number of hours involved in flight, and also the lengthening of duration of straight-way flights. The fatigue problem continues to be one of pressing importance and calls for immediate investigation. Experiments should be conducted under both laboratory and flight conditions. The results of the study should be translated by the agency responsible for the formulation of regulations controlling matters affecting safety. No attempt should be made to express such limits in statutes. The administrative agency should be left free to revise the standards to meet changing conditions."

MODERN FLYING

The Federal Government has contributed a good deal in the way of aids to air navigation, both for scheduled operators and for military and private fliers. But, unfortunately, it has not kept pace with the recent rapid strides in the art of flying. Until 3 years ago, before blind or instrument flying became an essential to positive schedules, pilots preferred to fly contact; that is, to "keep one eye on the ground" at all times, irrespective of weather. This meant that in storms, when ceilings were low and low scudding clouds reached down to the very ground, flying was dangerous. At that time advantage could not be taken of Government aids which beckon the fliers to higher levels where safety from obstacles, hills, and mountain peaks prevails. Federal aids were then actually ahead of their time.

Then there came improved air liners capable of flying with one engine completely out, fitted with gyroscopes to enable them to keep on an even keel in fog, and with radio instruments to tune in on Government beacons. Pilots were quick to climb high and get away from the hazards of ground obstacles.

Today there are 28,884 miles of United States Federal airways installed under authority of the Air Commerce Act of 1926. Aids to navigation exist on but 22,000 miles. The present airways are a splendid monument to the foresight of their creators. But since they were installed the science of air navigation has progressed. Yet some of the present airway aids have become obsolescent, due to their being 5, 6, and even 8 years old. The science of air navigation has advanced beyond the aids provided on the ground. The existing aids need improvement, modernization, and additions.

The aids already installed have promoted safety and efficiency in air travel to a great degree, as shown by the following comparisons:

In 1926 scheduled air lines flew 4,318,087 miles and carried only 5,782 passengers. In 1935 they flew 60,000,000 miles and carried 860,000 passengers; in 1936 they flew 63,777,226 miles and carried 1,020,931 passengers. Where, in 1931 the passenger-miles flown per passenger-fatality were but 5,000,000, safety has increased so that in 1935 29,000,000 miles were flown per passenger-fatality. Only 15 passengers were killed during 1935. However, in 1936, when 46 passengers were killed as compared to only 15 in 1935, 9,534,390 passenger-miles were flown per passenger fatality. While in 1928 the fatal accident occurred for each 890,000 of scheduled airplane flying, by 1935 safety had increased to such an extent that a fatality occurred only after an average of 8,700,000 miles, and in 1936, despite the discouraging year, a fatality occurred only after an average of 1,386,460 miles.

The aids we recommend will still further increase safety, as well as regularity, reliability, and dependability of service. An increase in those safety factors will lessen the fear of air travel. A decrease in fear will surely increase passenger business, thus permitting the air lines which are now annually running millions of dollars "in the red" to approach or attain operation "in black ink."

Airway aids are provided not alone for scheduled air transports, but likewise are of equal value to the private flyer and for the Army, the Navy, the Marine Corps, and the Coast Guard. They are a factor of tremendous importance in our scheme of national defense.

Air traffic has increased so greatly within recent years that our airways are now badly congested around certain major air terminals. Aids for air-traffic control are just as necessary at this ever-increasing number of congested terminals as are traffic-control lights essential to highway traffic in and around congested areas.

The air is like an ocean, the only ocean navigable to all points of the earth's surface. Just as the Government follows its traditional policy and, out of the Treasury, provides aids for navigation on the seas and inland waterways, marking the dangerous rocks and reefs, so likewise it is the duty of government to provide similar markings for the navigation of that greatest of seas, the air. Under adverse weather conditions, airway aids are indispensible.

The necessary airway aids, subject perhaps to modernization and improvement as time passes, will last the Government a number of years. Nothing in the necessary airway aids is experimental. All types of installations have already been tested and proven.

The air lines are now spending $11,000,000 and planning on spending yet an additional $15,000,000 on new, more modern, and safer equipment for use above the ground to obtain safety in the air. It is believed that the Government can and should insure air travelers that degree of safety, regularity, and reliability which they have a right to expect when they purchase transportation or proceed by private plane over the authorized Federal aerial highways.

Aids to navigation are required for installation in 43 States, plus Alaska, where 29 air companies operate, and in the Caribbean. They will affect the safety of travel in all 48 States, plus air travel throughout our far-flung Territories.

Based on Department of Commerce cost figures, the estimated expense of the necessary navigational aids along those airways over which United States mail is flown, is as follows:

Domestic	$14,000,000
Alaska (report of Gov. John W. Troy, Nov. 22, 1935)	2,900,000
Puerto Rico and Virgin Islands	30,000
Estimated total	16,930,000

The break-down of these figures are found in the hearings of the committee on February 16, 1937.

AMOUNT OF $12,414,000 FOR PROVEN AIDS NEEDED NOW

As the domestic situation is so pressing and as a large program clearly defined should effect savings through quantity purchasing we recommend the immediate appropriation of $10,000,000 so that construction of these aids and their early operation will not be retarded 1 day more than necessary.

We note particularly the striking need for radio marker beacons of high frequency to mark zones of silence over airports, to mark mountain peaks or ridges in the proximity of terminals, and for traffic control.

The need of $2,364,000 annual additional appropriation for the Weather Bureau is urgent and can be placed in the same category.

Fifty thousand dollars should be made available at once for a study of pilot fatigue, making a total of $12,414,000, which should be appropriated from the Treasury forthwith and spent as quickly as is practicable.

We are recommending elsewhere additional expenditures in long-term spending for respectively, research, development, experimentation, and additional administrative expenses in different agencies of the Government, but these cannot be classed as "emergency", "pressing", or "imperative" as can the above.

Provision should be made, too, for whatever assistance in air navigation facilities that may be needed to make safe and efficient those American aircraft which are in competition with foreign subsidized ships en route to, or in countries under, foreign flags.

Although the total of the appropriation now necessary may appear to be large, it should be noted that but little was spent during the past 5 years on the construction of additional aids to air navigation. The language of the regular annual appropriation acts was so broad that the Bureau of Air Commerce was enabled to spend, and apparently did spend, a very large portion of its appropriation in a manner that contributed neither to the construction of aids to air navigation nor to safety in the air. The following tabulations compiled by the Department of Commerce show the sums actually expended on the construction of new and additional aids to air navigation:

Expenditures for construction of new and additional aids to air navigation during the years prior to the time when instrument flying became possible

Fiscal year:	Out of regular appropriations
1928	$1,481,010
1929	1,740,000
1930	1,521,000
1931	2,121,600
1932	1,471,500

It will be noted that for the 5 years 1928 to 1932, both inclusive, years in which the amount of night flying was relatively small and instrument flying almost nonexistant, an average sum of approximately 1¾ million dollars was spent annually from regular appropriations for the construction of new and additional aids to air navigation. Beginning in 1933, a very serious and regrettable decline took place in such expenditures. As we understand the situation, based on a Department of Commerce exhibit, the following tabulation shows what has happened in the construction of aids to air navigation for the fiscal years 1933 to 1936, both inclusive, years in which instrument flying has become common.

Expenditure for construction of new and additional aids to air navigation since the date of the introduction of instrument flying, and during the years in which air navigational aids have become vitally important

Fiscal year	Out of regular appropriations	National Industrial Recovery allotments	Emergency relief construction
1933	0	0	$75,210
1934	0	[1] $2,064,525	0
1935	$287,900	0	0
1936	$7,000	0	0

[1] Expended over the 3-year period of 1934, 1935, and 1936.

It should be observed that the paucity of expenditures indict the Government for failure to provide adequately for air navigational facilities. However, the Congress may take some satisfaction in considering past appropriations, when it notes the fact that in the years of zero expenditures, Congress had appropriated larger sums than were utilized. The Department of Commerce turned back to the Treasury in 1933 the sum of $1,321,287.83 and in 1934 the sum of $2,289,442.58, which sums had been partly impounded and partly unexpended.

It will be noted that even if $5,000,000 be appropriated and made immediately available for use in the modernization of existing airways and in the construction of new and additional aids to air navigation within the continental limits of the United States, as indicated in our letter to the Department of Commerce, dated November 8, 1935,[2] Congress will do no more than make up for the deficiencies in aids that were created by the lack of expenditures during the fiscal years 1933 to 1936, both inclusive. During those years the miles of Federal airways were increased from 26,745 to 28,884. During the same period the total weight of mail dispatched increased more than 2,000,000 pounds per annum; express carried increased from a quarter of a million pounds to two and one-half million pounds per year; and scheduled passenger-miles actually flown increased from 90,567,313 to over 243,779,934 miles per year. It is obvious that the drastic Federal reduction in the construction of airways aids during the period of time when flying was so rapidly increasing has prevented the Government from doing its duty in keeping pace with industry and has jeopardized the safety of life and property of our citizens entrusted to transportation by air.

Even should the above-mentioned sum of $5,000,000 now be expended for the construction of new aids to air navigation, there will remain without aids more than 5,000 miles of Federal airways, installed under authority of the Air Commerce Act of 1926. Over these the United States mail and American citizens are daily flown without the benefit of such air navigational aids as are designed to save human life and cargo. It is obvious that the aforementioned $5,000,000 would complete only approximately one-third of the capital expenditure that is truly necessary at this very moment. We should appropriate not less than $10,000,000 this session.

Not alone is immediate action on this subject required for the private flyer and for commercial aeronautics, but the action we are recommending is the only one that can insure the quick mobilization of our military air force in time of war. Timely transfer of that fleet from one coast to another under wartime

[2] See supplemental hearing, before subcommittee of House Appropriations Committee, on Department of Commerce appropriation bill for 1937, 74th Cong., 2d sess., pp. 14, 15, and 16.

requirements, regardless of adverse atmospheric conditions, is impossible at present. We are now spending annually many millions of dollars on an Army Air Force that might be grounded in the wrong place if atmospheric conditions should prove adverse at a crucial moment. This is an unpardonable national oversight. Just as countries must build railroads and highways in time of peace for strategic use in the event of war, so must we now construct Federal airways that may be used in time of peace by our private citizens and our commerce, but which in time of war are essential to the concentration and timely use of our military air force. Without a proper system of airways, such as your committee is suggesting, it is possible that adverse atmospheric conditions might make our air force ineffective at a critical time in the defense of our country.

While on this subject, in addition to our domestic situation, attention is invited to the special problem in Alaska. (See p. 33.)

This committee has heard Department of Commerce testimony which was intended to convey the impression that the lack of airway radio aids was not a hazard to the Army flyers who were carrying the mail in 1934. Examination of the record shows that the files of the Baker Board are filled with testimony showing that the airway radios were defective or unreliable, or both, during the period the Army was entrusted with this undertaking. In investigating the recent accidents in interstate commerce, your committee cannot help a feeling of regret that the Bureau of Air Commerce did not profit by the evidence introduced before the Baker Board on this subject. The Director of the Bureau of Air Commerce, for some reason, neglected to testify before the Baker Board when the latter body would have welcomed the receipt of any possible enlightenment on this point. The Bureau of Air Commerce should have taken seriously the great amount of evidence presented to the Baker Board on the subject of defective and undesirable features in the radio aids along our airways. Had it done so, it is believed that scientific research might long ago have been instituted to correct and improve the technical situation. In that event, it is probable, lives might not have been lost in some of America's recent flying accidents.

The testimony of officials of the Bureau of Air Commerce was to the effect that European commercial air lines do not have the benefit of properly laid out airways. But it should be noted that there is no possible chance at present of building a lighted and completely equipped airway between the capitals and industrial centers of the Continent of Europe. In countries of such small dimensions as those of western Europe, a properly equipped airway might permit an enemy to attack with success. The United States can be thankful for the great oceans on either side of it, and for the friendly neighbors to the north and to the south. The Bureau of Air Commerce has lost sight of these fundamentals. It would be just as sensible to say that American citizens do not need their right arms because the people of some other land are able to get along with but one arm. Why handicap and endanger ourselves solely because the citizens of some other nation or nations are forced by circumstances to operate under such unenviable conditions?

The question of airway aids is no longer solely a question of performance of schedule; it is now a matter of life and death. Surely, human life is just as precious in one section of America as in another. Since it is practically impossible to predict where the next accident will occur it is therefore equally impossible to compile a master list showing thereon, in accurate order of importance, the aids now necessary to safe air navigation. It is urged and recommended that an appropriation be granted during this present Congress to cover in full the construction and maintenance of all the necessary aids to air navigation. While the sum may appear large, its size fades into insignificance when we realize that the grand total represents approximately but a week's expenditure of our Bureau of Public Roads for surface highways, for which this country appropriates approximately $400,000,000 annually.

Your committee agrees with the safety recommendations concerning regular appropriations as set forth by President Roosevelt's Accident Prevention Conference in a subcommittee meeting headed by the Honorable WILLIAM GIBBS MCADOO on December 18, 1935, which recommended as follows:

"1. That the President be requested to indicate to his budgeting and appropriating authorities his desire (*a*) that safety measures under the Bureau of Air Commerce deemed adequate by the Secretary of Commerce be authorized and provided for by regular appropriation; and (*b*) that the cumulative obsolescence and growing inadequacy of safety equipment under the Bureau of Air Commerce be immediately corrected by special appropriation or allotment of available emergency funds; and

"2. That the directors charged with the expenditure of relief funds waive such regulations as now stand in the way of their approving the requisitions made for providing these safety features in the installation of further aids to navigation on the airways and airports in the United States, and thus provide greater safety for the American traveling public.

These recommendations have been endorsed by the American Legion, the National Aeronautic Association, the National Association of State Aviation Officials, and the National Safety Council. The last-named organization set aside its policy of "no resolutions" to call to the country's attention the need for immediate action in this field.

The report of the Committee on Air Commerce and Planning of the Business Advisory Council, as approved by the Business Advisory Council on April 30, 1936, and letters from the chairman of your committee to the Director of the Budget, give reasons

identical to some of those herein set forth as to why the construction of certain fundamental aids to air navigation should be undertaken at once. The soundness of these recommendations is beyond dispute. The Department of Commerce has testified before this committee to the effect that a large proportion of the ills complained of in air navigation are directly traceable to a lack of funds. It is unfortunate that the Bureau of Air Commerce did not, to your committee's knowledge, request the necessary appropriations some time ago. It was not until your committee, during its air studies, urged the Bureau, that any request was finally made.

Action on the appropriations which we have suggested in our analysis above, pages 11 and 13, should constitute one of the first acts of the present Congress.

WEATHER REPORTS AND SAFETY

Your committee has already indicated that up to and including the fiscal year 1932 the subject of airway aids was apparently being satisfactorily conducted by the Federal Government. Aerological appropriations suffered approximately a 40-percent reduction from 1932 during the years 1933, 1934, and 1935, even though in that period the amount of scheduled flying increased about threefold, night flying became common, and instrument flying, formerly nonexistent, became the normal performance.

In detail the following tabulation shows the reduction in Weather Bureau appropriations:

Weather Bureau appropriations

Fiscal year	Administration	General weather service and research	Horticultural	Aerological	Total
1926	$125,000	$2,255,944	$25,960	$107,100	$2,514,004
1927	125,000	2,315,430	27,500	176,150	2,644,080
1928	127,000	2,253,733	31,500	241,500	2,653,733
1929	127,000	2,298,000	31,500	315,000	2,771,500
1930	134,000	2,517,000	40,900	850,000	3,543,900
1931	137,680	2,535,200	50,400	1,400,000	4,123,280
1932	137,680	2,585,200	65,500	1,709,340	4,497,720
1933	136,180	2,503,218	59,300	1,465,440	4,164,038
1934	104,210	1,773,613	31,194	1,052,442	2,961,459
1935	118,793	1,883,260	33,159	1,128,647	3,163,859
1936	124,840	[1] 2,050,963	49,467	1,213,929	3,439,204

[1] $10,000 of this was for western Montana.

Generally speaking, and especially in view of the reduction during recent years of its appropriations for the meteorological services for aeronautics, the Weather Bureau has accomplished a noteworthy task with credit to its traditions. But your committee urges that the present Congress not only reinstate the cuts heretofore made in the appropriations for this Bureau, but also increase the amounts. Safety in the air depends to a great extent upon timely and accurate meteorological reports. Furthermore, information obtained by the Weather Bureau for aeronautics becomes of daily use in the lives of our citizens. The United States is falling behind in this most necessary service. For example, the United States of Soviet Russia spends for weather service approximately 27 times the annual expenditures of this country. Your committee foresees a need for increased appropriations for aerology which, within a few years, may involve appropriations for this service possibly three to five times their present size.

The development of weather service for flying activities in this country has been and is chiefly along two lines:

1. The organization of a comprehensive network of stations giving reports of sufficient frequency and accuracy to provide a complete picture of current conditions and their changes with time; and

2. The charting and analysis of all this material in accordance with the results of modern studies of the structure and behavior of the various conflicting air masses whose interactions produce our weather; this is done so that as accurate forecasts as possible may be made of future changes.

In carrying out the first objective, experience has shown that there is urgent need of a moderate extension of the present service, particularly along the following lines:

(a) Additional off-airway stations to provide reports which will show the approach of bad weather conditions toward the airways. Lack of such information has at times resulted in unfavorable weather arriving at the airways almost without warning.

(b) Additional observations from stations already established along some airways on which there is at present comparatively little flying. For such flying only one observation per flight is made. There should be another observation an hour or so earlier in order to establish what we may call the "trend" of the weather.

(c) Additional funds are needed to make possible more frequent inspections of the observing stations. This would correct a weakness to which attention has been called by some witnesses, namely, inaccurate or incomplete reports by observers at isolated stations where there is no opportunity for them to receive the necessary instructions.

(d) The extension of the teletype system of the Department of Commerce would very materially increase the efficiency of the weather service.

In connection with the second objective, namely, improvement of the forecasts, the following are the chief needs:

(a) A material increase in the number of upper-air observational stations. At the present time observations of wind aloft are made at about 72 points by means of pilot balloons. Observations of temperature and humidity are made by means of airplanes at only 12 points. There should be about 31 additional pilot-balloon stations and 15 additional airplane observation stations; but, more important, it should be possible to make four observations each day at all of these stations, instead of only two or three, as is the case at many of them at present. Much more detailed information than is at present available is required regarding conditions of temperature and humidity in the upper atmosphere. These are useful not only in providing data concerning current conditions but also, and more important, in giving the essential data for making possible a physical analysis of the structure of the air as a basis for forecasts of future weather development. At the present time such data are secured by means of airplanes. Within a relatively short time these will undoubtedly be displaced by another device, namely, the radiometeorograph, a development sponsored by the United States Weather Bureau.

This is a very interesting device which enables weather observers to obtain accurate information aloft and at different elevations, irrespective of visibility. Heretofore, airplanes have been sent up for this purpose, but this instrument, in reality a miniature inexpensive broadcasting radio station weighing about 2 pounds, is sent aloft attached to a small spherical balloon. It keeps transmitting continuously the changing weather data as it rises to great altitude, and the ultimate finder, for a small reward, returns it to the Government. American adaptations of this device are already in existence. One design has been in use in Soviet Russia for some time and has proven most helpful, especially in giving accurate data from various strata aloft.

Regardless of what apparatus is used, the essential thing is that the observations be more regular than at present, reach higher altitudes, and cover the country more completely.

(b) Although the systematic application of sound physical principles to the problems of forecasting has been practiced only about a year, very considerable improvement in forecasts has been experienced. The Weather Bureau is seriously handicapped, however, in having as yet only a very small number of employees fully trained in and conversant with the more modern technique in forecasting. Its force includes a large number with all the necessary basic training and education, but they need additional training along this specialized line. One of the greatest needs at the present time is authority to detail a limited number of men each year for the next few years to educational institutions that are equipped to give such training. Similar practice is already followed by the War and Navy Departments.

(c) For the most effective possible use of air-mass analysis as well as for providing current information of great value, not only to aeronautics but to many other activities, it is essential to have the number of daily weather maps increased from two to four each day. In order to do this properly, funds should also be provided for increasing from two to four the number of reports from ships at sea. This will be particularly important as trans-oceanic flying becomes established.

PERSONNEL IN SCHEDULED AIR-LINE INDUSTRY

To ask the general public to provide for capital for our air-transport companies and simultaneously to prohibit by law the procurement of the highest possible grade of efficient personnel must serve to handicap safety as well as progress in aeronautics. While there are excellent men in the air-line industry, the situation can and should be improved. Your committee, in agreement with the former Federal coordinator in his study of the situation, cannot agree with the theory of the present air-mail law which places rigid limitations upon stockholders, directors, officials, and employees of air-transport companies. Good men, the very best of American men, are needed as officials in all these companies. There are sharp competitive conditions which must be met if outstanding executives are to be obtained. The air lines in their daily battle for safety and efficiency are faced with the problem of commanding the services of high-grade men for official and technical positions. Those having the necessary qualifications are limited in number. Air-line corporations require men of great experience, technical knowledge, and a high degree of accuracy of judgment. Such men are not easy to find. They are comparatively rare, and their services are in great demand in several fields.

The strain on the head of the senior official of an air line is great. A competent president is on the job every minute. He is constantly faced with the necessity of making decisions that may involve life and death. He has not only the ordinary problems of a highly competitive business but also the stress occasioned by the eternal vigilance required for the protection of human life and property transported by air. Yet under the law an officer, director, or employee cannot accept more than the legally specified maximum of $17,500 a year from all sources combined, not alone from an air-mail carrier but from any other and totally distinct company, whatever be its nature or business. While good men may now be serving the air lines because of their love of aeronautics, or as a patriotic duty, we cannot depend upon charity for the successful and safe operation of air transportation. Ultimately, air-mail-carrier officers and employees will be either those who cannot obtain more profitable employment elsewhere, or those who are not worthy of better-paid positions. We cannot depend on such persons to uphold our scheduled air-transport industry. Testimony before this committee indicates, we fear, that self-protection will cause the best men to leave this industry and escape the undesirable restrictions imposed by law.

In this connection, much was made by witnesses of what they consider to be unjust discrimination. They pointed to the Post-

master General's annual report, for the year 1935, which indicates a deficit of $86,609,069.40 for the carrying of second-class mail, which means really a subsidy to magazines and newspapers. Undoubtedly in the interest of free press and the education of the public there has been created a deficit of 29 times as much money as is the deficit alleged for carrying the air mail. Yet the publications thus subsidized are not restricted as to the officers, directors, and employees they may choose, nor are these officers, directors, and employees restricted by law in their right to accept adequate compensation. Even in small towns, where the stress and strain upon the individual publisher or editor does not in the least compare to that affecting the employee of an air-mail contractor, the journalist is permitted to receive compensation unlimited by law and far greater than the law permits the air-mail employee to accept. The law that penalizes the skill and limits the earning capacity of the air-line personnel is regarded by some of our witnesses as a discriminating law, the intent of which was punitive and was intended to reach men who are no longer connected with the industry. They beg that it may be repealed.

The Senate committee that investigated the accidents involving the *Morro Castle* and the *Mohawk* found that the responsibility for the accidents rested upon the human element. There is a parallel to accidents in the air and to accidents upon the sea. If accidents are to be prevented, either in aeronautics or upon the seas, there must be no restriction against employing the best available men. Surely we must not encourage legislation that prevents the air-transport lines from obtaining the best American brains, whenever needed and wherever found. Otherwise America cannot hope for the best in safety nor for the maximum in progress.

Obviously ample capital is required for the operation of any company, business, or industry. This is particularly true in an air-transport company in order that sufficient funds may be available for the operating personnel to accomplish those results which are universally considered as essential to safety.

The financial losses of the air lines, especially since early 1934, have been so heavy that practically all lines are in need of additional paid-in capital. Our witnesses urge that there should be no more legal restrictions upon the lines than upon the railroad and steamship companies.

PROFIT AND LOSS

It should be unnecessary to point out that a profitable operation is essential to safety. It is bad enough for ordinary corporations to be harassed by losses, but in the case of the air vehicle, when safety depends on expensive equipment, there must be ample funds or the ships must be grounded. There must be profits if adequate and timely improvements in personnel, planes, and equipment are to be provided. Because a few persons made abnormal profits from speculative activities should not obscure the obvious truth that safety and efficiency demand reasonable profit in operation.

Investigation made by, and the testimony presented to, this committee indicate that the losses of the air-mail carriers in the fiscal year ended June 30, 1935, were about $4,000,000. Even though the losses are now less, their financial situation continues to be precarious. This is serious when it relates to a business in which ample cash in the bank is necessary if all personnel and matériel safeguards are to be obtained and used in the interest of safety. Until the air-transport business can be placed upon a profitable basis the situation in this industry will remain unhealthy.

In this connection it should be noted that at least a part of the losses of the air-mail carriers can be traced to the Government, and that no suitable effort has been made to compensate the carriers. After the air-mail contracts were made, many changes, advancements, and improvements in safety, performance, equipment, stops, etc., have been arbitrarily ordered by the Government. This has been done without compensating the mail contractors for radical changes in their contractual relations. Such changes have required annual expenditures on the part of the air lines, running from fifty to sixty thousand dollars in the case of some lines to seven figures in the case of others. When a contract is changed, it is the recognized rule, of course, that the person affected thereby is correspondingly compensated. But not so here, our witnesses say.

The Bureau of Air Commerce has required the operators to provide a number of additional safety devices and to finance new equipment more expensive in first cost and more expensive to operate. The law and the Bureau also added to operating costs by law and regulations, such as those fixing the maximum flying hours of pilots and specifying safety standards affected by equipment. Under the regulations of the Post Office Department, new and better equipment, additional stops, additional ground crews, and other factors, have been required of the air lines, because the Post Office considers such changes improve the service rendered to the public. The Labor Board greatly increased the pay of pilots, and the law also contemplates the addition of higher compensation and improved working conditions for certain employees. These and other changes have been made by law, or by Government departments at the expense of the air lines; the air lines have been granted no commensurate compensation to enable them to carry out their contractual duties.

Since these charges are true, it is only just to recommend that legislation be provided granting a remedy to the air-mail carriers. Such relief was granted by section 301 (a), title III, Public, No. 835 of the Seventy-fourth Congress (1936 Maritime Act); the Congress provided that any increase in operating expenses occasioned by the Government would justly and fairly provide a reason for an increased compensation to the carrier of mail by ships.

REFINANCING NEEDS

The losses suffered by each and every air carrier operating under contract with the Post Office Department to carry the domestic mail have been heavy since early 1934. In consequence, all or nearly all of our air-mail carriers will need to go to the public for refinancing now, or in the very near future. This action is made more certain by the need of air-line operators to purchase new and more modern equipment and safety devices. In some cases the air lines must obtain this equipment by borrowing.

The scheduled air-transport industry is a legitimate business and has the inherent right to request the support of the investing public. It should be no more hampered in raising its legitimate capital than is any other common carrier serving the necessity and convenience of the public.

OTHER ESSENTIALS—POST OFFICE DEPARTMENT TYPES OF AIR MAIL

The United States Post Office from the earliest days of our Republic has been a persistent pioneer in the encouragement of transport. Contracts for the transportation of mail by stage-coach, canal boat, pony express, railroads, ocean steamships, and, finally, airplanes were designed, not merely to pay the cost of transporting the mail but to share the cost of the construction and to encourage the operation of better vehicles to give faster service for the convenience of travelers and trade. This policy has been well sustained by successive Congresses for 80 years and should be continued. It imposes no great burden, because the revenue derived by the Government returns a substantial part of the cost.

The Post Office Department was selected as the chosen instrument of our Government and charged with the task of developing air transport on a commercial basis. In this connection the committee has studied the hearings before various Government agencies and boards, including the evidence and opinions furnished by competent experts and businessmen before the Federal Aviation Commission, of which the late Honorable Clark Howell was chairman.

Of course, it has always been the hope that every system of transporting the mail should strive to make itself economically self-sufficient. In the matter of air-mail transportation, our Government has three options:

1. It could allow civilian aviation to fend for itself;

2. It could instruct the Post Office to continue its interest in civil aviation, making necessary modification of existing practices to suit changing conditions of the time, but having as its basic policy the continuance of the arrangement whereby the airplane would be used for the transportation of mail, provided the sender wished to pay the additional charge for the stamps; or

3. The Government could decree that every community should be given the advantage of high-speed air transport for the transportation of all of its first-class letter mail and without extra charge for the postage, a policy accepted as an axiom prior to the birth of air transportation.

Originally, and undoubtedly wisely, the second option was adopted. But it is the feeling of many that the United States will, before long, be forced by public opinion to change to the third method. It is the guiding principle behind all the operations of our post-office system that every community is entitled to the fastest available means for the transportation of first-class letter mail. To give frequent, punctual, and quick communication and transportation of first-class letter mail, without the imposition of a surcharge, is regarded as one of the essential means Government has at its disposal to promote the common welfare.

The transportation of first-class letter mail by air, whenever and wherever time can be saved, will confer great benefits on all classes of citizens. As a result of the greatly increased and assured volume of such mail with the consequent revenue, larger aircraft, giving increased comfort and convenience, can be provided. Likewise, faster and more frequent services can be provided.

The world today can scarcely appreciate the numerous benefits which have resulted from the introductions by our Government years ago of the inexpensive postage stamp. A decision of the Government to carry letter mail by air without a surcharge will in time doubtless come to be regarded as of no less importance.

The transportation of mail without a surcharge by the fastest available mode of transport should benefit all classes. To the rich corporation, as to the less wealthy one and the small businessman, it will be pleasing because of the vastly improved facilities it will offer for correspondence. To everybody it affords a rapid means of communication with distant friends and relatives, a privilege from which many are at present debarred by reason of the surcharge. Lower-cost air postage will give increased energy to trade and will confer many advantages which are in the public interest.

With a view ultimately to transport without surcharge all first-class mail by air, and with a view to increasing the volume of the air-mail carriers, the committee has been urged to make certain recommendations. It is desired by these witnesses that the postal laws should be amended, (a) to repeal the law prescribing a maximum limit on rates paid to air-mail contractors, and (b) to authorize and direct the Postmaster General: (1) To reduce the rate of air-mail postage from 6 to 5 cents per ounce for air-mail

letters; (2) to inaugurate and operate air lettergrams for 4 or 3 cents; (3) air-mail post cards for 3 or 2 cents.

The same witnesses believe the Postmaster General should be authorized and directed to establish a few experimental services in order to gather data which might be useful in determining the wisdom of transporting all first-class letter mail by air whenever the time of its transit is sufficiently reduced. It may appear desirable, too, after the present trunk-line air system is more fully provided with an adequate number of schedules on all routes, for the Postmaster General to request Congress to appropriate funds for the establishment of "feeder routes." The advocates of this plan have in mind connecting cities, let us say of 15,000 or more population, with those on the present trunk air-line system.

The members of your committee have been in such intimate touch with a similar problem in connection with ocean-mail carriage that we pretty well understand the attitude of the Post Office Department. It is generally agreed that it is quite unfair to charge against that Deparment the cost of subsidizing ocean or air services. To do so gives a false impression as to the actual cost of operation of the post-office system.

Some method must be found, however, to promote the development of larger, speedier, and, what is far more important, safer aircraft. Without some form of aid this desirable development is unlikely to take place. Of course, it could be encouraged by a Government subsidy and possibly the assistance through payment for air-mail service is the most reasonable method of procedure.

But this involves more careful study than we could give it, and our committee respectfully refers the problem to the Committee on Post Offices and Post Roads. Much material of value is to be found in our hearings.

COURT DECISIONS

It seems to your committee that the Air Commerce Act of 1926 was intended to apply to all types of flying on the theory that it is necessary to regulate all types of flying in order to protect interstate commerce. The Supreme Court of California, in *Parker v. Granger*, has recently decided that Federal air-traffic rules do not apply to intrastate flying. If Federal air-traffic rules do not apply to intrastate flying, and if there are, as in the case in California, no State rules, regulations, or laws, then there is no means by which miscellaneous flying may be controlled. We are well aware of the fact that miscellaneous flying in air-miles is greater than all interstate flying, and has heretofore been unregulated, and that it is considered to be the greatest source of accidents. We recommend that the Department of Commerce make a test case of this decision and take it to the United States Supreme Court before too many of the State courts follow the example of California and build up a formidable body of State laws adverse to public safety.

INTERSTATE COMMERCE COMMISSION

Because of the lack of proper legislation, the domestic air-transport industry has not had the benefit of properly coordinated Federal regulation. With the air-mail law undergoing fundamental revision every second or third year, and with the suggestion of a periodic reawarding of air-mail contracts by a completely new process of competitive bidding, periodically raising its head, no operator can plan either confidently or intelligently. There is need for an official body which can keep in close touch with the air-transportation situation, watch developments, study the larger problems, foresee dangers which are impending, promote the cause of coordination, and advise both the President and the Congress in regard to air-transportation policies. We agree with that portion of the report (Rept. No. 1329, 74th Cong., 1st sess.) of the Truman committee to the Senate wherein was said concerning air carriers:

"The ultimate objective of the entire program is a system of coordinated transportation for the Nation * * * with earnings which will support adequate credit, and the ability to expand as need develops and to take advantage of all improvements in the art. All parts of such a system of transportation should be in the hands of reliable and responsible operators * * * free from unjust discrimination."

Should it seem wise to turn over to the Interstate Commerce Commission certain functions, there should be left to the Department of Commerce the responsibility for safety. With the Safety Division of the Interstate Commerce Commission there might be placed the responsibility for a decision as to the cause of an air-line accident when an appeal is requested from the decision of the Department of Commerce. Such matters in the case of nonscheduled and private flying should remain in the Department of Commerce.

CONTROL OF SAFETY REGULATIONS

One witness suggested that the law should contain detailed specifications for safety in the air. We cannot agree. The art of aeronautics is changing so speedily that nothing should be done to limit unduly this rapidly changing science. Consequently, in your committee's opinion, statutes pertaining to safety should neither be narrow and restrictive nor too specific. The promotion of safety in the air demands that legislation be solely of a general nature, authorizing and directing the proper regulatory body to specify what is needed for safety, and to alter or amend its regulations and specifications from time to time as conditions change or as the science advances.

THE AUTOGIRO

Like the airplane, the autogiro is a heavier-than-air flying machine. It should be classed with the plane and lighter-than-air ships in a distinct third category. All heavier-than-air machines must maintain forward speed in order to keep aloft. When forward motion ceases, gravity brings them down to earth naturally.

The autogiro, however, with its rotating wings, is able to sustain the necessary forward speed of the vanes or wings, permitting it to maintain the necessary aerodynamic reaction which keeps it in the air. The body or fuselage, at will, may move forward very slowly for a landing, or when hovering over an object. It can virtually float in the air and to all intents and purposes remain poised there if necessary. Obviously such unique, inherent features present vast fields of possibility, and with this in mind great progress has been made in its efficiency and control during the last 5 years, particularly in the United States.

The flyer who uses one of the latest types can settle down for a landing almost anywhere without a greater hazard than would present itself were he to run off the road at 10 miles per hour in his motor car.

Recognizing the peculiar advantages, for particular missions, obtained by using the autogiro, two of our Government agencies are now acquiring, and will soon put to use, this third vehicle of the air. From these operations we should learn the practicability of this machine for taxi work, from terminals to close-in boroughs of large cities, and for special missions requiring slow, low flights, such as rescue and first-aid flights often need.

LIGHTER-THAN-AIR SHIPS

The committee has not given to the subject of transportation by lighter-than-air ships the study it really deserves. Our attention has been directed primarily to the problem of safety involved in the use of heavier-than-air craft. But such incidental consideration as has been given to the problem of safe transportation, and particularly overseas transportation, by lighter-than-air ships has led this committee to the desirability of making certain comments.

It became evident, in the course of the hearings, that the development of the airship in America has been seriously retarded by inactivity on the part of the Government and its agencies. Within the past 4 years the wisdom of undertaking further airship construction for naval and commercial uses has been studied by no less than six independent agencies, excluding our own.

The Joint Committee to Investigate Dirigible Disasters, the Interdepartmental Advisory Committee for Aeronautics, the United States Navy General Board, the Federal Aviation Commission, the Durand Scientific Committee, and the Business Advisory Committee of the Department of Commerce, all forcefully recommended that more airships be built and operated.

The Durand report, which was of particular interest to your committee because of its safety provisions, was transmitted to the Navy Department on January 16, 1936. Apparently no action has as yet been taken on its recommendations. In the meantime, the continued operations of the German *Graf Zeppelin* and the North Atlantic demonstration flights of the new commercial airship, *Hindenburg*, have shown conclusively that airships can be operated safely and that large commercial airships show great promise as a safe means for bulk transport over world trade routes.

Our own deliberations on the matter and our studies of testimony and the record indicate that airships can be built safely and operated safely, and that they may be of use to our world trade, to our commerce, and to our national defense. It is equally clear that success can come only after the careful adherence to a complete and continuing program involving research, training, and operational experience.

By section 211 (g) of the Merchant Marine Act, 1936, the Maritime Commission was (1) directed to investigate and determine what provisions of that act and other acts relating to shipping "should be made applicable to aircraft engaged in foreign commerce in order to further the policy expressed in this act, and (2) to recommend appropriate legislation to that end." Pending the detailed investigation and recommendation which the Maritime Commission has been so directed to make, your committee has not deemed it advisable to make specific or detailed recommendation other than the above as to the application of the Merchant Marine Act, 1936, to airplanes or airships engaged in foreign commerce or as to other possible legislation in regard thereto.

WASHINGTON AND OTHER MAJOR AIRPORTS

Today's airport in our National Capital is not only somewhat unsafe but is also no credit to our country. Croydon, outside of London; LeBourget, outside of Paris; and Templehof, outside of Berlin, are among the finest fields in the world. America has such airports in a few places, as for example, Oakland, Calif. The Capital of our country should have a safe and adequate airport, suitable to the needs of a nation's capital. The death of some official high in the service of our Government should not be necessary to arrive at a solution. This is a subject that has frequently been under discussion by various governmental agencies for a number of years. The situation remains a sorry spectacle. Your committee recommends that the matter of providing the city of Washington with a safe and creditable airport and also a proper auxiliary airport be provided for without further undue delay.

It is now a well-established fact that all major air terminals need not only a close-in airport, but also an auxiliary instrument landing terminal. One should be close-in, or the most convenient airport to the center of the community, and the other ought to be located a considerable distance out in the suburbs, on land possessing all the natural benefits of a safe airport, such as perfect approaches.

The close-in airport should be the best obtainable, but may be subject to limitations and restrictions in bad weather, making it then useless, but of great value in fair weather—90 percent of the time for air lines, the public, and the postal authorities because of its proximity. It should be reserved at all times exclusively for scheduled air transport. On it should be located the main air-mail station for the city.

The auxiliary, adjacent far-out field should normally be confined to private and nonscheduled flying. In bad weather, however, it would be employed by the air lines in blind landings when private fliers are seldom in the air.

Similarly, there are several benefits, not often appreciated, of having a field high, with good approaches and other features for the take-off. In the event of a get-away power diminution or failure, a plane is much better off if it is leaving from a high airport than if it is climbing out of a low one with obstacles about. For these two hazards of flying, the landing and the take-off, a well-located airport is essential to safety. For blind landing it is imperative.

During the last year the trend has been toward using this combination of two airports, notably at Los Angeles, Pittsburgh, Detroit, and the New York metropolitan area, including Newark.

If the Government is to encourage the use by the air lines of such a landing practice, everything possible should be done to make this idea practical and convenient from their standpoint. There are three definite contributions which the Government can make. These will help all fliers and enhance safety.

First. The Government can establish substations for mail, to be located on the auxiliary fields. These would minimize mail delay due to landing at the adjacent field, and it would save the operating companies the expense of trucking the mail to the Post Office.

Second. The Government could equip these alternate fields with every proven blind-landing facility known. This would discourage pilots attempting to get into the fair-weather, close-in airport when conditions were the least doubtful, and at the same time keep the nonscheduled flier isolated from congested air-transport terminal.

Third. The Federal Bureau of Public Roads could instigate a program of constructing the so-called superhighways from one approved far-out field in each large city to the business centers. With no grade crossing to impede traffic, often as much as 30 minutes could thus be saved in getting into town from an airport 10 or more miles out. Much of the disturbing taxi delay now found on landing at an alternate field would vanish.

The matter of traffic control at airports will become a gigantic problem, if private flying and commercial lines develop as anticipated. Your committee feels, therefore, that alternate terminals, especially at large cities, cannot be too strongly urged.

NATIONAL-DEFENSE POLICY

In view of the emphasis rightly placed upon the value of civil aeronautical endeavor in the field of national defense, it may be well to summarize America's policy on this subject. Our national policy contemplates aggressive action against no nation; it is based entirely upon the defense of our homeland and overseas possessions, including protection of our sea- and air-borne commerce. Our existing military policy is founded upon this traditional national policy; it contemplates offensive operations only when such action is necessary as a means of defending our national security. The air units of the Navy and the air units of the Army must be ready at all times for war service. Any great war is now likely to begin with engagements between opposing aircraft, either sea or land based, and early aerial supremacy will be an important factor. An aeronautical program, complete in all essentials, is therefore absolutely essential to the national defense.

The size of the air forces for a major emergency will be vastly greater than it would be prudent to maintain in time of peace. Improvements in airplanes are continuous and relatively rapid. Airplanes become obsolete in a few years and, in some cases, are already obsolescent at the time of quantity delivery. Military airplanes, in time of peace, cannot be advantageously stored in large quantities, as can guns, for example. This is the premise which leads to the conclusion that there must be maintained in time of peace a satisfactory nucleus of a wartime aeronautical force. By a "satisfactory nucleus" is meant a number of aircraft manufacturers and aircraft users distributed over the country and operating on a sound financial basis, creating an industry that is capable of rapid expansion to meet the Government's needs in an emergency. Military aeronautics, in case of a lengthy war, must rely largely upon aircraft built in time of war. Consequently, the general condition, productive capacity, and operative ability of our commercial aircraft establishments are of national concern. In time of peace, America should encourage and never hamper any well-conceived form of commercial endeavor in aeronautics.

MOBILIZATION

Much has been spoken and printed as to the value of our scheduled air-line companies to the country, from the viewpoint of national defense. In national defense practice makes perfect, as it does in anything else in life. It is felt that Congress should appropriate this year, as a part of the War Department bill, sufficient funds so that the President may, during the course of this summer's annual maneuvers, mobilize our scheduled air lines, at least during one or more days. This should be done in order that the War Department may try out the efficacy of such of its mobilization plans as pertain to the use of our domestic air lines in a time of emergency.

RESERVE OF PERSONNEL NOT ON EXTENDED ACTIVE MILITARY DUTY

The large number of pilots and technical personnel engaged in civil and commercial aeronautics constitutes a reserve which is an important factor from the standpoint of national defense. These groups of highly trained citizens should be encouraged to join the Air Corps Reserve, and provision should be made for their annual military training. But your committee cannot agree to the suggestions which have been presented to Congress, that any or all of these pilots or technical personnel who do join the Air Corps Reserve should be paid at a rate different from that applying to other classes of patriotic American citizens who join our military Reserve force. The inadequacy of pay and allowances is but one item of the broader problem for the whole Reserve establishment of the Army at large and of the citizens who join our military Reserve. The Congress should give sympathetic and careful consideration in the preparation of the Nation's financial program for the whole Reserve establishment, but no single class of citizens should be preferred over other classes when brought into the Reserve. Your committee believes that the Reserve component is an essential element of our national-defense system and that it should be given all the support possible. But such support should be consistent with the requirements of our national defense as a whole.

INSTALLATION OF PARACHUTES ON COMMERCIAL AIR LINERS

From year to year various bills contemplating a legislative requirement that parachutes be installed on commercial scheduled air liners have been introduced into Congress. This question has been the subject of consideration by your committee, as well as by the air-transport industry, in its efforts to further increase the safety of air transportation. Your committee is convinced that when the placing of parachutes in passengers' cabins will contribute to safety in air transportation, the air-line industry will automatically and enthusiastically sponsor that provision. Your committee believes that the idea of demanding by legislation that parachutes be installed for passengers on air liners is unsound at this stage in the science of aeronautics. To do this might even detract from existing safety standards rather than enhance them. Our reasoning is along the following lines:

This subject is one which continues to recur for two reasons: (*a*) The lack of knowledge regarding the technicalities and difficulties involved in the use of parachutes in air emergencies, and (*b*) well-intentioned persons who desire further safety but who are unfamiliar with the facts.

Before discussing their use, one should review the general history of the use of parachutes. These so-called "lifesavers" of the air began to come into use toward the close of the war. The military services of the United States did not adopt parachutes until about 1922. The nature of military flying justifies the use of parachutes, at least in peacetime. In the course of military maneuvers, involving all kinds of aerobatics, formation flying, and involved tactical maneuvers, in which the danger of collision is always present, the use of parachutes is well worth while.

At about the same time the military services adopted the use of parachutes the air mail was in its infancy. No more hazardous peacetime flying than that of the early air-mail days has ever been done. In this type of flying parachutes were an absolute necessity. It is highly significant that, in respect to military and early air-mail flying, the personnel who wore parachutes were men in the prime of life, who had received careful training in their use in an emergency.

As years passed along and aeronautics advanced, the use of parachutes extended into other specialized fields of flying which involved unusual jeopardy. They were used in testing new-type aircraft, private night flying of single-engine airplanes, and private aerobatics. In almost all cases where parachutes were used the wearer took off on every flight with the full knowledge that he was courting the necessity for using a parachute. Thus, being forewarned as it were, these men took pains to be familiar with the manner in which a parachute must be used in order to obtain from it the maximum security. Even in these cases, however, parachutes have not infrequently led men to their death through a sense of false security. This is true because a parachute is not always infallible. The jump must be made at sufficient altitude above the ground to allow time for the parachute to open. The wearer must pull the ring to release the parachute from its pack at the right time. To do this successfully the release must be, first, not too soon, or it will foul the airplane; second, not too late, or it will not open in time to break the fall.

There are several factors which militate against the use of parachutes in commercial air transportation. These may be resolved into three groups: First, the circumstances immediately preceding accidents and under which major transport accidents occur; second, the inherent defects of the parachute itself; third, the psychological reaction of the human being unfamiliar with aeronautics being faced with the contingency of making a parachute jump.

Taking the first group, consider the major air tragedies which have occurred in this country. Without exception, every one of them has so happened that there is no doubt that even the pilot himself had no warning of coming disaster. Certainly in these cases the passengers had no warning either. Air accidents happen in a split second and all is over before there is time for a warning. Under situations of this kind the use of parachutes is impossible.

These tragedies are invariably collisions with the ground. They have taken place under such conditions of terrain and weather that evidence points conclusively to the fact that for some appreciable period before the actual accident occurred the plane was

flying so close to the ground that the safe use of parachutes would have been impossible. A careful study of actual forced landings by transport planes, due either to mechanical difficulty or to weather, discloses that in all cases the passengers fared better through remaining with the plane than would have been the case had the passengers attempted to land by parachute.

The parachute as an instrument of life saving is far from the perfect, effective device that its proponents claim. There are constantly recurring accounts of men who lost their lives by placing too much faith in their parachutes. When the emergency arose to necessitate its use the wearer sometimes failed by a fraction of a second to release the rip cord at the proper time, perhaps pulling it too early, with the result that the parachute fouled the plane and dragged the wearer to his death. Also, as has been the case, after jumping and safely opening the parachute the falling plane itself struck the parachute or the wearer, with fatal results. Numerous cases are on record of parachutes failing to open due to their being used at too low an altitude. This last factor, which vitiates the safety of a parachute, is especially pertinent in this consideration. This is so because persons in airplanes, facing an accident on take-off or landing, would be unable to use parachutes even if they had them.

A second factor is the difficulty of egress from an airplane flying at speeds in the neighborhood of 200 miles per hour.

Finally, one must hit the ground. It is of great significance that one landing in a parachute strikes the ground with approximately the same force as if he had made a free jump from a height of about 10 feet. Many skilled jumpers have received serious injuries when they failed to land correctly. Even an expert with a parachute has little or no control over the spot where he will land. The novice has absolutely none. Therefore, a person making his first jump is quite apt to land on the top of a house, or a church, a high-voltage wire, a lake, or some other obstacle promising serious, if not fatal, injury.

It is significant that some wealthy private flyers have equipped their personal airplanes with parachutes, only to meet death without the parachutes being used. An outstanding example of this is the accident last spring of Mr. Fred Harvey and his wife. The airplane flown by Mr. Harvey was equipped with the latest seat-type parachutes and yet, when he found himself in difficulty, there was no attempt to use the parachutes. This is a typical case. Either the accident occurs so quickly that there is no opportunity to use them, or it has been impossible to escape from the airplane due to the force of the air stream.

Almost without exception, persons who have used parachutes in military and commercial flying have been young men, or men in the prime of life, trained in meeting contingencies and facing death calmly. Even such men have faltered at the crucial moment when the use of the parachute meant life or death. The traveling public using the air lines covers the age groups from babes in arms to invalid, elderly persons. It is inconceivable that an average load of air-transport passengers could respond in an emergency with the presence of mind and trained reaction essential to safe use of parachutes. Instead, there is every reason to believe that pandemonium would reign.

A survey of experienced flying men who use the air lines daily in their business will substantiate these views. Almost unanimously these men would prefer to rely on the skill of the pilot to effect a landing than to trust to the additional dangers of using the parachute. Parachutes would, of course, be useful only where there has been abundant warning; but in that event the pilot himself has plenty of warning; he can "let-down" very nearly as slowly as a man in a parachute, and with much better selection of terrain.

GOVERNMENT TRAVEL

Government employees are now authorized to travel by the so-called usual methods of transportation; air travel, by Government employees and at the published tariffs, is authorized only upon the signature of the Secretary of the Department involved. No doubt when railroads were first instituted, many thought that Government employees should confine their travel to the horse and buggy, or to the conveyance moving up and down the inland waterways. Rail travel in the early days was unusual just as air travel some years ago might have been considered to be out of the ordinary. Air travel has now become a necessary part of our daily life. Over a million persons last year used the airplanes to diminish the time required for travel between one point and another. It is the opinion of your committee that the United States needs to augment the usefulness of its employees by declaring by law, if necessary, that air travel is now a "common and ordinary" form of transportation. Governmental employees should be permitted to travel by air, paying the same rate and charges as the general public may pay, and being reimbursed accordingly on their expense accounts when the travel performed is necessary in the Government service. Our regulations in the matter of air travel are still in the "horse and buggy" days. Amendment thereto has already been too long delayed.

AMERICAN AND FOREIGN TRADE

So far as Americans are concerned, the only foreign war in which we will engage is the war for world trade. On this account we have, as a nation, the greatest interest in the progress of aviation.

It is not too much to say that in air transport we find the greatest means of advance in foreign commerce since the invention of the steamship. In describing these advancements, it may be well to begin with some reference to actual accomplishments in Latin America, where, under the United States Foreign Mail Act, transport by air has been well established and constantly improved since 1928. Here airways are knitting all the Americas into a closer neighborhood. Pan American Airways has already firmly established its weekly service across the Pacific to Manila, a 6-day flight, is ready to extend it to China, and has taken the necessary steps to make trans-Atlantic service an early reality.

Today the merchant can himself travel, or send his mail or light express, twice a week, from New York to Buenos Aires, via the west coast of South America, in 4½ days. The route is as follows: By Eastern Air Lines, New York to Miami; thence by Pan American Airways, via Cuba, Jamaica, and Colombia, to the Panama Canal; and by Pan American-Grace Airways from the Canal down to the west coast to Santiago, and over the Andes to Buenos Aires. Rio de Janeiro, on the east coast, is but 4½ days from New York by domestic air lines and Pan American Airways; and Buenos Aires, 5½ days. Barranquilla, Colombia, is now less than 24 hours by air from New York; Panama less than a day and a half; Guayaquil, Ecuador, is only 2 days; and Lima, Peru, 2½ days.

An air-mail letter mailed in New York before 6 p. m. on Friday or Monday, will reach Buenos Aires at 12:45 p. m. (i. e., 45 minutes after noon) on the following Wednesday or Saturday. To Santiago, Chile, the scheduled time is only 4 days; and as the north-bound mail departs the following day, it is possible to write from New York and to receive a reply within 9 days.

All these flights are entirely by daylight. There are no lighted airways in Latin America similar to those provided through the United States by the United States Government.

It is probable that the present time of 4½ days from New York to Buenos Aires, via the west coast, can be cut to 3½ days, with little or no night flying except over water. If and when night flying becomes practicable, 2½ days will probably become a reality.

To countries close to the United States the saving in time is correspondingly impressive. Pan American Airways has daily service from Brownsville, Tex., to Mexico City, and three trips a week via Central America to the Panama Canal. Its planes fly daily to Cuba and twice a week to Jamaica and Barranquilla, Colombia. The passenger leaving New York on Monday or Friday evening will spend the next night in Barranquilla, principal city of northern Colombia. East coast service links up Puerto Rico, Santo Domingo, Haiti, and the northern coast of Brazil in an amazing way, stimulating to commercial and social intercourse.

The steadily mounting volume of air mail on all routes to South America is evidence of the daily utilization of this method of transportation by merchants, officials, and individuals. The volume of air-express traffic is likewise expanding. In Peru, Pan American-Grace Airways has transported heavy mining machinery to points high in the mountains, formerly accessible only by pack animals, which were, of course, incapable of carrying anything but light machinery parts. The trimotor Ford, formerly used for mail service and which is now displaced by the Douglas land transports and Sikorsky amphibians on the international service, can easily lift single pieces weighing as much as a ton and a half. They can set them down in these remote locations, there to crush gold and silver ore in mines which could not be worked by the light machinery to which the operation was formerly confined.

Formerly business executives planning a trip around Latin Amercia had to allow not less than 2 months, of which more than half would be spent at sea. Today they can make the same trip by air with the same stop-overs in one-third of the time, due to the fact that there is service six times a week to Mexico, five times a week to the Panama Canal, twice a week to the east coast as far south as Rio de Janeiro, and once a week thence to Buenos Aires; and twice a week to the Panama Canal, down the west coast, and over the Andes to Buenos Aires and Montevideo.

There has been introduced a flexibility of travel hitherto unknown. In South America proper it is possible to stop over almost anywhere for 2 or 4 days, taking the next following plane; or, for those who do not care to fly all the way, day after day, a combined sea and air voyage can be arranged, enjoying the best features of both. Or those traveling by sea can make a swift return home by air in case of need. Combination steamer and air journeys are a feature of the travel industry.

Overseas air transport has not yet reached the point where it can wholly sustain itself commercially. It will be a considerable time before it can become self-supporting in foreign trade, where service is necessarily less frequent than in the United States, thus entailing a much heavier per-mile charge for overhead. Every one of the great nations has found it necessary to subsidize the construction and operation of their fleets engaged in international air commerce. If the United States desires aircraft to carry its commerce, and if it desires to maintain the American wage scale, both in its aircraft factories and in the air, it is apparent that Government aid is still required for air carriers engaged in international air commerce. The great strides already made were based on financial aid from the Government in the form of mail contracts, not merely to pay for the cost of carrying the mail, but to encourage the development of the art of flying.

There are 261,000 miles of air lines outside of the United States. There are 104 foreign-scheduled air carriers outside of the United States and 3 American companies. Scheduled air lines operate under 47 different flags.

ALASKA

Your committee is convinced that the development of the vast Territory of Alaska, one-fifth the size of the entire United States, depends upon a more adequate communication and transportation service. Due to the unusual terrain, it is impractical and uneconomical to provide highways and additional railroads. The airplane is, without doubt, the solution of that transportation problem. Air transportation in northern Canada, in the mountainous and undeveloped countries of South America, and elsewhere, has amply proven this fact. Even in these days when rigid economy in Government seems desirable, we would appear to be short-sighted if provision for additional transportation and communication service in Alaska were not made.

At the present time most of Alaska's airplane services are provided in the main during the winter season only; the frequency of the service on the existing routes ranges from once a week to once a month. A majority of the 29 air-line companies operating in Alaska are forced by lack of aids to navigation to have a lesser frequency of operation than once a week.

In addition to providing, at what is a small cost, better transportation and communication by air across Alaska, provision should be made for a greater frequency of service. The reasons for this statement are beyond debate. It is recommended that the present Congress provide an appropriation for "foreign" air mail between Juneau and Fairbanks, Alaska.

The Post Office Department might well request an amendment to the Alaska star-route law which will permit the Postmaster General to provide reasonable surcharges on mail carried by air over those air lines. By so doing the Department will receive additional postal receipts to such an extent as perhaps to repay the Federal Government for the appropriation we suggest. What is even more important, such a surcharge will avoid the loading down of the airplanes with mail-order-house catalogs and similar articles which seriously affect the opportunities for the carrying of passengers, as well as seriously affecting the revenues of the contractors. Bidders on air-mail contracts will be relieved of the necessity of making higher bids for the transportation of air mail than would otherwise be the case. Alaskan officials, representatives of the various chambers of commerce, and the Alaskan public in general have indicated that they would be glad to pay a reasonable surcharge on Alaskan air mail.

We have suggested, under the subject of "airway aids", that generous appropriation be made for airway aids in Alaska. These are needed, not only to cover the needs of national defense but to make possible the only feasible transportation system that can be installed to develop this great country.

NONSCHEDULED AND PRIVATE FLYING AND ACCIDENTS

Nonscheduled flying, including private flying, employs more pilots, more aircraft, and flies more miles than the scheduled air lines. Accordingly it has been given considerable consideration in your committee's study of safety in the air. The nonscheduled commercial branch of flying comprises flying schools, charter or air-taxi operators, photographic flyers, and, in fact, all flying for hire or reward which is not performed on regular schedule. Private flying comprises aircraft operating strictly for sport or business, analogous to the use of privately owned automobiles used for pleasure and convenience.

The fatal-accident record of nonscheduled flying on a plane-mile basis, as recently as the calendar year 1936, has been but one-fourteenth as favorable as that of scheduled flying. This makes it important for a committee dealing with safety in the air, seriously to consider private flying.

There is a national lack of appreciation of the importance of nonscheduled flying. Nonscheduled flyers in 1929 supported aeronautical manufacturing with an annual output materially greater than that expended by the military and naval air forces combined. Yet today this nonscheduled output is less than 5 percent of the production for military purposes.

The Government has not only a direct function in private and miscellaneous flying but, indirectly, private flying has an important bearing on scheduled air-line flying. If America is going to have a great aeronautical industry, comparable to the motor industry, for example, we must have private flying. In the United States the future of the aeronautical industry and its relationship to our problems of national defense are dependent upon private flying.

Private flying cannot become popular until the aeronautical industry sells safe, comfortable, and inexpensive airplanes. Safe, comfortable, and inexpensive airplanes cannot be produced until private flying becomes popular. Somewhere that vicious circle must be broken. Your committee feels that it will be broken at two points. First, as the airplane-manufacturing companies become economically more independent they will have more money to spend for experimental work. Second, the Government can and should take an important and definite step by providing for private flying the air-navigation facilities, including landing areas, that are lacking today. In this latter connection your committee heard testimony on so-called flight strips to be located in favorable localities, perhaps adjacent to highways. There are advantages and disadvantages in this subject which the recommended Bureau of Federal Airways in the Department of Commerce might profitably study as a possible solution to a future imminent traffic problem and as a possible attribute to national defense.

The basic problem of safety in flight is that of the airplane itself. It still has an inherent weakness which continues to be a matter for aerodynamical study, in order to bridge over the gap between the expert and the layman pilot. An airplane must maintain a certain speed in flight, otherwise control is lost. Aeronautical engineers and research facilities the world over have been working for many years to eliminate this basic defect. Undoubtedly the day will come when this defect in present-day aircraft will be eliminated. Perhaps its elimination may come with the development of the private airplane used by laymen pilots. The autogiro gives great promise in this direction. Should this most desirable discovery be made, whether in the operation of the private, inexpensive airplane or some other, it will be quickly applied to air-transport airplanes. We believe that American airplanes and equipment are, in general, equal to any in the world, but they can and must be improved.

The statistics in the table which follows show the accidents and fatalities in both nonscheduled and scheduled operation. The inability to make properly the important and essential inspections is responsible for many of these accidents. It was asserted by witneses before your committee that the failure of the function of inspection was due to a shortage of inspectors. This is an unfavorable record as compared to the corresponding situation during the years from the time the Air Commerce Act was enacted in 1926 until 1933.

Comparison of scheduled[1] and nonscheduled flying, by calendar years, 1927–35

	Licensed aircraft		Licensed pilots		Passengers carried		Plane-miles		Fatal accidents		Pilots killed	
	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous
1927	128	1,780	107	1,465	8,661		5,870,000	30,000,000	4	95		
1928	325	2,840	308	4,579	47,840		10,213,000	60,000,000	12	215	9	152
1929	525	6,160	562	9,653	159,751	2,189,431	25,141,000	110,000,000	24	287	21	205
1930	600	6,754	675	14,605	374,935	2,298,351	36,945,000	103,270,000	9	301	8	214
1931	590	6,963	690	17,049	469,981	1,867,517	47,386,000	94,343,000	14	253	11	220
1932	564	6,795	709	17,885	474,279	1,245,809	50,933,000	78,179,000	17	208	15	192
1933	504	6,392	749	13,211	495,141	1,246,134	54,643,000	71,223,000	9	182	8	154
1934	518	5,821	751	13,198	461,743	1,397,288	48,787,000	75,602,000	10	186	10	148
1935	459	6,912	987	13,818	746,946	1,287,375	63,540,000	84,756,000	8	164	8	134

	Passengers killed		Occupants killed		Miles flown per fatal accident		Miles flown per passenger fatality		Miles flown per occupant fatality		Miles flown per pilot fatality	
	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous	Scheduled	Miscellaneous
1927	1	89										
1928	15	210	24	362	889,454	279,070	684,866	285,714	428,042	165,745	1,134,777	394,737
1929	18	211	39	446	1,047,562	383,275	1,396,722	456,432	644,641	246,637	1,197,190	536,585
1930	24	213	32	457	4,105,023	359,700	1,539,375	506,309	1,154,531	296,935	4,618,125	443,553
1931	26	156	37	365	3,529,929	372,898	1,822,384	604,763	1,380,700	356,474	4,307,818	428,832
1932	25	133	40	300	2,996,057	375,859	2,037,320	587,810	1,273,325	360,597	3,395,593	407,182
1933	8	129	16	281	6,071,393	391,334	6,830,375	552,115	3,415,188	253,463	6,830,375	462,466
1934	21	151	21	296	4,878,655	466,463	2,323,190	500,677	1,573,774	253,698	4,878,700	510,826
1935	15	100	23	234	6,022,544	516,803	4,236,000	847,560	2,762,609	362,205	7,942,500	632,508

[1] Includes United States aircraft licensed for international operation.

It is evident that accidents have occurred because the nonscheduled flyer was not equipped for use of, or by inexperience was unable to utilize, air-navigation aids. Further evidence indicates that these aids do not function always, or else they function so inaccurately as not to be relied upon implicity. As in scheduled flying, the record of accidents in nonscheduled flying shows that many accidents would not have occurred had the ground aids to air navigation been kept up to date and properly maintained.

Germaine to our investigation is the relative volume of air passengers carried by scheduled and nonscheduled operators. Even in 1932, at its lowest ebb, nonscheduled flying carried over twice as many passengers as were carried on our scheduled air lines. It has been estimated that 75 percent of the former type of passengers were pay passengers. As regards the number of plane-miles flown, it should likewise be noted that nonscheduled flying greatly exceeds scheduled air-line flying. In this connection, however, it should be mentioned that nonscheduled flying involved about 13,818 pilots and 6,912 airplanes, as compared with approximately 987 pilots and 459 airplanes employed by scheduled air lines.

Although nonscheduled flying exceeds that of scheduled air-line flying as regards plane-miles flown per year, it must be pointed out very definitely that most of the nonscheduled flying is accomplished by daylight and almost always under favorable atmospheric conditions. Until our Federal airways shall have been more nearly completed, the opportunity for extension of miscellaneous flying under all atmospheric conditions, and at night, will necessarily be restricted.

The failure to exert every effort to prevent accidents in nonscheduled flying, and the fact that accidents have resulted in consequence, create a situation which has reacted unfavorably upon the passenger volume of all forms of civil aeronautics. The Bureau of Air Commerce general inspection service, which concerns itself with all forms of inspection of aircraft and personnel, other than in scheduled operations, has been forced drastically to curtail its activities in the field. This reduction has gone on to such an extent that innumerable justified complaints have been received over the lack of service rendered.

In a few instances accidents resulting in fatalities can be traced to lack of suitable inspection. There are no extra or replacement aircraft or personnel inspectors in many sections of the United States. In an emergency due to illness, special service, vacations, etc., extra work is required of the remaining inspection personnel, with consequent fatigue and jeopardy to safety. The present aeronautical inspection force in the field is not sufficient to render the services intended by the Air Commerce Act of 1926.

A great many of the nonscheduled aircraft annually presented for inspection prior to relicensing are old models and types, the age of which demands not only careful inspection but more frequent inspection. This is not possible with the present limited number of personnel available. The surprising feature about the whole situation in this matter of aircraft inspection is that there has not been more criticism, and even more deaths in nonscheduled flying. Not only should additional inspectors be provided, but ample provision should be made for them to cover their itineraries without loss of time. We know how important automobile inspection is regarded to be; infinitely more important is inspection of vehicles that are to fly the air.

RECAPITULATION AND FINAL RECOMMENDATIONS

Commercial aviation is under the purview of the Department of Commerce. The Air Commerce Act of 1926 provides the authority. It makes it the duty of the Secretary to foster, regulate, and supervise aeronautics. Therefore, we must look to the Department of Commerce for any governmental derelictions or failures in the field.

The Senate resolution under which we are acting directed your committee "to investigate fully and thoroughly interstate air commerce, the precautions and safeguards provided therein, both by those engaged in such interstate air transportation and by officials or departments of the United States Government; and to investigate fully and thoroughly the activities of those entrusted by the Government with the protection of property and life by air transportation, and the degree, adequacy, and efficiency of supervision by any agency of Government, including inspection and frequency thereof, and to take testimony in all respects in relation to any of the matters herein indicated and in relation to any subject related thereto."

In our preliminary report we recommended certain changes in the personnel of the Bureau of Air Commerce. As we understand it, the Department of Commerce, having examined the situation and given it special study, decided to reorganize its aviation set-up. It would seem to us that the Department is acting wisely, provided that the proper segregation of duties, as suggested in this report, be observed, and that competent personnel, possessing due authority and responsibility, be apppointed.

Assuming that the reorganization be effected, it will go far toward solving the difficulties of aeronautics. Your committee's full recommendations, however, go beyond and outside the Department of Commerce.

In the second part of the Senate resolution under which your committee is acting it was made our duty to "determine what legislation, if any, shall be adopted in the interest of safety of life and property transported in interstate air commerce, and what legislation, if any, shall be adopted to prevent accidents in the air and provide appropriate safeguards for their prevention."

As we have said in the body of the report, there is need for legislation in several fields. Organization alone might have cured most of the ills within the Department of Commerce itself, but there are major functions to be performed which do not belong in that one Department.

It is a fact that the Government's relationship to civil aeronautics has not been in the very best interests of safety. For example, a mail contractor may obligate himself with the Postmaster General to fly the mail at a fixed rate. Then another Department, for safety's sake, suddenly forces that contractor to spend a large portion of his income on matters not contemplated in the contract. Obviously, money intended for maintenance cannot then be so used unless the contractor has sufficient resources to operate in the "red".

While the responsibilities of different Government agencies are interlocking and sometimes interdependent, yet they must be segregated and kept apart to avoid confusion. We have found it as difficult to define their function clearly as it has been to allocate them wisely.

It became necessary first to place them in six distinct categories, all vital and indispensable to progress in flying, yet each as distinct from the other as a court of law is from the litigant body appearing before it. These we listed as follows: (a) Fundamental research; (b) quasi-judicial functions; (c) control and safety; (d) fostering and development; (e) coordination of research, experimentation, and service testing; (f) direct subvention or cash payments for service. Under each of these comes the multitudinous duties listed in the attached chart.

We believe it impracticable to attempt at this time to place all Federal powers pertaining to civil aeronautics in a new and separate agency of the Government, such as the Federal Aviation Commission recommended. The problem of transportation will soon become a major one for national consideration. For the present it seems wise to fit these duties into their logical assignment in our present grid of government. We have completed or have in formulation various bills which we shall later ask to have appropriately referred.

While your committee has made various recommendations which it believes to be essential to safety, nevertheless, from among these various recommendations, two stand out in your committee's judgment as so important and so essential that we may classify them as emergency measures on which immediate action is imperative. These two are as follows:

1. Governmental reorganization: The Secretary of Commerce should put into effect the recommendations submitted herewith or in our preliminary report, if he has not already done so. (See p. 3 hereof.) Especially should the provisions of section 9, page 4, House Document No. 69, Seventy-third Congress, first session, be rescinded in order that the position of the Assistant Secretary of Commerce may be utilized for the purpose for which the office was created and intended. The time has not yet arrived when the far-sighted judgment expressed by Congress on this subject during 1926 can be set aside. The emergency that necessitated the use of that office for other duties has ended. To restore this official, or to establish a free-handed substitute action, will do more to solve the troubles in civil aeronautics and within the Department of Commerce than would anything else. (See chart on page 2433.)

2. Appropriations: From the viewpoint of safety, efficiency, and continued progress in this newest mode of transportation and as a supplement to national defense, your committee feels the most pressing action facing the present Congress is that set forth on page 19 of this report, wherein we have recommended the immediate appropriation of $12,414,000, to become available at once and to remain available until expended, for the purpose of appropriating funds essential to three items: Aids, weather, and personnel. Nothing that the Congress can do is more important than this one imperative matter upon which action must be taken forthwith.

We submit this second report so that Congress and the public may mark the progress our committee is making to render air transportation more safe and dependable.

ROYAL S. COPELAND, *Chairman.*
BENNETT CHAMP CLARK.
VIC DONAHEY.
WALLACE H. WHITE, JR.

AIR-SAFETY FUNCTIONAL CHART

CIVIL AERONAUTICS IN UNITED STATES OF AMERICA

FUNDAMENTAL RESEARCH

1. In Aerodynamics.
2. In power plants.
3. In radio.
4. In pilot fatigue.

QUASI-JUDICIAL FUNCTIONS

1. Controversial questions, air carriers (domestic).
2. Controversial questions, air carriers versus private.
3. Controversial questions, air carriers (foreign).
4. Consideration, complaints on safety violations:
   (a) Domestic.
   (b) Foreign.
   (c) Private flying.
5. Investigation, accidents:
   (a) Air carriers.
   (b) Private.
6. Corporate set-up; domestic, foreign.
7. Security issues: Domestic, foreign.
8. New financing: Domestic, foreign.
9. Certificates public convenience and necessity.

CONTROL AND SAFETY

Standards for license

1. Certificates of competency, air carriers (domestic).
2. Certificates of competency, foreign carriers.

Airworthiness

1. All approved-type certificates (planes, engines, accessories).
2. All United States registration planes, autogiros, dirigibles.
3. Inspection, private flying.
4. Inspection, air carriers (domestic).
5. Inspection, air carriers (foreign).

Standards of operation

1. All licensing pilots.
2. All licensing mechanics.
3. All licensing flight surgeons.
4. All licensing schools.
5. All licensing radio operators.
6. All licensing airport managers.
7. All manuals of air carriers (domestic).
8. All manuals of air carriers (foreign).
9. All manuals of private flying.

Permanent public aids

1. Airway facilities (ranges, communications, localizers, etc.).
2. Airports, emergency fields.
3. Weather reporting, forecasting.
4. Field marking.
5. Hazard, obstruction lights.
6. Traffic control.

Customs

1. Ports of entry.

FOSTERING AND DEVELOPMENT

1. Domestic air commerce.
2. Foreign air commerce.
3. All selection, new airways.
4. All construction on same.
5. State coordination, cooperation.
6. Foreign agreements.
7. Demonstrations, all equipment including gliders.
8. Information, direction, liaison.
9. Army, Navy air-force liaison.
10. Development airports.
11. Development seaplane facilities.
12. Air mapping, charts.
13. Codification air laws (revision) both domestic and international.
14. Participation, international and local conferences.
15. Patriotic and trade organizations; liaison.
16. Special human (pilot) research.
17. Private safety organizations (liaison).

COORDINATION OF RESEARCH, EXPERIMENTATION, SERVICE TESTINGS

1. New investigation, invention, and design (lighter and heavier than air).
2. New aircraft (land, water).
3. Safe private planes.
4. New mechanical devices, instruments.
5. New radio and electrical instruments.
6. New airway aids, ground and air.
7. New flying methods:
   (a) Of services valuable to civil.
   (b) Of civil valuable to services.
8. Where Federal expenditures on—
   (a) Development.
   (b) Experimentation.
   (c) Service testing in civil aeronautics.
   I. Supervision.
   II. Reports.
   III. Coordination.
9. Patents and design board.

DIRECT SUBVENTION OR CASH PAYMENTS FOR VALUE

1. Where Post Office Department profits on contracts.
2. Where Post Office Department has deficit on contracts.
3. Air-mail extensions and off lines.
4. Extra schedules.
5. Service-testing flights.

"MORRO CASTLE" AND "MOHAWK" INVESTIGATIONS—PRINTING OF PRELIMINARY REPORT

Mr. COPELAND. Mr. President, in the next place, with the same comment that I neglected to ask that the report from the Committee on Commerce on the *Morro Castle* and *Mohawk* investigations be printed in the RECORD, I wish now to make that request. This is an appropriate time to do so, because, as the Senators from Texas have said, the whole Nation mourns over the terrible disaster in that State. We were all profoundly shocked by this tragic disaster, involving the loss of the lives of several hundred children and many teachers. It will be recalled that in the *Morro Castle* accident the lives of 134 citizens were destroyed. I ask that the report to which I have referred be printed in full in the RECORD.

There being no objection, the report (S. Rept. No. 184) was ordered to be printed in the RECORD, as follows:

Supplementing the committee's reports, no. 776, submitted June 3, 1935; no. 776, part 2, submitted February 6, 1936; no. 776, part 3, submitted May 20, 1936; and no. 776, part 4, submitted June 20, 1936, the following additional preliminary report is submitted, with particular reference to those portions of Senate Resolution 7, requiring "(3) to investigate the adequacy and enforcement of the present legal standards of safety of ship construction and operation"; "(5) to investigate the adequacy and efficiency of the Steamboat Inspection Service"; and "recommendations for necessary legislation."

HISTORY

From the standpoint of safety of life at sea, the construction and the inspection of ships are, perhaps, of more importance than any other subjects to be considered. This is true because the hazards of the sea often produce situations with which it is impossible for even the best of men to cope unless they have under them vessels which are able to withstand and survive the hazards. This has been recognized for many years, and was brought into particular prominence by the loss of the *Titanic* on April 14, 1912, with the loss of 1,517 lives. After this disaster to a ship, which was supposed at that time to be unsinkable, a conference was held in London for the purpose of arriving at some international agreement on the method of subdividing ships so as to improve their safety and preclude another similar disaster.

The convention resulting from this conference was signed in 1914, but, due to the war and other circumstances, it was never ratified and put into effect, although some of the maritime nations utilized, in their laws, portions of the convention resulting from the conference. The convention was reflected in some of our seaman's legislation and in our statutes regarding lifesaving equipment, but was not utilized to better our laws regarding ship construction.

CONVENTION FOR PROMOTING SAFETY OF LIFE AT SEA, 1929

After a lapse of 15 years another Conference on Safety of Life at Sea was held in London; the Convention for Promoting Safety of Life at Sea, 1929, embodied the conclusions reached. This convention was finally ratified by the United States last year and, as it has now been ratified by all the signatory nations and adherence signified by many others, its requirements apply to most of the ships engaged in international voyages the world over. This convention marked a forward step in the safeguarding of life and property at sea; to a great extent the advances in the construction standards agreed upon were due to the efforts of the delegation from the United States.

RECENT PASSENGER SHIPS OF THE UNITED STATES

It so happens that most of the important passenger ships built in this country since 1929, were built with Government aid. Consequently the Shipping Board (and its successors) was able to control the design to a certain extent. Therefore, the vessels comply, in general, with the requirements of the 1929 convention, although it had not been ratified by the United States when the ships were built. Though not required by our statutes, it was made possible only because the Government, in the case of these ships, held the purse strings.

PRESENT SITUATION

The Convention for Promoting Safety of Life at Sea, 1929, which became effective in this country on November 7, 1936, does not represent the best that could be done in the way of building ships even in 1929. But it does represent the best that

could be agreed upon at an international conference where many diverse interests had to be reconciled. Over 7 years elapsed between the dates of our signing the convention and our making it effective, and it is, therefore, much less representative of the best practice than it was when it was signed. Another consideration in connection with the convention, is that in most of the maritime nations the only large important ships operated are those engaged in international voyages and they are all governed by the convention requirements. The United States is in quite another situation on account of the importance of its domestic trade in which many passenger ships are engaged. They are frequently larger and carry more passengers than many of the ships engaged in international voyages, but the convention does not apply to them.

OUR PRESENT LAWS

In making the study, required by Senate Resolution 7, in the words "to investigate the adequacy and enforcement of the present legal standards of safety of ship construction and operation", it soon became evident that our laws were defective in many respects and that a general revision was desirable. The ratification of the convention of 1929 has resulted only in a marked contrast between our requirements for ships which go to foreign countries, where they must meet the international regulations, and the equally important ships which engage in our domestic commerce and, therefore, are not required to satisfy the regulations of any foreign nation. In addition to this, most of our present laws are very general and, in most cases, no standards are set up for the guidance of the administering officials.

When our investigation began it soon became evident that the requirements of the laws which were then on the statute books were entirely inadequate to ensure safe ships. It was evident also that the requirements were below those of the other maritime nations, so that such vessels as the *Mohawk* could be built without any contravention of our laws. In addition to this, the inspection of our vessels was inadequate and their design and construction was controlled to a very limited extent.

While our investigation was in progress, a number of changes and revisions were made in our laws for the purpose of improving the organization of the Bureau of Marine Inspection and Navigation. They also give authority for demanding further safeguards in the construction and operation of ships. Until now, no proper standards have been established, or they are too vague in their meaning.

It will be seen that since our investigation commenced, the 1929 convention has been made effective and some improvements have been made in our laws. But at the very beginning of the investigation it was evident that our laws, and the rules and regulations promulgated in accordance with them, were so far below the international standards that a fundamental revision was necessary. The best method of approaching this revision was studied. It was decided that it would be logical first to draw up a set of rules for the construction, operation, and inspection of ships, and from these rules draft the necessary legislation. Surely this is wiser than attempting to draw up legislation, which might or might not be complete, and then have that legislation interpreted in the form of rules.

As the questions involved were of a very technical nature, it was necessary to ask the assistance of certain qualified technical experts to prepare the fundamental rules required.

TECHNICAL COMMITTEE

Having reached this conclusion, the investigating committee invited the following qualified technical men to assist:

Rear Admiral George H. Rock (Construction Corps), United States Navy (retired), Society of Naval Architects and Marine Engineers.

Mr. H. Gerrish Smith, National Council of American Shipbuilders.

Mr. William Francis Gibbs, naval architect.

Mr. George G. Sharp, naval architect.

Mr. J. Lewis Luckenbach, American Bureau of Shipping.

Mr. J. B. Weaver, Department of Commerce (Bureau of Marine Inspection and Navigation).

Mr. H. L. Seward, Department of Commerce (U. S. Shipping Board Bureau).

Capt. A. H. Van Keuren (Construction Corps), United States Navy, Navy Department.

Commander H. T. Smith, United States Navy, Navy Department.

Commander Herbert N. Perham, United States Coast Guard, Treasury Department.

Lt. Comdr. Edward M. Webster, United States Coast Guard (retired), Federal Communications Commission.

Mr. Turner W. Battle, Department of Labor.

(NOTE.—The Government officials were designated by the heads of their respective departments.)

The technical committee elected Admiral George H. Rock as chairman; Prof. H. L. Seward, of Yale University, representing the United States Shipping Board Bureau, as vice chairman; and Capt. C. S. Joyce, United States Navy (retired), as secretary. At a later date Captain Joyce, at the request of the chairman, was appointed a member of the committee.

This group was called the Technical Committee on Safety at Sea, and was first convened on June 17, 1935. At this meeting the chairman of the subcommittee charged with making the investigation required by Senate Resolution 7 (Senator COPELAND) made the following statement:

"Under Senate Resolution 7, this committee was directed to investigate the *Morro Castle* and *Mohawk* disasters and various related matters and to make recommendations for necessary legislation. A preliminary report of the committee's investigation has been submitted to the Senate which contains most of the committee's findings to date.

"It must be evident to anyone familiar with the situation that neither our laws nor our methods of enforcing our laws covering the construction and operation of ships are as effective as they should be. It is clearly the duty of this committee to propose legislation which will improve the situation and place the United States on a parity with other maritime nations in this respect.

"Early in the committee's investigation it became clear that certain remedial steps should and could be taken without further delay; these may be briefly set forth as follows:

"(1) Ratify the Convention for the Safety of Life at Sea (1929). This convention is not in the hands of this committee, but every effort will be made to have it ratified.

"(2) To frame legislation to implement the convention, making sure that where the convention and our present laws are at variance the more stringent shall govern.

"(3) To frame such legislation as will ensure our ships being superior to the convention wherever, in the light of our present knowledge, the convention is not sufficiently stringent.

"(4) If the convention fails of ratification; to frame such legislation as will make our ships comply with the best modern practice, so that if we cannot have all the advantages accruing from adherence to the convention, we can at least have safe ships.

"(5) To frame legislation which will make the rules for new ships apply, so far as may be found practicable, to the ships already constructed and in operation.

"(6) To frame legislation which will ensure our ships being manned by adequate and competent crews and to ensure these crews being properly inspected.

"(7) To frame legislation which will put the licensing of ships' officers on a modern basis.

"(8) To frame legislation which will place the Bureau, now known as the Bureau of Navigation and Steamboat Inspection, on such a basis as will give us confidence that it can function in an efficient manner in carrying out its duties from both a technical and an administrative standpoint. To effect this not only proper organization is required, but also efficient and properly compensated personnel.

"It will be seen that the committee's program falls into two classes: One deals with the material phases of ship design and construction, and the other with the personnel and administrative phases.

"You gentlemen have been invited here to assist the committee, primarily in connection with the phases of the legislation having to do with matériel. In inviting you, the committee had in mind assembling a group that would be abstractly and disinterestedly committed to producing the best and most practicable legislation to fit our present needs. It is taken for granted, of course, that those of you who represent Government departments are prepared to approach the matter without prejudice. We are confident that those of you who do not represent Government agencies will approach the matter in the same spirit of patriotism.

"The committee's first effort will be toward drafting a set of rules for the construction of new ships, rules which will cover everything that goes to make up a safe and efficient ship for the service intended. With these rules as a basis it is proposed to prepare legislation setting forth compactly the minimum requirements.

"It is proper to say for the committee that it is convinced that ship safety, both as to construction and operation, can only be attained when the proper Government department has authority to enforce and the responsibility for enforcing the laws. This responsibility cannot be divided.

"In connection with the reorganization of the Bureau of Navigation and Steamboat Inspection, several bills have been submitted by the Bureau and are now pending. So far as the committee can determine at this time, these do not cover the situation as a whole. It is our desire to have your advice in these matters.

"In the name of the committee I thank you for the sacrifices you are making in doing this work. The increased safety of the traveling public and of American seamen will be ample reward, I am sure."

The chairman then handed the committee the following agenda and asked them to be guided thereby:

TENTATIVE AGENDA FOR TECHNICAL COMMITTEE

"(1) To prepare a comprehensive set of rules for the construction of all classes of new vessels concerning structural strength, loading, watertight subdivision, stability under all conditions, fire-resisting qualities, fire-fighting equipment, lifesaving equipment, equipment for communications, electrical equipment, navigational equipment, bilge and fire pumps, propelling machinery, ground tackle, and such other features as may be necessary to insure properly equipped and safe ships.

"(a) The vessels covered by these rules are to be divided into classes, in accordance with the purpose and service for which intended, and the rules are to be so drawn as to assure the vessels being in all respects equal to, or, so far as the present development of the art and the cost of construction will permit, superior to the best required by the laws of any nation.

"(2) To prepare a comprehensive set of rules governing the safety requirements for all vessels already constructed and in service, so as to make them comply with the rules for new vessels as nearly as may be found possible in each case.

"(3) To prepare a comprehensive set of rules for the material inspection of all vessels which will insure their complying, in all respects, with the requirements of the rules prepared under paragraphs (1) and (2) above."

In accordance with this agenda, the technical committee has made a thorough study of the subject covering a period of about 18 months. It has prepared rules to cover all features of the construction of modern ships, in order that they may be, first, at least equal to the requirements of the 1929 convention; and, second, as much better than the convention requirements as is practicable in the light of our present knowledge of the art. These rules cover the construction and equipment of ships in all respects.

For the hull, they cover structural strength, subdivision, stability, subdivision load lines, fireproofing, ventilation, fire detection, and fire extinction. For the engineering portion, they cover boilers and pressure vessels, piping, main propelling machinery, electrical machinery and equipment, and auxiliaries, such as emergency generators, bilge pumps, fire pumps, steering gear, boat winches, anchor windlasses, etc. For lifesaving equipment, they cover boats, rafts, buoyant apparatus, life preservers, life buoys, water lights, line-throwing guns, etc. For other equipment, they cover compasses, sounding apparatus, navigational equipment, anchors, cables, hawsers, etc. For communications (except radio), they cover signal lights, signal flags, interior communications, etc. For inspections, they cover the inspection at the time of building, the periodical (annual) inspection, and special inspections when accident or other cause requires them.

The final report of the Technical Committee on Safety at Sea is appended hereto and, in addition to the rules prepared, this report gives a summary of the studies made and the general conclusions reached. As was to be expected, two of the most interesting studies made were those connected with preventing a fire, such as the one which destroyed the *Morro Castle*, occurring on a passenger ship and the prevention of a minor collision, such as occurred on the *Mohawk*, resulting in the ship sinking with terrible loss of life.

PROPOSED LEGISLATION

Having prepared these rules, the legislation necessary to put them into effect has been drafted. This legislation follows in general the requirements of the convention, but is somewhat more advanced in certain particulars. It reduces the number of passengers allowed to be carried on a cargo ship, from the 16 allowed by our present law to the 12 allowed internationally. The application of the law follows the requirements of the convention, but is somewhat more explicit regarding their application to existing ships.

For convenience in administration, the vessels have been grouped in such a fashion as to make the administration of the act more satisfactory.

STRUCTURAL STRENGTH

The legislation requires the Bureau of Marine Inspection and Navigation to promulgate satisfactory rules, covering all phases of ship construction and ship inspection, so that all concerned may know the requirements. Regarding structural strength, the legislation places the responsibility for the strength of vessels primarily upon the Bureau; the decision in this connection is to be based, in principle, upon the Load Line Convention, making it possible, in the case of a vessel classed by the American Bureau of Shipping, for the Government Bureau to accept the strength of the vessel so classed as being satisfactory. This was agreed to, because of the fact that the American Bureau of Shipping requirements for strength have proven satisfactory over a long period.

SUBDIVISION

In the case of subdivision, the responsibility for seeing that passenger ships are properly subdivided is placed on the Bureau; the collision which caused the sinking of the *Mohawk* and resulted in the loss of 45 lives, indicated a condition which exists in many of our ships, i. e., lack of proper subdivision for preventing a minor collision from resulting in the loss of the vessel. The proposed legislation places the responsibility for seeing that passenger ships are properly subdivided on the Bureau of Marine Inspection and Navigation. The requirements, while they closely follow the principles set forth in the convention, are as much more stringent as we believe it practicable to demand at this time. The improvement over the convention is not great, but with the great diversity of opinion on a controversial subject, we went as far in the direction of stringent requirements as could be agreed upon by all members of the technical subcommittee.

Ships are normally subdivided by athwartships watertight bulkheads which extend from the bottom of the ship to a deck, well above the water line which is known as the bulkhead deck. The degree of subdivision depends on the number of bulkheads installed. As a practical matter the number of bulkheads that can be installed, and still have useful cargo holds, depends on the length of the ship. Where a ship carries a large number of passengers, however, the safeguarding of their lives becomes more important than mere convenience in carrying cargo. The degree of subdivision provided varies with the maximum number of passengers the ship is authorized to carry, the length of the ship, and with the service in which it is to operate; the highest degree of subdivision corresponds with the ships of the greatest length carrying the greatest number of passengers. The legislation provides that no passenger ship can operate unless, as minimum requirement, she is so subdivided by bulkheads as to permit any single watertight compartment in the ship to be flooded without the ship sinking, and without causing her to change trim or to list to a dangerous degree. This in theory would prevent a repetition of the *Mohawk* disaster, but only if the ship is holed in a single compartment as was the case on the *Mohawk*.

In a collision there is always a chance that the damage will occur at one of the bulkheads thus causing two adjacent compartments to be flooded; if this happens to a ship, built to stand having only one compartment flooded, it will sink just as the *Mohawk* did. In existing ships it may not be practicable to rearrange the hull structure so as to permit two adjacent compartments to be flooded without sinking, but it is right to demand that they be altered so that at least one compartment can be flooded with reasonable safety. In new ships of the *Mohawk* type, it is fair to demand that they be so constructed as to permit at least two adjacent compartments to be flooded without loss of the vessel.

STABILITY

In the matter of stability the legislation goes beyond the convention, because at the conference it was impossible to develop the proper means of arriving at a rule for the stability of ships in a damaged condition. But it is believed the requirements of the legislation we propose can readily be met, and that these requirements are a distinct advance in the field of safety at sea. This is true because they will preclude a ship when damaged to the extent for which she is designed, changing trim, listing, or sinking to such an extent as to become unsafe or to make it impossible to lower and handle the lifeboats.

SUBDIVISION LOAD LINES

As in the convention, the proposed legislation requires that passenger ships have load lines based on their subdivision. The load line must be sufficiently below the bulkhead deck, so that when a ship is damaged by collision or otherwise it will not sink to a degree that permits the water to run over the bulkhead deck into other compartments.

PROTECTION AGAINST FIRE

The fire which destroyed the *Morro Castle* resulted in the loss of 124 lives. While her construction was much the same as that used in other vessels of her date, it is evident that the practice of filling a large ship with very inflammable woodwork is not based on any consideration of safety to the passengers. The fire on the *Morro Castle* showed clearly what might happen on almost any of the passenger ships now afloat. It indicated that some practicable method of construction must be devised to eliminate the woodwork and other combustible materials heretofore used in the construction of passenger ships.

It was fortunate indeed that Mr. George G. Sharp, who has given more study to the question of fireproofing ships than anyone else in this country, was a member of the technical committee. We are glad he was willing to undertake the investigation required.

Through the cooperation of the Secretary of Commerce, the Merchant Fleet Corporation furnished a ship and the necessary money for conducting a number of tests which covered all phases of fireproofing and fire protection. A great advantage resulted from the use of an actual steel ship for these tests. In the first place, having a fire confined between the steel decks and the steel sides of the ship soon demonstrated that some materials, which appeared to be satisfactory from laboratory tests ashore, would not do on shipboard. They gave off such quantities of fumes that it was found impossible to approach even a minor fire to extinguish it.

During the course of the experiments, a form of construction was developed in which combustible material was eliminated to such an extent that combustion cannot be sustained by any part of the ship's structure. Thus a distinct advance has been made in the requirements for the fireproofing of passenger vessels. The requirements of the convention in this respect were quite elementary, and since that document was signed, considerable knowledge has been gained. Materials are now available which make it possible to arrive at the construction of a fireproof passenger ship without increasing materially the cost or weight. The fireproofing methods used ashore are practically debarred on account of the great weight involved. Shore methods are not necessary because ship construction is quite different from land construction; on this account it is not necessary to protect the steel structure of a ship, as is the practice on land. In fact, the steel structure of a ship almost never loses its integrity due to fire.

The problem then is to reduce to a minimum the amount of material which will support combustion. This is made difficult due to the fact that weight is such an important factor. It would be impossible to fireproof a modern passenger ship by the methods used ashore. The added weight would greatly decrease the carrying capacity of the ship, and, due to the fact that much of the added weight would be in the upper part of the vessel, would so raise the center of gravity as to make her unstable and unsafe. The search has been for materials and forms of construction which would retard the spread of fire and still remain within the weight requirements for ships.

FIRE DETECTION AND EXTINCTION

The fire-detection requirements follow in general the requirements of the convention, but they are somewhat more explicit. They differ from the conventional practice because our ships will be materially less liable to fire.

In the matter of fire extinction, the legislation goes somewhat beyond the convention and considerably beyond our present laws. The requirements for fire pumps, fire mains, hose connections, fire extinguishers, etc., coupled with the improved construction, are such as practically to ensure no dangerous fire.

ENGINEERING

The legislation covers certain requirements, especially as regards fire pumps, bilge pumps, and emergency generators, so as to follow the convention, and in some cases to improve convention requirements. It also requires the inspection of all essential machinery on shipboard. In the past the inspections, so far as engineering matters are concerned, were confined to boilers, pressure vessels, and piping, and also to a certain extent to fire pumps, but there was no specific requirement for the inspection of other machinery. It is the intention of this legislation, therefore, to cover all machinery used on board ship in order that the ends of safety may be served.

All of the main propelling machinery and the auxiliary machinery necessary to keep it in operation are of great importance. The electrical machinery and equipment are becoming more and more important, and should be given special attention, as has not been properly given in the past. The fire-pumping arrangements and the fire mains are of vital importance and are somewhat more specifically covered than before. The bilge-pumping requirements have never been safeguarded by any proper legislation; it was necessary to make such provision as would insure that the convention requirements, at least, would be met. As drawn, the requirements, in some instances, are more stringent than those of the convention.

A provision of the convention which is essential and which must be applied to all vessels is that respecting the installation of an emergency source of power above the bulkhead deck. This is necessary so that if the engine rooms are flooded there will be power and light available for all emergency purposes. The minimum requirements for this installation have been covered in the legislation.

There are many other types of auxiliary machinery which should be given careful supervision, such as steering machinery, elevators, anchor windlasses, winches, refrigerating machinery, and watertight door machinery. All of these have been covered in order that the safety of the ship might be insured.

LIFESAVING APPLIANCES

The requirements for lifesaving appliances in the proposed legislation follow the convention so far as ocean-going vessels are concerned. The same requirements are demanded of vessels in other services to as great an extent as has been found practicable. The use of lifeboats with collapsible sides, although permitted by the convention, is not permitted on new vessels. An effort has been made to insure that, on new vessels, adequate provision is made for the stowage and handling of the lifesaving appliances.

OTHER EQUIPMENT

The legislation contains a number of requirements which have not heretofore been specifically laid down. These relate to proper signaling apparatus, compasses, interior communication, etc.

STATION BILLS AND DRILLS

In order to cover the requirements of the convention regarding the stationing of the crew and the duties of the owners in connection with the stationing and drilling of the crew, a complete outline of duties has been included in the legislation. The legislation indicates the duties of the owners, how the station bills are to be prepared and posted, how the training drills are to be held, and how the inspections are to be conducted by the Bureau of Marine Inspection and Navigation. It demands that drills be held before departure, in order that the inspectors may be satisfied the ship is in proper condition and the crew properly stationed and trained.

SAFETY CERTIFICATES

The convention requires "safety certificates", "safety radiotelegraphy certificates", or "exemption certificates" be issued to all ships engaged on international voyages. There appears to be no reason why these requirements should not be applied to domestic vessels as well, and, therefore, the proposed legislation contains an outline of the requirements as to these certificates.

ORGANIZATION OF THE BUREAU

A personnel advisory committee was formed to study and advise on all those subjects involving personnel which were required to be investigated by Senate Resolution 7 and that portion of its recommendations pertaining to "the adequacy and efficiency of the Steamboat Inspection Service", proposes a reorganization of the Bureau (now named the Bureau of Marine Inspection and Navigation) so that it will be able to administer its duties in an efficient manner.

Under the existing laws the board of supervising inspectors is vested with authority to make rules and regulations and perform many other duties. While this may have been justified at the time the law was enacted, it can no longer be considered satisfactory. The duties of the supervising inspectors and their daily experience does not fit them for the decisions they are require to make. The responsibility for all rules and decisions should be vested in the Bureau, and the Bureau should have authority to call in such outside assistance as is best qualified to assist in preparing new and in revising old rules and regulations.

It is evident that the technical requirements of the proposed legislation cannot be of any use, if adopted, unless they are administered by an adequate and technically qualified force under the Bureau of Marine Inspection and Navigation, and therefore the proposed reorganization of this Bureau is included with the legislation covering technical matters in order that the Bureau may be prepared to properly administer the law.

ACCOMMODATION FOR OFFICERS AND CREW

The personnel advisory committee, in addition to other matters, recommended certain specific requirements for crew's quarters. These have not been specifically covered heretofore in the law, but have been covered only by general legislation. Considerable complaint and dissatisfaction has resulted from the great variety of accommodations provided for the crews on the various types of vessels, some being very good and some being very poor. An effort has been made, therefore, to include in this legislation specific requirements which will provide reasonable and comfortable accommodations for all hands.

GRAIN CARGOES

In the past it is probable that more grain has been loaded in our ports than in the ports of any other country in the world, but we have never had any law governing the loading of grain cargoes. As is well known to the seafaring profession, grain in bulk makes a very dangerous cargo and most of the maritime nations have strict laws and regulations governing the loading and stowage of bulk cargoes composed of seeds or grain. Heretofore, ships loading in the United States have had to comply with the underwriters' rules if the underwriters' rules were acceptable to the nation to which the cargo was destined, or had to comply with the laws of the country to which the ship was bound. Due to the fact that we have no laws, no rules, and no inspection with respect to grain and seed cargoes, vessels load bulk cargoes of this sort in foreign ports and bring them to the United States in a condition which is dangerous and which causes unnecessary operations by the Coast Guard. If these same ships loaded the same cargo for a British port, they would not dare to load them in the same manner and, in consequence, it is necessary for us to have adequate rules in this respect, although the technical committee has not fully studied this matter.

CONCLUSION

In conclusion, your committee recommends enactment of the following legislation, which is based on the rules prepared by the Technical Committee, attached hereto, and the recommendations of the Personnel Advisory Committee. We believe that such a law will promote greatly the safety of the ships themselves, and, in the last analysis, there can be no doubt that a ship in which the hazards of fire and collision have been reduced to the minimum gives the passenger far better protection than any devices which can be put aboard a vulnerable ship. At the same time the legislation provides for an organization capable of administering the technical requirements. A title is also included to control the loading of grain cargoes.

"A bill to amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

"TITLE I. PURPOSE

"SECTION 1. The purpose of this act is to ensure that all merchant vessels documented under the laws of the United States are so designed, constructed, equipped, maintained, operated, and inspected as to ensure the maximum of safety to life and property.

"TITLE II. BUREAU OF MARINE INSPECTION AND NAVIGATION

"DUTIES

"SEC. 201. The Bureau of Marine Inspection and Navigation shall be responsible, under the Secretary of Commerce, for the general supervision of all matters relating to merchant ships and merchant seamen and shall execute the provisions of this act and all other acts relating to merchant shipping and merchant seamen except where specifically provided to the contrary in those acts.

"TITLE III. DEFINITIONS (GENERAL)

"SEC. 301. As used in this act:

"(a) 'Ship' or 'vessel' includes every description of water craft or other artificial contrivance, except aircraft, used, or capable of being used, as a means of transportation on water, whether or not it is actually afloat.

"(b) A ship or vessel shall be considered a 'passenger ship' if it carries or is authorized to carry more than 12 passengers.

"(c) A 'passenger' is any person carried on board a ship or vessel, except (1) the officers and crew actually employed to man and operate the ship, (2) persons employed to carry on the business of the ship, and (3) persons on board a ship when they are carried, either because of the obligation laid upon the master to carry shipwrecked, distressed, or other persons in like or similar situations or by reason of any circumstance over which neither the master, the owner, nor the charterer (if any) has control.

"(d) A 'cargo ship' or 'cargo vessel' means any ship or vessel not a passenger ship or vessel.

"(e) A 'new ship' or 'new vessel' is one which is laid down or the plans of which are approved after the approval of this act.

"(f) The word 'approved' when used alone, means approved by the Bureau of Marine Inspection and Navigation.

"(g) The word 'Bureau', when used alone, means the Bureau of Marine Inspection and Navigation.

"(h) The word 'inspector', when used alone, means a duly authorized inspector of the Bureau of Marine Inspection and Navigation.

"TITLE IV. GROUPING

"SEC. 401. All vessels documented under the laws of the United States shall be grouped in accordance with the service for which they are intended, as follows:

"(a) Group 1. Ocean-going vessels of 100 gross tons or over navigating more than 20 miles offshore.

"(b) Group 2. Great Lakes vessels of 100 gross tons or over; ocean-going vessels of 100 gross tons or over navigating less than 20 miles offshore.

"(c) Group 3. Ocean-going or Great Lakes vessels of 100 gross tons or over navigating partially protected waters.

"(d) Group 4. Vessels of 50 gross tons or over navigating bays, sounds, and protected waters.

"(e) Group 5. Vessels of 50 gross tons or over navigating rivers, harbors, and small lakes.

"(f) The requirements of this act shall apply to all vessels included in these groups.

"SEC. 402. Each of the groups set forth in section 401 of this act may be divided by the Bureau into subgroups in accordance with the type of ship, such as 'passenger vessel', 'passenger vessel carrying unberthed passengers', 'passenger ferry', 'passenger vessel used for amusement or recreation (whether mobile or immobile)', 'yacht', 'cargo vessel', 'tanker', 'dredge', 'fisherman', 'wrecking vessel', 'towing vessel', 'cargo barge', 'tank barge', 'sailing vessel', and such others as may be required.

"TITLE V. APPLICATION

"SEC. 501. The requirements of this act shall apply to any new vessel of the United States falling in groups 1, 2, 3, 4, and 5.

"SEC. 502. (a) In the case of existing vessels which do not already comply with the provisions of this act, the arrangements on each vessel shall be considered by the Bureau with a view to bringing such vessel as nearly into compliance with the requirements for new vessels as is practicable and reasonable, but as a minimum they shall meet the following safety requirements.

"(b) All existing passenger vessels in groups 1 and 2 shall, within 1 year after the date of the approval of this act, complete improvements to provide a standard of subdivision at least equal to the requirements for new ships of the Convention for Promoting Safety at Sea, 1929, and to provide stability in the intact and damaged conditions in accordance with the requirements for new vessels as set forth in this act wherever these improvements are practicable.

"(c) All existing passenger ships shall, within 1 year after the date of the approval of this act, complete improvements to provide protection against fire as required by section 744 of this act.

"SEC. 503. The provisions of this act shall not apply to:

"(a) A ship of war.

"(b) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, Inland Coastwise Waterways Service, or the Panama Railroad.

"TITLE VI. RULES AND INSPECTIONS

"PART 1. RULES

"SEC. 601. (a) The Board of Supervising Inspectors, established by Revised Statutes 4405, as amended, is hereby abolished and all authority, powers, and duties of such Board shall be transferred to the Bureau of Marine Inspection and Navigation.

"(b) The Bureau of Marine Inspection and Navigation shall, for the administration and enforcement of this act, promulgate, after approval by the Secretary of Commerce, detailed rules and regulations covering the design, construction, maintenance, and inspection of all vessels. These detailed rules and regulations shall be kept up to date and shall be completely revised at least once every 5 years. The Bureau shall convene, whenever necessary, a technical committee composed of technical representatives from the United States Maritime Commission, the Navy Department, the Coast Guard, auch other Government agencies as may be helpful, together with such naval architects and marine engineers from other than Government sources, for the purpose of advising the Bureau on the preparation of adequate rules. The necessary expenses of this technical committee are hereby authorized to be appropriated and shall be covered as an item in the Bureau's request for funds for the year concerned. These rules and regulations, when approved by the Secretary of Commerce and promulgated by the Bureau, shall have the effect of law, and shall be sufficiently inclusive to make effective the requirements of this act and insure that each ship is, from the point of view of safety, fit for the service for which it is intended: *Provided*, That each year, at the beginning of the session, the Bureau, through the Secretary of Commerce, shall report to the Senate and House of Representatives whether, if any new legislation is necessary, the Bureau shall submit definite recommendations for it to Congress through the Secretary of Commerce.

"(c) In each case where it is provided, in this act or in the Bureau's rules and regulations promulgated in pursuance of the requirements of this act, that plans or plans and specifications be submitted to the Bureau for approval, the Bureau shall act upon them with as little delay as possible. When the Bureau approves the proposed design it shall endorse the plans and specifications to that effect and return one set to the owner (or his accredited representative (and send another to the Bureau's inspector having cognizance of the work, and retain one set for the Bureau's records. After the approval of the plans or the plans and specifications, no changes in design or material shall be made without first obtaining the Bureau's approval of the changes. Appropriate notice and opportunity for hearing shall be granted by the Bureau to all interested parties before any such plans or plans and specifications are disapproved.

"PART 2. INSPECTIONS

"SEC. 602. Every new or existing ship shall be subject to inspection to determine her material condition, as follows:

"(1) An inspection shall be made before the ship is placed in service.

"(2) A periodical inspection shall be made at least once every year.

"(3) Additional inspections shall be made whenever necessary.

"SEC. 603. The inspections required by section 602 shall be carried out in general as follows:

"(a) The inspection before the ship is put in service shall include a complete inspection of the hull, machinery, and equipment, including the outside of the ship's bottom and the inside and outside of the boilers (when installed). This inspection shall be such as to insure that the arrangements, material, and scantlings of the hull, boilers, and their appurtenances, main and auxiliary machinery, steering gear, lifesaving appliances, and other equipment fully comply with the requirements of this act and of the detailed rules and regulations promulgated as a result thereof. This inspection shall also be such as to insure that the workmanship of all parts of the ship, its machinery, and its equipment are in all respects satisfactory.

"(b) The periodical inspecion shall include an inspection of the whole of the hull, boilers, machinery, and equipment, including the outside of the ship's bottom. The inspection shall be such as to ensure that the ship, as regards the hull, boilers, their appurtenances, main and auxiliary machinery, steering gear, lifesaving appliances, and other equipment, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the requirements of this act and of the detailed rules and regulations promulgated as a result thereof: *Provided*, That the inspection of 'the outside of the ship's bottom' shall not be required annually on vessels in groups 2, 3, and 5, which remain at all times in fresh water.

"(c) An inspection, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its lifesaving appliances, machinery or other equipment, or whenever any other important repairs or renewals are made. The inspections shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of this act and of the detailed rules and regulations promulgated as a result thereof.

"(d) An inspection, before sailing, of each passenger vessel in groups 1 and 2, to determine that the lifesaving and fire-fighting equipment is in satisfactory condition and that the watertight integrity and stability of the vessel are being properly maintained.

"(e) An inspection shall be made to ensure that vessels do not leave port with a dangerous list or so down by the head or stern as to make them unmanageable in a heavy sea or in narrow waters.

"(f) After the inspection of a vessel, as provided in paragraphs (a), (b), and (c) of this section, has been completed, no change shall be made in the structural arrangements, machinery, equipment, or other parts covered by the inspections without the approval of the Bureau.

"(g) Vessels out of service in a lay-up condition shall not be subject to the normal periodic inspections.

"(h) Vessels built abroad, which may be entered for documentation under the laws of the United States, shall be subjected to the inspection required by paragraph (a) above upon their first arrival in a port of the United States.

"TITLE VII. HULL

"PART 1. STRUCTURAL STRENGTH

"SEC. 701. (a) In order that the Bureau may be satisfied that the structural strength of a new passenger vessel will be satisfactory for the service for which it is intended, it shall require that the midship section and all other essential structural plans be submitted to it for approval. The determination of the strength of a ship shall be based, in principle, on the rules outlined in the International Load Line Convention proclaimed by the President of the United States, January 5, 1933. In the case of a new passenger vessel in group 4 or 5, consideration shall be given to the nature of the service in determining the scantlings. In each case the scantlings and arrangements proposed must be adequate for the service. The construction and attachment of the rudder shall be of such design as to insure the maximum protection against loss or derangement. When the proposed vessel is to be classed by the American Bureau of Shipping, the Bureau of Marine Inspection and Navigation may accept this classification as indicating adequate structural strength. The Bureau shall assure itself that the ship, as constructed, complies in all essential respects with the approved plans.

"(b) When a cargo vessel is converted to a passenger vessel, the procedure outlined in paragraph (a) shall also be followed.

"PART 2. WATERTIGHT INTEGRITY

"Subdivision

"SEC. 711. (a) Each passenger vessel shall be as efficiently subdivided as possible, having regard to the maximum number of passengers to be carried with due weight given to the nature of the service for which it is intended. In order that the Bureau may be

satisfied that this is the case it shall require the necessary subdivision plans and flooding curves of the ship, as finally laid down, be submitted to it for approval. Each such ship must be subdivided and must have sufficient stability when damaged as provided by this act.

"(b) In the case of any passenger vessel having a continuous bulkhead deck, the main transverse bulkhead for subdividing the vessel or the equivalent thereof, shall be carried watertight up to the bulkhead deck. In the case of any passenger vessel not having a continuous bulkhead deck, a continuous bulkhead deck line shall be assumed which will give the same effect as would a continuous bulkhead deck, and the sides of the vessel and the bulkheads concerned shall be carried watertight up to this line. In either case, the subdivision load line shall be so located that, under the conditions of flooding which the vessel is required to sustain, no part of the bulkhead deck in the first instance or of the assumed bulkhead deck line in the second instance shall be immersed. Where an assumed continuous bulkhead deck line is used, there shall in all cases be a working platform or deck above this line to give access fore and aft.

"(c) Each such vessel, as constructed, must comply in all essential respects with the approved subdivision plans.

"(d) When a cargo vessel is converted to a passenger vessel, the procedure outlined in paragraphs (a), (b), and (c) shall also be followed.

"(e) A cargo vessel, designed for a special purpose which does not permit normal subdivision, or a cargo vessel designed to carry dangerous cargo, shall not be permitted to carry any passengers.

"SEC. 712. (a) The degrees of subdivision provided for in passenger vessels shall vary with the maximum number of passengers the vessel is authorized to carry, the length of the vessel and with the service, in such manner that the highest degree of subdivision corresponds with the vessels of greatest length carrying the greatest number of passengers.

"(b) No new passenger vessel shall be built unless, as a minimum requirement, it is so subdivided by bulkheads as to permit any single watertight compartment in the ship to be flooded without the vessel sinking and without her changing trim or listing to such an extent as to become unsafe or prevent launching its lifeboats. When the Bureau finds, after appropriate notice and opportunity for hearing, that the size of the vessel permits or the number of passengers to be carried makes it necessary, no new passenger vessel shall be built unless it is so subdivided by bulkheads as to permit any two adjacent watertight compartments in the ship to be simultaneously flooded without the vessel sinking and without its changing trim or listing to such an extent as to become unsafe or prevent launching its lifeboats. When the Bureau finds, after appropriate notice and opportunity for hearing, that the size of the ship permits or the number of passengers to be carried makes it necessary, no new passenger vessel shall be built unless it is so subdivided by bulkheads as to permit any three adjacent watertight compartments in the ship to be simultaneously flooded without the vessel sinking and without its changing trim or listing to such an extent as to become unsafe or prevent launching its lifeboats. In any case where the Bureau finds, after appropriate notice and opportunity for hearings, that a safer subdivision is reasonable and practicable, such subdivision shall be required. The Bureau's rules and regulations shall indicate the method the Bureau will follow in determining the degree of subdivision required for each vessel.

"(c) The requirements outlined in paragraphs (a) and (b) shall apply with equal force to cargo vessels which may be converted into passenger vessels.

"SEC. 713. (a) All vessels shall be fitted with watertight forward and after peak bulkheads and with watertight bulkheads at the extremities of the machinery space, and, in screw vessels, with watertight shaft tunnels or equivalent subdivision. The bulkheads here named shall be located as required by the rules and regulations of the Bureau and shall be run up to the bulkhead deck or to such a height as to prevent water flowing over them in case any compartment they protect is flooded.

"(b) All new passenger vessels shall be fitted with inner bottoms which will give adequate protection in case of grounding. The inner bottom shall extend from side to side of the vessel and be joined to the side plating in such a manner as to give ample protection at the turn of the bilge and shall extend from the fore peak bulkhead to the after peak bulkhead whenever this is practicable. The double bottoms shall be tested under a head of water at least up to the bulkhead deck.

"SEC. 714. When the Bureau finds, after appropriate notice and opportunity for hearing, that a new passenger vessel is designed to ply on voyages where exceptional risks are encountered due to weather or traffic conditions, or where the small proportion of space allotted to cargo makes it possible, such vessel shall be subdivided to such greater extent than that called for in this act as may be practicable and reasonable in the interests of safety. The Bureau may, in the case of individual new passenger vessels in groups 4 and 5, when it finds that the route and the conditions of the voyage are such as to render full compliance with sections 712 and 713 (b) unreasonable or unnecessary, grant such exemptions as may be required to meet the special conditions.

"Subdivision load lines

"SEC. 715. In order that the required degree of subdivision shall be maintained in passenger vessels, a load line corresponding to the approved subdivision draft shall be assigned and marked on the ship's sides, and shall be known as the subdivision load line. A vessel having spaces which are especially adapted for the accommodation of passengers and the carriage of cargo alternatively may, if the owners desire, have one or more additional load lines assigned and marked to correspond with the subdivision drafts, which the Bureau may approve for the alternative service conditions. The free-board, corresponding to each approved subdivision load line, and the conditions for service for which it is approved, shall be clearly indicated on the safety certificate. The Bureau's rules and regulations shall clearly provide for the manner in which the subdivision load lines shall be located, marked, and recorded, but for vessels in groups 1 and 2, in no case shall the position of the subdivision load line be such as to permit a deeper draft than would the load line as determined by the strength of the vessel based on the rules of the International Load Line Convention proclaimed by the President of the United States, January 5, 1933.

"Stability

"SEC. 716. (a) Every passenger vessel and every vessel converted into a passenger vessel shall be inclined and, before the vessel is certified it shall be established that it will have adequate stability, in the usual service conditions, to comply with the requirements of sections 711 (b) and 712 regarding stability when damaged.

"(b) The owner shall supply the operating personnel with such information as is necessary for their guidance in loading and ballasting the vessel in order that adequate stability may be maintained in service, and this information shall be in such form as to be clearly understood by the vessel's personnel.

"Openings in bulkheads and ship's sides—drills

"SEC. 717. (a) The openings in the watertight bulkheads of passenger vessels shall be kept to the minimum necessary to the proper working of the vessel and every practicable provision shall be made to prevent water from finding its way from one compartment to another. Hinged watertight doors may be permitted in the transverse bulkheads bounding cargo spaces in accordance with regulation IX (7) (b) of the Convention for Promoting Safety of Life at Sea, 1929, but such doors shall be closed and made watertight before the ship leaves port. Hinged watertight doors in passenger, crew, and working spaces may be permitted in accordance with regulation IX (7) (a) of the Convention for Promoting Safety of Life at Sea, 1929. All other watertight doors shall be sliding doors and shall be power operated except where those in the machinery spaces (which are always under supervision) are the only ones installed other than those in the cargo between-deck spaces.

"(b) The openings in the ship's sides, below the bulkhead deck, shall be kept to the minimum necessary for the proper operation of the ship or the comfort of the passengers or crew, and those openings shall be so installed and fitted that they can be closed and made watertight so as to prevent water finding its way into the ship. All side doors below the bulkhead deck shall be closed and made watertight before the ship leaves port. All air ports (side scuttles) shall be in accordance with the requirements of the Convention for Promoting Safety of Life at Sea, 1929, except that the air ports (side scuttles) which are required by regulation X (d) to be 'locked before the ship leaves port' shall be of the nonopening type.

"(c) The Bureau's rules and regulations shall, for safety purposes, set forth what other watertight doors, portable plates, air ports, gangways, cargo and coaling ports, and other openings shall be required to be kept closed during navigation, and shall require them to be closed before the ship leaves port. Likewise the Bureau's rules and regulations shall set forth what openings through the ship's sides of like character may be opened at sea on consent of the master. The time of closing and the time of opening such openings shall be recorded in the official log book.

"(d) Drills for the operating of watertight doors, air ports, valves, the closing mechanism of scuppers, ash chutes, and rubbish chutes shall take place weekly. In ships in which the voyage exceeds 1 week in duration a complete drill shall be held before leaving port, and others thereafter at least once a week during the voyage: *Provided*, That all watertight doors in the main transverse bulkheads in use at sea shall be operated daily. The watertight doors and all mechanisms and indicators connected therewith and all valves, the closing of which is necessary to make a compartment watertight, shall be periodically operated at sea at least once each week. A record of all drills and inspections required by this section shall be entered in the official log book with an explicit record of any defects which may be disclosed and steps taken to remedy them.

"(e) At each inspection made by the Bureau's inspectors special precautions shall be taken to determine that the watertight integrity of the ship is being maintained, that there are no unauthorized openings in the structure, and the means provided for closing all authorized openings are in satisfactory condition.

"Construction, tests, escapes

"SEC. 718. The rules and regulations of the Bureau shall provide in detail, in accordance with the provisions of this act, for—

"(a) The construction and testing of subdivision bulkheads, inner bottoms, watertight decks, trunks, ventilators, tunnels, and similar structures.

"(b) The requirements governing openings in bulkheads, in the ship's sides, and in the weather deck and the character and use of means which shall be provided for closing these openings.

"(c) The tests and the periodical inspection and operation of the means of closing openings in bulkheads and in the ship's sides.

"(d) Exits from watertight compartments without passing through watertight doors.

"PART 3. FIRE PREVENTION

"SEC. 721. (a) The requirements of this part shall apply, unless otherwise limited, to all vessels of 100 gross tons or more, and the general arrangement plans (and such detail plans as may be necessary), showing all the fireproof construction proposed to comply with this act, shall be submitted to the Bureau for approval. In each case the Bureau must be satisfied that the vessel will be fully as fireproof as required by this part before approving such plans.

"(b) In the case of vessels of less than 100 gross tons the requirements of this part shall be used as a guide and shall be applied as nearly as is practicable and reasonable in each case.

"Definitions

"SEC. 722. As used in this part—

"(a) 'Accommodations' means all enclosed spaces used by the passengers and crew, including public spaces.

"(b) 'Public spaces' means such spaces as halls, dining rooms, lounges, glass-screened deck lounges, winter gardens, cafes, and other recreational spaces normally accessible during the voyage.

"(c) 'Main vertical zones' means those sections into which the hull and superstructure is divided by the main fire-screen bulkheads.

"(d) 'Control stations' means those spaces in which a 24-hour watch is maintained and where (1) navigating equipment is located, (2) radio equipment is located, and (3) fire-recording instruments are located.

"Fireproof construction—New vessels

"SEC. 723. Each new passenger vessel to which this part applies shall be divided vertically into main fire zones by flametight steel bulkheads, extending from deck to deck and to the shell, which are so insulated and stiffened as to remain intact and prevent the spread of fire on the unexposed side in case of a conflagration. The Bureau's rules and regulations shall prescribe the tests necessary to determine the suitability of both the construction and the insulation of these main vertical zone bulkheads. The main vertical zone bulkheads shall not be more than 131 feet apart and shall be vertically continuous with the main transverse subdivision bulkheads. Where steps are necessary in the main vertical zone bulkheads, the decks shall be made equal to the main vertical zone bulkheads in fire-resisting qualities. Boundaries of the same construction as the main vertical zone bulkheads shall be used for:

"(a) The boundaries of public spaces, the deck area of which is in excess of 15,000 square feet.

"(b) The boundaries of a public space extending through one or more decks, the deck area of which is in excess of 10,000 square feet.

"(c) The boundaries of stairway and elevator enclosures.

"(d) The boundaries of control stations.

"(e) The boundaries of accommodations adjacent to such spaces as storerooms, galleys, pantries, cargo spaces, and machinery spaces.

"(f) The boundaries of cargo, elevator, and machinery trunks extending through accommodations.

"SEC. 724. Steel bulkheads, either lined or unlined, which are so constructed and stiffened as to remain intact in case of a conflagration, shall be used for the boundaries of the following spaces, and the Bureau's rules and regulations shall prescribe tests for determining the suitability of the construction:

"(a) The boundaries of those parts of the main vertical zones which do not lie within the accommodations.

"(b) The subdivision of such spaces as storerooms, galleys, pantries, cargo and machinery spaces within the same group, so long as the requirements of section 723 (e) are met.

"(c) The boundaries of such spaces as storerooms, galleys, pantries, cargo, and machinery spaces adjoining spaces in which there is no combustible material or furnishing, such as stairways, corridors, lavatories, and ventilation trunks.

"(d) The boundaries of vertical trunks other than cargo, machinery, and elevator trunks.

"(e) Cofferdams between oil tanks and cargo spaces.

"(f) The vertical boundaries of deck houses.

"SEC. 725. Within the main vertical zones, where the steel bulkheads covered by section 724 are not required, the bulkheads in staterooms and similar enclosures shall be of panel construction of incombustible material which will remain intact in case of a conflagration, and the Bureau's rules and regulations shall prescribe tests for determining the insulating quality and suitability of the material and construction used. The panels shall be assembled with incombustible supporting members throughout so as to be flametight, and shall be made intact from deck to deck and to the shell, either by fitting the panels to the decks and to the shell or by the use of suitable draft stops of metal or other incombustible material; except that, in passenger spaces, within a deck area not exceeding 1,200 square feet or with a maximum of 66 feet between transverse incombustible bulkheads, which are made intact from deck to deck and to the shell, the incombustible bulkheads forming the enclosures within this area need not be made intact from deck to deck, provided that ceilings of incombustible material are fitted and made intact with the boundary side walls of each individual stateroom or space. Corridor bulkheads, in all cases, shall be made intact between decks.

"Stairways

"SEC. 726. There shall be fitted at least one stairway of ample proportions, in each vertical fire zone, which shall be in itself completely enclosed by bulkheads of the same construction as the main vertical zone bulkheads, and the doors of which shall be kept well clear of passing traffic. These stairways shall be considered safety zones so arranged as to serve as fire escapes from all spaces below decks to the boat deck or embarkation deck, and no combustible material shall be used in their construction, decoration, or furnishing. They shall be directly accessible from the main fore-and-aft corridors. Open stairways may be permitted only when they lie wholly within a public space which is served, for escape purposes, by an enclosed stairway or a direct escape to the open deck.

"Corridors

"SEC. 727. Corridors shall be treated as safety zones and shall contain no combustible material of any kind. The bulkheads of all corridors shall be of incombustible material throughout and, without exception, shall be made intact from deck to deck.

"Doors

"SEC. 728. (a) The doors provided for closing the openings in the bulkheads covered by sections 723 and 724, shall be of such materials and construction as will insure them being equal in fire resisting qualities with the bulkheads in which they are fitted, and those in the main vertical zone bulkheads shall be installed so as to insure the openings in the bulkheads being flametight when the fire doors are closed. They shall comply with the following special requirements:

"(b) The fire doors in the main vertical zone bulkheads shall be of the hinged self-closing type, capable of being opened and closed at the door, by one person, and equipped with a locking device capable of holding them securely closed. These doors shall be held in the open position by an electrical device which can be released from a control station so as to permit the doors to close. This electrical device shall also be so connected that an indication of fire by the manual fire-alarm system will result in all the doors being released and permitted to close automatically. No glass shall be used in these doors.

"(c) Doors in stairway enclosures shall be the same as the main-fire-zone bulkhead doors except that—

"(1) They shall open outward in the direction of escape;

"(2) They shall be fitted with locking devices which can be operated by passengers;

"(3) They shall be fitted with no more than 100 square inches of wire-inserted glass of a thickness to be prescribed by the Bureau's rules and regulations.

"(d) Doors in steel bulkheads, when not required to be watertight doors, shall be made of steel with locking devices suitable to the service. The Bureau may permit doors of other materials when the nature and location of the space permits.

"(e) Doors in bulkheads constructed of incombustible panels may be of hollow metal, metal frame with wire inserted glass, wood with metal veneer, wood with hard asbestos veneer, or wood with a layer of asbestos between the outer veneer and the core, but doors which lead into corridors shall be so constructed that there is no combustible material exposed on the corridor side. Vent grills may be permitted in all of these doors (in the lower half) and such doors shall be fitted with locking devices suitable to the service. Wherever practicable doors in passenger staterooms shall open outward.

"Decks

"SEC. 729. (a) In addition to any other requirements for steel decks, for the purpose of assuring strength or watertight integrity, each new passenger vessel shall be divided horizontally by complete steel decks, made intact with the shell or other boundaries and with all steel bulkheads.

"(b) All openings in these decks shall be closed, except as provided in section 723 (b) with appropriate incombustible and flametight bulkheads and doors.

"(c) The Bureau's rules and regulations shall set forth the types of deck coverings and deck insulations which are found to be acceptable for the various spaces. Decks over machinery spaces, boiler and other spaces where high temperatures occur; and decks dividing accommodations from cargo spaces, and such spaces as storerooms, galleys, and pantries, shall be at least as well insulated as the main vertical zone bulkheads except, where there is no combustible furniture or other combustible material which is in contact with the deck in these accommodations, the insulation may be made not less than two-thirds as effective as the insulation of the main vertical bulkheads.

"(d) All refrigerator spaces shall be properly insulated and shall be made fireproof so far as practicable.

"(e) Calked wood decks may be fitted on steel weather decks which are outside of deck houses or other enclosures.

"(f) Steel decks may be unsheathed within and over general cargo spaces except where these decks are over or under accommodations.

"Ceilings

"SEC. 730. (a) Where ceilings are installed they shall be of incombustible material. Where the stateroom boundary bulkheads of a space are made intact from deck to deck, the ceilings, if used, may be of lighter construction than the bulkheads but of incombustible materials. Where ceilings are installed in groups of staterooms and similar enclosures, in which it is permitted under section 725 to have bulkheads not intact with the deck over areas

not exceeding 1,200 square feet, the ceilings are to be made of incombustible material and made intact with the boundary side walls of each individual stateroom or space.

(b) Ceilings in public spaces requiring bulkheads equal to the main vertical zone bulkheads shall be equal to the bulkhead construction permitted for staterooms where accommodation space is above them and may be of lighter incombustible material where only an open deck is above.

"Linings, furring, beam-boxing

"SEC. 731. (a) Linings in deck houses and against the vessel's side shall be of incombustible material.

"(b) Furring and beam-boxing shall be of metal or other satisfactory incombustible material. In no case shall beam-boxing be carried through a bulkhead.

"Draft stops

"SEC. 732. (a) Efficient draft stops constructed of metal or other incombustible material shall be fitted wherever the lining is framed away from the shell or bulkhead. The deck area of the spaces separated by draft stops shall be kept to a minimum, and in no case shall the spacing of the draft stops exceed one-half the allowed distance between main vertical zone bulkheads.

"(b) Where ceilings of public spaces are framed away from the underside of the beams, draft stops shall be fitted and so spaced that the superficial area of the space is limited both fore and aft and athwartships, and in no case shall be spacing of the draft stops be greater than one-half the allowed distance between the main vertical zone bulkheads.

"(c) Where groups of staterooms are installed, in accordance with section 725, so that the bulkheads at the extremities of these areas furnish draft stops, the draft stops between the lining and the ship's side or bulkhead shall be continuous with the draft stops above the ceiling, and in all other cases the ceiling draft stops and the draft stops behind bulkheads or linings shall be adjacent to and continuous with each other.

"Elevators and dumb-waiters

"SEC. 733. (a) Where elevators are fitted in, or pass through, passenger accommodations, they shall be enclosed by bulkheads equal to the main vertical zone bulkheads and shall be fitted with solid elevator cages and solid doors constructed of incombustible material. Where an elevator enclosure is entirely located within a stairway enclosure, it may be of unlined steel construction, but it then shall have no exit outside of the stairway enclosure.

"(b) Where dumb-waiters are fitted in passenger spaces for such purposes as the transportation of supplies from storerooms to galleys and pantries or from galleys to pantries or serving spaces, they shall be enclosed by boundaries equal to the main vertical zone bulkheads and fitted with doors of incombustible material.

"Windows

"SEC. 734. Windows shall be constructed with metal frames throughout and fitted with wire-inserted glass in panes in proportion to the thickness of the glass. The glass shall be retained by beading or other satisfactory means which will insure the whole structure of the window being fireproof.

"Furniture and furnishings

"SEC. 735 (a) On new passenger vessels all dressers, tables, lockers, shelvings, and other appurtenances in galleys, pantries, and storerooms shall be of incombustible material.

"(b) The furniture in the crew's quarters shall be of incombustible material. In the staterooms of the passengers and officers the wardrobes and beds shall be constructed of incombustible material.

"(c) In dining rooms the furniture shall be of metal or other incombustible material so far as may be practicable.

"(d) Furniture in all offices, shops, bureaus, and similar spaces shall be of metal or other incombustible material.

"(e) The furniture in public spaces, so far as is reasonable and practicable, shall be of metal or other fire-resistant material.

"Special rules

"SEC. 736. (a) The Bureau's rules and regulations shall prescribe the combinations of bulkheads covered by sections 724 and 725 which will be accepted as equivalent to a bulkhead as required by section 723, and shall also give the conditions under which these substitutions may be made in order to get equal protection. The Bureau shall also prescribe what metal or other incombustible material may be substituted safely for the panel construction required by section 725, when the furniture in the enclosure is all of incombustible material.

"(b) The Bureau's rules and regulations shall provide for the use of fireproof insulation for the refrigerator spaces on board ship as soon as the Bureau is satisfied that satisfactory material is available and its use justified.

"Dangerous cargoes

"SEC. 737. The Bureau shall be especially vigilant to see that dangerous, inflammable, or explosive materials are not carried on passenger vessels except when packed, marked, and stowed in accordance with law. Whenever the Bureau finds existing laws are inadequate, the Bureau shall promptly originate recommendations to Congress, through the Secretary of Commerce, for the necessary changes.

"Ventilation

"SEC. 738. All accommodations shall be sufficiently and efficiently ventilated so as to insure the health and comfort of the passengers and crew.

"Mechanical ventilation

"SEC. 739. (a) Where mechanical ventilation is installed, on a new passenger vessel, the blowers shall be located, so far as possible, so that the ducts leading to or from the various enclosures can be so installed that they do not pass through any main fire-zone bulkhead. Where the necessity clearly exists, the Bureau may permit ducts to pass through a main fire-zone bulkhead, near the top, in order to reach the blower, but in this case there shall be fitted in the duct, where it passes through the bulkhead, an automatic damper which will completely close it; and the duct beyond the zone which it serves shall be insulated with insulation equivalent to the bulkhead through which it passes. The Bureau's rules and regulations shall cover the details of these requirements.

"(b) Arrangements shall be provided so that the inlets of supply blowers and the outlets of exhaust blowers may be quickly covered in case of fire.

"Automatic blower control

"SEC. 740. (a) All blowers supplying air to or exhausting air from spaces, other than the machinery spaces, shall be provided with a master control which will automatically stop them when a fire is indicated by the manual fire-alarm system. Arrangements shall also be made so that the master control can be operated manually from two widely separated points. The Bureau's rules and regulations shall cover the details of these requirements.

"(b) Each blower shall be so arranged that it can be started manually so that those not having to do with the affected zone may be utilized.

"Natural ventilation

"SEC. 741. In cases where natural ventilation is used, both automatic and manually operated means for closing ventilators shall be provided so that fire cannot be communicated, through the ventilator, from one compartment to another, and so that ventilators, passing through accommodations unaffected by the fire, will not become heated and endanger the unaffected space.

"SEC. 742. When a cargo vessel is converted into a passenger vessel the requirements of sections 721 to 741, inclusive, shall apply with the same force as to new passenger vessels.

"Date for full compliance

"SEC. 743. All new passenger vessels, the plans of which are approved on or after January 1, 1940, shall comply fully with the fireproof requirements of this part. Prior to January 1, 1940, the Bureau may permit new passenger vessels to be laid down which do not fully comply with the full fireproofing requirements of this act provided the following conditions are met:

"(a) In addition to the main fire zone bulkheads required by section 723 of this act, there shall also be required, where the distance between these main fire-zone bulkheads exceeds 66 feet, a steel bulkhead as required by section 724 of this act which shall be fitted completely across the vessel or deck house in such a manner that the distance between it and any adjacent main fire-screen bulkhead does not exceed 66 feet. This additional bulkhead shall be lined on both sides with incombustible material so that no combustible material shall come in contact with the steel.

"(b) The main corridor bulkheads and the arrangement of corridors and passageways shall be in accordance with section 727 of this act. All doors, other than fire doors, leading into the main corridors shall comply with the requirements of section 728 (e) of this act. Branch corridors shall be fitted with doors where they join the main corridors.

"(c) No space enclosed by the fire screen bulkheads and the incombustible corridor bulkheads shall exceed 3,000 square feet in deck area for stateroom spaces and 6,000 square feet in deck area for public spaces. Within spaces thus enclosed bulkheads, ceilings, and doors may be of the usual wood construction, in lieu of the construction required by section 725 of this act, but in this case the spaces must be protected by automatic sprinklers throughout and fitted with the fire-detection devices required by section 756 (a) of this act.

"(d) So far as practicable, no power or lighting mains, communication systems, steering gear control or other system necessary to the proper operation of the vessel shall be installed so as to pass through those portions of the structure where combustible material is permitted. If it is necessary for them to pass through these spaces they shall be enclosed in a fireproof trunk.

"(e) In all other respects the construction of such vessels shall comply with the requirements of sections 723, 724, 726, 728, 729, 730, 731, 732, 733, 734, 739, 740, and 741.

"FIREPROOF CONSTRUCTION—EXISTING VESSELS

"SEC. 744. Existing passenger vessels, shall be brought as nearly into the conditions set forth for new vessels as is practicable in each case, but the degree of protection shall be at least equal to the following:

"(a) Existing passenger vessels in all groups which have steel fire-screen bulkheads, steel decks, and steel deck houses; or similar vessels which have wooden decks lined on the under side with incombustible material in accommodations or freight and machinery spaces, the following conditions shall pertain:

"(1) The hull and superstructure shall be divided into fire zones, not exceeding 131 feet in length, by fire-screen bulkheads, and efficient fire doors for closing the openings in these bulkheads shall be provided.

"(2) Unprotected openings or stairways (other than the continuous main stairway) through decks shall be arranged so as to prevent the communication of fire from one horizontal zone to another so far as is practicable.

"(3) The main stairways (forming escapes from all decks), shall be enclosed either in accordance with the requirements of section 724 or with the requirements of section 725 of this act. If it is impracticable to enclose the main stairways, draft doors shall be fitted at lobby or foyer entrances, port and starboard, forward and aft, to separate the foyer from the corridors. Bulkheads adjacent to foyers shall be fire-stopped. There shall be a steel enclosed emergency stairway in each fire zone from all decks to the embarkation or boat decks. Where, in any zone, there is a lateral escape to a weather deck, the enclosed escapes may be omitted.

"(4) Wherever the lining is framed away from the shell or a bulkhead, draft stops of metal or other incombustible material shall be installed so that the deck area of the spaces separated by the draft stops shall not be greater than 100 square feet, and in no case shall the spaces between draft stops exceed 30 feet. Where ceilings are framed away from the under side of beams, draft stops shall be fitted for all spaces so that the area enclosed does not exceed 600 square feet, or the distance between them exceed 15 feet in the fore and aft direction. The ceiling draft stops and the draft stops behind bulkheads or linings shall be adjacent to and continuous with each other. Where the width or height of such spaces is such as to make the use of sprinklers effective, sprinklers may be installed so as to give adequate protection and the spacing of the draft stops may be increased.

"(5) Ducts and mechanical ventilators which extend through a fire-screen bulkhead shall be fitted with fire dampers operated by fusible links. Arrangements shall also be provided for shutting down all intake and exhaust blowers at a central point. In addition, dampers shall be fitted in the engine room, fireroom, and cargo-hold ventilators to prevent smoke from interfering with the work of the crew.

"(6) The Bureau shall make rules and regulations covering the requirements for the insulation of hot spaces, the screening of airports and ventilators, and such similar requirements as may be necessary to guard against fire.

"(b) All other existing passenger vessels of all groups shall meet the following minimum requirements:

"(1) Wherever the lining is framed away from the shell or a bulkhead, draft stops of metal or other incombustible material shall be installed so that the deck area of the spaces separated by the draft stops shall not be greater than 100 square feet, and in no case shall the spaces between draft stops exceed 30 feet. Where ceilings are framed away from the under side of beams, draft stops shall be fitted for all spaces so that the area enclosed does not exceed 600 square feet, or the distance between them exceed 15 feet in the fore and aft direction. The ceiling draft stops and the draft stops behind bulkheads or linings shall be adjacent to and continuous with each other. Where the width or height of such spaces is such as to make the use of sprinklers effective, sprinklers may be installed so as to give adequate protection and the spacing of the draft stops may be increased.

"(2) Ducts and mechanical ventilators which extend through a fire-screen bulkhead shall be fitted with fire dampers operated by fusible links. Arrangements shall also be provided for shutting down all intake and exhaust blowers at a central point. In addition, dampers shall be fitted in the engine room, fireroom, and cargo-hold ventilators to prevent smoke from interfering with the work of the crew.

"(3) The Bureau shall make rules and regulations covering the requirements for the insulation of hot spaces, the screening of airports and ventilators, and such similar requirements as may be necessary to guard against fire.

"(4) They shall have the sprinkler protection as required by section 764 of this act.

"Cargo vessels

"SEC. 745. New cargo vessels shall meet the following minimum requirements:

"(a) The boundaries of machinery trunks extending through accommodations or service spaces to comply with section 723.

"(b) The main vertical zone bulkheads and the boundaries of the following spaces shall comply with section 724:

"(1) The subdivision of all service spaces, cargo, and machinery spaces.

"(2) The boundaries of such spaces as storerooms, galleys, cargo, and machinery spaces adjoining spaces in which there is no combustible material or furnishings such as stairways, corridors, lavatories, and ventilation trunks.

"(3) The boundaries of vertical trunks other than machinery trunks.

"(4) The vertical boundaries of deck houses.

"(c) The horizontal subdivisions of the main vertical zones shall be formed by complete steel decks made intact with the steel bulkheads and with the shell.

"(1) Steel decks separating accommodations from service spaces, cargo spaces, and machinery spaces shall be made in accordance with section 729 (c).

"(d) In other respects the requirements for passenger vessels shall be used as a guide and applied to cargo vessels wherever it is reasonable and practicable to do so. Where the passengers and crew of a cargo vessel have direct access to the open decks without the use of stairways or ladders, a lesser degree of fireproofing may be permitted.

"PART 4. FIRE DETECTION AND EXTINCTION

"SEC. 751. Each passenger vessel shall be so equipped with fire detection and fire extinction apparatus as to reduce the fire hazard to a minimum; and, should a fire occur, insure its prompt extinction. The Bureau's rules and regulations shall cover in detail the requirements set forth in this part and shall prescribe the necessary tests so that there is assurance that the fire detection and extinction apparatus is properly installed and kept in proper working condition.

"Definitions

"SEC. 752. As used in this part:

"(a) A 'detection and alarm zone' is that section of the vessel bounded by the main fire-screen bulkheads and by either the tank top and the nearest deck or by any two decks.

"(b) A 'control station' is a space in which a 24-hour watch is maintained and in which navigating equipment, radio equipment, or fire-recording instruments are located.

"(c) The 'largest compartment' in cargo space is that space between watertight or fire-screen bulkheads from the tank top to the deck at the top of the uppermost space in which cargo may be carried. In shelter-deck type of vessels, it is that space from tank top to main deck plus the volume of the shelter-deck space above the main deck between adjacent watertight or fire-screen bulkheads.

"Fire patrol

"SEC. 753. (a) On all passenger vessels over 100 gross tons, an efficient fire patrol shall be maintained between the hours of 10 p. m. and 6 a. m., so that any outbreak of fire may be promptly detected. On passenger vessels over 500 gross tons, the time and extent of each tour of the patrol shall be shown by a permanent record, which shall be properly kept. The patrol shall cover all spaces not continually occupied, except such cargo and store spaces as are not accessible during a voyage.

"(b) In passenger vessels which have a detecting system installed in the public spaces, the patrol throughout the patroled area shall be at not more than 1-hour intervals. In passenger vessels which have no detecting system in the accommodations, or, which have no detecting system installed in public spaces, the interval between patrols throughout the patrol area shall not be greater than 20 minutes.

"(c) A patrolman, while on watch, shall perform no other duties and shall wear a distinctive uniform or badge.

"(d) The Bureau's rules and regulations shall cover in detail the methods of recording the rounds of the patrolmen, the equipment they are required to carry, the manner of reporting, the frequency of their reports to the control station, and the number and locations of the required recording stations.

"General alarm system

"SEC. 754. Each vessel over 500 gross tons shall be provided with a general fire-alarm system, operated manually from the control station or stations, which shall be fitted with bells or other sound devices having a distinctive tone and which will effectively arouse all the passengers and all members of the crew. The Bureau's rules and regulations shall cover in detail the requirements for:

"(1) The size and number of bells (or other appliances) to be installed on each vessel; and

"(2) The manner of operation and the stations from which they are to be controlled;

and shall, by inspection and test of the system, make certain that it complies with the requirements of this act.

"Manual fire-alarm system

"SEC. 755. (a) Each vessel over 100 gross tons shall be provided with one or more manually operated fire-alarm boxes, having a distinctive red finish, for each detection zone except freight spaces and such other spaces as may not be accessible during a voyage. The number of the alarm boxes shall be controlled by the size and arrangement of the vessel and they shall be located in the control stations and in such places as corridors, stairway enclosures, and public spaces, so as to be readily accessible to all passengers and crew.

"(b) The manual fire-alarm system shall register, for each detection zone, in the fire-control station and shall automatically ring gongs located in fire-control stations, navigating-control stations, engine rooms, and in the quarters of the fire-fighting crew.

"(c) The Bureau's rules and regulations shall cover in detail the requirements for this system. Where fire-screen doors or mechanical ventilation, or both, are installed, the operation of any manual fire-alarm box shall result in (1) all fire-screen doors being released, so that they will close automatically, and (2) all the ventilating blowers, except those in the machinery spaces, being stopped.

"Fire-detecting system

"SEC. 756. (a) All passenger vessels having berths for 50 or more passengers and which are not of fireproof construction, in accordance with sections 723 to 741, inclusive, shall be equipped with an automatic self-supervising fire-detecting and alarm system (or systems), which will detect an incipient fire in any part of the passenger, crew, stores, and cargo spaces, and working spaces not continually occupied, so arranged as to bring to the attention of the person (or persons) on watch in the control station (or stations) both audibly and visibly, the existence and location of the fire. The Bureau's rules and regulations shall cover the detailed requirements for the various systems which will be accepted as fulfilling these requirements.

"(b) In new passenger vessels in which the passenger and crew accommodations are of fireproof construction, as required by sections 723 to 741, inclusive, of this act, the fire-detection system may be omitted from these accommodations.

"Fire extinction

"SEC. 757. All vessels shall be equipped with suitable fire-extinguishing apparatus consisting of fire pumps, fire mains, hoses and nozzles, chemical extinguishing equipment, and in places where it is necessary, smothering equipment using steam, foam, carbon-dioxide gas, or other suitable agents. The Bureau's rules and regulations shall cover the capacities of pumps and fire mains, as set forth in title VIII of this act; the size, number, and location of hoses and nozzles; the size, type, and number of chemical extinguishers to be carried; and the type and quantity of smothering agents and equipment required by each vessel.

"Water systems

"Fire hoses

"SEC. 758. In new passenger vessels where fireproof construction is used throughout, the minimum requirements for fire hydrants and hoses shall be as follows:

"(a) The hydrants shall be so placed that (1) when all watertight and fire doors are closed, any point in the accommodations can be reached by one 50-foot length of hose, permanently attached to its own hydrant, and a second stream can be brought to bear by the use of two 50-foot lengths of hose, coupled together and attached to the next nearest hydrant; and (2) that any other point in the vessel can be reached by the streams from two 50-foot lengths of hose each attached to its own hydrant. Each hydrant and hose shall be readily accessible to the passengers or crew and the nozzle of each hose shall deliver, when required, not less than 150 gallons of water per minute in a powerful jet.

"(b) On vessels not exceeding 1,500 gross tons, two hydrants and two 50-foot lengths of hose (with suitable nozzles), each capable of delivering, when required, not less than 67 gallons of water per minute in a powerful jet, may be substituted for one hydrant, hose, and nozzle capable of delivering 150 gallons of water per minute. A similar substitution may be made in the accommodations of vessels exceeding 1,500 gross tons.

"(c) The capacities of fire pumps and fire mains must meet the following requirements:

Gross tonnage	Limits of beam	Minimum number of hoses to be supplied with water at one time	Gallons of water to be delivered by each hose per minute	Minimum gallons of water required per minute
100 and less		Any 2	67	135
101 to 750		Any 3	67	200
751 to 1,500		Any 6	67	400
1,501 to 4,000	Not more than 40 feet	Any 4	150	600
Over 4,000	Not more than 50 feet	Any 5	150	750

"On ships over 4,000 gross tons and over 50 feet beam the minimum number of hydrants and hoses to be supplied with water at one time, at the rate of 150 gallons per minute, shall be increased by 1 for each increment of 10 feet in beam and the minimum gallons of water required per minute shall be increased correspondingly.

"(d) On vessels of less than 100 gross tons, hand pumps may be substituted for power pumps if the Bureau finds that they will afford proper protection.

"SEC. 759. In existing passenger vessels where it is impracticable to fully meet the fireproofing requirements for new passenger vessels of this act, the hydrants shall be arranged in such a manner that any point in the vessel can be reached by two 50-foot lengths of hose, each permanently attached to its own hydrant and the nozzle of each hose shall deliver, when required, not less than 150 gallons of water per minute in a powerful jet. The same substitution of two hydrants, hoses, and nozzles of 67 gallons of water per minute capacity for one of 150 gallons of water per minute capacity, as provided for in section 758 (b) may be permitted. The other requirements shall be the same as for new passenger vessels.

"Vessels using oil fuel

"SEC. 760. In passenger vessels using oil fuel, means shall be provided whereby two powerful jets of water may be rapidly and simultaneously directed into any part of the machinery spaces with suitable nozzles for spraying water on oil without undue disturbance.

"Shore connections

"SEC. 761. A siamese hose inlet shall be provided on each side of the vessel, so located that it is readily available for use by a land fire department or for connection of the ships' hoses. The pipe connecting this siamese hose inlet to the fire main shall be of ample size and shall be protected by a straightaway nonreturn valve so that the water can come in but not go out. The Bureau's rules and regulations shall set forth the arrangement of these siamese hose connections and shall provide for adapters and such other appurtenances as may be necessary.

"Sprinklers

"SEC. 762. In new passenger vessels in which fireproof construction is used throughout in the passenger and crew accommodations, automatic sprinklers will not be required; but they shall be required when other safe and efficient protection is not provided in such spaces as motion-picture booths, film lockers, rooms containing highly inflammable materials, mail and specie rooms, store and baggage rooms, refrigerated storerooms, refrigerated cargo spaces, cargo spaces, where motor vehicles in the operating condition are carried, and coal bunkers. The Bureau's rules and regulations shall set forth in detail the requirements for sprinkler systems in the new fireproof vessels.

"SEC. 763. In new passenger vessels which are built before January 1, 1940, under the provisions of section 743, there shall be installed, in addition to the sprinklers required for new fireproof passenger vessels, complete sprinkler protection for all passenger and crew spaces which contain woodwork or other inflammable structural material. The Bureau's rules and regulations shall cover in detail the requirements for vessels constructed under this section.

"SEC. 764. In existing passenger vessels, except those covered by section 744 (a) of this act in which sprinklers are not mandatory, and in which inflammable materials have been used for construction purposes, the passenger and crew spaces shall be fully protected by sprinklers in addition to those required for new fireproof passenger vessels. On existing excursion vessels which have less than 25 staterooms, including crew's rooms, a detecting system may be installed in lieu of the sprinklers. The Bureau's rules and regulations shall set forth the detailed requirements in this respect.

"SEC. 765. (a) The automatic sprinkler system installed shall normally be of the dry-pipe system combined with detecting apparatus and so connected that upon the detecting device indicating the existence of a fire, the sprinkler system will be automatically supplied with water. Where the Bureau finds it necessary the wet-pipe system may be required.

"(b) The Bureau's rules and regulations shall set forth in detail the method of installation to be required and shall in each case supervise the location of the sprinkler heads so that they will be most effective in the spaces they protect. The Bureau's rules and regulations shall also prescribe for the proper zoning of the sprinkler system so that the lengths of the various branches will not be excessive, and so that the indicator of the detecting device will locate a fire within reasonable limits.

"Smothering systems

"SEC. 766. Smothering systems using steam, foam, carbon dioxide gas, or other suitable agents, shall be installed in such places as the following: Cargo spaces which are inaccessible during a voyage, trunks of cargo spaces, spaces containing oil-fired boilers or fuel-oil pumps, spaces containing internal-combustion propelling machinery, spaces containing electrical propelling motors and generators, enclosed ventilation systems of electrical machinery, auxiliary machinery spaces, and spaces containing auxiliary internal-combustion engines. With the Bureau's approval, smothering agents may be used in lieu of automatic sprinklers in such spaces as motion-picture booths, film lockers, rooms containing highly inflammable material, mail and specie rooms, store and baggage rooms, refrigerated store rooms, refrigerated cargo spaces, cargo spaces containing motor vehicles in the operating condition, and the bunkers of vessels using coal as fuel. The Bureau's rules and regulations shall set forth in detail the various smothering agents which shall be acceptable for the various spaces and shall give in detail the arrangement of installation, pipe sizes, and tests for the steam system, carbon-dioxide gas system, foam system, and such others as may be approved.

"Special appliances

"Portable fire extinguishers

"SEC. 767. All vessels shall be provided with portable chemical fire extinguishers ready for immediate use in extinguishing incipient fires. The Bureau's rules and regulations shall set forth in detail the number of portable chemical fire extinguishers to be provided on each ship, and their number, contents, and capacity shall be adequate for the type of structure and the spaces they are to protect. They shall be placed in all spaces which are accessible during a voyage and shall be installed near doors and other places where they will be readily available. An adequate number of such extinguishers shall be provided in spaces in which automobiles are carried in the assembled condition to insure proper protection.

"Breathing apparatus

"SEC. 768. All vessels having stateroom accommodations for passengers shall be provided, in the deck department, with sets of self-contained breathing apparatus or gas masks, in accordance with the following table:

Gross tonnage	Limits of beam	Sets of apparatus
Less than 750		2
751–1,500		3
1,501–4,000	Not more than 40 feet	4
Over 4,000	Not more than 50 feet	5

"On vessels over 4,000 gross tons and over 50 feet in beam the minimum number of sets to be supplied shall be increased by 1 for each increment of 10 feet in beam.

"One set of apparatus shall be stowed in the fire-control station and the remainder at points where they will be readily accessible to the fire-fighting crew. In addition to the apparatus required in the table these vessels shall have stowed in each fire and engine room, and easily accessible, a sufficient number of sets of self-contained breathing apparatus for each member of the minimum crew required to keep the propelling and auxiliary machinery and the fire pumps in operation. The breathing apparatus provided in the engineering department shall give ample protection against the refrigerant used. Deck officers, selected

petty officers, and the fire and engine room crew shall be trained in the use of breathing apparatus. The Bureau's rules and regulations shall set forth in detail the requirements for breathing apparatus, the method of stowage, the procedure to be followed in its inspection in order that assurance may be had that it is always in good working condition.

"Sand

"SEC. 769. In addition to the foregoing, in every firing space where oil fuel is used, a receptacle containing 10 cubic feet of sand or equivalent material shall be provided together with scoops for distributing it. The Bureau's rules and regulations may prescribe a smaller quantity of sand or equivalent material which may be used on vessels under 1,000 gross tons, and shall give in its rules the substitutes which will be accepted in lieu of sand.

"Tests and examinations

"SEC. 770. All fire-extinguishing appliances and special appliances shall be thoroughly examined and tested by the Bureau's representatives at least once each year. Where carbon dioxide or other similar smothering agents are used, the containers shall be weighed and carefully examined for deterioration; when the weight of the gas is reduced by 10 percent, the cylinders shall be required to be renewed or recharged and, if the containers are found to be corroded or deteriorated, they shall be replaced.

"PART 5. ACCOMMODATIONS FOR OFFICERS AND CREW

"SEC. 781. The Bureau shall give constant attention to the construction, arrangement, sanitation, and ventilation of the quarters and facilities provided on ships of all groups, for the accommodation of the officers and crew.

"Crew spaces

"SEC. 782. In new vessels of groups 1 and 2 which are over 750 gross tons the requirements for crew accommodations shall provide for at least the following:

"(a) Accommodations for the crew shall not be located forward of the forward collision bulkhead nor on a deck which is below the deepest loadline;

"(b) Sleeping accommodations for the crew shall be divided into staterooms no one of which shall berth more than four persons except that on the larger passenger ships, where the stewards and waiters are numerous, rooms may be arranged to accommodate not more than 10 stewards or waiters (or both). So far as is practicable the rooms for watch standers shall be so arranged that all those in a room belong to the same watch and are called at the same time.

"(c) Each stateroom shall be of such a size that there is at least 20 square feet of deck area and a volume of at least 150 cubic feet for each person accommodated. Each person shall have a separate berth and not more than two berths, a lower and an upper, shall be placed between two decks. The berths shall be of metal framework and shall be so arranged that they provide ample room for easy occupancy. The upper berths shall not be obstructed by pipes, ventilating ducts, or other installations which interfere with their proper use. Each stateroom shall be provided with a metal locker for each person accommodated. Each locker shall be not less than 12 inches by 21 inches by 5 feet high and so placed as to be readily accessible. The interior of the locker shall be so arranged as to facilitate the proper stowage of clothes.

"(d) Messrooms shall be provided for all members of the crew which shall be placed as near the galley as is practicable in each case. The messrooms shall be properly equipped with tables and a seat for each person and each messroom shall be of sufficient size to permit easy access to each seat. In vessels of over 5,000 gross tons separate messrooms shall be provided for the deck, engine, and steward groups. On the larger passenger ships, where the stewards and waiters are numerous, arrangements may be made for those in the steward's department to eat in one of the passenger dining rooms before or after the times set apart for the service of meals to passengers.

(e) Bathrooms shall be provided for the deck, engine, and steward groups of the crew in which there shall be installed one shower for each 10 persons or fraction thereof, in the group to be accommodated, and one wash basin for each 4 persons or fraction thereof. The showers and basins shall be supplied with hot and cold fresh water. On small vessels where this is found impracticable one bathroom may be approved. On vessels where the engine group contains 10 or more persons a separate bathroom shall be provided for them. On vessels where the steward group contains six or more persons a separate bathroom shall be provided for them. All bathrooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition.

"(f) Toilets shall be provided for each group of the crew and, except in the smaller vessels where the space is limited and the crew small, they shall be in separate rooms from the bathing and washing facilities. There shall be a seat for each 10 persons or fraction thereof, and, in addition, a urinal for each 10 male persons or fraction thereof in the group to be accommodated. All toilet rooms shall be properly drained and so constructed and arranged that they can be kept in a clean, workable, and sanitary condition.

"(g) On vessels where the crew comprises 12 or more persons a hospital space shall be provided. Except on vessels making a voyage of 24 hours or less from port to port, this space shall be used for the care of the sick and for no other purpose except where an emergency or an unusual occasion, such as a trial trip, makes it necessary. The space shall be completely enclosed so that contagious diseases can be isolated. It shall contain one berth for each 12 persons in the crew (but no more than six berths will be required in any case) and it shall be so constructed and arranged that it can be kept in a clean and sanitary condition.

"(h) Except for such crew spaces as are located in deck houses where, under all ordinary weather conditions, the windows or ports can be kept open, all crew spaces shall be supplied with air by forced ventilation. Each sleeping room and messroom shall be supplied with air equal to 10 times the volume of the room each hour and shall be so ventilated both at sea and in port so long as the spaces are occupied. Each bathroom, toilet, and hospital space shall be supplied with air equal to 15 times the volume of the space each hour and shall also be fitted with exhaust ventilation to remove an equal volume of air so that it is possible to have these spaces properly ventilated when all doors, ports, and other openings are closed.

"(i) All crew spaces shall be adequately heated in cold weather and care shall be taken to insure that both heat and ventilation are supplied in the various spaces so that it will not be necessary to curtail the ventilation in order to have warmth.

"(j) All crew spaces shall be adequately lighted and special provisions shall be made for properly screened reading lights.

"SEC. 783. The Bureau shall cause to be cut in a beam or other part of the permanent structure a legend indicating the purpose for which each space enumerated in section 782 is to be used and the number of persons it may accommodate. A sign conveying the same information shall be placed over the door of each space.

"SEC. 784. So far as is practicable and reasonable the requirements for new vessels, outlined in section 782 of this act, shall be applied to existing vessels of similar type and, in principle, to the vessels of less than 750 gross tons in groups 1 and 2, and to vessels in other groups, to the end that habitable and sanitary accommodations may be provided in each case.

"SEC. 785. So far as is practicable the Bureau shall require an inspection of all crew spaces in vessels of groups 1 and 2 at least once each month. The inspectors shall give particular attention, (1) to the cleanliness and sanitation of these spaces, (2) to insuring that no space is occupied by a greater number of persons than it is authorized to accommodate and (3) to insuring that none of the spaces enumerated in section 782 of this act are used for other purposes than the accommodation of the crew. No person shall be carried in the employ of a ship unless the accommodations are sufficient to care for him in accordance with this act.

"Officers' quarters

"SEC. 786. In new vessels of groups 1 and 2 which are over 1,000 gross tons each licensed officer shall be provided with a separate stateroom suitably equipped and so far as is practicable their quarters shall be located on or above the weather deck.

"SEC. 787. (a) On each new vessel, in groups 1 and 2, a messroom shall be provided for the licensed officers which shall be of sufficient size to seat all the officers at one time and to permit easy access to each seat. If a new cargo vessel is fitted to carry passengers, provision shall be made for seating them in the officers' messroom in addition to the officers or a separate dining room may be provided for them.

"(b) In passenger ships, where the licensed officers are required to have meals in the main dining room, a separate messroom shall be provided where those officers, whose duty interferes with their appearing in the main dining room at the proper time, may have their meals.

"SEC. 788. Bathroom and toilet facilities shall be provided for all officers who do not occupy rooms to which these facilities are attached.

"SEC. 789. The ventilation requirements for officers' quarters shall be at least equal to the requirements for crew spaces, as set forth in section 782 (h) of this act.

"SEC. 790. So far as is practicable and reasonable the requirements for new vessels, outlined in sections 786, 787, 788, and 789 of this act, shall be applied to existing vessels of similar type and, in principle, to vessels of less than 1,000 gross tons in groups 1 and 2, and to vessels in other groups, to the end that habitable and sanitary accommodations may be provided in each case.

"SEC. 791. The tonnage of all of the spaces named in this part shall be deducted from the gross tonnage in arriving at the net or register tonnage of a vessel in addition to any other deductions allowed by law.

"SEC. 792. When the Bureau finds, after appropriate notice and opportunity for hearing, that it is practicable and necessary, in any particular case, they shall require that the minimum requirements, provided for in section 782, be raised.

"TITLE VIII. ENGINEERING

"SEC. 801. The design, construction, installation, and inspection of all types of machinery used on board ship shall be such as to insure safe and reliable operation. The Bureau's rules and regulations shall cover boilers and pressure vessels, piping, main propelling machinery (of whatever kind), electrical machinery and electrical equipment, and auxiliary machinery, such as emergency generators (and batteries), bilge pumps, fire pumps, steering machinery, watertight door machinery, winches, anchor windlasses, capstans, and whatever other apparatus is required to insure that such machinery or apparatus will function in a safe and reliable manner.

"SEC. 802. In the case of passenger ships, the Bureau shall give unremitting attention to the following requirements:

"(1) That the boilers are of a safe design, properly constructed, and operated at a safe pressure.

"(2) That the main propelling machinery and auxiliary machinery vital to propulsion are of reliable design, properly constructed, and in a safe condition.

"(3) That ample backing power is provided and promptly available under all conditions when under way.

"(4) That the steering gear is of a reliable design, and properly constructed and in a safe condition; and that a satisfactory auxiliary means of steering is provided.

"(5) That the fire mains are of proper design, ample capacity, and in proper working order.

"(6) That the fire pumps are of proper design, ample capacity, and in satisfactory working condition.

"(7) That the bilge-pumping arrangements are of proper design, of ample capacity, and in proper working condition.

"(8) That an adequate source of power and light for emergency use is provided and in proper working condition.

"(9) That where lifeboat winches are required, they are of proper design, properly protected, and in proper working condition.

"BOILERS AND PRESSURE VESSELS

"Boilers

"SEC. 803. (a) The Bureau's rules and regulations covering boilers shall set forth the methods by which the maximum allowable working pressure is to be determined and the classes of materials and the methods of construction acceptable for the various parts to the end that safe operation is insured.

"(b) In the case of new boilers, the plans and stress calculations shall be submitted to the Bureau for approval before work is undertaken. The Bureau shall determine whether the design and materials proposed are safe and satisfactory for the desired maximum working pressure. The Bureau shall, before a boiler is constructed, inspect and test all the materials used in the pressure parts. The Bureau shall assure itself by careful inspection that the boilers, as constructed, comply in all essential respects with the approved plans, that the workmanship is in all respects satisfactory and that the boilers are in all respects acceptable for the maximum allowed working pressure.

"(c) In the case of existing boilers, all parts shall be inspected as minutely as possible and, if necessary, holes drilled to determine thicknesses, whereupon the maximum allowed working pressure shall be arrived at in accordance with the Bureau's rules based on the thinnest material.

"Boilers—Inspections and hydrostatic tests

"SEC. 804. (a) All new boilers shall be subjected to a hydrostatic test before lagging. The pressure used in this test shall be not less than one and one-half times the maximum allowed working pressure.

"(b) All existing boilers shall be critically examined and inspected and given a suitable hydrostatic test annually and whenever they have undergone important repairs.

"(c) In vessels converted from cargo to passenger vessels, the boilers shall be given a special inspection and a hydrostatic test at the time of conversion.

"(d) Evaporators, superheaters, and steam chests, when new, shall be tested to twice the working pressure (except that superheaters which are an integral part of the boiler shall be tested with the boiler and at the same pressure), and thereafter given the same tests as boilers.

"(e) In all hydrostatic tests two of the Bureau's inspectors shall be present and a careful inspection of all pressure parts shall be made before, during, and after the test, in order to ensure that no unusual distortion or weakness has developed.

"(f) After the maximum allowed working pressure has once been fixed no increase in this pressure shall be allowed.

"Unfired pressure vessels

"SEC. 805. The Bureau's rules and regulations covering unfired pressure vessels shall set forth the methods by which the maximum allowable working pressure is to be determined and the classes of materials and the methods of construction acceptable for the various parts to the end that safe operation is ensured.

"(a) In the case of new pressure vessels the plans and stress calculations shall be submitted to the Bureau for approval before work is undertaken. The Bureau shall determine whether the design and materials proposed are safe and satisfactory for the desired maximum working pressure. The Bureau shall assure itself, by careful inspection, that the unfired pressure vessels, as constructed, comply in all essential respects with the approved plans, that the workmanship is in all respects satisfactory and that the unfired pressure vessels are in all respects acceptable for the maximum allowed working pressure.

"(b) In the case of existing unfired pressure vessels all parts shall be inspected as minutely as possible, and, if necessary, holes drilled to determine thicknesses, whereupon the working pressure shall be arrived at in accordance with the Bureau's rules based on the thinnest material.

"Unfired pressure vessels—Inspections and hydrostatic tests

"SEC. 806. Unfired pressure vessels which are permanently installed and used to contain air, gas, liquids at temperatures above the evaporation point at atmospheric pressure, and lethal or noxious chemicals shall be given a suitable hydrostatic test when new. Such pressure vessels as are subject to internal corrosion, such as compressed-air containers and accumulator tanks shall be tested and inspected annually thereafter. Cylindrical containers, such as are used commercially for carbon dioxide, anhydrous ammonia, oxygen, hydrogen, acetylene, and other gases in a highly compressed state, shall be examined for external corrosion annually, and if serious deterioration exists they shall be replaced. The Bureau shall determine suitable intervals at which these cylindrical containers are to be returned to the source of supply so that they may be retested and remarked in accordance with the requirements for similar pressure vessels ashore.

"Safety valves

"SEC. 807. (a) Each boiler and pressure vessel shall be equipped with one or more safety valves or other means for ensuring that no pressure in excess of that allowed is possible. The Bureau's rules and regulations shall set forth the method of determining the size of the safety valves, or other devices, required, and in the case of boilers this shall not be less than that required to relieve the maximum amount of steam the boiler is capable of producing. After each hydrostatic test the Bureau's inspectors shall verify the settings of the safety valves by having them lift under pressure, and two of the Bureau's inspectors shall assure themselves and certify that the safety valves lift at not more than 3 percent above the maximum allowed working pressure.

"(b) The Bureau shall lock, or otherwise secure, one or more of the safety valves on each boiler so that the operating personnel can neither gag it nor increase the pressure for which it is set.

"Piping and fittings

"SEC. 808. (a) The Bureau's rules and regulations covering all essential piping systems on shipboard (such as steam pipes, exhaust pipes, boiler-feed systems, fuel-oil systems, lubricating-oil systems, compressed-air systems, condenser-circulating systems, fire mains, sanitary systems, bilge systems, ballast systems, hydraulic systems, refrigerating systems, drinking-water systems, and such others as may be required), shall set forth the methods by which the maximum allowed working pressure is to be determined, the class of materials and the types of fittings acceptable for each system.

"(b) The piping systems essential to the safety of the vessel (such as steam pipes, boiler-feed pipes, fuel-oil pipes, lubricating-oil pipes, fire mains, and bilge systems) shall be carefully inspected and tested hydrostatically when new and annually thereafter given a hydrostatic test which will give ample assurance of their being in a safe and satisfactory condition.

"(c) Fire mains shall be provided on each ship capable of distributing the entire output of all the pumps, which are available for fire protection, to any group of adjacent fire hydrants in the ship which are capable of discharging the volume of water delivered by the pumps.

"(d) A bilge main shall be provided on each vessel of such a diameter as to fully utilize the capacity of all the pumps available for pumping from it. The bilge main shall be arranged so as to be capable of draining any watertight compartment in the ship under all practicable conditions whether the ship is upright or listed, and the branch pipes from this main shall be proportioned to the size of the compartments they are to drain. Provision shall be made to prevent the compartment served by any bilge suction pipe being flooded in the event of the pipes being severed or otherwise damaged by collision or grounding in any other compartment. All bilge mains and pipes shall be entirely distinct from pipes which may be used for handling water ballast or oil. Other special requirements for piping provided for by regulation XIX of the Convention for Promoting Safety of Life at Sea, 1929, shall also apply to all vessels covered by this act.

"MAIN PROPELLING MACHINERY

"Main engines

"SEC. 809. (a) The Bureau's rules and regulations shall set forth the requirements for design, material, construction, installation, necessary tests and inspection of all forms of machinery used for the propulsion of vessels. In order that the Bureau may be satisfied that the main propelling machinery (including all shafting, propellers, thrust bearings, stern-tube bearings, and line-shaft bearings) of a new vessel will be satisfactory for the service for which the vessel is intended, it shall require that all essential plans and specifications be submitted to it for approval and the Bureau shall satisfy itself that the proposed machinery is of proper design, is sufficiently rugged, and will provide ample backing power which will be immediately available in an emergency. The Bureau shall assure itself by careful inspection that the machinery, as constructed, complies in all essential respects with the approved plans and specifications, and that the workmanship is in all respects satisfactory.

"(b) If the proposed vessel is classed by the American Bureau of Shipping, the Bureau may accept this classification as indicating that the material and size of the shafting is satisfactory.

"Auxiliaries for main propulsion

"SEC. 810. The rules and regulations promulgated by the Bureau shall provide for the types of auxiliary machinery for new vessels required for the proper operation of their main propelling machinery, such as fuel-oil pumps, fuel-oil heaters, fuel-oil burners, blowers for boiler draft, boiler-feed pumps, feed-water heaters, circulating pumps, condensers, vacuum-producing apparatus, condensate pumps, lubricating-oil pumps and lubricating-oil coolers for steam vessels, and, in the case of turbo-electric drive vessels, such special auxiliaries as may be required for the proper operation of the plant. In like manner, the rules shall provide for the auxiliaries required for vessels equipped with internal-combusion engines for propulsion, whether the drive is direct or by the use

of electricity or gears, such as cooling-water pumps, lubricating-oil pumps, lubricating-oil coolers, fuel-oil pumps, air compressors, air coolers, compressed-air containers, exhaust mufflers, and waste-heat boilers (if used). In the case of new vessels the plans and specifications of such auxiliary machinery shall be submitted to the Bureau for approval. The Bureau shall assure itself by an annual inspection that all auxiliary machinery necessary to the safe and proper operation of the main propelling machinery on all new and existing vessels is of rugged design and construction, of ample capacity for the purpose intended, and not liable to derangement in operation.

"Tests for main propelling machinery and auxiliaries

"SEC. 811. (a) New main propelling machinery, together with its necessary auxiliary machinery, shall be given such tests as are necessary to determine that it is suitable and safe for the purpose intended, and, in addition, the plant as a whole shall be operated at full power with the vessel underway.

"(b) In all vessels the main propelling machinery shall be inspected annually in order to insure its being maintained in a safe and satisfactory condition.

"(1) In the case of vessels using turbines for main propulsion, the turbines shall be opened for examination at least once in 4 years, unless some derangement makes more frequent examination necessary. In a ship with multiple turbines they may be examined in succession in such a manner that all will be examined within the 4-year period.

"(2) In the case of ships using internal-combustion engines or reciprocating-steam engines for main propulsion, the cylinders, pistons, and other working parts shall be examined annually. In the case of internal-combustion plants, the examination may be made from time to time during the year so as not to require dismantling all the cylinders at one time.

"(3) Tail shafts shall be withdrawn for examination every 2 years.

"(4) Clearances of stern tube bearings shall be taken and recorded at each drydocking.

"PUMPS

"Fire pumps

"SEC. 812. (a) All vessels of over 100 gross tons shall be equipped with two or more power-operated fire pumps, capable of delivering the volumes of water required by section 758 (c) of this act. Each fire pump shall discharge at a pressure sufficient to deliver its full output of water from the highest outlets in the ship at a minimum pitot-tube pressure of at least 50 pounds per square inch, and in any case at a gage pressure of not less than 100 pounds per square inch at the pump discharge. All fire pumps shall be in readiness for immediate use before the vessel leaves port, and at least one fire pump shall be kept connected for instant use on the fire main at all times when passengers are on board or while the vessel is under way.

"(b) If the boiler and engine rooms are not in separate watertight compartments, one of the fire pumps shall be situated outside the machinery space, and in any case where two or more pumps are required they shall not all be fitted in the same space.

"(c) No pump used on the fire main shall have any connection with a pipe which may be used for handling oil or oily water.

"(d) Sanitary flushing pumps may be used as fire pumps when they operate at the required pressure.

"Bilge pumps

"SEC. 813. (a) All vessels shall be provided with an efficient pumping plant capable of pumping from and draining any watertight compartment under all practicable conditions, whether the ship is upright or listed. Each passenger vessel in groups 1, 2, and 3 which is 180 feet in length or more shall have three power-operated pumps connected to the bilge main, one of which may be operated by the propelling unit. On passenger ships over 300 feet long, or which have a sufficient passenger capacity to warrant it, at least one of the power-operated bilge pumps shall be of an approved submersible type capable of operating continuously when submerged under a head of water equal to a height from the inner bottom to the bulkhead deck. A source of power situated above the bulkhead deck shall be available for this pump in any case of emergency. Each submersible bilge pump shall be capable of pumping directly from the compartment in which it is located and from all bilges through the bilge main under all normal and emergency conditions, and the control for the pump and all valves necessary for these operations shall be capable of being operated from above the bulkhead deck as well as locally.

"(b) All main condenser circulating pumps shall have a direct suction, of a size to be prescribed by the Bureau, to the bilges of the compartments in which they are installed.

"(c) Where practicable, the power-operated bilge pumps shall be placed in separate watertight compartments, so arranged or situated that these compartments will not readily be flooded by the same damage.

"(d) Each power-operated bilge pump shall be capable of giving a speed of water through the main bilge pipe of not less than 400 feet per minute, and it shall have a separate direct suction (or suctions) to the compartment in which it is situated of a diameter not less than that of the bilge main.

"(e) Other special requirements for bilge pumps shall not be less than those prescribed by regulation XIX of the Convention for Promoting Safety of Life at Sea, 1929.

"SEC. 814. On new vessels and annually on all vessels, each of the pumps enumerated in sections 812 and 813 shall be tested to demonstrate that it is in condition to meet the requirements, except that submersible bilge pumps need not be submerged in making the tests on board ship.

"SEC. 815. The Bureau's rules and regulations shall provide for the requirements for all pumps used for other purposes, and shall give special attention to pumps for operating hydraulic watertight doors.

"SEC. 816. In the case of new vessels the plans and specifications of the pumps provided for in sections 812 to 815, inclusive, shall be submitted to the Bureau for approval.

"Electrical installation

"SEC. 817. The construction, insulation, installation, and the tests to be performed on new apparatus and wiring shall be such as to insure safe and efficient operation of all electrical apparatus and wiring used on board ship. The Bureau's rules shall also prescribe the tests and inspections for the electrical systems in all vessels.

"SEC. 818. Vessels in groups 1, 2, and 3 shall be provided with two or more electric generating sets of such capacity that the essential peak load for the proper operation of the vessel at sea can be carried if one of the sets is disabled. In addition to the foregoing, there shall be installed above the bulkhead deck a source of supply independent of the main power installation and of a capacity sufficient to carry the emergency load for a period of at least 12 hours. In the case of passenger vessels this independent emergency source of supply shall consist of one or more electric generating sets driven by Diesel engines, of sufficient capacity to carry the full emergency load for at least 36 hours, in conjunction with a storage battery of sufficient capacity to carry the emergency load during the time that elapses between the failure of the main generators and the starting of the emergency generator.

"SEC. 819. Vessels of group 4 shall be provided with at least one electric generating set capable of carrying the maximum sea load and one for emergency and port use. In addition, on passenger vessels in such group there shall be installed above the bulkhead deck a storage battery with sufficient capacity to carry the emergency load for at least 6 hours.

"SEC. 820. Vessels in group 5 shall be provided with at least one electric generating set and a storage battery with sufficient capacity to carry the emergency load for at least 6 hours. In passenger vessels in this group this emergency source of supply shall be installed above the bulkhead deck.

"SEC. 821. (a) The Bureau's rules and regulations shall set forth the requirements for storage batteries and shall provide for the proper installation of these units and for the proper ventilation of the spaces they occupy to insure safe and efficient operation.

"(b) Where electrically operated watertight doors are installed they shall be supplied with independent storage-battery capacity sufficient to comply with the requirements of section 831 (c) of this act.

"SEC. 822. (a) In all vessels the emergency switchboard shall be installed above the bulkhead deck and close to the emergency source of supply. This switchboard shall be so arranged that all emergency circuits lead from it and that its normal supply is received from the main plant. The arrangement shall be such that in case of the failure of this normal source of supply, the emergency load will be automatically transferred to the storage batteries. The emergency circuits shall include at least the following:

"(1) Watertight door circuits.
"(2) Navigating lights.
"(3) Machinery space lights.
"(4) Radio-room lights.
"(5) Passenger and crew exits and passageways.
"(6) Emergency power station lights.
"(7) Communications between bridge and engine room and steering station, including telegraphs.
"(8) Emergency alarm system.
"(9) Lifeboat gear and floodlights.
"(10) Emergency lights in public rooms.
"(11) Interior communications.
"(12) Emergency bilge pumps.
"(13) Navigating instruments.
"(14) Power for radio set.

"(b) In vessels equipped with Diesel emergency generating sets the storage batteries shall be capable of supplying at least items (1) to (8), inclusive, of the above list until such time as the emergency generating set is in operation and able to supply all the circuits connected to the emergency switchboard.

"SEC. 823. Where electric drive is used for main propulsion, the Bureau shall require the plans and specifications for the electrical apparatus to be submitted to it for approval and the Bureau shall satisfy itself that the proposed apparatus is of proper design, is sufficiently rugged, and will provide ample backing power in an emergency. In the case of other electrical apparatus where standard marine equipment is used, the installation may be made and the apparatus proven to be satisfactory by test after installation.

"SEC. 824. (a) On a new vessel a careful inspection shall be made to ensure that all electric wiring is properly insulated and protected where it passes through any metal structure or part and that it is properly supported throughout.

"(b) On a new vessel all electrical equipment shall be tested by operation at full capacity so far as may be practicable and electric drive machinery shall be operated at full power with the ship under way. All circuits shall be free from grounds and properly protected by fuses or circuit breakers.

"SEC. 825. At the annual inspection on all vessels, all electrical apparatus and wiring shall be carefully examined and tested for weaknesses in insulation and for grounds. Such inspection shall ensure that no circuit is overfused or otherwise arranged so as to permit it to carry an excess of current.

"SHIP'S SERVICE AUXILIARIES

"Steering machinery

"SEC. 826. (a) The design, construction, installation, tests, and inspection of power-operated steering gears used on board vessels shall be such as to ensure safe and efficient operation. In order that the Bureau may be satisfied that the steering gear of a new vessel will be satisfactory for the service for which the vessel is intended, it shall require that all essential plans and specifications be submitted to it for approval. In each case the Bureau must be satisfied that the proposed steering gear is of proper design and is sufficiently rugged for the service in which it is to be used.

"(b) Each vessel shall be equipped with an auxiliary means of steering by the use of which she may be kept on her course in case the main steering gear is deranged, and the arrangement shall be such that the main gear can be disengaged and the auxiliary gear put into operation with a minimum of delay. Proper arrangements shall be made for insuring that steering commands can be communicated from the navigation control station to the operator at the auxiliary steering gear in a satisfactory manner.

"(c) The main steering gear shall be capable of putting the rudder from hard over right to hard over left rudder in 30 seconds while the vessel is going ahead at full speed.

"(d) Telemotors and other means for the remote control of power-operated steering gears shall be installed in such a manner as to be protected against injury or derangement by cold weather, heavy seas, or accident.

"(e) In new vessels the steering gears shall be given a trial when the vessel is under way at full speed, which shall affirmatively demonstrate that they comply in all respects with the requirements and thereafter, at each annual inspection, they shall be carefully examined to determine that they are maintained in proper working condition.

"Elevators

"SEC. 827. (a) The design, construction, installation, and operation of all types of elevators and dumbwaiters used on board ships shall be such as to ensure their efficient and safe operation. The Bureau's rules and regulations shall follow the best practice in use ashore with such special requirements as may be necessary for shipboard installation in order that the minimum hazard may be involved in the use of these devices.

"(b) All elevators shall be carefully inspected and tested when new, and annually thereafter. Such inspections shall ensure that the cable, brakes, and emergency devices are in safe and satisfactory condition. A placard showing the capacity and date of the last inspection shall be posted in each passenger elevator.

"Anchor windlasses

"SEC. 828. (a) Suitable means for raising the anchors on all vessels shall be provided.

"(b) In a new vessel the anchor windlass shall be tested to demonstrate its suitability. In the case of a power-operated windlass the mechanism shall be capable of raising the bower anchors under all conditions.

"(c) At the annual inspection the windlass shall be carefully examined to determine that no part is so worn or deranged that its failure is probable.

"Winches

"SEC. 829. (a) All types of winches and capstans used on board ship shall be of suitable design and properly placed so as to reduce the hazard connected with their use to a minimum.

"(b) In the case of new vessels upon which lifeboat winches are to be installed and on existing vessels where new equipment for this purpose is to be installed the plans and specifications of the installations shall be submitted to the Bureau for approval before such installation commences.

"(c) In the case of new vessels all of the winches and capstans shall be tested to demonstrate that they are suitable for the work. In the case of the lifeboat winches covered by paragraph (b) above, their suitability for and reliability in lowering the lifeboats shall be demonstrated.

"(d) At the annual inspection all the winches and capstans shall be carefully examined to determine that no part is so worn or deranged that its failure is probable and all of the lifeboat winches shall be tested in the same manner as for a new ship.

"Refrigerating machinery

"SEC. 830. (a) All the refrigerating apparatus used on board ship and the types of refrigerants and methods of installation to be permitted on passenger ships shall be such as to ensure safe and efficient operation.

"(b) At the time of the original installation and at such annual inspection, examinations and tests shall be made to determine that all piping and pressure parts which contain the refrigerant are tight and in good condition and that the space containing the apparatus is properly ventilated.

"Power operated watertight doors

"SEC. 831. (a) All machinery necessary for the operation of watertight doors shall be such as to ensure safe and efficient operation and shall be of rugged design and construction, and be so installed as to ensure the closing of the doors, whether the ship is upright or listed. In the case of new vessels plans and specifications of such machinery shall be submitted to the Bureau for approval before the work is undertaken.

"(b) All power operated watertight doors shall be capable of being operated from a central control on or near the bridge and locally at the door. This latter control shall be such that, if the doors have been closed from the central control, a door opened locally will close automatically as soon as the local control is released. These watertight doors shall also be provided with proper means for operating them by hand, both locally and from above the bulkhead deck.

"(c) The power operated watertight door system shall be fitted with accumulator capacity sufficient to close the doors three times and open them twice when the power source is shut down.

"TITLE IX. EQUIPMENT

"PART 1. LIFESAVING APPLIANCES

"General requirements

"SEC. 901. (a) Every vessel documented under the laws of the United States shall be provided with equipment for the saving of life so as to give each and every person on board the maximum security in case of disaster. At no time on any voyage shall a vessel have on board more persons than its lifesaving equipment will accommodate except in an emergency.

"(b) Equipment for the saving of life shall be of a type approved by the Bureau of Marine Inspection and Navigation. The Bureau shall list the types of appliances or arrangements approved by it, but other appliances or arrangements may be approved by the Bureau after suitable trials or tests have made it evident that they are at least as effective as the types listed.

"(c) The dimensions of each lifeboat and the number of persons which it is authorized to carry shall be marked on it in clear permanent characters of such size and in such location as may be prescribed by the Bureau. Life rafts and buoyant apparatus shall be marked in the same manner with the number of persons they are authorized to carry.

"(d) The name of the vessel shall be painted or branded on each piece of portable lifesaving equipment (such as lifeboats, life rafts, life floats, buoyant apparatus, life buoys, and life preservers) carried thereon.

"SEC. 902. (a) In the case of each new passenger vessel, plans shall be submitted to the Bureau showing in detail the proposed arrangements for stowing and handling lifeboats, life rafts, and buoyant apparatus and means of access to such equipment.

"(b) So far as practicable all passenger vessels in groups 1, 2, and 3 shall carry the required lifeboats attached to the davits and ready for lowering.

"(c) The requirement provided in paragraph (a) shall apply to any existing passenger vessel, as nearly as the construction and arrangements of the vessel will permit.

"Davits, lifeboats, life rafts, and buoyant apparatus

"SEC. 903. The following table applies to passenger vessels of groups 1, 2, and 3, and fixes, according to the registered length of the vessel:

"(A) The minimum number of sets of davits to be provided, to each of which shall be attached an approved lifeboat.

"(B) The minimum number of davits which may be authorized by the Bureau under exceptional circumstances.

"(C) The minimum lifeboat capacity required, including the lifeboat attached to davits and the additional boats.

"(D) The minimum lifeboat capacity required for vessels of certain groups.

Registered length of the vessel	(A)[1] Minimum number of sets of davits	(B)[1] Smaller number of sets of davits authorized exceptionally	(C)[2] Minimum capacity of lifeboats (cubic feet)	(D)[2] Minimum capacity of lifeboats (cubic feet)
100 and under 120 feet	2	2	980	400
120 and under 140 feet	2	2	1,220	600
140 and under 160 feet	2	2	1,550	850
160 and under 175 feet	3	3	1,880	1,150
175 and under 190 feet	3	3	2,390	1,300
190 and under 205 feet	4	4	2,740	1,450
205 and under 220 feet	4	4	3,330	1,600
220 and under 230 feet	5	4	3,900	1,700
230 and under 245 feet	5	4	4,560	1,850
245 and under 255 feet	6	5	5,100	2,100
255 and under 270 feet	6	5	5,640	2,400
270 and under 285 feet	7	5	6,190	2,700
285 and under 300 feet	7	5	6,930	3,000
300 and under 315 feet	8	6	7,550	3,300
315 and under 330 feet	8	6	8,200	3,700
330 and under 350 feet	9	7	9,000	4,100
350 and under 370 feet	9	7	9,630	4,400
370 and under 390 feet	10	7	10,650	4,700
390 and under 410 feet	10	7	11,700	5,100
410 and under 435 feet	12	9	13,000	5,500

"[1] When the length of the vessel exceeds 1,030 feet, the Bureau shall determine the minumum number of sets of davits for that vessel.

"[2] For the purpose of this table, the capacity of a boat of class 1-A is obtained by multiplying the number of persons for which the boat is certified by 10 (class 1-B boats use 9) to obtain the capacity in cubic feet.

"[3] When the length of a ship is under 100 feet or over 550 feet the cubic capacity of the lifeboats shall be prescribed by the Bureau.

Registered length of the vessel	(A) Minimum number of sets of davits	(B) Smaller number of sets of davits authorized exceptionally	(C) Minimum capacity of lifeboats (cubic feet)	(D) Minimum capacity of lifeboats (cubic feet)
435 and under 460 feet	12	9	14,430	6,000
460 and under 490 feet	14	10	15,920	6,550
490 and under 520 feet	14	10	17,310	7,100
520 and under 550 feet	16	12	18,720	7,650
550 and under 580 feet	16	12	20,350	
580 and under 610 feet	18	13	21,900	
610 and under 640 feet	18	13	23,700	
640 and under 670 feet	20	14	25,350	
670 and under 700 feet	20	14	27,050	
700 and under 730 feet	22	15	28,560	
730 and under 760 feet	22	15	30,180	
760 and under 790 feet	24	17	32,100	
790 and under 820 feet	24	17	34,350	
820 and under 855 feet	26	18	36,450	
855 and under 890 feet	26	18	38,750	
890 and under 925 feet	28	19	41,000	
925 and under 960 feet	28	19	43,880	
960 and under 995 feet	30	20	46,350	
995 and under 1,030 feet	30	20	48,750	

"Passenger vessels of group 1

"(Ocean-going vessels navigating more than 20 miles offshore)

"SEC. 904. (a) Passenger vessels of group 1 shall be provided with sets of davits in accordance with their registered length, as provided in column A of the table in section 903.

"(b) When the Bureau finds it is neither practicable nor reasonable to place on such a vessel the number of sets of davits required by column A, authorization may be granted by the Bureau, under exceptional conditions, to fit a smaller number of sets of davits, but this number shall not be less than the minimum number fixed by column B of the table in section 903.

"(c) A greater number of sets of davits shall not be required than the number of lifeboats necessary to accommodate all persons the vessel is certified to carry.

"(d) Each set of davits shall have an approved lifeboat attached to it. If the lifeboats attached to davits do not provide sufficient accommodation for all persons the vessel is certified to carry, additional lifeboats of one of the standard types shall be provided. One additional lifeboat shall, in the first place, be stowed under each of the boats attached to davits. After these have been fitted, other boats shall be carried inboard until accommodation for all such persons has been provided.

"(e) In lieu of the boats which may be required to be stowed inboard under the provisions set forth above, the Bureau may, if it finds that life rafts will be more readily available and otherwise more satisfactory than these lifeboats in case of emergency, allow life rafts to be carried: *Provided*, That the total capacity of the boats on the vessel shall be at least equal to the minimum capacity required by column C, and the accommodations thus provided in rafts shall in no case exceed 25 percent of the accommodations necessary for all the persons the vessel is certified to carry.

"(f) A greater number of lifeboats shall not be required than the number of boats necessary to accommodate all persons the vessel is certified to carry.

"(g) Approved buoyant apparatus sufficient to accommodate 25 percent of all persons the vessel is certified to carry, shall be required in addition to the other lifesaving equipment specified in this section.

"Passenger vessels of group 2

"(Great Lakes vessels. Ocean-going vessels navigating less than 20 miles offshore)

"SEC. 905. (a) Passenger vessels of group 2 shall be provided with sets of davits in accordance with their registered length, as provided in column A, of the table in section 903.

"(b) When the Bureau finds it is neither practicable nor reasonable to place on such a vessel the number of sets of davits required by column A, authorization may be granted by the Bureau, under exceptional conditions, to fit a smaller number of sets of davits, but this number shall not be less than the minimum number fixed by column B of the table in section 903.

"(c) A greater number of sets of davits shall not be required than the number of lifeboats necessary to accommodate all persons the vessel is certified to carry.

"(d) Each set of davits shall have an approved lifeboat attached to it. If the lifeboats attached to davits do not provide sufficient accommodation for at least 75 percent of all persons the vessel is certified to carry, additional lifeboats of one of the standard types shall be provided. One such additional lifeboat shall in the first place be stowed under each of the lifeboats attached to davits. After these have been fitted, the remaining lifeboats shall be carried inboard until the total boatage on board is sufficient to accommodate at least 75 percent of the persons the vessel is certified to carry, or to bring the complement of lifeboat capacity up to the minimum provided in column D, whichever is the greater. The remainder of the equipment required to accommodate all persons the vessel is certified to carry shall be provided by lifeboats of one of the standard types, by approved life rafts, or by other approved buoyant apparatus.

"(e) A greater number of lifeboats shall not be required than the number necessary to accommodate all persons the vessel is certified to carry.

"(f) Approved buoyant apparatus sufficient to accommodate 10 percent of all persons the vessel is certified to carry shall be required in addition to the lifesaving equipment specified in this section.

"Motor-propelled lifeboats

"SEC. 906. All passenger vessels of groups 1 and 2 shall be provided with motor-propelled lifeboats, as follows:

"(1) Where the number of lifeboats carried is more than 13, 1 shall be a motor-propelled lifeboat.

"(2) Where the number of lifeboats carried is more than 19, 2 shall be motor-propelled lifeboats.

"(3) Any lifeboat certified to carry 100 or more persons shall be motor-propelled.

"(4) Any lifeboat which is certified to carry 60 or more persons, if not a motor-propelled lifeboat, shall be equipped with a hand-operated propeller.

"Passenger vessels of group 3

"(Ocean-going or Great Lakes vessels navigating partially protected waters)

"SEC. 907. (a) Passenger vessels of group 3 shall be provided with sets of davits in accordance with their registered length, as given in column A of the table in section 903.

"(b) When the Bureau finds it is neither practicable nor reasonable to place on such a vessel the number of sets of davits required by column A, authorization may be granted by the Bureau, under exceptional conditions, to fit a smaller number of sets of davits, but this number shall not be less than the minimum number fixed by column B of the table in section 903.

"(c) A greater number of sets of davits shall not be required than the number of lifeboats necessary to accommodate all persons the vessel is certified to carry.

"(d) Each set of davits shall have an approved lifeboat attached to it. If the lifeboats attached to davits do not provide accommodation for at least 50 percent of all persons the vessel is certified to carry, additional lifeboats of one of the standard types shall be provided. One such additional lifeboat shall in the first place be stowed under each of the lifeboats attached to davits. After these have been fitted, the remaining lifeboats shall be carried inboard until the total boatage on board is sufficient to accommodate at least 50 percent of the persons the vessel is certified to carry, or to bring the complement of lifeboat capacity up to the minimum provided in column D, whichever is the greater. The remainder of the required equipment required to accommodate all persons the vessel is certified to carry shall be provided by lifeboats of one of the standard types, by approved life rafts, or by other approved buoyant apparatus.

"(e) A greater number of lifeboats shall not be required than the number necessary to accommodate all persons the vessel is certified to carry.

"Accident boats

"SEC. 908. Passenger vessels of groups 1, 2, and 3 shall carry on each side of the ship a lifeboat of suitable design for doing rescue work which shall at all times be ready for immediate use. These boats, together with the davits and necessary appliances serving them, shall be provided with such equipment as the regulations of the Bureau may require.

"Passenger vessels of groups 4 and 5

"(Vessels navigating bays, sounds, and protected waters)

"(Vessels navigating rivers, harbors, and small lakes)

"SEC. 909. Passenger vessels of groups 4 and 5 shall be provided with such number and types of davits, lifeboats, life rafts, buoyant apparatus, and other lifesaving appliances and equipment as the Bureau shall find necessary. The Bureau shall regulate the capacity of such lifesaving appliances and equipment so as to approach as nearly as is practicable the requirements for passenger vessels in group 3, giving due consideration to the seasonal hazards of the waters navigated.

"Excursion boats

"SEC. 910. Passenger vessels, under such regulations as the Bureau may prescribe, may be granted a written excursion permit. The permit shall state the additional number of passengers which the vessel may carry, the length and extent of the excursion, and the number and kind of lifesaving appliances and equipment that shall be provided for the safety of such additional passengers.

"Cargo vessels

"SEC. 911. (a) Cargo vessels which carry passengers shall carry sufficient lifeboats, under davits, to accommodate all persons on board, and the number, capacity, and type of such boats shall be prescribed by the Bureau.

"(b) Vessels which do not carry passengers shall carry sufficient lifeboats to accommodate all persons on board, and, if found practicable by the Bureau, these shall be carried under approved davits or cranes.

"Miscellaneous vessels

"SEC. 912. All other vessels, whether mechanically propelled or not (such as towed passenger barges, moored club or entertainment vessels, and all other vessels not otherwise provided for),

shall be provided with such numbers and types of davits, lifeboats, life rafts, buoyant apparatus, and other lifesaving appliances and equipment as the Bureau finds to be necessary for the purpose of safeguarding the lives of all on board.

"Stowage of lifeboats, life rafts, and buoyant apparatus

"General arrangement of boat decks

"SEC. 913. (a) In the arrangement of boat decks care shall be taken to provide not only for sufficient space for the stowage of all lifeboats, life rafts, and buoyant apparatus required but also for working space necessary for handling and lowering them on each side of the vessel with safety and rapidity, even under unfavorable conditions of list and trim. The vessel's sides in way of lifeboats shall be clear of obstructions so that that there will be no interference with the proper lowering of boats even when the vessel is listing.

"(b) Adequate provision shall be made for access of passengers to the embarkation deck so that they may be controlled, marshaled, and finally embarked in the lifeboats within the shortest possible time and in good order.

"(c) Decks carrying lifeboats, life rafts, or buoyant apparatus shall be kept clear of obstructions which might interfere with the immediate launching of such equipment.

"Stowage of boats

"SEC. 914. (a) In accordance with the requirements of sections 904, 905, and 907 two lifeboats may be stowed one above the other, or fitted one within the other, subject to such conditions as the Bureau may impose, but the arrangements for all lifeboats under davits shall be such that the lifeboats do not require lifting before launching.

"(b) Lifeboats may be stowed on more than one deck only on condition that proper measures are taken to prevent lifeboats on a lower deck becoming fouled by boats stowed on a deck above.

"(c) Davits of approved form shall be so disposed on one or more decks as to permit lifeboats placed under them to be safely lowered without interference from the operations of any other davits.

"(d) Lifeboats and life rafts additional to those lifeboats stowed under boats attached to davits may be stowed across a deck, bridge, or poop, and so secured that they will have the best chance of floating free of the vessel if there is not time to launch them. As large a number of these additional lifeboats as possible shall be capable of being launched on either side of the vessel by means of approved appliances for transferring them from one side of the deck to the other.

"(e) Lifeboats shall not be placed in the bows of the vessel nor in any position in which when launched they would be brought into dangerous proximity of the propellers or in danger of being damaged against the counter of the ship after the boat has been lowered to the water.

"Stowage of life rafts and buoyant apparatus

"SEC. 915. Life rafts and buoyant apparatus shall be stowed as follows:

"(a) They shall not impede in any way prompt handling of lifeboats or the marshaling of persons on board at the embarkation stations.

"(b) They shall not be stowed in any deck erection nor on top of deck houses nor in other isolated positions from which they cannot be launched directly into the water.

"(c) They shall not be secured to the deck except by lashings which can be easily slipped, but they may be stowed in tiers one above the other (in which case the units shall be kept apart sufficiently to prevent them sticking together) and supported on suitable distance pieces.

"(d) Means shall be provided to prevent shifting.

"Types and basic requirements for construction of lifeboats

"SEC. 916. (a) The standard types of boats are classified as follows:

"Class I: Open boats with rigid sides having either (A) internal buoyancy only, or (B) internal and external buoyancy.

"Class II: (A) Open boats with internal and external buoyancy, upper parts of sides collapsible; and (B) decked boats with either fixed or collapsible watertight bulwarks.

"Class II lifeboats shall not be permitted on new vessels of the United States or as replacements on existing vessels of the United States.

"(b) No lifeboat shall be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull.

"(c) No lifeboat shall be approved the weight of which when laden with persons and equipment exceeds 20 tons of 2,240 pounds.

"(d) Each lifeboat fitted on vessels navigating unprotected waters shall have a minimum capacity of 125 cubic feet.

"(e) Lifeboats shall have a mean sheer at least equal to 4 percent of their length.

"(f) The air tanks of lifeboats shall be so placed as to secure stability when fully laden under adverse weather conditions.

"(g) In boats certified to carry 100 or more persons, the volume of the buoyancy shall be increased to provide adequate safety.

"(h) The buoyancy of a wooden boat of class I–A shall be provided by watertight air tanks, the total volume of which shall be at least equal to 10 percent of the cubic capacity of the boat.

"(i) The buoyancy of a metal lifeboat of class I–A shall not be less than that required above for a wooden lifeboat of the same cubic capacity, the volume of the watertight air tanks being increased to ensure that the metal lifeboat has the same total buoyancy as the wooden lifeboat.

"(j) The internal buoyancy of a wooden lifeboat of class I–B shall be provided by watertight air tanks, the total volume of which is at least 7½ percent of the cubic capacity of the lifeboat.

"(k) The external buoyancy of class I–B lifeboats may be of cork or of any other equally efficient material, but such buoyancy shall not be obtained by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

"(l) If the external buoyancy of a class I–B lifeboat is of cork, its volume, for a wooden lifeboat, shall not be less than thirty-three thousandths of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the lifeboat are not less than that of a similar lifeboat provided with buoyancy of cork.

"(m) The buoyancy of a metal lifeboat of class I–B shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of the watertight air tanks and that of external buoyancy being increased to ensure that the metal lifeboat has the same total buoyancy as the wooden lifeboat.

"(n) A motor-propelled lifeboat carried as a part of the lifesaving equipment of a vessel, whether required by section 906 or not, shall comply with the requirements for approved lifeboats of class I–A or I–B and the volume of the internal buoyancy and, where fitted, the external buoyancy shall be increased in sufficient proportion to compensate for the difference between the weight of the motor, the searchlight, and the radio telegraph installation and their accessories, and the weight of the additional persons which the boat could accommodate if the motor, searchlight, and the radio telegraph installation and their accessories were removed.

"(o) The Bureau's rules and regulations shall cover the requirements for freeboard on all lifeboats to the end that these boats when fully loaded may have ample freeboard and be in a safe condition to operate in a seaway.

"(p) All boats fitted as lifeboats shall be of sufficient strength to enable them to be safely lowered into the water when loaded with their full complement of persons and equipment.

"Davits and falls

"SEC. 917. (a) Davits, blocks, falls, and all other lifeboat gear shall be of such design and strength that the lifeboats can be safely lowered with their full complement of persons and equipment, with the vessel listed to 15 degrees either way and trimmed 5 degrees down by the head or stern.

"(b) Davits shall be fitted with a gear of sufficient power to insure that the boats, when fully equipped and manned but not otherwise loaded with their complement of persons, can be rigged out against the maximum list at which the lowering of boats is possible.

"(c) Lifeboat davit falls shall be of a length sufficient to reach the water with the vessel at her lightest seagoing draft and a list of 15 degrees either way.

"(d) Lifeboat davit falls shall be in readiness for immediate service at all times. They shall be protected from ice and shall not be painted.

"(e) Where more than one lifeboat is served by the same set of davits, if the falls are of rope, separate falls shall be provided to serve each lifeboat, but where wire falls are used with mechanical appliances for recovering them rapidly separate falls need not be provided. The appliances used shall be such as to insure lowering the boats rapidly in succession. Where mechanical appliances are fitted for the recovery of the falls efficient hand gear shall also be provided.

"Determination of capacity of lifeboats

"SEC. 918. (a) The cubic capacity of a lifeboat of class I, shall be determined by Stirling's (Simpson's) rule or by any other method giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern. The Bureau's rules and regulations shall give in detail the method by which the cubic capacity shall be determined.

"(b) The Bureau shall limit the number of persons allowed in lifeboats with very fine ends and in lifeboats with very full form.

"(c) The cubic capacity of a motor lifeboat shall be obtained by deducting from the gross cubic capacity a volume equal to that occupied by the motor and its accessories, and the radio telegraph installation and the searchlight, with their accessories, when carried.

"(d) The number of persons which a boat of either of the standard types can accommodate shall be equal to the greatest whole number obtained by dividing the capacity in cubic feet by the standard unit of capacity, as defined below, for each class of approved lifeboat.

	Unit of capacity
Class I–A	10 cubic feet
Class I–B	9 cubic feet

"(e) No lifeboat shall be marked for a greater number of persons than that obtained in the manner specified in paragraph (d). When such number is greater than the number of persons for which there are proper seating accommodations with the lifeboat fully equipped, such number shall be reduced so that with all persons wearing life preservers, when seated, they do not interfere in any way with the use of the oars.

"(f) In the tests for determining the number of persons which a lifeboat or life raft can accommodate, each person shall be assumed to be an adult person wearing a life preserver.

"Life rafts

"SEC. 919. Every approved life raft shall conform to the following requirements:

"(a) No life raft shall be considered as such unless it has a capacity for at least 16 persons.

"(b) It shall be fitted with fixed or collapsible bulwarks of wood, canvas, or other suitable material on both sides.

"(c) Material and workmanship entering into the construction shall be adequate for the purpose intended.

"(d) It shall be effective and stable when floating either way up.

"(e) It shall have a life line secured properly around the sides and ends of the raft, festooned to the gunwales in bights not longer than 3 feet, with a seine float in each bight.

"(f) It shall be of such strength that it can be launched or thrown from the vessel's deck without being damaged, and shall be of such size and weight that it may be handled without mechanical appliances.

"(g) It shall have a deck area of not less than 4 square feet for each person it can accommodate.

"(h) The number of persons allowed on any raft shall not exceed the number afforded proper seating capacity without interfering with the use of the oars.

"(i) It shall have for each person carried not less than 3 cubic feet of air tanks or equivalent buoyancy, and such air tanks or equivalent buoyancy shall not be dependent upon inflation by air. The air tanks or equivalent buoyancy shall be placed as near as possible to the sides of the life raft, and the life raft shall effectively support the occupants out of water. The platform shall be not less than 6 inches above the water level when the raft is loaded with its full complement of persons and equipment.

"Buoyant apparatus

"SEC. 920. (a) As used in this act the term 'buoyant apparatus' means buoyant deck seats, buoyant deck chairs, and life floats or other apparatus, having buoyancy, except lifeboats, life rafts, life buoys, and life preservers. No buoyant apparatus shall be approved which requires any adjustment or preparation before use in emergency.

"(b) The Bureau's rules and regulations shall give in detail the requirements for buoyant apparatus but this apparatus shall conform to the following general requirements:

"(1) Its construction shall be of material and workmanship adequate for the purpose intended.

"(2) It shall be effective and stable floating either way up.

"(3) It shall have a life line securely becketed around the outside.

"(4) It shall be of such size, strength, and weight as to be handled without mechanical appliances and thrown without damage from the deck where stowed.

"(5) It shall have air tanks or equivalent buoyancy placed as near as possible to its sides.

"(6) If the apparatus depends for its buoyancy on air, it shall not require to be inflated before use in an emergency.

"(c) The number of persons any type of buoyant apparatus will support shall be determined as follows: (1) The number of pounds of iron the apparatus is capable of supporting in fresh water, divided by 32; or (2) the perimeter of the apparatus measured in feet along the line of the points of attachment of the life lines, divided by unity, whichever is the least.

"Equipment in general

"SEC. 921. (a) Articles of equipment for lifeboats, life rafts, and buoyant apparatus shall be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

"(b) Lifeboats, life rafts, and buoyant apparatus shall be fully equipped before the vessel leaves port, and the equipment shall remain in the boat, raft, or buoyant apparatus throughout the voyage. It shall be unlawful to stow in any boat, raft, or buoyant apparatus articles other than those herein required.

"(c) Loose equipment shall be securely attached to the boat, raft, or buoyant apparatus to which it belongs.

"Equipment for lifeboats

"SEC. 922. (a) Lifeboats, except those hereinafter specified, shall be equipped as follows:

"(1) Bailer: One bailer of sufficient size and suitable for bailing, with lanyard attached.

"(2) Bucket: One galvanized iron bucket.

"(3) Compass: One efficient compass.

"(4) Distress lights: A watertight metal case containing 12 self-igniting red lights.

"(5) Drinking cups: Two enameled drinking cups.

"(6) Hatchets: Two hatchets.

"(7) Lantern: A lantern filled with oil and trimmed.

"(8) Life line: A life line becketed around the outside.

"(9) Life preserver: Two life preservers.

"(10) Locker: A suitable locker or box for the stowage and preservation of the small items of equipment.

"(11) Mast: A suitable mast or masts with one good sail at least, and proper gear for each.

"(12) Matches: One box of friction matches in a watertight container.

"(13) Milk: One pound of condensed milk for each person which the lifeboat is certified to carry.

"(14) Oars: A single banked complement of oars, two spare oars, and a steering oar. One and a half sets of thole-pins or rowlocks attached to the lifeboat by separate chains. A boat hook.

"(15) Painter: One painter.

"(16) Plugs: Two plugs for each plug hole. Drain holes, fitted with automatic plugs, shall be provided with two caps attached by chains.

"(17) Propellers (hand operated): Lifeboats may be fitted with a hand-operated propeller of an improved type.

"(18) Provisions: An airtight receptacle containing 2 pounds of provisions for each person.

"(19) Rudder: One rudder, fitted with suitable tiller.

"(20) Sea anchor: One sea anchor.

"(21) Storm oil: One container holding 1 gallon of vegetable or animal oil, so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

"(22) Water breakers: Wooden breakers or other suitable containers, containing at least 1 quart of fresh water for each person, and proper means provided for withdrawing the water. (Vessels navigating on fresh water only are exempt from this requirement.)

"(23) In the case of a ship which carries passengers in the North Atlantic north of 35° north latitude, only a proportion of the boats, to be fixed by the Bureau, need be equipped with masts and sails, and then only one-half of the quantity of condensed milk need be carried.

"(b) In addition to this equipment, motor lifeboats shall carry two boat hooks, but need not carry a mast or sails, nor more than four rowing oars, and one steering oar.

"(c) The motor lifeboats which a vessel is required to carry shall each be fitted with a radio installation and a searchlight.

"(d) The motor and its accessories shall be suitably enclosed to insure operation under adverse weather conditions and shall be capable of going astern. It shall be adequately provided with fuel and kept ready for use at all times. The speed shall be at least 6 knots in smooth water when fully loaded.

"(e) The searchlight for use on motor lifeboats shall be of rugged construction and suitable for operation under adverse weather conditions. It shall be so constructed as to project a beam of light at least 200 yards and at that distance effectively illuminate a light-colored object over a width of 60 feet. The source of power shall be of sufficient capacity to operate the light continuously for a period of 3 hours.

"(f) The radiotelegraph installation shall be of a type capable of transmitting clearly perceptible audible signals between lifeboat and vessel on the international calling and distress frequency, and a radio receiving equipment capable of satisfactorily receiving such signals. The power supply shall be capable of operating this equipment for a continuous period of at least 6 hours.

"(g) The power supply for the searchlight and radio installation above provided for shall be derived from one source, the capacity of which shall be ample to operate both such appliances simultaneously.

"Equipment for life rafts

"SEC. 923. Life rafts shall be equipped as follows:

"(a) Distress signals: One watertight metal case containing 12 self-igniting red lights.

"(b) Matches: One box of friction matches in a watertight container.

"(c) Oars: Four oars.

"(d) Painter: One painter.

"(e) Provisions: One airtight receptacle containing 2 pounds of provisions for each person.

"(f) Rowlocks: Five rowlocks.

"(g) Sea anchor: One sea anchor.

"(h Self-igniting water light: One self-igniting water light.

"(i) Storm oil: One container holding 1 gallon of vegetable or animal oil so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea anchor.

"(j) Water: One watertight receptacle containing 1 quart of fresh water for each person and proper means provided for withdrawing the water. (Vessels navigating on fresh water only exempt from this requirement.)

"SEC. 924. Lifeboats and life rafts carried on vessels other than those in groups 1 and 2 shall be provided with such items of the equipment listed in sections 922 and 923 as the Bureau finds to be necessary.

"Embarkation aids

"SEC. 925. (a) Suitable arrangements shall be made for embarking the passengers in the boats at an embarkation deck. Wherever practicable the embarkation deck shall be a different deck from the boat deck. A suitable ladder shall be provided for each set of davits to enable passengers to descend to the lifeboats and life rafts. The ladder shall be of sufficient length to reach the water line with the ship at her lightest seagoing draft and listed 15° either way. The ladder shall be stowed at the embarkation deck or, on large ships, at positions below such deck where the use of the ladders is practicable. They shall be stowed and secured in such manner as to be ready and convenient for immediate use. On ships where no embarkation deck is provided, ladders shall be stowed in a similar manner on the boat deck. They shall be reversible and free from garment-entangling projections.

"(b) Provision shall be made for an electric or other system of lighting sufficient for all requirements of safety in abandoning ship, and particularly upon the decks on which the lifeboats are stowed. Provisions shall be made on all passenger vessels, where

the boat deck is more than 30 feet above the water line at the lightest seagoing draft, for ready and continuous illumination over the sides of the vessel, so that the lifeboats when alongside and in process of or immediately after being launched can be handled safely. This illumination shall be supplied by the emergency lighting system provided for in sections 818 to 822, inclusive.

"(c) The falls of the lifeboats attached to the davits shall be ready for service at all times, and means shall be provided for speedily detaching each boat from the falls serving it. It shall not be necessary that the apparatus detach both lower fall blocks simultaneously.

"Life preservers

"SEC. 926. (a) All vessels shall be provided with one approved life preserver for each person carried. In passenger vessels where the life preservers are not suitable for both adults and children, there shall be provided an additional number suitable for children equal to at least 10 percent of the total number of passengers the ship is certified to carry. The foregoing life preservers are required in addition to those carried as lifeboat equipment.

"(b) All life preservers, after having been submerged about 2 inches below the surface for a period of 48 hours, shall be capable of sustaining in fresh water a net weight of at least 16½ pounds when intended for adult use and 11 pounds when intended for children. Life preservers which depend for buoyancy on rushes, cork shavings, granulated cork, kapok, or any other loose granulated material, or on air compartments which require inflation, are prohibited.

"(c) All life preservers shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

"Life buoys, water lights, and line-throwing guns

"SEC. 927. (a) The minimum number of ring life buoys to be carried on passenger vessels of groups 1 and 2 and the minimum number to which a water light shall be attached is fixed by the following table:

Length of vessel	Minimum number of buoys	Minimum number of buoys to which water lights shall be attached
Under 200 feet	8	6
200 and under 400 feet	12	6
400 and under 600 feet	18	9
600 and under 800 feet	24	12
800 feet and over	30	15

"All ring life buoys shall be fitted with beckets securely seized. One of the ring life buoys on each side of a vessel shall have a line attached at least 15 fathoms in length.

"(b) Passenger vessels of groups 3, 4, and 5, and all other vessels, shall carry one-half the number of ring life buoys required by the above table, but the number to which water lights must be attached shall be prescribed by the Bureau.

"(c) All life buoys and water lights shall be distributed and secured as follows:

"(1) All ring life buoys shall be so placed as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned.

"(2) The ring life buoys shall always be capable of being rapidly cast loose and shall not be permanently secured in any way.

"(d) Life buoys shall be capable of sustaining in fresh water for a continuous period of 24 hours a net weight of 32 pounds. The required buoyancy may be supplied by solid cork or any other equivalent material, but no life buoy shall be approved which is filled with rushes, cork shavings, granulated cork, kapok, or any other loose granulated material, or whose buoyancy depends upon air compartments which require inflation.

"(e) Vessels of groups 1 and 2 and all other vessels over 150 gross tons, navigating the ocean on unprotected waters, shall be provided with a suitable line-throwing gun, together with projectiles and other auxiliary apparatus thereto, in such number and of such type, construction, and character as may be prescribed by the Bureau.

"PART 2. SPECIAL APPLIANCES

"Requirements for preventing collisions

"SEC. 931. The Bureau's rules and regulations shall cover in detail such requirements as are necessary to insure that each vessel complies with the statutes for safe navigation and the prevention of collisions which apply in each case. The Bureau shall determine in each case the size and location of all required lights, such as side lights, masthead lights, range lights, stern lights, towing lights, anchor lights, not under command lights, and such other lights as the statutes may require. In the same manner, the Bureau shall determine the size and location of such equipment as whistles (or equivalent sound devices), fog horns (where required), fog bells, and such signal shapes as are required. The Bureau shall prescribe minimum requirements as to the construction and performance of all these articles of equipment and may require any or all such equipment to be tested in such a manner as in its judgment will demonstrate the suitability of the equipment.

"Compasses

"SEC. 932. (a) The Bureau's rules and regulations shall cover the detailed requirements for compasses and shall prescribe the size, location, and method of installation to fit the various ships and services. Each vessel shall be equipped with one or more magnetic compasses, as the type of ship and the nature of the service may make necessary, which shall be adjusted and the deviation tables verified, from time to time, to the Bureau's satisfaction. The Bureau may exempt from this requirement any vessel on which a compass would be neither necessary nor useful.

"(b) Passenger vessels of group 1 shall be equipped with a master gyroscopic compass, together with the necessary repeaters for such purposes as steering, taking bearings and azimuths, and for radio direction finding. The Bureau shall apply this requirement to passenger vessels in other groups when it considers the nature of the service or the number of passengers carried makes it desirable and necessary.

"SEC. 933. The Bureau's rules and regulations shall cover all requirements as to number, size, and methods of handling, for anchors and anchor cables. Each passenger vessel shall be equipped with anchors of such number and weight and cables of such size as to insure her safety when anchored and shall be provided with proper means for handling the anchors and gear with promptitude and safety. The Bureau may exempt from this requirement any vessel on which anchors would be neither necessary nor useful.

"SEC. 935. All vessels shall be provided with means suitable for finding the depth of water. In addition to the ordinary lead lines, passenger vessels over 500 gross tons in groups 1 and 2, and other mechanically propelled vessels over 500 gross tons in groups 1 and 2, shall be equipped with an efficient mechanical deep-sea sounding machine. Passenger vessels over 2,000 gross tons in groups 1, 2, and 3, and other vessels over 5,000 gross tons in groups 1 and 2 shall, in addition, be equipped with an efficient echo depth-finding apparatus. The Bureau's rules and regulations shall require that all of the apparatus required by this section be of a suitable type, properly located, properly installed, and that it is at all times in condition for use.

"SEC. 936. Each vessel in groups 1 and 2 shall be provided with a towing hawser suitable for the size and type of vessel. The Bureau's rules and regulations shall prescribe the size, material, and length of hawser which will satisfactorily comply with this requirement.

"PART 3. COMMUNICATIONS

"SEC. 941. The Bureau's rules and regulations shall cover the various types of distress signals required by statute and shall prescribe the number and type of each to be carried on vessels of all groups. The Bureau shall conduct such tests as may be necessary to determine the suitability of all such signals for the purpose and, by inspection and test, determine that those carried by the vessels are in condition to function properly in an emergency.

"SEC. 942. The Bureau's rules and regulations shall cover the various types of signaling lamps necessary for proper communication by the International Morse Code. Each passenger vessel in groups 1, 2, and 3, and cargo vessels of more than 1,000 gross tons in groups 1, 2, and 3, shall be equipped with an efficient signaling lamp, as approved by the Bureau, and the Bureau shall apply this requirement to other vessels when it finds it necessary.

"SEC. 943. All passenger vessels in groups 1 and 2, and all cargo vessels of more than 1,000 gross tons in groups 1 and 2, shall be equipped with a set of international signal flags, and in addition the flags of her own international call letters. Each vessel required to be equipped with these signal flags shall also be provided with a substantially bound copy of the International Signal Book. The Bureau's rules and regulations shall cover the size of flags required by the various types of ships and shall require that proper means be provided, in each case, for the hoisting of the signals where they can be readily seen and understood. The Bureau shall apply these requirements to other vessels when it finds it necessary and may exempt any vessel on which the signal flags would be neither necessary nor useful.

"SEC. 944. Each passenger vessel in groups 1, 2, and 3, over 500 gross tons shall be equipped with a satisfactory searchlight. The Bureau's rules and regulations shall prescribe the size, type, range, and location of the searchlight in each case.

"SEC. 945. Each vessel shall be equipped with interior communications for the proper operation of the ship, such as voice tubes, telephones, engine and steering telegraphs, rudder angle indicators, revolution indicators, and such others as may be necessary. The Bureau's rules and regulations shall set forth the general requirements for this type of equipment and shall determine in each case what is required for the proper operation of the ship.

"SEC. 946. When the nature of the service demands it, and the sending stations are available on the route, the Bureau may require any passenger vessel to be equipped with means for finding her bearing and distance from a sending station, in fog or thick weather, by the use of synchronous radio and submarine sound signals or other equally effective apparatus.

"TITLE X. OPERATION OF SHIPS

"PART 1. DUTIES OF OWNERS

"SEC. 1001. (a) The owner of each vessel shall be responsible for insuring that the crew is fully trained to meet all emergencies that may come to pass and shall give particular attention to the drills necessary to insure proper training in the duties necessary to meet emergencies due to fire, collision, and stranding.

"(b) The owner of each passenger vessel in group 1 shall be responsible for seeing that the passengers are properly instructed as to the procedure in case of an emergency. To this end a drill shall be held, as soon after departure from port as possible, during which the passengers shall be fully instructed. This instruction to include the proper method of wearing life preservers, the nearest route by which they may reach the embarkation deck, the boat to which they are assigned for abandon ship, and such other information as is necessary. The time of holding such drills and their duration shall be entered in the ship's log. Failure to comply with the requirements of this paragraph shall subject the owner to a civil penalty of $10,000 which may be remitted or mitigated by the Secretary of Commerce in accordance with such proceedings as the Secretary shall by regulations prescribe.

"Station bills

"SEC. 1002. (a) Station bills shall be prepared and posted in several parts of the vessel, and, in particular, in all spaces occupied by the crew. These station bills shall show the normal station and duty of each member of the crew, his special duties in all emergency conditions and his duties when it is necessary to abandon ship.

"(b) Signals: The station bill shall show in detail the various signals to be used, first, to arouse the crew and to designate the type of emergency; and second, to arouse the passengers, if any. In addition, the station bills shall show the signals to be used at abandon ship for manning, swinging out and lowering the boats, and other lifesaving equipment.

"(c) Fire: The station bill shall show the station and duty of each member of the crew in case of fire to the end that all fire pumps are properly manned with the minimum loss of time; that the fire hoses are properly manned; that the available chemical, foam, or gas extinguishing equipment is properly manned; that the fire-screen doors are closed properly; that escapes are clear for the use of passengers and crew; that the ventilation blowers (except those for the machinery spaces) are shut down; that the emergency light and power system is manned and ready for use; that the breathing apparatus is provided and ready for use and, where passengers are carried, that all passengers are guided to the open decks or other places of safety.

"(d) Collision or stranding: The station bill shall show the station and duty of each member of the crew in case of a collision or stranding to the end that all watertight doors are manned and properly closed; that all side lights, ports, and other openings in the sides are properly closed; that the valves on all lines, which pass through the ship's side, such as sanitary and scupper lines, are properly closed; that all valves which will prevent water, from a damaged compartment, finding its way into an intact compartment are closed; that all available bilge pumps are manned and properly used; that the emergency light and power system is manned and ready for use and, where passengers are carried, that all passengers are guided to the open decks or other places of safety.

"Abandon ship: The station bill shall show the station and duty of each member of the crew in case it becomes necessary to abandon ship to the end that all lifeboats, life rafts, and other lifesaving equipment are properly manned so that they can be placed in the water with the least possible delay; that the passengers may be embarked promptly and safely; that the passengers are dressed and wear their life preservers properly and that all passengers are guided to their embarkation stations.

"Drills

"SEC. 1003. In order that the crew may become expert in all the duties covered by the station bills as set forth in section 1002, each member, when he comes on board, shall be furnished with a card or paper on which shall be set forth all of his duties as set forth in the station bills. On each passenger ship, except one on which the same crew is employed over a long period, each member of the crew shall be mustered at his various stations and instructed in his duties at each station prior to the vessel's sailing and as soon as practicable after the arrival of the crew on board.

"SEC. 1004. (a) The owner, through his representative the master, shall be responsible for holding, while at sea, weekly drills of the crew in all their emergency duties. Sufficient drills so that each member of the crew becomes expert in the duties required of him in each emergency condition set forth in section 1002 shall be held. These drills shall not be confined to the minimum required by law until it is assured that each man is fully qualified to perform his duties. These drills shall be recorded in the official log.

"(b) The owner, through his representative the master, shall give special attention to the training of the members of the crew in the use of the breathing apparatus carried so that it is assured that the required number of men may remain at their stations in the machinery spaces and that the men detailed to fight a fire can approach the scene of the fire without danger from smoke or gas.

"PART 2. INSPECTIONS

"SEC. 1011. In conducting the inspections of passenger ships of groups 1 and 2, as required by section 602 (d) and (e) of this act, the Bureau's inspectors shall assure themselves first, that the crew is properly stationed and instructed as required by this title; second, that the station bills are in proper form and posted and lighted in such a manner that they can be read without difficulty; and third, that each member of the crew has been furnished with full information as to his duties in an emergency as set forth in section 1003.

"Drills before departure

"SEC. 1012. (a) Fires: The Bureau's inspectors shall conduct a fire drill and shall assure themselves that the members of the crew who perform the various duties are the ones assigned to those duties by the station bills. The Bureau's inspectors shall see that the full fire pump capacity is utilized; that the proper number of fire hoses are in use; that the proper chemical, foam, or gas extinguishing equipment is manned and ready for use; that all fire-screen doors close automatically and are properly attended; that the esacpes from all spaces are clear; that the proper ventilation blowers are shut down; that the emergency light and power system is attended and tested; that the breathing apparatus is in proper working condition and that the proper members of the crew are instructed in its use; and that the members of the crew, assigned to guide the passengers, are at their stations and fully instructed in their duties.

"(b) Collision or stranding: The Bureau's inspectors shall conduct a collision drill and shall assure themselves that the members of the crew who perform the various duties are the ones assigned to those duties by the station bills. The Bureau's inspectors shall see that all power operated watertight doors close promptly when the bridge control is used; that all other watertight doors are closed and attended; that all side lights, ports, and other openings in the sides are properly closed and attended; that the valves on all lines which pass through the ship's sides below the bulkhead deck, such as sanitary and scupper lines, are properly attended and that they can be closed; that all valves which will prevent water from a damaged compartment finding its way into an intact compartment are properly attended and that they can be closed; that the emergency light and power system is attended and in operation; that all available bilge pumps, particularly the submersible bilge pumps, are manned and that the crew is properly instructed in the operation of the necessary valves, from above the bulkhead deck, to make possible the pumping out of the various compartments; and that the crew, assigned to guide passengers, are at their stations and fully instructed in their duties.

"(c) Abandon ship: The Bureau's inspectors shall conduct an abandon-ship drill and shall assure themselves that all the lifeboats, life rafts, and similar apparatus are properly equipped; that all lifeboats, life rafts, and similar apparatus can be placed in the water when all the ship's power is shut off; that a sufficient number of lifeboats are lowered to demonstrate the skill of the crew and the satisfactoriness of the handling gear; that the lifeboats lowered are handled and manned by the members of the crew assigned to them; that all other lifeboats are attended by the members of the crew assigned to them; that it is possible and practicable to embark the passengers in the lifeboats at the embarkation stations and that the members of the crew assigned to guide and assist the passengers are fully instructed in their duties.

"Compliance

"SEC. 1013. The Bureau's inspectors shall not permit any passenger vessel in groups 1 and 2 to depart from any United States port if it fails to comply in any respect with the requirements of this title. A reinspection may be held, but not sooner than 24 hours after the last one on which the vessel failed to comply.

"TITLE XI. SAFETY CERTIFICATES

"SEC. 1101. All vessels of the United States complying with the requirements of this act and any law or convention requiring radio equipment, shall be issued a safety certificate. Such certificate shall show in detail the requirements necessary for each particular vessel and that such requirements have been met.

"SEC. 1102. (a) Safety certificates: The Bureau, after the proper inspections have been made, shall issue a safety certificate to each passenger vessel in groups 1, 2, and 3. These safety certificates shall follow the form prescribed in the Convention for Promoting Safety of Life at Sea, in force, and, for vessels engaged in international voyages, the certificates shall bear the heading prescribed by the convention. The certificates shall include the following information:

"(1) The kind of voyage for which the certificate is granted.

"(2) The name, distinguishing number or letters, port of registry or enrollment, and gross tonnage.

"(3) That the vessel has been properly inspected in accordance with the requirements of this act.

"(4) That the inspection showed that the vessel complied with the requirements of this act so far as the hull, main, and auxiliary machinery and all boilers are concerned and especially the details of the watertight subdivision arrangements, the stability conditions, the protection against fire and other details having to do with the safety of the ship as a whole.

"(5) The subdivision load line (or lines) assigned and the exact conditions under which it is to apply.

"(6) That the lifeboats, life rafts, and other lifesaving appliances comply with the requirements of this act and shall give the maximum number of persons this equipment permits having on board.

"(7) That the radiotelegraph installation is satisfactory and in accordance with law. The information shall be at least as complete as that required by the Convention for Promoting Safety of Life at Sea, in force.

"(8) That, in all other respects, the vessel complies with the requirements of this act.

"(b) The safety certificate shall be dated and shall be signed by the Chief of the Bureau, or, in his absence, by his next assistant.

"(c) A similar safety certificate shall be issued, under the same conditions, to any passenger vessel in group 4 or group 5 which engages in an international voyage as defined by the Convention for Promoting Safety of Life at Sea in force.

"SEC. 1103. Safety radiotelegraphy certificate: A safety radiotelegraphy certificate shall be issued by the Bureau to each cargo vessel of the United States of 1,600 gross tons and over, which complies with the requirements of the radio provisions of the Convention for Promoting Safety of Life at Sea in force and any act requiring the vessel to be equipped with radio apparatus.

"SEC. 1104. Exemption certificate: The Bureau may issue an exemption certificate to any ship to which an exemption is granted in accordance with any of the provisions of this act, of the Convention for Promoting Safety of Life at Sea in force or any act requiring the vessel to be equipped with radio apparatus. No exemption from any of the requirements of the Federal Communications Commission respecting radio equipment shall be issued without first receiving from the Commission the necessary authority.

"SEC. 1105. All entries in the certificates, required by sections 1102, 1103, and 1104 of this act, regarding radio equipments and installations shall be as prescribed and determined by the Federal Communications Commission in accordance with law, treaty, or convention.

"SEC. 1106. None of the certificates covered by this title shall be issued for a period of more than 12 months. In the case of vessels which are engaged on international voyages, as defined in the Convention, the certificates may be extended under the necessities and conditions set forth in the Convention for Promoting Safety of Life at Sea in force.

"SEC. 1107. Nothing in this title shall be construed as lessening in any degree the control of the Federal Communications Commission over any matters connected with the radio equipment and its operation on shipboard; and its decision, or determination, in regard to the radio requirements and installation, or exemptions, shall be final, subject only to review in accordance with law.

"SEC. 1108. It shall be the duty of the owner to have the inspections made as a prerequisite to the issuance of a "safety certificate" or a "safety radiotelegraphy certificate", as the case may be, and no vessel shall be used unless there is on board and in force a proper certificate or certificates required by this title.

"TITLE XII. ORGANIZATION OF THE BUREAU OF MARINE INSPECTION AND NAVIGATION

"PART I. DUTIES

"SEC. 1201. (a) The Bureau shall enforce the requirements of this act, and all laws or parts of laws not repealed by this act which have heretofore been required to be enforced by the Bureau. Among its other duties, the Bureau shall:

"(1) Issue rules, as prescribed in this act, for the design, construction, inspection, and operation of all merchant vessels of the United States, such as to ensure the maximum safety of the ship and of the passengers and crew.

"(2) Decide upon, in accordance with the requirements of this act, in the case of all merchant vessels already built, which in the future may be built, or which may be entered for United States registry from any other source for operation under the United States flag, all questions concerning structural strength, loading, watertight subdivision, stability under all conditions, fire-resisting qualities, fire-detecting equipment, fire-fighting equipment, life-saving equipment, equipment for communications other than radio, electrical equipment, navigational equipment, bilge and fire pumps, propelling machinery, ground tackle, and all other features which may be necessary to ensure that the vessels are fully and properly constructed and equipped and safe for operation in their trades.

"(3) Inspect each vessel, as set forth in title VI, part II, of this act, together with all its machinery and appurtenances at the time of her building, or, in the case of a vessel built abroad, at the time of her entry for United States registry, to insure that it complies with all the technical requirements for design, material, and workmanship, and to inspect each existing vessel as frequently as necessary, but at least once each year, to insure that she is maintained in proper condition to warrant her continuance in her trade.

"(4) Determine upon and fix the gross tonnage and the net register tonnage of each vessel and perform all necessary duties in connection with the admeasurement and readmeasurement of all vessels.

"(5) Assign subdivision load lines for all new passenger vessels and for all existing passenger vessels in groups 1 and 2, and loaded drafts for all other vessels of the United States.

"(6) Study the reports of all disasters and accidents to determine the failure of material involved, to promulgate to all in the service the results of these investigations, and to keep complete records of all data that can be obtained bearing on such disasters and accidents.

"(7) Enforce all laws relating to the efficiency and discipline of licensed officers and seamen and the employment and discharge of seamen, the licensing of officers, the certification of seamen, and the issuance of continuous discharge books.

"(8) Prepare, compile, and publish statistical and other data concerning the merchant marine, licensed officers, and seamen, including navigation laws and list of merchant vessels.

"(b) To carry out the duties set forth in this section the Bureau shall be reorganized in accordance with part II of this title.

"PART II. ORGANIZATION

"SEC. 1202. From 90 days after the date of enactment of this act, the following positions as now constituted by or pursuant to law in the Bureau of Marine Inspection and Navigation in the Department of Commerce are abolished, except as provided in section 1206: Director or Chief of Bureau, Assistant Director, supervising inspector, principal traveling inspector, inspector of hulls, assistant inspector of hulls, inspector of boilers, assistant inspector of boilers, shipping commissioner, deputy shipping commissioner, and local manager.

"SEC. 1203. (a) From 90 days after the enactment of this act there shall be in the regular establishment of the Bureau of Marine Inspection and Navigation in the Department of Commerce not to exceed 600 commissioned officers who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be distributed in grades proportioned as follows: 1 director, 3 assistant directors, 10 supervising inspectors, 8 assistant supervising inspectors, 20 traveling inspectors, 66 inspectors of hulls, 163 assistant inspectors of hulls, 66 inspectors engineering, 163 assistant inspectors engineering, 20 shipping commissioners, 30 deputy shipping commissioners, and 50 assistant deputy shipping commissioners: *Provided*, That the numbers herein prescribed in the grades of inspectors of hulls, assistant inspectors of hulls, inspectors engineering, assistant inspectors engineering, deputy shipping commissioners, and assistant deputy shipping commissioners shall be as the limiting numbers in those respective grades, and only so many shall be appointed to the respective grades as the exigencies of the service shall require.

"(b) All provisions of law applicable to, and the rights, privileges, and duties of, the Director (or Chief of Bureau), supervising inspectors, principal traveling inspectors, local inspectors of hulls, assistant inspectors of hulls, local inspectors of boilers, assistant inspectors of boilers, shipping commissioners, and deputy shipping commissioners, respectively, in the Bureau of Marine Inspection and Navigation, shall be applicable in like manner to and shall be the rights, privileges, and duties of the Director, supervising inspectors, traveling inspectors, inspectors of hulls, assistant inspectors of hulls, inspectors engineering, assistant inspectors engineering, shipping commissioners, and deputy shipping commissioners, respectively, appointed under this section.

"(c) The Director shall direct all the activities of the Bureau and shall be responsible for the conservation and expenditure of funds appropriated for or allotted to the Bureau and shall certify the accounts of the Bureau to the General Accounting Office. There shall be in the Bureau a Matériel Division, a Personnel Division, and an Administrative Division. At the head of each division there shall be an Assistant Director, who shall perform such duties as may be prescribed by the Director or required by law. In the absence of the Director the duties of that officer shall be performed by an Assistant Director in the order of seniority, or, if all have the same seniority, then according to the following order of precedence: First, the head of the Matériel Division; second, the head of the Personnel Division; third, the head of the Administrative Division. Three of the supervising inspectors appointed under this section shall be members of the planning board provided for in section 1205, and the other supervising inspectors shall be in the field service of the Bureau. The assistant supervising inspectors appointed under this section shall perform such of the duties of supervising inspectors and under such circumstances and conditions as the Director, subject to the approval of the Secretary of Commerce, shall prescribe by regulations. The deputy shipping commissioners and assistant deputy shipping commissioners appointed under this section shall perform such of the duties of shipping commissioners and under such circumstances and conditions as the Director, subject to the approval of the Secretary of Commerce, shall prescribe by regulation. Any officer appointed under this section may, when so ordered by the Director of the Bureau, be permanently or temporarily assigned to the performance of duties prescribed for any other officer so appointed without additional compensation. When any officer appointed under this section is performing the duties prescribed for another officer, all laws applicable to such other officer shall apply to the officer performing such duties.

"(d) There shall be under the Assistant Director in charge of the Matériel Division of the Bureau in the District of Columbia a technical section, consisting of a technical staff, the members of which shall have the necessary background of education and experience to permit them to render correct judgment on all matters, of whatever nature, having to do with the design and construction of ships. The senior members of the technical staff shall be selected for their special expertness in naval architecture, marine engineering, and electrical engineering, without regard to civil-service laws or the Classification Act of 1923, as amended. These senior members shall consist of a senior naval architect at a salary not to exceed $7,000 per annum, a senior engineer at a salary not to exceed $7,000 per annum, and an electrical engineer at a salary not to exceed $6,000 per annum, the junior members of the staff to be selected in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended. The services of this permanent staff may be augmented by the part-time employment of technical experts in special fields as may be found necessary to keep up with the advance in the art of shipbuilding. The duties of the technical section shall be to advise the Director upon all matters of design connected with merchant vessels to be built and merchant vessels to be reconditioned or repaired, so that all the requirements of this act are properly met so far as design is concerned, and to control the admeasurement of merchant vessels and the maximum loaded drafts for them.

"(e) No person interested, either directly or indirectly, in any patented article required to be used on any vessel by this act or by any existing law, or who is a member of any association of owners, masters, engineers, pilots, or seamen of vessels, or who is directly or indirectly pecuniarily interested in any vessel, shall be eligible for appointment to any position established under this section.

"SEC. 1204. In addition to the officers appointed, and the technical section prescribed under the preceding section, there shall be in the Bureau of Marine Inspection and Navigation, under each Assistant Director, such other sections as required by good administration and such other officers and employees as are or may be authorized by law.

"Planning board

"SEC. 1205. There shall be in the Bureau in the District of Columbia a planning board, which shall be composed of three supervising inspectors, designated by the Director, who shall be assigned to the service of the Bureau in the District of Columbia, and one commissioned officer of the Navy, not below the rank of lieutenant commander, to be assigned by the Secretary of the Navy, and one commissioned officer of the Coast Guard, not below the rank of lieutenant commander, to be assigned by the Secretary of the Treasury, who shall serve as members of such board without additional compensation. The planning board shall perform the duties of planning and such other duties as may be assigned by the Director.

"PART III. APPOINTMENT

"SEC. 1206. (a) Any present incumbent of a position abolished by section 1202, or a position corresponding to senior naval architect, senior engineer, or electrical engineer may be appointed to a corresponding or lower grade under section 1203 without examination, and to a higher grade after passing such mental examination as the Director, subject to the approval of the Secretary of Commerce, shall prescribe. Until the expiration of 60 days after the effective date of sections 1202 and 1203, vacancies in the grades of traveling inspector and above, and vacancies in the grade of shipping commissioner, and vacancies in the position of senior naval architect, senior engineer, or electrical engineer, as established under section 1203, may be filled by the appointment of any person not over 50 years of age with no previous service in the Bureau of Navigation and Steamboat Inspection or the Bureau of Marine Inspection and Navigation, and any person thus appointed shall be required to pass such examination as the Secretary of Commerce may require, to establish his mental, moral, and professional fitness, and shall be required to pass a physical examination before a board of three officers of the Public Health Service.

"(b) Notwithstanding the provisions of section 1202, any present incumbent of a position abolished by that section who is not appointed by the President to some position herein authorized shall be entitled to his present position in the Bureau with all of the rights and benefits accruing to him in that status under the provisions of law heretofore applicable to that position, except that the Director may prescribe such changes in the duties to be performed by him as may be appropriate to provide for the effective administration of this act.

"SEC. 1207. (a) Prior to the expiration of 60 days after the effective date of section 1203, vacancies in the permanent grade of Director may be filled, and subsequent to that date shall be filled by appointment, by selection from the grades of Assistant Director or supervising inspector; and vacancies in the grades of (1) Assistant Director, (2) supervising inspector, (3) assistant supervising inspector, (4) traveling inspector, (5) inspector of hulls, (6) inspector engineering, (7) shipping commissioner, and (8) deputy shipping commissioner, respectively, prior to the expiration of 60 days after the effective date of section 1203, may be filled, and, subsequent to that date, shall be filled by appointment from the grades of (1) supervising inspector, (2) assistant supervising inspector, (3) traveling inspector, (4) local inspector of hulls or local inspector engineering, (5) assistant inspector of hulls, (6) assistant inspector engineering, (7) deputy shipping commissioner, and (8) assistant deputy shipping commissioner, respectively, under such regulations as the Director, subject to the approval of the Secretary of Commerce, shall prescribe. Vacancies in the grades assistant inspector of hulls, assistant inspector engineering, and assistant deputy shipping commissioner shall be filled by appointments, to the bottom of the lists in the respective grades, by the President, by and with the advice and consent of the Senate, of citizens of the United States not over 35 years of age on the date of their examinations, who have passed such physical, mental, professional, and character examinations as the Director, subject to the approval of the Secretary of Commerce, shall prescribe.

"(b) The Secretary of Commerce shall give public notice of examinations to be held for determining eligibility for original appointment as assistant inspector of hulls, assistant inspector engineering, and assistant deputy shipping commissioner under this act. Such notice shall be given at least 60 days prior to the date of the examination, and shall set forth the time and places of the examination, the method of application for it, and the scope of the mental and physical requirements to be met. The examination questions shall be prepared by the Personnel Division in the Bureau of Marine Inspection and Navigation, and shall be sent to the persons designated by the Director to hold the examinations. After an examination has been held the examination papers shall be returned to the Personnel Division to be marked and graded by it, and the papers so marked and graded shall be open to public inspection under such regulations as the Director may prescribe. The persons who pass any such examination shall be placed on an eligible list in the order of the grades made on the examination. Any appointment to a position for which such examination was held shall be made from the three highest persons remaining on such list at the time of appointment and shall be made within 1 year from the date of examination.

"(c) No person shall be eligible for appointment as an assistant deputy shipping commissioner who has not served at least 3 years as a licensed officer on ocean-going vessels. No person shall be eligible for appointment as an assistant inspector of hulls who has not served at least 3 years as a licensed officer on ocean-going vessels or had at least 3 years' experience in the construction and repair of vessels.

"(d) No person shall be appointed under this act as an assistant inspector of hulls who is not by experience and technical education well versed in all the details of shipbuilding or ship operation. After the passage of this act, all men appointed to this position shall have gained their experience in building and repairing ships in shipyards until at least 50 percent of the assistant inspectors of hulls have had this background. Thereafter the ratio of one-half licensed officers who, in addition to their knowledge and experience gained at sea, have the necessary knowledge and experience to compete in the examinations, and one-half those who have gained their experience in shipyards shall be maintained as nearly as practicable.

"(e) No person shall be appointed under this act as an assistant inspector engineering who is not by experience and technical education well versed in all the details of building ship machinery or operating ship machinery. After the passage of this act all of the men appointed to this position shall have gained their experience in building and repairing ship machinery in shipyards until at least 50 percent of the assistant inspectors engineering have had this background; and at least one-quarter of those thus appointed shall be well qualified in the installation, repair, and operation of all electrical wiring and appliances used aboard modern ships. Thereafter the ratio of one-half licensed engineers who, in addition to their knowledge and experience gained at sea, have the necessary knowledge and experience to compete in the examinations, and one-half those who have gained their experience in shipyards shall be maintained as nearly as practicable.

"SEC. 1208. The Secretary of the Navy is authorized to detail one commissioned officer of the Navy, and the Secretary of the Treasury is authorized to detail one commissioned officer of the Coast Guard, to the Bureau of Marine Inspection and Navigation in the Department of Commerce for the purpose of this act; and the Secretary of the Treasury is authorized to detail one commissioned officer of the Public Health Service to the Bureau of Marine Inspection and Navigation to act as medical aide to the Director of that Bureau. When so detailed, such officers shall be paid from the regular appropriations for their respective departments, but when required to travel the expense therefor shall be paid from the appropriation for the Bureau of Marine Inspection and Navigation under the regulations prescribed for other officers of that Bureau.

"SEC. 1209. A Director of the Bureau of Marine Inspection and Navigation, appointed under this act, shall be appointed for a term of 4 years, and may be reappointed in like manner for one further period of 4 years. Upon the completion of duty as Director, he may be appointed as an Assistant Director or a supervising inspector, and he shall be an additional number in the grade in which so appointed. When a Director is appointed from the grade of Assistant Director or the grade of supervising inspector such appointment shall create a vacancy in the grade from which appointed.

"SEC. 1210. The Director of the Bureau of Marine Inspection and Navigation shall cause each commissioned officer on the active list of the Bureau to be physically examined at least once each calendar year by a board of officers of the United States Public Health Service, and a record shall be kept of the physical condition thus found. Any officer of the Bureau of Marine Inspection and Navigation found physically disqualified for further duty by reason of disease or injury due to vicious habits, intemperance, or willful misconduct on his part, shall, upon approval of the Secretary of Commerce and by the President, be dismissed from the service.

"PART IV. PAY

"SEC. 1211. The annual base pay of commissioned officers of the Bureau of Marine Inspection and Navigation appointed under section 1203 shall be: Director, $8,000; Assistant Director, $6,500; supervising inspector, $6,000; assistant supervising inspector, $4,200; traveling inspector, $4,000; inspector of hulls, $3,500; assistant inspector of hulls, $3,000; inspector, engineering, $3,500; assistant inspector, engineering, $3,000; shipping commissioner, $4,200; deputy shipping commissioner, $3,500; assistant deputy shipping commissioner, $3,000. In addition to the annual base pay hereby established, there shall be included in the annual compensation of each such officer an additional 2½ percent of the annual base pay of the grade in which such officer is serving for each 3 years of service by such officer in any or all grades and positions in the Bureau of Navigation, the Steamboat Inspection Service, the Bureau of Navigation and Steamboat Inspection, and the Bureau of Marine Inspection and Navigation: *Provided*, That the total pay, including increases of any officer in any grade, shall not exceed 125 percent of the base pay of officers in his grade: *Provided further*, That nothing contained in this

section shall operate to reduce the pay of any person serving in the Bureau of Marine Inspection and Navigation prior to the date of the enactment of this act.

"Retirement

"SEC. 1212. Any commissioned officer in the Bureau of Marine Inspection and Navigation appointed under section 1203 who is found upon physical examination by a board of officers of the Public Health Service to be disqualified for efficient and useful service, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct, and upon the approval of the findings of the board by the Secretary of Commerce shall be retired on an annuity; and all officers so appointed shall, upon reaching the age of 65 years, be compulsorily retired from further performance of duty. The annual compensation of persons retired under this section shall be a sum equal to 50 percent of the base pay and increases to which the officer was entitled at the time of his retirement from active service in the Bureau of Marine Inspection and Navigation: *Provided*, That in computing such retirement pay no amount shall be included on account of subsistence or travel.

"SEC. 1212. (a) Any commissioned officer of the Bureau of Marine Inspection and Navigation appointed under section 1203 who has completed 30 years' service in the Bureau of Navigation, the Steamboat Inspection Service, the Bureau of Navigation and Steamboat Inspection, or the Bureau of Marine Inspection and Navigation, including all service in each of them, may, upon his own application, approved by the Secretary of Commerce, be retired from active service on the same annuity as if he had been retired for physical disability as set forth in section 1112 of this act: *Provided*, That any such officer of the Bureau of Marine Inspection and Navigation retired for age, for physical disability, or for 30 years' service may, in an emergency declared by the President to exist, be called back to active duty, and he shall receive active-duty pay while so serving. Upon the conclusion of the emergency, the officer so assigned to active duty shall be returned to the retired list: *Provided further*, That any time served when called back to active duty shall be added to previous service in computing retired pay.

"(b) Any retirement pay received by any person under this act shall be in lieu of any retirement compensation to which he may be entitled under any other act of Congress. Any moneys or deposits now held in the civil-service retirement and disability fund to the credit of any persons who may be appointed by the President to an office in the Bureau of Marine Inspection and Navigation under section 1203 shall be transferred to the Bureau of Marine Inspection and Navigation, to be applied, until expended, by that Bureau to the payment of any retirement annuities for commissioned officers payable under this title.

"PART V. REGISTER

"SEC. 1214. The Secretary of Commerce shall establish a register of the officers of the Bureau of Marine Inspection and Navigation appointed under section 1203 and shall annually, on July 1, publish a new register or amendments to the old. The register shall set forth names, dates of appointments, stations, and other pertinent information concerning such officers.

"Discipline

"SEC. 1215. (a) Whenever allegations are made against the conduct of an officer of the Bureau of Marine Inspection and Navigation appointed under section 1203, or against his manner of performing duty, the Secretary of Commerce shall cause an investigation to be made of the allegations; and if the circumstances warrant, the Secretary of Commerce shall cause written charges to be preferred against the accused officer; and these charges shall be heard by a board of three commissioned officers of the Bureau of Marine Inspection and Navigation, senior in grade to the accused, at which hearing the officer shall be accorded all of the rights of an accused person. The Board shall be sworn to perform its duties fully and impartially, the oath to be administered in the presence of the accused, to the president of the board by the junior member, and to the other two members by the president of the board. Testimony taken before such a board shall be under oath administered to the witness by the president of the board. Allegations of the following offenses shall be heard before such a board: Conduct unbecoming an officer of the Bureau of Marine Inspection and Navigation; disobedience of or refusal to obey a lawful order; failure in the performance of duty or neglect of duty; unauthorized absence from duty. For an offense found proved, the board shall recommend the following penalties: Conduct unbecoming an officer of the Bureau of Marine Inspection and Navigation—dismissal, or one of the lesser degrees of punishment herein prescribed; disobedience of or refusal to obey a lawful order—dismissal or one of the lesser degrees of punishment herein prescribed; failure in performance of duty or neglect of duty—demotion to the next lower grade and pay, or suspension from duty on half pay for a period not to exceed 6 months, or official reprimand; unauthorized absence from duty—suspension from duty on half pay for a period not to exceed 6 months or official reprimand: *Provided*, That when charges are to be heard against the Director or an Assistant Director of the Bureau of Marine Inspection and Navigation, they shall be heard before a board of three officers of the Department of Commerce designated by the Secretary of Commerce.

"(b) When the recommendations of a board constituted under this section are approved by the Secretary of Commerce, the penalty imposed shall be carried into effect: *Provided*, That no officer of the Bureau of Marine Inspection and Navigation commissioned by the President, shall be dismissed without the approval of the President: *Provided further*, That the Secretary of Commerce is authorized, upon reviewing a case, to mitigate or remit any of the penalties herein prescribed whenever, in his judgment, the facts and circumstances warrant. Any action taken pursuant to this section shall not be a bar to trial of the accused person by any competent court of law or equity in a cause growing out of the same facts.

"(c) For the purpose of this section the precedence of officers shall be: Inspection branch—Director, Assistant Directors, supervising inspectors, assistant supervising inspectors, traveling inspectors, inspectors of hulls, inspectors engineering, assistant inspectors of hulls, assistant inspectors engineering; shipping branch—shipping commissioners, deputy shipping commissioners, assistant deputy shipping commissioners. When serving together on boards, shipping commissioners shall have precedence with traveling inspectors, deputy shipping commissioners with inspectors of hulls and inspectors engineering, and assistant deputy shipping commissioners with assistant inspectors of hulls and assistant inspectors engineering, according to length of service in grade.

"PART VI. CHANGE OF STATION

"SEC. 1216. The Director of the Bureau is authorized to change the permanent station of any officer in the Bureau of Marine Inspection and Navigation whenever the exigencies of the service require. When such changes are ordered the officer permanently changing station shall be entitled to reimbursement for actual necessary traveling expenses for himself and his dependents and to allowances for packing, carting, crating, and transportation of his household effects, in accordance with the laws and regulations in force at the time, applicable to officers of the Navy. For the purpose of carrying this section into effect, and for that purpose only, officers of the Bureau of Marine Inspection and Navigation shall be entitled to the following allowances: Director—allowance of the Chief of Bureau of the Navy; Assistant Director—allowance of a captain in the Navy; supervising inspector—allowance of a commander in the Navy; assistant supervising inspector, traveling inspector, or shipping commissioner—allowance of a lieutenant commander in the Navy; inspector of hulls, inspector engineering, or deputy shipping commissioner—allowance of a lieutenant in the Navy; assistant inspector of hulls, assistant inspector engineering or assistant deputy shipping commissioner—allowance of a lieutenant, junior grade, in the Navy: *Provided*, That these allowances shall not be made in the case of temporary change of station.

"PART VII. INSPECTION

"SEC. 1217. In addition to any inspections now required by law, the Director of the Bureau of Marine Inspection and Navigation shall cause an inspection of every office in the field service of the Bureau, including that part of the activities of a collector of customs devoted solely to performing duties for the Bureau of Marine Inspection and Navigation, to be made by one or more traveling inspectors at least once each calendar year, and more often if he deems it advisable, and a report to be made thereon to him. At such inspections all of the records, equipment, methods of procedure, and acts of personnel, shall be open to inspection. A copy of the report of the inspection shall be furnished to the officer in charge of the office inspected, who shall be permitted to comment upon the report. No inspection in the office of a collector of customs shall be made by an officer of the Bureau of Marine Inspection and Navigation without previous written notice to the collector, or without the presence throughout the inspection of a representative of the collector. Nothing contained in this section shall be construed to abridge or limit the right of the Secretary of Commerce to cause investigations to be made of the conduct of officers or offices of the Bureau of Marine Inspection and Navigation by persons outside of that Bureau.

"PART VIII. ASSIGNMENT OF SHIPPING COMMISSIONERS

"SEC. 1218. (a) Section 4501 of the Revised Statutes, as amended, is amended to read as follows:

"'SEC. 4501. The Director of the Bureau of Marine Inspection and Navigation shall assign an officer of the Bureau of Marine Inspection and Navigation to perform the duties of a shipping commissioner at each port of ocean, gulf, or Great Lakes navigation which, in his judgment, may require the same; and the officer so assigned shall be regarded as a shipping commissioner under this title.'

"(b) Section 4502 of the Revised Statutes, as amended, is hereby repealed.

"(c) The first sentence of section 4506 of the Revised Statutes is amended to read as follows: 'The Secretary of Commerce shall provide each shipping commissioner with an official seal of such design as may be fixed by the Secretary.'

"Leave of absence

"SEC. 1219. Each commissioned officer of the Bureau of Marine Inspection and Navigation appointed under section 1203 may be granted, under such regulations as the Secretary of Commerce may prescribe, 30 days' leave of absence with full pay in each fiscal year, and sick leave with full pay for such time as may be certified by an officer of the Public Health Service to be necessary to cover absence while such officer is ill and while he is recuperating from illness: *Provided*, That leave of absence not taken in any year, may, in the discretion of the Secretary of Commerce, be granted in the following year. The Secretary of Commerce may, in his discretion, grant additional leave of absence to such officers, but such additional leave of absence shall be without pay.

"PART IX. MISCELLANEOUS

"SEC. 1220. The Surgeon General of the Public Health Service is authorized and directed to provide under such regulations as the Surgeon General may prescribe, with the approval of the President, in marine hospital, or other contract hospitals, and in dispensaries of the Public Health Service, medical and dental treatment for commissioned officers of the Bureau of Marine Inspection and Navigation.

"SEC. 1221. (a) The Secretary of Commerce shall prescribe an identifying uniform to be worn by commissioned officers of the Bureau of Marine Inspection and Navigation, and an identifying badge for commissioned officers, and such other persons in the employ of the Bureau of Marine Inspection and Navigation as the Secretary of Commerce may direct.

"(b) It shall be unlawful to impersonate an officer or employee of the Bureau of Marine Inspection and Navigation, or for any unauthorized person to wear the uniform or badge prescribed in this section. Anyone so offending shall be liable to a penalty of $500 or imprisonment for 6 months, or both fine and imprisonment, in the discretion of the court.

"SEC. 1222. A senior naval architect, a senior engineer, or an electrical engineer appointed in the Bureau of Marine Inspection and Navigation under the provision of section 1203 (d) after 10 years of satisfactory service as senior naval architect, senior engineer, or electrical engineer in the Bureau of Marine Inspection and Navigation may be retired under the provisions of sections 1212 and 1213, in like manner as a commissioned officer, and the 10 years thus served shall be counted in computing the 30 years to be served for voluntary retirement.

"TITLE XIII. GRAIN CARGOES

"SEC. 1301. (a) As used in this section a 'grain or seed cargo' means a cargo consisting of the seeds of cereal grasses such as maize, wheat, rye, barley, oats, and rice, together with such seeds as flaxseed, cottonseed, nuts, and nut kernels, when loaded in a vessel in bulk.

"(b) The Bureau's rules and regulations covering the loading of grain or seed cargoes shall set forth all necessary precautions to be taken and the methods which shall be followed for the safe stowage of such cargoes. Before permitting a vessel to load a grain or seed cargo the Bureau's inspector shall make an inspection to ensure that the vessel is properly prepared to receive the cargo, and after the vessel is loaded the inspector shall assure himself that the cargo is properly trimmed and stowed, that proper feeders are provided, and that the vessel has the freeboard required by the Load Line Acts.

"(c) Where a grain or seed cargo is loaded on board any vessel in a port of the United States all necessary precautions shall be taken to prevent the grain or seed cargo from shifting and the vessel shall not be cleared until the Bureau's inspector has found the stowage of the cargo satisfactory.

"(d) Where all such necessary precautions have not been taken, in the case of any vessel of the United States, whether the vessel was loaded in a United States port or not, the master of the vessel, and any agent of the owner who was charged with the loading of the vessel or the sending of it to sea, shall each be liable to a fine not exceeding $1,000, and the owner of the vessel shall also be liable to the same fine, unless he shows that he took all reasonable means to enforce the observance of this section and was not privy to the violation.

"(e) If, after ninety days after the approval of this Act, any foreign vessel loaded with a grain or seed cargo arrives in or attempts to leave a port of the United States, having the grain or seed cargo loaded in such a manner that the master of the vessel, if the vessel were of United States registry, would be liable to a penalty under paragraph (d), the master of that foreign vessel shall be liable to a fine not exceeding $1,000.

"TITLE XIV. MISCELLANEOUS

"LAWS REPEALED

"SEC. 1401. All acts or parts of acts insofar as they are inconsistent or in conflict with the provisions of this act are hereby repealed.

"EFFECTIVE DATE OF ACT

"SEC. 1402. This act shall take effect after the expiration of 90 days from the date of its enactment.

"SEPARABILITY CLAUSE

"SEC. 1403. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

"SHORT TITLE

"SEC. 1404. This act may be cited as the 'Safety at Sea Act of 1937.'"

FURTHER REPORTS

We shall make further reports in order to complete the requirements of Senate Resolution No. 7.

ROYAL S. COPELAND,
MORRIS SHEPPARD,
WALLACE H. WHITE, JR.,
Subcommittee.

CHARTER OF SALE OF SHIPS BY MARITIME COMMISSION

Mr. COPELAND. I present one other matter, which is of an emergency character. The Committee on Commerce held a special session this morning to take action regarding a House bill as to which there is need of immediate action. Under the law, the United States Maritime Commission is obligated to charter or sell ships which are now being operated by the Commission. It was thought and intended by the authors of the law and by the Senate that the time within which such action could be taken by the Maritime Commission would be a year from the passage of the act. The Comptroller General has ruled, however, that voyages undertaken before that time must be completed by the 27th of June. Some of the voyages are 120 days in length. Therefore it was deemed wise to amend or modify House bill 4951, which deals with this subject. It was considered by the committee, which decided to make certain modifications as indicated.

From the Committee on Commerce, I report back favorably, with amendments, the bill (H. R. 4951) to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009); and because of the emergent nature of the matter I ask unanimous consent for the immediate consideration of the bill, as it must go back to the House and receive approval of the Senate amendments which may be adopted.

Mr. McNARY. Mr. President, I attended the meeting of the Commerce Committee this morning when this matter was discussed. I am certain the emergency exists, and I hope no Senator will object to immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 4951) to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009).

The VICE PRESIDENT. The amendments reported by the committee will be stated.

The amendments of the Committee on Commerce were, on page 2, line 3, before the word "preference", to insert "but the Commission shall arrange as soon as practicable to offer all such lines of vessels for charter as hereinafter provided", and in line 5, after the word "discontinued", to strike out "as soon as practicable after December 31, 1937" and insert "within 1 year after the passage of this act: *Provided*, That nothing herein contained shall prevent private operators, under such operating agreements, commencing voyages prior to said expiration date and completing them thereafter", and on the same page, line 6, after the word "*Provided*", to insert "*further*", so as to make the bill read:

Be it enacted, etc., That section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009) be amended to read as follows:

"SEC. 704. All vessels transferred to or otherwise acquired by the Commission in any manner may be chartered or sold by the Commission pursuant to the further provisions of this act. All vessels transferred to the Commission by this act and now being operated by private operators on lines in foreign commerce of the United States shall be temporarily operated by the Commission for its account by private operators until such time and upon such operating agreements as the Commission may deem advantageous, but the Commission shall arrange as soon as practicable to offer all such lines of vessels for charter as hereinafter provided, preference to be given to present operators, and all operation of the Commission's vessels by private operators under such operating agreements shall be discontinued within 1 year after the passage of this act: *Provided*, That nothing herein contained shall prevent private operators, under such operating agreements, commencing voyages prior to said expiration date and completing them thereafter: *Provided further*, That nothing contained herein shall be construed as limiting or affecting the power of sale under provisions of section 705 of this act."

Mr. WALSH. Mr. President, do the changes proposed in the House text meet the desires of petitioners for the legislation to extend the time limit and contracts entered into?

Mr. COPELAND. I hardly suppose it answers their entire point, but it certainly carries out what they thought was the law.

Mr. WALSH. Does it remove the injustices of which they complain?

Mr. COPELAND. It does.

The VICE PRESIDENT. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The VICE PRESIDENT. The question recurs on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. COPELAND subsequently said: Because of the fact that the committee had no time to prepare a report on the bill which was taken up as the special order this morning concerning a change in the Merchant Marine Act, I ask that the House report may be printed in the RECORD in connection with the discussion of that particular bill.

There being no objection the report (H. Rept. 293) was ordered to be printed in the RECORD, as follows:

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H. R. 4951) to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009), having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

The proposed legislation seeks to amend section 704 of the Merchant Marine Act of 1936. In that section it was provided that all vessels transferred to the United States Maritime Commission by that act and then being operated by private operators on lines in foreign commerce of the United States might be temporarily operated by the Commission for its account by private operators until such time and upon such operating agreements as the Commission might deem advantageous, but that the Commission should arrange as soon as practicable to offer all such lines of vessels for charter as thereinafter provided in said act, and that all operation of the Commission's vessels by private operators under such operating agreements should be discontinued within 1 year after the passage of the act.

The act was approved June 29, 1936, so that under the mandate of the above section, all operation of the Commission's vessels by private operators was required to be discontinued by June 29, 1937.

By section 201 (a) of the Merchant Marine Act, 1936, an agency was created to be known as the United States Maritime Commission, to be composed of five persons to be appointed by the President, by and with the advice and consent of the Senate. The President was authorized to designate the member to act as chairman of the Commission, and the Commission might elect one of its members as vice chairman. It was provided that the members of the Commission should be appointed as soon as practicable after the enactment of the act, and should continue in office as designated by the President at the time of nomination for terms of 2, 3, 4, 5, and 6 years, respectively, from the date upon which they qualify and take office.

It was further provided that vacancies in the Commission, so long as there should be three members in office, should not impair the power of the Commission to execute its functions, and three of the members in office should constitute a quorum for the transaction of the business of the Commission.

Three members of the Commission now hold office by recess appointments by the President, having entered upon duty September 26, 1936. These members are Rear Admiral H. A. Wiley, appointed for 4 years; Real Admiral M. M. Taylor, for 3 years; and Mr. George Landick, Jr., for 2 years.

The duties of the Commission in respect to the disposition of its vessels are further set forth in section 705, Merchant Marine Act, 1936, which reads as follows:

"SEC. 705. As soon as practicable after the passage of this act, and continuing thereafter, the Commission shall arrange for the employment of its vessels in steamship lines on such trade routes, exclusively serving the foreign trade of the United States, as the Commission shall determine are necessary and essential for the development and maintenance of the commerce of the United States and the national defense: *Provided*, That such needs are not being adequately served by existing steamship lines privately owned and operated by citizens of the United States and documented under the laws of the United Staes. It shall be the policy of the Commission to encourage private operation of each essential steamship line now owned by the United States by selling such lines to citizens of the United States in the manner provided in section 7 of the Merchant Marine Act, 1920, and in strict accordance with the provisions of section 5 of said act, or by demising its vessels on bare-boat charter to citizens of the United States who shall agree to maintain such line or lines in the manner hereinafter provided."

On June 29, 1936, at the time of the passage of the Merchant Marine Act, 1936, the following lines of vessels transferred to the Commission by the provisions of that act were being operated by private operators under operating agreements for the account of the Commission: American Pioneer Line, American Republics Line, Oriole Lines, America-France Line, and American Hampton Roads Line-Yankee Line. Under the operating agreements for the operation of these lines the expenses of the voyages are paid by the Maritime Commission.

Under date of January 5, 1937, the Acting Comptroller General of the United States ruled that section 704 was mandatory that all operations of the vessels under the operating agreements should be discontinued within 1 year after the passage of the act; that the act became law on June 29, 1936; that the intent and effect of the requirement contained in section 704 was that the operation of the vessels under the operating agreements should be discontinued as soon as practicable after June 29, 1936, and in no case later than June 29, 1937.

The Acting Comptroller General advised the Maritime Commission that the funds of the Commission will not be available for payment of any expenses incurred after June 29, 1937, in connection with the operation of the vessels under such operating agreements.

The Commission concluded that as some of the vessels in the above lines are engaged in voyages that last approximately 4 months, it was necessary for the Commission, in order to terminate operations within the period prescribed, either to lay up the vessels or to offer them for sale or charter. The Government-owned lines have been offered for charter on a bare-boat charter basis for 1 year, and the bids are to be opened March 1, 1937.

The Chairman of the Commission reported:

"The Commission since its appointment has been engaged, among other things, in making a study of the steamship services, routes, and lines, in order to determine what services, routes, and lines are necessary and essential for the development and maintenance of the foreign commerce of the United States and the national defense. *While the Commission has not concluded its study of the essentiality of the privately owned services, routes, and lines in the foreign commerce of the United States, it is of the opinion that it would not be advisable at this time to completely abandon the Government-owned lines and has offered them for charter on a bare-boat charter basis for a temporary period. The bids are to be opened March 1, 1937.*" [Italics ours.]

In offering these lines for charter, the trade routes and ports to be served by the American Republic Line, the American Pioneer Line, and the Oriole Lines are substantially the same as those heretofore served in those three lines. The service formerly offered by the America-France Line was combined with the services previously offered by the America Hampton Roads Line-Yankee Line, the combined service to be operated under the name of America Hampton Roads-Yankee-France-U. K. Line.

It is said that upon the conclusion of the temporary operation under bare-boat charters, the Commission will have doubtless determined the necessity for the further operation of the Government-owned vessels.

There was introduced on February 2, 1937, the bill H. R. 4207, which proposed to amend section 704 of the Merchant Marine Act, 1936, by striking out the words "within 1 year after the passage of this act." The bill was referred to the Maritime Commission, which reported unfavorably on that bill, and the report is hereto attached. The committee held full hearings, and concluded that relief should be afforded immediately, but that H. R. 4207 would not meet the situation. It authorized the introduction of the bill H. R. 4951 and has directed that it be reported favorably without amendment.

When the Merchant Marine Act, 1936, was passed your committee believes that it was intended that the operation of the vessels upon such operating agreements might continue for at least 1 year after the passage of the act. However, the ruling of the Acting Comptroller General operated to curtail this period for 4 months as to vessels on lines requiring 4 months on their voyages, with varying periods of curtailment as to vessels requiring a shorter period. In effect, the ruling of the Acting Comptroller General served to curtail this period of service as to all lines, for the Commission has offered the vessels on all lines for bare-boat charter upon bids to be opened on March 1, 1937.

It may be desirable that the vessels on all lines shall be offered simultaneously. If so, the language of the section as construed by the Acting Comptroller General permitted the continuance of operations for only 8 months and not 1 year.

The final disposition of these lines involves many of the same factors which exist in connection with the termination of ocean-mail contracts and the substitution therefor of operating differential subsidies, and since these vessels are now 16 years old, the final disposition involves also the question of construction differential subsidies. There are involved in the disposition of the vessels on these lines even by bare-boat charter the determination of what services, routes, and lines are necessary and essential for the development and maintenance of the foreign commerce of the United States and the national defense.

The Commission says that it has not concluded its study of the essentiality of the privately owned services, routes, and lines in the foreign commerce, and it is of the opinion that "it would not be advisable at this time to completely abandon the Government-owned lines."

It follows that being compelled, under the ruling of the Acting Comptroller General, to abandon the services or charter the vessels, the Commission wisely selected the latter course; however, in the opinion of your committee that course, under the circumstances, so far imperils services of many years, and for which large sums have been expended, that temporary relief as provided in this bill should be granted.

The proposed bill makes it mandatory upon the Commission to operate the Government-owned lines by private operators, present operators to be preferred, upon such operating agreements as the Commission may deem advantageous until December 31, 1937. Thereafter, as soon as practicable, the said lines shall be sold or chartered, provided, however, that nothing contained in the bill shall be construed as limiting or affecting the power of sale under provisions of section 705 of the Merchant Marine Act, 1936, quoted elsewhere in this report.

This bill would extend the time for operation about 6 months longer than was permitted in the original bill, but the time in the original bill was curtailed by the ruling of the Acting Comptroller General. In addition the 1-year period was further complicated by the seamen's strike. This bill would permit flexibility in disposing of the lines as it does not require discontinuance by a stated time, but requires that it shall be as soon as practicable after December 31, 1937. This should enable the Commission to determine (1) essential services, routes, and lines; (2) the required operating differential subsidy; (3) a proper construction program, and (4) the necessary construction differential subsidy for new ships. The policy for all ocean routes should then have been decided, and the transition made from ocean-mail contracts to those contracts provided in the Merchant Marine Act of 1936.

The intricacy of the problems before the Commission require at least a full year for investigations, hearings, and deliberations. Your committee believe that before a ship operator could be justified in bidding for Government merchant vessels or complete operating lines either under bare-boat charter or by outright purchase, he should be assured of a permanent and definite policy on the part of the Government. A bidder who bids before these essential elements are crystallized will be bidding in the dark. Before a bidder is in a position to prepare an intelligent bid, he must know with reasonable accuracy the conditions he must meet in the operation of the ships for which he is asked to bid.

In section 7 of the Merchant Marine Act, 1920, provision was made for the sale or charter of vessels, yet in spite of all efforts made by the old Shipping Board, the Government has never been able to make a satisfactory permanent arrangement by which its vessels could be chartered for private operation.

The Commission is now fully informed that there is an operating loss suffered by the Government on these services. This deficit reflects the absence of a mail subsidy.

Under section 603 of the Merchant Marine Act, 1936, the amount of the subsidy shall be determined and payable on the basis of a final accounting made after the end of each year or other period fixed in the contract, but the Commission may provide in the contract for anticipatory payments which it may deem proper prior to the end of the year. Such payments, however, shall not exceed 75 percent of the estimated amount accrued on account of the subsidy.

By section 708 of the Merchant Marine Act, 1936, the Commission may, if in its discretion financial aid is deemed necessary, enter into a contract with any charterer of its vessels for payment to such charterer of an operating differential subsidy upon the same terms and conditions and subject to the same limitations and restrictions as are elsewhere provided in the act with respect to payments of such subsidies to operators of privately owned vessels.

The Commission cannot be in the dark as to the practical difficulties of making these lines pay without a Government subsidy. The present request for bids is apparently an attempt to carry out the letter of the act in respect to the present Government-owned ships and in the light of the ruling of the Acting Comptroller General, but the Commission is handicapped in carrying out the obvious intent and spirit of the act for the best public interest simply because of lack of time, resulting from the wording of the section sought to be changed.

No good can be expected from any hasty step, while serious harm and disadvantages will result from the disturbance of the present operation of the lines and the uncertainty that will result and continue throughout the period of 1 year, during which these proposed charters would be in effect.

Great damage has occurred in the past because of the uncertainty and vacillation of the various successive boards which have repeated their predecessors' mistakes, but have not determined the definite policy which is now contemplated in the new act, although the previous Merchant Marine Acts and the Shipping Act of 1916 had placed this duty upon the old Shipping Board.

The passage of the proposed bill will eliminate this uncertainty until a permanent commission shall have been appointed and afforded time to fix a definite policy, after having given all parties interested full opportunity to present all the facts, during which period the Commission itself may collect complete data and so study the whole broad subject as to enable it to reach a correct conclusion.

The proposed action requires an election of one of three courses. If any bids are received and accepted, there are three possible results:

(1) A new, inexperienced operator will attempt to operate the lines for a year; or (2) the lines may be captured by another operator, and thus eliminate one or more established American shipping companies all leading to the creation of a private American shipping monopoly; or (3) the present operators will continue to operate the lines.

The first eventuality would result in a break-down of the lines through the inexperienced, although well-intentioned, efforts of a new operator who could not possibly get good results in the period of 1 year.

The second eventuality is directly contrary to public policy and the spirit and purpose of all the merchant marine acts since 1916.

The third eventuality is made certain by the proposed legislation.

The expedient of a 1-year charter, leading to any disruption of the present service and their management before the full future program for the American Merchant Marine has been definitely developed and promulgated, can only result in a loss of good will and confidence upon the part of the American shipping public, and a serious loss of revenue to these lines.

It is proposed also to consolidate the American-France Line with the American Hampton Roads Line-Yankee Line into a new line to be known as the American Hampton Roads-Yankee-France-U. K. Line.

The present lines are operated by distinct companies: One the Cosmopolitan Shipping Co., Inc., of New York City, and the other, the Southgate Nelson Corporation of Norfolk, Va. Each of these operators has the confidence and support of the respective communities and for many years has been building a business under the most trying and adverse circumstances. Each of the companies was approved under the old law for an ocean-mail contract which, through no fault of the interested company, was never received. Each of the companies has been in the business through a long period of years. The proposed consolidation has been made without hearings or an opportunity to the interested parties to present their views. A consolidation of these lines was suggested in 1935. The plan was thoroughly investigated then by the Department of Commerce and rejected. There has been nothing since to require a reversal of that decision.

If this plan should be attempted and the consolidated line falls for the short space of 1 year into the hands of an inexperienced bidder with the handicaps of the slow schedule provided, a serious loss of good will at home and abroad will follow.

If this plan should be attempted and either of the present operating companies should receive the charter it will not be in a position to handle to best advantage the business of the other or to retain its goodwill.

The proposed sailing schedule for the consolidated line, in the preparation of which neither company had a part, constitutes an immediate danger, involving delays in delivery of cargo, which is an important element in foreign-flag competition that cannot be disregarded.

The proposed consolidation would transgress the policy declared in the act that lines should be awarded to companies having the support, financial and otherwise, of the respective communities they serve.

The proposed consolidation would serve to eliminate one, and possibly both, of the experienced shipping companies which have been developed at considerable Government expense, have extensive connections for procuring cargo both at home and abroad, and have a wealth of experience derived from many years of past service. The result of the contemplated action would drive one or both of these companies out of business or force the loser to provide foreign-flag competition, thus increasing the present obstacles which must be overcome in creating an American merchant marine.

The consolidation, if made at all, should be made only after exhaustive investigation of many details by the Commission through public hearings, at which all of the operators affected and the interested communities can be heard, and through the collection and examination of data gathered by the Commission itself.

There should be considered (a) the advisability of the consolidation; (b) the proposed sailing schedules; (c) the possibility that the consolidated line might fall for the charter period of 1 year into the hands of an inexperienced operator; and (d) the operating differential subsidy to be granted.

Your committee believes the extension as provided by the proposed legislation to serve many useful purposes, to be in the public interest and to be completely in accord with the policy of the United States upon which the Merchant Marine Act, 1936, is based. Your committee submits that the reasons which it has assigned for the legislation in this report amply sustain that conclusion.

The proposed legislation would afford more time and opportunity to solve the complicated problems involved, and in the opinion of your committee should be speedily enacted into law. The need for immediate action arises from the fact that the bids are called for March 1. That date is fixed because there is a vessel under schedule to sail for Australia on March 3, and the Commission says that it could not make that sailing under the present agreement as the law now stands. Therefore, to preserve the continuity of those voyages, the Commission desires to make the charter parties effective for that voyage so that there will not be any lapse in the service it is now giving on Government-owned vessels.

The report of the United States Maritime Commission on H. R. 4207 is as follows:

[No. 11]

EXTENDING TIME FOR DISCONTINUANCE OF PRIVATE OPERATION OF SHIP LINES BELONGING TO MARITIME COMMISSION (H. R. 4207). MR. O'LEARY

UNITED STATES MARITIME COMMISSION,
Washington, D. C., February 10, 1937.

Hon. S. O. BLAND,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In your communication of February 5, 1937, you requested the views and recommendations of the Commission concerning H. R. 4207, a bill to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009).

Section 704 of the Merchant Marine Act, 1936, reads as follows:

"All vessels transferred to or otherwise acquired by the Commission in any manner may be chartered or sold by the Commission pursuant to the further provisions of this act. All vessels transferred to the Commission by this act and now being operated by private operators on lines in foreign commerce of the United States may be temporarily operated by the Commission for its account by private operators until such time and upon such operating agreements as the Commission may deem advantageous, but the Commission shall arrange as soon as practicable to offer all such lines of vessels for charter as hereinafter provided, and all operation of the Commission's vessels by private operators under such operating agreements shall be discontinued within 1 year after the passage of this act."

It will be noted that it is provided that all vessels transferred to the Commission and now being operated by private operators on lines in foreign commerce may be temporarily operated by the Commission for its account by private operators. This temporary operation is required to be upon such operating agreements as the Commission may deem advantageous. It is further provided that the Commission shall arrange, as soon as practicable, to offer all such lines for charter and, finally, that all operation of the Commission's vessels by private operators under operating agreements shall be discontinued within 1 year after the passage of this act.

If the amendment proposed to section 704 should be adopted, the only change effected would be to extend the maximum permissible time allowed for operation of the Commission's vessels by private operators under existing or substituted operating agreements to a date 2 years after the passage of the act. The amendment would leave in effect the other provisions of section 704 referred to above, which prescribe that the lines may be temporarily operated by the Commission and upon operating agreements deemed advantageous and the further requirement that as soon as practicable the Commission shall arrange to offer all such lines of vessels for charter as provided for in the act.

The duties of the Commission in respect to the disposition of its vessels are further set forth in section 705, Merchant Marine Act, 1936, which reads as follows:

"As soon as practicable after the passage of this act, and continuing thereafter, the Commission shall arrange for the employment of its vessels in steamship lines on such trade routes, exclusively serving the foreign trade of the United States, as the Commission shall determine are necessary and essential for the development and maintenance of the commerce of the United States and the national defense: *Provided*, That such needs are not being adequately served by existing steamship lines privately owned and operated by citizens of the United States and documented under the laws of the United States. It shall be the policy of the Commission to encourage private operation of each essential steamship line now owned by the United States by selling such lines to citizens of the United States in the manner provided in section 7 of the Merchant Marine Act, 1920, and in strict accordance with the provisions of section 5 of said act, or by demising its vessels on bare-boat charter to citizens of the United States who shall agree to maintain such line or lines in the manner hereinafter provided."

And in the second proviso of section 7, Merchant Marine Act, 1920, which reads as follows: "*Provided further*, That where steamship lines and regular service have been established and are being maintained by ships of the board at the time of the enactment of this act, such lines and service shall be maintained by the board until, in the opinion of the board, the maintenance thereof is unbusinesslike and against the public interests."

On June 29, 1936, at the time of the passage of the Merchant Marine Act, 1936, the following lines of vessels transferred to the Commission by the provisions of that act were being operated by private operators under operating agreements for the account of the Commission: American Pioneer Line, American Republics Line, Oriole Lines, America-France Lines, and American Hampton Roads Line-Yankee Line. As some of the vessels in the above lines are engaged in voyages that last approximately 4 months, it is necessary for the Commission, in order to terminate operations within the period prescribed, either to lay up the vessels or to offer them for sale or charter.

The Commission since its appointment has been engaged, among other things, in making a study of the steamship services, routes, and lines, in order to determine what services, routes, and lines are necessary and essential for the development and maintenance of the foreign commerce of the United States and the national defense. While the Commission has not concluded its study of the essentiality of the privately owned services, routes, and lines in the foreign commerce of the United States, it is of the opinion that it would not be advisable at this time to completely abandon the Government-owned lines and has offered them for charter on a bare-boat charter basis for a temporary period. The bids are to be opened March 1, 1937.

In offering the lines for charter, the trade routes and ports to be served by the American Republics Line, American Pioneer Line, and Oriole Lines are substantially the same as those heretofore served in those three lines. The service formerly offered by the America-France Line has been combined with the service previously offered by the American Hampton Roads Line-Yankee Line and the combined service will be operated under the name of American Hampton Roads Yankee-France U. K. Line. Because of the excessive losses incurred in the operation of the vessels of the America-France Line and the vessels of the American Hampton Roads Line-Yankee Line, it is expected that the consolidation of those two lines will result in much more economical operation and at the same time provide adequate service for the ports now served. Upon the conclusion of the temporary operation under bare-boat charters, the Commission will have doubtless determined the necessity for the further operation of the Government-owned vessels.

The Maritime Commission is convinced that the proposed extension of time for Government operation of ships will serve no useful purpose, and is not in the public interest, and would not be in accord with the policy of the United States upon which existing shipping laws are based. It recommends, therefore, that H. R. 4207 be not passed.

Faithfully yours,

(Signed) H. A. WILEY, *Chairman*.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, section 704 of the Merchant Marine Act, 1936, as amended by this bill is herewith set forth. Existing law in which no change is proposed is shown in roman type; the matter proposed to be eliminated is enclosed in black brackets; and the new matter proposed to be added by the bill is printed in italic, as follows:

SEC. 704. All vessels transferred to or otherwise acquired by the Commission in any manner may be chartered or sold by the Commission pursuant to the further provisions of this act. All vessels transferred to the Commission by this act and now being operated by private operators on lines in foreign commerce of the United States [may] *shall* be temporarily operated by the Commission for its account by private operators until such time and upon such operating agreements as the Commission may deem advantageous, *preference to be given to present operators,* [but the Commission shall arrange as soon as practicable to offer all such lines of vessels for charter as hereinafter provided] and all operation of the Commission's vessels by private operators under such operating agreements shall be discontinued [within 1 year after the passage of this act.] *as soon as practicable after December 31, 1937: Provided, That nothing contained herein shall be construed as limiting or affecting the power of sale under the provisions of section 705 of this act.*

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. REYNOLDS:

A bill (S. 1921) granting an increase in pension to McKinley Cook; to the Committee on Pensions.

By Mr. BACHMAN:

A bill (S. 1922) authorizing the appointment and retirement of Mark Conley as a captain, United States Army; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 1923) for the relief of Charles P. Engelhardt; to the Committee on Military Affairs.

A bill (S. 1924) for the relief of Loren Adams Potter; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 1925) to authorize the submission to Congress of a comprehensive plan to provide local flood protection for the city of Clarksville, Tenn.;

A bill (S. 1926) to authorize the submission to Congress of a comprehensive plan to provide local flood protection for the city of Memphis, Tenn.; and

A bill (S. 1927) to authorize the submission to Congress of a comprehensive plan to provide local flood protection for the city of Nashville, Tenn.; to the Committee on Commerce.

By Mr. CONNALLY:

A bill (S. 1928) for the relief of Cecil D. McHenry; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 1929) to authorize the expenditure of the receipts from migratory bird and wildlife reservations for the protection, administration, improvement, and extension of such reservations; to the Special Committee on Conservation of Wild Life Resources.

By Mr. NEELY:

A bill (S. 1930) for the relief of John B. Canter; and

A bill (S. 1931) for the relief of R. L. Thomas; to the Committee on Claims.

A bill (S. 1932) granting an increase of pension to Nimshi Nuzum; to the Committee on Pensions.

By Mr. BAILEY:

A bill (S. 1933) for the relief of Frank Christy and others;

A bill (S. 1934) for the relief of Halle D. McCullough; and

A bill (S. 1935) to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of disbursing officers or agents of the Government for payments made pursuant to certain adjustments and increases in compensation of Government officers and employees; to the Committee on Claims.

By Mr. DAVIS:

A bill (S. 1936) for the relief of Roy S. Kostenbader; to the Committee on Claims.

A bill (S. 1937) granting a pension to Lillian F. Plummer; and

A bill (S. 1938) granting an increase of pension to John G. Walton; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 1939) to provide for the selection of certain members of the Naval Academy class of 1920 for promotion to the rank of lieutenant commander; to the Committee on Naval Affairs.

A bill (S. 1940) extending the benefits of the Emergency Officers' Retirement Act to Guy Lester Brotherson; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 1941) authorizing the reappointment of Paul L. Sanders a second lieutenant in the United States Army; to the Committee on Military Affairs.

A bill (S. 1942) to authorize the coinage of silver 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the expedition of the Marquis de Denonville into the territory now embraced by the State of New York, and the two hundred and sixty-sixth anniversary of the voyages and explorations of Robert Cavelier, Sieur de La Salle, in the same region; to the Committee on Banking and Currency.

By Mr. WALSH:

A bill (S. 1943) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Commerce.

By Mr. DAVIS:

A bill (S. 1944) for the relief of the heirs of Adolph Donato; to the Committee on Claims.

By Mr. THOMAS of Oklahoma (by request):

A bill (S. 1945) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian and to lease the lands in such reserves for agricultural, grazing, and other purposes; to the Committee on Indian Affairs.

By Mr. ANDREWS:

A joint resolution (S. J. Res. 107) to amend Private Act No. 210, approved August 13, 1935, by substituting as payee therein the Clark Dredging Co. in lieu of the Bowers Southern Dredging Co.; to the Committee on Claims.

By Mr. SCHWELLENBACH:

A joint resolution (S. J. Res. 108) to salvage Indian remains of scientific importance in the State of Washington; to the Committee on the Library.

By Mr. COPELAND (for himself and Mr. WAGNER):

A joint resolution (S. J. Res. 109) to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session; to the Committee on Foreign Relations.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Immigration:

H. R. 28. An act to authorize the deportation of aliens who secured preference-quota or nonquota visas through fraud by contracting marriage solely to fraudulently expedite admission to the United States, and for other purposes;

H. R. 29. An act to declare that a citizen of the United States who votes in a political election in a foreign state or who participates in certain voting abroad to determine sovereignty of foreign territory shall lose United States citizenship and nationality; and

H. R. 3679. An act to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States.

CHANGE OF REFERENCE

On motion by Mr. BACHMAN, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 636) for the relief of Walter C. Blake, and it was referred to the Committee on Claims.

COMPENSATION OF CERTAIN POSTMASTERS—AMENDMENT

Mr. HAYDEN (for himself and Mr. MINTON) submitted an amendment intended to be proposed by them to the bill (H. R. 77) for payment of compensation to persons serving as postmasters at third- and fourth-class post offices, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

REGULATION OF COMMERCE IN BITUMINOUS COAL—AMENDMENTS

Mr. AUSTIN submitted seven amendments intended to be proposed by him to the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, which were severally referred to the Committee on Interstate Commerce and ordered to be printed.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR WHEELER

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary, delivered by Senator WHEELER, on the evening of Mar. 10, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR BURKE

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address delivered by Senator BURKE at Carnegie Hall, New York City, Mar. 12, 1937, relative to the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

ERIN'S OFFERING—ADDRESS BY SENATOR CONNALLY

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address entitled "Erin's Offering", delivered by Senator CONNALLY at the annual dinner of the Friendly Sons of St. Patrick, held at Washington, D. C., on Mar. 17, 1937, which appears in the Appendix.]

ST. PATRICK'S DAY ADDRESS BY SENATOR GUFFEY

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD an address delivered by Senator GUFFEY before the Clover Club of Boston at their St. Patrick's Day dinner, on Mar. 13, 1937, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—STATEMENT OF THOMAS F. KONOP

[Mr. MURRAY asked and obtained leave to have printed in the RECORD the statement of Dean Thomas F. Konop, of the Law School of the University of Notre Dame, on the proposal to reorganize the Federal judiciary, made before the Committee on the Judiciary of the Senate yesterday, which appears in the Appendix.]

CONSIDERATION OF UNOBJECTED BILLS ON THE CALENDAR

The VICE PRESIDENT. Morning business is closed.

Mr. ROBINSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none. The clerk will state the first order of business on the calendar.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. HAYDEN. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1095) to provide a government for American Samoa was announced as next in order.

Mr. COPELAND. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. ROBINSON. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. ROBINSON. Over.

The VICE PRESIDENT. The bill will be passed over.

EXTENSION AND COMPLETION OF THE CAPITOL

The bill (S. 1170) to provide for the extension and completion of the United States Capitol was announced as next in order.

Mr. McNARY. Mr. President, I think on all previous calls of the calendar, when this order of business was reached, objection has been made. I am not going to make objection at this time, but there has been some reason for those objections. Apparently the Senator who made them is not present at this time. However, if we are to consider the bill, I think that at this time a statement should be made concerning its provisions.

Mr. NORRIS. Mr. President, because of the importance of the bill I think it ought not to be taken up for consideration and passed on a call of the calendar. I may be wrong about it. I have not studied the provisions of the bill. I should not object to taking it up in the regular order, but it seems to me that a measure of this importance should not be passed practically by unanimous consent. There are different views on the subject, and we ought to take it up in the regular way and consider it carefully.

Mr. ROBINSON. Mr. President, I think the bill is too important to be considered under the order which is now being carried out by the Senate. Probably the Senator from Texas [Mr. CONNALLY] will agree to that. Let me say that I think he or someone else should ask to have the bill go over. I myself will do so if he does not.

Mr. CONNALLY. I am not going to press the consideration of the bill at this time.

Mr. ROBINSON. I should like to add that an early opportunity may be had to consider the bill if the Senator desires to take it up at some time in the near future.

Mr. CONNALLY. Mr. President, I shall not insist on consideration of the measure today, but I should like to say, in agreement with the view expressed by the Senator from Arkansas [Mr. ROBINSON], that at some early date I hope to be able to have the opportunity to move to have the bill considered. Senators will recall that it passed the Senate in the last Congress, but did not receive consideration in the House. I believe it was not even reported by the House committee.

The matter is one that has been more or less pending from time to time since the House and Senate wings of the Capitol were completed some time in the sixties or late fifties of the last century. The bill proposes to complete the plan then adopted for the center section of the Capitol. I have no disposition to press the bill this morning, but I hope at an early date to be able to make a motion to have the Senate proceed to its consideration, if the Senator from Arkansas will cooperate to that end. The bill may go over at this time.

The VICE PRESIDENT. The bill will be passed over.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. SCHWELLENBACH. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 48) to authorize an appropriation for investigation under the Federal reclamation laws was announced as next in order.

Mr. ROBINSON. Mr. President, this appears to be an important bill. The Senator from Wyoming [Mr. OMAHONEY], who introduced the bill and who also reported it from the committee, is necessarily detained from the Senate. I suggest that the bill go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (H. J. Res. 131) for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937, was announced as next in order.

Mr. McNARY. Let the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

POST-OFFICE BUILDING, OAKLAND, CALIF.

The bill (S. 1470) authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act approved April 11, 1936 (49 Stat. 1202), to amend the act entitled "An act to provide for the construction of certain public buildings, and for other purposes", approved May 25, 1926, authorizing and empowering the Secretary of the Treasury to dispose of the old post-office building and to sell all of the site thereof at Oakland, Calif., is hereby amended by canceling the second sentence thereof and substituting the following: "The Secretary of the Treasury is hereby further authorized to sell the old post-office site situated at Broadway, Seventeenth, and Franklin Streets, in Oakland, Calif., at such time, for such price, and upon such terms and conditions as he may deem to be to the best interest of the United States, and to convey such property to the purchaser thereof by the usual quitclaim deed, the proceeds of said sale to be covered into the Treasury as miscellaneous receipts: *Provided*, That nothing herein shall prevent the Secretary of the Treasury from favorably considering an application of the city of Oakland for the conveyance to said city of such portion or portions of the site as the Secretary may agree are necessary for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800; U. S. C., title 40, sec. 345b)."

JOINT RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 102) authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski was announced as next in order.

Mr. McKELLAR. Let the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 23) authorizing the President of the United States to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski was announced as next in order.

Mr. COPELAND. Mr. President, I ask that this joint resolution and the three that follow it—Senate Joint Resolutions 23, 24, 33, and 74, all relating to the same subject—be passed over for the day.

The VICE PRESIDENT. The joint resolutions will be passed over.

GREATER TEXAS AND PAN AMERICAN EXPOSITION

The joint resolution (H. J. Res. 221) to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Dallas, Tex., beginning in June 1937, by the Greater Texas and Pan American Exposition, a corporation, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within 3 months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within 3 months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Greater Texas and Pan American Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this act shall be reimbursed by the Greater Texas and Pan American Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

ESTATES OF LETHA F. M'CUBBIN, MARY B. HODGE, AND WALTER H. MANSFIELD

The bill (H. R. 328) for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the account of Letha F. McCubbin, deceased, former postmaster at Eve, Ky., with $90.58, being part of the amount retained from postal receipts by Brown McCubbin as compensation for his voluntary services in acting as postmaster at that post office from April 10 to June 6, 1933, inclusive.

SEC. 2. That the Comptroller General is hereby authorized and directed to credit the account of Mary B. Hodge, deceased, former postmaster at Place, Ky., with $48.69, being the amount retained from postal receipts by Maude Hodge as compensation for her voluntary services in acting as postmaster at that post office from January 10 to April 4, 1934, inclusive.

SEC. 3. That the Comptroller General is hereby authorized and directed to credit the account of Walter H. Mansfield, deceased, former postmaster at Logan, Okla., with $164.33, being the amount retained from postal receipts by Ben F. Morris as compensation for his voluntary services in acting as postmaster at that post office from November 7, 1933, to January 9, 1934, inclusive.

JOHN MUNROE

The bill (H. R. 1231) for the relief of John Munroe was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to John Munroe, of Crary, N. Dak., in full satisfaction of his claim against the United States for permanent injuries sustained between November 22 and 30, 1933, while being moved from Devils Lake to Fargo, N. Dak., and return, to attend the United States district court as a necessary and material witness in the case of *United States* v. *Goldie Nolan*, who was convicted largely on the testimony of the said John Munroe: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MADA LANDTISER

The Senate proceeded to consider the bill (H. R. 595) for the relief of Mada Landtiser, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$1,500" and insert "$2,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mada Landtiser, of Malcom, Poweshiek County, Iowa, the sum of $2,000 in full settlement of all claims against the United States for personal injuries sustained by her when the vehicle in which she was a passenger was struck by an Emergency Conservation Work truck of the Department of Agriculture on September 15, 1934, near Traer, Iowa: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BERTHA M. HARRIS

The bill (H. R. 3201) for the relief of Bertha M. Harris was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bertha M. Harris, in full settlement of all claims against the Government of the United States, the sum of $431.98 representing salary earned by Bertha M. Harris, who acted as postmistress at Windfall, Ind., from September 14 to December 30, 1932, both dates inclusive: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RUFUS C. LONG

The bill (S. 434) for the relief of Rufus C. Long was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rufus C. Long, of Preston, Idaho, the sum of $40. The payment of such sum shall be in full settlement of all claims against the United States on account of the slaughter, because of Bang's disease, of two cattle owned by the said Rufus C. Long: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

B. W. WINWARD

The bill (S. 435) for the relief of B. W. Winward was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to B. W. Winward, of Whitney, Idaho, the sum of $20. The payment of such sum shall be in full settlement of all claims against the United States on account of the slaughter, because of Bang's disease, of one cow owned by the said B. W. Winward: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account

of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

M. K. FISHER

The bill (S. 544) for the relief of M. K. Fisher was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. K. Fisher the sum of $500, in full satisfaction of his claim against the United States for damages arising out of personal injuries of his wife and two minor children, and damages to his automobile, suffered when such automobile was struck by a Forest Service truck near Jerome, Ariz., on August 4, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

STATE OF PENNSYLVANIA

The bill (S. 1684) for the relief of the State of Pennsylvania was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the chief disbursing officer of the Treasury Department is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check no. 65451, symbol no. 79088, drawn January 25, 1935, in favor of "State treasurer of Pennsylvania, trust fund", for $11,315.93 and lost, stolen, or miscarried in the mails.

ESTATE OF REES MORGAN

The Senate proceeded to consider the bill (H. R. 3812) for the relief of the estate of Rees Morgan, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civil Conservation Corps, the sum of $5,000 to the administrator of the estate of Rees Morgan, late of Tacoma, Wash., in full satisfaction of its claim against the United States on account of the death of the said Rees Morgan, who was struck and killed near Tacoma, Wash., by a Civilian Conservation Corps truck operated by one Fred Krause, enrollee of Company 2941, Civilian Conservation Corps Camp A3, Fort Lewis, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

F. M. LOEFFLER

The Senate proceeded to consider the bill (H. R. 3451) for the relief of F. M. Loeffler, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to F. M. Loeffler, West Mineral, Kans., the sum of $3,838.75, which sum shall be in full satisfaction of all claims against the United States for personal injuries sustained by the said F. M. Loeffler as a result of an accident involving a Civilian Conservation Corps truck at Camp Messenger, Company No. 177, West Mineral, Kans., on March 15, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MELBA KUEHL

The Senate proceeded to consider the bill (S. 74) for the relief of Melba Kuehl, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$100.30" and insert "$103.07", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Melba Kuehl, postmaster at Breed, Wis., the sum of $103.07 in full satisfaction of her claim for compensation for services rendered while acting as such postmaster between the dates of April 24, 1933, and August 16, 1933, after the death of the former postmaster and before she was officially designated as such postmaster: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORSON THOMAS

The Senate proceeded to consider the bill (S. 191) for the relief of Orson Thomas, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$5,000" and insert "$1,200", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Orson Thomas, out of any money in the Treasury not otherwise appropriated, the sum of $1,200 in full settlement of all claims against the United States for damages on account of injuries resulting from being struck by an Army truck on February 25, 1932, at Salt Lake City, Utah: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD Y. GARCIA AND AURELIA GARCIA

The Senate proceeded to consider the bill (S. 316) for the relief of Edward Y. Garcia and Aurelia Garcia, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", and in line 8, after the words "sum of", to strike out "$5,000" and insert "$2,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Edward Y. Garcia and Aurelia Garcia, of Albuquerque, N. Mex., the sum of $2,000 in full satisfaction of their claim against the United States on account of the death of their minor son, Edward Le Garcia, who was killed on John Street, Albuquerque, N. Mex., on June 1, 1935, when he was struck by a Civilian Conservation Corps truck driven by James O. House: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAFETY OF LIFE AND PROPERTY AT SEA

The Senate proceeded to consider the bill (S. 595) to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and to insert in lieu thereof the following:

That section 1 of the Communications Act of 1934 is hereby amended by inserting after the words "for the purpose of the national defense" a comma and the words "for the purpose of promoting safety of life and property through the use of wire and radio communication."

SEC. 2. Section 3 of the Communications Act of 1934 is hereby amended by adding at the end thereof five new subsections to read as follows:

"(w) (1) 'Ship' or 'vessel' includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

"(2) A ship shall be considered a passenger ship if it carries or is licensed or certificated to carry more than 12 passengers.

"(3) A cargo ship means any ship not a passenger ship.

"(4) A passenger is any person carried on board a ship or vessel except (1) the officers and crew actually employed to man and operate the ship, (2) persons employed to carry on the business of the ship, and (3) persons on board a ship when they are carried, either because of the obligation laid upon the master to carry shipwrecked, distressed, or other persons in like or similar situations or by reason of any circumstance over which neither the master, the owner, nor the charterer (if any) has control.

"(x) 'Auto-alarm' on a foreign ship means an automatic alarm receiver which has been approved by the country to which the ship belongs, provided the United States and the country to which the ship belongs are both parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus. 'Auto-alarm' on a ship of the United States subject to the provisions of part II of title III of this act means an automatic alarm receiver complying with law and approved by the Commission. Nothing in this act or in any other provision of law shall be construed to require the recognition of an auto-alarm as complying with part II of title III of this act, on a foreign ship subject to such part, whose country of origin is not a party to a treaty, convention, or agreement with the United States in regard to such apparatus.

"(y) (1) For the purpose of part II of title III, a 'qualified operator' or 'operator' on a foreign ship means a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunication Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs.

"(2) For the purpose of part II of title III, a 'qualified operator' or 'operator' on a ship of the United States means a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission.

"(z) 'Harbor' or 'port' means any place to which ships may resort for shelter or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial.

"(aa) 'Safety convention' means the International Convention for the Safety of Life at Sea in force and the regulations referred to therein.

"SEC. 3. Subsection (k) of section 4 of the Communications Act of 1934 is hereby amended by substituting a colon for the period at the end of the subsection and adding the following: '*Provided further*, That each year, at the beginning of the session of the Congress, the Commission shall report to the Congress whether or not any new wire or radio communication legislation is required better to insure safety of life and property. If any such new legislation is considered necessary the Commission shall make specific recommendations thereof to the Congress.'"

SEC. 4. Section 4 of the Communications Act of 1934 is amended by adding at the end thereof a new subsection to read as follows:

"(o) For the purpose of obtaining maximum effectiveness from the use of radio and wire communications in connection with safety of life and property, the Commission shall investigate and study all phases of the problem and the best methods of obtaining the cooperation and coordination of these systems."

SEC. 5. Paragraph (m) of section 303 of the Communications Act of 1934 is hereby amended to read as follows:

"(m) (1) Have authority to suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee—

"(A) has violated any provision of any act, treaty, or convention binding on the United States, which the Commission is authorized to administer, or any regulation made by the Commission under any such act, treaty, or convention; or

"(B) has failed to carry out a lawful order of the master or person lawfully in charge of the ship or aircraft on which he is employed; or

"(C) has willfully damaged or permitted radio apparatus or installations to be damaged; or

"(D) has transmitted superfluous radio communications or signals or communications containing profane or obscene words, language, or meaning, or has knowingly transmitted—

"(1) false or deceptive signals or communications, or

"(2) a call signal or letter which has not been assigned by proper authority to the station he is operating; or

"(E) has willfully or maliciously interfered with any other radio communications or signals; or

"(F) has obtained or attempted to obtain, or has assisted another to obtain or attempt to obtain, an operator's license by fraudulent means.

"(2) No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee, who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing, which shall be conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension."

SEC. 6. (a) Subsection (n) of section 303 of the Communications Act of 1934 is hereby amended to read as follows:

"(n) Have authority to inspect all radio installations associated with stations required to be licensed by any act or which are subject to the provisions of any act, treaty, or convention binding on the United States, to ascertain whether in construction, installation, and operation they conform to the requirements of the rules and regulations of the Commission, the provisions of any act, the terms of any treaty or convention binding on the United States, and the conditions of the license or other instrument of authorization under which they are constructed, installed, or operated."

(b) Section 303 of the Communications Act of 1934 is hereby further amended by adding at the end thereof a new subsection to read as follows:

"(r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this act, or any international radio or wire communications treaty or convention, or regulations annexed thereto, including any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party."

SEC. 7. Section 321 (a) of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 321. (a) The transmitting set in a radio station on shipboard may be adjusted in such a manner as to produce a maximum of radiation, irrespective of the amount of interference which may thus be caused, when such station is sending radio communications or signals of distress and radio communications relating thereto."

SEC. 8. Section 322 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 322. Every land station open to general public service between the coast and vessels or aircraft at sea shall, within the scope of its normal operations, be bound to exchange radio communications or signals with any ship or aircraft station at sea; and each station on shipboard or aircraft at sea shall, within the scope of its normal operations, be bound to exchange radio communications or signals with any other station on shipboard or aircraft at sea or with any land station open to general public service between the coast and vessels or aircraft at sea: *Provided*, That such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station."

SEC. 9. Section 329 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty

in any Territory or possession of the United States to render therein such service in connection with the administration of this act as the Commission may prescribe and also to designate any officer or employee of any other department of the Government to render such services at any place within the United States in connection with the administration of title III of this act as may be necessary: *Provided*, That such designation shall be approved by the head of the department in which such person is employed."

SEC. 10. (a) The heading of title III of the Communications Act of 1934 is hereby amended to read as follows:

"TITLE III. PROVISIONS RELATING TO RADIO

"PART I. GENERAL PROVISIONS

(b) Such title III is further amended by adding at the end thereof a new part as follows:

"PART II. RADIO EQUIPMENT AND RADIO OPERATORS ON BOARD SHIP

"Ship radio installations and operations

"SEC. 351. Except as provided in section 352 hereof, it shall be unlawful—

"(a) For any ship of the United States, other than a cargo ship of less than 1,600 gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than 1,600 gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition, in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this act;

"(b) For any passenger ship of the United States of 5,000 gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction finder apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission;

"(c) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

"Exceptions

"SEC. 352. (a) The provisions of this part shall not apply to—

"(1) A ship of war;

"(2) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, the Inland and Coastwise Waterways Service, or the Panama Railroad Co.;

"(3) A foreign ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that convention, or which ship conforms to the radio requirements of such convention or regulations and has on board a valid certificate to that effect.

"(b) The Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship, or any class of ships, which falls within any of the following descriptions:

"(1) Passenger ships which in the course of their voyage do not go more than 20 nautical miles from the nearest land or more than 200 nautical miles between two consecutive ports;

"(2) Cargo ships which in the course of their voyage do not go more than 150 nautical miles from the nearest land;

"(3) Barges in tow;

"(4) Sailing ships.

"Operators, watches, auto-alarm

"SEC. 353. (a) Each cargo ship required by this part to be fitted with a radio installation and which is not fitted with an auto-alarm, and each passenger ship required by this part to be fitted with a radio installation, shall, for safety purposes, carry at least two qualified operators.

"(b) A cargo ship, required by this part to be fitted with a radio installation, which is fitted with an auto-alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least 6 months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

"(c) Each ship of the United States required by this part to be fitted with a radio installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided, however*, That in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least 8 hours per day, in the aggregate, shall be maintained by means of a qualified operator.

"(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States required by this part to be fitted with a radio installation.

"(e) On all ships of the United States fitted with an auto-alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch.

"Technical requirements

"SEC. 354. The radio installation and the radio direction-finding apparatus required by section 351 of this part shall comply with the following requirements:

"(a) The radio installation shall comprise a main and an emergency or reserve installation: *Provided, however*, That on a cargo ship, if the main installation complies also with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted.

"(b) The ship's radio operating room and the emergency or reserve installation shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load water line, and the location of such room or rooms shall be approved by the Bureau of Marine Inspection and Navigation, Department of Commerce.

"(c) The main and emergency or reserve installations shall be capable of transmitting and receiving on the frequencies and types of waves designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

"(d) The main installation shall have a normal transmitting and receiving range of at least 200 nautical miles, that is to say, it must be capable of transmitting and receiving clearly perceptible signals from ship to ship over a range of at least 200 nautical miles by day under normal conditions and circumstances.

"(e) Sufficient power shall be available at all times to operate the main radio installation efficiently under normal conditions over the range specified in subsection (d) of this section.

"(f) The emergency or reserve installation shall include a source of energy independent of the propelling power of the ship and of any other electrical system and shall be capable of being put into operation rapidly and of working for at least 6 continuous hours. For the emergency or reserve installation, the normal range as defined in subsection (d) of this section shall be at least 100 nautical miles.

"(g) There shall be provided between the bridge of the ship and the radio room, and between the bridge and the location of the direction finding apparatus, when the direction finding appartus is not located on the bridge, an efficient means of communication independent of any other communication system of the ship.

"(h) The direction finding apparatus shall be efficient and capable for receiving clearly perceptible radio signals and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the frequencies prescribed for distress, direction finding, and radio beacons by the General Radio Regulations annexed to the International Telecommunication Convention in force and in new installations after the effective date of this part, such other frequencies as the Commission may for safety purposes designate.

"Lifeboats

"SEC. 355. Every motor lifeboat, required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation under such rules and regulations as the Commission may find necessary to promote the safety of life.

"Approval of installations

"SEC. 356. (a) Insofar as is necessary to carry out the purposes and requirements of this part, the Commission shall have authority, for any ship subject to this part—

"(1) To approve the details as to the location and manner of installations of the equipment required by this part or of equipment necessitated by reason of the purposes and requirements of this part.

"(2) To approve installations, apparatus, and spare parts necessary to comply with the purposes and requirements of this part.

"(3) To prescribe such additional equipment as may be determined to be necessary to supplement that specified herein, for the proper functioning of the radio installation installed in accordance with this part or for the proper conduct of radio communication in time of emergency or distress.

"Transmission of information

"SEC. 357. (a) The master of every ship of the United States equipped with radio transmitting apparatus, on meeting with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities, in accordance with rules and regulations issued by the Commission, which authorities of the United States shall, when they consider it necessary, promptly bring the information received by them to the knowledge of those concerned, and foreign authorities interested.

"(b) No charge shall be made by any ship or station in the mobile service of the United States for the transmission, receipt, or relay of the information designated in subsection (a) originating on a ship of the United States or of a foreign country.

"(c) The transmission by any ship of the United States, made in compliance with subsection (a), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

"(d) No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

"(e) Notwithstanding any other provision of law, any station or carrier may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea. All free service permitted by this subsection shall be subject to such rules and regulations as the Commission may prescribe, which rules may limit such free service to the extent which the Commission finds desirable in the public interest.

"Authority of master

"SEC. 358. The radio installation, the operators, the regulation of their watches, the transmission and receipt of messages, and the radio service of the ship except as they may be regulated by law or international agreement, or by rules and regulations made in pursuance thereof, shall in the case of a ship of the United States be under the supreme control of the master.

"Certificates

"SEC. 359. (a) Each vessel of the United States to which the safety convention applies shall comply with the radio and communication provisions of said convention at all times while the vessel is in use, in addition to all other requirements of law, and have on board an appropriate certificate as prescribed by the safety convention.

"(b) Appropriate certificates concerning the radio particulars provided for in said convention shall be issued to any vessel of the United States which is subject to the radio provisions of the safety convention and is found by the Commission to comply therewith. Such certificates shall be issued by the Department of Commerce, or whatever other agency is authorized by law so to do, upon request of the Commission made after proper inspection or determination of the facts. If the holder of such certificate violates the provisions of the safety convention, or of this act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the safety convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to request the modification or cancelation of such certificate. Upon receipt of such request the Department of Commerce, or whatever other agency is authorized by law to do so, shall modify or cancel the certificate in accord therewith. The Commission is authorized to issue, modify, or cancel such certificates in the event that no other agency is authorized to do so.

"Inspections

"SEC. 360. (a) In addition to any other provisions required to be included in a radio-station license, the station license of each ship of the United States subject to this title shall include particulars with reference to the items specifically required by this title.

"(b) Every ship of the United States, subject to this part, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. If, after such inspection, the Commission is satisfied that all relevant provisions of this act and the station license have been complied with, that fact shall be certified to on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as may be necessary to insure compliance with the requirements of this act.

"Control by Commission

"SEC. 361. Nothing in this title shall be interpreted as lessening in any degree the control of the Commission over all matters connected with the radio equipment and its operation on shipboard and its decision and determination in regard to the radio requirements, installations, or exemptions from prescribed radio requirements shall be final, subject only to review in accordance with law.

"Forfeitures

"SEC. 362. The following forfeitures shall apply to this part, in addition to the penalties and forfeitures provided by title V of this act:

"(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, shall forfeit to the United States the sum of $500, recoverable by way of suit or libel. Each such departure or attempted departure, and in the case of a ship of the United States each day during which such navigation occurs shall constitute a separate offense.

"(b) Every willful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of this act or the rules and regulations of the Commission as to equipment, operators, watches, or radio service shall cause him to forfeit to the United States the sum of $100."

SEC. 11. Paragraph (a) of section 402 of the Communications Act of 1934 is hereby amended by inserting after the words "or for modifications of an existing radio station license" a comma and the words "or suspending a radio operator's license."

SEC. 12. Subsection (b) of section 402 of the Communications Act of 1934 is hereby amended by adding at the end thereof a new paragraph to read as follows:

"(3) By any radio operator whose license has been suspended by the Commission."

SEC. 13. Paragraph (c) of section 402 of the Communications Act of 1934 is hereby amended by inserting after the words in the last sentence "upon the application" the words "or order."

SEC. 14. Section 504 of the Communications Act of 1934 is hereby amended to read as follows:

"Provisions relating to forfeitures

"SEC. 504 (a) The forfeitures provided for in this act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the person or carrier has its principal operating office or in any district through which the line or system of the carrier runs: *Provided*, That in the case of forfeiture by a ship, said forfeiture may also be recoverable by way of libel in any district in which such ship shall arrive or depart. Such forfeitures shall be in addition to any other general or specific penalties herein provided. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this act. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

"(b) The forfeitures imposed by title III, of part II of this act shall be subject to remission or mitigation by the Commission, upon application therefor, under such regulations and methods of ascertaining the facts as may seem to it advisable, and, if suit has been instituted, the Attorney General, upon request of the Commission, shall direct the discontinuance of any prosecution to recover such forfeitures: *Provided, however*, That no forfeiture shall be remitted or mitigated after determination by a court of competent jurisdiction."

SEC. 15. Section 602 of the Communications Act of 1934 is hereby amended by adding at the end thereof a new subsection to read as follows:

"(e) Such part or parts of the act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers", approved June 24, 1910, as amended, as relate to the ocean and to steamers navigating thereon, are hereby repealed. In all other respects said act shall continue in full force and effect. The Commission is requested and directed to make a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States, and to report its recommendations, and the reasons therefor, to the Congress not later than December 31, 1939."

SEC. 16. This act shall take effect upon approval, provided that the Commission may defer the application of all or any part of sections 351 to 355, inclusive, for a period not to exceed 6 months after approval, in regard to any ship or classes of ships of the United States which are not subject to the provisions of the safety convention, if it is found impracticable to obtain the necessary equipment or make the required installations.

Mr. ROBINSON. Mr. President, this appears to be a bill of importance. I do not desire to object to the bill, because it is in the interest of safety; but I should like to have an explanation of it.

Mr. COPELAND. Mr. President, in the absence of the Senator from Maine [Mr. WHITE], who conducted the hearings this year, I will say that a similar bill was passed by the Senate at the last session. This year the present bill was made a special order in the Committee on Commerce. Long hearings were held. A full agreement was reached by all parties in interest; and by unanimous vote of the committee it was recommended that the bill be reported for the calendar and be passed.

The bill provides, as the Senator from Arkansas has said, for carrying out the conclusions of the International Convention for the Safety of Life at Sea. It provides for radio on ships, so that in case of disaster or distress there may be communication. The bill is in the public interest and certainly is in the interest of the preservation of human life.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The Chief Clerk proceeded to read the amendment in the nature of a substitute.

Mr. COPELAND. Mr. President, the matter having been considered by the Senate heretofore, I am sure it is not necessary to read the amendment, which is a long one.

The PRESIDENT pro tempore. Without objection, the reading of the amendment will be dispensed with. The question is on agreeing to the amendment, in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 470) for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill? Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN EDGAR WHITE

The bill (H. R. 3067) for the relief of John Edgar White, a minor, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Thomas B. White, father, as natural guardian for John Edgar White, minor, in full settlement of all claims against the United States for personal injuries to said minor's left leg by burning and for medical charges incurred as a result of said injuries occasioned by the said minor stepping into soft dirt which covered a steam line in process of repair in the vicinity of ward 21 in the Walter Reed Hospital grounds, Washington, D. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agency or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

CONTINUOUS DISCHARGE BOOK FOR SEAMEN

The Senate proceeded to consider the bill (H. R. 5487) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), which was read.

Mr. ROBINSON. Mr. President, it does not appear on the face of the bill what amendments are proposed to the existing law. I think the Senate should be informed as to that.

Mr. COPELAND. Mr. President, this bill is intended to correct the alleged evils of the so-called "Copeland fink book" law, the Continuous Discharge Act. The matter involved has been used as one of the features in the sea strike.

The seamen representing the West Coast Independent Seamen's Organization, the American Federation of Labor, and the Department of Commerce, through the Bureau of Navigation, have agreed upon the terms set forth in the pending bill. There was a long hearing in the House committee, covering the four or five volumes of material which I now exhibit to the Senate. The Senate committee, after very serious study and consideration of the matter, agreed to the passage of this bill. Doubtless it should be passed.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), is amended to read as follows:

"SEC. 4551. (a) Every seaman upon a merchant vessel of the United States of the burden of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be furnished, at the option of the seaman, with a book to be known as a continuous discharge book or with a certificate of identification, which book or certificate shall be retained by the seaman and shall contain the signature of the seaman to whom it is so furnished and a statement of his nationality, age, personal description, photograph, thumbprint, and home address. Such books or certificates shall be issued by the shipping commissioners, or, at ports where no shipping commissioners have been appointed, by collectors or deputy collectors of customs or United States local inspectors of steam vessels, in such manner and form as the Director of the Bureau of Marine Inspection and Navigation, subject to the approval of the Secretary of Commerce, shall determine. Any individual, firm, partnership, corporation, or association which shall issue any such book or certificate, or make any statement or endorsement therein, except as authorized by the provisions of this section, or issue any imitation of any such book or certificate, shall be deemed guilty of a misdemeanor and shall be imprisoned not less than 1 month nor more than 3 months, in the discretion of the court.

"(b) Any person applying for such book or certificate and claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship.

"(c) No seaman shall be employed on any vessel to which this section applies until he has exhibited a certificate of identification or a continuous discharge book to the shipping commissioner, or in cases where seamen are not signed on before the shipping commissioner, to the master of the vessel: *Provided*, That the provisions of this subsection shall not apply to the employment of seamen at a foreign port or place, in which case seamen so employed shall be furnished a continuous discharge book or a certificate of identification, in accordance with the provisions of subsection (a) of this section, at the first port of entry in the United States or its territories at which the vessel arrives after such seamen are so employed.

"(d) Upon the discharge of any seaman and the payment of his wages the shipping commissioner shall enter in the continuous-discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries, and nothing more.

"(e) For the purpose of furnishing evidence of sea service in the case of seamen preferring the certificate of identification instead of the continuous-discharge book, the Bureau of Marine Inspection and Navigation shall provide a certificate of discharge, printed on durable paper, in such form as to specify the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. Records of service entered in either continuous-discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman. The shipping commissioner shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by such shipping commissioner.

"(f) There shall be maintained in the Bureau of Marine Inspection and Navigation in Washington, D. C., a record of every continuous-discharge book, certificate of identification, certificate of discharge, and any other certificate issued by the Bureau of Marine Inspection and Navigation, together with the name and address of the seaman to whom it is issued and of his next of kin, and certified copies of all entries made in continuous-discharge books or certificates of discharge, which entries shall be forwarded to the Bureau by the shipping commissioner or other person making such entries in accordance with the provisions of this section. Records so maintained shall not be open for general or public use or inspection.

"(g) Any person, partnership, company, or corporation who shall require any seaman employed or applying for employment to possess, produce, or carry a continuous discharge book, if and when such seaman possesses or carries an identification certificate, or to carry an identification certificate, if and when such seaman possesses and carries a continuous discharge book, or who shall exchange or give to any other person, partnership, company, or corporation information to cause discrimination against a seaman for electing to carry either an identification certificate or a continuous discharge book, or to prevent a seaman from obtaining employment on that account, shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year, at the discretion of the court.

"Seamen shall apply for certificates of identification of continuous discharge books hereunder; and if any application contains any statement known by the applicant to be false, he shall be deemed guilty of a misdemeanor and, on conviction thereof before any district court of the United States, shall be fined not more than $1,000 or imprisoned for not more than 1 year, in the discretion of the court.

"(h) In case of the loss of a continuous discharge book, a certificate of identification, or of any certificate of discharge by shipwreck or other casualty, the seaman shall be supplied with a duplicate of such continuous discharge book, certificate of identification, or certificate of discharge in which shall be entered all data that may be available from the copies of records kept by the Bureau of Marine Inspection and Navigation. In other cases of loss the seaman may obtain a duplicate of such continuous discharge book, certificate of identification, or certificates of discharge, containing the same entries, upon a payment of a sum equivalent to the cost thereof to the Government to be determined from time to time by the Secretary of Commerce.

"(i) The provisions of this section shall not apply to fishing or whaling vessels or yachts.

"(j) The Secretary of Commerce shall enforce this section as to all vessels of the United States subject to the provisions hereof through collectors of customs and other Government officers acting under the direction of the Bureau of Marine Inspection and Navigation, and shall make such rules and regulations as he may deem necessary to carry out the provisions of this section.

"(k) Where vessels are required to sign on and discharge the crew before a shipping commissioner and no shipping commissioner is appointed or is available the functions and duties required by subsections (d) and (e) of this section to be performed by such shipping commissioner may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before a shipping commissioner the duties and functions required by subsections (d) and (e) of this section to be performed by the shipping commissioner shall be performed by the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of $50 for each offense."

SEC. 2. This act shall take effect as to vessels within the provisions of section 4551 of the Revised Statutes, as amended, as follows: (a) Upon its enactment in the case of such vessels engaged in foreign or intercoastal voyages, and (b) on June 25, 1937, in the case of all other such vessels: *Provided*, That, until June 25, 1937, the Secretary of Commerce is hereby authorized, pending the issuance of permanent certificates of identification and permanent certificates of discharge under such section, to provide for temporary certificates of identification and temporary certificates of discharge, which shall have the same force and effect as the permanent certificates.

Mr. COPELAND. Mr. President, I ask unanimous consent that the report of the House committee be printed in the RECORD following the passage of the bill.

There being no objection, the report (No. 200), submitted by Mr. COPELAND on March 17, 1937, was ordered to be printed in the RECORD, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 5487) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), having considered the same, report favorably thereon without amendment.

[H. Rept. No. 381, 75th Cong., 1st sess.]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H. R. 5487) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), having had the same under consideration, report it back to the House with the following amendments and, as so amended, recommend that the bill do pass.

The amendments proposed by your committee are as follows:

(1) Page 4, line 18, after the word "seaman", insert the following new sentence: "Records of service entered in either continuous-discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman."

(2) Page 4, line 18, strike out the language beginning with the word "where" through the word "commissioner" in line 23 and insert in lieu thereof the following:

"The shipping commissioner shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it is issued and the master of the vessel, and shall be witnessed by such shipping commissioner."

(3) Strike out the language beginning with the word "Whenever" in line 21 on page 3 through the word "offense" in line 5, page 4; and strike out the language beginning with the word "Whenever" in line 23, page 4, through the word "offense" in line 7, page 5; and insert between lines 14 and 15 on page 7 a new subsection (k) to read as follows: "(k) Where vessels are required to sign on and discharge the crew before a shipping commissioner and no shipping commissioner is appointed or is available, the functions and duties required by subsections (d) and (e) of this section to be performed by such shipping commissioner may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before a shipping commissioner, the duties and functions required by subsections (d) and (e) of this section to be performed by the shipping commissioner shall be performed by the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of $50 for each offense."

After the word "That", on page 7, line 20, insert the words "until June 25, 1937,".

EXPLANATION OF AMENDMENTS

The purpose of amendment no. 1 is to make certain that no entries shall be made in either the continuous discharge book or certificates of discharge except those specifically directed by law and to provide as affirmative law that no entry in either the continuous discharge book or the certificate of discharge shall contain a reference to the character or ability of the seaman.

The purpose of amendment no. 2 is to make clear that the shipping commissioner is to issue the certificates of discharge and to make the required entries therein.

It is provided by amendment no. 3 that where vessels are required to sign on and discharge the crew before a shipping commissioner and no shipping commissioner is appointed or is available, the functions and duties required by subsections (d) and (e) to be performed by such shipping commissioner may be performed by a collector or deputy collector of customs. In the event that vessels are not required to sign on and discharge the crew before a shipping commissioner, the duties are to be performed by the master of the vessel. This second amendment, coupled with the third amendment, makes certain that there are always available persons authorized to perform the duties incident to certificates of discharge.

The substance and purpose of the third amendment is explained largely in the explanation given of the preceding amendment. In addition this amendment eliminates repetition in subsections (d) and (e) by deleting certain language in those subsections and inserting this amendment as a general provision applicable to both subsections. It is appropriate to state that this amendment allows the collector and deputy collector of customs to perform the duties of the shipping commissioner when the shipping commissioner is not available and requires the master to perform the duties in those cases where existing law does not require that the crew be signed on or discharged before a shipping commissioner. This conforms with the existing law (R. S. 4504), which provides in part as follows:

"Whenever the master of any vessel shall engage his crew or any part of the same in any collection district where no shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner."

PURPOSE OF LEGISLATION

The purpose of amendment no. 4 is to provide a limit to the time when the temporary certificates of identification and temporary certificates of discharge shall be permitted.

The purpose of the proposed bill is to meet conditions arising by reason of the enactment of section 3 of Public, No. 808, Seventy-fourth Congress, approved June 25, 1936. That law required a book to be known as a continuous discharge book to be carried by every seaman upon a merchant vessel of the United States of the burden of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States. Public, No. 808, also excepted fishing and whaling vessels and yachts.

Continuous discharge books have been issued to the extent of approximately 58,000 in the various ports of the United States. However, many thousands of seamen and various organizations have protested the use of these books, claiming that the information contained in these books may be used in blacklisting seamen who may undertake, or have undertaken, through strikes or in other ways to improve their conditions or to correct grievances, or who have sailed on ships suffering casualties for which they individually are in no wise responsible, or in other ways and for other causes. The conflicting views have aroused passion, intensified misunderstandings, occasioned stagnation in marine transportation through certain ports, encouraged strikes, interrupted service, and resulted in a general embarrassment of certain services in marine transportation. Many objections which have been urged to company books and service records in the past have been considered as applicable to the discharge book authorized in Public, No. 808. Your committee has been confronted with a problem for which a solution has become imperative. They have been met with a condition that needed correction. They present the proposed bill as a practical answer to the objections raised without losing the benefits sought to be obtained by the original bill.

A resolution was introduced for the repeal of section 3 of Public, No. 808, but as that act had served to repeal existing law, it was necessary to consider legislation which would secure the primary objectives contemplated by the original legislation and which would meet the objections urged to the existing law whether these objections were well founded or not. Your committee held hearings for many days and heard many witnesses. The situation was so serious that your committee sought a basis of agreement which would secure the original purposes of the law to promote safety at sea, which would be free from the objections urged against section 3 of Public, No. 808, and which would meet the conflicting views and sentiments of the witnesses and organizations represented at the hearing.

The principal objective of section 3 of Public, No. 808, was to promote safety at sea by abolishing the old discharges granted seamen which formed the basis of employment on the sea. These old discharges had no adequate identifying features, and in many instances had been forged, bartered, altered, and sold. Many thousands of the continuous discharge books which were authorized by section 3 of Public, No. 808, Seventy-fourth Congress, and which were substituted for the old discharge certificates have been accepted. These had to be protected. Many thousands of seamen fearful of the discharge books had refused them, and if they were to return to work, some alternative method of identification became necessary.

Accordingly, a plan has been worked out by your committee whereby an option is given the seamen either to accept the continuous discharge book or a certificate of identification, the book or certificate to be retained by the seaman to whom it is furnished, and to contain the signature of the seaman to whom it is furnished, a statement of his nationality, his age, personal description, photograph, thumb print, and home address. Such books or certificates are required to be issued by the shipping commissioners or, at ports where no shipping commissioners have been appointed, by collectors or deputy collectors of customs or United States local inspectors of steam vessels, in such manner and form as the Director of the Bureau of Marine Inspection and Navigation, subject to the approval of the Secretary of Commerce, shall determine.

Any person, corporation, or association other than a shipping commissioner or collector or deputy collector of customs or United States local inspector of steam vessels, who shall issue or cause to be issued any such book or certificate or imitation of either, or who makes any statement or endorsement in any such book or certificate not authorized by the law shall be guilty of a misdemeanor and shall be imprisoned for not less than 1 month nor more than 3 months, in the discretion of the court.

Any person applying for such book or certificate and claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship. No seaman shall be employed on

any vessel to which the section applies unless he has a certificate of identification or a continuous discharge book, except that when it becomes necessary to secure replacements in a foreign port the continuous discharge book or certificate will not be required, but the seaman will secure such continuous discharge book or certificate of identification at the first port of entry in the United States touched by the vessel after hiring the seaman in the foreign port. The data required to be entered upon a discharge book, if the seaman carries one, is the same as required in section 3 of Public, No. 808, except that (a) the seaman's thumb print is required; (b) an intercoastal voyage as well as foreign or coastwise is expressly required to be shown; and (c) it is expressly stated that "nothing more" shall be shown than the data specifically required in the statute. If the seaman elects to carry a certificate of identification, then the certificate of identification must show the same information as required in the continuous discharge book, but no entries of voyages and discharges are to be shown in the certificate of identification. In these cases a separate certificate of discharge is required to be printed on durable paper, which shall contain the name and citizenship of the seaman to whom it is furnished, the serial number of the certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs, date and place of shipment and of discharge of the seaman, and the rating then held by the seaman. These certificates of discharge are required to be signed by the seaman and master of the vessel, and, if the seaman is discharged before a shipping commissioner, or collector or deputy collector of customs, shall be witnessed by such official. The original certificate shall be delivered to the seaman and a certified copy transmitted to the Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C.

It is expressly provided that the records of service entered in either continuous discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman, and that the records in Washington shall not be open to public information. In order to meet the fear of possible blacklisting against any seaman, either those taking the discharge books or those taking the certificates of identification and discharge, special provisions are inserted which it is believed will prevent such a result.

As some question had arisen as to the correct interpretation of the word "rating" as it appears in the statute, the proposed bill affirmatively shows that this word has reference only to the capacity in which the seaman is employed on the ship.

The records required to be kept in the Bureau of Marine Inspection and Navigation are made applicable to certificates of identification and other certificates issued under this act as well as to the discharge books. Protection is afforded against loss of certificates of identification or certificates of discharge similar to the protection afforded to the continuous-discharge books.

In order to provide the same effective dates for different classes of vessels as contained in section 3 of Public, No. 808, section 2 of the proposed bill is written so that as to vessels engaged in foreign or intercoastal voyages, the proposed bill goes into effect upon its passage. As to all other vessels covered by section 4551 of the Revised Statutes, as amended, it goes into effect on June 25, 1937. In other words, the proposed bill covers the same vessels and provides the same effective dates as section 3 of Public, No. 808, Seventy-fourth Congress. However, the continuous-discharge books have been printed and distributed. They are immediately available, but the alternative certificates of identification and certificates of discharge are not available. Therefore, in order to prevent any discrimination, and to cover the period when these certificates may be available, it is provided that the Secretary of Commerce until June 25, 1937, is authorized, pending the issuance of permanent certificates of identification and permanent certificates of discharge under this section, to provide for temporary certificates of identification and temporary certificates of discharge which shall have the same force and effect as the permanent certificates.

The committee is advised that temporary certificates may be made available immediately.

Great credit is due Mr. Joseph B. Weaver, Director of the Bureau of Marine Inspection and Navigation, for his excellent and effective services in working out the solution as presented in the proposed bill.

The bill has the support of the Department of Commerce, the Department of Labor, and represents the views of the representatives of the principal labor organizations appearing before the committee. It is urged that the bill may be immediately enacted into law.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in section 4551 of the Revised Statutes of the United States, as amended by the act of June 25, 1936 (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), made by this bill are shown as follows: Existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italics; existing law in which no change is proposed is shown in roman.

"SEC. 4551. (a) Every seaman upon a merchant vessel of the United States of the burden of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be [furnished with a book to be known as a 'continuous discharge book', which shall be retained by him and which] *furnished, at the option of the seaman, with a book to be known as a continuous discharge book or with a certificate of identification, which book or certificate shall be retained by the seaman and* shall contain the signature of the seaman to whom it is so furnished and a statement of his nationality, age, personal description, photograph, *thumb prints*, and home address. Such books *or certificates* shall be [in such form and] issued by the shipping [commissioners and collectors and] *commissioners, or, at ports where no shipping commissioners have been appointed, by collectors or* deputy collectors of customs [at ports where no shipping commissioners have been appointed] *or United States local inspectors of steam vessels*, in such manner *and form* as the Director of *the* Bureau of Marine Inspection and Navigation, subject to the approval of the Secretary of Commerce, shall determine. [Any person, corporation, or association other than a shipping commissioner, or collector or deputy collector of customs, who shall issue or cause to be issued any such book or imitation thereof, or any person, other than the real owner, who uses or endeavors to use any such book, or who makes any statement or endorsement in any such book not herein authorized.]. *Any individual, firm, partnership, corporation, or association which shall issue any such book or certificate, or make any statement or endorsement therein, except as authorized by the provisions of this section, or issue any imitation of any such book or certificate*, shall be deemed guilty of a misdemeanor and shall be imprisoned not less than 1 month nor more than 3 months, in the discretion of the court.

"*(b) Any person applying for such book or certificate and claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship.*

"*(c) No seaman shall be employed on any vessel to which this section applies until he has exhibited a certificate of identification or a continuous discharge book to the shipping commissioner, or in cases where seamen are not signed on before the shipping commissioner, to the master of the vessel: Provided, That the provisions of this subsection shall not apply to the employment of seamen at a foreign port or place, in which case seamen so employed shall be furnished a continuous discharge book or a certificate of identification, in accordance with the provisions of subsection (a) of this section, at the first port of entry in the United States or its Territories at which the vessel arrives after such seamen are so employed.*

"[(b)] *(d)* Upon the discharge of any seaman and the payment of his wages, the shipping commissioner shall enter in the continuous discharge book of such [seaman] *seaman, if the seaman carries such a book*, the name and *official* number of the vessel, the nature of the voyage ([foreign] *foreign, intercoastal*, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, [and] the rating *(capacity in which employed)* then held by such seaman, *and the signature of the person making such entries and nothing more.* [Whenever a seaman is discharged in any collection district where no shipping commissioner has been appointed, the master of the vessel shall perform the duties of such commissioner and shall make the proper entries in such continuous discharge book; and when the seamen are not required by law to be signed on and discharged before a shipping commissioner, the master shall make such proper entries in the discharge book. Any master who fails to make such entries shall be fined the sum of $50 for each such offense. This subsection shall take effect as to vessels engaged in foreign and intercoastal voyages 6 months after the enactment of this act and as to all other vessels within 1 year after the enactment of this act.]

"*(e) For the purpose of furnishing evidence of sea service in the case of seamen preferring the certificate of identification instead of the continuous discharge book, the Bureau of Marine Inspection and Navigation shall provide a certificate of discharge, printed on durable paper, in such form as to specify the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating) capacity in which employed) then held by such seaman. Records of service entered in either continuous discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman. The shipping commissioner shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by such shipping commissioner.*

"[(c)] *(f)* There shall be maintained in the Bureau of Marine Inspection and Navigation in Washington, *District of Columbia*, a record of every *continuous* discharge [book and] *book, certificate of identification, certificate of discharge, and any other* certificate issued [under the provisions of this act,] *by the Bureau of Marine Inspection and Navigation*, together with the name and address of the seaman to whom it is [issued, his next of kin, and a certified copy of all discharge entries in such book, which copy shall be forwarded to such Bureau by the shipping commissioner or person duly authorized to act as such before whom such holder is discharged] *issued and of his next of kin, and certified copies of all entries made in continuous discharge books or certificates of discharge, which entries shall be forwarded to the Bureau by the shipping commissioner or other person making such entries in accordance with the provisions of this section. Records so maintained shall not be open for general or public use or inspection.*

"*(g) Any person, partnership, company, or corporation who shall require any seaman employed or applying for employment to possess, produce, or carry a continuous discharge book, if and when such seaman possesses or carries an identification certificate, or to carry an identification certificate, if and when such seaman possesses and carries a continuous discharge book, or who shall exchange or give to any other person, partnership, company, or corporation information to cause discrimination against a seaman for electing to carry either an identification certificate or a continuous discharge book, or to prevent a seaman from obtaining employment on that account, shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year, at the discretion of the court.*

"Seamen shall apply for certificates of identification or continuous discharge books hereunder; and if any application contains any statement known by the applicant to be false, he shall be deemed guilty of a misdemeanor and, on conviction thereof before any district court of the United States, shall be fined not more than $1,000 or imprisoned for not more than 1 year, in the discretion of the court.

"[(d) In case of the loss of a book by shipwreck or other casualty the seaman shall be supplied with another discharge book, in which shall be entered all data contained in the last book so far as this may be available from copies of records kept by the Bureau of Marine Inspection and Navigation; in other cases of loss the seaman may obtain a duplicate of such book containing the same entries upon payment of a sum equivalent to the cost thereof to the Government, to be determined from time to time by the Secretary of Commerce.]

"(h) In case of the loss of a continuous discharge book, a certificate of identification, or of any certificate of discharge by shipwreck or other casualty, the seaman shall be supplied with a duplicate of such continuous discharge book, certificate of identification, or certificate of discharge, in which shall be entered all data that may be available from the copies of records kept by the Bureau of Marine Inspection and Navigation. In other cases of loss the seaman may obtain a duplicate of such continuous discharge book, certificate of identification, or certificate of discharge, containing the same entries, upon a payment of a sum equivalent to the cost of the Government, to be determined from time to time by the Secretary of Commerce.

"(i) The provisions of this section shall not apply to fishing or whaling vessels or yachts.

"(j) The Secretary of Commerce shall enforce this section as to all vessels of the United States subject to the provisions hereof through collectors of customs and other Government officers acting under the direction of the Bureau of Marine Inspection and Navigation, and shall make such rules and regulations as he may deem necessary to carry out the provisions of this section.

"(k) Where vessels are required to sign on and discharge the crew before a shipping commissioner and no shipping commissioner is appointed or is available the functions and duties required by subsections (d) and (e) of this section to be performed by such shipping commissioner may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before a shipping commissioner the duties and functions required by subsections (d) and (e) of this section to be performed by the shipping commissioner shall be performed by the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of $50 for each offense."

Mr. FRAZIER. Mr. President, the bill merely grants the consent of Congress for compacts to be entered into by the three States of Minnesota, South Dakota, and North Dakota for the utilization, control, and prevention of pollution of the waters of the Red River of the North—just the one river on the border. The river rises between South Dakota and Minnesota, and then runs for the full length of North Dakota between North Dakota and Minnesota. It runs north of Lake Winnipeg.

The water is needed for the use of the cities along the Red River on both sides. The level of the water is very low, and it is desired that the three States may be authorized to act together to conserve the water and to work out a program for the benefit of the towns along the valleys.

Mr. ROBINSON. It will be observed that by section 3 it is required that any compact or agreement, to be binding upon any of the States, must be approved by the legislature of each of the States.

Mr. FRAZIER. Yes. The compact has been approved by the North Dakota Legislature and, I understand, by the Minnesota Legislature. I am not sure about the South Dakota Legislature, but I understood there was no objection from any of the legislatures, and that they desired to have the measure passed.

Mr. ROBINSON. In any event, before the compact becomes binding it will have to be approved by the legislature of each of the States.

Mr. FRAZIER. Oh, yes; it must be approved by the legislature of each State. The bill also provides that the Government shall have one representative on the board or committee.

Mr. ROBINSON. I have no objection.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH N. WENGER, UNITED STATES NAVY

The Senate proceeded to consider the bill (S. 274) for the relief of Joseph N. Wenger, lieutenant, United States Navy, and for other purposes, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Joseph N. Wenger, lieutenant, United States Navy, as provided in section 12 of the act of May 18, 1920 (41 Stat. 604; U. S. C., title 10, sec. 756), for $494.57 as reimbursement of the cost of commercial transportation of his wife from Washington, D. C., to Manila, P. I., pursuant to change-of-station orders dated April 19, 1933, there not being reasonably available Government transportation for his wife between said stations. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not exceeding $494.57 for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGES FOR NINTH JUDICIAL CIRCUIT

The bill (S. 1550) to provide for the appointment of two additional circuit judges for the ninth judicial circuit was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the consent of the Senate, two additional circuit judges for the ninth judicial circuit.

RELIEF TO PERSONS ERRONEOUSLY CONVICTED

The Senate proceeded to consider the bill (S. 750) to grant relief to persons erroneously convicted in courts of the United States, which was read, as follows:

Be it enacted, etc., That any person who, having been convicted of any crime or offense against the United States, shall hereafter,

RED RIVER OF THE NORTH

The Senate proceeded to consider the bill (S. 1570) granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to the Red River of the North, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Minnesota, South Dakota, and North Dakota to negotiate and enter into compacts or agreements providing for the utilization of, the control of the floods of, and the prevention of pollution of, the waters of the Red River of the North and streams tributary thereto.

SEC. 2. Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into. Other than for the compensation and expenses of such representative, the United States shall not be liable for any expenses in connection with any of such negotiations, compacts, or agreements.

SEC. 3. No such compact or agreement shall be binding or obligatory upon any of such States unless and until it has been approved by the legislature of each of such States.

SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ROBINSON. Mr. President, I had intended to address an inquiry regarding this bill to the Senator from Texas [Mr. SHEPPARD], who reported the bill, but apparently he is absent from the Chamber. The author of the bill, the Senator from North Dakota [Mr. FRAZIER], is present; and I ask him to explain the nature of the compacts referred to in the bill.

on appeal from the judgment of conviction or on the retrial or rehearing of his case, be found to have been innocent of the crime with which he was charged and not guilty of any other offense against the United States, or who after inquiry by the Executive has received a pardon on the ground of innocence, may, under the conditions hereinafter mentioned, apply by petition for indemnification for the pecuniary injury he has sustained through his erroneous conviction and/or imprisonment.

SEC. 2. That the claimant may, within 6 months after he has been finally acquitted or pardoned on the ground of innocence, petition the Court of Claims for the relief granted in this act.

SEC. 3. That the court is hereby authorized to make all needful rules and regulations, consistent with the law, for executing the provisions hereof.

SEC. 4. That the claimant shall have the burden of proving his innocence, in that he must show that the act with which he was charged was not committed at all, or, if committed, was not committed by the accused.

SEC. 5. That the claimant must show that he has not, either intentionally or by willful misconduct or negligence, contributed to bring about his arrest or conviction.

SEC. 6. That the Court of Claims shall examine the validity and amount of all claims included within the terms of this act; they shall receive all suitable testimony on oath or affirmation and all other proper evidence; and they shall report all such conclusions of fact and law as in their judgment may affect the right to relief.

SEC. 7. That upon proof satisfactory to the Court of Claims that the claim is prima facie meritorious and that the claimant is unable to advance the costs of court and of process, the cost of obtaining and printing the record of the original proceedings and of securing the attendance of such witnesses as the chief justice or the presiding judge of the Court of Claims shall certify to be necessary, and the service of all notices required by this act, shall be paid out of any unappropriated funds in the Treasury, on presentation to the Secretary of the Treasury of a duly authenticated order, certified by the clerk of the Court of Claims and signed by the chief justice or, in his absence, by the presiding judge of said court.

SEC. 8. That the court shall cause notice of all petitions presented under this act to be served on the Attorney General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

SEC. 9. That the Court of Claims in granting or refusing the relief demanded shall take into consideration all the circumstances of the case which may defeat or in any other way affect the right to and the amount of the relief herein provided for, but in no case shall the relief granted exceed $5,000.

SEC. 10. That in all cases of final judgments by the Court of Claims the sum due thereby shall be paid out of any general or special appropriation made by law for the payment and satisfaction of private claims on presentation to Congress and to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice or, in his absence, by the presiding judge of said court.

Mr. ROBINSON. Mr. President, I think there should be an explanation of this bill. On its face it appears to be a meritorious proposal.

Mr. MALONEY. Mr. President, I may possibly be able to satisfy the Senator in reference to the bill.

Mr. ROBINSON. I do not know that there is any objection to the bill, but I think the Senate should be informed about it.

Mr. MALONEY. I do not think there will be any objection to the bill. I sincerely regret that the chairman of the subcommittee which considered the bill is absent, and more sincerely regret that the file of material which I had on the bill is in his possession, and I did not have a chance to obtain it this morning.

The report accompanying the bill, in my opinion, clearly sets forth the serious need for providing, as is done by the bill, an opportunity for persons who are definitely erroneously convicted to secure from the Government redress to the amount of $5,000. It is a subject which has had considerable attention from many interested and important persons; and, as the report accompanying the bill points out, it has had the special study of Prof. Edward M. Borchard, of Yale University Law School. He is the man who interested me in the subject on which he has written articles and at least one book. He points out that never heretofore has the Federal Government provided a way for the man who was clearly erroneously convicted and sentenced for a crime he did not commit to make an appeal and secure redress. The bill provides that in such circumstances one who is able to prove that the alleged crime was never committed or that he did not have anything to do with the crime, may go to the Court of Claims and seek redress up to the amount of $5,000. In its present form the bill has the approval of the Attorney General of the United States and the Department of Justice.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That completes the consideration in regular order of unobjected bills on the calendar.

JOSEPH M. CACACE AND OTHERS

Mr. LOGAN. Mr. President, I ask unanimous consent to return to Order of Business 201, being Senate bill 470, about which the Senator from Tennessee [Mr. MCKELLAR] requested an explanation. At the time I did not notice exactly what the bill provided.

A recognizance in the sum of $10,000 was executed by those for whom the bill was introduced. Through some kind of a hoax—I do not remember just what—the man for whose appearance the bond was posted disappeared, but he was returned without any cost to the Government, and was convicted and sentenced to the penitentiary. The Attorney General has twice recommended the payment of the amount asked by the bill.

Mr. MCKELLAR. Mr. President, the Senator's explanation is entirely satisfactory to me, and I withdraw the objection.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection the bill (S. 470) for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne was considered ordered to be engrossed for a third reading, read the third time, and passed, as follows:

That said Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne be, and are hereby, relieved from liability for the payment of said judgment so entered in the District Court of the United States for the Eastern District of Virginia, at Norfolk; that said judgment be and is hereby canceled; and that the United States attorney for the eastern district of Virginia be, and is hereby, authorized and directed to so mark said judgment canceled of record.

The preamble was agreed to, as follows:

Whereas in the District Court of the United States for the Eastern District of Virginia, on the 20th day of November 1934, John T. Cacace was convicted of an offense and was thereupon admitted to bail in the penalty of $10,000 pending his motion for a new trial, and executed a recognizance for said sum with Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne, his brothers and sister, as sureties; and

Whereas on the 23d of November 1934, said John T. Cacace without the knowledge, consent, or connivance of said sureties, willfully defaulted by leaving the jurisdiction and failed to appear on November 26, the time appointed for the hearing of his motion for a new trial, whereupon he was declared in default and on motion of the United States, by its attorney, a scire facias issued on said date returnable on November 30, on which last-named date the court declined to give the sureties on said bond additional time for the purpose of attempting to produce said convict but forfeited said bond and entered judgment against the stipulators for the sum of $10,000 and costs; and

Whereas on December 6, 1934, the said John T. Cacace voluntarily surrendered himself to the marshal of the district and was thereafter sentenced and is now serving his term in a penitentiary designated by the court; and

Whereas the sureties on said recognizance filed their petition in said court on December 8, 1934, praying that said judgment might be set aside and the forfeiture remitted, which prayer has been refused by the court upon the ground that under the statute in such case made and provided it had no discretion where the default was willful; and

Whereas by the voluntary appearance and the sentencing of said convict the ends of justice have been accomplished without additional expense to the Government so that nothing further is to be gained by the enforcement of said judgment, which enforcement will cause said stipulators to lose their homes by foreclosure under execution: Now, therefore.

NAVAL APPROPRIATIONS

Mr. BYRNES. Mr. President, I move that the Senate proceed to the consideration of House bill 5232, making appropriations for the Naval Establishment.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. BYRNES. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, amendments of the committee to be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. FRAZIER. Mr. President, I desire to ask the Senator in charge of the bill whether it is the intention to proceed with its consideration and have it passed this afternoon?

Mr. BYRNES. Of course, I cannot anticipate how long the bill will be discussed. I may state to the Senator that there was no controversy in the Committee on Appropriations over the bill as reported. The bill makes a reduction of $51,000,000 below the estimates of the Bureau of the Budget sent to the Congress by the President. I do not think there will be much controversy over the bill, but of course I cannot anticipate how long it will be under discussion in the Senate.

Mr. FRAZIER. I note that the Senate committee has reduced the amount appropriated in the bill as passed by the House by a little over $3,707,000. For one, I have not had time or opportunity to read the bill as reported. It was not on the calendar. In fact, I did not know it was to be taken up today until the middle of the forenoon, and I telephoned for a copy of the bill as reported to the Senate, but it did not reach my office until 10 minutes before 12. So I have not had time to examine the bill. I do not know that any good would be accomplished by a discussion of the measure, but I desired to have that privilege, and I should like to have the bill go over until Monday.

Mr. BYRNES. I know the Senator's views on the questions involved in this measure, in a way, and I know he will derive some comfort from the fact that the bill not only reduces the estimate of the Budget by $51,000,000, but reduces the appropriation below that of the current year by $15,000,000. In addition, there is the unusual situation of the Senate committee reducing the amount carried by the bill below the amount agreed to by the House. Only a few changes have been made in the bill passed by the House, and I know the Senator is familiar with that bill. I think if he would examine the report he would find that not many material alterations have been made in the measure as it passed the House.

Mr. BORAH. Mr. President, what were the items that were changed? In what items was there a reduction of $15,000,000?

Mr. BYRNES. The changes constituted so many items that I could not enumerate them all. The House reduced the appropriation below the estimate of the Budget by quite a large amount. The reduction recommended by the Senate committee was below the figure of the House bill by only about $3,700,000. The House, by its action, reduced the appropriation below the amount estimated by the Budget in the approximate amount of $45,000,000, and that covered all of the various activities of the Naval Establishment.

Mr. FRAZIER. Mr. President, if the Senator will yield further, I appreciate the fact that the Senate committee has reduced the amount of the appropriation provided by the other House, and that as it passed the House the bill carried less than the recommendation of the Budget, or of the Navy Department; but the bill carries over half a billion dollars, and I know that there are quite a number of Senators who agree with me that it might be reduced still more. It seems almost preposterous that our Government should spend $512,000,000 for naval purposes at this time, and I should like very much to have an opportunity to study the bill and speak on it a little, but thus far I have not had time to familiarize myself with the provisions of the measure.

Mr. BYRNES. I hope the Senator will prepare any amendments he would like to offer and present them today, because, as I stated to the Senator a few moments ago, the bill does not make any material change in the bill as it passed the House, and with that bill I am sure the Senator is familiar. It was discussed at some length upon the floor of the House, and many amendments were offered. A mere glance at the report would convince the Senator that there are no very material changes in the bill as it passed the House.

Mr. MCNARY. Mr. President, I appreciate the difficulties which attend the filing of a report during a recess of the Senate. On nearly every occasion when such a request has been made I have objected to that procedure. It does not afford the Members of the Senate who are not present at the time the agreement is entered into ample notice of the time when a bill is to be taken up for consideration. In the present case I made an exception in order that there might be a recess over yesterday. For my part, I am willing to consider the bill at this time, but two Senators on the Republican side of the Senate have complained that they have not had sufficient time to study the measure and were not until this morning apprised of the fact that the bill would come up for consideration today.

Of course, the Senator from South Carolina is within the rules; the bill could properly be brought up today; and a motion has been made to make it the order of business. But it is only a matter of courtesy on the part of the very courteous Senator from South Carolina to consider the plea made by the Senator from North Dakota.

I do not know whether or not there is any unfinished business for Monday, but I think not, and I am just wondering whether a delay of 2 days would in any way interfere with the Naval Establishment.

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

Mr. MCNARY. I yield.

Mr. NORRIS. I should like to suggest to the Senator from South Carolina and to the Senator from Oregon that they get together and see if they cannot agree upon the procedure on the naval appropriation bill. They can do that while I discuss another subject during the pendency of the bill now before the Senate. They will have ample time to do it while I discuss that measure.

Mr. ELLENDER. Mr. President——

Mr. NORRIS. I understand the Senator from Louisiana desires to proceed at this time, and that will be agreeable to me, although I desire to submit a few remarks to the Senate.

SIT-DOWN STRIKE

Mr. ELLENDER. Mr. President, I hesitate further to precipitate debate on the question of the so-called sit-down strikes. Last Wednesday three distinguished Members of this body called attention to the problem confronting our Nation because of the existence and the continuous application of this new method of attack on the part of some labor leaders in their desire to force employers to meet their demands.

It will be recalled that when the first sit-down strike was in effect at the General Motors plant at Detroit a Senate resolution was offered which called for an investigation of General Motors. It was referred to the Committee on Education and Labor, of which committee I am privileged to be a member. In the midst of the strike a hearing on the resolution was requested, and the committee granted it. A few witnesses were called. I took the position that I did not think the time was opportune for the hearing, because should the Senate show a willingness to take a stand in the strike one way or the other, it might give rise to a forlorn hope to those at whose instance the hearing was being held, and thereby prolong the strike indefinitely. Fortunately, further hearings were not had on the resolution, the strike was settled, and it is my understanding that no further effort has been made to have hearings on the resolution.

In discussing this matter, I desire to have it well understood that because of lack of information I am not prepared

to judge which of the two contending factions is wrong, or, may I say, that the demands of the strikers may be entirely justified, but I do mean to assert and to declare unhesitatingly to the Senate, to those engaged in the strike, and to the American people, that the sit-down strike method is abhorrent to me, is un-American, is nothing short of a hold-up, and should be no longer tolerated.

I have always been in favor of labor unions. During my entire public career I have stood by them, and am now willing to stand by them in their fight in their efforts to secure for their membership just, fair, and reasonable treatment. In the past, labor unions, in most cases, have fought their battles against employers in a lawful and gentlemanly way. Demands were made far in advance of the call of a contemplated strike, thereby giving the employer an opportunity of determining the reasonableness and fairness of the demands. In many instances the demands were met; in others, they were arbitrated and finally settled to the satisfaction of all parties concerned; and in few instances were force and violence resorted to in order to enforce the demands made.

Today that American method has apparently been abandoned by a group of so-called labor leaders. I say so-called because they do not seem to desire to emulate the methods resorted to by past leaders. They are to me more in the nature of agitators and bullies who feel that they can trample over the property rights of the citizens of our Nation, and thereby get results. I have no sympathy for such methods. Mr. President and Senators, just think of a group of workmen in a factory, apparently content and at peace with their employers, and all of a sudden they desire to take possession of their employers' property and remain in possession thereof until their demands, whether just or not, are met. Such persons are trespassers. They violate the very bill of rights provided for in our Constitution. Such persons have no more right to retain possession of their employer's property than would I have a right to go in their respective homes and take possession of their houses, furniture, and fixtures. The mere fact that their employer may not be treating them justly does not afford them such rights. Better would it be for the group to stand together, make their demands known, and refuse to work until their demands, if just, are met.

I, of course, sympathize with the strikers themselves. What is distasteful to me is the method used by their leaders. Their demands may be just. I am conscious of grave injustices to labor that do now exist in many of the factories, the workshops, and mines of our Nation. Our party has made every effort to remedy the situation, but without much success up to this time. It is to be hoped that in the near future a plan can be worked out whereby both labor and capital may legally be called upon to coordinate their efforts in order to make America a greater and better place in which to live.

Mr. President, again I say to you, I sympathize with the workingman, I sympathize with these strikers, but I am against the methods employed by their leaders. I cannot believe that the strikers are responsible for the method now in vogue. I blame their leaders. I blame those who agitate such a procedure. I blame those who take advantage of the circumstances that are now confronting our Nation and lead these hard-working men in the path of wrong and illegal means. Should the worst happen and blood be spilled, I for one will point the finger of scorn and condemnation at those agitators and leaders who are responsible, in my judgment, for the situation. Mr. President, can you imagine a labor leader who professes to be an American, wedded to American ideals, fostering and being, in my opinion, responsible for such a condition? Can you imagine an American labor leader who will not resent the defiance of a solemn order that was recently issued by a court of one of our sovereign States? His silence, in my opinion, condones everything that has been done so far; and I now call upon him to get back to his senses and stop this un-American method, lest it lead us into the depths of strife, conflict, and bloodshed.

I do not know who is responsible for this. I am told that John L. Lewis is the leader of the movement. If Mr. Lewis is, I brand him as a traitor to American ideals and a menace to the peace and prosperity of our Nation.

I sympathize with Governor Murphy of Michigan. It may be that he exercised too much leniency when this un-American method was first resorted to. I know the Governor very well. He is very sympathetic by nature, and his sole purpose was, I believe, to prevent the shedding of blood during the strike.

In connection with my remarks, I ask to have printed in the RECORD an editorial published in the Washington Post this morning dealing with the subject I have just discussed, and particularly with reference to the statement I have just made concerning Governor Murphy.

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

[From the Washington Post of Mar. 19, 1937]

GOVERNOR MURPHY'S STATEMENT

Governor Murphy has made a heroic effort to avoid errors of either omission or commission in the exceedingly dangerous situation which the sit-down strikes of automobile workers have precipitated in Michigan. If any criticism is to be made of his attitude it is that in his anxiety to avoid bloodshed he has given tacit encouragement to a definitely revolutionary movement which obviously cannot be allowed to continue unchecked. That leniency, however, gives added force to the statement he made at the opening of his "law and order conference" on Wednesday.

In this statement the Governor squarely confronted the intolerable threat to orderly government contained in the seizure of factories, and their continued occupation after clear-cut judicial rulings on the illegality of this procedure. "We have means to enforce respect for public authority", said the Governor, "and we propose to use them with proper vigor if need be."

Everyone hopes that the resort to force will not be necessary. Everyone hopes that the Chrysler factories will be evacuated peacefully before the legal steps necessitating compliance with Judge Campbell's order have been completed. But if force is necessary, force will have to be used. That possibility must be confronted calmly and without equivocation. Otherwise the eventual settlement will be far more difficult and far more disastrous for the general welfare.

Governor Murphy attributes to the policies of "backward employers" much of the responsibility for the present excited tactics of the automobile-workers union. But he is under no misapprehension as to what is at stake in the present coercive methods of the latter. "When the authority of governmental agencies is continually flouted or defied", he says, "outraged citizens prepare to take the law into their own hands; democratic rule is endangered, and the way is prepared for the rule of mobs or dictators."

On the leaders of the men camped in the Chrysler factories at Detroit rests a greater responsibility than they seem to realize. They have a case, but they are risking the loss of it in the great court of public opinion. And they risk much more than their own case. Present "intolerable conditions", as Governor Murphy says, will be remedied by "another kind of rule" if the accepted procedure of our form of government cannot be peacefully maintained.

Mr. ELLENDER. Mr. President, as I said in my opening remarks, I do not have so much in the way of facts at this time; but I propose to obtain the facts, and at a future time I expect to discuss the subject, and shall ask the further indulgence of the Senate.

FLOOD-PREVENTION EFFECT OF DAMS IN TENNESSEE VALLEY

Mr. NORRIS. Mr. President, recently the representatives of private power companies of the United States have indulged in spreading a false and, it seems to me, in some respects at least, a malicious propaganda in regard to the effect, if any, that the activities of the T. V. A. in the Tennessee River Valley have had in preventing greater damage in that valley than that which occurred in January by reason of the floodwaters in the Ohio River. The matter had its origin, as I understand, in a statement made by the President of the United States in a speech he delivered on the fourth day of the present month.

In that speech the President said:

> During the course of the past 4 years the Nation has been overwhelmed by disasters of flood and drought.
>
> Modern science knows how to protect our land and our people from the recurrence of such catastrophies and knows how to produce as a byproduct the blessings of cheaper electric power. With the Tennessee Valley Authority we made a beginning of that kind of protection on an intelligent regional basis. With only two of its nine projected dams completed, there was no flood damage in the valley of the Tennessee this winter.

I have in my hand a clipping taken from the Washington Post, being an article written by Mr. Franklin Waltman. He discusses a great many other subjects than the flood

question, with some of which I am not acquainted, and with some of which I am acquainted. His statement concerning all the matters about which I know anything is either entirely untrue or partially so.

In this article Mr. Waltman, in discussing the President's speech, says:

> The reason why the Tennessee Valley escaped the flood havoc suffered by the Ohio Valley was not due to the T. V. A. but because there was only normal rainfall—4.59 inches—during January at the headwaters of the Tennessee and the Clinch River, which empties into it, whereas from 8 to 20 inches of rain fell in the Ohio Valley.

As I shall show later on, that is an absolutely untruthful statement. It can hardly have been made by accident, because a record is kept of the rainfall all over the United States.

Records are kept at a great many places in the Tennessee Valley, from which the Weather Bureau gives to the country absolute information as to the amount of rainfall. The substance of that article, however, was spread all over the United States. The New York Herald Tribune on March 6 commented editorially as follows:

> It is a small but not insignificant item that the President of the United States cited the absence of flood in the T. V. A. region as proof of the value of these particular dams. The fact that rains were normal in this region was apparently overlooked in his search for the truth.

I have read the Washington Post article of March 6. It was not an editorial; but on March 10, in the editorial columns of the Wall Street Journal, it was said:

> The suggestion that Wilson and Norris Dams recently preserved the Tennessee Valley from floods is entirely incorrect. The truth is that the precipitation in the Tennessee Valley watershed was no more than reasonably normal, and that had it been as excessive as in the case of the Ohio Valley watershed the Wilson and Norris Dams would not have protected the valley from floods.

Similar statements, Mr. President, appear in the Chicago Journal of Commerce and in the Cincinnati Times-Star and in a large number of other newspapers.

I wish to observe, in passing, that the editorial from the Wall Street Journal does not take into consideration another dam, known as the Wheeler Dam, which, as I shall show later, played a very important part in preventing destruction in the Tennessee Valley and also in the Ohio Valley from the mouth of the Tennessee to the Mississippi.

In the article from which I quoted from the Washington Post it is stated:

> Neither the Wilson Dam nor the Norris Dam in the T. V. A. program are flood-control dams. They are hydroelectric dams; that is to say, their purpose presupposes a full dam and an even flow of water.

That is another misstatement, which, I concede, anyone might have been led into on the basis of misinformation; but, as I shall show later, it is not true.

Mr. President, there is another piece of propaganda, a copy of which I hold in my hand, consisting of about eight or nine pages of typewritten matter, which was circulated among newspapermen by Stephen M. Walter, but which is not signed. The facts are that the memorandum which I hold in my hand came from a newspaperman to whom it was given by Mr. Walter. It is a long statement, a good deal like the article from the Post from which I first quoted. It refers to many other things, but it contains a statement about the rainfall in the Tennessee Valley as follows:

> Rainfall in the watershed of the Clinch River, above Norris Dam, which is the only T. V. A. dam that could have served to store floodwater, was normal during and preceding the flood period.

Then he refers to a map which he submitted with the statement, which, on fair examination, I think will really controvert the facts which he has set forth in the memorandum. That statement received a great deal of publicity from newspapers, mostly those which are unfriendly to the T. V. A., and went all over the country.

I talked this morning with a Member of this body who had read the President's statement, and had also read the denial of any excessive rainfall, and he assumed and believed, quite honestly and quite naturally, that in the great flood in the Ohio River the rainfall in the Tennessee Valley was normal. That is a belief which is generally held by the people at large. I have numerous letters written from different sections of the country calling my attention to the terrible statement made by the President by which he tried to mislead the people and make them believe there had been a great amount of rain in the Tennessee Valley, when, as a matter of fact, the letters stated that the rainfall there was normal.

It is, Mr. President, only another illustration of the false, often malicious, propaganda that is circulated by representatives of the private power interests to cause the American people to believe a falsehood, to cause them to believe in a condition that did not exist, to cause them even to question the integrity of the President of the United States when he made that statement.

I am going to refer to the record of the rainfall but, before doing so, I wish to discuss briefly the dams in the Tennessee and its tributaries that were claimed by the friends of the T. V. A. to have a very material effect in preventing damage not only in the Tennessee Valley but in the Ohio Valley from the mouth of the Tennessee to the mouth of the Ohio.

It is said in one criticism which is made that the Norris Dam is of no value as a flood-control measure and it is said, in effect, that the dam cannot be valuable as a flood-control measure and at the same time be of any value for the purposes of power. The Norris Dam, with the reservoir behind it, is just the kind of a work that has great value for flood-control purposes and also very large value as a power producer. It is true that often in the construction of a flood-control dam the dam will have no material value for the purposes of power. That depends entirely upon the reservoir behind the dam and the amount of rainfall in the watershed. If the reservoir created by the dam is only sufficient to hold the largest floods that ever come into a given region, then, it must be entirely emptied after a flood has passed in order to be ready for the next one, but if there be a reservoir that is so large that it will hold much more water than that carried by any flood which has ever been known in history, and still have a large capacity above that, then, it is never necessary to empty the dam in order to protect the country from flood damage.

Mr. WHEELER. Mr. President——

Mr. NORRIS. I yield to the Senator from Montana.

Mr. WHEELER. Of course, I do not see how anybody could disagree with what the Senator says about the subject he is discussing. The Fort Peck Dam——

Mr. NORRIS. That is another illustration.

Mr. WHEELER. Is being built in my own State for the specific purpose of preventing floods on the Missouri, and, incidentally, for irrigation and power purposes. However, the main purpose of it is for flood control and to regulate the flow of the stream at all times for navigation.

Mr. NORRIS. I thank the Senator. He has given a good illustration, an actual case, where the Government has built another dam which has very large flood-control value. Outside, perhaps, the Colorado River, that is the best example of such a case in the United States, the Norris Dam comes next; and yet at Fort Peck there is going to be produced an immense amount of power.

Mr. WHEELER. I hope so; I am trying to get the administration to do that; but I have not as yet succeeded.

Mr. NORRIS. I hope the Senator will succeed. It would be an economic sin if advantage should not be taken of the power possibilities at Fort Peck.

Mr. WHEELER. I agree with the Senator entirely, and I have been trying to get the administration to install power plants there. I think it would be a tremendous loss to the people of that section if that should not be done, because the power could be used for the purpose of pumping water for irrigation upon a vast arid area where at present water is greatly needed.

Mr. NORRIS. The Wheeler Dam is another illustration of a dam having flood-control value and also value for

navigation and power. Its flood-control value is not nearly so great as the flood-control value of the Norris Dam. The Wilson Dam——

Mr. COPELAND. Mr. President——

Mr. NORRIS. I will yield in just a moment. The Wilson Dam, 15 miles lower down than the Wheeler Dam, has practically no flood-control value. Such value depends always upon the reservoir, the surrounding country that God himself has made, and the amount of water that comes down. I now yield to the Senator from New York.

Mr. COPELAND. I am in full accord with what the Senator has said about the particular projects, but of course the same argument would not hold, I assume, as to the reservoirs on the upper reaches of the Ohio River where the topography is such that it would not be possible to have tremendous reservoirs which could be used for the double purpose of flood control and power.

Mr. NORRIS. I could not tell the Senator whether that would be possible in any particular location which I have not studied or the engineers have not examined. It depends in every case upon the conditions surrounding the dam which it is proposed to build.

Mr. COPELAND. In Pennsylvania and New York, at the headwaters of the branches of the Ohio, it would not be possible, in my judgment, in most instances, to develop power. I wish to say, however, that in passing the omnibus flood control bill last year we provided that every dam should have a penstock, so, if at any future time there should be a possibility of power development, it might be undertaken.

Mr. NORRIS. Let me call attention to something I have often commented on in the Senate. Complaint is made about it in some of the articles to which I have referred. That is in regard to Norris Dam. Norris Dam could be operated purely for power purposes. If it were so operated, the water behind the dam would be allowed to accumulate to the height of the dam and would be kept there always. It never would be let out because the natural flow of the stream going over the top of the dam would give the maximum amount of power to be produced due to the height of the water. If a private person had built Norris Dam, that is what would have been done. That is what I would have done if I had built it. I have said many times it would have been an economic sin to let any private corporation or individual build that dam, because its usefulness in relation to flood control would have disappeared.

The Government lost power when it built that large reservoir ready to hold the next flood. If we were merely going to make money out of it and had no other consideration for the people lower down on the river, we would have the reservoir filled all the time.

The T. V. A. will have several such dams to construct where the value of the dam will be related entirely 100 percent to flood control, where they will not put in a penstock or wheel. Where it is known in advance that the capacity of the reservoir behind the dam is sufficient only to hold one big flood, the reservoir will always have to be emptied. When it is empty, of course, there will be no power there. While we could produce power as the water is going out, it would always be secondary power which is of but little value.

Mr. President, I want to refer to the records from which the men who are circulating this propaganda might have ascertained the facts. They might have ascertained them from the newspapers or from the Weather Bureau or by getting information from the T. V. A. which itself operates in a large number of places in the Tennessee Valley where the rainfall is measured. I am going to undertake to show that the rainfall, which it was said was normal in January, was more than 300 percent above normal. In some localities in the Tennessee Valley it was greater than any previous record disclosed. Averaging it all up, the rainfall was not quite so heavy as the average rainfall in the Ohio Valley. That is true. It is also true that in January, when the great flood occurred, the rainfall in western Tennessee was greater than in eastern Tennessee where the Clinch River, a tributary of the Tennessee, and the Tennessee River itself have their sources.

Here is a quotation from the Weather Bureau, speaking of Tennessee as a State and taking the State as a whole:

> Precipitation broke many records this month. The State average of 14.74 inches is the greatest ever recorded in any month. Measurable rain fell on an average of 20 days during the month.

That has reference to the month of January of this year.

> The center of the heaviest rain extended from Humphreys County northward along the Tennessee River to the Kentucky line.

In the statement of precipitation by sections, eastern Tennessee is recorded as having had 11.02 inches of rain; middle Tennessee, 15.97 inches of rain; western Tennessee, 18.47 inches of rain. Stations along the Tennessee River registered as follows: Sneedville, 12.14 inches; Norris, 13.03 inches; Clinton, 13.62 inches; Kingston, 13.54 inches; Knoxville, right at the headwaters of the Tennessee River itself, 11.63 inches; Chattanooga, 11 inches; Jacksonville, 23.51 inches.

Yet this propaganda undertakes to show that the rainfall was normal, and the normal rainfall for January is given as 4.59 inches. There are other averages given for that section running as low as 4.11 inches, but the highest goes only a few hundredths of an inch above 4.5 inches. It is always said by these propagandists, and it has been spread all over the United States, that the rainfall was normal, less than 5 inches, when the records show that it was more than three times normal.

Mr. McKELLAR. Mr. President——

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. I know from personal knowledge of the heavy rainfall in eastern Tennessee and western Tennessee because I went through the entire State and saw the conditions as they existed.

I invite the Senator's attention to another matter especially in reference to Norris Dam. Heretofore during similar floods the city of Chattanooga has suffered very greatly. I think during the last flood, which was one of the greatest we ever experienced, the gage was about 10 feet lower than it had been previously. The people of that city gave entire credit for the prevention of a disastrous flood this year to the Norris Dam, which held back the water. In my own mind I have no doubt whatsoever that, especially the holding of the water in the Norris Dam Reservoir, and to some extent by the Wheeler Dam and Wilson Dam Reservoirs, saved great trouble along the meanderings of the Tennessee River.

Mr. NORRIS. There is no doubt that it saved Tennessee and the people along the Ohio River millions of dollars.

Mr. McKELLAR. And perhaps even further down. I invite the Senator's attention to another matter. As the Senator knows, the Cumberland River rises in Kentucky and in a way parallels the Tennessee River. Those two rivers come within 2 or 3 miles of each other at one place. The rainfall was practically the same in the two basins. Terrific havoc was played by the Cumberland River, and yet no disaster occurred on the Tennessee River, showing that the dams on the Tennessee River must have affected the situation.

Mr. NORRIS. I thank the Senator for his illuminating statement.

Mr. President, let me give some more statistics. Reference has been made to the headwaters of the Tennessee River and the Clinch River. It will be remembered that Norris Dam is built on a tributary of the Tennessee River, to wit, the Clinch River. It has a storage capacity of 3,500,000 acre-feet of water. The flood did not even fill the dam reservoir. It was not full when the flood was over. The Wheeler Dam cannot store so much water; but by devices which the engineers have provided, they can, on short notice, increase the height of the Wheeler Dam, and store quite a large volume of water there.

Let us see how much they stored. In the month of January of this year, when the flood on the Ohio River took place, there was stored by the Norris Dam and the Wheeler Dam 964,000 acre-feet of water. While the engineers can estimate these things quite accurately, yet it

is true that they are estimates; and a number of engineers have given estimates on this subject. I have taken the lowest one. Some of the engineers have said over their own signatures that in the month of January there was stored behind the Norris Dam 1,200,000 acre-feet of water.

What did that mean, lower down? What did that mean to the Ohio River, from the mouth of the Tennessee to the mouth of the Ohio, where the great damage in most of the Ohio River floods takes place? It meant that the water held back by the Wheeler Dam and the Norris Dam reduced the discharge of the Tennessee River at its mouth into the Ohio by 32,000 cubic feet per second; and remember, along the Ohio River on down to its mouth, the levees and the dikes were full. An inch or two higher water-level would have destroyed them. The water came within an inch or so of the tops of the dikes. Thirty-two thousand additional cubic feet per second would have caused the water to pour over every one of them. No man can tell just how much property was saved. Probably more than the cost of all the dams that have been constructed in the Tennessee Valley was saved in that one flood of the Ohio River.

The T. V. A. have established places where they record the rainfall along the Tennessee River. I have given some of the figures from official reports, but some of those that are kept by the T. V. A. I have not given. I wish to give the record of every one of them, to show the falsity of the propaganda which has gone over the country that nothing but normal rainfall occurred in the Clinch and the Tennessee River Valleys.

First, at Norris, as I have already said, the rainfall during the month of January was 13.03 inches.

At Norris Dam the rainfall was 11.85 inches, nearly a foot.

At La Follette the rainfall was 9.48 inches, and that was the lowest rainfall anywhere in the watershed.

At White Creek the rainfall was 13.44 inches.

At Norris Island the rainfall was 12.64 inches.

At C. C. C.-T. V. A. Camp No. 22 the rainfall was 11.43 inches.

At C. C. C.-T. V. A. Camp No. 13, the rainfall was 14.50 inches.

At Big Barren it was 12.05 inches.

At Arthur it was 13.92 inches. It lacked just a few hundredths of being 14 inches in that 1 month.

At Tazewell the rainfall in January was 11.99 inches—practically a foot of rainfall.

At Big Sycamore it was 11.88 inches.

At another C. C. C.-T. V. A. Camp No. 5, it was 13.21 inches.

At Sneedville it was 12.14 inches.

At Flat Gap it was 17.68 inches. Think of it, Senators—nearly 18 inches of rainfall, a foot and a half.

At Little War Gap it was 10.46 inches.

Those are all of the gages kept in the Tennessee watershed. I have them also for Virginia and Kentucky to a great extent. I shall not go into the subject further. I think I have shown enough to show that this propaganda is based on an absolute falsehood, one that might have been ascertained to be such without any difficulty and without any expense, by calling someone to the telephone. It is only an illustration of the procedure that is going on, not only in this respect but in every other respect, over the United States, to cause the people to get an idea that the T. V. A. has accomplished nothing.

It is not fair sportsmanship for the unfriendly newspapers and the unfriendly representatives of the private power companies to circulate these false and malicious reports. Why, an ordinary professional poker player would have more sportsmanship than that.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield to the Senator.

Mr. McKELLAR. The Senator read the gage as reported by the T. V. A. at Coulters Dam and at White Creek. Those are two places, as the Senator knows, where we have been trying to authorize the T. V. A. to build other dams. If they were built, they would add immeasurably to the safety from floods of all those farther down.

Mr. NORRIS. I thank the Senator again.

Mr. President, in conclusion, I desire to say that the financial saving brought about by the T. V. A. activities has been demonstrated. It is almost a mathematical demonstration in a great many respects when we consider flood control alone, without considering the many other things in which the T. V. A. is engaged to make a happier and a brighter life for the people of the Tennessee Valley, and to set an example for the rest of the country to follow if they see fit. When the other dams are completed, the effect will be, as a practical proposition, to regulate the Tennessee River so that its volume will be almost the same at all seasons of the year, thus bringing about the maximum amount of navigation, the maximum amount of flood control, the maximum amount of power that can be produced, and it is only an illustration of what would happen in the Cumberland, in the Ohio, in the Mississippi, in the Missouri, and in every great river in the United States, from the Atlantic to the Pacific, if we should follow that course.

Mr. COPELAND. Mr. President, I shall detain the Senate but a moment.

I am in full agreement with what the able Senator from Nebraska has said about the Tennessee Valley project. But I must say that, in my judgment, the address of the President on the 4th of March, in its interpretation by the people, has given a false impression.

Mr. NORRIS. Mr. President, will the Senator yield at that point?

Mr. COPELAND. I yield.

Mr. NORRIS. I have discussed the President's speech in but one respect. Does not the Senator agree with me that the President's statement on the Tennessee Valley was 100-percent truthful and correct, and that the persons who are trying to have the country believe he stated a falsehood are without any ground to stand on?

Mr. COPELAND. Mr. President, I have already said that, so far as the Tennessee Valley matter is concerned, as stated by the Senator from Nebraska, I am in full accord with him. But there are other implications from the speech made by the President on the 4th of March. I quote:

> But how can we confidently complete that Tennessee Valley project—

I have not any fault to find with that—

> or extend the idea to the Ohio and other valleys while the lowest courts have not hesitated to paralyze the operations by sweeping injunctions?

Mr. NORRIS. Does the Senator object to that statement?

Mr. COPELAND. No; not to this point; but pretty soon I am going to object to something that is in this address.

Mr. NORRIS. Just so the Senator does not object to that, that is all I care about.

Mr. COPELAND. I read further from the President's remarks:

> The Ohio River and the Dust Bowl are not conversant with the habits of the interstate-commerce clause. But we shall never be safe in our lives, in our property, or in the heritage of our soil until we have somehow made the interstate-commerce clause conversant with the habits of the Ohio River and the Dust Bowl.
>
> In the campaign of 1936 you and I, and all who supported us, did take cognizance of the Ohio River and the Dust Bowl. We said, of course, we will continue our efforts for drought and flood control * * * for these things we have only just begun to fight.
>
> Here, too, we cannot afford, either individually or as a party, to postpone or run away from that fight on advice of defeatist lawyers. Let them try that advice on sweating men piling sandbags on the levees at Cairo.

Mr. President, I am sure I am justified in stating that the implication of this statement—and I do not impute any unworthy motives or thought to the President—is that somehow or other the courts have interfered with the control of the floods upon the Ohio River and its tributaries.

Reference is made directly to that in the words used by the President:

Let them try that advice on sweating men piling sandbags on the levees at Cairo.

The sweating men on the levees at Cairo were obliged to sweat and to carry on, and will be for years to come unless reservoirs and dams are built on the headwaters of the Ohio River.

Last year, in the second session of the Seventy-fourth Congress, after great tribulation we passed an omnibus flood-control bill. It was before us on the last night of the first session of the Seventy-fourth Congress, and a speech which would have done credit to Proctor Knott was made by the senior Senator from Maryland [Mr. TYDINGS]. The result of that speech was that the bill was recommitted.

A year later, after we had worked in the committee upon the bill, and no committee ever worked harder or more energetically than did the Committee on Commerce, we presented to the Senate a revised and perfected flood-control bill. That bill authorized that the sum of $310,000,000 be appropriated for carrying out the improvements in the matter of flood control; likewise, the sum of $10,000,000 was authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying on any examinations or surveys provided for in that measure or other acts of Congress.

The bill was passed by the House, so the Congress authorized the expenditure of $300,000,000 for flood-control work. It specifically authorized that $50,000,000 of that sum should be appropriated, to be expended during the fiscal year ending June 30, 1937.

Was the money appropriated? It was not. The Congress adjourned on the 20th of June, and it was not until the 22d of June that the President approved that omnibus flood-control bill. Consequently, the sweating men on the levees at Cairo should bear in mind that the fault was not of the Congress or the fault of the courts, but it was the fault of the administration, in that it did not make it possible for us to have and to expend this money.

We might now be installing projects on the upper reaches of the Ohio in order to give protection to my State, beginning geographically, to the State of Pennsylvania, to the State of West Virginia, to the State of Kentucky, to the State of Ohio, to the State of Indiana, to the State of Illinois, and on down the Mississippi River. It is not the fault of the Congress, it is not the fault of the courts that these flood-control projects are not now in process of completion.

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

Mr. COPELAND. I yield.

Mr. NORRIS. Of course, the courts could not have anything to do with a flood-control proposition which never had been commenced. We have not gotten far enough with our program to encounter the courts. But I will say to the Senator that to a great extent the courts are to blame for the delay and the expense occasioned in the case of the Tennessee Valley, where we had gone far enough with the various improvements to interfere with private power interests.

Mr. COPELAND. Mr. President, there is no difference of opinion between the Senator from Nebraska and me regarding the Tennessee Valley. I am not discussing that now. I am speaking of floods on the Ohio River, from its upper reaches in my State on down to the Gulf of Mexico. We authorized appropriations, and it is not the fault of the Congress; it is not the fault of the representatives of the States where flood-control projects are necessary; it is not the fault of the courts; it is not the fault of anybody except the fault of the administration that there was not an appropriation of money to carry out these projects.

Mr. NORRIS. I agree with the Senator about its not being the fault of the courts or of the Congress; I agree with that fully; but I do not think the Senator is justified in charging the delay to the administration. Does the Senator mean to say that if the money had been appropriated, the projects on the Ohio River and its tributaries and all those other rivers would have been completed by this time?

Mr. COPELAND. Of course not, and I am not splitting hairs with anyone on that subject. But there would have been some comfort to the sweating men on the levees at Cairo if in their minds there had been the knowledge that projects up the river were in process of completion, projects that when completed would make it unnecessary to sweat blood in order to control the floods and to protect the cities on the lower reaches of these rivers.

Further, Mr. President, in the statement of the President he speaks about the Dust Bowl. The same bill authorized an appropriation of $10,000,000 to have a study made as to how, in connection with the control of rivers, there might be relief from the evils in those sections where the Dust Bowl is located. There would have been a study of other parts of the country where there has been attrition and destruction of soil by reason of floods and similar catastrophies.

I do not want to leave any doubt in the minds of the American people. It is not fair to give them the implication that the reason why we are not proceeding with these flood-control projects is that Congress or the courts have interfered in some way.

I feel aggrieved over the decision of the courts. I was terribly disappointed over the minimum-wage-law decision in my own State. But I want to be fair to the courts. Certainly the courts have nothing whatever to do with the failure to proceed actively and energetically in the control of floods along the great rivers of this country.

I will agree with the Senator from Nebraska regarding the project in which he is interested, for which I voted, and in which I believe. I agree with him that some courts have been ungenerous, perhaps. But as to the big projects, involving relief from floods all over the country from the rock-bound coast of Maine to the golden shores of California, in practically every State, I may say that we studied the problem, we discussed it for days in the Senate, as well as for weeks in the Committee on Commerce, our conclusions are written into the law, and the fact that the law is not in operation is not the fault of the Congress or of the courts, it is the fault of the administration itself.

SIT-DOWN STRIKES AND ECONOMIC CONDITIONS

Mr. BORAH. Mr. President, I listened to the remarks of Senators on Wednesday last in their discussion of the effect of what is called the sit-down strike, and I also listened with interest this morning to the decisive and vigorous statement of the junior Senator from Louisiana [Mr. ELLENDER].

I presume it is very generally agreed that what is known as the sit-down strike finds no justification in law. I think it is generally agreed that it is a form of violence which a government of law and order cannot recognize. But it seems to me that we cannot properly appraise that situation by considering alone the physical fact of workmen holding possession of property not their own against the proper owner. The sit-down strike, unlawful and illegal as it is, when considered in this Chamber, must be considered as a part of the economical situation as a whole.

Whatever there may be as to the legal proposition involved, there is an economic situation which must be considered in connection with the other proposition.

The Senator from Illinois [Mr. LEWIS] in his remarks on Wednesday used this sentence:

Have we a government?

That is what I should like to know. Have we a government which enforces law, a government which protects the rights of the citizen? And when I say "the rights of the citizen" I mean not only his rights as they may be represented in property, but I refer also to human rights.

In order properly to appreciate that situation in Michigan and the situation which is developing now throughout the country, spreading from the Atlantic to the Pacific, and from the Lakes to the Gulf, we must consider something aside from the physical fact, that these men are in possession of property not their own. As I look at it they are fighting for what they deem to be their rights in an economic

system which is dominated in a large measure at this time by lawlessness and largely by reason of the fact that the Government does not enforce the law upon the statute books.

In order that we may fully understand this interrogation of the able Senator from Illinois as to whether we have a Government which enforces law, let us go back a little in order that we have a full presentation of all the facts and in order that we may avoid what might appear to be a partisan discussion of a nonpartisan subject. I think there is a condition prevailing in this country which is full of injustice to a large body of our people and which is calculated to breed discontent and lawlessness throughout the land. I have reference to the disregard and defiance of our laws relative to monopolies and trusts. They continue from year to year to violate the laws of the land.

Mr. President, in 1928 and 1929 we had, perhaps, the greatest wealth-producing years in the history of the world. We produced more wealth in this country than at any other period for the same length of time in the history of our country. Nothing like it in the story of material advancement in recorded history. Vast fortunes were built and to such an extent that they became the subject of comment and discussion everywhere. But at the time that this vast wealth was being developed, and in the year 1929, over 50 percent of the people of the United States were living on less than the bare necessities of life.

That cannot continue under any form of government, republican, democratic, or despotic. It did not arise out of what might be said are the ordinary disparities and struggles in the economic world. It was a condition which arose in a large measure out of the fact that there were vast economic forces in the United States, vast corporate interests living in violation of the law of the United States and, in violation of the law of the United States, crushing out of existence hundreds of thousands of small-business men. It was in a large measure the fruits of lawlessness.

Mr. President, we cannot successfully appeal for law and order, we cannot successfully appeal for the majesty of law, only to one sector of the economic circle. The economic system of the United States must come back and live under law and in accordance with law as a whole, and in accordance with the authority of the Government. Otherwise we shall plant the seeds of disorder and lawlessness which will spread to the four corners of the country, as it seems to be doing now.

We have developing at this time exactly the condition which existed during 1928 and 1929. We have prosperity in this country in places to an exaggerated degree. Money is being made upon a stupendous scale. We have a return of those conditions, and we talk about a return to the prosperous conditions of 1928 and 1929. If we return to the economic conditions of 1928 and 1929 and undertake to live upon the basis of those conditions we shall in a very short time have a return of the conditions from 1930 to 1936. If you have an economic system which gathers in the dimes and the quarters and the half-dollars from the common people of the United States through artificial prices, and pours them into the coffers of a few great corporations, thereby destroying the purchasing power of the great masses of the people, you cannot maintain a healthy economic or financial condition in this country. I am one of those who take the position that until you destroy—not control or regulate—but until you destroy the monopolistic control of the economic affairs of the United States you are not going to have order and law and lawful action upon the part of those who have to deal with it. Lawlessness fattens by what it feeds upon.

The President in his inaugural address said:

> But here is the challenge to our democracy: In this Nation I see tens of millions of its citizens—a substantial part of its whole population—who at this very moment are denied the greater part of what the very lowest standards of today call the necessities of life.
>
> I see millions of families trying to live on incomes so meager that the pall of family disaster hangs over them day by day.
>
> I see millions whose daily lives in city and on farm continue under conditions labelled indecent by a so-called polite society half a century ago.
>
> I see millions denied education, recreation and the opportunity to better their lot and the lot of their children.
>
> I see millions lacking the means to buy the products of farm and factory and by their poverty denying work and productiveness to many other millions.
>
> I see one-third of a nation ill-housed, ill-clad, ill-nourished.

That, Mr. President, is the picture drawn by the Chief Magistrate of this Government in his inaugural address. I think it accurate. I think it true. Indeed, I think it moderate. I think it is a picture which ought to be drawn. But I ask this body, and I ask the people of the United States, how are you going to avoid having one-half of our population living a meager existence and on the ragged edge of hunger and want if you permit an economic system which through the power of fixing prices accumulates untold billions in the hands of some 2,500 or a few thousand men?

Have we a government? Can we protect this 50 percent? We can. We have the power if we will only have the determination. Why, Mr. President, we have now practically the condition that existed in 1929—36,000 families at the top of the economic ladder drawing an income equal to that of 11,500,000 at the foot of the ladder.

You may talk about your courts, you may talk about your Constitution, you may talk about order and law, you may talk about sit-down strikes, but in an economic system thus controlled there is no such thing as economic justice, and where there is no economic justice there can be no safety or security for Constitution or courts or for the citizen.

Let me call attention to another item which appeared in the newspapers a few days ago. Effort has been made to relieve these situations.

> The Home Owners' Loan Corporation has made 1,000,000 mortgage loans.
>
> It now reveals that 160,000 foreclosure proceedings are completed, pending, or shortly to be started.
>
> That means a 16 percent home mortality rate among the homes H. O. L. C. supposedly "saved."
>
> That means the sidewalks for 16 out of every 100 home owners to whose rescue H. O. L. C. galloped.

We can pour the contents of the Federal Treasury into this place and into that place in order to relieve suffering humanity and as a temporary expedient do the best we can with that particular situation, but what we are concerned to know is whether it is possible to secure for those people whom we are seeking to help that equitable distribution of the wealth of the United States which will enable them to keep their homes after they have been permitted to possess them. These people who are now homeless once owned homes. They lost them under a monopolistic system. It is useless to give them homes again unless the economic system is to be changed. They cannot hold them.

Although the return of prosperity in places, as I have said, is apparent, and can be easily demonstrated, it is not making any particular inroads into the great number of unemployed; it is not reducing the number of those who are living on a most meager basis, and it will not do so. We will, perhaps, return precisely to where we were in 1929, with half the people of the United States without the means of a decent living.

Mr. Wallace, in his interview, said:

> I think very definitely that the Government does not have sufficient powers effectively to mitigate the wide swings of the business cycle.

"Business cycle" for whom? For one-half the people of the United States there is no "business cycle"; prosperity or depression is about the same to them. They are living on a meager basis of existence even in the days of the height of prosperity and they are living on nothing less, perhaps, in the days of adversity or the days of depression. There is no "business cycle" so far as one-half our people are concerned, they are always at that point in their existence where they can look forward to nothing but a continuation of the conditions from which they are suffering. And it will always be so if we permit private interests to fix prices.

So far as power is concerned, Mr. President, in connection with the subject with which I am dealing today, there is no provision of the Constitution, no decision of the

courts, standing in the way of uprooting and destroying all the monopolistic power which is today fixing prices for the American people on all the great necessities of life. We have ample power. There is not a monopoly in the United States but is operating by reason of some grant given it either by the National Government or by State governments.

There is not a monopoly in existence but is in existence by consent or connivance of government; there is not a raid being made upon the small-business man in the United States but is being made by the consent or connivance of government. The power belongs to us; and we will either exercise it, we will either exert that power and restore economic justice to the economic system of the United States or, take my word for it, we will have something more than sit-down strikes in the United States. The people reflected much and thought deeply during the dark days of the depression, and they feel there is something to be righted.

It is not uninstructive, Mr. President, to recall that such economic conditions were those which furnished the battalions for Mussolini in his march on Rome. It was hunger and nakedness and economic chaos which broke the hold of the Czars and invited Lenin to come in and take charge. It was the inordinate greed of monopoly and the demands of the landlords in Germany which broke the nerve of the manhood and womanhood of Germany and opened wide the road for Hitler. No form of government, no form of constitution, however sacred in the minds of the people, no courts, no theory of free government can stand indefinitely against economic injustice which is undermining the manhood and womanhood of a vast portion of the people of our country.

We are now greatly disturbed by the question of the increased cost of living, of the rise of prices, and of inflation. If you will study the question of price rise, you will find that there is nothing but a normal increase in those regions not controlled by monopolies or combines. It is only in those lines and in those economic regions where combines and monopolies exist that prices are shooting up. It is only in instances where articles and commodities are so manipulated that prices are getting apparently out of control, and they are raising the prices for whom? They are raising them for the entire 130,000,000 people. They have the taxing power; they levy tribute; they tax just as specifically as we tax; they put upon the people all the tax they think they will bear, and they put the proceeds into their own coffers.

I believe, Mr. President, I think as strongly as does anyone, that property has its rights and is entitled to protection, but when a vast number of workingmen and working women are struggling in an economic world where lawlessness prevails, we cannot expect them to always abide by the laws of our country. This is more than a labor problem; it is a national economic problem as wide and as broad as the Government itself. It is our task to see that some remedy is provided and that the law will be enforced as to all if we expect it to be enforced as to a part. We must all agree that obedience to law is the very foundation upon which free government rests. But the question is how to secure obedience. My contention is that obedience from some and disobedience from others begets disobedience from all. We are said to be the most lawless civilized nation in the world. Crime is nothing less than alarming. I cannot disassociate this lawlessness from the lawlessness in the business world upon the part of those who believe they are strong enough to defy the law.

RESPONSIBILITY FOR FLOOD-CONTROL PROJECTS

Mr. BLACK. Mr. President, I desire to discuss for a few moments some of the questions raised by the Senator from Idaho [Mr. BORAH], but before doing so I desire to refer to a statement made by the Senator from New York [Mr. COPELAND].

As I understood the Senator, he charged—and I presume we will see the charge on the front page of many newspapers—that the President of the United States was directly responsible for work not being done to prevent floods on the Ohio. If I am mistaken in my understanding, I should like to be corrected.

Mr. President, I listened carefully to the statement which was made by the Senator from New York. The inference that he drew is, in my judgment, wholly, completely, and unequivocally without justification.

In the first place, I deny that there was any orderly plan provided in the bill to which the Senator referred to prevent floods on the Ohio. A short time before the bill finally passed, and before some changes had been made, it was referred to by the genial and affable Senator from the State of Maryland [Mr. TYDINGS] as something like a hodgepodge, if my memory does not serve me wrongly.

In the second place, Mr. President, I understood the charge was based upon the statement that the President received an authorization bill and failed to sign it for a certain number of days. I do not recall whether it was 1 day or 2 days or 10 days or 15 days. Reasoning from the fact that a bill had been sent to the President containing authorizations for various projects scattered around over the country, which he did not sign in the next few minutes after he received it and send it back to the Senate, I gather that the Senator from New York charges that by not sending back here immediately that authorization bill providing for an aggregation of projects the President is thereby responsible for the floods on the Ohio.

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

Mr. BLACK. If the Senator will permit me to make one more statement, then I will yield.

Mr. MINTON. Certainly.

Mr. BLACK. Mr. President, if I am wrong, I should like to be corrected, but during the 10 years I have been a Member of this body I have understood that when an authorization bill passed the Senate, any Senator could then offer to attach to the proper appropriation bill an amendment designed to carry out the authorization, and that it would be in order so to do. I now yield to the Senator from Indiana.

Mr. MINTON. Mr. President, I got the impression at the time the bill was before the Senate that there would be no attempt made by anybody to procure an appropriation to carry out the authorizations provided at the last session. So it would be entirely immaterial whether the President kept the bill a day or 2 days or a month.

Mr. BLACK. And, even if it were material, may I call attention to the fact that the Senate was still here; Senators were still on the floor; they were still able to talk, perhaps; they were still able to offer amendments to appropriation bills? It was in order to offer an amendment to the proper appropriation bill providing an appropriation for projects which had been authorized by this body.

The appropriation had been authorized by this body. Who is responsible, if it be true that the failure to pass the appropriation bill brought on the flood? Not the President. The President was not in the Senate. Someone who was in charge of the bill certainly should have asked that the authorization be carried out and the appropriation made if it would mean prevention of floods.

Therefore, Mr. President, I suggest that, in my judgment, it is just a trifle far-fetched—other words might be appropriate—to suggest that the President of the United States is responsible for the failure to start work on the Ohio River because he failed to sign a bill, which action or failure to act in no way stopped the hand of any Senator from offering an amendment to an appropriation bill.

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

Mr. BLACK. Certainly.

Mr. MINTON. Who was in charge of the flood-control bill? I remember the Senator from Maryland [Mr. TYDINGS] speaking on it, but who had it in charge?

Mr. BLACK. My recollection is it was the senior Senator from New York [Mr. COPELAND].

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

Mr. BLACK. I yield.

Mr. COPELAND. Of course it would ill become me to attempt to instruct the Senator from Alabama in some of the fundamentals of the Constitution. He is a very distinguished lawyer. The Senator may recall that unless this instrument has been entirely discarded it provides, in section 9, article I, that—

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Also in order to have it become a law the bill has to be signed by the President.

When the Senator, who is usually clear minded, talks about a hodgepodge, he has in mind or talks about a bill which was a hodgepodge and was defeated a year before the bill which finally became a law was enacted. The latter bill passed both Houses, went to conference, the conference report was agreed to, and was accepted by the Senate on the 2d day of June 1936. It so happens that the bill was not signed by the Vice President, for some reason which I do not know, until the 15th of June. We were in session after that until the 20th of June. The President did not sign the bill until the 22d of June. Will the Senator tell me how in the name of heaven we could get an appropriation when we had no law authorizing it?

The Senator from Indiana [Mr. MINTON], who was good enough to withdraw from this pernicious bill an amendment which he had previously had inserted in it, says he did not understand that it provided for an orderly procedure of flood control. I commend to the Senator from Indiana, Public Law No. 738. When he reads it he will find that the bill did provide and the law does provide for an orderly correction of defects upon the various rivers which, if corrected, would control floods.

Mr. President, I say again that the reason why no money is being expended now upon the rivers of America to prevent floods is because the President did not sign the bill in time to get it back to us so that an appropriation could be made.

Mr. BLACK. Mr. President, we have heard of the serious delinquencies which tied and shackled the hands of the Senator from the great Empire State of New York in such manner that it was wholly and completely impossible for him to offer an amendment to an appropriation bill. It may be he was ill at that time.

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

Mr. BLACK. I yield again to the Senator from New York.

Mr. COPELAND. As a matter of fact, I did rise on the floor to ask if, in advance of the final signature by the President, it would be proper to add an appropriation item, and I was assured by the parliamentarians of the Senate that it could not be done until the authorization bill had been signed.

Mr. BLACK. I should think the Senator from New York, with his tenacity of purpose, with his desire to serve the people who live on the headwaters of this stream where it was likely to bring on floods, would not have depended upon the statement of a gentleman who is not a member of this body, but would have risen in his place, addressed the presiding officer and said, "Mr. President, floods are liable to beat down upon the homes of the people of the State of New York and I ask that I permitted to offer an amendment to an appropriation bill."

Mr. BYRNES. Mr. President——

Mr. BLACK. I will read now rule XVI of the Senate which was in effect at that time.

Mr. BYRNES. Mr. President, I was just going to call the attention of the Senator to rule XVI or so much of it as specifically provides that whenever a bill or resolution of authorization is passed and signed, an amendment to an appropriation bill is in order to provide the funds.

Mr. BLACK. Certainly. Rule XVI, paragraph 1, provides:

> All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

In other words, Mr. President, I know that if the Senator from New York, with his persuasive eloquence, had risen in his place and asked that an amendment be put on an appropriation bill to protect the people of the Ohio Valley from rushing floods which were coming down in the spring, he could have convinced us that rule XVI meant what it said in spite of anything any parliamentarian said to the contrary.

He had a perfect right to rise and offer such an amendment to an appropriation bill. It was in order under the rules of the Senate.

Mr. President, I say that if there was any Member of this body who knew that it was essential that the bill be passed in order to prevent death and destruction on the Ohio River, and if the Member who knew it was necessary that the appropriation bill be passed and he failed or neglected to exert himself to get such an amendment adopted, upon him and not upon the President of the United States rests the responsibility for the floods on the Ohio River.

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

Mr. BLACK. I yield.

Mr. COPELAND. In the first place, let me correct a wrong impression the Senator seems to have. I did not refer to the official parliamentarian of the Senate. I spoke of parliamentarians of the Senate and was referring to Senators.

In the next place, I suppose the rules of the Senate by usurpation might set aside the Constitution. As a matter of fact, every Senator knows that unless there is an authorization by substantive law permitting an appropriation, it cannot be made. The Senator may be facetious and eloquent. He paid me a great tribute about what I could do, but there are some things I cannot do, and one is to take money out of the United States Treasury unless and until there is a law permitting it.

I am willing to take all the blame in the world which properly rests upon me, and, if it is my fault, I gladly carry the responsibility; but it is not the fault of the Senator from New York, it is not the fault of the Senate of the United States nor of the Congress. The fact is we did not get the authorization which should have been given us by law.

There was a rumor about the Senate that it did not make much difference whether or not we made such an appropriation, that relief funds could be used for the purpose. But if the bill had become a law and if the authorization had been made, there is no manner of doubt that the Senate by unanimous vote would have appropriated the necessary money.

The Senator may split hairs or may be facetious or may be playful, but the fact remains that, in my opinion, the work on the Ohio River and its tributaries is not being done, because the President did not give us an opportunity to make the appropriation in order that the work might be done. It is a serious thing. To those men sweating on the river, to those who have lost their property, it is a serious matter, so serious indeed that it would have been a wonderful thing if the administration had recognized the possibility that lightning might strike twice in the same place within 2 years. It was not anticipated that it might, but it did, and the reason why the work is not being done is the reason I have stated—the failure of the administration to make it possible.

Mr. BLACK. Mr. President, a long time ago I read something which said that "A woman convinced against her will is of the same opinion still." Sometimes I think perhaps that statement might apply to Senators. All Senators here, nine-tenths of the occupants of the galleries who have sat there any length of time, even the "fans" who come to the galleries, are familiar with the fact that when an appropriation has been authorized by this body, every time the appropriation bill is up some Senator rises in his place and, when a question is raised as to violating the rule, says, "This body has already authorized it", and it is held in order, and the Senators vote upon whether or not it shall go into the bill.

I do not care to go any further into that question. Every Senator here knows that that is the rule which is followed all the time, not by unsurpation, but because this

body has reserved unto itself some of the privileges which have not been taken away from it by other branches of government.

Mr. President, I desire now to discuss for a few minutes the question mentioned by the Senator from Idaho [Mr. BORAH], and to go just a little farther back than he did in considering some of the underlying causes of the trouble that exists in this country between labor and employers.

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

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. I yield to the Senator.

Mr. BONE. This is a very illuminating argument about how far we may go when an appropriation is authorized. As I look at the Senator from Colorado [Mr. ADAMS], who is the bete noir of all the Members here in matters of that kind, I remember that in my efforts to increase the amount of funds available for W. P. A., with an authorization for relief in the bill, the Senator from Colorado was kind enough to refrain from making the point of order against my request for an additional amount; but I am wondering if my good friend from Alabama is altogether right in his conclusion that where there is an underlying authorization, an attempt to increase the amount is in order.

This is a very enlightening argument. I am glad to learn this, because it perhaps will permit me to be a little more effective in some directions in the future; but I should like to get clearly in mind the procedure which seems to be under discussion here affecting rule XVI, because I never get two opinions alike on that rule.

Mr. BLACK. Mr. President, I desire to discuss the other question which has been referred to, aside from the rule. In the first place, I think it is not necessary to go to the rule for anyone to realize that when there are only 2 or 3 days left at the end of the session, there are not many who would charge the President with such an extreme responsibility as that with which he has been charged on the floor this afternoon.

LABOR CONDITIONS AND JUDICIAL DECISIONS

Mr. President, the Senator from Idaho [Mr. BORAH], in his closing remarks, as I recall, suggested that it was necessary that something be done. He suggested one method which he believed, if it could be accomplished, would tend to alleviate some of the injustices he mentioned. With the Senator's viewpoint on that subject I am in thorough accord, not perhaps as to the possibility or probability of the application of the remedy, but certainly as to the theoretical possibility of curing the disease by that method.

I am, however, of the opinion that the powers of government have been unnecessarily restricted to such an extent that it is no longer possible for the Government itself to enforce the law to which the Senator from Idaho referred in the manner in which it was written. History shows us that when the antitrust law was written, it was intended to prevent all combinations in restraint of trade. History shows us that the great interests of this country, to which the Senator from Idaho referred, diligently sought to obtain from the Congress an amendment which would restrict the enforceemnt of that law except on condition that the agreement was in unreasonable restraint of trade. History shows that a committee of the Congress making a report on that proposal said that it would not be wise or proper to attach such an amendment to the law. History shows that the chambers of commerce and the manufacturers' associations had been exceedingly busy in the effort to obtain the adoption of that amendment. Congress declined so to amend the law. A majority of the Supreme Court overruled the Congress, and did so amend the law. A majority of the Supreme Court overruled their previous decision and wrote into the law that which Congress would not write into the law—a legislative amendment which prevented the enforcement of that law unless the judges themselves should reach the conclusion that the combination was unreasonable.

That, in my judgment, was a judicial amendment to legislation which no power in this country had a right to enact or amend except the people through their representatives in the legislative branch of the Government. I do not believe the Constitution ever gave to the judiciary, in any word or in any clause of that document, expressly or impliedly, the right to amend the antitrust law by adding those terms; and I further believe that since the very day that act was amended by the Court, insofar as any practical enforcement is concerned, it made the act a complete nullity.

A few days ago I had occasion to confer with the Federal Trade Commission about the enforcement of the Sherman antitrust law in other respects. I was somewhat familiar with the situation; but I learned that the Federal Trade Commission find themselves impeded in their efforts to enforce the Sherman antitrust law by the decisions which have been made to the effect that if one concern simply buys the assets of another that does not constitute restraint of trade. We are all familiar with the fact of the intricate maze of intercorporate devices that have been developed in this Nation by the sanction of the courts which, in my judgment, have made it wholly and completely impossible for Congress to write a law which will suppress monopoly as the Senator from Idaho and I both believe it should be suppressed. The Senator will recall that I was one of those in this body who agreed with him when the original N. R. A. bill came before this body.

Mr. President, let us now look a little farther back. As the Senator says, it is always necessary to look at causes in order to understand the phenomena of the times.

People once thought the States of the Union would have the right to enact legislation, as Mr. Justice Holmes, on one occasion, said, somewhat as an experimental laboratory on economic conflicts. That was the desire of those who wrote the document which laid down the fundamental principles of division of powers and the mechanics of government. Mr. Jefferson very early said that as the courts were proceeding, it would be only a short time until they would absorb the powers of the States. He was a greater prophet than even his most intimate friends could have dreamed at that time.

Let us see, now, what has happened with reference to the very circumstance which has been mentioned on the floor of the Senate today.

As chairman of the Committee on Education and Labor of the Senate, I have not been unaware of the fact that a serious situation exists in the Nation today. He would be blind who could not have foreseen it. Lawlessness of an individual can be controlled. What is called lawlessness of large collective groups frequently has behind it, just as the Senator intimated in his speech, some injustices which must be suppressed. One of the great writers of the world said on one occasion that there is only one thing that is stronger than the force of armies—the force of an idea. There come times, as we all know, when force ceases to accomplish the object sought. Anyone who could contemplate the dissension and strife which exists in America today without the feelings of apprehension manifested by the distinguished Senator from Idaho would certainly be lacking in ability to appreciate, or would be callous as to results.

Mr. President, let us see how the matter can be handled, and what we or anyone else can do. There is the issue.

I was brought up in the atmosphere where the sentiment prevailed that to the State should be left every particle of power to control peculiarly local affairs which could be left to them with safety to the Nation. I still adhere to that doctrine.

Some years ago there was considerable trouble in the great State of Kansas. The legislature met and passed a law. Whether it was a good law or a bad law I do not undertake to say, but I do say that Alexander Hamilton in his palmiest days of seeking concentration of power in the Federal Government would never have dreamed that the people of a State would have the right to enact such a law. They had already attempted to pass a law providing for compulsory arbitration, which as I recall, was opposed both by labor and employers. I may not be correct in that, but

it is my recollection that such a law was enacted, and was stricken down by the court.

The question then arose as to how the people of the State of Kansas should seek to solve their labor problems. Most of us believe that peculiarly local problems should be solved by the local communities. The people of Kansas knew their problem. They looked around and found that the first law they had drawn had been stricken down by the court by a majority vote. Then they learned that one of the questions at issue was whether or not a man would have a right to belong to a labor union. Many of the people of the State of Kansas, like many people in the Nation today, had believed that when the Bill of Rights was added to the Constitution, it meant that a man had a right to join a labor union or not, as he saw fit.

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

Mr. BLACK. I yield.

Mr. WALSH. Have not the members of labor unions always been opposed to compulsory arbitration?

Mr. BLACK. I stated a while ago that I understood they opposed it in the State of Kansas.

Mr. WALSH. So that the law enacted in the State of Kansas to which the Senator has referred was passed over the wishes and desires of the workers?

Mr. BLACK. That was one law, but whether it was passed over the wishes and desires of one particular group, in my judgment, has nothing to do with the issue as to whether the people themselves should run their own Government.

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

Mr. BLACK. I yield.

Mr. BAILEY. If a law provided for compulsory arbitration, would it not violate the Bill of Rights, to which the Senator is now referring?

Mr. BLACK. I do not think so; but that is wholly immaterial to the point I am discussing. What I am saying is that here was an effort of a State through its people to exercise its sovereign power to attempt to bring about a settlement.

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

Mr. BLACK. I yield.

Mr. BONE. Does the Senator think there is even the remotest possibility of any State in the Union now regulating its own economic life in the light of interpretations of the fourteenth amendment by the Supreme Court of the United States?

Mr. BLACK. That is exactly what I have started out to discuss.

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

Mr. BLACK. I yield.

Mr. CONNALLY. I should like to ask the Senator about the statute of Kansas providing for compulsory arbitration. Was it declared unconstitutional by the State courts or the Federal courts?

Mr. BLACK. By the Supreme Court of the United States.

Mr. CONNALLY. Does not the Senator believe that a statute which required the forceable arbitration of a labor dispute and the compulsory or enforced labor of men in accordance with the agreement reached raises a Federal question, and violates the rights guaranteed to the workers in the Bill of Rights of the United States Constitution?

Mr. BLACK. I am not at this time passing on the merits or demerits of the decision. I am proceeding with a line of cases to show that the States have been deprived of their power to regulate, and that the United States Government has, as well.

Mr. CONNALLY. If the Senator will yield just a moment further, the reason for my inquiry is that this question was raised a day or two ago before the Judiciary Committee, which is now considering the Supreme Court proposal of the President, and Mr. Green, of the American Federation of Labor, was present and uttered the same views the Senator from Texas now is trying to express, that the statute to which the Senator from Alabama has referred did infringe upon the rights guaranteed by the Federal Constitution, and that labor was therefore opposed to it, and aided in securing the final court decision overthrowing that State statute.

Mr. BLACK. Mr. President, after this law was stricken down, as I had begun to say, the State of Kansas looked around to see what it could do with reference to bringing about action in that State which would enable it to prevent industrial warfare. They reached the conclusion that one of the great factors contributing to industrial strife was the fact that employers in that State made those who worked for them sign contracts promising that they would not join a union, with the understanding that if they did join a union they would lose their jobs. That is what is usually referred to as the "yellow dog" contract.

The Legislature of the State of Kansas enacted legislation on that subject. The legislation wound its weary way to Washington, to the Supreme Court of the United States, and there by a divided Court the law was held unconstitutional.

A short time before and a short time afterward it was known that injunctions had been upheld by the Supreme Court of the United States restricting the right of the worker and placing him under the domination of the orders of the Federal courts. Kansas therefore found that, whichever way she turned in an effort to adjust labor disputes, they came to Washington.

In 1898 the State of Utah had trouble in the labor field. Influences were exerted, and finally a law was passed providing for an 8-hour day in mines. That wound its way to the Supreme Court of the United States and there was at that time a majority of that Court which believed that it would be all right to pass such a law. Therefore the majority at that time sustained Utah's 8-hour law for miners.

In 1904 the great Empire State of New York reached the conclusion that the time had come to attempt legislation which would aid in preventing industrial strife and warfare.

A law was enacted which prohibited bakers from being employed more than 10 hours in any one day. The case involving that law wound its weary way to the Supreme Court in Washington, and a majority of the then Supreme Court judicially ascertained that there was no possible connection between the health of the workers and a 10-hour day in a bakery, in the State of New York, even though 6 years before a majority had held that there was a close connection between the health of the worker and an 8-hour day in the mines of Utah.

In 1916 another western State, the great State of Oregon, concluded that it should have a 10-hour law. Such a law was enacted in that State. Finally a case involving that law wended its weary way to Washington. A majority of the Supreme Court held that a connection was shown between working 10 hours in Oregon and the health of the worker, although they had held in 1904 that there was no connection in the State of New York between the health of the worker and a 10-hour day. So today there is a 10-hour law in Oregon, sustained by the majority of those who sat on the Supreme Court in 1904. There is no 10-hour law for bakers in New York, because a majority of the justices who were on the bench in 1916 held that there was no connection between health and a 10-hour day in the State of New York.

These States were endeavoring by legislation to bring about a correction of certain abuses which they contended had been established in their States. The legislation was enacted with a view to bringing about social welfare and preventing strife and conflict between workers and employers. But if a man happens to live in the State of New York, there is no protection for him against a 10-hour day, even though the people believe he should have it. Why? Because a majority of the judges who sat on the Supreme Court in 1904, at that time, in deciding what the Constitution provided, decided that it was contrary to the written Constitution for the people of New York to protect their workers from a 10-hour day.

The same written Constitution was in existence in 1898 that was in existence in 1904 and that was in existence in 1916. The Constitution did not change. The judges changed from time to time.

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. MCADOO in the chair). Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. I yield.

Mr. BONE. The Senator will recall that in the New York case, the Lochner case, the Court referred to the Holden case upholding the law prescribing an 8-hour day for miners in Utah; and in the prevailing opinion in the Lochner case the Justice who wrote the opinion sarcastically referred to this type of legislation as a "meddlesome interference", and then further along in the opinion also sarcastically referred to the improper motives that impelled a legislature to try to protect the workers. The whole opinion was filled with sarcastic references to the motives of the legislature that passed that sort of legislation.

Mr. BLACK. The Senator is correct. It was held to be a meddlesome interference in the State of New York, but a helpful regulation in the States of Oregon and Utah. It may be true that there is something about the climate or the atmosphere of Oregon that is injurious to the health of its workmen which is not true in the State of New York. However, I have always been led to believe, although I have not had the pleasure of visiting the State of Oregon, that it has a very salubrious and healthful climate, and, to say the least, that it is on a par with the State of New York when it comes to the number of hours that a man can work without injury to his health. But it has been judicially determined that there is a difference. Woe be unto the man who questions the invalidity of the ruling that it is less healthy to work in the State of Oregon than it is to work in the State of New York.

Mr. ROBINSON. He is not a "good sportsman." [Laughter.]

Mr. BLACK. No; he is lacking in sportsmanship. He is not willing to trust the umpire.

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

Mr. BLACK. I yield.

Mr. TYDINGS. I wonder if the Senator has given any thought to whether or not the limitation on the number of hours of work should be made to apply to agriculture as well as to urban industries.

Mr. BLACK. I have given considerable thought to that subject, and I shall be very happy indeed to discuss it when we reach a question of legislation dealing with it. At this time I am discussing the background of the situation as it has been pictured today. From that I do not intend to depart.

Mr. TYDINGS. The Senator knows, as we all know, that not only the average farmer but the average farm worker, from planting time to harvest time, from spring until fall, often puts in a 12-hour day in getting his crop in the ground, in keeping it cultivated, and in reaping it. In the last Congress we heard a great deal about parity between agriculture and industry. I should like to know if we are to have one kind of standard for industry and another kind of standard for agriculture.

Mr. BLACK. Mr. President, as I stated in the beginning, I do not intend to be diverted at this time from a discussion of the opinions of the Court. I contend that when it comes to a question of how a policy shall be established, the Constitution of this Nation says that it shall be established by the lawmaking body and not by the judges.

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

Mr. BLACK. I yield.

Mr. MINTON. The remarks of the Senator from Maryland prompted the thought that there has been a discrimination on the part of our Government between the farmer and the manufacturer in this respect, that we can help the manufacturer by giving him the benefit of indirect taxes but we cannot do it for the farmer.

Mr. TYDINGS. Mr. President, I do not want a remark to stand in the RECORD——

Mr. BLACK. Mr. President, I prefer not to be interrupted.

Mr. TYDINGS. I do not mean to interrupt the Senator further, but——

Mr. BLACK. Mr. President, I must object to being interrupted in what I am discussing. I do not wish to be diverted from what I am discussing.

Mr. TYDINGS. I do not want a remark to stand in the RECORD which might cause misunderstanding. Following the passage of the Agricultural Adjustment Act we passed the Soil Conservation Act. For the purpose of argument I will not say that the latter act is either good or bad; but under that act the result is that every farmer in Maryland is entitled to cash benefits, including the Senator from Maryland, who owns a farm in Maryland, and the same thing applies to Indiana. So what can be done for the capitalist has been and is being done for the farmer in every State in the Union.

Mr. BLACK. Yes, Mr. President; after 150 years the farmer finally did get a little recognition.

Mr. MINTON. But the Supreme Court has not passed on the Soil Conservation Act.

Mr. BLACK. I am not going to discuss that issue. I am discussing the background of the questions that are under discussion today.

Let us take another State. Another State reached the conclusion that one of the causes for strife between the employer and the employee was private employment agencies operating for profit in the State, and after a careful investigation the State decided that it would make it unlawful for anyone to conduct a private employment agency for money. Of course the State did not recognize that it had a superior in the matter of determining what was for the best interests of the people in settling strikes between employer and employee. The law was passed. It wound its weary way to Washington, and when it reached the Supreme Court of the United States a majority of the Supreme Court said, "Why, you cannot do that. A majority of us do not like that law. We do not think it is reasonable, and since we do not think it is reasonable it has to be unconstitutional."

I deny that the framers of the Constitution of the United States ever contemplated that jurists should be given power to determine what was reasonable for the people of the State of Wyoming or the other States of the Union in connection with local legislation which did not come in direct conflict with some express, unequivocal provisions of the Constitution.

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

Mr. BLACK. I yield.

Mr. BONE. I know the Senator is aware of the fact that a third of a century ago the Supreme Court of the United States removed all these issues from the realm of controversy by assuming general supervision of the legislation that we in the State of Washington should elect to pass or that should be passed by the legislature of any other State. In the Lochner case, a memorandum of which I happen to have in my desk, and which I have read many times, four members of the Court indicated, in the opinion written by Mr. Justice Harlan, that the Supreme Court would transcend its functions if it assumed to annul the statute of New York, and would bring all such very practical legislative matters under the supervision of the Supreme Court.

Of course, I had always had an idea—rather vague, I will have to admit, in the light of these decisions—that the Court was merely to interpret the law and not to assume supervision of economic and political issues; but Justice Harlan in this instance said that the Court assumed jurisdiction of this kind of legislation and that—

> A decision that the New York statute is void under the fourteenth amendment will, in my opinion, involve consequences of a far-reaching and mischievous character.

Of course, I do not know that what we face today is mischievous, but it certainly is sufficient to give us pause and food for sober reflection. Justice Harlan said that—

> Such a decision would seriously cripple the inherent power of the States to care for the lives, health, and well-being of their citizens.

Then Justice Holmes comes along and adds this further illuminating thought:

> This case is decided upon an economic theory which a large part of the country does not entertain.

He says further:

> I think that the word "liberty" in the fourteenth amendment is perverted when it is held to prevent the natural outcome of a dominant opinion.

I make this suggestion because the Supreme Court has ended all these doubtful matters by deciding that the States have not any right to adopt the kind of legislation which the Senator has discussed.

Mr. BLACK. I thank the Senator from Washington.

Sometime after the State had decided to try to bring about adjustments in industrial strife by absolutely prohibiting private employment agencies, and the Court had said that, in its opinion, the State could regulate but could not prohibit the State of New Jersey, which up to that time had been possessed of some kind of a vague idea that it was a sovereign State, attempted to regulate employment agencies for private gain. That case went to the courts; it, too, wended its way to Washington, and it met with the reception of a divided Court, some of the judges holding that the State could take the action and some that the State of New Jersey could not. Of course, however, there were a sufficient number to say that it could not, because that philosophy has been dominant in the Court for more than 50 years.

The State of Nebraska actually had the temerity to believe that one of the things it had a right to do, in aid of its citizens, was to regulate the size of a loaf of bread, in order that purchasers might be protected from dishonest bakers, and, as Mr. Justice Brandeis said, honest bakers might be protected from dishonest bakers. But a short time after that statute was passed it wended its way to Washington, and when it got to the Supreme Court here it was met by a majority who said, "The State of Nebraska has nothing to do with fixing the size of a loaf of bread; we do not think the State is reasonable in attempting to do any such thing. If the bakers are smart enough to deceive the people as to the size of a loaf of bread, the Constitution of the United States says they cannot be deprived of that liberty." So that law also fell by the wayside.

We all remember that we have had some trouble with minimum-wage laws. One of the frequent causes of labor controversy has been wages. Behind the fight today is the question of wages and working conditions. The people thought that they at least had as much right as those who lived in the original American Colonies had, and the people who lived in the Colonies, under a Government which they fought to obtain their freedom on the ground that it was tyrannical had the right to fix a minimum wage. But about one-hundred-and-some-odd years after the battles for liberty had been fought, when the effort was made to prevent industrial strife and industrial warfare by providing a minimum wage, a majority of the Supreme Court, over the vigorous protests of other Justices on that bench, held that a State had no right to fix a minimum wage. They rendered the famous judicial conclusive determination that there could be no connection between health and a minimum wage and no connection between the morals of women and the amount of money they could get by working in a sweatshop.

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

Mr. BLACK. I yield.

Mr. TYDINGS. I am not familiar with the details of the case to which the Senator is referring; but, purely for information, may I ask if the minimum-wage act to which he refers applied to those engaged in agriculture as well as to those engaged in industrial pursuits?

Mr. BLACK. I do not recall; I have never read the statute, because, in my study of the case, I was more interested in the question involved as to whether or not the people had the power. I do not know as to the specific question.

Mr. TYDINGS. I do not know, either.

Mr. BLACK. But I do not think it did; I would not make a direct and positive statement, but I am reasonably sure it did not.

Mr. TYDINGS. My recollection is that the statute did not apply to protect those who were engaged in agricultural activities.

Mr. BLACK. That had nothing to do with the Court's decision.

Mr. TYDINGS. I should think it would have.

Mr. BLACK. The Court did not say so. Of course, it may have been a hidden motive. They frequently find hidden motives of Members of Congress in connection with legislation; and it may be if we could get one of the new instruments of some kind by which it is possible to look through things we should find that, down in their minds, they were influenced by the suggestion that perhaps the statute did not properly protect the farmers and therefore it should not protect people who worked in sweatshops. I do not know about that.

In case after case, in State after State, the people have sought to provide remedies against industrial unrest and to provide correction for the abuses which brought on strikes, disorder, and anarchy.

At every step in that hard struggle they have been met by a majority opinion of the Supreme Court of the United States, saying, "No; this Constitution, written to protect human liberty and to preserve civil government, stands in the way of your effort to preserve peace industrially and civilly in the State in which you live."

I could cite numerous other instances of the same character with reference to the powers of the State. After the Supreme Court of the United States had held that the State of Kansas had no right to protect the constitutional liberty of a citizen to belong to a union, if he wanted to belong to a union, the Federal Congress passed a law. I assume, with some kind of instrument, the Court looked down into the motives of Congress and found that the statute was intended to be a meddlesome interference with somebody who wanted to discharge every man who worked in his factory if he dared to exercise the right of an American citizen to belong to a union. So the Court said, "No; the State has no power to do it and the Federal Government has no power to do it."

With reference to protecting the minimum wage, they said, "No; that is beyond the power of the people"—that is, the majority of them said so; the minority said in each instance that the majority of the Court were usurping legislative powers and powers that were never granted to them by the Constitution. When it was attempted by the States to bring about a remedy for existing causes of dissension between employer and employee, the Court said, "The State cannot do it, for the Federal Constitution stands in the way." When the Federal Government attempted to correct the abuses which have been found to create strife, disorder, and bloodshed—and bloodshed has been mentioned here today—the Court said, "No; the States cannot do it and the Federal Government cannot do it."

What is the result? We stand today, so far as I can see, after a careful study of the decisions, after reading the opinions of the Justices who are now on the bench, with an insuperable, impossible obstacle to the passage of laws, either by the States or by the Federal Government, which will correct the abuses that have brought on the strike in Michigan or which will give to the States or to the Federal Government the power to restore peace in the great industrial sections of the Nation.

I realize there are some who say, "Well, you have not drawn your laws properly", or "you have not crossed each 't' properly", or "you have not made it sufficiently clear that the action is being taken under a certain provision"; but there is one thing that has happened with monotonous regularity, namely, that whichever method of approach is used it is wrong, insofar as leaving to the people of the States and the Federal Government the right to try to correct the manifest evils and abuses that have brought on civil strife in Michigan and threaten to bring it on in various other sections of the country.

Under the law as it exists today, no one claims that it is legal or within the law of the State of Michigan for a man to sit down and wait and call it a "sit-down" strike. We all know that property rights in one generation may not be property rights in the next generation; all history shows

that to be true. There are many people in this Nation; and when we begin to attempt to condemn and criticize and abuse, we had just as well face the fact that there is a deep-seated, widespread conviction among the toilers who have been sitting down in the factories of the country to the effect that laws that are written for their benefit are held contrary to the Constitution of the United States. They cannot get their minimum wage; they cannot, under the law, get protection from what they consider and call the iniquitous "yellow dog" contract.

They know, as every other citizen knows, that all the way down the line it has been due to a bare majority which, as shown in the two conflicting lines of decisions, has represented two conflicting lines of political and economic thought.

I do not question the honesty or integrity of those who decide either way. I think they are absolutely honest in their views. But I say that when we begin to discuss the situation which exists and when we begin to investigate, as I have been trying to investigate recently, what if anything is the power of the Federal Government not merely to try to protect the property rights of somebody, to keep somebody else from sitting down—because that is only one part of the great controversy which is raging—when we begin to try to find how it will be possible for the Federal Government to enact legislation which will tend to bring about, under the law, good order, good government, a method of approach which would restore peace to the Nation, the only thing that has yet been suggested that can legally be done is to use the bayonet and the gun.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. BLACK. I yield.

Mr. MINTON. Did we not recently enact a law known as the Wagner Act looking to the objective the Senator has been discussing?

Mr. BLACK. We did.

Mr. MINTON. Is it not now awaiting decision by the Supreme Court? Apparently there is a sit-down strike over there, because we cannot get a decision in that case. [Laughter.]

Mr. BONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. I yield.

Mr. BONE. Does the Senator feel that a lawyer who has given up practically his entire professional life to the service of a gigantic corporation, and who is subsequently appointed to a place on the bench, lays aside his economic viewpoints, his economic predilections, as the Senator would lay off a coat, and that that is an accomplished fact under our judicial system?

Mr. BLACK. It is my belief that when a man goes on the bench he is still a man; he has the same body and the same mind; he has the same tendencies of thought; and he is still moving in the same direction as to honest beliefs. Understand, I always say "honest", because I believe them always to be that way. There has always been an honest difference of opinion as to political methods of obtaining objectives.

Mr. BONE. But those beliefs, whether or not they be what a man honestly thinks—"as he thinketh in his heart, so is he"—ultimately find themselves shaping the judge's viewpoint. I have mentioned this because of statements of members of the Supreme Court themselves when they talk about certain decisions reflecting the economic predilections of judges who wrote opinions. Certainly no higher authority can be found in the country than such an expression from lips of the members of the Supreme Court themselves, who very casually and very easily were talking about certain decisions reflecting the economic predilections of judges. What can that mean but the economic viewpoint of a judge which was framed and shaped and came into being before he went on the bench? I certainly believe no man goes on the bench and lays off his economic viewpoint as he would lay off a coat.

I do not know why we walk away from what everybody in the world knows to be a fact, but it seems that we do when we indulge in so much argument. I have known a vacancy to occur on a supreme bench, without mentioning which one, and a lawyer to be suggested to fill that vacancy. Immediately all the power companies and railroad companies and other big business interests in the State would say, "We are against that man" or "We are for that man."

With that curiosity which is so much a part of my nature, I would inquire why these particular gentlemen were for this lawyer or against him. The answer would come tripping from the lips of lawyers for power companies or the lumber group in my own State, and from other sources of a similar kind. "We want this lawyer on the supreme bench because he thinks thus and so about economic questions." Why on earth people cannot understand that simple elemental fact, that certain men want certain other men on the bench because they think in a certain way about our economic life and the mechanics of our civilization, is beyond my comprehension.

Mr. BLACK. Mr. President, it had not been my intention in any way to engage at this time in a discussion of the so-called court plan. I did want to present to the Senate some of what I consider to be the underlying causes of the industrial strife which exists in America today. In that connection I wish to read a very short extract from a statement by Justice Harlan many years ago in an opinion, where he said:

> When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of this Government and by judicial construction is declaring what is the public policy of the United States, we will find trouble. Ninety millions of people—

There were only 90,000,000 people in the United States then.

> Ninety millions of people—all sorts of people, with all sorts of beliefs—are not going to submit to usurpation by the judiciary of the functions of other departments of the Government and the power on its part to declare what is the public policy of the United States.

Mr. President, as I see the situation today, the States have been absolutely stripped of power to take the necessary steps to enact the essential legislation to bring about industrial peace, not by the Constitution written by our fathers, but by a majority of the judges who temporarily occupied places as Justices of the Supreme Court.

It is my further belief the Congress of the United States has had its power whittled down to such a fine point by the majority of the Justices of the United States Supreme Court that it will be almost as impossible as it is for a camel to crawl through the eye of a needle for this body to enact legislation which will tend to alleviate the conditions and correct the abuses which are today responsible for industrial strife in America. I say that with a full apprehension of the belief of the Senator from Idaho and with full concurrence in the statement that it is serious for a nation to find itself in a situation where, when it has a divided sovereignty, neither sovereignty has the power to prevent industrial warfare except by the use of the gun. That never has been successful as a permanent solution of any question in any country in the world where large groups disagreed upon the question. I wish I could believe that a mere enforcement of the antitrust law as it has been emasculated and whittled down and cut away and pared off by decision after decision of the Supreme Court of the United States would accomplish that purpose; but I cannot view it with such optimism.

So, Mr. President, together with some other members of the Committee on Education and Labor, I plan to see if it is possible, as I hope it is, for any proceeding to be taken by Congress which will tend in any way to meet the situation of industrial strife. I have no criticism of the Governor of the State of Michigan or the other authorities of that State; but I do say it is wholly unjust for anyone of take the position that the blame for industrial strife rests on the Congress. A great human movement to bring about justice, such as the Senator from Idaho pictured, cannot be stopped, any more than one man can take a small hand spade and stem the roaring waters of the Mississippi.

SIT-DOWN STRIKERS

Mr. VANDENBERG. Mr. President, my distinguished colleague, the junior Senator from Michigan [Mr. BROWN], and myself know too well that anything which is said respecting sit-down strikes falls with fateful emphasis and implication at this particular moment in the State of Michigan. In Michigan we confront a condition and not a theory; and the prudent answer to it during the next 24 hours may determine matters literally of life and death.

It is no moment for criticism of anybody or anything, abuse of anybody or anything. So far as the labor front where the issue now stands naked is concerned, it is, above all else, a moment for the coolest counsel. Such troubles cannot be successfully settled with guns and bayonets.

Mr. President, I have scrupulously refrained heretofore from entering the discussion, lest the injection of my legislative view into a situation which is essentially administrative in its primary responsibilities should fruitlessly complicate whatever undertakings the President or the Governor of Michigan may pursue in behalf of composition looking toward industrial peace and industrial justice. Neither have I wanted by any stretch of anyone's imagination, to inject a partisan, political factor into a Michigan situation already frightfully complicated and entirely transcending politics. But with events rushing toward what might too easily be a tragic climax, and with the problem already brought to the Senate floor by others, I cannot permit my silence to be misconstrued by any who might misinterpret it.

First, I desire to agree with the Senator from Idaho to this extent: That it is blindly unrealistic not to recognize the modern need for more enlightened labor relationships in many quarters. I shall support every practical effort to remedy whatever injustice exists in these relationships. For example, I abhor some of the prevailing antilabor technique disclosed by the La Follette committee just as I abhor some of the communistic characteristics which are creeping into some labor technique. I believe in the right of collective bargaining in which every employee is absolutely free to choose his own bargaining representative without intimidation or coercion from any source. I believe that responsible labor unions have rendered, and can render, useful and equitable service to themselves and to the country; and that they will promote their own stabilized influence and authority by accepting legal responsibility therefor. I believe that labor is entitled to a progressively increasing share in the fruits of its own work. I think that appropriate and definite profit sharing is the essential key to the appropriate American labor relationship. I repeat that I shall support every legitimate effort to these ends.

But, Mr. President, I shall equally support every effort to maintain law and order in this land; and anything less is a disservice to labor itself. Without it, nothing else matters. It is primary and paramount. Capital is not entitled to be above the law. No more is labor entitled to be above the law. In the long run, labor will suffer more than any other American group from any desertion of the law and its defense of civil liberties. Illegal trespass cannot be condoned at any time or in any place, no matter who the trespasser may be. America could disintegrate in another swift and reckless 60 days if today's illegal contagion is not stopped.

It has been said in the Senate that this way lies dictatorship. So it does. So it has in other lands. The vast law-abiding mass of citizens, most of them sympathetic to labor progress, will not indefinitely tolerate such a prospectus. But such an issue must not be joined, unless sanity has departed from the land.

It does no good to talk of Wagner laws or any other laws unless there is respect for all law as an indispensable American institution. It does no good to talk of labor courts or the Supreme Court or any other court unless there is respect for all courts as an indispensable American institution. It does no good to talk of labor betterments if they are obtained through the destruction of an orderly society in which to enjoy them. No man can be sure that he may not be tomorrow the victim of a spirit of injustice from which he appears to be a gainer today.

I quote from the editorial column of the New York Times this morning:

> Governor Murphy did not overstate the case when he warned the people of his State that confidence in democratic government can easily be impaired by repeated, unresisted violations of the law, and when he said that "personal liberty will be of little value if the authority and integrity of our courts are not preserved and property rights are not protected."

I commend the Governor's statement, and I concur in it. This is a democracy of law, or it is not a democracy. It is a democracy of law, or it will not long remain a democracy. The sovereignty of law must be maintained, or there is no hope for the social and economic justice which, otherwise, is destined to continue at a rate of great progress in our land.

If employers violate the law, let prompt recourse to the courts correct the offense. If employees violate the law as certified by the courts—and this is my prayerful message to them—let them, for the sake of their own hopes for a free society in which to enjoy the advantages they seek, voluntarily proceed within the law.

Let public officers, oath-bound to support the law, yield nothing finally to the paramount necessity that law and order shall prevail. Let law and order prevail. Then, in an orderly and chastened society, let the grievances of labor be sympathetically assessed, and generously and equitably corrected.

Mr. BROWN of Michigan. Mr. President, I do not wish the fact that I speak immediately after my colleague, the senior Senator from Michigan [Mr. VANDENBERG], to be taken as an indication that we are engaging in a debate over the situation in Michigan. With much he says I am in complete agreement. I agree with what the senior Senator from Idaho [Mr. BORAH] said as to the fundamentals of this difficult situation. But I desire to discuss for a few moments the immediate situation which today faces my friend, Gov. Frank Murphy, of Michigan.

With the general statements of Senators that sit-down strikes are entirely illegal I agree. If those in charge of the situation in Michigan in behalf of the union should ask my advice in the present situation I would unhesitatingly advise them to vacate the Chrysler plants. But that is not the situation which confronts Governor Murphy.

In the General Motors strike at Flint a large number of the employees seized and occupied the body plant for a matter of 5 or 6 weeks. The most conservative newspaper in the State of Michigan, the Detroit Free Press—and I do not mention this in a partisan spirit, but it is a newspaper which strongly opposed Governor Murphy in both the primary and the general election—had this to say after the settlement of the General Motors strike:

> THE STRIKE ENDS
>
> The agreement under which the U. A. W. sit-down strikes in General Motors Corporation plants at Flint and elsewhere are called off, comes in a welcome form at a moment when hope of an early conclusion of the prolonged negotiations in progress before Gov. Frank Murphy seemed at an ebb.
>
> The adjustment has been reached under conditions suggestive of mutual forbearance, and amid concessions to reason and fairness.
>
> It puts an end to a highly destructive situation which ought never to have arisen, which has hurt many people and which has brought no benefits that could not have been secured in a much less costly way.
>
> Collective bargaining between men and company can now commence in an orderly way through accredited representatives of both sides; and meanwhile the wheels of industry will turn, and men will be earning wages for the support of their families; considerably increased wages, too, since General Motors, coincidentally with announcement of the agreement, also announces a considerable revision upward of its pay scale.
>
> The public, which has been one of the chief sufferers during the last 43 days, will fervently echo the hope of Governor Murphy that the adjustment reached may prove to be a contribution to the promotion of peaceful and reasonable labor conciliation in all America to the exclusion of violent, peremptory methods.
>
> That the long drawn-out blockade of industry in a vital field finally has reached a happy conclusion under conditions justifying such a hope, unquestionably is due in large degree to the part the Governor has played in the emergency.
>
> Mr. Murphy made it clear at the start that he would tolerate neither violence nor disorder. Before all else, good order would be maintained and society given protection, he declared. The

support of National Guardsmen called out to make this stand effective, was costly; but the results have justified the expense.

There is no black tragedy to mourn over today; no bitter aftermath that will rankle.

At the same time the Governor showed neither bias nor passion. He manifested a good understanding of the situation; and maintained a helpful attitude of impartiality between the parties to the controversy which earned for him the confidence of both sides and made the good offices he tendered effective.

Governor Murphy labored hard and patiently, refusing to give up even when the prospect for success in bringing about a peaceful agreement appeared very small and he won out. What he has done deserves recognition throughout Michigan and in the country generally.

Mr. President, I call your particular attention to the words, "There is no black tragedy to mourn over today; no bitter aftermath that will rankle."

Mr. President, it is easy for the Senator from Illinois [Mr. LEWIS] and the Senator from Utah [Mr. KING], and it is easy for me to stand here and say, "Drive these unlawful trespassers out of the Chrysler plants." It is easy for Judge Campbell to issue the mandatory injunction ordering them out of the plants. But no one of us, no Senator here, no judge on the bench would pull the trigger of the gun that would shoot down the men in the Chrysler plant tomorrow. The responsibility for the order to fire if necessary is upon the Governor of Michigan.

It was not very long ago when there were some riots here in Washington, and almost everything has been forgotten in connection with the bonus riots except that human blood was shed, that shots were fired at those who were here petitioning the Congress.

Since when, Senators, did we punish trespassers upon real property by a death sentence, without a trial? Yet that is the ultimate of the argument that the Governor should go into the Chrysler plants with either the forces of the sheriff of Wayne County or the National Guard of Michigan, and, if necessary—and nobody brings the problem down to the raw ultimate—shoot down men in order to drive others out of the Chrysler plants?

Mr. President, we do not beat a wayward child into insensibility if he does not agree with and follow the dictates of his parents. We forbear. So I plead in this body, and I plead with the American people, for a little more patience.

In the General Motors strike, after it had lasted some 43 days, during all of which time the plant was occupied by the sit-down strikers, we were patient, and Governor Murphy, with the plaudits of the Detroit Free Press, as indicated with the applause of every major newspaper in our State, and with the approval of most of the newspapers of the country, settled that strike. As one Member of this body, I am not willing to say that the Governor should not seek further to conciliate and arbitrate in this matter.

I do not want anything I say here to be construed to mean that I approve of the sit-down strike. I think it is illegal. But I am not willing to shoot down the men in the Chrysler plants in order to uphold the majesty of law. The majesty of law will not be as much injured by a little forbearance in this situation as it would be if troops were brought in and men were shot down.

No better, saner statement of the situation has been made than that issued yesterday by the Governor of Michigan and published throughout the country. I ask unanimous consent that the full statement of Governor Murphy in connection with this strike be published in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Is there objection?

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

TEXT OF MURPHY STATEMENT OPENING STRIKE CONFERENCE

There is probably no need for stating at length the conditions that exist in Detroit and to a less extent in other communities in the State.

Public officials and, I believe, the great majority of our people, regardless of political faith or affiliation, are gravely disturbed by the prevalence of disputes between workers and employers, and a disposition in some quarters to ignore the law and violate the security and freedom of individuals and corporations in the exercise of their personal and property rights.

Public authorities have shown a disposition to be reasonable and patient. It has been the aim and hope of the State government to avoid needless violence that might result in rancor and bitterness, in the hope that peaceful and prompt settlement of disputes might be facilitated, to the advantage of the innocent and neutral public as well as the parties directly concerned.

For it must not be overlooked that more important even than the interests of the parties directly involved and the prompt settlement of particular disputes is the maintenance of public order and respect for public authority, as represented by the police and the judicial tribunals.

When the authority of governmental agencies is continually flouted or defied, confidence in government is impaired, and outraged citizens prepare to take the law into their own hands; democratic rule is endangered, and the way is prepared for the rule of mobs or dictators; worst of all, labor movements and organizations are discredited, faith in liberal democratic government is permanently impaired, and social progress is impeded.

It is still my conviction that industrial disputes should be settled through friendly and peaceful negotiation, conducted in a spirit of reason and justice.

MUST BE REASONABLE

It is believed that this can be done in all cases if demands and attitudes are temperate and reasonable on both sides, and due consideration is given to the just interests of all parties concerned, including the general public.

While it is also important, and my firm conviction, as everyone knows, that we should employ all legitimate and lawful means to advance and protect those larger human interests which are commonly called human rights, and thereby secure wider enjoyment of personal liberty and individual happiness among our people, it should not be forgotten that personal liberty will be of little value to our people if the authority and integrity of our courts are not preserved and property rights are not protected.

The foregoing statements are made with a full realization that in many of these controversies there has been fault on both sides.

UNREGULATED SYSTEM BLAMED FOR TROUBLE

We may say that in a very large measure many of our troubles and disorders are due to injustices and unhealthful conditions that are inherent in an unregulated competitive system.

We may say also that the refusal of backward employers to recognize properly the right to collective bargaining has contributed in good measure to the present unfortunate situation.

In addition, it is a plain fact that unduly harsh working conditions and instances of extremely low wages cause unfavorable public reactions and often justifiably evoke sympathy for summary action by employees.

As responsible citizens it is our duty to find a remedy for such conditions and set up in the name of government the agencies for negotiation and adjudication of differences without unduly interfering with the operation of the American system of free enterprise and free competition.

DISTRIBUTION OF INCOME

Forces set in motion by the New Deal are already working definitely toward a wider and fairer distribution of the national income.

We should do our part in Michigan by seeking the correction of specific conditions here that need correction. But wrongs that exist cannot be corrected overnight, and no one should seek their correction by summary action that is prejudicial to the public interest and public authority.

In a free competitive system, the blame usually rests upon society at large, and faults should be corrected through orderly appeal to the representatives of organized democratic society, not by a resort to private force.

We must find a way to prevent these disorderly and unlawful methods of pursuing lawful and worthy objectives. We must find a way also of making them wholly unnecessary.

PREVENTION IS POSSIBLE

Surely this is possible in a democratic order as well as in a "fascist" order. We have a Governor and a legislature well disposed both toward labor and toward capital, anxious to have both interests prosper and to correct evils or abuses, willing to do so as far as this is reasonably and humanly possible in a political society organized on a basis of constitutional law and democratic principles.

As to the immediate problem of enforcing law observance and security for individual and property rights, I have conferred with certain officials who are charged with this responsibility.

We have means to enforce respect for public authority and we propose to use them with proper vigor if need be.

While I have consistently counseled resort to conference and negotiation, and sought to avoid the use of force, there is obviously a limit to this policy, if orderly government, as we know it here, is to go on.

DECLARES THAT STATE WILL PRESERVE ORDER

No one should assume or infer that the government of this State will forsake its responsibility to maintain order and protect citizens in the full exercise of their legal rights.

The Governor and other police officials have a sworn duty to perform in behalf of the people of this State; and they have no alternative but to perform it with all necessary vigor.

That is one of our problems, and it is a responsibility that cannot be ignored by public officials. It must be effectively met and handled by the executive and judicial agencies of the government, without interference by private groups or individuals, and

with such assistance as may be required from the legislature and from citizens themselves.

At the same time there are other measures that may be taken, measures to facilitate and bring about a prompt solution of our immediate difficulties, as well as long-range measures to avoid a repetition of this situation.

There are grievances to be considered. They relate to working conditions in our shops and factories. They relate to the right to collective bargaining.

ALLEVIATE HARDSHIPS

We cannot achieve an ideal society at once. But we may perhaps do something at once to alleviate some of the hardships and the grosser injustices that have developed in our industrial and commercial life, and provide methods of correcting them as they arise, in an orderly and intelligent manner.

For I believe most men are fundamentally humane and amenable to an appeal to their innate sense of justice and reason, if reasonable and practical solutions can be offered to them.

Although at present we do not have appropriate public agencies in Michigan to deal with questions and disputes that arise in particular industries and business establishments, is it not possible to create semipublic agencies by voluntary action within our several industries, working through private, unofficial associations or organizations?

TRIBUNALS PROPOSED

It would seem feasible by cooperative action between organized employer and labor groups within the several categories of business and industry that may be affected or threatened by labor troubles, to establish committees or tribunals to deal with grievances that arise within their respective groups.

A neutral member might be added by joint selection or appointment by the mayor or other suitable public authority. I am thinking of existing bodies like the Retail Druggists Association, the hotel owners, the restaurateurs, the retail merchants, etc., and any corresponding groups.

Such committees or tribunals could hear specific complaints and by the mere act of hearing and pronouncing judgment could go far to establish working codes and standards practical in their operation and satisfactory to their employees.

CAUSES OF DISPUTES MIGHT BE ELIMINATED

General standards and principles might thus be established within each group that would be uniform and applicable to all, and remove causes for dispute and interruption of normal business.

With the experience of the N. R. A. to guide us, such associations or tribunals might be formed with reasonable dispatch.

Such committees could operate as conciliation agencies or mediation boards within particular industries or business groups. Their immediate function would be to meet the immediate situation.

They might also be developed into permanent arrangements that would accomplish some of the purposes of a State N. R. A., if that should appear useful, and might thus become the basis of a workable permanent plan in this State, workable because of natural development out of practical experience within industry.

If legislation were helpful or needed, it could doubtless be provided. Call it by any name you wish.

But it seems like a logical and orderly and practical way of meeting a practical situation.

Another method could be the establishment in each county or community where needed, especially where there are no groups already organized and available, of special mediation boards or committees, one for unorganized industries affected by labor disturbances.

These committees could hear and advise on grievances submitted to them, or could intervene in existing disputes and ask the parties to meet and confer with them in the hope of reaching peaceful settlements without suspension of work, with its attendant disorder and public inconvenience. Such committees could be appointed by mayors or other local officials.

ADVANTAGE OF PROGRAM

With such a program, with such facilities, with such assurance of reasonable opportunity to present grievances to semipublic agencies, both sides may be asked and expected in the meantime to refrain from unlawful or summary methods to force their demands, at the great inconvenience of the public and to the prejudice of private legal rights.

In this new industrial age, when the welfare of the whole communities, literally of a whole State with its several million inhabitants, is dependent on the recognition of the rights of workers and on the uninterrupted operation of the complicated modern economic mechanism, it is a grave matter for any man or group of men on the side of industry or labor to assume the right or responsibility to stop that mechanism at any point.

It is doubtful (if not unthinkable) whether any private individual, whatever his position or authority, should assume such a prerogative, or be permitted to exercise it, under modern conditions.

ADMINISTRATION READY FOR NECESSARY ACTION

Certainly there can be little occasion for it while the legislature is in session and we have a government in the hands of a friendly and sympathetic administration, ready and willing to take any practical and necessary action to ameliorate serious injustices and inequalities in our social and economic life.

The public interest in avoiding needless interruption of industry, commerce, and transportation, as well as assuring justice to workers, is paramount and supreme in a highly organized society like ours. If such interruptions cannot be avoided by democratic rule, the people will accept another kind of rule in preference to disorder and chaos.

NO "UNDUE RESTRICTION"

Without suggesting undue restrictions on freedom of labor to organize and act in its own interest, we may properly consider whether such organizations should be subject to some degree of regulation, and be required to confine their activities to matters of internal discipline, to the orderly and peaceful development of common objectives and programs, and their presentation, for approval and proper action, to the duly constituted public authorities; especially the legislature.

This is in accordance with the theory of representative, democratic government. It is an aspect of the general problem.

The matter is open for discussion, and I should like to hear what any of you might have in mind to suggest that would help us meet the situation. Possibly out of our discussion we may be able to develop some definite proposals for a prompt solution of our difficulties and the correction or amelioration of the intolerable conditions that have come to pass.

AMERICAN NEUTRALITY

The PRESIDING OFFICER (Mr. MCADOO in the chair) laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended.

Mr. PITTMAN. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PITTMAN, Mr. ROBINSON, and Mr. BORAH conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 217) providing for the construction and maintenance of a National Gallery of Art.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 217) providing for the construction and maintenance of a National Gallery of Art, and it was signed by the Vice President.

TRANSPORTATION OF NATURAL GAS BY PIPE LINE

Mr. BROWN of Michigan. Mr. President, it will be necessary for me to return to my home State on Sunday afternoon, somewhat against the advice of many good friends, but I am going back to Michigan, and there is one matter which I feel I ought to bring to the attention of the Senate before I go.

Yesterday I introduced in the Senate a bill, Senate bill 1919, designed to establish a control in the Federal Power Commission over the transportation of natural gas by pipe line. I shall not now take the time of the Senate to enter into a lengthy discussion of the bill. Let me say that the bill was largely drafted by a committee appointed by Mayor LaGuardia, of New York, chairman of the mayors' conference. This committee was headed by John W. Smith, president of the Common Council of the City of Detroit, which city at the present time is obtaining its main supply of natural gas from the Texas Panhandle gas area.

I ask that at this point in my remarks a statement concerning the bill and a section-by-section explanation of it be printed in the RECORD.

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

At the request of the Cities Alliance I have introduced in the Senate a bill which has for its ultimate objective a Nation-wide reduction of gas rates and a saving of many millions of dollars to the American public each year. If enacted by the Congress the bill will establish regulation over interstate natural-gas pipe lines by the Federal Power Commission, will promote conservation of natural gas through interstate compacts, and will aid in removing monopolistic restraints from the natural-gas industry.

The bill follows closely a measure approved at a conference of Midwest municipal officials at Cleveland, Ohio, on February 10. It is based upon findings by the Federal Trade Commission, and results from 2 years' investigation by midwestern cities. For example, more than 75 cities of Michigan and Ohio alone are cooperating in this program to reduce gas rates.

I am introducing the bill at the particular request of Mr. John W. Smith, former mayor and now president of Detroit's Common Council, national chairman of the Cities Alliance, and also chairman of the natural gas committee of the United States Conference of Mayors through appointment by the conference president, Mayor F. H. LaGuardia, of New York. Mr. Smith visited me last week, accompanied by Councilman Eugene Van Antwerp, of Detroit, and by Councilman William C. Reed, chairman of the Cleveland council's public-utilities committee, and also chairman of the Ohio division of the Cities Alliance. Mr. Reed is likewise a member of the natural gas committee of the mayors' conference. Detroit and Cleveland are the Nation's two largest cities receiving natural gas transported interstate and distributed unmixed with artificial gas.

I favor this legislation because it is designed to protect rate payers and utility investors, to conserve a precious national resource, and because it also fosters sound competitive enterprise within the industry. It prohibits banking control of interstate pipe lines, opposes the acquisition of excessive gas acreage to shut out potential competition, and permits independent pipe lines to compete with entrenched holding companies in supplying additional natural gas to present markets.

Members of Congress may well anticipate that utility lobbyists will train their heaviest guns on this bill. While the bill represents the municipal gas consumers' viewpoint, natural-gas producers and the industry generally are invited to present their views. I would emphasize to the Congress, however, and particularly to public-utility investors, that this legislation has been made necessary in large part by the conduct of holding-company officials themselves.

Consider that four great corporations dominate natural-gas transportation in this country and you will recognize the need for protecting independent competition as well as consumers' interests. Three of those four corporations are Cities Service Co., headed by Henry L. Doherty; Columbia Gas & Electric Corporation, headed by Philip G. Gossler; and Standard Oil (New Jersey) Co., headed by Christy Payne.

The Cities Alliance alleges that these three men, back in 1930, embarked on a program designed to wreck an independent rival, the Panhandle Eastern Pipe Line Co., and to prevent it from transporting cheap natural gas from the Texas Panhandle to Indianapolis and Detroit. Examine the records of the Federal Trade Commission on that subject, and you will understand why America must be insured against a recurrence of such economic banditry.

Merely as a reminder of the arrogance and aggression that has characterized efforts of the natural-gas monopolists to suppress competition and maintain exorbitant gas rates, I am appending to this statement the text of telegrams sent by Henry L. Doherty to the National City Co. of New York, in protest against financial aid being extended to the rival Panhandle Eastern. The telegrams have been published by the Federal Trade Commission and should be read by every citizen. Some day they will be exhibited with other Americana of our time under the title "It Can't Happen Here—Any More!"

If enacted, this bill approved by the Cities Alliance should also remove the causes of the enormous waste of natural gas in the Texas Panhandle, a waste which at one time exceeded the domestic consumption of natural gas throughout the Nation. That tragic loss may recur, unless the Congress and the States are forehanded in reaching conservation compacts. This bill not only sets up the machinery for a compact but prohibits the interstate transportation of natural gas that may be produced in violation of such a compact.

The bill does not usurp the powers of State regulatory commissions. It merely extends effective supervision into the twilight zone where State authority vanishes—across a State line. It provides for regulation of the price at which natural gas, transported interstate, may be wholesaled at a "city gate." It does not seek to regulate the retail rates. Neither does it seek to regulate prices at which natural gas may be sold to industry in any instance.

From State Representative Edward H. Fenlon, of Michigan, chairman of the legislative committee investigating natural-gas problems, I have received a telegram stating, "All agree interstate regulation would be a benefit."

Mr. Howell Van Auken, member of the Michigan Public Utilities Commission, has wired as follows:

"Consider that this field should receive Federal regulation. My understanding that single States probably have no regulatory authority over original construction interstate pipe lines and are limited to regulations after gas passes into local distribution system, also that single States cannot exclude importation outside gas. Desirable that forum exist where States could be heard on such matters."

In this same connection I quote from a resolution adopted by the Indiana Legislature in 1935, in which the Congress was asked "to take such action as may be necessary to place the said (natural gas) industry under effective regulation to the end that the people of this country may enjoy the use of this great natural resource at fair and reasonable rates."

The cities' problem of obtaining reasonable retail rates will be much simplified if they are enabled, through this bill, to establish an acceptable "city-gate" price. This vital issue confronts every city dependent upon natural gas brought from another State. In order to cite the wide benefits available under this bill, consider its application to various municipalities:

Cleveland, Akron, Youngstown, Canton: These cities will be aided in determining the actual cost of natural-gas production and transportation from the West Virginia gas fields. At present one Standard Oil subsidiary sells the gas to an affiliate for 38½ cents per thousand cubic feet, although it is transported only a short distance to the Ohio River. That arbitrary price is preventing a reduction of retail gas rates and is not subject to effective State regulation. Other cities of Ohio, Indiana, Kentucky, Pennsylvania, New York, West Virginia, Maryland, and the District of Columbia, all dependent upon an Appalachian natural-gas supply, can be similarly aided.

Detroit: A second new pipe line can be constructed to Detroit from the Southwest and the natural gas wholesaled at the city gate on a competitive basis, without necessitating a second campaign of antitrust law enforcement. This additional supply will make possible increased industrial sales in such volume that domestic gas bills will be substantially lowered. This is possible under the "Detroit plan" whereby gas company profits are shared annually with domestic consumers, a method of automatic rate regulations without parallel in America today.

Indianapolis: Its city-owned gas utility would also be enabled to obtain a cheap natural-gas supply from a second pipe line to Detroit, without being forced to return a "yes-or-no" decision on the purchase question within a 48-hour period. Such an ultimatum was delivered to the city by a major pipe-line company about 2 years ago.

St. Louis: The bill would help that soot-bedevilled city to obtain an additional natural-gas supply and extend the use of straight natural gas to home heating at reduced prices. To date the city's efforts in that direction have been frustrated. During the period that Columbia Gas & Electric Corporation dominated the management of Panhandle Eastern Pipe Line Co. natural-gas service was refused to the city on the ground that St. Louis "belonged" to Standard Oil. A Federal court has since removed Columbia from domination over Panhandle Eastern and restored that system to independent status.

Kansas City: The bill should also prove helpful to municipal officials negotiating for lower gas rates from the Cities Service subsidiary there. For example, the consumers might be enabled to obtain an auxiliary natural-gas supply at a cheap "dump load" price from the Panhandle Eastern system, which is now managed by a Federal trustee, who is obligated to respect the antitrust laws.

Such procedure at Kansas City would, of course, raise once again the terrifying ghost of competition which Mr. Doherty sought to quiet by his telegrams, but I have been informed by the Cities Alliance that a substantial volume of natural gas is available in the Panhandle Eastern main line at Louisburg, Kans., just south of Kansas City, Mo., due to the fact that the pipe-line dimensions extending eastward toward Detroit decrease from 24 inch to 22 inch at that point.

At the present time Mr. Doherty's pipe-line company sells natural gas to Mr. Doherty's distribution company at Kansas City for 40 cents per thousand cubic feet, whereas natural gas from the same producing area is carried three times as far—1,200 miles to Detroit—and wholesaled to the Detroit City Gas Co. for only 33½ cents. This circumstance may explain why the Cities Service Co. was so disturbed by the threat of competition 7 years ago, when Mr. Doherty predicted that completion of the independent Panhandle Eastern pipe-line project would "inevitably smash rates to complete demoralization."

[From Federal Trade Commission's Report No. 84A, pp. 272–3–4–5]

[Western Union]

OTTAWA, ONTARIO, *September 21, 1930.*

CHARLES E. MITCHELL,
National City Co., New York, N. Y.:

The report in the New York Times of Friday morning to the effect that your company would finance the Parish natural gas line was a great shock to me. The building of this line is bound to seriously affect the credit of several important companies and perhaps the entire public-utility business, and it is unthinkable to me that you would, if you were properly informed, permit your company to finance an enterprise which is itself of questionable safety and therefore a menace to the public-utility business, also an assault on existing utilities and other projects well under way when this project was announced. Your people knew that this project was an assault on other utilities and plans and I am at a loss to know why they joined partnership in a project which, according to established rules of public-utility ethics, is classed as a raid. The Columbia went into this enterprise in spite of a previous understanding had with me, but tried to justify their negotiations with Parish on grounds of fear that Parish would raid their territory. The Columbia Co. may feel they have justification in the claim of the danger of competition to support this enterprise, but I know of nothing that justifies your company in supporting this enterprise.

I am compelled to emphatically protest against what Parish proposed to do, and those supporting Parish are making it possible for him to carry out his plans, and to do so will inevitably smash rates to complete demoralization throughout the entire district reached by any of the concerns involved, and, while regretting the situation, I am prepared to meet this assault, if necessary, with counter assaults and mean to lay my views of this matter before each of the representatives of all of the public-utility companies and ask them for their support. I have an opinion that amounts to a conviction that this project will never be able to earn a return on the money invested. I have felt it my duty to lay this much of the facts before you and to urge you to give careful consideration to the matter if you have not already committed yourself irrevocably to the enterprise. We most sincerely wish for continued pleasant relations with your company and will gladly give you any detailed information, but aside from the necessity of making this protest a matter of record we have no wish to force our views upon you.

HENRY L. DOHERTY.

[Western Union]

SEPTEMBER 23, 1930.

MR. HENRY L. DOHERTY,
Chateau Laurier, Ottawa, Ontario, Canada:

Our action in connection with the Panhandle Eastern Pipe Line was directed toward working out as constructive a solution as possible of a disturbed situation, rendered so by others before it was brought to us for consideration. We see no threat to other companies or the utility industry if they and it truly desire harmonious relations, are willing to give as well as take, and recognize established factors in the situation. The arrangement to which we are a party we consider to be a much greater step in that direction than another transaction which had been offered to Parish's company.

We are informed and believe that no one in the recent arrangement wishes to demoralize any situation. We feel confident that the Columbia Co. has acted in the best way possible and advisable under all the circumstances, and we are sure that they have every disposition to be constructive.

C. E. MITCHELL.

[Western Union]

OTTAWA, ONTARIO, *September 23, 1930.*

C. E. MITCHELL,
National City Co., New York, N. Y.:

I thank you for your message, but I am still compelled to emphatically object to the part your company has played in this matter and the way your company has played its part, and I feel it is my duty to lay the matter before all of the public-utility organizations with my protest. Your people either did or did not know about the Eastern Gas pipe line under construction by us. If they did not know about it, they should have known about it, and others should know that your company did not know and yet assumed to be able to decide what should or should not be done. If they did not know about it, they should have consulted with us before giving their pledge of moral and financial support to Parish. I have spent my life in the public-utility business and my associates are also skilled by long experience in the public-utility business, but I must object to the extreme immodesty of your men in assuming that they can step into a situation of this sort in which we have pledged our reputation and expenditure of millions of capital, and do so without consulting with us and assume they could do what they assumed we could not do and could do this without then asking about our plans.

They must have known we had some plans or they must have assumed that we had no plans. They made no effort to learn whether we had any plans or not and presumably cared nothing about our plans. We are glad to be assured that you are willing to give as well as take, but in this instance we neither asked you to give nor did we consent that you should take, and our position in the matter certainly entitled us to be consulted before you bolstered up the credit of an ill-considered raiding enterprise and joined partnership with a man whose performance has made him, in my opinion, a bad risk from a business and moral standpoint. I realize that this statement may be libelous if untrue; but I think if anybody chooses to start a suit against me, it will make it an easy matter for me to prove by court evidence that your company in this instance has not insisted on the same standards as were demanded in the back years when your institution was being built up in reputation and magnitude. You know I have always held you in high esteem in those various lines where you are qualified to speak and enjoy the advice of a qualified staff, but I cannot allow you to assert that without any attempt to learn the facts that your off-hand opinion would be better than the conclusion reached by myself and associates and based upon months of investigation by our trained staffs. You say you and the Columbia Co. have done it for the best and assure us there need be no lack of harmony. You, perhaps, are not in position to know what we are willing or not willing to concede for the sake of harmony.

Mr. Parish proposes to take our markets in Kansas; and even if the Columbia is willing to surrender their Ohio markets to us, this does not eliminate all of the other disturbing factors in the situation. Frankly, I think your young men have made a bad mistake in this matter and the sooner you acknowledge this, at least to yourselves, the better it will be. I have tried to be temperate in this matter, and if you still subscribe to the views expressed in your message, I do not see that we can get anywhere. I am still of each and every opinion expressed in my first message; and if only for reasons of personal friendship for you, I regret to say that I have no choice except to regard this as being an assault on us by Parish in which you voluntarily and without justification and without consulting us have given Parish your support. There are endless possibilities for trouble in this matter, and not the least of which is the fact that people who would have shunned this enterprise, both on account of its character and its plan, might now be willing to buy out Parish and become the partner of your company and the Columbia Co., and then Parish might be found building another line for somebody else to buy.

HENRY L. DOHERTY.

[Western Union]

SEPTEMBER 24, 1930.

MR. HENRY L. DOHERTY,
Chateau Laurier, Ottawa, Ontario, Canada:

Your telegram of yesterday received. I see nothing to add to my message of yesterday. As you doubtless know, the contract was signed last week. I understand Columbia has communicated with your company and I hope that a harmonious arrangement may result.

C. E. MITCHELL.

[Western Union]

OTTAWA, ONTARIO, *September 24, 1930.*

CHAS. E. MITCHELL,
National City Bank, New York, N. Y.:

Our Mr. W. A. Jones has arrived here and says that our people in New York are very much disturbed by what has transpired regarding this Parrish transaction and naturally do not want this situation to disturb the pleasant relations we have had with your company, but I have told him my views on the matter, and he is now not only in complete harmony with me in the matter but has talked with our people in New York, and they also see that the position I have taken is a matter of necessity, but they want me to tell you some of the reasons for this.

Parrish has claimed he was not trying to injure us and yet as soon as this deal was announced he or his officials went to the Kansas City Star and said this deal would enable them to give Kansas City cheap gas, and we are now being subjected to the merciless castigation of that paper, based on the support you and the Columbia have given Parrish. We are already in the position of being forced to sell gas for 14 cents in Kansas City, and if cheap gas is a good thing for Kansas City, then Parrish and his partners should sell cheap gas in their markets. I made a deal with Crawford and Gossler last summer, and they have recently expressed the intention of abrogating it. In the last interview I had with them they had to admit that what they are now proposing to do was in violation of our previous understanding and their only justification was the statement that they thought I was joking. I have been compelled to take the matter up with you because if we waived our previous understanding and reach a new one they could just as well come back at any time and again announce a change of plans and again say they thought I was joking.

HENRY L. DOHERTY.

GENERAL PURPOSES OF THE BILL

This bill has two chief purposes:

First, it provides a method whereby States producing large volumes of natural gas may join in a conservation compact with the consent of the Congress. Accordingly, the bill (a) prohibits the interstate transportation of natural gas produced in violation of a federally ratified compact, (b) authorizes a Federal Commission to assemble and transmit to Congress all pertinent information, its conclusions and recommendations relating to proposed compacts, and (c) further directs said Commission to assist the several States in the successful administration of the compact.

Second, this bill establishes Federal regulation of interstate natural-gas pipe lines. Accordingly, it empowers a Federal commission (a) to prevent undue preference or discrimination by pipeline companies in their acceptance or purchase of natural gas for transportation from the field, across State lines, to the markets, (b) to compel pipe-line companies to furnish natural gas to any city or town applying therefor, and (c) to determine the fairness of rates charged by interstate pipe-line companies for natural gas sold to distributing companies for resale to domestic consumers.

Other minor purposes of this bill are contained in a detailed analysis of its provisions, which follows:

SECTIONAL ANALYSIS OF THE BILL

Section 1. Title of the bill and its general purpose

Section 1 declares that the bill may be cited as the Natural Gas Act of 1937, and outlines its general purpose in these words, "To aid the several States in the proper conservation, orderly production and procurement of natural gas for interstate commerce, and to regulate its transportation, sale, and exchange in interstate commerce in order to insure its fair and equitable distribution and marketing and for other purposes."

Section 2. Declaration of policy and purpose

Subsection (a) contains a declaration of policy; subsection (b) points to the "wasteful, uneconomical and inequitable practices"

prevailing in the natural-gas industry, "all of which are highly detrimental to the public interest"; subsection (c) states the necessity for Federal regulation of "that part of said natural-gas and natural-gas-pipe-line industry which is not subject to regulation by the several States; subsection (d) emphasizes that an integral part of the Federal policy is "so to regulate as to avoid the evils and abuses of monopoly."

Section 3. Definitions

This section contains definitions of (1) "person", (2) "corporation", (3) "municipality", (4) "State", (5) natural gas", (6) "natural-gas pipe-line company", (7) "natural-gas pipe line", (8) "interstate transmission", (9) "field gathering line", (10) "low-pressure-distribution lines", (11) "commission"—to be designated by the Congress, (12) "State commission", (13) "public utility", (14) the verb "control", and (15) "depreciation."

Section 4. Standards of application and jurisdiction

Subsection (a) sets the standard of administration of provisions of this act as "the public interest, convenience, and necessity"; subsection (b) applies the act's provisions to the procurement of and subsequent dealings with natural gas in interstate commerce, including pertinent contracts, agreements, etc., but excluding natural-gas production and commerce within a State, and natural gas procured solely for use and consumption of procurer or transmitter, not for resale.

Subsection (c) outlines the scope of Commission jurisdiction; subsection (d) identified natural gas pipe lines as public utilities; subsection (e) extends jurisdiction to "every person who owns, controls, or operates facilities, or who makes contracts involving the use thereof."

Sections 5 to 8, inclusive. Conservation by compact among States

See first paragraph under "General purposes."

Sections 9 to 11, inclusive. Regulation of interstate natural gas pipe lines

See second paragraph under "General purposes."

Section 12. Rates and charges; schedules; suspension of new rates

Subsection (a) imposes upon natural-gas companies the duty of charging just and reasonable rates; and, under the provisions of subsection (b), undue preferences or advantages are prohibited.

Subsection (c) requires the filing of true copies of all contracts for "lease and royalty agreements of gas lands (unless excused by Commission for cause), for the purchase of natural gas, for the transportation of natural gas, and for the sale or delivery of natural gas."

Subsection (d) requires the filing of schedules and contracts relating to all rates and charges subject to the jurisdiction of the Commission, and subsection (e), no change may be made in such rates except after 30 days' notice.

Section 13. Fixing rates and charges; determination of cost of production or transmission

Subsection (a) declares: "Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any rate, charge, or classification, demanded, observed, charged, or collected by any natural-gas pipe-line company in connection with any service rendered or to be rendered in the transmission or sale of natural gas in mains in interstate commerce, subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract affecting such rate, charge, or classification is unreasonable or unjustly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall prescribe the same by order."

Subsection (b) declares: "The Commission upon its own motion, or upon the request of any State commission, whenever it can do so without prejudice to the efficient and proper conduct of its affairs, may investigate and determine the cost of the production or transmission of natural gas, either independently, or in cooperation with the State authorities severally concerned."

Section 14. Ascertainment of cost of property

This section authorizes the Commission to investigate and ascertain the actual legitimate cost of property, depreciation, and other necessary facts for rate-making purposes.

Section 15. Accounts, records, and memoranda

Subsection (a) requires natural-gas companies to make and keep such accounts, records, and memoranda as the Commission may direct. However, natural-gas companies are not relieved by this subsection from the duty of keeping such accounts as may be prescribed under the laws of any State.

Subsection (b) authorizes the Commission to inspect and examine accounts, records, and memoranda of natural-gas companies and to have access to the premises of such companies when necessary for that purpose.

Subsection (c) subjects the accounts of any person who controls, directly or indirectly, a natural-gas company, subject to the Commission's jurisdiction, to examination by the Commission.

Section 16. Rates of depreciation

Subsection (a) authorizes the Commission to require proper depreciation accounting and to determine and fix adequate depreciation rates, such rates to include amortization. The depreciation charges which a State commission may fix for rate purposes would not be affected by this section.

Subsection (b) authorizes the Commission, after hearing, "to determine the adequacy or inadequacy of the gas reserves held by any pipe-line company, or by anyone for it, including its owned or leased properties and royalty contracts, and the Commission may, after hearing, determine the reasonableness or propriety of the inclusion of all delay rentals or other forms of rental or compensation for unoperated lands and leases, in operating expenses, capital, or surplus."

Subsection (c) requires the Commission to receive and consider the views of State commissions before prescribing depreciation rates.

Section 17. Periodic and special reports

The Commission by this section is authorized to require periodic and special reports which may be necessary for the proper administration of the act, and the manner and form in which the reports shall be made. It is declared to be unlawful for any person willfully to hinder or obstruct the making or filing of any information, report, or account required to be made, filed, or kept by the Commission. The annual reports shall become public records; the facts in any other report may be furnished to the State commissions.

Section 18. Prohibition of certain practices

Subsection (a) prohibits any officer or director of any natural-gas pipe-line company from receiving a profit from security financing by his company, or from his company's dealings in real or personal property, or from his company's gas sales or gas-purchase contracts, or to participate in the making or paying of any dividends of such natural-gas pipe-line company from any funds properly included in capital account, or from any other source than earned income, except as to liquidating dividends.

Section 19. Prohibition of banking control

This section provides that after 6 months from the date of the taking effect of this act it shall be unlawful for any bank, trust company, banking association, or banking firm, in any manner, to control the actions or policies of any natural-gas pipe-line company.

Section 20. Complaints

Under this section any State, municipality, or State commission may complain to the Commission of anything done or omitted to be done by any natural-gas company in contravention of the provisions of the bill.

Section 21. Investigations by Commission; attendance of witnesses; depositions

The Commission is authorized by subsection (a) to investigate any violation of the provisions of the Natural Gas Act, and may make available to State commissions any information concerning the matters to which the act relates.

Subsections (b) and (c) provide for the issuance of subpenas and the attendance of witnesses, and in the event of refusal to attend or produce books or records, the Commission is given recourse to the courts. A willful failure to attend as a witness or to produce books or records is made a misdemeanor, punishable by fine of not more than $1,000 or imprisonment of not more than 1 year, or both.

Subsections (d), (e), and (f) authorize the taking of testimony by deposition, either in the United States or in a foreign country. Witnesses before the Commission and witnesses giving depositions as well as the person taking the deposition are entitled to the same fees as are paid for like services in the courts of the United States.

No person is excused from giving testimony because it may be self-incriminating, but under subsection (g) the person so testifying may not thereafter be subject to any penalty or forfeiture for or on account of any transaction or thing concerning which he is compelled to testify or to produce evidence. This exemption does not, however, relieve a party from prosecution for perjury.

Section 22. Hearings; rules of procedure

Subsection (a) provides that hearings under the Natural Gas Act may be held before the Commission or any member or representative designated by the Commission. It authorizes the Commission to admit as a party to any proceeding any interested State, State commission, municipality, or private party in accordance with such rules and regulations as the Commission may prescribe.

Subsection (b) authorizes the Commission to adopt rules of practice and procedure governing all its hearings and proceedings. It provides also that no informality in any proceeding shall invalidate an order or regulation issued under the authority of the act.

Section 23. Administrative powers of Commission; rules, regulations, and orders

This section contains a general grant of administrative powers to perform necessary acts, issue orders, rules and regulations, and prescribe the form of documents to be filed with the Commission.

Section 24. Rehearings; court review of orders

Subsection (a) authorizes parties to a proceeding before the Commission to apply for a rehearing within 30 days after the issuance of an order by which such party is aggrieved. The Commission is given power to abrogate or modify its order upon such application. Unless it acts upon the application within 30 days, the application may be deemed to have been denied. No proceeding for court review of an order of the Commission is to be brought unless an application for rehearing shall have been filed.

Subsection (b) provides for review of the Commission's orders by the circuit courts of appeals and the Court of Appeals of the District of Columbia. No objection to any order is to be considered by the court unless it was urged before the Commission in the application for rehearing unless there was reasonable ground for failure to raise it on the application. Findings of the Commission as to the facts, if supported by substantial evidence, are made conclusive, but the court may upon application order additional evidence to be taken before the Commission. The judgment of the court is subject to review by the Supreme Court of the United States upon certiorari or certification.

Section 25. Enforcement of acts; regulations; and orders

This section authorizes the Commission to bring a civil action in the proper district court to enjoin acts or practices in violation of the act or any rule, regulation, or order thereunder and to enforce compliance therewith.

Subsection (b) confers upon the courts of the United States jurisdiction to issue writs of mandamus commanding compliance with the act and rules, regulations, or orders thereunder.

Section 26. General penalties

Subsection (a) imposes a criminal penalty of fine, imprisonment, or both, upon any person who willfully and knowingly violates the provisions of the act.

Subsection (b) provides for a fine for violations of the rules, regulations, and orders issued under authority of the act.

Section 27. Jurisdiction of offenses; enforcement of liabilities and duties

This section imposes appropriate jurisdiction upon the courts of the United States over cases arising under the act.

Section 28. Conflict of jurisdiction

This section gives priority of jurisdiction to the Public Utility Act of 1935 with respect to orders issued by the Commission under this Natural Gas Act, except where the Securities and Exchange Commission has already exempted a person from requirements of the Public Utility Act. Where the Securities and Exchange Commission exercises prior jurisdiction, all reports of such person shall, upon request, be made available to this Commission, in aid of its administration of this act.

Section 29. Separability of provisions

This is the usual separability section saving the rest of the act in case of a decision holding any part invalid.

SIT-DOWN STRIKES AND INTERSTATE CORPORATIONS

Mr. O'MAHONEY. Mr. President, I quite agree with what has been said by the Senators who have occupied the floor this afternoon since I entered the Chamber when the senior Senator from Idaho [Mr. BORAH] was speaking.

This is no time for any person in public life to insist upon any legalistic pound of flesh in the attempt to solve this critical situation which confronts our country. It is eminently a time for patience, forbearance, and coolheadedness; but it is also a time for all of us, in and out of public office, to attempt to assess the responsibility for the conditions which exist.

I rise only for the purpose of emphasizing briefly the remarks of the Senator from Idaho and the remarks of the Senator from Alabama [Mr. BLACK]. The fact is that the monopolistic practices which have been condemned upon this floor for 50 years or more are rendered possible only by virtue of a grant or grants, as the Senator from Idaho said, from some State or from the Federal Government to aggregations of capital. No natural person could become a successful monopolist in this country without the use of corporate devices.

It is also true, as the Senator from Alabama has said, that by reason of judicial construction there has developed in the United States a sort of "no man's land" in which the State authority is not recognized and in which the Federal authority is not asserted. It seems to me that the cause of this situation is as clear as day. We shall understand it readily if only we bring our minds to a recognition of the fact, which no person can deny, that 90 percent of that commerce among the States which was committed by the Federal Constitution into the hands of the Federal Government to regulate is carried on by corporations created by the States.

State governments which have neither the power nor the jurisdiction, and which, in addition, have no desire to regulate commerce among the States, create these artificial entities which dominate the commerce of the entire land. Nay, more than that, the States of the Union have created corporations which control not only the commerce of the United States but which are engaged in a dominant degree in international commerce as well.

When we recognize the fact that commerce among the States is carried on by these creatures of State governments over which the public exercises no effective regulation, because the States which create them have neither jurisdiction nor interest and the Federal Government does not act effectively, and when we realize the artificial character of these entities we shall begin to understand what the trouble is.

We talk about sit-down strikes. We talk about the sit-down strike in the General Motors plant in the State of Michigan. How many of us when we are thinking about it stop to realize that the General Motors Corporation, with 60 or 65 or 70 plants scattered throughout the United States, is not a Michigan corporation? It is a corporation created by another State far from the district in which the strike was called, the State of New Jersey; a corporation the employees of which number almost a quarter of a million; a corporation the stockholders of which number about 350,000 and reside in every State of the Union.

THE MODERN ECONOMIC STATE

The raw materials with which this great corporation works come from all sections of the earth, and there is scarcely a single field of productive enterprise which does not produce those materials. The cars that are manufactured by General Motors contain cotton and rubber, wool and leather, copper and steel and lumber, and a score of other commodities from the farms, ranches, and mines of every State in the Union. The same is true of the Chrysler Corporation.

Yet we pretend to think that these corporate entities can be governed by the rules that apply to natural persons and that their activities are not a matter of national concern. Perhaps I should not say that we continue to make this pretense, for now it is dawning upon the minds of all of the people of the land that the business of the interstate corporations is a matter of national concern.

The truth is that the modern corporation which carries on the business and commercial life of the American people has become an economic state. It is not in any sense a private business as private business is understood by natural persons. It is in a very real sense a public business not only because of its effect upon the public by reason of the huge numbers of persons it employs and the huge numbers of persons who supply its capital, but because the modern corporation is actually not governed and directed by the persons who own it. By far the great majority of the stockholders of the huge interstate corporation exercise no control over and assert no responsibility for their property. On the other hand hundreds of thousands of their employees are likewise without any voice in the direction of the policy of the corporation upon the activities of which they depend for a livelihood.

WHAT IS A CORPORATION?

We seem to have forgotten what a corporation is and what its powers have been. The Supreme Court of the United States in a notable case, which has never been reversed and which is still the law of the land, described the corporation in language a good deal clearer than that which I could use. In the case of *Paul* v. *Virginia* (75 U. S. 181), Mr. Justice Field said this:

> Now a grant of corporate existence is a grant of special privileges to the corporators, enabling them to act for certain designated purposes as a single individual, and exempting them (unless otherwise specially provided) from individual liability. The corporation—

Said Mr. Justice Field—

> being a mere creation of local law, can have no legal existence beyond the limits of the sovereignty where created.

But these great interstate corporations operate throughout the length and breadth of the land, far beyond the limits of the States which created them, because of the fact that the Federal Constitution gave to the United States Government the power to regulate the field of commerce in which they are engaged, and, therefore, they have been enabled to escape the restraint of the laws of the States into which they have extended their operations by pleading that they are engaged in interstate commerce.

Fifty years or more ago Congress endeavored to put an end to the continuing concentration of economic power and

wealth in the hands of a few. By the passage of the Sherman antitrust law the Congress of the United States declared its purpose to prevent combinations and monopolies. That has been and is now the will of the American people. But all during that time the enforcement of that will has been rendered practically impossible because the Federal Government has not exercised the full power which it has to prescribe the form and powers of corporations organized to carry on interstate commerce. Corporations created by the States, by going to the several States for charters with broader and broader powers, have been enabled to evade the purpose and the intent of the Federal antitrust law and the effect even of the decisions of the Supreme Court.

CONGRESS HAS POWER TO ACT

It is not my purpose this afternoon to enter into any lengthy discussion of the remedy, but it seems to me that it should be pointed out here and to the public at large that as the Senator from Idaho says, we have the solution in our own hands if we are only willing to exercise it. A corporation exists only by reason of a grant from the representatives of the people. No corporation can exist without such a grant. It seems to me to be perfectly clear that since the Federal Constitution has given to the Federal Government the power to regulate commerce among the States, and since these corporate entities are instrumentalities of that commerce, then the United States may and should by law undertake through a system of Federal charters and franchises to prescribe exactly what special privileges corporations may exercise. It is our duty to the general public to do so. To our failure to have done so in the past may be ascribed the conditions with which we are now confronted.

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

Mr. O'MAHONEY. I yield.

Mr. MINTON. Has not the Supreme Court, by certain opinions that it has handed down, written into the law that, notwithstanding the Congress has the right to regulate interstate commerce and may be exercising that power, it must not do it in such a way as to interfere even indirectly with the rights of the States?

Mr. O'MAHONEY. Oh, the Supreme Court has erected quite a barrier of "burdens" and "direct and indirect" influences which have no constitutional basis whatsoever, but the Supreme Court has never passed upon the right of the Federal Government to require licenses and charters of the kind I mention.

Mr. MINTON. What good will it do the Federal Government to license or charter corporations if it could not further reach into the States in which they are actually doing business and attempt to control the manner in which they do business? I am sure that is what the Senator has in mind.

Mr. O'MAHONEY. I think that would be just exactly the way it should be done and ought to be done.

Mr. MINTON. Then would we not again encounter the decision of the Supreme Court in the first child-labor case and in another case, in which they held that Congress could not do that thing because it would be indirectly doing what is left by the Constitution to the States to do, that is, to control manufacture?

Mr. O'MAHONEY. I doubt very much whether any of the cases mentioned would apply to a law such as I suggest.

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

Mr. O'MAHONEY. I yield.

Mr. BONE. I think the Senator knows I am very much in sympathy with his objective and with the theory that underlies the proposal in his bill, but I should like to ask him if he thinks, in the light of the long line of decisions by the Supreme Court involving the due-process clause of the fourteenth amendment, that a measure such as he suggests, if enacted into law, would be safe from the effect of those decisions?

Mr. O'MAHONEY. I will say to the Senator that I feel reasonably certain that a competent lawyer could convince even the present Supreme Court that such a law is valid and constitutional. The precedents which Senators fear have no bearing whatever on the problems.

Mr. BONE. There might be such a lawyer in the country. I hope there is.

Mr. BORAH. Mr. President, I wish to say a word first in regard to portions of the able argument of the Senator from Alabama [Mr. BLACK]. The cases to which he refers as coming up from the States and in which the court held void certain statutes reached the Supreme Court under the fourteenth amendment to the Constitution. Those cases could never have reached the Supreme Court of the United States during the first 70 years of the existence of this Government. The fathers intended that the States should do what the able Senator from Alabama says he desires they should do, and that is to deal with their internal affairs or their domestic affairs according to their own judgment and according to their own discretion, and in that doctrine I heartily concur. But there came a time, immediately after the Civil War, when the leaders of the Nation at that time formulated a plan to take away from the States that discretion and that judgment which had been reposed in them prior to the Civil War.

The fourteenth amendment was grounded in distrust of the capacity of the people of the respective States to attend to their own business. It was based upon suspicion and fear as to the competency of the people of the States to deal with their respective affairs. That was all contrary to the idea which controlled the action of the fathers when they framed the Constitution; and, as a result, there has been created, to a large extent, what is a "no man's land" in constitutional government in the United States. There are certain things which apparently neither the Federal Government can do, because they are of intrastate nature nor can the State governments do because they run counter to the provisions of the Constitution of the United States as found in the fourteenth amendment.

I heartily agree that the due-process clause of the fourteenth amendment results, to a certain extent, in calling into action the economic views of the courts. In my opinion, it is impossible to execute the fourteenth amendment under the due-process clause without calling into action, to a certain extent, the economic views of the members of the Court, for the reason that——

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

Mr. BORAH. I will yield in a moment. For the reason that the States are forbidden to pass any law which will deprive a person of life, liberty, or property without due process of law. What is due process of law? It has never been defined; it cannot be defined; it has no definition which guides the legislature or the court. "Due process of law" is gathered from a world of precedents, coming down through history, to be applied to a particular case that comes before the court. I say that is an impossible duty to impose upon a court, insofar as it relates to substantial legislation. It should never have been imposed upon it. For instance, here is the great State of New York, with its thirteen-odd million people, of all races and tongues, with its great leaders, with its wealth, both agricultural and industrial, with its great newspapers, with its publishing houses, and with everything that makes a great society and a great community a republic within itself, capable of determining for itself its domestic concerns better than can be done by any other tribunal that can be created on earth. The result ought to be that when the judgment of the State as to the wisdom of a social or economic measure is concluded it should be binding upon the Government of the United States and binding upon the State.

For illustration, take the minimum-wage law. The people of the State of New York worked out a minimum-wage law. It met with the approval of the State; with the approval of the legislature; and it met with the approval of the Governor.

Why, under any theory of popular government, under any theory of local self-government, should not that law be permitted to stand? Yet it is passed on to the consideration of a tribunal of another sovereignty, under the nebulous, vague, undefined, and indefinable due-process-of-law clause, and it is there declared void by a vote of 5 to 4. It does not make any difference what the Court may be, that will likely happen under that kind of a law.

Bear in mind, Mr. President, it was 20 years after the fourteenth amendment was adopted, and after it first went to the Supreme Court, before the Supreme Court was willing to reach out and take hold of the power which was imposed upon it by the fourteenth amendment.

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

Mr. BORAH. I will yield in a moment. One of the great Justices—and he was a great Justice, and is a great Justice, so recognized by all the world now—said in substance: "The fourteenth amendment, if construed as is insisted we shall construe it, will work a complete revolution in our entire system of government"; and so it did. It ought to be taken out of the Constitution. It ought to be rewritten. The duty is upon us and upon the people of the United States to turn back to the States that which is essential to their sovereign existence. The fault is not with the Court; the fault is with us; the fault is with the lawmaking body, which has the power to submit proposed constitutional amendments. If we would do our duty, there would be less reason to criticize others.

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

Mr. BORAH. Yes.

Mr. BLACK. Does the Senator believe that due process meant anything more than judicial procedure?

Mr. BORAH. In my opinion the first decisions of the Supreme Court were sound, that it meant nothing more than due process of law, but when Mr. Conkling appeared before the Court with the records of the committee which framed it, showing that it was the intent of the members of that committee—which I call the "Committee of Public Safety", as a similar committee was called in the French Revolution—to include not only procedural matters but substantive matters, the Court finally held to that effect. It was not until 1887, about 20 years after the fourteenth amendment was adopted, that the Supreme Court finally held that the fourteenth amendment covered substantive legislation. Up to that time it had been of the opinion that it covered only procedural matters.

I have recently introduced a joint resolution proposing an amendment to the fourteenth amendment to the Constitution of the United States. Under my proposed amendment due process of law would be confined to procedure; it would be confined within the limits where it was confined throughout the history of Anglo-Saxon jurisprudence until 1887, and where it ought to be confined. I have just said I felt due process ought to have been confined by the courts to matters of procedure. I ought to say, however, that under the broad terms of the fourteenth amendment it would be difficult not to include substantive matters. But we can confine it to procedural matters by amending it.

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

Mr. BORAH. I yield.

Mr. BONE. The Senator has more or less answered the question I was going to ask him, because for centuries in Anglo-Saxon jurisprudence due process of law meant the mechanics of a trial, a fair trial, the right to produce witnesses, and to have them sworn and give testimony under oath. It had to do with adjective law and not substantive law. It was our Supreme Court that translated that ancient expression, which is familiar to every student of American and English jurisprudence, into substantive law.

But the Senator, in speaking of what the Supreme Court did in examining the records in connection with the congressional proceedings incident to the adoption of the fourteenth amendment, presents a rather striking parallel opposite to the picture drawn a few moments ago by the Senator from Alabama. He said that the debates in Congress reflected clearly the purpose of Congress not to adopt the doctrine of the rule of reason in the antitrust case, but the Supreme Court completely overrode that and said that the Congress did not mean what it was trying to do there.

Mr. BORAH. The Senator has a great desire which I have not this afternoon—I may have it later—to discuss the Supreme Court question. I am undertaking now simply to illustrate what seems to me to be the duty of the Congress of the United States, and that is to submit to the people the proposition of turning back to the States the complete power to govern their internal and local affairs.

Mr. BONE. I agree with the Senator's proposed amendment; I think it is perfectly all right, for reasons which I have suggested on the floor; but the very purpose of the Senator's proposed amendment is to prevent what the Court has apparently done by its interpretation of the Constitution.

Mr. BORAH. In candor and honor, I do not see how the Court could help do other than it has done when the wording of the fourteenth amendment is considered. That amendment provides:

Nor shall any State deprive—

Deprive—

any person of life, liberty, or property.

That is a broad statement. If a man is deprived of liberty by legislation or is deprived of his property by legislation, it would be rather difficult for a judge to hold that the fourteenth amendment was being upheld when such action was taken. But I feel that in matters of legislation the action of the States should not be open to review by the Federal courts.

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

Mr. BORAH. Yes.

Mr. BLACK. But the Court did hold that exact thing for a long number of years, did it not?

Mr. BORAH. No.

Mr. BLACK. Did they not at first limit it, and did they not later expand it to the doctrine which the Senator has just mentioned?

Mr. BORAH. I said a few moments ago that for the first 20 years the Court did not extend the fourteenth amendment to substantive legislation, but there was no substantive legislation before the Court until some time, I think, in 1880.

Mr. BLACK. Does not the Senator recall the case, if I am not mistaken as to it, involving rates where the Court with reference to elevator rates in the West——

Mr. BORAH. That is what I am referring to.

Mr. BLACK. Specifically and pointedly held that the fourteenth amendment did not apply; that it was a legislative matter to which the amendment did not refer? Mr. Justice Field dissented. A majority, however, decided that the legislature did have the right to fix rates. Then, later on, after the Court changed, the majority decided that the legislature did not have the right to fix rates without court supervision.

Mr. BORAH. The Senator may be correct, but my memory is different. My memory is that it was the first rate case which came before the Court. As I recall, the first case which came before the Supreme Court was known as the Slaughterhouse case. That case was decided on another clause of the fourteenth amendment. The due-process clause was not invoked at all. Justice Bradley in a paragraph of less than an inch said that it might be that the due-process clause would cover substantive legislation, but that is the only reference made to it.

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

Mr. BORAH. I yield.

Mr. MINTON. Did not Justice Field in that case, in his dissent, advance the thesis which eventually became the opinion of the Court, that due process did not mean simply a fair trial, and did not that finally become, and is it not today, the opinion of the Supreme Court; namely, the thesis of Justice Field first advanced in his dissent in the Slaughterhouse case?

Mr. BORAH. Of course, I am speaking from memory, but as I speak from memory of the Slaughterhouse case, the majority opinion made no reference to the due-process clause. Justice Miller said that in his opinion the fourteenth amendment would never be extended to include anything beyond protecting the rights of the colored people, that it was designed for that purpose, and he doubted if it would ever be

applied otherwise. From that statement Justice Field dissented. He held that the fourteenth amendment covered all persons, and so forth; but, as I recall, Justice Field himself did not refer to the due-process clause.

Justice Bradley did say, in the way of argument in reaching his conclusion, that it might be—I am not quoting his exact language—that the due-process clause would cover substantive legislation. That never was adopted as the majority view of the Court until 1887, when certain rate cases came before the Court.

The Senator from Alabama [Mr. BLACK] is of the opinion that some rate case was decided one way and another rate case another way. My recollection is it was in the first rate case that came before the Court that they finally held it was taking property without due process of law when rates were fixed which did not insure any income whatever.

Mr. President, all I desire to say in regard to the matter is that it can be corrected and ought to be corrected. It ought not to be left for a Court of 9 men or a Court of 15 men to deal with it. It ought not to be left there for a matter of controversy at all. I say there is no one more competent to pass upon these things than the State itself, and if we do not believe in that principle we do not believe in self-government.

The people who choose us and send us here are the same people who choose their legislatures. They are liable to make the same mistake with reference to us that they make with respect to their legislatures, and they are liable to get just as competent men in their legislatures and as their Governors as those whom they send here; but they get men in their legislatures and for their Governors who know things we cannot possibly know about the States unless we are residents of them.

For instance, why should a decision of the Supreme Court of the United States with reference to a minimum wage in New York, taking into consideration all the local business conditions, social conditions, and so forth, prevail as a test of what is a reasonable wage in the State of Idaho where the situation is wholly different?

If we are going to maintain this great Government of ours we have got to have something in the nature of local self-government, and God in his wisdom has forbidden unity or standardization of the people of the United States. We are different in the different parts of our country, and thank heaven we are!

Mr. President, something has been said about the opinion of the Supreme Court with reference to the Antitrust case. I agree with the view which has been expressed that the Supreme Court applied a construction upon the Antitrust Act which, in my opinion, was not warranted. I am of the opinion that Congress intended to prohibit all trusts and combinations in restraint of trade, and that Congress intended to prohibit monopoly. That was the view which was taken by the Supreme Court for some time.

The Court finally held that it was only an inhibition of unreasonable restraint of trade. In other words, the Court went back to the common law and deduced from the common law a rule of action which permitted them to hold that only unreasonable restraint of trade was included. I myself do not agree with that construction and never have. But, Mr. President, there are plenty of trusts and combines oppressing the people of the United States which are unreasonable and unconscionable. In addition, we can by legislation make the law apply to all trusts or monopolies. I have a bill pending which in my opinion will destroy monopolies and trusts.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. HERRING in the chair). Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield.

Mr. MINTON. In the very case in which the Supreme Court wrote this into the antitrust law, it was admitted by everybody that the trust then before the Court was unreasonable.

Mr. BORAH. But the Court dissolved the corporation notwithstanding its argument about unreasonableness. I do not care how they got there, just so they reached the corporation. They did dissolve the corporation in that case and effectuated what we all desired.

I myself disagree with my able friend from Alabama [Mr. BLACK] when he says we cannot destroy monopoly in the United States, that we cannot prohibit monopoly in the United States, successfully and effectually. We do not dare to take that position; that is, to say that there is in the United States and under the American flag a power superior to the Government of the United States. We are not going to make any such admission. It is within our power. All it requires is that the will and purpose of the American people be effectuated by their leaders here in Congress. After you have done all that the Senator from Alabama wants to do, shortening hours and fixing minimum wages, the workingman is but little better off if some private interest fixes the price for everything he eats or wears. Until you destroy that price-fixing process by private corporations there is no hope for the common people.

THE DISASTER AT NEW LONDON, TEX.

Mr. SHEPPARD. Mr. President, I send to the desk the last report from the War Department with reference to yesterday's tragedy in Texas.

Let me say that upon hearing of the disaster the Chief of Staff, Maj. Gen. Malin Craig, ordered Maj. Gen. Herbert J. Brees, commanding officer of the Eighth Corps Area at San Antonio, Tex., to the scene of the calamity. General Brees arrived there late last night by plane and rendered the quickest possible aid by securing cots, bedding, mattresses, medicine, personnel, and so forth, from the nearest C. C. C. companies. The Army rendered prompt and able assistance.

I ask that the memorandum which I send to the desk may be read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

TYLER, TEX., *March 19, 1937.*

To The ADJUTANT GENERAL,
War Department.
(Attention: Chief of Staff.)

Have just returned from personal investigation disaster New London. National Guard of Texas in charge. Town under martial law. About 400 deaths out of seven hundred-odd school children. Salvation Army and Red Cross on job. Cots, mattresses, bedding, medicine, and personnel furnished last night from C. C. C. companies in the vicinity. In my opinion no further assistance from Army needed, but we are standing by in case necessity arises.

BREES.

RESPONSIBILITY FOR SIT-DOWN STRIKES

Mr. BAILEY. Mr. President, I rise because I am unwilling to have go unchallenged the effort which was made here today to attribute responsibility for the sit-down strike to the Supreme Court of the United States. If Senators wish to unite the two, they are welcome to do so; but there is nothing in the situation on either side that can justify the assertion that anything which is being done in Michigan or elswhere in this country by sit-down strikers is related in the remotest degree either to the legislation here or to the opinions of the Supreme Court.

The sit-down strike is not a strike for wages. It is not a strike for hours. It is not a strike for better living conditions. It is not a strike for legislation. It is not a strike for Supreme Court decisions, nor is it a strike for the reconstruction of the Supreme Court. The sit-down strike is a strike for power. It is induced by a minority labor group for the purpose of gathering to itself exclusive control of the workers and the institutions throughout the industries which are affected by the strike. This group demands exclusive power to represent all workers.

How can that obvious fact be related to opinions of the Supreme Court or legislation in the Congress? I think in the debate here today it has been made perfectly clear that the opinions of the Court complained of were based upon a reasonable construction of the fourteenth amendment, and in the New York case—the minimum-wage case—upon a reasonable construction not only of the fourteenth amendment but of the opinion of the highest court of the State of New York. No one blames the Court of Appeals of New York for the decision in the minimum-wage case. Why should anyone be blaming the Supreme Court of the United States for the same decision?

I think the Senator from Idaho [Mr. BORAH] is eminently just and eminently correct in saying that but for the fourteenth amendment it would be the clear duty of the Supreme Court of the United States to follow the decisions of the highest courts of the several States in matters relating solely to the States. Nevertheless the New York case is brought forward here today, and the case in Kansas in 1904, and one in Oregon, I think, in 1914; I hope not by way of justifying but by way in some fashion of attributing to the decisions of the Supreme Court of the United States the lawless conduct of an ambitious labor leader who has encouraged workers throughout America to violate the law, which everybody knows is the law, and take possession of property, and then invite force to be met with force and horrify the country.

I am not saying there should be force. I would give the counsel of patience, too; but I am unwilling for anybody in this country to say that what those men are doing under that leadership can be laid at the door of the Congress, or of the legislature of any State, or of the supreme court of any State, or of the Supreme Court of the United States. I lay it at the door of an ambitious labor leader who is determined, in competition with other labor organizations, to obtain exclusive control of labor in the United States, and thereby, I think, to obtain control of industry.

That is a struggle for power, not a struggle for wages; and it is a struggle for power by a minority. Fourteen percent of the workers in the General Motors plants undertook to grasp a monopoly of the rights of all the workers in those plants.

I do not know what the percentage is in the Chrysler establishments. Perhaps it is a little greater, perhaps a little less; but I do not think I should be quiet here when a Senator puts forward an argument which tends to give standing to that sort of thing on the ground that a Congress has been delinquent, or a Supreme Court has been obstinate. There is nothing in such a contention.

We might as well face the facts in America. If there is trouble here, if there is profound unrest here, if there is danger here, it is not to be attributed to the present controversy concerning the Supreme Court. It is not to be attributed either to the success or to the failure of the Wagner Labor Relations Act. The strikers have not invoked it. They have ignored it. It is not to be attributed to any decision or any series of decisions of any courts. It ought not to be involved in this great controversy; but if Senators wish to involve it, I am willing to go to the country on that issue. If they wish to induce sit-down strikes by that sort of agitation; if it is sought to encourage the hope that by labor agitations, or other sorts of threatened "crises", we can be forced to add six Justices to the Supreme Court for the purpose of interpreting the Constitution to suit the needs of fancied friends of labor—if they wish to take that view of the matter and go to the country on that issue, I am willing to go with them; but I protest that there is no foundation for it.

I come back to my point. I rose for the purpose of saying that this strike which so distresses us all, which all of us must deplore, is a strike for power. Congress has nothing on earth to do with the ambitions of anybody for power. No court has anything to do with the ambitions of any labor organization for power. There is nothing we can do to give them power, and if we could give them power we ought not to do it. Let us recognize that, and let us keep this controversy clear of that, if we may.

I should like to say one other word. I know the desire is to adjourn. I gather from the remarks of the Senator from Alabama [Mr. BLACK] that he is looking for some sort of legislation in the nature of a provision for compulsory arbitration to meet the situation. He lamented that the compulsory arbitration law of Kansas was held to be unconstitutional, and at the same time he proclaimed his everlasting fidelity to the Bill of Rights.

If I recall the case to which the Senator referred, it went off precisely on the ground that we could not compel men to arbitrate, that we could not determine contracts for them, could not put them under compulsion with respect to their right to work or their right not to work. I thought that was well established.

Mr. President, I am sorry the Senator is not present. I wish to say that if that is the sort of legislation he has in mind and proposes, in event the present members of the Supreme Court can be driven from the bench, allegedly because they are old, actually because they have held some acts unconstitutional, or, failing to drive them off, appoint associates for them—all with a view to validating legislation so far undisclosed, unless the Senator today disclosed it—legislation, if he properly disclosed it, which will bring about compulsory arbitration between capital and labor in the United States—I hope he will notify the C. I. O. and the sit-down strikers. Then we will get their reaction.

The other word I desire to say is that there has been a good deal said here this afternoon about a "no man's land." There is a "no man's land" in the United States and there always will be. There ought to be a "no man's land" in the United States and there always will be one. It is the "land" of the rights reserved to the individuals—to the people. That does not belong to Congress, it does not belong to the President, it does not belong to the courts, and does not belong to the States. When this Government was created there were the rights vested in the Federal Government, the rights reserved to the States, and the rights reserved to human beings, the people. That is the "no man's land." It is every man's land, the realm of every man's inalienable rights.

It may be that "no man's land" does present difficulties. I think it does. But let those in the United States, those in the seats of power, those in the Senate and the House, who propose to invade that "no man's land", come forth with their legislation and let us see it. Let the American people see it. Let us know what they are going to do before they impose upon us a Court which will justify that invasion.

Mr. MINTON. Mr. President, will the Senator yield for a question?

Mr. BAILEY. I was yielding the floor, but I will answer the Senator's question if I can.

Mr. MINTON. I understood the Senator to say that, on the theory on which the Kansas labor case was decided, labor could not be forced to carry out its contracts.

Mr. BAILEY. No; I said that we could not force a man to arbitrate in a strike. Oh, no; I did not say we could not force a man to carry out his contract. I have always understood we can have specific performance or damages, one or the other; but I know we cannot have that with respect to labor unions.

Mr. MINTON. Does the Senator mean to say that specific performance of a contract for labor can be enforced.

Mr. BAILEY. No; but I think I can assert that there can be an injunction to prevent a man, in the case of a contract for special services, from working for other people, without damages. That is as far as the law goes in that matter.

Mr. MINTON. The Supreme Court, in one case at least, held that a man could be forced to carry out his contract of labor. In *Robertson* v. *Baldwin* (165 U. S. 275), the Court, notwithstanding the thirteenth amendment to the Constitution, sustained an act of Congress which provided that if a man signed up to go on a voyage with the master of a ship, and decided he did not want to carry out his contract, and left the ship, any justice of the peace could arrest him, hold him in irons, and turn him over to the master, and the master could make him carry out his contract.

Mr. BAILEY. I am much obliged to the Senator. I freely confess I am not familiar with the case. I should be glad if he would give me a reference to the case and let me read it, and then I will discuss it with him. In the meantime, I will say that it has nothing whatever to do with my statement that the Congress has no power under the Bill of Rights to enact a compulsory arbitration law.

NAVAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes.

The PRESIDENT pro tempore. The clerk will state the first amendment of the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Bureau of Navigation—Training, education, and welfare, Navy", on page 8, line 14, after the word "for", to strike out "$194,210" and insert "$197,310", so as to read:

Instruction: For postgraduate instruction of officers in other than civil government and literature, including such amounts as may be necessary to carry out the provisions of the act approved January 16, 1936 (Public Act No. 417, 74th Cong.), and for special instruction, education, and individual training of officers and enlisted men at home and abroad, including maintenance of students abroad, except aviation training and submarine training otherwise appropriated for, $197,310.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Reserve", on page 14, line 4, after the word "aircraft", to strike out "$9,269,909" and insert "$9,322,109"; so as to read:

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia, including the designing, purchasing, and engraving of trophies; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty; subsistence of officers and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve, and pay, allowances, subsistence, and transportation with subsistence and transfers en route, or cash in lieu thereof, of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay and allowances, including travel and other allowances as authorized by law (excluding clothing and small-stores issues and uniform gratuities), of aviation cadets of the Naval Reserve when ordered to active duty, including active duty undergoing training; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of not to exceed 48 drills per annum or other equivalent instruction or duty, or appropriate duties, and administrative duties, exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency, as the Secretary of the Navy may designate, physically and psychologically qualified to serve as pilots of naval aircraft, $9,322,109, of which amount not more than $150,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage; not more than $61,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department; not less than $3,359,469 shall be available, in addition to other appropriations, for aviation material, equipment, fuel, and rental of hangars, and not more than $397,914 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve, and of such total sum $6,568,489 shall be available exclusively for and on account of Naval and Marine Corps Reserve aviation.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy", on page 16, line 3, after the word "employees", to strike out "$607,121" and insert "$609,821", so as to read:

For pay of other employees, $609,821, of which $2,474 shall be available exclusively on account of the collection of ship models bequeathed by the late Henry H. Rogers.

The amendment was agreed to.

The next amendment was, on page 17, line 25, after the word "instruments", to strike out "$1,058,000" and insert "$1,070,000", so as to read:

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls enclosing the grounds of the Naval Academy, accident prevention, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor, advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; pay of inspectors and draftsmen; and music and astronomical instruments, $1,070,000, of which $2,000 shall be available exclusively on account of the collection of ship models bequeathed by the late Henry H. Rogers:

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Engineering—Engineering", on page 20, line 21, after the words "in all", to strike out "$21,838,700" and insert "$22,080,800", so as to read:

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order, and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the Bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, accident prevention, pay of classified field force under the Bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments, machines and auxiliaries, apparatus and supplies, and technical books and periodicals necessary to carry on experimental and research work; maintenance and equipment of buildings and grounds at the engineering experiment station, Annapolis, Md.; payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any persons so employed; in all, $22,080,800.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Construction and Repair", on page 22, line 4, after the word "materials", to strike out "$19,283,500" and insert "$19,458,500", so as to read:

For designing naval vessels, including services, instruments, apparatus, and materials necessary for experimental and research work; payment of part time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; maintenance, repairs, and alterations of vessels; care and preservation of vessels out of commission; docking of vessels; salvage and salvage services for naval floating property; construction and repair of district and yard craft; purchase and manufacture of equipage, appliances, supplies, and materials at home and abroad as required for the maintenance, repair, alteration, and operation of naval vessels and district and yard craft; carrying on work of the experimental model basin and wind tunnel; tools and appliances for all purposes in navy yards and naval stations; labor in navy yards and naval stations and elsewhere at home and abroad; accident prevention; pay of classified field force, including employees in material inspection and superintending constructors' offices; incidental expenses at navy yards and naval stations and in material inspection and superintending constructors' offices such as photographing, technical and professional books and magazines, plans, stationery, drafting instruments and other materials, $19,458,500:

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Ordnance—Ordnance and ordnance stores, Bureau of Ordnance", on page 23, line 19, after the name "West Virginia", to strike out "$24,404,800" and insert "$24,454,800", so as to read:

For procuring, producing, preserving, and handling ordnance material for the armament of ships; for the purchase and manufacture of torpedoes and appliances; for the purchase and manufacture of smokeless powder; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; plant appliances as now defined by the Navy Classification of Accounts; for machinery and machine tools; for accident prevention; for experimental work in connection with the development of ordnance material for the Navy; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed $15,000 for minor improvements to buildings, grounds, and appurtenances of a character which can be performed by regular station labor; for payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicists as may be contracted for by the Secretary of the Navy in his discretion at a rate of pay not exceeding $20 per diem for any person so employed; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, and for care and operation of schools at ordnance stations at Indianhead, Md.; Dahlgren, Va.; and South Charleston, W. Va., $24,454,800.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Supplies and Accounts—Pay, subsistence, and transportation of naval personnel", on page 24, line 7, after the word "exceed", to strike out "$1,695,100" and insert "$1,699,540"; and in line 10, after the word "captain", to strike out "except not more than two officers of the rank of rear admiral" and insert "except not more than one officer of the rank of vice admiral and three officers of the rank of rear admiral", so as to read:

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders—pay, $34,762,731, including not to exceed $1,699,540 for increased pay for making aerial flights, no part of which shall be available for increased pay for making aerial flights by any officer above the rank of captain, except not more than one officer of the rank of vice admiral and three officers of the rank of rear admiral, nor by nonflying officers or observers at a rate in excess of $1,440 per annum, which shall be the legal maximum rate as to such nonflying officers or observers; rental allowance, $7,275,000; subsistence allowance, $4,358,427; in all, $46,396,158.

The amendment was agreed to.

The next amendment was, on page 33, after line 6, to strike out:

NAVAL SUPPLY ACCOUNT FUND

For transfer to the credit of the Naval supply account fund, $5,000,000, and not more than $5,000,000 of the naval supply account fund shall be available for the purchase of a reserve supply of prepared and processed strategic minerals of domestic production.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Yards and Docks—Maintenance, Bureau of Yards and Docks", on page 37, line 24, after the word "employed", to strike out "$7,872,958" and insert "$7,875,958", so as to read:

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including accident prevention; the purchase, maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed 10 in number) and the Naval Establishment not otherwise provided for; not to exceed $1,525,000 for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, and part-time or intermittent employment in the District of Columbia, or elsewhere, of such engineers and architects as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $25 per diem for any person so employed, $7,875,958.

The amendment was agreed to.

The next amendment was, on page 38, line 3, after the words "Ten at", to strike out "$1,300" and insert "$1,600", so as to make the proviso read:

Provided, That during the fiscal year 1938 the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the following respective numbers and costs: Ten at $1,600 each, 36 at $550 each, and 3 motorbusses at $4,200 each, and motortruck chassis with station wagon type bodies as required.

The amendment was agreed to.

The next amendment was, under the subhead "Public Works, Bureau of Yards and Docks", on page 39, line 3, after the word "Docks", to strike out "$5,827,000" and insert "$6,552,000", so as to read:

For public works and public utilities, Bureau of Yards and Docks, $6,552,000, which, together with the unexpended balances of appropriations heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 40, after line 20, to strike out:

Model testing plant: Toward the model testing plant, authorized by the act approved May 6, 1936 (49 Stat., pp. 1263, 1264), including buildings and facilities, $2,500,000: *Provided*, That no part of such sum shall be available for the acquisition of land or for the provision, by contract or otherwise, of any buildings or facilities for testing other than surface and subsurface craft.

And in lieu thereof to insert the following:

Model testing plant, vicinity of Washington, D. C.: Model testing plant, including buildings and facilities and purchase of land, $3,500,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 5, to insert:

Naval air station, San Diego, Calif.: Barracks for enlisted men, $300,000; galley and mess hall for enlisted men, $300,000; services, accessories, and equipment for barracks and mess hall, $125,000.

The amendment was agreed to.

The next amendment was, under the heading, "Bureau of Aeronautics—Aviation, Navy", on page 43, line 24, after the word "airplane", to strike out the comma and "or for the construction or manufacture in a Government-owned factory or plant of airplane engines, other than experimental engines, or airplanes, other than airplanes for primary training purposes, except airplane engines and airplanes building or which had been formally ordered on or prior to March 2, 1937", so as to read:

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1937, $750,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $18,064,000, including $250,000 for the equipment of vessels with catapults and including not to exceed $50,000 for the procurement of helium, which sum of $50,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1937, in addition to which sum the Bureau of Mines may use for helium-plant operation in the fiscal year 1938 the unexpended balance of funds transferred to it for such operation in the fiscal year 1937, and the Bureau may lease, after competition, surplus metal cylinders acquired for use as helium containers; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $3,500,000; for new construction and procurement of aircraft and equipment, spare parts and accessories, $27,186,000, of which amount not to exceed $13,000,000 shall be available for the payment of obligations incurred under the contract authorization carried in the Navy Appropriation Act for the fiscal year 1937; in all, $49,500,000, and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,582,340: *Provided further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1938, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of $15,000,000: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate $50,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps" to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps": *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coast of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes:

The amendment was agreed to.

The next amendment was, under the heading "Marine Corps—General expenses, Marine Corps", on page 48, line 3, to strike out "$595,000" and insert "$610,000", so as to read:

For military supplies and equipment, including their purchase, repair, preservation, and handling; recreational, school, educational, library, musical, amusement, field sport and gymnasium supplies, equipment, services, and incidental expenses; purchase and marking of prizes for excellence in gunnery and rifle practice, good-conduct badges, medals, and buttons awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; rental and maintenance of target ranges and entrance fees for competitions, $610,000.

The amendment was agreed to.

The next amendment was, on page 49, line 14, after the word "expenses", to strike out "$2,330,000" and insert "$2,332,600", so as to read:

For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; repair of motor-propelled passenger-carrying vehicles; and purchase, exchange, and repair of horse-drawn passenger-carrying and other vehicles, including parts; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted applicants for enlistment and retired officers on active duty, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses, $2,332,600.

The amendment was agreed to.

The next amendment was, on page 49, line 20, after the words "Two at", to strike out "$1,300" and insert "$1,600", so as to make the proviso read:

Provided, That there may be expended out of this appropriation (including the exchange value of any vehicle that may be used as part payment) for the purchase of motor-propelled passenger-carrying vehicles, the gross cost of any one vehicle not to be in excess of the respective amounts as follows: Two at $1,600 each; 2 at $900 each; 8 at $700 each; 10 station wagons at $700 each; and 5 motorcycles at $300 each;

The amendment was agreed to.

The next amendment was, on page 50, line 1, after the words "In all", to strike out "$7,978,153" and insert "$7,995,753", so as to read:

In all, $7,995,753, to be accounted for as one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and allen schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $80,000.

The amendment was agreed to.

The next amendment was, under the heading "Replacement of naval vessels", on page 50, line 13, before the word "destroyers", to strike out the colon and "Eight" and insert a comma and "eight", so as to read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), and for the commencement of the following vessels authorized by the act approved March 27, 1934 (48 Stat. 503–505) eight destroyers and four submarines, $90,000,000, to remain available until expended:

The amendment was agreed to.

The next amendment was, under the heading "Navy Department—Salaries", on page 54, line 15, to change the appropriation for compensation for personal services in the District of Columbia, Office of the Secretary of the Navy, from $186,070 to $189,130.

The amendment was agreed to.

The next amendment was, on page 54, line 21, to change the appropriation for compensation for personal services in the District of Columbia, Office of the Chief of Naval Operations, from $67,640 to $69,260.

The amendment was agreed to.

The next amendment was, on page 55, line 13, to change the total appropriation for salaries, Navy Department, from $4,045,019 to $4,049,699.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses", on page 57, line 10, after the word "offices", to strike out "$105,000" and insert "$110,000", so as to read:

For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books and photostating, for department library; for purchase of photographs, maps, documents, and pictorial records of the Navy, photostating and other necessary incidental expenses in connection with the preparation for publication of the naval records of the war with the Central Powers of Europe; for stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor-delivery wagons, maintenance, repair, and operation of motor trucks or motor-delivery wagons; garage rent; streetcar fares; freight, expressage, postage, typewriters, and computing machines, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $110,000; it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph.

The amendment was agreed to.

Mr. BYRNES. Mr. President, I send an amendment to the desk, which I ask to have stated.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 10, line 4, it is proposed to strike out "$1,624,169" and insert in lieu thereof "$1,627,269", so as to read:

In all, training, education, and welfare, Navy, $1,627,269.

Mr. BYRNES. Mr. President, this amendment is simply to correct the total.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

EXECUTIVE SESSION

Mr. McNARY. Mr. President, I inquire if the committee amendments have been completed.

Mr. BYRNES. The committee amendments have been completed.

Mr. President, I recall to the Senate that before the very lengthy discussion on the naval appropriation bill which has taken place today [laughter], the statement was made by the Senator from Oregon [Mr. McNARY] that he hoped the consideration of the measure would not be completed at today's session. I am entirely satisfied at this hour that consideration of the measure be not completed; and in the absence from the floor of the Senator from Arkansas [Mr. ROBINSON], I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Guy K. Bard, of Pennsylvania, to be United States attorney, eastern district of Pennsylvania, vice Charles D. McAvoy, deceased.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of several officers for promotion in the Regular Army.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the following nominations:

Capt. Andrew C. Pickens to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear admiral, for a term of 4 years from the 17th day of June 1937; and

Naval Constructor William G. Du Bose to be Chief Constructor and Chief of the Bureau of Construction and Repair in the Department of the Navy, with the rank of rear admiral, for a term of 4 years from the 16th day of March 1937.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Walter F. Boyle, of Georgia, to be Consul General.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Francis H. Styles, of Virginia, to be Secretary in the Diplomatic Service.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE JUDICIARY

The legislative clerk read the nomination of William H. Hastie, of Washington, D. C., to be judge for the District Court of the Virgin Islands.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceed to read sundry nominations of postmasters.

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

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. McKELLAR. I ask unanimous consent that the nominations for promotions in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

That completes the Executive Calendar.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. BYRNES. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate took a recess until Monday, March 22, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 19, 1937

DIPLOMATIC AND FOREIGN SERVICE

Erle R. Dickover, of California, now a Foreign Service officer of class 2 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

PUBLIC HEALTH SERVICE

Dr. John N. Bowden to be assistant surgeon in the United States Public Health Service, to take effect from date of oath.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Carl Ashby Badger, Utah National Guard, to be brigadier general, National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 19, 1937

DIPLOMATIC AND FOREIGN SERVICE

Walter F. Boyle to be consul general of the United States.

Francis H. Styles, to be Secretary in the Diplomatic Service of the United States.

JUDGE, DISTRICT COURT FOR VIRGIN ISLANDS

William H. Hastie to be judge for the District Court of the Virgin Islands.

PROMOTIONS IN THE NAVY

Frank H. Sadler to be rear admiral.
H. Gordon Donald to be captain.
Robert R. M. Emmet to be captain.
Samuel S. Payne to be captain.
Theodore S. Wilkinson to be captain.
Hubert E. Strange to be lieutenant.
George Knuepfer to be lieutenant.
Edward A. Hannegan to be lieutenant.
Neale R. Curtin to be lieutenant.
Alan B. Banister to be lieutenant.
Lester L. Pratt to be medical director.
Harry E. Jenkins to be medical director.
John J. O'Malley to be medical director.
Willard J. Riddick to be medical director.
Chester M. George to be medical director.
Luther Sheldon, Jr., to be medical director.
Richard H. Laning to be medical director.
Robert G. Davis to be medical director.
John T. Borden to be medical director.
Carroll R. Baker to be medical director.
Daniel Hunt to be medical director.
John F. Riordan to be medical director.
George C. Rhoades to be medical director.
John C. Parham to be medical director.
Lyle A. Newton to be passed assistant surgeon.
Harry E. Harvey to be dental surgeon.
Smith Hempstone to be pay director.
Hervey B. Ransdell to be pay director.
James S. Bierer to be passed assistant paymaster.
Fred M. Earle to be naval constructor.
Sam P. Morgan to be chief boatswain.
Charles L. Knopp to be chief boatswain.
Jacob F. Lawson to be chief boatswain.
Francis M. Linderman to be chief boatswain.
Theodore R. Cooley to be chief boatswain.
Paul E. Pointer to be chief boatswain.
Howard H. Branyon to be chief boatswain.
George F. Wickens to be chief gunner.
Henry J. Schafer to be chief gunner.
Edmonde B. Kelly to be assistant civil engineer.
Adolph F. Benscheidt to be assistant civil engineer.
Joseph White to be assistant civil engineer.
George S. Robinson to be assistant civil engineer.
Carl J. Scheve to be assistant civil engineer.

POSTMASTERS

INDIANA

Arthur W. Govert, Griffith.
Carl R. Kluger, Morristown.
Lewis H. Acker, Muncie.

MASSACHUSETTS

John E. Higgiston, Milford.

MINNESOTA

Melvin G. Klasse, Westbrook.
Earl M. Wilson, Willow River.

NEBRASKA

Calvin L. Bonner, Imperial.

NEW YORK

Eugene A. Westcott, Jr., Cleveland.
William A. Eggison, Marcy.
Sarah E. Austin, Patterson.
Walter Stanhope, Thiells.

OKLAHOMA

Taylor C. Anthony, Blanchard.
Nettie I. McHenry, Chelsea.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 19, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the merciful Father of humanity, allow not the clouds and darkness to be roundabout Thy throne. O Thou who didst climb the scarred and bleeding summit of Calvary, for Thy mercy's sake, hear our prayer. We pause at the riverside; our harps are on the willow; we falter

on the world's great altar stairs that slope through darkness up to God. Thou who canst fill with comfort broken hearts, broken loves, and broken lives, be Thou the angel of consolation in that sorely stricken district in our Southland. In their deepest sorrow and saddest bereavement unveil Thy face in every home where tragedy is so deep and overwhelming. O speak, Mighty Life, and let in the morning of hope and peace. Thou blessed Christ, whose love for little children was so divine that it would not let them go, take them and keep them in the white light of the Father's throne. Their shadow was love, their language was music, and their steps were a benediction. O Savior of the ages, hear our prayer. Amen.

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

PERSONAL EXPLANATION

Mr. EBERHARTER. Mr. Speaker, yesterday's RECORD shows that I was present at the session. However, when the roll was called on the Neutrality Act of 1937, Senate Joint Resolution 51, I was unavoidably absent from the Hall of the House on official business. Had I been present I would have voted "no" on roll call 33 on the motion to recommit and "yea" on roll call no. 34, on the final passage of the bill.

STATE AND FEDERAL TAXES

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, two things of importance have happened this week. One is that millions of people have made their peace with the income-tax collector, and the other is a rather pointed statement made by the Chairman of the Federal Reserve Board relative to balancing the Budget, and implying the necessity for further taxes. That, of course, raises a very interesting question about the conflict of taxation between the States and Federal Government, and on that question I should like to make some observations.

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

Mr. DIRKSEN. Yes.

Mr. RANKIN. The gentleman is speaking about the statement of Mr Eccles?

Mr. DIRKSEN. Yes, sir.

Mr. RANKIN. Does the gentleman expect to put the whole statement in the RECORD?

Mr. DIRKSEN. No; I do not. I think it has already appeared.

Mr. RANKIN. No; it has not. The gentleman from Pennsylvania [Mr. RICH] objected to my putting it into the RECORD, so I should like to have the gentleman from Illinois do so.

Mr. DIRKSEN. I had no intention of putting it into the RECORD.

Mr. RANKIN. It was a very important statement.

Mr. DIRKSEN. I think it is.

Mr. RANKIN. And bears on one of the most important questions this Congress will have to deal with. I should like to have the gentleman put the whole statement into the RECORD; it is not very long.

Mr. DIRKSEN. Monday of this week was March 15. That day is always front-page news. It is the day on which our citizens must have made their peace with the Bureau of Internal Revenue. It is the dead-line day for income-tax returns. For a brief while several million families are tax conscious as they render an account to the Federal Government. Thereafter the subject of Federal taxation is gently placed in moth balls and put away until the following March. Sooner or later, however, will come the time when the matter will not be so blithely dismissed, because there already looms before us what might be styled the irrepressible conflict between State and Federal taxes. It has already received the attention of the State taxing bodies and the Ways and Means Committee of the House of Representatives. Before long it must receive definite action.

The Federal Budget calls for expenditures of slightly over $6,000,000,000. This does not include relief and deficiency appropriations, nor does it include appropriations for the new legislation proposed. Already a deficiency bill running into hundreds of millions has been enacted. Pending before committees of Congress are bills dealing with housing, crop insurance, farm tenancy, expansion of the Works Progress Administration, and a host of other items. Under these impacts for more funds it is safe to say that we are on the way toward an $8,000,000,000 expenditure.

Revenues with which to meet expenditures for this fiscal year are estimated at slightly over seven and a quarter billions. There will doubtless be a deficit. Income will not cover outgo. Hence, there will be new borrowings. The Government's credit is good. All it need do to meet the deficit is to issue short- or long-term notes, bills, and bonds and sell them to the public. But these borrowings only serve to increase the national debt and continue an unbalanced budget. Borrowings serve to swell bank deposits, and increased bank deposits only add to the worries of the Federal Reserve Board, who want no unhealthy and artificial inflationary boom. Hence, every discerning person, knowing the potential danger in a continuing unbalanced budget, would like to have it balanced.

On that point, the statement of Marriner Eccles, Chairman of the Federal Reserve Board, made on March 15 is significant:

> Under present conditions of an accelerating recovery, a continued easy money policy to be successful in achieving and maintaining a balanced recovery must be accompanied by a prompt balancing of the Federal Budget and the subsequent retirement of public debt in relationship to the expansion of private credit • • •.

How shall it be done? We might print a supply of new money, provided we have no concern about the evil consequences to follow. We might economize. The word seems like a stranger and is seemingly out of date. There appears no thought of doing so at least. But if we do not print money, and if we do not economize, and if we want the Budget balanced, there is but one other way to effect it and that is more taxes.

Singular enough, States are experiencing the same difficulty. They, too, have been expanding governmental functions. They, too, have been subject to increasing demands on the State treasuries, and they, too, in order to keep their budgets balanced are constantly on the alert for new taxes. The unhappy taxpayer today is therefore in the position of free game, being stalked by a Federal tax collector and a State tax collector to see which of the two shall be first in getting the elusive dollars of the taxpayer. It is not a happy prospect, either for the taxpayer, for the State, or for the Federal Government.

This race between the Federal and State sovereignties for new taxes and larger taxes finally results in double taxes, in overlapping taxes, in expensive administration of taxing acts for the purpose of getting at the same source of revenue and in a host of other conflicts, all of which are aggravating a problem that must one day engage the best thought of those who sense the inequities in such a procedure. A few illustrations will make this abundantly clear.

Sales taxes: Today 25 States have a sales tax ranging in amount from one-fourth percent to 3 percent. It covers virtually everything that is offered at retail from cradles to caskets. For the fiscal year 1934, these 25 States collected more than $201,000,000 from this source of funds. Now, look at the manufacturers excise tax imposed by the Federal Government. This term is but an impressive variation of the term "sales tax", except in that it is collected at the factory instead of over the counter. It covers lubricating oils, gasoline, brewers wort, matches, tires, tubes, toilet preparations, furs, jewelry, radios, cameras, firearms, shells, cartridges, gum, phonograph records, motorcars, and some other items. From these the Federal Government expects to collect more than four hundred and forty-eight millions for the next fiscal year. How does it work from the standpoint of a taxpayer? Simple enough. If he buys a

radio, he pays a sales tax to the State in which he makes the purchase, and in the price he pays is hidden the tax which the Federal Government collected at the place where the radio was manufactured.

Gasoline taxes: Forty-eight States now have gasoline taxes ranging from 2 cents a gallon in Rhode Island to 7 cents a gallon in Tennessee and Florida. In 1934, the various States collected more than five hundred and sixty-one millions in gasoline taxes. But while the States were collecting more than half a billion a year from the motorists, the Federal Government found it to be an easy source of revenue also, and so it now collects more than two hundred and four millions on gasoline from the same motorists.

Motor-vehicle taxes: The 25,000,000 owners and operators of trucks, busses, and passenger cars in the 48 States pay an annual average of $12.35 in motor-vehicle taxes. That runs into millions. In addition, many cities collect so-called "wheel taxes" on the same vehicles. Then comes the Federal Government to collect more than fifty-eight millions annually in the form of manufacturers' excise or sales taxes, which is reflected in the price the motorist pays for his new car.

Income taxes: For the fiscal year 1938, the Federal Government expects to collect 3,134 million in income taxes, from millions of people. That is but half the story. Thirty-one States have taxes on personal incomes, 31 States have taxes on corporate incomes, and 29 States have taxes on both. In 1934, these State income taxes produced more than one hundred and thirty-seven millions in revenue. And what diverse income taxes they are! Individual exemptions range from $600 in West Virginia to $1,500 in Alabama. Exemptions for married persons range from $1,200 in Utah to $3,500 in Georgia. Income-tax rates in the various States range from a minimum of 1 percent to a high of 15 percent in North Dakota. And what tax oddities these diverse laws provoke! A man and wife with three children having an income of $5,000 would pay a tax of $132 in Iowa but would pay no State tax if living in Illinois. The same family with an income of $100,000 annually would, in addition to the Federal tax, pay a State tax of $4,882 in Iowa, $5,583 in New York, $13,500 in North Dakota, and $20,104 in Montana.

Liquor taxes: For the next fiscal year, the Federal Government expects to collect more than $643,000,000 in excise taxes on imported and domestic liquors, beer, wine, on rectifiers, on dealers, on stamps, and other things incident to the business of making and selling beer, wine, and alcoholic beverages. Forty-four States also have an assortment of liquor taxes which in 1934 yielded the tidy sum of $80,000,000. In addition, cities and counties now collect a variety of license fees.

Tobacco taxes: Since the Civil War, the Federal Government has been collecting taxes on tobacco. These taxes now include cigarettes, cigars, tobacco, and snuff. For the fiscal year these are expected to net a sum in excess of 543 millions. Now come the States to collect on cigarettes. Nineteen of them collected almost $24,000,000 from cigarettes in 1934. Here also one can discern real latitude. In Georgia the tax equals 10 percent of the sales price, in Arkansas it amounts to 40 percent of the sales price. But no matter what the range or variety, the smoker pays the bill.

Admissions: Long ago we came to regard taxes on admissions to theaters, concerts, and cabarets as a war hangover. But the war became history and the admission taxes, like Tennyson's brook, went on forever. It is perhaps a minor item, yet it will yield the Federal Treasury an estimated twenty million or more for the next fiscal year. It is such a pleasant kind of tax, apparently, for 34 States felt that it was a legitimate source of revenue, and in 1934 collected six and one-quarter millions from this source.

Inheritance or estate taxes: Combined Federal and State tax rates on estates of decedents are now three times as high as they were in 1926. Forty-seven States now have death taxes. The Federal rate ranges from 1 percent to 60 percent on the net taxable estate. Credit is allowed up to 80 percent for death taxes paid to the States. The State rates are so varied as to defy classification. In 1934 Federal collections on estates amounted to approximately one hundred and four millions and State collections to ninety-two millions.

There are other instances of overlapping taxation, but these will suffice to prove the point.

This whole matter of conflicting, duplicating, and overlapping State and Federal taxation raises some very interesting questions.

There is, for instance, the efforts of some States to lure industries and people of wealth to become residents within their confines on the promise of easy taxation.

Consider the item of administrative costs. The Federal Government has a far-flung tax-gathering machine consisting of collectors, administrators, field agents, deputies, clerks, stenographers, and what not. Administrative costs are high. I believe it has been estimated that the cost of collecting income taxes is about $2.17 per $100. It is in some respects slow and archaic. It has provoked 18 times more litigation than they have in Great Britain. In 1934 there were 20,446 of the 1931 tax returns still under investigation. There were an estimated 1,000 returns that were from 10 to 18 years old. Now add to that the administrative machinery of 31 different States which also gather income taxes and you get an appreciation of the enormous administrative and collection costs involved. These State costs for income-tax collection and administration range from 1 percent to 15 percent. It is an eloquent example of waste and inefficiency.

No two States have the same kind of bookkeeping and accounting. In the matter of corporate income taxes, capital gains and losses are treated one way in one State and in a different way in another. The net effect is that for enterprises doing business in many States, there are added costs in accounting to meet these diversities.

Consider the disturbing effect which conflicting taxation has upon the budget efforts of the various States. New sources of revenue may be tapped in order to set up a properly balanced budget only to find that regular or emergency legislation by the Federal Government a short while later has completely upset all State calculations. President Roosevelt while he was Governor of New York made this observation on the subject:

> This very week I have recommended to the legislature of this State four sources of additional revenue, each one of them an increase in existing taxes. Neither I nor the legislature has any knowledge of whether the Federal Government a month or two hence may or may not impose taxes on precisely these same sources. In the same way, neither the legislature nor I can, until this uncertainty is cleared up, take any practical steps to turn over any of our own tax sources to the local government units to help them out in the conduct of their local affairs. Even if the State were to allocate new tax sources to the cities or counties or towns, the whole system could be destroyed overnight by a sudden taxing of those same sources by Washington.

These observations do not pretend to be an exhaustive discussion of this subject. Nor does this pretend to be a sermon on the virtues of economy. I realize full well that as new demands are made upon State and Federal governments, new and increased revenues must be provided. I appreciate also that as both Federal and State expenditures reach higher and higher levels there is little hope that they will gradually recede. Our own fiscal history proves that cost of government never goes down to former levels. It is forever going up. And this very patent fact argues the point that as the States and the Federal Government go on and on in this mad and breathless race to uncover new sources of revenue or to push existing tax rates higher, overlapping and conflict and duplication of taxes becomes more and more entrenched. The longer this condition prevails, the more difficult it will be to remedy.

Some coordinated system must be worked out whereby excessive costs of tax collection and administration will be eliminated. Some agreement must be reached whereby certain spheres of revenue are relinquished to the States and other spheres to the Federal Government. Some uniformity of accounting must be effected to save vast sums to enterprises that do business in many States or throughout the Nation. These and many other problems must have

immediate and sustained study before people rebel against the practices of the vast tax-gathering machines.

Already the States have given careful study to the matter and the report of the Interstate Commission on Conflicting Taxation has pointed the way. It is now time for the Federal Government, through the Congress and through the Treasury, to lend its very best efforts to a cooperative effort with the States whereby a solution of this problem will be found.

The SPEAKER. The time of the gentleman from Illinois has expired.

NATIONAL GALLERY OF ART

Mr. KELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 217, providing for the construction and maintenance of a National Gallery of Art, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House Joint Resolution 217, with Senate amendments thereto, and concur in the Senate amendments. The Clerk will report the Senate amendments.

The Clerk read as follows:

Page 3, line 21, after "public", insert "free of charge." Page 5, line 18, strike out "works" and insert "work." Page 5, line 18, strike out "exhibited in" and insert "included in the permanent collection of." Page 5, line 19, strike out "they are" and insert "it be."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

A motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

EXTENSION OF REMARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this joint resolution for the construction and maintenance of a National Gallery of Art.

The SPEAKER. Is there objection?

There was no objection.

THE JUDICIARY

The SPEAKER. Under special order of the House heretofore made, the Chair recognizes the gentleman from Georgia [Mr. DEEN] for 25 minutes.

Mr. DEEN. Mr. Speaker, at the conclusion of my statement I shall be glad to yield if I have any time remaining. Pending that, I prefer not to be interrupted.

I ask the indulgence of my colleagues while I speak on the President's proposal for reorganizing the Federal Judiciary.

At the outset let me say I regret the strong division on this question among members of the delegation from my own State; however, I accord to each of them, and likewise to every other Member of the Congress, sincerity and honesty of purpose and conviction; likewise, I retain the same attributes for myself.

This is a grave issue, and I am not unaware of its profound significance, not only as it relates itself to the present but because of its extending influence and effect on succeeding generations.

This is not the first time, however, that the country has been aroused on constitutional questions. Sixty-five delegates were elected by their respective constituencies to serve in the Constitutional Convention. Two from each of the States of New Hampshire, New Jersey, North Carolina, and Georgia, and one each from Virginia and Massachusetts, or a total of 10, through indifference or opposition declined to attend.

Patrick Henry, the celebrated Virginia orator, not only opposed the calling of the Convention but opposed ratification of the Constitution in the Virginia Convention. After its ratification Patrick Henry became one of its most earnest and loyal supporters.

Sixteen of the delegates did not sign the Constitution. Seven of them, John Lansing, Luther Martin, George Mason, John Francis Mercer, Elbridge Gerry, Edmond Randolph, and Robert Yates refused because of outright opposition to its adoption. Nine of them, on account of absence or illness, did not sign it. All of them later were warm supporters of the Constitution. The memories and achievements, both of the opponents and the proponents, merit the everlasting gratitude of the American people.

An illustration in one State, that of Virginia, shows the strong diversity of opinion among its delegates. Because of his constant efforts for a constitution, James Madison, of Virginia, was called the "Father of the Constitution." He sought and became a member of the State legislature in order to initiate the action which resulted in the framing of the Constitution. He was one of the most effective and influential members of the Constitutional Convention. Completing his useful career at the age of 85, he passed to his reward as the last survivor of the framers of the Constitution.

While Madison was the dominant figure in the Constitutional Convention, two of his colleagues from Virginia strongly opposed the Constitution and refused to sign it. Mason contended that the Constitution was not democratic enough and fought its adoption by Virginia in the convention of that State. Randolph opposed the reeligibility of the President for reelection, the granting of powers of pardon to the President, the establishment of the office of Vice President, equality of the States in the United States Senate, and, above all, the control of commerce by the United States Congress.

These three distinguished Virginians were supported by a divided opinion in their State. Madison's friends and admirers later elected him President of the United States, while George Mason was elected one of the first United States Senators from the State of Virginia, and Edmond Randolph was appointed by President Washington as the first Attorney General of the United States, later succeeding Thomas Jefferson as Secretary of State in President Washington's Cabinet.

It therefore can be seen clearly from this brief sketch of the differences of opinion among members of the Constitutional Convention regarding the meaning and interpretation of the Constitution, its adoption by the delegates, and subsequent ratification by the States that the acceptance of the Constitution as finally approved upon ratification by three-fourths of the States was not without conflict and compromise upon the part of many members of the Constitutional Convention and the respective State conventions.

It is equally clear and evident that any change in the Constitution proposed by Congress or the Chief Executive of the United States and the passage of laws by the Congress involving a Constitutional question immediately arouses a divergence of opinion.

Since no member of the delegation from my State who has prior claim or seniority has chosen to speak in behalf of the President's proposal to reorganize the Federal judiciary, I ask your sympathetic attention while I address myself to three or four phases of this controversial question.

I am supporting the President's proposal because I believe it to be constitutional; secondly, because I believe the facts and circumstances submitted by the President in his message to Congress justify the proposal. I am not supporting it because of high pressure nor for political expediency. The charge that has been hurled at proponents of this legislation, namely, that we are "rubber stamps", is silly, asinine, and ridiculous. This charge comes from those who would impugn the motives, honor, and integrity of duly elected Representatives of the people.

A great many ugly words and phrases have been injected into the discussions of this important question. "Dictator", "dictatorship", "packing the Supreme Court", "unpacking the Supreme Court", "usurpation of judicial functions", "destroying the Constitution", "a subservient judiciary", "destruction of liberty"—these and many other indictments have been hurled at the President and the Congress.

We can best judge the future by the past. Four years of Democratic administration under President Franklin D. Roosevelt is the best answer to these charges. Because of his humanitarian policies, his statesmanship, scholarship, and leadership, prosperity and happiness are abroad in the land, which conditions have been wrought out of chaos. Have you forgotten the dark and dismal clouds of despair, want, misery, and poverty which enveloped the Nation in 1931 and 1932? Have you forgotten the banking crisis of 1933?—Nineteen-cent corn and 20-cent wheat, 6-cent cotton, and 5-cent meat? Can it be possible that the opponents of this democratic proposal of a great Democratic President can forget so easily?

As a layman, may I present to you, in all sincerity and honesty, an excerpt taken from a letter written to me recently by a layman in my State. I quote:

I want to thank you for the stand you have taken with President Roosevelt on the Supreme Court. I, who am one of the rank and file who went to the polls last November and voted for Mr. Roosevelt—don't understand what all the shooting is about, but we understand the President. Continue to back him.

I grant you that there are most capable lawyers on both sides of this question, and, as usual, there are some in the middle or on the fence. The American Bar Association has registered its disapproval, while the National Lawyers' Guild has emphatically registered its unqualified approval. The Attorney General and the Assistant Attorney General of the United States have most emphatically outlined their reasons for the necessity and urgency of the President's proposal.

I have been wondering to whom the Constitution belongs, whether to the American Bar Association or to all the people of the United States. I have read it many times, and on various occasions, and I think I understand it. It is written in clear and simple English. Since I am a layman and have a great admiration—veneration is too strong a word—for the intricacies of legal reasoning, my thoughts will be phrased in questions. I do not want to argue; I am seeking and trying to pursue the truth. I have no desire to add my voice to the emotional feelings that have already sprung up, not only in Congress but among the people of the United States. The learned propaganda and the colored opinions which have poured forth upon us as Members of Congress and upon the public through the press, the radio, the United States mail, the opinions of newspaper columnists, and the misplaced fervor of certain groups in this country should be examined dispassionately.

A dispassionate examination discloses to rational minds that ours is a democratic form of government, which, if it means anything, means that the powers are derived from the consent of the governed. The Constitution is our fundamental law. It is the primary law of our Government and by definition that government derives all of its authority from the Constitution. As Webster defines it:

A constitution is a fundamental law of a state directing the principles upon which the Government is founded, and regulating the exercising of sovereign powers, directing to what bodies or persons these powers shall be confided and the manner of their exercise.

As Justice Cooley, that eminent authority on the Constitution, says, "It is but the framework of the political government."

There is no need of my reiterating to you the well-understood doctrine of checks and balances. I know, and you know, what are the duties of this legislative body. I know, and you know, what are the duties of the executive branch of our Government. But it is when I come to the judiciary that I, a layman, want to ask my legal friends some questions. I think I understand the Constitution. But when I pick up the Constitution and read what is the fundamental law of the United States and what the Constitution has to say about the Supreme Court, it is then that I begin to wonder why the lawyers are confused on the President's proposal to reorganize the judiciary. Article III seems to me perfectly clear. It says that the judicial power is to be vested in "one Supreme Court and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior and shall at stated times receive for their services a compensation which shall not be diminished during their continuation in office." This is all that I can find in the Constitution about the Supreme Court. Therefore, I propound this first fundamental question: Where in the Constitution is anything said about the number of Justices? In fact, I will broaden the question. What is to prevent the President and the Senate from appointing and confirming 15, 25, 35, or even 50 Justices of the Supreme Court? What in the Constitution prohibits the appointment of only three or five Justices to the Supreme Court? Is there anything in the Constitution to prevent the appointment of all the Justices at the ages of 23 or 33, or any other age? Is there anything that would prevent the appointment of the Justices from Rumania, or from any other foreign country? Is there anything in the Constitution that requires the President to appoint Justices who are lawyers? Can you point out any restriction in the Constitution as to age, color, race, creed, ability, or citizenship as a prerequisite or requirement for appointment as a Justice on the Supreme Court bench? Therefore, I ask what is all the legal quibbling about?

These broad and discretionary powers delegated under the Constitution to the Chief Executive of the Nation in selecting proper persons for Supreme Court Justices convince me that the framers of the Constitution were willing to trust the President of the United States to exercise this important administrative function in a manner satisfactory for the most part to the majority of the people of the Nation. I am frank to tell you, that I believe the appointment of not more than two or three outstanding and distinguished laymen on the Supreme Court Bench would add greatly to the proper consideration by the Supreme Court of facts and circumstances involved in cases before the Supreme Court. Since juries are made up of laymen, on whose judgment rests the great majority of verdicts of the courts, I can see no justifiable reason why two or three laymen on the Supreme Court Bench would not be equally valuable in the consideration and determination of questions of facts.

May I submit to my colleagues another question: Under the Constitution, as quoted in article III, why cannot Congress increase or decrease the number of justices at its pleasure? History tells us in its recorded pages that this has been done from time to time. In 1789 the Supreme Court was established with 6 members; in 1801 the number was reduced to 5; in 1807 it was increased to 7; in 1837 it was increased to 9; in 1863 it was increased to 10; in 1866 it was reduced to 7; and in 1869 it was increased to 9. Opponents of the proposed legislation must be honest and admit one of two propositions: Either we did not need 10 Justices of the Supreme Court in 1863, when the population of our country was less than 40,000,000 people, or we need more than 9 Justices now, with a population of more than three times that of 1863. This is simple logic that can be easily understood.

It is therefore clearly within the Constitution that the President and the Congress have the right under the Constitution, as evidenced by precedent, to increase or decrease the number of Justices of the Supreme Court. Under the present law, Justices with 10 years' service are eligible for retirement at age 70, with full retirement pay. Without reflection upon any of my colleagues or opposition from whatever source, I have heard no argument either of facts, law, or precedent, that justifies the iniquitous charge that the President of the United States is laying the foundation for dictatorship, or that Congress is not within its constitutional prerogatives.

Now I come to another paramount question and I approach it seriously and candidly. I challenge my lawyer friends to give me a satisfactory answer to this question: Where, in the Constitution is the Supreme Court given the power to invalidate acts of Congress? The Constitution itself is silent. Of course, I have heard and read much of the famous Marbury versus Madison. I know that a great deal has been written and spoken upon this very question from the time of the Constitutional Convention down to

this very moment. For example, in April 1906, Chief Justice Clark, of North Carolina, said, speaking at the Pennsylvania Law School:

The action of the Supreme Court in assuming the power to declare acts of Congress unconstitutional was without a line in the Constitution to authorize it, either expressly or by implication. (CONGRESSIONAL RECORD, June 15, 1908, pp. 8063–65.)

The remarks of this learned judge seem to accord with my point of view as a layman. In studying the question I thought that both of us might be wrong.

Concluding, that even though the Constitution does not say so in expressed words, perchance by some process of implication which I as a layman did not understand, it might be possible for the Supreme Court to get this power out of the Constitution. Realizing that this case and question has agitated legal minds for many years, I decided to go to an even greater authority than Chief Justice Clark, of North Carolina. Where did this power come from? The question has been answered at least to my satisfaction by a book entitled "The Supreme Court of the United States." Its author is the present Chief Justice of the Supreme Court. On page 87 of this book Chief Justice Hughes says: "By the Supreme Court itself the question was determined in Marbury versus Madison." "By the Supreme Court itself"—that answers my question. Frankly, I had thought, as a layman, that the Supreme Court or the judiciary was under the Constitution—and not over the Constitution. Granting that Chief Justice Hughes' statement is correct, and I am convinced that it is, then the Supreme Court by itself, gave its own tribunal, without a semblance of authority from the Constitution, the power to invalidate acts of Congress. If the above statement quoted from Chief Justice Hughes' book entitled, "The Supreme Court of the United States," does not prove my contention, then what does it prove?

Although the three departments of Government, the legislative, the judicial, and the executive, are separate and distinct and independent units of the Government, it is clear to me that the Supreme Court invaded the legislative branch of the Government and assumed for itself a legislative function which, under the Constitution, rests with the Congress.

And now I come to another question: Why do not judges pay an income tax on their salaries? They are the only employees of the Federal Government who are not subject to pay an income tax on their salaries. Some of us have just undergone the experience of filling out income-tax reports. Although it may hurt a little to separate ourselves from a few hundred dollars for income taxes, I agree with the remark of the late Justice Holmes when he said that "it was a privilege to pay taxes, because they are a small price to pay for the gift of civilization." I can find nothing in the Constitution about an income tax, and so I have no particular quarrel with the Supreme Court which held in 1895 that it was unconstitutional. But I can still read the English language; and when the income-tax amendment was passed in 1913 it read that all incomes were subject to taxation, "from whatever source derived." Yet the Supreme Court 6 years later said, in a split decision, that judges do not have to pay an income tax on their salaries because that would be diminishing their compensation during their period of office. This was held to be unconstitutional. Let us look at the facts: Article III of the Constitution declares salaries of judges cannot be reduced during their period of office. For one, I do not agree that the framers of the Constitution intended this language to mean an exemption from the payment of income tax. I think the framers of the Constitution meant the salaries could not be reduced by a specific act of Congress. The Income Tax Amendment of 1913 that makes it clear that all incomes, from whatever source derived, are taxable would be flexible and yet specific enough to include an income tax on salaries of Justices of the Supreme Court.

As a layman I have some satisfaction in knowing that some of our greatest judges have handed down decisions which are in line with my conviction. In Evans versus Gore, decided in 1919, in which the majority held that the salaries of judges could not be taxed, Justice Holmes, in a notable dissent in which Mr. Justice Brandeis concurred, said:

A second and independent reason why this tax appears to me valid is that, even if I am wrong as to the scope of the original document, the sixteenth amendment justifies the tax, whatever would have been the law before it was applied. By that amendment, Congress is given power to "collect taxes on incomes from whatever source derived." It is true that it goes on "without apportionment among the several States, and without regard to any census or enumeration" and this shows the particular difficulty that led to it. But the only cause of that difficulty was an attempt to trace income to its source, and it seems to me that the amendment was intended to put an end to the cause and not merely to obviate a single result. I do not see how judges can claim an abatement of their income tax on the ground that an item in their gross income is salary, when the power is given expressly to tax income from whatever source derived.

I have asked these questions in order to let the opposition show whether or not they can submit satisfactory proof to substantiate their charges. The decision recited from Justice Holmes shows to me clearly that the Supreme Court had no authority to exempt Justices from payment of income taxes—and that after 18 years of debate attempt to remedy this state of affairs was nullified by the Supreme Court in an unusually bold example of "tortured construction" of the Constitution.

Marshall's decision in Marbury versus Madison has made the American people forget that the judicial branch of our Government is not supreme to the other two branches of the Government. This decision has made the people of the United States forget that neither of the branches is independent of the others, and neither is superior to the others. The functions of the three branches of Government are so clearly defined that the executive is not the inferior of the judicial, any more than it is the superior of the legislative branch, and yet, unless this proposal is enacted into law, the Members of this Congress must accept the fact that their inactivity has the full force and effect of the seal of unlawful authority on the obviously unlawful action of the Supreme Court in its assumption of legislative prerogatives.

If Congress remains inert and passive it will have recognized that although its duty under the Constitution was to be the national legislative body, it will have subordinated itself to a higher and, shall I say, superlegislative body? It has been pointed out that the Constitution is what the judges say it is. If I understand the Constitution, the framers did not intend that the Supreme Court should be regarded by the American people as a superhouse of lords.

Years ago the same struggle which now faces this country was fought out in England between the House of Commons and the House of Lords.

The SPEAKER pro tempore (Mr. MERRITT). The time of the gentleman from Georgia [Mr. DEEN] has expired.

Mr. COX. Mr. Speaker, I ask unanimous consent that the gentleman may have sufficient time to complete his remarks.

Mr. DEEN. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DEEN. That struggle ended as only true believers in democracy must have wished it to end—in victory for the House of Commons—a body elected by the English people and responsive to them, over another body not elected by the people but appointed by the King and holding office for life. In that situation let it be remembered that the House of Lords, by their own action, stripped themselves of their veto power over the House of Commons. Today in England there is no judicial review, nor any superlegislature with ultimate authority over a statute passed by the people's elected legislature.

The warning of Madison in 1789, when he said that the courts should have no veto power over the acts of legislators, is just as timely today; however, I do not subscribe to the policy that action by the legislators should not be reviewable by the courts. I do contend, however, that the assumed power of the Supreme Court to invalidate acts of Congress is not within the Constitution. Madison points out:

The judiciary department, paramount in fact to the legislature, was never intended and can never be proper.

Jefferson, in his memoirs, puts it more bluntly when he remarks:

To consider the judges as the ultimate arbiters of all constitutional questions would place us under the despotism of an oligarchy.

May I add in this connection at this point that if I am wrong I am following Madison and Jefferson and other distinguished Democrats who helped frame this Government.

In addition to the timely words of these two Presidents of the United States, other Presidents have objected strenuously from time to time to the usurped power of the judiciary over the other two branches of the Government. May I point out to you that several Presidents have recommended to the Congress from time to time a revision of the Federal judiciary. Presidents George Washington, John Adams, Thomas Jefferson, John Quincy Adams, Andrew Jackson, Franklin Pierce, Abraham Lincoln, Chester A. Arthur, and Grover Cleveland. All of these commented on the necessity for reform of the judiciary in their annual messages to Congress.

In the light of our history may I ask wherein is there anything revoluntionary or unprecedented in President Franklin D. Roosevelt's proposal to reorganize the judiciary?

Much has been said in recent days about the due-process clause and about the commerce clause of the Constitution. In my study of this whole problem I have found a great many noble decisions on these two points. After the Civil War, when the various States began to pass laws regulating freight rates, an attempt was made to have these laws declared unconstitutional, as violating the due-process clause. However, in 1876 a divided Court held that the Court could regulate prices charged by public utilities although it is a violation of the due-process clause to fix the price of commodities such as cotton, groceries, and automobiles (*Munn v. Illinois*, 94 U. S. 113). The Constitution itself makes no distinction between regulation of public utilities and private business. It is now a well established part of the "unwritten" divisions of our Constitution that public utilities can be subjected to a rather high degree of governmental regulation, although private business can be regulated to only a very limited extent.

When the Supreme Court decided that public-utility rates could be regulated, it definitely suggested that there was no constitutional restriction whatsoever on the rate which the Government might set. It was not long, however, before the Court developed the rule that the rate fixed might be "reasonable." By "reasonable" is meant what the Court in its opinion considers reasonable. Even though the Interstate Commerce Commission decides that a railroad freight rate is reasonable, the rate nevertheless is unconstitutional, if it is adjudged as being unreasonable in the opinion of the majority of the members of the Supreme Court. Not infrequently the Supreme Court has held unconstitutional an electric rate, which a State legislature and a State public-service commission have found to be reasonable.

More and more frequently the Supreme Court is exercising this power of unreasonable, arbitrary, or capricious authority in its interpretation on the unconstitutionality of laws. Between 1920 and 1930 more State laws were held unconstitutional by the Supreme Court of the United States than during the entire period of 52 years of the history of the fourteenth amendment.

The charge has been made that the President's proposal is not a party question. I deny that charge, and, for one, I contend that when the American people rendered their verdict in November 1936, as approving or disapproving the policies of the present Democratic administration, they—the voters and taxpayers—by a large majority, subscribed to the President's philosophy of looking forward. The proposal to reorganize the judiciary comes from our Democratic President, approved and supported by the leadership of both the House and Senate, and I, for one, propose to support the proposition. It is true, however, that I have not agreed with the President or the Congress on some of the measures recommended and enacted into law. As a humble Member of this body and as an American, my first duty under my oath of office is to act on my best judgment, thought, and intelligence in legislating for the whole country and for the greatest good to the largest number of people. In supporting this measure I feel I am rendering that kind of service to my country.

As a Democrat and believing in our principles of democratic government, and as a supporter and an admirer of the President, I propose to stand by the administration which has meant so much to labor, to business, to industry, to agriculture, and to almost every phase of human endeavor.

At this point I am reminded of that ancient fable which tells the story of an archer who, seeing a large eagle soaring in the sky above, drew back his bow and let fly at the eagle an arrow which pierced the eagle's heart and brought him to the ground. While lying on the ground dying, the eagle slightly moved his head and looked up into the face of the man who shot him and said: "It is not the arrow that pierces my heart and which is killing me that hurts so badly, but it is the fact that the feathers in that arrow came from without my own wing."

My colleagues on the Democratic side, may it not be said that we furnished the feathers for the arrow which pierced the heart of a great humanitarian and Executive in the White House, by our failure to carry out the mandate of the American people, expressed at the polls in November 1936. [Applause.]

If I have any time remaining, I shall be glad to yield to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, I would not undertake to embarrass the gentleman's very splendid discussion by propounding questions to him. I ask unanimous consent that I may proceed for 3 minutes.

Mr. DEEN. Well, I am within my time and I should like to reply to my colleague by saying that I will attempt to answer any questions he may ask.

Mr. COX. If the gentleman is eager, I will undertake to accommodate his need.

Mr. DEEN. I yield to my colleague.

Mr. COX. Do I understand that the gentleman is contending we should adopt this proposal to reform the judiciary in order to get an enlarged Court that will give a meaning to the Constitution that is different to the meaning given by the Court as now constituted?

Mr. DEEN. I did not so state in my remarks.

Mr. COX. Whether the gentleman stated it or not, is that his understanding of the meaning and purpose of the proposal?

Mr. DEEN. Does the gentleman mean is that my understanding?

Mr. COX. Yes.

Mr. DEEN. My understanding is that the President desires to have these additional judges in order to expedite matters before the Supreme Court.

Mr. COX. Does the gentleman mean by that, that the record has disclosed that the business of the court is so far in arrears that it is necessary to enlarge the membership to speed up the handling of the business?

Mr. DEEN. My answer would be "yes", for the reason that the Supreme Court heard less than 20 percent of the cases submitted last year.

The SPEAKER pro tempore. The time of the gentleman from Georgia has again expired.

Mr. COX. Mr. Speaker, I ask unanimous consent that I may proceed for three minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, I would not intentionally undertake to detract in the slightest from the very splendid statement just delivered by my colleague, Mr. Deen. However, if this demand that is now pressed upon the Congress for a new Court to give a new interpretation to the Constitution should be adopted, the Federal Government will then have

taken into its ravenous maw all State power, and the fight of a century and a half for federalization of the activities of the people will have been accomplished, and this country moved up perilously close to the brink of despotism.

Mr. Speaker, I did not ask for time in order to make that statement, but to refer to an entirely different matter.

The sit-down strike, which constitutes the seizure and holding of private property for ransom, is anarchy in its worst form.

The performance of labor in the Detroit area is a disgrace to the Nation, and is a condition that labor itself must take immediate steps to correct. I am not insisting that defiance of the courts calls for Federal intervention, it being more properly a matter for the States to handle; but it does call for expressions of condemnation from people in places of authority in the Federal Government.

Our Department of Labor has seemingly locked its doors and suspended business. Its temporizing has been given the meaning of open connivance. The Major Berry outfit has done nothing more than add fuel to the flames, and a statement credited to a gentleman at the other end of the Capitol appearing in the papers yesterday does no good. Referring to the question of Federal intervention, this gentleman said:

> Until the Supreme Court has passed upon the validity of the statute referred to (the Wagner Labor Relations Board), it is exceedingly difficult to make advancements.

This is another back-handed lick at the Supreme Court and is not persuasive. To create a condition of disrespect for the courts and open defiance of their decrees, and then charge them with responsibility for this state of lawlessness, is conduct which is not becoming honest men. [Applause.]

[Here the gavel fell.]

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL, FISCAL YEAR 1938

Mr. McMILLAN, from the Committee on Appropriations, reported the bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes (Rept. No. 433), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. WIGGLESWORTH. Mr. Speaker, I reserve all points of order against the bill.

THE SUPREME COURT ISSUE

The SPEAKER. Under the special order of the House the gentleman from Massachusetts [Mr. TREADWAY] is recognized for 45 minutes.

Mr. TREADWAY. Mr. Speaker, no one who has given studious attention to the President's proposal touching the Supreme Court of the United States can fail to be impressed by the evidence it offers of pronounced tendency toward executive absolutism.

When all the President's arguments are analyzed they reduce simply to this—that Mr. Roosevelt is displeased and annoyed by certain decisions of the honorable Court and desires, therefore, to change the personnel with a view to forcing from the Court exactly the kind of decisions he thinks it ought to render. That is the real argument and purpose behind this shocking thrust at the independence of our judiciary—and no amount of camouflage, no amount of demagogic distortion, can conceal this destructive purpose from public examination. And destructive in purpose this program undeniably is, for if the people once surrender the independence of the judiciary, the essential function of the tri-partite system of checks and balances in government has been destroyed, and the whole system of personal liberties and individual rights built up during more than 700 years of Anglo-Saxon law, will be at the mercy of the Executive.

All too few are the working systems of representative government in the world today. Since the World War they have been crushed successively by the European dictatorships of blood and iron. If, in these circumstances, America surrenders to dictatorship, the spiritual, social, and moral progress of centuries will be cast aside.

ISSUE NOT A PARTISAN ONE

And yet this momentous issue—an issue which touches the elemental individual liberties of every citizen in the land—is bluntly submitted by Postmaster General Farley as a strictly partisan question. Let me read what he said on this point before a party gathering in North Carolina 10 days ago:

> It seems to me—
>
> Said Mr. Farley—
>
> that the reorganization plan comes directly into the class of those matters on which party loyalty should be the guiding principle.

Thus, according to Mr. Farley's definition, this is only a question of party loyalty—although it is in fact the gravest issue this country has faced in two generations. Happily for all, Mr. Roosevelt and Mr. Farley cannot make it a party issue. The debates transcend by far the bounds of party loyalty. In the Senate particularly have defenders of the Constitution, Democrats and Republicans alike, consolidated their forces to check the President's reckless assault upon the American system of representative government.

PRESIDENT HAS CONSISTENTLY SOUGHT ENLARGEMENT OF HIS POWERS

But let me point out one additional fact of singular significance in this connection. It is this: Every major proposal submitted by President Roosevelt thus far in the present session of Congress has been earmarked by the same underlying tendency toward the concentration of power in the White House. First there came to us the sweeping proposals for the reorganization of the executive branch, with its suggestion for the abolition of the General Accounting Office, the Civil Service Commission, and the centralization of the independent commissions under the Presidential wing. Here was the most astonishing grasping for authority ever proposed to Congress by an Executive. If passed, these recommendations will focus every power of the executive branch and virtually all of the quasi-legislative and quasi-judicial powers of the independent commissions as well in the White House. It will give the President powers equal to those exercised by the domineering rulers of several foreign countries I could mention, where representative government no longer exists. Only control over the Supreme Court then will be needed to complete the basic machinery of dictatorship.

But these were not all. In the neutrality legislation the executive branch once more reached out for absolute power. The administration program, as embodied in the bill passed yesterday by the House, is to vest in the President the widest possible discretionary authority in the matter of neutrality, wartime trade, embargoes, foreign credits, and noncombatant shipping. And this after the congressional power over tariffs and trade agreements had been renewed, after the Presidential power to issue paper money had been extended, and after numerous additional extensions of "emergency" powers had been placed in the legislative hoppers of the House and Senate.

Such a consistent effort for concentration of power is most significant.

What does it mean to the American system of constitutional government when we find, as in the present session of Congress, that every piece of legislation submitted calls for only one essential thing—more and more Presidential power?

That is the great issue before America today.

THE DANGER OF GOOD INTENTIONS

To say that all of these attempts at centralizing power in the President are steps on the road to dictatorship is not to challenge the good intentions of those who advocate them. The lesson of history is clear that every autocrat began with the purest intentions of exercising his increasing powers wisely and benevolently.

Indeed, we have a classic statement of this intention from Daniel Webster. Nearly a century ago he declared:

> It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions, real or intended. * * * There are men in all ages who mean to govern well; but they mean to govern: they promise to be kind masters, but they mean to be masters. They think they need but little restraint upon themselves. Their notion of the public interest is apt to be quite closely connected with their own exercise of authority. They may not, indeed, always understand their own motives. The love of power may sink too deep in their own hearts even for their own security and may pass with themselves for mere patriotism and benevolence.

Our own history offers eloquent evidence that the American people will not submit knowingly to such unwholesome concentration of powers. A most impressive example of our inherent and instinctive resistance of such tendencies was given as recently as 1918 when President Wilson appealed to the country to return a Congress pledged in advance to support of his policies in war and peace.

This appeal for a blank check aroused the Nation. The results we know—a Republican majority in Congress.

PRESIDENT HAS DISAGREED IN PAST WITH HIS OWN PROPOSAL

We have it in Mr. Roosevelt's own words that the proposal he now submits touching the Supreme Court is not a solution for the situation he seeks to change.

In his message of February 5, it will be recalled, the President recommended enlargement of the Court on the single ground that its docket was congested and it could not keep abreast of its work. It has been demonstrated beyond all question that the Court has been fully abreast of its docket for more than 5 years.

But now there comes to light the President's own declaration against more judges as a solution of court congestion, even where congestion actually exists.

In his book Looking Forward, published a month after his inauguration in 1933, Mr. Roosevelt dealt at some length with the question of congested court dockets. Here are his words, from page 195 of that book:

> The only way to attack the problem is by rigorous application of judicial efficiency. In the face of this congestion, the remedy commonly proposed is to add new judges or new courts; but it will readily be seen that if the problem is what I have stated it to be, such a so-called remedy merely aggravates the complaint.

Thus the Nation now is confronted with the bewildering spectacle of the President demanding vigorously a solution which he himself has declared emphatically "merely aggravates the complaint."

Moreover, as applied to the Supreme Court, this Presidential solution now is urged against a problem of congestion which in fact does not exist.

THE DUTY OF THE COURTS UNDER THE CONSTITUTION

Mr. Speaker, the people at all times have complete control over their Government. Under the Constitution they have set up a Federal Government with certain designated powers, and in the tenth amendment they have specifically provided as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

If the people are at any time of the opinion that the Federal powers should be enlarged or contracted, provision is made in article V of the Constitution for amendments thereto. In the century and a half that has passed since the Constitution was adopted, 21 amendments have been added.

Article VI of the Constitution provides that the Constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land.

Article III of the Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish. It is the obvious duty of the courts to expound the law. Since only statutes "made in pursuance of" the Constitution, together with the Constitution itself, are "the supreme law of the land", the courts must, of necessity, decide whether the statutes enacted by Congress are consistent with the Constitution. Without such authority in the courts, the Constitution would be absolutely meaningless. As the Supreme Court has many times pointed out, it is not the function of the judges to inquire into the desirability of legislation. The following passage from the Supreme Court's decision in the Triple A case sets forth in clear and concise terms the true function of the judiciary. I quote:

> It is sometimes said that the Court assumes a power to overrule or control the action of the people's representatives. This is a misconception. The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate the judicial branch of the Government has only one duty—to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former. All the Court does, or can do, is to announce its considered judgment upon the question. The only power it has, if such it may be called, is the power of judgment. This Court neither approves nor condemns any legislative policy. Its delicate and difficult office is to ascertain and declare whether the legislation is in accordance with, or in contravention of, the provisions of the Constitution and, having done that, its duty ends.
>
> The question is not what power the Federal Government ought to have but what powers in fact have been given by the people.

The founding fathers, in establishing our Government, set up three coordinate branches—the legislative, executive, and judicial. It was the intention that the legislative branch should make the law, the executive branch enforce it, and the judicial branch expound it. Each was to be independent of the other. This division of power constitutes what is known as the American system of checks and balances.

PRESIDENT'S PROPOSAL PRESENTS GRAVE CONSTITUTIONAL QUESTION

From the beginning of our history until now, this system has been steadfastly maintained. At the present time, however, the people of this country are face to face with a grave constitutional crisis. The question is whether the Executive, who has already exercised a dominating influence over the legislative branch of the Government, shall be permitted to gain actual control over the judicial branch by the appointment of six new Justices to the Supreme Court who will decide cases as the President wants them decided.

The storm of protest which has arisen all over the country, from people of all political parties, from all walks of life, from so-called liberals and conservatives, is evidence that the people are not seduced by the President's sophistry. His insincerity of purpose is attested by the fact that he has now shifted his ground, and instead of continuing to argue the alleged congestion in the Supreme Court he has come into the open and virtually admitted that his real object is to secure a Supreme Court which will throw the Constitution to the winds and uphold whatever legislation he may propose.

COURTS GIVE PRESUMPTION OF VALIDITY TO ACTS OF CONGRESS

In his so-called fireside chat of March 9 the President asserted that the Supreme Court should resolve all reasonable doubt in favor of the constitutionality of a statute passed by Congress. That is exactly what the Court does. Allow me to cite the following statement in the Supreme Court's decision in the case of *Adkins* v. *Children's Hospital* (261 U. S. 525, 544):

> The judicial duty of passing upon the constitutionality of an act of Congress is one of great gravity and delicacy. The statute here in question has successfully borne the scrutiny of the legislative branch of the Government, which, by enacting it, has affirmed its validity; and that determination must be given great weight. This Court, by an unbroken line of decisions from Chief Justice Marshall to the present day, has steadily adhered to the rule that every possible presumption is in favor of the validity of an act of Congress until overcome beyond rational doubt. But if by clear and indubitable demonstration a statute be opposed to the Constitution we have no choice but to say so.

Thus we see that the Supreme Court, from its earliest history to the present time, has followed the rule that the President favors. However, I call attention to the fact that the President is not satisfied with merely resolving all reasonable doubts in favor of the validity of a statute. It was he who sent a letter to the Ways and Means Committee not long ago asking that we not allow any doubts as to constitutionality, "however reasonable", to block the enactment of the original Guffey coal bill, which the Court subsequently invalidated.

COURTS DO NOT PRESUME TO PASS ON LEGISLATIVE POLICY

The President charged in his fireside chat that the Supreme Court had been assuming the power to pass on the "wisdom" of acts of Congress, and that it had acted as a policy-making body rather than as a judicial body. Here again the President is misrepresenting the Court's position. Time and time again the Court has emphasized that it was not concerned with the wisdom of legislation, but only with the question of whether it is authorized by the Constitution. In the celebrated N. R. A. case, Mr. Chief Justice Hughes, speaking for a unanimous Court, said:

It is not the province of the Court to consider the economic advantages or disadvantages of such a centralized system. It is sufficient to say that the Federal Constitution does not provide for it.

This statement coincides with the quotation from the Court's decision in the A. A. A. case, to which I previously referred, in which the Court said that it "neither approves nor condemns any legislative policy."

PRESIDENT WANTS COURTS TO REWRITE CONSTITUTION BY JUDICIAL INTERPRETATION

The President falsely charges the Supreme Court with having assumed the functions of a superlegislative body. As a matter of fact, it is due to the circumstance that the Court has not assumed the power to pass on the wisdom of legislation that the present controversy has arisen. That is exactly what the President wants the Court to do. He complains because the Court does not forget about the limited powers granted to the Federal Government under the Constitution and uphold legislation because the Federal Government "ought to have" the power. But as the Court said in the Triple A case:

The question is not what power the Federal Government ought to have but what powers in fact have been given by the people.

The President says that he wants a Supreme Court that will enforce the Constitution "as written." That is not what he wants at all. He wants a Supreme Court that will rewrite the Constitution by judicial interpretation and thus usurp the power which the people have reserved to themselves to change the Constitution as and when they see fit. He wants to rewrite the Constitution without resorting to the constitutional method of amendment and without giving the people the opportunity to pass upon the wisdom of the changes he has in mind.

PRESIDENT HAS TURNED HIS BACK ON DEMOCRATIC PLATFORM

The Democratic platform of 1936, the terms of which the President himself is said to have dictated, in referring to the pressing national problems stated:

If these problems cannot be effectively solved by legislation within the Constitution, we shall seek such clarifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws which the State and Federal legislatures, within their respective spheres, shall find necessary, in order adequately to regulate commerce, protect public health and safety, and safeguard economic security. Thus we propose to maintain the letter and spirit of the Constitution.

In advocating the packing of the Supreme Court by the appointment of six more Justices, the President turns his back squarely on the platform of his party. He seeks to enlarge the Federal power not through the constitutional method of amendment, in which the people would be called upon to say whether or not they wished to grant such extension of power, but through the indirect method of loose judicial interpretation by his own selected judges.

The President's "back door" method has been justly condemned by the people, including many thousands of those who voted for him in the 1936 election. This is no partisan issue. It transcends in importance all party considerations. Constitutional government is at stake, and all those who love their country and its institutions are waging a common fight against a proposal which would undermine the basic principles upon which this Nation was founded.

Having cited the Democratic platform, I wish to quote from the Republican platform in regard to the constitutional issue. Here is what the Republican platform of 1936 states:

We pledge ourselves to maintain the American system of constitutional and local self-government, and to resist all attempts to impair the authority of the Supreme Court of the United States, the final protector of the rights of our citizens against the arbitrary encroachments of the legislative and executive branches of government. There can be no individual liberty without an independent judiciary.

Thus it appears that the platforms of both major parties stand squarely for preserving our constitutional system. This definitely takes the burning question of the hour completely out of the realm of politics. I reiterate that this is not a partisan question, irrespective of what the party platforms provide.

What I have to say I do not say in a partisan spirit. If this proposal had been made by a President of my own political faith, I would still be one of the first to voice my opposition. I would emulate the example of those noble Democrats who in the present controversy have put country above party in opposing their President.

PRESIDENT WASHINGTON'S WARNING

The warning of President Washington in his Farewell Address has been frequently quoted, but in my opinion it cannot be too often referred to. The Father of our Country said:

If in the opinion of the people the distribution or modification of the constitutional power be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

The President's proposal to "pack" the Supreme Court with judges known to be in accord with his views would completely destroy the independence of the judiciary and the confidence of the people in its integrity. It would henceforth be a political court, and the precedent which would be set in the present instance by the addition of six judges might be duplicated from time to time in the future by subsequent Presidents who might wish to secure decisions in conformity with their individual views.

PRESIDENT'S PROPOSAL ESTABLISHES BAD PRECEDENT

The present occupant of the White House wishes to "pack" the Court for the purpose of securing a loose interpretation of the commerce clause and the reading into the Constitution of what is not there—a supposed grant of power to legislate "for the general welfare." However, some future President may want to "pack" the Court for the purpose of securing a more narrow interpretation of the so-called Bill of Rights, otherwise known as the first ten amendments. Or he may want to secure more drastic enforcement of the fourteenth amendment, with which our friends in the South are so familiar. As a matter of fact, it is conceivable that the very judges whom the present occupant of the White House would appoint to secure a more loose interpretation of the commerce clause might favor more strict construction of some of the other provisions of the Constitution.

NO POWER UNDER CONSTITUTION TO LEGISLATE "FOR GENERAL WELFARE"

I should like to refer briefly to the President's suggestion in his fireside chat that the framers of the Constitution gave to the Congress—I quote:

The ample, broad powers "to levy taxes • • • and provide for the common defense and general welfare of the United States."

Mr. Speaker, that is a very ingenious phrasing of the taxing clause in the Constitution, but it is not what the taxing clause says. The President left out a lot of words in between the first and last part of the clause. The Constitution does not give the Congress the power to legislate "for the general welfare." Here is what it provides:

The Congress shall have power to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

The plain import of this provision is that Congress shall have the power to levy taxes for the purpose of providing for the common defense and general welfare. Every schoolboy knows this. The fathers who wrote the Constitution knew this. And the Supreme Court has many times held this to be the case. This, for example, was the holding in the Triple A case, in which the Court said:

The clause thought to authorize the legislation—the first—confers upon the Congress power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States • • •." It is not contended that this provision grants power to regulate agricultural production upon the theory that such legislation would promote the general welfare. The Government concedes that the phrase "to provide for the general welfare" qualifies the power to "lay and collect taxes." The view that the clause grants power to provide for the general welfare, independently of the taxing power, has never been authoritatively accepted. Mr. Justice Story points out that if it were adopted "it is obvious that under color of the generality of the words, to 'provide for the common defense and general welfare', the Government of the United States is, in reality, a government of general and unlimited powers, notwithstanding the subsequent enumeration of specific powers." The true construction undoubtedly is that the only thing granted is the power to tax for the purpose of providing funds for payment of the Nation's debts and making provision for the general welfare.

PRESIDENT HIMSELF HAS TIPPED BALANCE OF POWERS

If I may refer again to the President's fireside chat, he stated that, in his opinion, the balance of powers between the three great branches of the Government had been "tipped out of balance" by the courts, and said that it was his purpose "to restore that balance."

As a matter of fact, the disturbance of the balance is of his own making. Heretofore the legislative, executive, and judicial branches have preserved their independence, each confining themselves to their own spheres. The President has already tipped the balance by asserting control over the Congress. Now he wishes to secure control of the third branch and tip the scales all the way.

In his speech of March 4th, at the victory dinner in Washington, the President used a metaphor which, while not exactly apropos, at least illustrates his frame of mind. He stated that "there is no definite assurance that the three-horse team of the American system of Government will pull together", and added:

If three well-matched horses are put to the task of plowing up a field where the going is heavy and the team of three pull as one the field will be plowed. If one horse lies down in the traces or plunges off in another direction, the field will not be plowed.

The analogy is not a good one because a three-horse team would of necessity have a driver. What the President probably had in mind was that if he, as one member of the three-horse team, could sit in the driver's seat, everything would be fine.

The President, of course, meant to infer that it was the horse representing the Supreme Court that had broken the traces. He knows very well that it is the horse representing the Executive that has done this. Instead of plowing the field in regular furrows, he has headed off in every direction, run around in circles, and tried all sorts of unorthodox methods.

YAWNING PRECIPICE OF DICTATORSHIP JUST AHEAD

My friend from North Carolina, the Chairman of the Ways and Means Committee [Mr. DOUGHTON], is one of those who, under the President's gratuitous dictum, is to be regarded as unfit for further service under the three score and ten age limit. Of course, those of us who know him realize that there is no more active man in this body than the gentleman from North Carolina and that his faculties for continued distinguished service in this body are in no way impaired. On May 17, 1929, the gentleman from North Carolina uttered some words on this floor which I would like to repeat in connection with the President's Supreme Court proposal. He said:

It seems that the more power men are given the more they are obsessed with a morbid gluttony for increased power. My friends, it is time to pause and call a halt, to stop, think, look, and listen before we go over the yawning precipice just ahead of us.

Mr. Speaker, that statement is particularly apropos of the President's proposal to give him, in effect, six votes on the Supreme Court. When the President combines his power as Chief Executive with working control of the Congress and complete domination over the judiciary, he becomes in fact a one-man government. Whether we like the word or not, he would have all the powers possessed by a dictator. And even though he might be a "benign" dictator, he would be a dictator in effect none the less.

In view of the foregoing quotation from the gentleman from North Carolina, it will be interesting to note how he votes if and when the proposed measure comes before the House.

In his speech of March 4, 1937, the President said:

Democracy in many lands has failed for the time being to meet human needs. People have become so fed up with futile debate and party bickerings over methods that they have been willing to surrender democratic processes and principles in order to get things done.

Mr. Speaker, that is precisely what the President is asking be done in his proposal to pack the Supreme Court. He is unwilling to make use of the democratic process of constitutional amendment. He wants to take a short-cut via the "usurpation" route. He ignores his own warning that "the ultimate failures of dictatorships cost humanity far more than any temporary failures of democracy."

INVALIDATED LEGISLATION NOT CAREFULLY CONSIDERED

Again in his fireside chat of March 9, the President reiterated that "we will not allow ourselves to run around in new circles of futile discussion and debate, always postponing the day of decision." Of course the whole trouble with the President's program, and one of the reasons for its having received so many adverse decisions at the hands of the courts, has been that virtually every piece of legislation he suggested was rushed through Congress with only cursory examination and without adequate debate. If there had been more discussion and debate, perhaps more of the legislation would have been upheld. When legislation is passed "without regard to doubts as to constitutionality, however reasonable", it is no fault of the Court that the legislation must be held unconstitutional. When legislation is passed without careful consideration, Congress should not be surprised if, in its actual administration, it is found to achieve unconstitutional ends.

WHAT IS THE EMERGENCY OF WHICH THE PRESIDENT SPEAKS?

The President has said that "time is of the essence" in the consideration of his proposal. He has previously gone up and down the country telling the people that happy days are here again; that the emergency is over; that prosperity has returned. Now he pictures a great emergency facing the country, which cannot await the delay incident to the adoption of a constitutional amendment. Of course, the only reason "time is of the essence" is that the President does not want the people to have sufficient time to digest his proposal. He knows that the longer the people examine it, the more convinced they will be that it is dangerous and undesirable. In the time that has already elapsed, the specious arguments which he advanced in support of his proposal have been broken down. The opposition to his cunning and clever scheme is growing like a prairie fire.

In his victory dinner address, the President asserted that he had "just begun to fight." But who, I would ask, is he fighting? Is there a civil war going on in this country? If so, what are we fighting about? Perhaps some of us would like to get into it.

The only fight I know of right now is the fight between the President and his supporters, on the one hand, who would tear down the Constitution, and those of us who are fighting to maintain our constitutional system of government.

If the President refers to any other kind of a fight, then, like Don Quixote, he is just fighting windmills. If he refers to a fight for humanitarian legislation, for social progress, and so on, then we are all on one side. The only difference may be in the method by which those ends are to be achieved. The President wants to achieve them by destroying the Constitution. Those who oppose him want to achieve them in an orderly, constitutional manner.

EXAMPLE OF PRESIDENT'S IMPULSIVENESS

Perhaps all arguments pro and con on the subject of increasing the membership of the Supreme Court have been made. The only thing new will be the manner in which various persons will express their views. I want, however, to contribute a very illuminating incident which I am quite

certain has not appeared in the discussion which has taken place since the 5th of February.

The following extract from an editorial which recently appeared in a New England paper describes an incident which occurred on September 7, 1932:

In his first campaign for the Presidency, Mr. Roosevelt, escorted by State troopers on motorcycles, rushed up to Bennington College, arrived by mistake at a back entrance, barred by a padlocked gate, halted briefly while one of the troopers drew a revolver and shot away the lock, and swept smilingly down upon his startled hosts from the rear. He could have driven around to the regular approach provided by the owners of the premises, or sent word that he was at the rear entrance and asked the owners to unlock the gate, but either of these alternatives would have taken a little time. To Mr. Roosevelt the important consideration at the moment was plainly the simple fact that this gate blocked the road on which he was traveling, and the quickest and simplest way to overcome the difficulty and proceed with his own schedule was to blow the gate out of the way. The circumstance that in sanctioning this procedure he was destroying somebody's property and breaking his way into somebody's premises through the use of force employed by a police officer, whose duty it would have been to arrest anyone else doing the same thing, obviously did not cross Mr. Roosevelt's mind * * *.

As at Bennington, the important consideration at the moment is his own desire to go ahead in his own way—the simple solution, to shoot away the lock * * *.

What better illustration do we want than this of the impulsiveness of his character? In his address at the victory dinner he emphasized the word "now" as the time when he wants to change the personnel of the Supreme Court, and advanced several reasons why it must be done "now", none of which was of paramount importance or interest any more than it was necessary that he enter the rear college gate "now" rather than going to the main entrance, as he should have done.

To startle the country on the 5th of February with such an announcement as was contained in his message to Congress, and within a month's time to begin talking about "now" on the most important subject that has been presented since the World War, is more than the American people ought to be called upon to stand.

PRESIDENT HAS PERSONAL GRUDGE AGAINST SUPREME COURT

Ever since the Supreme Court, by a unanimous vote, invalidated the N. R. A. the President has held a personal grudge against the Court. It will be recalled that he contemptuously referred to that decision as taking us back to the "horse and buggy" days. History will record, however, that it was this decision which started the country back to prosperity. Nevertheless, as succeeding decisions of the Court have upset the President's program, enacted with the knowledge that such parts as were invalidated were probably unconstitutional, the President has heaped abuse upon the Supreme Court and sought to discredit it in the eyes of the people.

Another decision of the Court which caused the President to take a hostile attitude toward the Court was the case in which the Court denied the right of the President to remove Mr. Humphrey as a member of the Federal Trade Commission. The only basis for the President's dismissal of Mr. Humphrey was that their minds did not "go along together" on Federal Trade Commission policies. Now, the Federal Trade Commission was established by Congress as an independent, quasi-legislative arm of the Government. In this case the Court properly held that the President could not dismiss a Commissioner except for cause. This was an instance in which the President sought to pack the Federal Trade Commission by the appointment of a member whose views coincided with his own. When the Court denied him this power, which the Congress never intended he should have, he became incensed, and from that time on the courts have been the object of his wrath. In his anger he appears to have lost all sense of restraint.

PRESIDENT PEEVED BECAUSE HE HAS HAD NO OPPORTUNITY TO MAKE APPOINTMENTS TO COURT

In his fireside chat he complained that he had not had an opportunity to name a single member to the Court, whereas his immediate predecessors all had such opportunity, varying from five Justices in the case of Taft to one in the case of Coolidge. He appeared to be somewhat peeved because former Presidents had had opportunities along this line which had been denied him simply because no member of the Court had conveniently died or resigned.

The particular objects of the President's ire are the four conservative Justices. These are Mr. Justice Van Devanter, who is 77; Mr. Justice McReynolds, who is 75; Mr. Justice Sutherland, who is 74; and Mr. Justice Butler, who is 71. But the President not only contemplates appointing one additional Justice for each of these men, but also for the other two members of the Court who are over 70—Mr. Chief Justice Hughes, who is 74, and Mr. Justice Brandeis, who is 80.

A certain amount of embarrassment will exist in both branches of Congress if members are forced to vote for the President's proposal, in that they will, by their votes, practically admit that they should be retired by their constituents if 70 is to be the age limit for public service.

I for one do not agree to vote on that basis.

PACKING OF COURT WOULD NOT BRING ABOUT REVERSAL OF N. R. A. DECISION

Although the President was considerably piqued by the Supreme Court's decision in the N. R. A. case, it is to be noted that even the so-called liberal Justices joined in holding the act unconstitutional. Thus it would not avail the President anything, so far as the N. R. A. is concerned, to pack the Court with six judges who could be depended upon to uphold its validity. These six "yes men" would still be out-voted by the nine incumbent members whom the President is unable to control. The present members of the Court, while they may not always be unanimous in their opinions, at least preserve and maintain the traditional independence of the judiciary which the founding fathers sought to make possible.

PRESIDENT SILENT ON COURT DURING ELECTION CAMPAIGN

Mr. Speaker, I call attention to the fact that the President withheld his proposal from the people until he had been elected for another 4-year term. He purposely made no mention of the proposal during the campaign because he was afraid of the consequences. He did not confide in the people what he had in mind. Instead, he pursued the course of the artful dodger, avoiding any clear-cut definition of purpose, well knowing what he proposed doing once the people has again reposed their trust in him.

It is true that there is nothing unconstitutional about increasing the size of the court. But the motive behind the President's scheme, that is, to secure a court which is subservient to the President's will, violates and profanes the fundamental principles upon which our whole governmental system is based. The separation of the powers of Government among the three independent yet coordinate branches—the legislative, executive, and judiciary—is the very keystone of the American system. The people, in whom all power lies, have never changed that system. I do not believe they will permit the President to change that system by usurpation.

LORD BRYCE FORETOLD POSSIBILITY OF PRESIDENT'S PROPOSAL 50 YEARS AGO

Mr. Speaker, one of the most noted writers on our American democracy was a noted British economist, Lord Bryce. Fifty years ago, in his book entitled "The American Commonwealth", he pointed out that under our system of Government, the very constitutional crisis which has arisen today by reason of the President's proposal might some day occur. Of course, the people at that time did not take his suggestion very seriously, and I might add that up until the 5th day of February 1937, no one took it very seriously. Here is what Mr. Bryce said:

Suppose a Congress and the President bent on doing something which the Supreme Court deems contrary to the Constitution. They pass a statute. A case arises under it. The Court on the hearing of the case unanimously declares the statute to be null, as beyond the powers of Congress.

Congress forthwith passes and the President signs another statute more than doubling the number of Justices. The President appoints to the new justiceships men who are pledged to hold the former statute constitutional. The Senate confirms his appointments. Another case raising the validity of the disputed statute is brought up to the Court. The new Justices out-vote the old ones, the statute is held valid; the security provided for the protection of the Constitution is gone like a morning mist.

Then Mr. Bryce goes on to say:

What prevents such assaults on the fundamental law, assaults which, however immoral in substance, would be perfectly legal in form?

Not the mechanism of government, for all its checks have been evaded. Not the conscience of the legislature and the President for heated combatants seldom shrink from justifying the means by the end. Nothing but the fear of the people, whose broad good sense and attachment to the great principles of the Constitution may generally be relied on to condemn such a perversion of its forms.

Certainly that great British writer and economist must have sensed a situation such as has arisen here now.

PRESIDENT HAS NO MANDATE FROM PEOPLE TO PACK COURT

Mr. Speaker, I think in this instance the President of the United States has overplayed his hand. He has falsely assumed that he has a mandate from the people to do as he pleases, but the people have never given him such a mandate. This matter was not an issue in the last election. In fact, the people were given to understand that such a proposal as packing the Supreme Court was one of the farthest things from the President's mind. They are resentful of the false pretense under which the President campaigned for reelection. Those who trustingly said, "It can not happen here", have found to their dismay that "it has happened here."

HISTORY OF PREVIOUS CHANGES IN COURT OFFERS NO PRECEDENTS FOR PRESENT PROPOSAL

In his message to Congress of February 5 the President attempted to justify his proposal for increasing the size of the Supreme Court by referring to the fact that the number of judges has been altered from time to time since 1789. He points out that it was originally composed of 6 members; that it was reduced to 5 in 1801; increased to 7 in 1807; increased to 9 in 1837; increased to 10 in 1863; reduced to 7 in 1866; and increased to 9, the present number, in 1869.

It has been charged that previous Presidents have tampered with the Court with a view to securing favorable decisions, but an examination of the history of the Court since 1789 shows that not one of these changes was made for the deliberate purpose of influencing the nature of the decisions to be rendered. The reduction of the Court from six to five members in 1801 never took place because the law was repealed before one of the sitting members died or resigned; nor was the Court reduced to seven members between 1866 and 1869, since only one of the sitting members died or resigned during that time, after which the size of the Court was again fixed at nine.

Histories of the Supreme Court, including those by two New Dealers—Felix Frankfurter and James M. Landis—clearly indicate that every increase made in the size of the Supreme Court from 1607 down to and including the last change in 1869, came about as a result of a distinct need for more circuit courts to take care of the increased litigation arising out of our growth as a Nation. No such need is at present shown, not even for the additional of one Justice, much less six.

Reference has been made to the change in the Court under President Grant's administration. It has been said that he "packed" the Court to secure a favorable decision in the so-called *Legal Tender cases*. The fact is that Congress had previously provided for the establishment of nine circuits and a Supreme Court of nine Justices, which meant the additional of one member, since there were eight members then sitting on the Court pending its reduction to seven by death or resignation. The change was to be effective in December 1869. At that time the Court was deliberating on the *Legal Tender cases*, and it rendered an adverse decision by a vote of 5 to 4, Justice Grier having broken a previous tie by shifting his position. On December 15, 1869, Judge Grier submitted his resignation to take effect February 1, 1870. This made two vacancies on the Court. On February 7, 1870, as the Supreme Court was announcing its adverse decision in the *Legal Tender cases*, President Grant sent to the Senate two nominations for the existing vacancies. It was this coincidence which gave rise to the charge that Grant was packing the Court, since on a reargument of the *Legal Tender cases* after the appointment of the new members the Court reversed its previous decision. As a matter of fact, however, the legislation fixing the size of the Court at nine was passed almost a year before the first *Legal Tender* decision was announced, and no mention was made in the debates of any attempt to pack the Court, and in truth none could have been made.

CONSTITUTION DOES NOT FIX SIZE OF SUPREME COURT

The present controversy over the Supreme Court arises because the Constitution makes no provision fixing its size. It simply says that there shall be "one Supreme Court." If the Constitution had provided for a fixed number of Justices, we would never have had in the past, and we would not have now, any controversy over "packing" the Court. No President and no Congress should ever have the power to create additional judgeships merely for the purpose of influencing the Supreme Court's decisions.

AMENDMENT FIXING SIZE WOULD AVOID POSSIBILITY OF PACKING COURT

In order that there may be an end to this controversy, and in order that the integrity of the Court may be preserved, I have introduced a joint resolution proposing an amendment to the Constitution, as follows:

The Supreme Court of the United States shall consist of nine Justices, of whom one shall be designated by the President as Chief Justice.

In a recent syndicated article Mr. David Lawrence stated that as a result of an investigation he had made, he had found that in 38 of our 48 States the size of the supreme judicial body is fixed in the State constitution, with the power left in the hands of the people to change the number if and when they see fit. This is as it should be, and I personally think it would be a fine thing if a similar provision were added to the Federal Constitution.

I have preserved the present number of nine justices in my proposed amendment because that number has been found to be sufficient and to work well. A larger number would tend to become unwieldy, and a smaller number would place too much responsibility on the individual members.

In Mr. Lawrence's article he states that he telegraphed the chief justices of the various State supreme courts to obtain a symposium of views on the question of definitely fixing the size of the Court, and I would like to quote the replies of two of the judges who replied. First, I quote from Chief Justice Charles A. Goss, of the Nebraska Supreme Court:

Inasmuch as the Federal Constitution does not fix the number of Justices of the Supreme Court of the United States, and does not specifically grant the Congress the right to determine the number, I would favor an amendment to the Constitution fixing the number at nine.

First, because that number has been found to be adequate; and, second, because fixed determination of the number would largely remove from controversy an element that makes for political and social unrest.

I now quote from Chief Justice Folland, of the Utah Supreme Court:

The Supreme Court of the United States should be an entirely independent tribunal, not subject to influence or control by the Executive or the Congress. To attain this end, it might be better if the number of Justices were fixed by constitutional amendment rather than leaving the power with the Congress, to be used by it in such manner or at such time as to actually influence the Court decisions, or, what is as bad, to give the impression that such is the case.

Mr. Speaker, I urge the adoption of my proposed amendment as the only method by which such controversies as the present one may be averted in the future. It must be adopted if the integrity of the Supreme Court is to be preserved.

DELAYED CONSIDERATION WILL AID DEFEAT OF PRESIDENT'S PROPOSAL

It is quite evident that wily tricks are being resorted to on the part of the administration to accomplish the President's purpose of packing the Court. I need not mention what these "tricks" are, as I am sure the Members on the other side of the aisle are familiar with them. All praise is due those who have courageously withstood the pressure which has been exerted. They are statesmen in the true sense of the word. They have put country above party, as every Member who is elected to Congress should.

Mr. Speaker, the press informs us that a very ardent supporter of the administration feels that the President's wishes can be realized if the question is not voted upon in the other branch until July. If this House awaits action in the other branch, it will mean a continuous session until next January.

But that is none too long, Mr. Speaker, for the people of this country to thoroughly digest and understand the implications of the President's proposal and form a considered judgment upon such a momentous question. Personally, I feel that the longer the vote is delayed, the surer the people will record their opposition to the proposal.

Speaking for myself, as one Member of the House, the summer attractiveness of the district I have the honor to represent, and the natural desire to be at home, will willingly be sacrificed if I can aid in bringing about the defeat of the President's plan. I know that in so doing, I will not only be properly representing the people of my district and my State, but will be contributing to the future welfare and stability of our beloved country. [Applause.]

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by Maj. Gen. Edward M. Markham, Chief of Engineers, on March 12, 1937, on the subject of flood control.

The SPEAKER pro tempore (Mr. PARSONS). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech that I made last night at the Town Hall in New York.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THE COMPANY STORE

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from Michigan [Mr. LUECKE] for 20 minutes.

Mr. LUECKE of Michigan. Mr. Speaker, this afternoon I wish to digress from the normal topics of the Supreme Court, neutrality, and such weighty subjects, and talk about one which is a little closer home and perhaps not quite so heavy in thought. I consider it, nevertheless, a very important subject, a very important thing to talk about, because I believe it to be a weakening in our economic set-up.

Mr. Speaker, not so long ago in a Washington newspaper I came across this headline, "Workers Never See Cash For Years On End in Some 'Company Towns.'" That sort of aroused my curiosity and I made some investigations of my own, and it is on that subject, the "Company Store", which I wish to speak. But before I get started on this interesting subject I want to particularly give credit to Mr. Thomas L. Stokes, of the Washington Daily News, for the information which I obtained from that article. I am sure that Mr. Stokes has rendered the workers of these "company towns" a great service by disclosing some of the conditions under which they work.

At the outset I wish to say that this is not a condition which can be applied to any particular section of the country. To the contrary, it is very much a national affair. What brief material I have had the opportunity to enlighten myself on regarding this subject was taken from an investigation which covered the following States: Alabama, Arkansas, California, Florida, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Oregon, South and North Carolina, Tennessee, Texas, Washington, West Virginia, Wisconsin, Colorado, Illinois, New Mexico, Ohio, Pennsylvania, Tennessee, Utah, Virginia, Wyoming, and Georgia; in all, 27 States.

I wish to state further that this is not only a problem which is American. Company stores are found in every nation, and in England are known as "tommy shops." The American worker seems to be a little more adept at applying or coining names, and refers to them as "gyp-me stores", "pluck-me stores", "gyp joints", and "robbersaries." Now, whether or not these names apply to the case, I am unable to say. But judging from the reports that are to be had covering the "company store", it seems the worker is partially justified.

The "company store" had its origin in the early days of industry. When new territory was opened up and industry had to go into the undeveloped sections of the Nation and establish itself it was necessary to have a commissary. In fact, it was impossible to get along without one.

Now, before saying any more on this subject, I do not want to be misunderstood. There are company stores which are giving their employees the advantage of the deal. It seems that is the way it should be. A corporation working under those conditions should not take advantage of its employees and overcharge them or issue scrip upon which they must take a discount just because their employees happen to be dependent upon them for a livelihood. But good things, like everything else, come to an end and as time went on and the company became established abuses crept in. That is human nature and that is why we have a Congress of the United States to see to it that such things are regulated and the abuses abolished.

There is another phase of this problem which I wish to mention at this time and that is the issuance of company scrip. That is one of the evils which is an offspring of the company store. In some places the company issues scrip between pay days and this scrip is discounted for cash. The discount ranges all the way from 5 to 25 percent. To be more explicit, the worker takes this scrip and cashes it at the company store at a discount. There are communities in which the independent merchants cash this scrip also and, of course, make a handsome profit.

A worker who desires credit from the company store will make an application to the bookkeeper or store manager. Such advances are usually made only against wages already earned by the employee but not due him until the next pay day. The store representative usually ascertains from the operating company the amount of unassigned wages against which credit may be issued. During periods of temporary unemployment, or in case of individual emergency such as illness in the family, credit is sometimes given against future or unearned wages. But such instances are rare.

I do recall a company in Alabama which extended credit to the extent of $100,000 to its workers and received all of it back but $66. Now, that company deserves a lot of credit, and I wish to insert it at this point. I do not wish to condemn the good which can be found in the company-store system. But the fact that abuses so overwhelm the service they render prompts me in calling the attention of Congress to the company commissary.

There are many who will say, Why do not the workers trade at an independent store if they do not like the company store? That is easier said than done. The pay of these workers, mostly unskilled, is so small that it does not provide for independence, and trading at the company store is an economic necessity with them. In many cases—in most cases, I should say—after the employee has made use of the company store he is hopelessly in debt and cannot trade anywhere else.

The news report which I had the pleasure—or displeasure—to read, said this:

> I have found hundreds of men in the saw-mill industry who haven't seen any money for years.

Reading on in another report I find this choice bit of information:

> In one plant it was claimed by the laborers that there were three workers who had not received any cash in the last 15 years.

And then it goes on to say that—

> One case was encountered in which the company had not even gone through the formalities of having a cash pay day in the last 2 years.

This sort of thing is hard to believe and yet it is a part of the records, and anyone who chooses to do so can acquaint himself with the facts. It only goes to show how far abuses will go if nothing is done to put a check upon them. There have been numerous investigations and it isn't at all difficult to become informed on the subject, and why this situation was allowed to go on and on is unexplainable.

Getting back to the subject of scrip, a number of cases were found in which the operating company followed the practice of redeeming the scrip from independent stores at a discount of from 5 to 20 percent. When this practice prevails independent stores may maintain two sets of prices: One a cash price and the other a scrip price, with the former averaging from 10 to 15 percent lower than the latter. In spite of the loss involved many of the laborers prefer to discount their scrip and trade with independent stores.

I just cite that certain phase of the scrip system as very good evidence that the workers are willing to resort to anything to get away from the company store.

That the company store must be a profitable venture is made plain on the report of a certain company to a House committee in 1910. It operated company stores situated largely in the coke regions.

The dividends of this company from 1898 to 1910 amounted to $4,703,067 on a capitalization which was originally $75,000, but was increased to $500,000 without the addition of new funds. Within 12 years, therefore, these stores have paid the stockholders 62 times as much as the capitalization at the beginning of the period, without any new investment except that made out of earnings.

The company during the 52 months for which records are available paid dividends equal to slightly over 1,617 percent of its $75,000 which represents an average of 372 percent per annum. The company, with a nominal capitalization of $500,000, has paid dividends aggregating 608 percent, covering 104 months of business, which means an average per annum of 80.5 percent, or 537 percent of the original capitalization of $75,000. The accounts receivable—and this is very important in looking into this thing—amounted to only $977.98, which means that there are practically no losses through bad debts, which are a considerable item in the accounts of most retail merchants.

And while I am on the subject of losses due to bad bills, in 1931 the losses were less than 1 percent and during the depth of the depression the losses went up to 1.6 percent. The operating expenses of company stores are much less than independents—11.3 of net sales as compared with 13.1 for independent stores. From this it is plain that these stores are almost immune from losses.

There are other uses for these company-store profits. It is believed that where and when minimum wages shall be established many companies will establish company stores and in that way offset the increase in wages. In other words, the worker will foot the bill. But again that is good business. And unless something is done to prevent them nothing can stop it. Of course, that is human nature over and over again—placing the burden upon the other fellow.

Another interesting feature of the company store is a comparison of the prices with independents. It is brought out in such a comparison that the price of such foods as flour, corn meal, rice, macaroni, navy beans, sugar, coffee, rolled oats, potatoes, onions, milk, tomatoes canned, corn canned, salmon canned, peas canned, dried salt bellies, lard, fresh eggs range all the way from 10 percent to 37 percent over the independents. And with the exception of flour the purchase of these necessaries of life only amount to a very small percent of their purchases. I believe it would be fair to say that the average is about 5 percent of their purchases on these staple articles. Flour averages 28.1 percent of their purchases and the price charged is on the average 9 percent above the prices in independent stores. Potatoes come next in volume purchased and average about 8 percent of all purchases with a 10 percent higher price than independents.

These tables disclose what these workers live on, mainly flour, potatoes, corn meal, and sugar. All other purchases, such as rice, vegetables canned, bacon, ham, eggs, milk, average less than 1 percent of their purchases. Fresh meat and fruits are unheard of.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a table comparing prices in retail stores and company stores.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The matter referred to follows:

TABLE I.—*Comparison of retail prices on foods in company stores and independent stores in eastern district* [1]

Article	Percent of article to total food purchased [2]	Price unit	Company store		Independent store		Percentage difference above or below (—) independent store prices
			Number of quotations	Average price	Number of quotations	Average price	
Flour	28.1	24 pounds	8	$1.306	7	$1.207	8.2
Corn meal	2.8	25 pounds	8	.998	5	.990	1.2
Rice	.2	12-ounce package	9	.089	7	.079	12.6
Macaroni	.2	7-ounce package	8	.078	7	.061	27.9
Beans, navy	1.8	1 pound	7	.068	3	.064	6.2
Sugar	8.5	2 pound package	9	.154	7	.148	4.0
Coffee	1.9	1 pound	9	.210	6	.197	6.6
Rolled oats	.6	2-ounce package	9	.100	7	.097	3.0
Potatoes, white	9.6	1 pound	8	.032	6	.027	18.5
Onions	.9	do	8	.062	6	.056	10.7
Cabbage	1.0	do	8	.037	6	.029	27.6
Milk, evaporated	2.1	Large can	9	.085	7	.080	6.2
Tomatoes, canned	2.2	No. 2 can	8	.100	7	.095	5.2
Corn, canned	.8	do	9	.113	7	.100	13.0
Peas, canned	.1	do	8	.139	7	.114	21.9
Salmon, canned	.2	Standard can	7	.154	6	.146	12.3
Peaches, canned	1.1	No. 2½ can in 40S sirup	7	.228	5	.206	10.6
Round steak	1.0	1 pound	8	.280	3	.223	20.1
Smoked ham	.5	do	8	.291	3	.266	9.3
Smoked bacon	.6	do	9	.283	3	.266	6.3
Dry salt bellies	1.7	do	9	.155	6	.148	11.4
Pork sausage	.4	do	9	.196	5	.170	14.7
Lard	1.8	1-pound package	9	.121	6	.104	16.2
Eggs, fresh	1.2	1 dozen	9	.225	6	.197	14.2

[1] Aggregate of average prices multiplied by their respective weights. Company, 44.812; independents, 41.804; percentage difference in weighted aggregates, 7.7 percent. Data gathered July 16, 17, and 18, 1934.

[2] New River weights used by U. S. Coal Commission (op. cit. pt. III, pp. 1526-1527).

TABLE II.—*Comparison of retail prices on foods in company stores and independent stores in the southern district* [1]

Article	Percent of article to total food purchased [2]	Price unit	Company store		Independent store		Percentage difference above or below (—) independent store prices
			Number of quotations	Average price	Number of quotations	Average price	
Flour	28.6	24 pounds	14	$1.271	12	$1.200	5.9
Corn meal	9.6	12 pounds	14	.328	14	.318	3.1
Rice	1.0	1 pound	14	.80	13	.059	35.6
Macaroni	.2	7-ounce package	14	.056	14	.049	14.3
Rolled oats	.1	20-ounce package	14	.097	14	.088	10.2
Beans, navy	.4	1 pound	14	.066	12	.060	10.0
Sugar	8.7	do	14	.063	14	.059	6.8
Coffee	.8	do	14	.196	14	.193	1.5
Potatoes, white	3.8	do	13	.026	14	.023	13.0
Onions	.7	do	14	.053	12	.053	0
Milk, evaporated	.8	Large can	11	.076	11	.074	2.7
Tomatoes, canned	.8	No. 2 can	14	.108	14	.097	11.3
Corn, canned	.4	No. 2 can	14	.109	13	.100	10.9
Peas, canned	.2	do	14	.136	13	.129	5.4
Salmon, canned	.4	Standard can	14	.146	14	.143	2.1
Peaches, canned	.2	No. 2½ can in 40 percent sirup	12	.205	11	.192	6.8
Sliced cured ham	.7	1 pound	12	.294	5	.256	14.8
Sliced breakfast bacon	1.0	do	13	.269	8	.243	10.7
Dry salt bellies	4.4	do	14	.161	14	.149	8.0
Pork sausage	.3	do	14	.186	6	.161	15.5
Lard	5.7	1-pound package	13	.125	5	.108	15.7
Fresh eggs	.1	1 dozen	13	.224	11	.212	5.7

[1] Aggregate of average prices multiplied by their respective weights: Company, 44,215; independents, 41.740. Percentage difference in weighted aggregates, 5.9 percent. Data gathered Aug. 6, 7, and 8, 1934.
[2] Alabama weights used by U. S. Coal Commission (op. cit. pt. III, pp. 1569–1570).

TABLE III.—*Comparison of retail prices of foods in company stores and independent stores in the Middle West district* [1]

Article	Percent of article to total food purchased [2]	Price unit	Company store		Independent store		Percentage difference above or below (—) independent store prices
			Number of quotations	Average price	Number of quotations	Average price	
Flour	28.1	24 pounds	6	$1.070	4	$0.970	11.0
Cornmeal	2.8	do	4	.650	3	.590	10.1
Rice	.2	1 pound	3	.075	4	.067	11.9
Macaroni	.2	7-ounce package	5	.056	4	.050	12.0
Rolled oats	.6	20-ounce package	6	.067	4	.096	1.0
Beans, navy	1.8	1 pound	5	.069	3	.058	18.9
Potatoes, white	1.9	do	5	.230	3	.205	12.1
Onions	9.6	do	6	.027	4	.023	22.7
Milk, evaporated	.9	do	6	.055	4	.035	0
Tomatoes, canned	2.1	Small can	6	.043	4	.033	22.8
Corn, canned	2.2	No. 2 can	6	.100	4	.100	0
Peas, canned	.8	do	6	.125	4	.100	20.0
Dry salt bellies	.1	do	5	.120	3	.117	11.1
Lard	1.7	1 pound	6	.159	4	.116	37.0
Fresh eggs	1.8	1-pound package	6	.116	4	.100	16.6
	1.2	1 dozen	6	.241	3	.193	24.8

[1] Aggregate of weighted average prices: Company stores, 34.755; independent stores, 31.463. Percentage difference, 10.4 percent. Data collected July 10, 11, 1934.
[2] New River weights used by U. S. Coal Commission, Op. Cit. Pt. III.

Mr. LUECKE of Michigan. The remedy for this situation lies in a complete investigation of the company store, which is plainly a racket, with a recommendation from the investigating committee for legislation to correct such practices. It is certainly a violation of civil liberties when payment for wages is not made in legal tender or par checks. As far as I am concerned I would like to see Senator LA FOLLETTE's committee act on this matter and I trust that that committee will interest itself in this problem. It would be a great benefit to the workers who must live under those conditions.

Another remedy would be legislation which would abolish the use of scrip. I believe many States have such legislation at this time. It would be of interest to know that the following countries have such legislation over a period of years: As far back as 1726 England legislated on this problem against the woolen industry. Germany, France, Spain, Belgium, Austria, Finland, Bulgaria, the Federated Malay States and the Straits Settlements, Oceania, French Guiana, New Caledonia, New Zealand, and the Australian Provinces have laws curbing the company stores. Is it possible that we are more backward than they? I don't think so. And I hope that the Committee on Labor will give us a bill against the practice. [Applause.]

Mr. Chairman, I yield back the balance of my time.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by myself today.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, following the previous orders heretofore made, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FOCHT] may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota [Mr. KNUTSON] is recognized for 15 minutes.

OLD-AGE PENSIONS

Mr. KNUTSON. Mr. Speaker, for a number of years the subject of old-age pensions has engaged the attention of thoughtful Members of Congress. They feel that with the constant change in economic conditions, which operate more and more against those past middle age, it is imperative that Congress make provision for the economic security of those no longer employable under modern standards. The first definite step in that direction was the present Social Security Act, which has now been in operation for nearly 2 years. At the time this measure was before the House I tried to point out some of its weaknesses and called particular attention to the inability of many States to carry their share of the burden. Now we can see the effect of that arrangement and we know that it is not adequate.

COUNTY PARTICIPATION UNSATISFACTORY

Time has vindicated my judgment. Our experience has proven that a pension system requiring county participation is not and cannot be successful because there is such a vast difference in the ability of the several counties to carry their share of the burden. In Minnesota we have county participation, and it is not proving satisfactory because the pensions paid under that arrangement are, in many instances, inequitable and inadequate to provide reasonable security. Any pension plan that fails to do that cannot be said to meet requirements.

FEDERAL GOVERNMENT'S CONTRIBUTION SHOULD BE DOUBLE THAT OF STATE

Under the present Social Security Act the Federal Government matches the State contribution dollar for dollar. The law provides that the Federal Government may contribute up to $15 per month for each pensioner, providing the State meets that contribution dollar for dollar. A number of us in the House feel that the Government should contribute a greater amount than the States, also that the pension should be uniform throughout each State. This can be done only through the elimination of county participation.

PRESENT PENSION PAYMENTS INADEQUATE

Mr. Speaker, I ask unanimous consent to include in my remarks a table taken from the last annual report of the Social Security Board, which shows how the present law operates in the various States.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, we find in examining this table that the State of Mississippi pays an average old-age pension of $3.59 per month. Going on to Arkansas we find they get an average of $9 per month; in Louisiana, $9.56 per month; and so on down the line. We find that California leads all the other States with the average of $31.45. The average for the entire country is $18.50. The following table gives a true picture of how the present law operates in all the States and the inequalities that now exist:

Average payment per recipient of old-age assistance for each month of the period Feb. 1 through Oct. 31, 1936, in States with plans approved by the Social Security Board and administering Federal funds (data reported by State agencies, corrected to Nov. 25, 1936), P. A. S. table 201.8

States	Average amount paid to recipients of old-age assistance [1]								
	Third quarter 1935–36		Fourth quarter 1935–36			First quarter 1936–37			Second quarter 1936–37, October
	February	March	April	May	June	July	August	September	
Average for all States reporting [2]	$15.18	$14.74	$15.10	$15.98	$15.99	$16.88	$17.91	$18.70	$18.50
Average for 16 States making payments each month	15.18	15.06	15.62	15.75	15.59	15.97	17.72	17.95	18.45
1. Alabama	7.77	4.00	5.92	6.00	10.71	10.55	10.75	10.72	10.81
2. Arkansas	(3)	4.45	4.24	3.98	5.54	5.42	5.57	5.98	9.00
3. California	(3)	(3)	22.87	23.09	23.24	31.29	31.46	31.50	31.45
4. Colorado	(3)	(3)	17.72	17.85	19.07	20.75	27.14	27.55	27.59
5. Connecticut	(3)	(3)	9.41	21.80	22.32	24.72	25.33	24.86	26.02
6. Delaware	9.95	10.03	10.14	10.23	10.29	10.33	10.37	10.42	10.53
7. District of Columbia	(4)	(4)	33.66	26.25	25.26	(5)	28.34	25.31	25.74
8. Florida	(3)	(3)	(3)	(3)	(3)	(5)	(3)	(3)	10.33
9. Hawaii	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	11.41
10. Idaho	21.47	20.68	21.09	21.21	21.12	21.14	23.66	23.45	23.28
11. Illinois	(3)	(3)	(3)	(3)	(3)	12.83	13.13	13.66	[6] 14.17
12. Indiana	(3)	(3)	8.01	8.00	8.34	9.63	11.43	12.92	13.77
13. Iowa	14.28	14.42	14.39	14.56	14.54	14.55	14.53	14.54	14.61
14. Kentucky	(3)	(3)	(3)	(3)	(3)	(4)	7.43	9.16	9.36
15. Louisiana	(3)	(3)	(3)	(3)	(3)	(4)	(3)	(3)	[6] 12.64
16. Maine	(4)	(4)	(4)	(4)	[7] 10.29	[7] 10.62	[7] 11.04	[7] 12.01	(8)
17. Maryland	17.16	16.63	16.37	15.79	19.77	19.75	19.87	20.09	16.57
18. Massachusetts	23.85	23.54	23.68	24.36	23.49	[6] 24.27	25.91	16.03	[6] 25.85
19. Michigan	16.45	16.46	16.99	16.91	16.30	16.42	[6] 24.60	[6] 25.01	16.39
20. Minnesota	(3)	15.69	17.97	18.44	18.53	[6] 18.33	[6] 19.10	[6] 18.72	[6] 18.73
21. Mississippi	6.63	6.67	3.69	3.67	3.62	3.58	3.56	3.58	3.59
22. Missouri	8.95	8.96	8.95	8.96	8.95	9.35	9.35	9.35	11.41
23. Montana	(3)	(3)	(3)	(3)	12.30	18.15	20.04	20.66	[6] 20.45
24. Nebraska	4.54	10.96	14.35	14.86	15.34	14.68	14.69	14.93	15.61
25. New Hampshire	19.85	20.06	20.28	20.55	20.77	20.59	21.15	21.26	21.49
26. New Jersey	(3)	(3)	15.88	15.85	15.88	15.82	15.83	15.88	16.02
27. New Mexico	(3)	(3)	(4)	13.81	14.48	14.66	15.05	16.12	16.27
28. New York	(3)	(3)	(3)	21.75	20.59	20.66	20.83	20.97	21.28
29. North Dakota	(3)	(3)	(4)	16.94	15.32	15.26	15.26	15.42	15.87
30. Ohio	15.00	14.98	14.99	16.06	15.10	15.14	25.00	24.97	24.90
31. Oklahoma	(3)	(4)	6.95	7.34	7.93	7.95	5.00	(10)	8.00
32. Oregon	(3)	(3)	20.36	20.32	20.49	20.65	20.86	20.90	20.84
33. Pennsylvania	(3)	(3)	(3)	(3)	(3)	21.40	[6] 21.52	21.64	21.70
34. Rhode Island	17.68	17.67	17.60	17.52	17.47	17.38	17.14	17.12	17.22
35. South Dakota	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	21.98
36. Texas	(3)	(3)	(3)	(3)	(3)	15.82	15.70	15.67	15.58
37. Utah	(3)	18.78	18.94	18.71	18.61	18.69	18.57	22.32	22.40
38. Vermont	10.96	11.01	11.05	11.08	11.16	11.19	11.26	11.30	11.30
39. Washington	20.57	20.57	20.50	20.48	20.46	20.44	20.45	20.43	20.42
40. Wisconsin	16.96	17.14	17.39	17.64	17.74	18.10	18.19	18.29	18.50
41. Wyoming	(3)	24.28	22.30	21.99	21.01	20.96	20.81	20.64	20.69

[1] Amount paid to recipients from Federal, State, and local funds, administrative expenses excluded.
[2] Includes estimates for Louisiana and Pennsylvania.
[3] Not administering old-age assistance under an approved plan this month.
[4] Federal funds available, but no payments made for direct assistance for this month.
[5] No payments for old-age assistance for July due to change in accounting procedure.
[6] Preliminary figures subject to revision.
[7] Estimated by the State.
[8] No payments for old-age assistance for October.
[9] Preliminary figures to be revised to include retroactive payments.
[10] No payments for old-age assistance for September.

From the foregoing table it will be noted that one State—Mississippi—is paying a pension of only $3.59 per month, while Oklahoma pays $8 per month. The State of Minnesota pays an average of $18.73 per month to each eligible individual, which is a trifle over the average of $18.50 for all the States reporting.

HOUSE GROUP SEEKS LIBERALIZATION OF OLD-AGE PENSION LAW

Shortly after this Congress convened a group of Members of the House associated themselves together for the purpose of working out a plan to liberalize the present law. Numerous meetings have been held at which the subject has received every possible consideration. To begin with there was considerable difference of opinion as to just what should be done and how far we could go. Every member of this group had introduced a bill to liberalize the present law and no two measures were in agreement. It was for the purpose of adjusting these differences and bringing the membership to a common ground that I called them together. As a result of our deliberations we have agreed upon a measure which provides:

First. That the Government will advance $2 for every dollar advanced by the State.

Second. That the amount advanced by the Federal Government shall not exceed $30 per month per person.

Third. That a person, upon being placed on the pension rolls, shall discontinue gainful employment.

At the present time there are approximately 7,500,000 people in the United States who are over 65 years of age. Of that number those who are in need would be eligible for pension under our plan.

PENSIONING OF AGED WOULD CREATE JOBS FOR YOUNG

The best available authorities estimate that the number unemployed in this country at the present time is between eight and nine million. A very large percentage of these unemployed are young men and women who have never had a steady job and as a result have been compelled to look to their parents for support. This is a condition that is filled with dangerous possibilities and, if not corrected, may lead to consequences now unforeseen. The solution, as we see it, is to make it possible for the aged to retire with security thereby making a place for the young who are now unemployed and want to work.

PRESENT NUMBER OF PENSIONERS IN EACH STATE

Mr. Speaker, I ask unanimous consent to insert at this point a table that gives the available figures as to the number of pensioners in each of the several States.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Recipients of old-age assistance for each month of the period Feb. 1 through Oct. 31, 1936, in States with plans approved by the Social Security Board and administering Federal funds (data reported by State agencies, corrected to Nov. 25, 1936) P. A. S. table 201.6

States	Number of recipients of old-age assistance								
	Third quarter 1935–36		Fourth quarter 1935–36			First quarter 1936–37			Second quarter 1936–37, October
	February	March	April	May	June	July	August	September	
Total [1]	245,430	291,909	466,749	561,587	602,672	791,340	843,629	862,667	974,383
1. Alabama	6,239	4,390	5,890	5,932	8,353	9,614	10,523	10,594	10,492
2. Arkansas	(2)	11,726	12,228	12,148	12,496	13,050	13,618	13,239	14,179
3. California	(2)	(2)	38,504	40,576	42,718	44,905	47,954	52,142	55,456
4. Colorado	(2)	(2)	21,679	21,832	21,367	22,180	23,152	24,419	25,127
5. Connecticut	(2)	(2)	4,351	6,298	7,983	9,070	10,022	10,578	10,934
6. Delaware	1,609	1,666	1,844	2,113	2,398	2,652	2,768	2,899	2,982
7. District of Columbia	(2)	(2)	93	236	478	(4)	580	790	977
8. Florida	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	4,286
9. Hawaii	(2)	(2)	(2)	(2)	(2)	(2)	(2)	580	583
10. Idaho	3,845	5,339	6,447	6,805	7,088	7,242	7,398	7,652	7,777
11. Illinois	(2)	(2)	(2)	(2)	(2)	22,286	35,080	49,762	166,024
12. Indiana	(2)	(2)	30,869	31,476	29,029	30,179	30,605	32,229	33,650
13. Iowa	23,964	26,024	29,637	29,645	29,584	29,751	29,435	29,122	29,530
14. Kentucky	(2)	(2)	(2)	(2)	(2)	(2)	238	1,539	3,738
15. Louisiana	(2)	(2)	(2)	(2)	[3] 9,156	[3] 9,412	[3] 9,649	[3] 9,696	[5] 10,699
16. Maine	(2)	(2)	(2)	480	1,057	2,299	3,341	4,002	(7)
17. Maryland	5,858	6,707	7,517	8,369	9,811	10,141	10,557	10,918	11,224
18. Massachusetts	26,880	27,014	27,475	27,945	28,334	28,764	[3] 27,482	[3] 35,843	[5] 41,707
19. Michigan	19,038	21,533	25,949	25,393	27,497	29,015	29,822	30,588	31,555
20. Minnesota	(2)	8,461	22,258	32,940	37,697	[3] 43,852	[3] 43,852	[3] 49,448	[5] 52,108
21. Mississippi	21,693	23,549	10,142	11,936	14,325	15,467	16,299	16,486	16,623
22. Missouri	16,057	15,938	15,745	15,525	15,449	48,817	48,663	48,158	54,595
23. Montana	(2)	(2)	(2)	(2)	1,022	1,942	3,897	6,098	[5] 7,168
24. Nebraska	127	8,377	15,039	18,689	20,607	21,110	21,503	22,739	23,376
25. New Hampshire	2,239	2,277	2,437	2,561	2,667	2,798	2,888	2,992	3,056
26. New Jersey	(2)	(2)	15,307	15,592	15,904	17,216	18,504	19,634	20,432
27. New Mexico	(2)	(2)	(2)	207	758	929	1,398	2,571	2,730
28. New York	(2)	(2)	(2)	58,213	58,662	59,005	60,289	60,822	65,122
29. North Dakota	(2)	(2)	(2)	227	2,293	3,817	4,725	5,464	5,914
30. Ohio	85,128	84,927	85,957	86,448	86,035	87,927	90,984	90,868	96,538
31. Oklahoma	(2)	(2)	32,434	36,805	41,096	41,900	37,458	(2)	38,618
32. Oregon	(2)	(2)	6,703	8,323	9,459	10,330	11,021	11,406	11,641
33. Pennsylvania	(2)	(2)	(2)	(2)	(2)	44,042	[6] 47,860	48,011	52,453
34. Rhode Island	1,052	1,217	1,358	1,518	1,695	1,935	2,199	2,384	2,620
35. South Dakota	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	1,283
36. Texas	(2)	(2)	(2)	(2)	(2)	59,999	75,604	81,269	86,792
37. Utah	(2)	3,544	4,005	4,202	4,313	4,298	4,262	4,560	4,909
38. Vermont	4,239	4,199	4,153	4,113	4,131	4,090	4,096	4,066	4,030
39. Washington	11,513	12,372	14,042	15,877	17,608	18,769	20,991	24,499	26,034
40. Wisconsin	16,164	21,100	24,800	27,402	29,259	30,214	31,220	32,074	32,910
41. Wyoming	(2)	1,519	1,877	1,961	2,243	2,353	2,461	2,508	2,511

[1] Includes estimates for Louisiana and Pennsylvania.
[2] Not administering old-age assistance under an approved plan this month.
[3] Federal funds available; but no payments made for direct assistance for this month.
[4] No payments for old-age assistance for July due to change in accounting procedure.
[5] Preliminary figures subject to revision.
[6] Estimated by the State.
[7] No payments for old-age assistance for October.
[8] Preliminary figures to be revised to include retroactive payments.
[9] No payments for old-age assistance for September.

DISAGREEMENT OVER METHOD OF FINANCING INCREASED PENSIONS

Mr. KNUTSON. The bill that is to be introduced will not make provision for raising the money because it was practically impossible for all our group to agree on how it should be done. Some contend for a transaction tax, others for a national lottery, while yet others advocate a material increase in income, inheritance, and gift taxes.

Mr. Speaker, I ask unanimous consent to include a letter at this point from a gentleman living on a farm near Eaton Rapids, Mich., which throws light on the subject of financing our plan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

EATON RAPIDS, MICH., *March 8, 1937.*

Hon. HAROLD KNUTSON,
House of Representatives, Washington, D. C.

DEAR SIR: Through the CONGRESSIONAL RECORD that is sent me by my Congressman I keep track of your good work, especially in pension matters, and for the farmer and laboring man, my purpose in writing you is to keep the good work up.

I know you are interested in keeping down taxes. In this connection I want to tell you how we raise money here in Michigan to pay old-age pensions. It is done through a 3-percent retail sales tax which raised $55,000,000 last year. I always opposed this tax, but now when I see how much good we do with the money I am strong for it and last fall I voted against a proposal to exempt from the tax all necessities, such as food, clothing, and medicines, and so did a big majority of the voters. We don't feel this tax any more than the gas tax. Michigan handles the old-age pension and the counties have nothing to do with it. In that way we are treated alike and that is a grand thing. Michigan pays a maximum of $30 a month for old-age pensions. We are shortly going to increase the amount and also the pensioners.

Mr. KNUTSON, why doesn't Congress put on a manufacturers' sales tax and use the money to pay old-age pensions? To my way of thinking that would raise enough money to take care of all worthy cases. I agree with you that the age limit should be lowered to 60 years. Nobody will hire people of that age. Then, too, our cripples should be taken care of regardless of age.

I hope you will overlook the length of this letter, but I am writing you in the hope it will offer some encouragement to keep up your good work for the under dog.

I have been a farmer all my life. I live on the farm my ancestors got from the Government. My people have all lived here. We are interested in the success of farming and we look upon you as one of our good friends in Congress.

More power to you.

Yours truly,

A. L. FREEMAN.

Mr. SHAFER of Michigan. Will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Michigan?

Mr. SHAFER of Michigan. I am rather interested, of course, in the letter the gentleman has just read because it happens to come from my district in Michigan. I happen to know Mr. Freeman, not personally, but quite well. I know he is a very substantial man and is living on the same farm that was granted to his ancestors by the Government.

Mr. KNUTSON. He so mentioned in his letter. I thank the gentleman for his contribution.

PERFECTION OF PENSION LAW WILL REQUIRE TIME

I realize that we cannot hope to get a perfect law until it has been in operation for several years. Its operation will develop weaknesses which will have to be strengthened. Then, too, I am hopeful that it will be possible to lower the age limit. That will have to be done sooner or later because of the fact that modern industry either cannot or will not use men and women after they have passed middle age.

LIBERALIZATION BILL WILL BE INTRODUCED SHORTLY

Mr. Speaker, I have been prompted to make these few remarks so that the membership of the House may know that such a measure will be introduced within the next few days. I bespeak for it earnest consideration and wholehearted support. Let us not adjourn this Congress until we have provided economic security for those who are not longer employable, and as a result are in necessitous circumstances. To my mind Congress should give early attention to this most important problem. The longer we delay the more aggravated it will become.

Mr. BIGELOW. Will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Ohio.

NO CHANGE IN AGE LIMIT AT PRESENT TIME

Mr. BIGELOW. I am hoping that the gentleman will inform us as to the age limit in this bill he is proposing and, may I say, if permitted to do so, that now we have arrived at a subject that is very close to my heart.

Mr. KNUTSON. May I say of the gentleman from Ohio that he has been most faithful in his attendance at these meetings to which I have referred? We make no change in age limit. That must come later.

Mr. BIGELOW. What impresses me is we talk about old-age pensions, but we have not a single old-age-pension law in any State in the Union. We have nothing but outdoor relief, nothing but charity that is administered under a misnomer, old-age pension. In our State our people have to take a pauper's oath before they get anything.

Mr. Speaker, I am hopeful that the time may come when we will recognize the right of people to have an independent income when they have retired from their labor in life and that this income may come not as a grudging gratuity but as a deferred payment of wages legitimately earned. We have in this situation the Federal Government now paying eight times as much to the people of some States as to others. There is some sentiment in favor of abolishing the State contribution altogether and making it a straight pension from the Federal Government.

As I understand the gentleman's bill, he is proposing a sort of compromise. I suppose the gentleman is proposing all he thinks this Congress will consent to and not all he wants. Personally I should like to see the age fixed at 60, but I realize that this means a 60-percent increase in expenses if the age is reduced from 65 to 60.

I should like to have the gentleman explain to us why he fixed the age at 65 in this bill, if he does, and what the limitation is on the contribution from the Federal Government under his bill. He is proposing that the Federal Government pay $2 for $1?

BILL WOULD INCREASE PENSION TO $45 PER PERSON

Mr. KNUTSON. Up to $30 a month, and assuming that each State government contributes an amount sufficient to require the Federal Government to give the maximum, that would be a pension of $45 per individual, and $90 to a married couple.

The gentleman and I have discussed this question on several occasions and I know the gentleman is in agreement with me that this is as liberal a pension law as the President would probably sign.

Mr. BIGELOW. May I say I certainly do not want to go back home and face my people without having done all that can be accomplished in this Congress to improve the situation.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 7 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

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

Mr. KNUTSON. I yield to the gentleman from Michigan.

Mr. WOODRUFF. May I say to the newer Members of the House that we Members who have been here for a period of years know very well the keen, active, and intelligent interest the gentleman from Minnesota [Mr. KNUTSON] has always shown in pensions not only for the needy and worthy aged citizens of this country but for the soldiers of our wars as well.

Mr. KNUTSON. I thank the gentleman.

LIBERALIZATION PLAN MUST BE REASONABLE AND INSURE PASSAGE

Mr. WOODRUFF. I believe the gentleman from Minnesota was chairman of the Pensions Committee for 10 or 12 years. During that time he certainly, on many occasions, displayed his keen interest in giving to the veterans of this country proper compensation for the injuries they received in the service of their country.

May I add just a statement in regard to the pensions for old people. Everyone who knows anything about the situation knows it is utterly foolish and unworthy of the Members of the House or the Senate to propose old-age pensions which cannot possibly be granted by the Government. To argue for something for the old people which cannot possibly be paid for is a bare-faced attempt to deceive our aged citizens. The measure of which the gentleman speaks is a compromise reached by a number of us interested in this particular subject. I believe it is fully within the power of the Government to meet the financial demands of such a bill without placing tax burdens upon our poor people impossible for them to bear. I personally am interested in the measure and trust, before the present session of Congress adjourns, we may have something of this character on the statute books.

PENSIONERS CANNOT EXIST ON PRESENT PAYMENTS

Mr. KNUTSON. I thank the gentleman for his contribution. It is all the more appreciated coming from him, a veteran of two wars.

May I say to the gentleman from Michigan that by no stretch of the imagination can $3.59 a month, which is the average amount now being paid in the State of Mississippi, be considered an old-age pension. In Minnesota the average is $18.73, which is 23 cents above the average for the entire country. The Members of the House can readily appreciate how far $18 a month will go in Minnesota, especially in the wintertime, with the weather perhaps 30 or 35 below zero. I dare say the biggest part of that amount goes for the purchase of fuel, and that means very, very little left for food and clothing. As far as any luxuries or pleasures go, of course, they are absolutely denied under the restricted amount which is being paid by the several States.

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

Mr. KNUTSON. I yield.

PRACTICALITY OF PROPOSED LIBERALIZATION

Mr. MICHENER. I want to commend the gentleman for the work he is doing. He is doing something which is practical. The sooner the people in the country realize this $200 a month pension as proposed by the original Townsend plan is not only unreasonable but is unworkable and unnecessary, the measure the gentleman suggests, or some more liberal one, will have some chance of consideration.

Mr. KNUTSON. May I say to the gentleman from Michigan that when the Committee on Ways and Means held hearings upon the social-security bill Dr. Townsend appeared before the committee, as did his expert, Dr. R. R. Doane. Dr. Doane stated frankly to the committee, and the gentleman can read his statement in the printed hearings, that $60 a month would be the maximum that could be

paid under Dr. Townsend's proposed 2-percent transaction tax. It was called to Dr. Townsend's attention that an income of something like $25,000,000,000 a year, if I recall it correctly, would be required, and I wish my colleagues would correct me if I am wrong.

Mr. WOODRUFF. Something like that.

Mr. KNUTSON. It would necessitate an annual turnover of $1,200,000,000,000. In order to obtain that staggering sum, which is an astronomical figure far beyond the power of the human mind to grasp, it would be necessary to tax checking accounts, pay rolls, and everything else. Every time a dollar turned over a 2-percent tax would have to be imposed.

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

Mr. KNUTSON. Yes.

Mr. MICHENER. The gentleman means this transaction tax would cover all transactions—as set forth in those hearings—from the newsboy in the street and the woman in the country, who sells a dozen eggs, up to the man who trades in Wall Street?

Mr. KNUTSON. According to Mr. Hudson, who also testified in behalf of the Townsend plan and who at that time was very active in the Townsend movement——

Mr. MICHENER. And who said he could not vote for it.

Mr. KNUTSON. A loaf of bread would have 12 or 14 different additional taxes placed upon it from the time the wheat left the bin of the farmer until the loaf of bread went on the table of the consumer.

LETTER FROM CONGRESSMAN M'GROARTY

At this juncture I will insert a letter written to me by Congressman McGROARTY, who introduced the bill embodying the original Townsend proposal:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 22, 1936.

Hon. HAROLD KNUTSON,
Member of Congress, Wadena, Minn.

MY DEAR HAROLD: I wish to express my regret that I did not have an opportunity to see you and thank you for your cooperation during our fight for old-age-pension legislation. Let me say that you have been most helpful to us in our efforts. You helped us secure a hearing for my measure before the Ways and Means Committee, of which you are a member. You also helped draft the so-called revised McGroarty bill, and you voted to substitute the provisions of that bill for the President's old-age-pension plan. No one could have done more for the cause than you have done, and I want you to know that I shall always remember your efforts in behalf of our plan with deep appreciation.

With every good wish for your future success, believe me to be always,

Faithfully yours,

JOHN STEVEN MCGROARTY.

MUST AVOID REVENUE-RAISING PLANS THAT WOULD BRING ABOUT INFLATION

It would make me most happy to see the aged and the helpless receive a pension of $200 per month, but, like Dr. Doane, I do not see how such a happy condition can be made possible unless we bring on an inflation of our money that will reduce the buying power of the dollar almost to the vanishing point. There are so many angles to this question to which the average person has given little or no consideration. There is an old Arabian saying that you can pile enough straws on a camel's back to break it. I am wondering if the American taxpayer is not carrying just about as many tax straws as he can possibly bear. Let us not forget that excessive taxation will retard recovery more than any other one thing.

When the social-security bill was before the House for consideration I voted to substitute the McGroarty bill for the old-age-pension plan contained in the security bill and at that time gave my reasons for so doing. I have repeatedly stated that I would vote for a 2-percent sales tax to finance old-age pensions, but I have never held out the hope to anyone that it would bring $200 per month. I could not, in the light of what Dr. Doane testified to when he appeared at the hearings on the social-security bill.

NEEDY AGED MUST HAVE HELP NOW

I want to give to our aged every dollar possible, but I realize that we must confine ourselves to a program that the President will approve. Our aged are interested in getting immediate results. They cannot wait for the enactment of some plan that will take years and years to put into effect if it can be at all.

In the name of these old pioneers, most of whom have reared and schooled a family and paid taxes to support the Government, I beseech each and every one of you to get behind our bill which will make their declining years free from the fear of uncertainty. Many of our aged people now find themselves in a necessitous situation through no fault of their own, but rather because of the rapidly changing economic conditions over which they have had no control, brought on by the most devastating war of all time.

[Here the gavel fell.]

Mr. KNUTSON. I thank the House for its very kind attention. [Applause.]

GROVER CLEVELAND—MAN OF CHARACTER

Mr. BEITER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. Mr. Speaker, it was impossible yesterday due to the vote on the neutrality bill to make proper reference to the one hundredth anniversary of the birth of Grover Cleveland. Under leave to extend my remarks on this subject I wish to include a portion of an article written by Robert L. Archer under the title of "President Who Came Back."

Searching through the records, studying the newspapers of his period, weighing the words of his contemporaries, you come at last upon the secret of Grover Cleveland's greatness. The man had character.

You could not say of him, as they said of Washington, that he never told a lie. There is no picture of him trudging 7 miles in honest poverty to borrow an English grammer to prepare for a rendezvous with destiny. Their is no record that, like McKinley, he knelt on the White House floor to ask divine guidance in his hours of tribulation.

What he had that so many of his companions failed to see in him was a plain but uncommon intellectual honesty.

Grover Cleveland has the rare distinction of being three times nominated for President, nominated and elected in 1884, nominated and defeated in 1888, and nominated and elected in 1892.

His first American ancestor was Moses Cleveland who, at the age of 11, came to Massachusetts in 1635 as an indented apprentice. The first son of Moses Cleveland was named Aaron, and for 4 generations the first son bears that name, until in 1770 William Cleveland appears to break the succession. William's son, Richard Falley Cleveland, was Grover Cleveland's father, and was born at Norwich, Conn., in 1804, and in 1829 became the pastor of the First Congregational Church in Wyndham, Conn. In 1829 he married Ann Neal of Baltimore. In 1833 he was transferred to Portsmouth, Va., and 2 years later moved to Caldwell, N. J. Grover Cleveland, born in 1837, was the fifth child born to that union, and was named Stephen Grover in honor of the former pastor at Caldwell who had served that congregation for more than 50 years. Other children followed until there were 9, and the family of 11 had to exist on the meager salary received from the church, said never to have exceeded $600 per year. In 1841 the Reverend Richard accepted a call to Fayetteville, N. Y., and continued in his pastorate there for 9 years. There the young Grover received rudimentary education at the Fayetteville Academy.

Failing health and the strain of supporting so large a family on so small a salary compelled another move, and the Reverend Richard received an appointment as an agent of the American Home Missionary Society, which involved a change of residence to Clinton, N. Y. Here the young Grover was preparing for college, hoping to soon enter Hamilton College. But such was not to be, as the dire straits of the family compelled him to seek employment to help out the family purse. So he returned to Fayetteville to work in a village store for 2 years, receiving $50 for the first year and $100 for the second, with board and lodging furnished without charge. He then returned to Clinton, hoping to continue his preparation for college, but again the hand of Fate intervened by the death of his father.

After a year or two of unsatisfactory and uncertain employment, he borrowed $25 from a friend and started west. His prospective destination was Cleveland, Ohio, with the idea of becoming a lawyer. On arriving in Buffalo he called on a married aunt, who advised him to stay in Buffalo, where, in her opinion, opportunities were better. Her husband, Lewis F. Allen, was a man of means and of considerable local prominence. Young Cleveland became a member of the Allen family virtually, as Mr. Allen's private secretary. With his uncle's influence and friendship, he had no difficulty in entering the office of a reputable law firm as a student.

His independence of character was exemplified in the political campaign of 1856 when, although only 19 years of age, he chose to become a worker for the Democratic Party rather than join with his uncle, who was a prominent and enthusiastic supporter of the first Republican Party ticket.

Four years of office study prepared him for admission to the New York bar, and for 4 additional years he remained with the law firm as managing clerk. He vacated that post in 1863 to accept an appointment as assistant district attorney for Erie County. This appointment came to him without solicitation on his part and was a forerunner of conditions and situations that formed about him in future years whereby succeeding steps in the ladder of political fame were taken, not by any ambition of his, but by a combination of events and circumstances that pointed to him as the logical leader of his party. On account of the ill health of the district attorney many of the duties of the office devolved upon Mr. Cleveland. His record was such that he was nominated for district attorney, and although defeated, he received a vote much above the normal strength of his party.

His obligation to help support his mother caused him to remain out of service when Lincoln's call for troops went forth and to avail himself of his legal right to hire a substitute when drafted. Such action was the source of considerable embarassment to him in future political campaigns. The facts in the matter as stated in Mr. Cleveland's own words were:

> When the war came there were three men of fighting age in our family. We were poor and mother and sisters depended on us for support. We held a family council and decided that two of us should enlist in the United States Army and the third stay at home for the support of the family. We decided it by drawing cuts. The two long and one short pieces of paper were put by my mother in the leaves of the old family Bible. She held it while we drew. My brothers drew the long slips, and at once enlisted, and I abided by my duty to the helpless women.

He resumed his law practice, and in 1870 was nominated for sheriff. He reluctantly accepted the nomination and in a normally Republican county was elected by a majority of 100 votes. He retired at the end of his term with an augmented reputation for honesty and fearlessness. For the succeeding 8 years he returned to the practice of law. He was more and more recognized as a prominent citizen of independence, force of character, and high sense of integrity. In 1881 his party turned to him as the logical candidate for mayor of Buffalo. Again the nomination was practically forced upon him, and in his letter of acceptance occurs the famous phrase, "public officials are the trustees of the people", and from it was created the equally famous slogan of his later campaign for President, "public office is a public trust." He was elected mayor of Buffalo by the largest majority ever given a candidate for that office.

His record was such that he was just as distinctly drafted for the governorship in 1882 as he had been for offices previously held by him. The Republican Party nominated Charles J. Folger, a gentleman of high character, but there was a factional dissension in the party ranks, and when the votes were counted it was found that Grover Cleveland had received 535,000 out of a total of 915,000. The majority was much too large for a mere party victory and undoubtedly represented the determination of one faction of the Republican Party that the nominee of the other faction should not be chosen.

His record as Governor displayed the same characteristics as were shown in the offices previously held by him, viz, courage, honesty and the absence of partisan or personal designs. His career as Governor further emphasized his belief that public officials are the trustees of the people. Undoubtedly this course antagonized elements in his own party, but on the other hand it drew support from men of high purpose in the opposing party.

Then came the national conventions of 1884. Cleveland was nominated on the second ballot over the opposition of Tammany Hall, whom he had greatly antagonized during his term as Governor. The Republicans had a month or two previously nominated James G. Blaine and faced a party division, especially in New York, with the so-called "Mugwumps" led by George William Curtis and Carl Schurz. The campaign was violent, vituperative and often offensively personal. However, Mr. Cleveland did not lend himself to such methods. In fact, he tried to shield his opponent from attacks upon his personal character and private life.

At this day, 17 years after the close of the World War, one can hardly realize that Grover Cleveland came to the White House only about 19 years after the close of the War Between the States. Nor that the havoc wrought upon our country, morally, politically, financially and economically, had been much greater then than now. His party came to power after a long reign by the opposing political party, and after a period when the waving of the "bloody shirt" was a much favored political shibboleth in the prosecution of political campaigns. However, the North had become somewhat disapproving of some of the reconstruction policies of the Republicans and that party was divided by factional strife. With the nomination of Cleveland the hour had struck for the division of the northern vote and the consequent election of a Democrat as President, the first Democrat to occupy the White House in 24 years. The vote was exceedingly close, and it was not until 10 days after the election that the choice of Cleveland as President was finally conceded. He carried New York by only 1,047 votes, and the Nation by only 23,000 out of 9,700,000 votes cast.

His administration had hardly gotten under way when he met with difficulties. He had a Republican Senate to contend with, and his pledges of civil-service reform which had brought him the support of the "Mugwumps" did not at all coincide with the ideas of many of the leaders of the Democratic Party. Office seekers by thousands with their friends and advocates made his life miserable. Andrew Jackson was the first President who frankly divided the spoils of victory among his supporters, and the precedent then established had been followed by each successive President no matter to what party he belonged. Mr. Cleveland did not believe himself to be a civil-service reformer with Democratic leanings, but rather a President of the United States who believed in the principles of civil-service reform. In carrying on with these convictions he found himself in conflict not only with many of the leaders of his own party but also with the leaders of the reform movement such as Carl Schurz and George William Curtis. Nothing that he did was pleasing to both. Nevertheless he pursued the even tenor of his way, believing that the chief object of civil-service reform was to supply a list of competent persons, tested by examination, from which appointments could be made.

Outside of the civil-service list there were about 49,000 fourth-class postmasters subject to appointment by the President, and about 5,000 miscellaneous positions, mostly held by Republicans, and for each of these there were one or more expectant Democrats bringing to bear all the pressure and influence they could to fill vacancies or to make vacancies where none existed. By refusing to go to one extreme with the spoilsmen he lost their support, and by refusing to go to the other extreme with the reformers he lost their confidence. During his first summer in the White House he wrote to a friend, "All the time, like a nightmare, this dreadful, damnable office-seeking hangs over me and surrounds me."

There were other difficulties and annoyances confronting him, and to Mr. Cleveland's forthright mind these seemed to present a question that demanded a show-down. Under our Constitution the President is given the power to make appointments to office, but in certain cases these appointments must be made "by and with the advice and consent of the Senate." Thus it has come about that appointments to many posts of importance are made by the recommendations and influence of the Senators, even over the judgment of the Executive. The so-called senatorial courtesy of that body makes it easily possible for Members to combine and thwart appointment of any person who for any reason is objectionable to any Senator. Then, too, at this time the Senate had a Republican majority, and was inclined to make things as difficult for the President as possible. The Senate now attempted to extend its power to include its advice and consent for the removal of persons from office and asserted its right to require the Attorney General to produce all papers and correspondence dealing with the removal of an officeholder. President Cleveland stoutly defended his constitutional prerogatives and declared that the scores of demands sent to the different departments—

Have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and executive function, for which I am solely responsible to the people. • • • My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance. • • •

This message reiterates President Cleveland's faith in the division of powers provided for in the Constitution, and his belief that the encroachment of any one department of government upon another would finally result in confusion. It is certain he could never be charged with encroaching upon the powers of either the legislative or judicial departments, and it is equally certain that he would not permit encroachment upon his executive functions. The contentions of the Senate along this line finally subsided.

Although Mr. Cleveland had won his fight for independence of the Executive he now abandoned all thought of "independence" along other lines by taking to himself a wife in the person of the daughter of his former law partner, the beautiful Frances Folsom. They were married in the Blue Room of the White House on June 2, 1886. They repaired for their honeymoon to Deer Park, Md., and were there subjected to the painful sensation of having their every action exploited by the press to an eager and interested public. They were literally besieged by reporters whose activities finally brought this scathing denunciation from Mr. Cleveland:

They have used the enormous power of the modern newspaper to perpetuate and disseminate a colossal impertinence, and have done it not as professional gossips and tattlers, but as the guides and instructors of the public in conduct and morals. And they have done it, not to a private citizen, but to the President of the United States, thereby lifting their offense into the gaze of the whole world and doing their utmost to make American journalism contemptible in the estimation of people of good breeding everywhere.

Hon. Chauncey Depew, writing to Dan Lamont, said:

My only regret about it is that it will be so much harder for us to win against both Mr. and Mrs. Cleveland.

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. HOFFMAN. Mr. Speaker, it is fitting at this time that we should hear something more about the great Democrat, Grover Cleveland, whose birthday occurred yesterday. I listened with more than usual pleasure to the gentleman from New York, but I failed to hear him draw the obvious lesson from the life of this great Democrat and this great President which would be very, very useful to us if followed today.

No one questions at this time, and few did when he was alive, either the purpose, the ability, or the courage of Grover Cleveland. We recall that when the Pullman strike was on in Chicago in 1894 Grover Cleveland remembered that words were not enough, that some action was required on the part of the man who had authority, and he remembered the statement he had made, and just quoted by the gentleman from New York, that public office is a public trust. He remembered that he had taken the oath of office to support the Constitution of the United States. He remembered that as the Chief Executive of this Nation it was his duty to the people to enforce the law of the country. He undoubtedly believed that one of the things which should be preserved to the average citizen was his liberty, his property, his right to work, and, as I am sure you recall, he sent Federal troops to Chicago to see that the laws were obeyed and the liberties of the citizens preserved. He restored order in that locality.

For they have sown wind, and they shall reap the whirlwind.

Long, long years ago, long before the "horse and buggy" days, these words were written. Despite their age, true they remain, in your time and in mine.

Acting at the request of the President, Governor Murphy ignored this law of nature, this admonition of the prophet. When armed strikers from other cities and other States marched into Michigan and the city of Flint and took possession, in utter disregard of right and justice, to say nothing of law, of the property of the motor-car manufacturers and of the jobs of the workers of Flint, he called upon the armed forces of the State to protect these kidnapers of our factories from the wrath and the vengeance of those citizens of Flint, who, prior to the arrival of the strikers, held jobs in the city of Flint and earned for themselves and their families a livelihood.

Governor Murphy defied the mandates of the court; he stood openly behind the violators of the State statutes; he gave his approval by word and by act to those who were beyond the law—all this under the guise that he desired to prevent bloodshed.

By throwing the weight of his office in the scales of justice and so overbalancing the demand for observance of the laws we had and the enforcement of those rights which everyone concedes must be observed, if liberty is to endure, the President of these United States, acting through his Secretary of Labor and through the Governor of the State of Michigan, whom he selected, sowed the wind. He sowed the seeds of armed rebellion and of anarchy. We "shall reap the whirlwind."

All over this land of ours, those who would rule by force found encouragement and, the seeds so sown on the productive soil of unrest, well prepared by the President's long course of preaching discontent, class hatred, brought forth a hundredfold.

At present our President is on a vacation. There are other executive officers, however, and the difference between the Executive now in charge and Grover Cleveland is so apparent that we can only wish we had a little of the old-fashioned brand of democracy.

I noticed in the papers the other day that the President had a sty on his eye. His every act, his every doing, is recorded in the newspapers. He is a loquacious gentleman and has a word for every occasion. I wish he would read the papers a little more and discover that we have an armed rebellion in Michigan. Ordinarily the President can find words to express his views. I wish he would call the attention of Mme. Perkins and the Governor of the State of Michigan to the fact that we have that armed rebellion there, and that it is the duty of the State executive officers to enforce the laws of our State. I wish the President would remember that as the head of our Nation, having told us he would preserve to us the rights guaranteed under the Constitution, he would take a little action in accordance with the resolution offered by me here more than a month ago; in fact, on February 9.

About all the President's representative in Michigan—and I refer to Governor Murphy—has done, has been to hold conferences. He calls one conference after another, day after day. What is the purpose, what is the object? He said his purpose was to prevent bloodshed. That is a laudable purpose, and we all agree with him that if possible bloodshed should be prevented.

When those strikers took possession at Flint, the courts ordered them out and the sheriff was ready to put them out. The workers who had been dispossessed of their jobs were willing to undertake the job of putting them out. The city manager of Flint was ready to throw them out, and so too, was the police force in the city of Flint. Why didn't they do it? Less than 10 percent at that time were members of the C. I. O., but the C. I. O. had contributed this half million dollars to the campaign to reelect the President, and so of course there was that political debt, which must be paid, and it was paid. It was paid by Governor Murphy when he said to the sheriff, "Withhold your hand, let the enforcement of the law be suspended for a time."

Why was the enforcement of the law suspended? The Governor prevented the enforcement of the law, thus giving opportunity to the organizers of the C. I. O. to force into the ranks of that union the men in the factories who were not members and who did not desire to join. It was suspended until the factory owners, intimidated, yielded to this gospel of fear which the President and the administration are preaching, fear of what the administration, the United States Government, the Federal authority, might do to these factory owners and factory operators, to whom the President has been pleased to refer as "economic royalists."

At a recent dinner, Postmaster General James Farley said there would be no reprisals. Industry is learning that the era of good feeling has passed and that revenge now has its sway.

The whip is being cracked, and with a vengeance, not over, but on, the backs of industry, while political supporters are rewarded, in this instance, by Mme. Perkins, who, if they balk, calls them to another "conference"—the third degree under another name.

You all recall that General Motors said that they would not negotiate until these men went out of the factories. They did negotiate, and they negotiated because they were afraid of "the big stick."

Why did they recede from that stand? Because they knew that until they did, until they surrendered, the possession of their factories would be withheld from them—those factories which one of the Senators said the other day had been kidnaped and held for ransom. They did in the end yield. They yielded because of the pressure brought to bear upon them through Governor Murphy and Mme. Perkins by the President of the United States.

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

Mr. HOFFMAN. Yes; for a question.

Mr. BREWSTER. Is it a fact that the Secretary of Labor has indicated that she thinks this procedure is possibly legal and proper?

Mr. HOFFMAN. That is the substance of her statement.

Mr. BREWSTER. If that procedure is legal and proper for them to take possession, then would it not be equally legal for the home owners in Maine who are being dispossessed by this Government to ask that they be permitted to carry on a sit-down strike and stay in their homes, instead of being ejected in the middle of a Maine winter.

Mr. HOFFMAN. The question, of course, answers itself. On the same theory the home owners would retain possession, but such theory would be accepted by no one, unless his ideas are similar to those of Mme. Perkins.

Mr. BREWSTER. And would not that also apply to the 166,000 home owners who are to be thrown out of their homes by the United States Government?

Mr. HOFFMAN. If there are that many it would apply to everybody alike.

Mr. BREWSTER. That is the number they estimate they are going to put out of their homes in the next year.

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

Mr. HOFFMAN. Yes.

Mr. BRADLEY. Speaking of the General Motors, is the gentleman in a position to inform the House of anything in connection with the financial structure of the General Motors, and the percentage of profits they have been paying?

Mr. HOFFMAN. I regret that I am not, and the question is of no importance in this discussion. If General Motors owns the property they are in possession of, is it not right that they should have it, if they acquired it honestly?

Mr. BRADLEY. It may be very important.

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

Mr. HOFFMAN. Yes.

Mr. BEITER. Along those lines, has the gentleman any information as to how much the General Motors has paid to detective agencies to spy on the workers working in those plants?

Mr. HOFFMAN. No, I have not, but I cannot see how that question is pertinent to this discussion either. If some one intends to disrupt the business, has not the employer the right to learn about it? Do not misunderstand me. I am not defending any of those practices of the General Motors. I am not saying that the men received sufficient wages, and I am not saying they were not required to work too many hours, or that the speed-up was not too great.

The proposition that I make is this, that if a man owns a coat and has possession of it, what right has someone else to take it away from him? If you put your garment down in a restaurant and I come along and take it away, does it make any difference how much you paid for it or how you got the money to pay for it? Is it yours? Are you to be protected in your right to keep it and wear it? That is the question.

Mr. BEITER. Would the gentleman suggest sending sheriffs in there and probably cause bloodshed and riots?

Mr. HOFFMAN. I will answer that. The object of the Governor, as he stated, was to prevent bloodshed. Did he do it? At Flint he did. At what cost? At the setting aside of the law. When you set aside legal processes, when you take away from a man the protection of the law, you do not prevent bloodshed. You just permit the man who has less respect for the law than you have to come in and take away your property. You might just as well say that the people of France and Belgium, when Germany started to march across their land and take away their homes, should have remained quietly at home to prevent bloodshed. There would be just as much sense in that. Why not? Did those men at Flint have a right to work? You say the sit-down strikers had a right to their jobs and therefore they had a right to close the factory to men who wanted to work. Did they have a right to take away his job? Because "B" does not want to work, must all the rest of the alphabet remain at home? What a proposition that is!

Mr. BEITER. I am not in sympathy with the sit-down strikers, but I do believe that the Governor acted in good faith when he tried to get the various factions together and tried to avoid bloodshed. He did successfully avoid bloodshed.

Mr. HOFFMAN. Did he? What about conditions in Detroit today? Did he avoid bloodshed? You might say that as a direct result of that C. I. O. victory at Flint the strikers went down to Anderson, Ind. They went down by the hundred. They went armed. Some of them broke into a restaurant, and two loads of buckshot from a private citizen stopped that matter down there, did it not? The others were, by the orders of the Governor of that State, turned back at the State line. Governor Townsend of Indiana performed his duty, under the constitution of his State. He enforced the laws of his State. He kept the oath which he had taken when he was inaugurated. By the firmness of his stand he saved Anderson from bloodshed and from riot.

Over at Waukegan, Ill., the strikers took possession of a factory and they held it, notwithstanding the orders of the court, until the executive officer of the county the sheriff, went in by force and threw them out.

No great moral question is ever settled until it is settled right. Some of these questions cannot be settled until blood has been shed. The question comes, whose blood is to be shed; whether that of the honest, home-loving citizen

who exercises only his legal rights, or that of the armed fellow who marches in from the outside bent on trouble and says, "I will do this and you shall not do that." Just whose blood shall be shed?

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

Mr. HOFFMAN. I yield.

Mr. WOODRUFF. Does not the gentleman from Michigan agree with me that to temporize with plain armed rebellion is to invite bloodshed, not to stop it?

Mr. HOFFMAN. Certainly. The facts demonstrate that beyond any question.

What is it that these gentlemen are trying to accomplish? What is it that John L. Lewis, the C. I. O., Governor Murphy, and the President are trying to bring about?

Who is the political boss of this country? I know that the President, when he is not on a vacation, when he is in the White House, is the boss of Congress, all right enough, but when it comes to labor disputes, where does he get his orders? He gets them from Lewis, and he gets them in language that the man on the street can understand.

At the beginning of the strikes in the motor industry, Lewis, in substance, told him that labor had contributed to his campaign, that labor had elected him, that General Motors and others had fought him, and that C. I. O. and its affiliates expected the President to stand by them in their fight with industry.

When the question as to whether the law should be enforced arose, when the courts of Michigan had decreed their enforcement, when the sheriff of a county of that State was ready to enforce the laws, Murphy, who the press tells us, was in communication with the President and with Mme. Perkins, halted their enforcement.

Go back now for a moment, if you will. In a preceding session of Congress, when the enactment of certain coal legislation was desired, Lewis threatened to call a strike if those bills were not enacted into law. The doctrine of fear was used and Congress acted. The same methods are being employed today.

The other day a distinguished gentleman, who is a personal friend of the President, who is a leader in the Democratic Party, made the statement that nothing could be done about this situation until the Supreme Court decided upon the constitutionality of the Wagner law. Neither the Governor of the State of Michigan nor the administration needs a decision by the Supreme Court, or any other court, to give it the law of the case in Michigan. The law, the justice of that law, is undisputed.

That statement in reference to the Supreme Court by the distinguished gentleman and leader in the Democratic Party was a sly thrust at the Supreme Court.

Was that statement an intimation to John Lewis and the C. I. O. to continue their organization schemes, to take possession of more factories, more businesses, and of stores? Was that a further application of the doctrine of fear?

There is an editorial writer on the Washington News who has never been classed as a conservative. What does he report on the situation in Detroit?

In his editorial of March 17, writing from Detroit, he made the statement, in substance, that all over the city of Detroit there were "islands of anarchy". What does that mean?

It means that the cause of this disorder, these present strikes in the Chrysler plants at Detroit, can be traced back directly to the sowing of the seed of nonenforcement of the law by our Governor at Flint.

It means that Bainbridge Colby, Wilson's Secretary of State, had vision and understanding when he said in 1934, referring to some of these "new dealers", that they were interested in producing "a better psychological background for the prosecution of their revolutionary" schemes more than they were interested in promoting an economic recovery.

It means that the prophecy made by Ex-Senator Reed, of Missouri, on September 17, 1934, when he said, "No longer shall any man be the proprietor of the business his genius and toil created," has come true.

It means that, unless the strong arm of the law is interposed between these men who are using organized industry for their own purposes, in an unlawful, unjust, and overbearing manner, and the property owner and the laborer who desires to work, we shall have civil strife.

All these disputes between labor and industry should be settled by arbitration. If we lack legislation, we can enact it, but, in the meantime, the security of the worker and of the citizen must be preserved.

It is evident that the present situation has gone beyond the control of those labor leaders who have the real interest of their organization members at heart. There has, in the past, been much complaint, and justly so, of armed and organized strikebreakers. Today, there is reason to complain of nonresident, organized, armed strike creators—men who march in from other localities for the sole purpose of taking possession of places of business until demands made by them are granted. Governor Murphy yesterday described the actions of some of these men as "banditry." The little kitten coddled by the Governor is now a full-grown tiger.

Neither the Governor of the State nor the President is performing his duty to enforce the law, to protect the citizen, either in his right of property or his personal right to work.

In this country, as in all others where open violation of the law has been countenanced by those charged with its enforcement, we shall have continued violence, and civil strife between warring groups will be ended, not by the application of legal remedies, but by the force of arms.

Do our executive officers intend to permit these sit-down strikes to continue until the situation calls for a dictator? Answer that question for yourselves in the light of the facts. [Applause.]

The SPEAKER. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. FOCHT] is recognized for 15 minutes.

Mr. FOCHT. Mr. Speaker, I was greatly interested a few moments ago when the gentleman from Ohio was speaking, but I am afraid he made a misstatement. He said there was not in operation anywhere in the country an old-age-pension law. At least this was the substance of his statement. Let us look into the subject a little. Back in 1931, in Pennsylvania, Governor Wolf was defeated for the governorship because he stood for free public schools. The charge was made that Pennsylvanians were opposed to education. They were mistaken, as the gentleman from Ohio is in regard to the old-age-pension law. Those men who opposed Governor Wolf compelled Thad Stevens to jump out the window of the House of Representatives because he was for free schools. They were not opposed to education, but they had not reached that point of great benevolence and understanding of what the economy of the country would develop into to help educate the other fellow's children. They were for education, and they paid for it. In all the valleys of the State you can see what is left of old academies which were supported by men of means and to which they sent their children to be educated. They believed in education. Now, as you know, we have free schools, just as they do everywhere else; and more of the tax money is cheerfully spent on schools than on all other activities. We have high schools which would have been classed as universities in another day.

Old-age pension is not a new birth at all for this administration or for any recent administration. It was born right here on the floor of this House in 1915 when General Sherwood of Ohio and myself had repeated conferences. General Sherwood was a most scholarly gentleman, not only a soldier, but a statesman; and when he left here he said to me that he hoped I would follow up this old-age-pension idea for he considered it the greatest humanitarianism ever conceived.

I feel that the reason we do not have a perfectly working old-age-pension system in every State is due, as was the slow progress of free education in Pennsylvania, to so many interferences.

Following our conversations on the subject I introduced a bill providing for old-age pensions, making the age 65. That was in 1915. The next year I delivered a speech on it. It is a matter of record. But we were in the midst of the war or just about to enter the war then. The war had the world aflame and there was no chance for us to do any such extensive or heroic thing as to establish a general old-age-pension law in the various States of the country. We had no old-age-pension law in Pennsylvania at that time, but there is one working now, and the idea is accepted as a principle. Throughout the ages comfort and rest for the old has been earnestly sought. I feel that we are now approaching the time when we can be content under the assurance that poverty must abdicate.

I would say to the gentleman from Pennsylvania, Mr. Bradley, who propounded the question about the profits made by corporations, that it is absurd for us to talk about people perpetuating their wealth through inheritance. I went to the trouble to make a research for nearly 2 years in the Library and with the aid of their assistants, that I might lay before this House definite, positive knowledge that a fortune cannot be followed beyond the third generation. With the taxing power in the hands of the masses, although they may not be using it right in all cases, what complaint can there be against a rich corporation? If it is too rich everybody knows the remedy. I do not say that the taxing remedy should be applied so drastically as to drive the corporations out of this country, to send them to England or some other place; it should not be so drastic as to take away incentive, for that is a fundamental and basic principle in our industrial system in America—incentive for advancement, the opportunity to get somewhere.

I should like to have entered this debate a little more extensively during the past 2 months. In my opinion, what has been said here by men on both sides of the issue, instead of disrupting the country and shaking the rock of our Constitution, has given us better anchorage than we ever had.

Now, I am going to appeal to your pride for a little bit, you gentlemen from the South, you gentlemen from the North, and you gentlemen from the West, to see if we are doing what the gentleman from Texas [Mr. SUMNERS] said, that we are to do what our fathers told us to do. We are to do it here and we are to do it ourselves. I hope that when I shall have finished what I have to say in the few minutes at my disposal you will at least feel that there has been an utter absence of any partisanship in my remarks. During these debates I received more inspiration, more knowledge, and more hope from the very things that were said for and against the subject than I have drawn from any other source. This is an intellecutal Congress but it must have courage.

There is no such thing as a break in the perpetuation of human rights, particularly those that rest upon our Constitution.

The one thing that calls for a real answer from my Democratic friends is to tell the world why this country with tons of gold piled away, and exhaustless credit, with power of absolutism in the hands of the President, and all the operating money he can spend, with every nation in our debt, and yet in the one great overwhelming object and purpose which must be accomplished by someone, you have utterly failed to materially reduce the number of unemployed, and until you do that your administration must be regarded as falling far below your platform pledges, in fact is a failure.

Mr. HOUSTON. Will the gentleman yield?

Mr. FOCHT. If the gentleman does not take too much time.

Mr. HOUSTON. I appreciate that. I wonder if the gentleman might offer some solution with reference to putting these people to work?

Mr. FOCHT. When I get through I think the gentleman will have that information.

Mr. HOUSTON. They are going to work Monday morning?

Mr. FOCHT. Mr. Speaker, this fact, coupled with the reduction of the national debt from 26 billions to 16 billions, under the Secretary of the Treasury, Andrew W. Mellon, and which has since been increased to 40 billions, and daily mounting, leaves plenty for the President to answer in his speeches on the radio in his campaign against the Supreme Court.

Two things shine full and fair in the face of the ablest and boldest Democrat on this floor: One is the fact you have ignored your party platform pledges, and the other that you are hunting over the earth in an effort to trade away the best market in the world for the cheapest market, and instead of taking care of American workmen you are doing your best to provide employment for the farmers and workers of Canada and Europe and Asia, and with more strikes and labor disturbances than were ever before known on this continent.

That is shown by the increase in the imports and the decrease in exports, but even though we might send out more than we receive, the difference in the cost of producing commodities at home and abroad in the final analysis leaves the balance against the United States.

One remarkable coincidence of this program of paper collar reciprocity is that it is much akin to the economic theories of Karl Marx, Rousseau, Voltaire, Owen, St. Simon, La Salle, and other Socialists, who believed in a universal exchange basis of trade throughout the world, and also an international standard of wages paid labor. And if the Karl Marx theorists were permitted to apply such program, what a fine situation American labor would be in trying to compete with the cheap labor of Europe and Asia.

In the story of this question of tariff and protection, I was for a long time perplexed over the attitude of some Democrats who are insistent that we so shape our duties of entry that we may be able to buy more cheaply, never seeming to be concerned about what the workers here are to get by way of wages.

We read about the first law enacted after Washington was inaugurated being a protective tariff act, proposed by Alexander Hamilton; in the messages and papers of the Presidents I found Jefferson and Jackson to have been for protection, while the greatest tariff law ever enacted was signed by a truly great Democrat—one who had been United States Senator, Minister to England, and President—James Buchanan, of Pennsylvania.

Article 1, section 1, of the Texas Republic Constitution adopted March 17, 1836, says:

> The powers of this government shall be divided into three departments, viz, legislative, executive, and judicial, which shall remain forever separate and distinct.

The Confederate Constitution, section VIII, article 1, unanimously adopted March 11, 1861, says:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises for revenue necessary to pay the debts and provide for the common defense, and carry on the government of the Confederate States; but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States.

[Here the gavel fell.]

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that the gentleman may be allowed to proceed for 10 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. FOCHT. Mr. Speaker, in the last message of President Buchanan, on December 3, 1860, he made reference to the impending National crisis as follows:

> Sooner or later the bonds of such a Union must be severed. It is my conviction that this fatal period has not yet arrived; and my prayer to God is that He would preserve the Constitution and the Union throughout all generations.

And from the farewell address of George Washington I quote the following:

> The basis of our political system is the right of the people to make and to alter their constitutional government, but the

Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.

I will grant you that had the Confederacy been successful the program would have been all right, for then the South could have exchanged with Europe, and even the North, her raw materials for manufactured goods. But it is not sound now and never can be with the development of the South with the mountains there ribbed with iron and coal and plenty of limestone, a monopoly on cotton and all kinds of fruits and vegetables, and better transportation than there is anywhere in the country.

Nearly every speaker who discussed the reciprocity question during past weeks seemed to find safety in the shadow of Secretary Cordell Hull. What they said about him personally goes with me 100 percent, but the declaration that went on here about Secretary Hull's tariff views is all wrong. Cordell Hull is not a free trader nor a near-free trader, but is out to admit foreign goods to the point of overflowing in order to rake in duties at the ports of entry, and under this system the American worker and businessman will be left to find a job or any profit in doing business.

Thus we see the futility of chasing over the world to find a cheap market in which to sell the 7 to 10 percent of surpluses which is all we have in normal times, and give at reduced tariff rates a market many times as great as what we get in agricultural and other products.

Mr. MASSINGALE. Will the gentleman yield?

Mr. FOCHT. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. A while ago the gentleman made reference to his experience with some legislation in regard to old-age pensions and to a bill that he introduced in this House some time back. I am curious to know something of the evolution of the thought in regard to old-age pensions then as compared with now, and how did the gentleman propose to raise the revenue with which to pay those pensions at the time he introduced the bill?

Mr. FOCHT. They were probably to be paid directly by the Government.

Mr. MASSINGALE. How would the Government get the money?

Mr. FOCHT. I would have to refer the gentleman to the methods the Government has of getting money today. That question has been propounded here from time to time. There are no difficulties in connection with getting money in a country that is the richest in the world. There is no trouble about our finances now and there never will be.

Mr. MASSINGALE. I am sure there is no difference between the gentleman and myself in regard to our thoughts in reference to paying old-age pensions; but I was curious to know how the gentleman provided for getting the money, because we have had transaction taxes and manufacturers' taxes and things of that sort proposed here, and I wanted information.

Mr. FOCHT. May I say to the gentleman what we were struggling to do at that time, General Sherwood and a few of us, was to establish the principle first, feeling there was an obligation resting upon every living human being to help take care of the aged, and particularly after that period arrived when we refuse to give men work when they are past 45 or 50 years of age. What are you going to do with them? Send them over the hill to the poorhouse? The system would never have been such an involved one as is the case with the Townsend proposition. How are you going to apply a law like that which levies a tax every time there is a transaction?

Mr. MASSINGALE. That is the reason I asked the gentleman the question. I am in thorough sympathy with the old-age-pension proposition.

Mr. FOCHT. Certainly the gentleman is. You can wipe away the tears from the old people. It is all over. We are going through with it. It is the biggest thing the President ever did, and it did more than anything else to elect him President of the United States, yet some of our leaders have not been able to see that yet.

Mr. MASSINGALE. I am in accord with the gentleman.

Mr. FOCHT. I feel very serious about this, because I tried to put it through the Pennsylvania Legislature, and I was turned down by the chairman of a Republican committee, who could not see the light, but party defeat came as the penalty.

Mr. MASSINGALE. One more question about evolution, and I will not bother the gentleman any more.

Mr. FOCHT. I believe in it thoroughly, if it means moral and spiritual progress.

Mr. MASSINGALE. So do I. Aside from the question of raising revenue with which to pay these people, what did the gentleman's bill do about such things as age, and whether or not the Federal Government would assume the liability, or would it be distributed as it is now among the States.

Mr. FOCHT. Our thought, as far as it went, was that the Government should take hold of the matter. At the present time you are investigating it. You are going to see more about the proposition, but finally we are going to put it into complete action. All the varying phrases could not be seen at the beginning, but it is all clear now, and we are finding a way.

No; Cordell Hull does not desire the kind of trade I have heard people refer to here. The kind of trade he talked to me about when he was developing his program on income taxation is not this kind of flexible tariff. He is not for free trade but for revenue only so that the money may flow freely into the coffers of the port of entry, with everybody buying at low prices while wages in America vanish. That is the Democratic program, and in America it is not working, and will not work, only to exhaust the reserve wealth of the country.

[Here the gavel fell.]

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may proceed for 10 additional minutes.

The SPEAKER pro tempore (Mr. HILL of Alabama). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MASSINGALE. Mr. Speaker, I should like to ask the gentleman to answer another question, if the gentleman will yield.

Mr. FOCHT. I do not think I answered any of the gentleman's questions satisfactorily, so I do not know whether I can do any better now.

Mr. MASSINGALE. I am in full accord with the gentleman's sentiment. I was really seeking information. I have been an advocate of the obligation of the Federal Government to pay pensions if pensions are to be paid, but I wanted to know just what the thought was on the day you initiated in Congress the old-age-pension idea.

Mr. FOCHT. That was General Sherwood's idea as well as mine. He was a man not only of knowledge but of wisdom. I believe General Sherwood was a Democrat, but you would not have known it. [Laughter.]

Mr. ANDERSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. FOCHT. I yield.

Mr. ANDERSON of Missouri. Will the gentleman tell us what General Sherwood's idea was?

Mr. FOCHT. Not as to a completed proposition. That would be hopeless in my brief time. There is no legislation on the statute books today of wide application but what has been amended, proving that there is no such thing as superwisdom on the part of anyone. When our laws come in contact with the laws of nature, there is an inevitable collision; and when we find errors in laws we come back here and correct them by amendments, which is what we will do with this.

Mr. ANDERSON of Missouri. Will the gentleman give me an outline of what the idea is?

Mr. FOCHT. I cannot go into that any more than to say that we are for relieving the people and the ultimate destruction of all the poor houses. Wipe away the tears of all the old men and women. Let them have comforts and happiness at home. There is plenty here in this world to take care of everybody. Everyone could have comfort and happiness. I repeat that poverty has abdicated.

There is no use of the gentleman and me getting into an argument or his taking my time on another subject now. It is all over. The gentleman is coming in too late.

I heard President Wilson say from this rostrum that under the Underwood tariff we could meet and beat Europe if American labor would speed up. "Whet your wits", he said; while Representative Redfield thought there was no further need of customhouses.

Mr. KNUTSON. He was Secretary of Commerce in President Wilson's Cabinet.

Mr. FOCHT. Yes; and wild for free trade.

But Samuel Gompers, the sincere and patriotic labor leader, said American labor could not compete with the wages of Europe unless we starved American labor back into the factories, which we refused to do.

We have more domestic commerce than the rest of the world combined, and that is the market for us to protect, and which must be protected if America is to ever again return to prosperity.

I venture to say that the greatest men of America, the wisest and most patriotic leaders of the North, South, East, and West, who helped make the Republic and helped preserve it, would not support the attitude of the President of the United States on this tariff question.

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

Mr. FOCHT. Yes.

Mr. KNUTSON. I should like to call the gentleman's attention to the fact that under the operation of the reciprocal trade agreement law we wiped out a favorable trade balance of $235,000,000.

Mr. FOCHT. And the debt goes on increasing.

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

Mr. FOCHT. Yes.

Mr. HOUSTON. I agree with the gentleman fully on the abdication of poverty, but in the event we cannot abdicate poverty, do you not think we ought to be good sports?

Mr. FOCHT. Kill them or what? Starve them to death or what?

Mr. HOUSTON. Sure, be good sports. That is what a very distinguished gentleman said the other night. If they lose, they ought to be good sports.

Mr. FOCHT. Who lose?

Mr. HOUSTON. Anybody.

Mr. FOCHT. I do not play poker, so I do not understand what the gentleman means.

Mr. HOUSTON. It is one of the greatest of indoor sports, they tell me.

Mr. FOCHT. Yes; so they tell me. I would not be here if I knew how to play it.

Mr. HOUSTON. Who would?

Mr. FOCHT. I would never have had time for anything else, because they tell me it is very fascinating.

From the Constitution adopted for the whole country to the constitution adopted by the Republic of Texas in 1836, to the Confederate Constitution in 1861, and the administration of James Buchanan, and the business interest and labor organizations on through, we have the intelligence, patriotism, and chivalry of America standing for tariff protecting industry and labor, as well as for the Constitution and the Supreme Court.

You will not deny that.

Every one of your ancestors, your fathers, from whose loins you got all this fine character and intellect, from Texas to Canada, were for these fundamental things, and we are not going to abolish them now either.

Nothing stands out in the heroism of the world in greater or more majestic figures than the men who made the constitution of the Republic of Texas as well as defended it; nor do I anticipate that there is going to come from the South any such voice of destruction, any such thing as will repudiate that for which brave men led heroic armies over many States in an effort to establish a constitution; nor are men and women anywhere who believe what the flag typifies and symbolizes going to see it profaned or taken down and laid away to accommodate the whim and caprice of a single individual who seems unmindful of the scourge his act may bring to plague and distract a people who have sacrificed beyond estimate that the heart of liberty may beat on in courage during the trials of the future.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield for a brief question?

Mr. FOCHT. I yield.

Mr. HOUSTON. Does the gentleman believe in a fair protective tariff on commodities produced in this country—not a prohibitive tariff, but a fair protective tariff?

Mr. FOCHT. I will tell the gentleman what Mr. Hull said, and this is his theory. He said, "FOCHT, there is no use of your talking about this thing of raising enough money by a tariff to run this country." We were living at the same hotel and he said, "We are right now voting $1,000,000,000 and that is what it is costing to run this country and you can only raise $600,000,000 on a balanced tariff. If you bring in too much, you flood the market and if you do not bring in quite enough, then you do not raise even the $600,000,000. We have got to raise it in some other way." Then came his brilliant conception of taxing the man who has the money. The only trouble about that is you have gone too far and you are taxing the poor devil that does not have any money, and I am one of them. I have been in the red for 4 years and they are taxing me up home with several different kinds of new State taxes every time I go home.

Mr. HOUSTON. One little tax more, would not hurt. For instance, in the importation of crude oil, we have fought for years to get a protective tariff of from 85 cents to $1 a barrel, and after all these years we finally have 21 cents. Would the gentleman be in favor of raising that to $1?

Mr. FOCHT. I would have that measured up somewhat with the consumption of oil and its cost and the need of it, and so forth. There is a way to balance that.

Mr. HOUSTON. We have plenty of oil in this country now. We are all on allowables.

Mr. FOCHT. But I will tell the gentleman what I am not in favor of. I am in favor of this Congress sitting across the table with you and having you ask the question and having it answered, but I am not in favor of this 50-percent allowance made to the President in a flexible tariff to run it up or down so that the businessman will not know how much tariff he is going to have tomorrow or how small it is going to be the next day. We must have a fixed tariff and adjust ourselves accordingly. This is a fundamental principle of the tariff.

Mr. HOUSTON. But in the case of our oil, we are under allowables now.

Mr. FOCHT. Oil is a very liquid, movable, and uncertain thing.

Mr. HOUSTON. We have from 5 to 10 percent production out there today.

Mr. FOCHT. Where?

Mr. HOUSTON. All over the Middle West, and I think we ought to have a higher tariff.

Mr. FOCHT. Does the gentleman believe in very much more tariff on gasoline when it is produced at 3½ cents a gallon and you sell it to me in Pennsylvania for 20 cents? Are you not getting your piece out of it?

Mr. HOUSTON. Not enough, and they are using it for other purposes now.

Mr. FOCHT. Yes; I guess they are. [Applause.]

THE STRIKE EPIDEMIC

With better days coming out of the tall timber, and the cycle of hard business traveling having finished its evil attack upon about everyone and everything, it is not strange that thousands of workers are having a sit-down strike, or suspension of labor, until they may have their wages adjusted somewhat more in harmony with the higher cost of living and the reduced purchasing power of the dollar.

This strike business is epidemic in its scope, and goes from automobiles in Detroit to grub at the Willard and Mayflower Hotels in Washington, to the silk-mill girls of Japan, and stocking factory out on the District of Columbia line, to say nothing of what was threatened in a strike gesture toward the United States Steel and Hershey's chocolate factory.

While the workers seem in good humor over their prank of a sit-down strike, it is nevertheless expensive pastime for them as well as the employers. At that there is good cheer because of the readjustment made necessary in wages of workers on account of the depreciated dollar. In fact, we are having a very good sample of inflation, which will do no harm, providing it does not go too far

and the credit of the country should crack. The Federal Reserve was supposed to be able to control the flexibility of circulation, and that will be all right as long as confidence is maintained.

The greatest fear here in Washington is over the danger of again becoming smeared in with Europe in the war preparations which are speeding up over there and the possibility of falling for the profit there will be in selling them supplies and furnishing money by detouring the Johnson law, or slipping our resources under the fence, which might be characterized, via Veracruz. Very earnest effort is being made by officials and laymen who are resolved that two things must not happen, to wit:

America must not become involved in the European war, which is now imminent.

America must not advance to European nations our reserve resources for war purposes.

B. K. F.

WASHINGTON, D. C., *March 10, 1937.*

[Here the gavel fell.]

ADJOURNMENT OVER

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. HANCOCK of North Carolina. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an article prepared by Col. Frank P. Hobgood, on the Infallibility of Majority Court Decisions.

Mr. KNUTSON. Mr. Speaker, reserving the right to object, what is the article?

Mr. HANCOCK of North Carolina. It is an article prepared by Col. Frank P. Hobgood on the Infallibility of Majority Decisions and refers to the President's Court proposal.

Mr. KNUTSON. Who is Colonel Hobgood?

Mr. HANCOCK of North Carolina. He is an attorney at law living in Greensboro, N. C., and during the Wilson administration was special assistant to the Attorney General.

Mr. KNUTSON. I have no objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

OATH OF OFFICE OF THE PRESIDENT AND MEMBERS OF THE HOUSE

Mr. MOSER of Pennsylvania. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOSER of Pennsylvania. Mr. Speaker, on last Saturday I received a letter in the mail that came from an institution of higher learning, and just as I was about to cast the letter aside I noticed the oath that is administered to every Member of the House of Representatives. This was followed by the oath administered to the President of the United States. This attracted my attention and, reading it through, I found that this professor of economics undertook to castigate the Members of Congress and the President of the United States as violators of their oaths, holding them to be felons guilty of perjury. Included in the letter was a charge to a jury by a Federal judge, in which he invoked one of God's commandments to Moses to point out that he who would take the name of God in vain was guilty of perjury, and that perjury was worse than murder.

I felt such a keen resentment that I ascertained who this professor of economics was. He proved to be Gus W. Dyer, professor of economics at Vanderbilt University, Nashville, Tenn., and in my spirit of resentment and in defense of the Members of Congress and the President of the United States, and all people who take oaths in accordance with their conscience, I felt called upon to write him a letter. I have shown this letter to some of the Members of the House who have asked me to include it in the RECORD.

My purpose in asking this time at the present moment is to include Professor Dyer's letter, my answer, and one to the chancelor of Vanderbilt University, transmitting an advance copy to the university's head for his information as well as the trustees.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

NASHVILLE, TENN., *March 11, 1937.*

To the Representatives in Congress:

Since under the new order it is now considered a proper function of Congress, a subordinate agent of the Government, to change, radically, anything in the Constitution that may be displeasing to the President, another subordinate agent of the Government, I am appealing to you to support an important change that has been almost completely overlooked.

The Constitution, as you know, requires every Congressmen and every other public official to take an oath to uphold the Constitution before they are permitted to perform any function of their offices. Even the clerks of Congress, the Sergeant at Arms, the doorkeepers, and the postmasters are required to take this oath.

The nature of the oath each Congressman is required to take is significant in a peculiar way at the present time. The oath is as follows:

"I do solemnly swear that I will support the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

The very words of the oath that the Chief Executive is required to take are given in the Constitution:

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

To claim that the subordination of one of the three coordinate departments of the Government to the other two is consistent with the above oaths is too absurd and puerile to be given consideration by intelligent people. To make such a claim is a serious reflection on the man who makes it as well as on those to whom it is addressed.

The question here involved is far more serious than any change that might be made in the Constitution. The question is, Shall public officials knowingly, openly, and defiantly violate the sanctity of an oath?

Therefore I am requesting you to introduce a bill at once to repeal the provision of the Constitution that requires public officials to take an oath, and to repeal all laws that require witnesses and jurors to take an oath in courts of justice. Of course, you have no right, under the Constitution, to introduce such a bill. But we are not operating under the Constitution now. Hence the way is open for anything. If the oath is repudiated by public officials, it is hypocritical and preposterous to make such repudiation a felony as applied to witnesses, jurors, and others.

If public officials are too weak morally to carry the obligations of an oath, the oath should be abolished and a "big stick" wielded by a strong arm be substituted in its place.

The violation of the sanctity of an oath by public officials is a deadly blow at the very foundation of civilized social order, and in addition it is flagrant insult to the Deity. The oath has been considered the supreme binding force on every man worthy to be called a man. The violation of the sanctity of an oath has been considered so antagonistic to every conception of honor and manhood that it has been made a felony by civilized governments.

That you may better understand the chaotic condition under which we find ourselves at the present time, I will call your judicial notice to a charge to a jury delivered by a distinguished Federal judge some years ago:

"Gentlemen", said the judge, "there can be no more solemn obligation (the oath). Upon the first table of the law delivered by the Almighty to Moses amidst the thunders of Sinai was inscribed the commandment, 'Thou shalt not take the name of the Lord thy God in vain, for He will not hold him guiltless who taketh His name in vain.' That commandment as interpreted by the old Jewish rabbis and the best Biblical scholars of the past and present is primarily a commandment against perjury. The reason why it, alone, of all the commandments is coupled with the declaration that the Lord will not hold him guiltless who violates it is doubtless because it is a willful insult to the Almighty to call upon Him to witness to the truth of a deliberate falsehood. Gentlemen, I think perjury is worse than murder, and that is why I call attention to the responsibility and the solemnity which rests alike upon you and upon me to do our duty."

Yours sincerely,

(Signed) GUS W. DYER.

Vanderbilt University.

MARCH 13, 1937.

GUS W. DYER,
Professor of Economics, Vanderbilt University,
Nashville, Tenn.

DEAR MR. DYER: Immediately on receipt of your mimeographed letter dated at Nashville, Tenn., March 11, 1937, I called the Honorable RICHARD M. ATKINSON, representing the district comprising Nashville, in the Congress of the United States, and learned the scope of your connection on the faculty of Vanderbilt University.

Since you are located in a district that is distinguished by having sent to the Congress of the United States as its first Representative, Andrew Jackson, I could wish no more for you than that it might have been possible for that sterling American to be here in the flesh at this time to observe the product of your institution of higher education and deal with you, its professor of economics, in keeping with his established reputation for courage.

I can scarcely find superlatives to adequately express my contempt for the opinions you express and the conclusions you have reached in the matter of the consciences within the breasts of those who are here, honored by their respective districts to represent them in the Congress of the United States, to say nothing of the greatest expression of confidence ever given any other man than bestowed by the American people upon Franklin Delano Roosevelt, President of the United States.

"Your conscience is the minister plenipotentiary of God Almighty placed within your breast. See to it that he does not negotiate in vain." So quoth John Adams.

Whatever the conscience placed within your breast, it has manifestly been warped and twisted by a bigoted judgment, highly prejudicial to the profession you follow, that of teaching others.

Your quoting of a charge to a jury by a Federal judge, embodying that commandment of God to Moses, involving the taking of His name in vain, borders on the assumption of the role of demagogue, particularly when imputing the judge's opinion, "that perjury is worse than murder", to apply it to the use of your own sinisterly prejudiced purpose of charging the President of the United States and Members of Congress with perjury in your fancied conception with breaking their oath of allegiance to the Constitution of the United States. Your holding the legislative and executive branches to be subordinate branches of the Government, and quoting of the oath taken respectively by Members of Congress and the President of the United States, leaves but one conclusion, that by excepting the judiciary and their oath, you hold the judiciary "supreme." The legislative and executive departments are subordinate to the people alone, while the judiciary and Executive are responsible and subordinate, through impeachment, to the people, under the powers of Congress.

Ensconced as you are in smug complacency on the faculty of an institution of higher education, you assume to quote in your letter the oath taken by Members of Congress, and that set forth in the Constitution of the United States, by which oath each President of the United States has assumed the duties of his high office. Disregarding the past, you assume to say that the Members of this Congress and the President of the United States are the perjurers—worse than murderers—who are in your bigoted opinion and warped and twisted judgment the only ones to break these two forms of oath, since you impute it to no one else, but those now living whom you call upon to introduce a bill to abolish every form and purpose of an oath.

You are either too ignorant, or too lazy, or both, to know or find out that the judiciary must, too, take an oath prescribed by law and before entering upon their duties. That your energies may not be taxed to the point of exertion, or the state of your lassitude and inertia need not be disturbed, I quote you the judiciary oath from section 713, Revised Statutes of the United States, as follows:

"I, ——— ——— ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge, and perform all the duties incumbent upon me as ———, according to the best of my abilities and understanding, agreeable to the Constitution and laws of the United States: So help me God."

May I not commend to your thought, if you are capable of thinking at all, the words, "do equal right to the poor and to the rich", and, "I will faithfully and impartially discharge, and perform all the duties incumbent on me", and, "according to the best of my abilities and understanding", and, "agreeable to the Constitution and laws of the United States."

When a law of the United States conflicts with the sinister over-privileged interests of the rich "economic royalist", the judges call the law unconstitutional, according to their best abilities and understanding. It is then, such as you, with no regard to the impairment of abilities attendant on old age, undertake to castigate Members of Congress for passing the laws of the United States, and its President for approving them, as breakers of the respective oaths of office they have taken, and invoke one of the Ten Commandments to tell us we are worse than murderers.

Let me point out to you that Governor Hughes, now Chief Justice, once said: "We are under a Constitution, but the Constitution is what the judges say it is."

Let me also tell you that the late and Honorable James M. Beck, a former Member of Congress and one-time Solicitor General of the United States, an eminent and outstanding constitutional lawyer, up to his death a year ago, in his own writings, styles the Supreme Court: "Virtually and chiefly a continuation of the Constitutional Convention of 1787."

Let me say to you that I have never found anywhere a finer and more sincerely conscientious group of men and women collected, than here in the Congress of the United States. Each is individually honest in their own convictions and the "minister plenipotentiary of God Almighty within each breast is not negotiating in vain." There are no starry-eyed idealists and wild radicals here. Such exist only in the figment of the imagination of the demagogue ever willing to appeal to and arouse the populace. The same thing, too, applies to the President of the United States. To these, each and all of these, you impute a crime worse than murder.

If the influence of your incompetent, warped, and twisted judgment is reflected in the students of the institution standing for you on its faculty, I am happy to say that "Dick" Atkinson has cast aside and left behind him the contamination of the influence of your teaching.

"Shoemaker, stick to your last." Professor, stick to your own economics if Vanderbilt University can stand for such as you, but let politics and statesmanship to men of a greater breadth of vision than that manifestly possessed by you as exampled in your contemptuous letter.

With revulsion, I am

Disgustedly yours,

GUY L. MOSER, *Member of Congress.*

MARCH 13, 1937.

The CHANCELOR,
Vanderbilt University, Nashville, Tenn.

MY DEAR SIR: This morning I received a mimeographed letter, similarly sent every Member of Congress I have had time to contact today. Most of them withdrew the unread insult from the wastebasket after I had directed their attention to it. This letter was dated at Nashville, March 11, 1937, and was mailed in an envelope bearing the postmark of the post office at Nashville, Tenn., 5:30 p. m., March 11, 1937.

The letter was signed by one Gus W. Dyer, Vanderbilt University. Immediately contacting Congressman ATKINSON, of Nashville, an alumnus of your university, I learned that Gus W. Dyer is the professor of economics at your institution.

His letter was most insulting, imputing to all Members of Congress that we are violators of our oaths of office as is also the President of the United States, and by the quoting of our oath as well as that of the President, he further quotes a Federal judge's charge to a jury invoking one of the commandments of God to Moses and holding perjury worse than murder, to impute to us and each one of us a felony worse than murder.

I feel no personal grievance against Vanderbilt University as a consequence of this subversive attack, unwarranted as it is, on the integrity of the President of the United States and all Members of Congress, and before taking the floor of the House to denounce this man for his impudence, causing the insertion of his letter, my response thereto and a copy of this letter, in the CONGRESSIONAL RECORD, I am sending you an advance copy, in all fairness to you and your board of trustees.

Very truly yours,

GUY L. MOSER, M. C.

Mr. MOSER of Pennsylvania. Mr. Speaker, we hear much reference to the teaching of subversive doctrines and principles. If a professor of economics in an institution of higher learning had the gall and effrontery to cause such letters to be sent through the mails, what can he be teaching? I leave it to the discernment of the House. Professor Dyer is also a representative of the National Association of Manufacturers, in whose cause and in whose interest he uses the radio to broadcast his ranting expletives.

Mr. Speaker, I yield back the balance of my time.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent, if I desire to do so, to incorporate in the RECORD my reply to Professor Dyer, who wrote me a similar letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEITER. Mr. Speaker, a few moments ago I addressed the House on the life of Grover Cleveland. At that time I asked unanimous consent to extend my remarks but I failed to ask permission at the time to include therein several small excerpts by Robert L. Archer under the title "The President Who Came Back" in connection with the life of Grover Cleveland, and I do so now.

The SPEAKER pro tempore. Is there objection,

There was no objection.

A DOLLAR IN THE HANDS OF SELFISH GREED AND MONEY MONOPOLY IS MORE DANGEROUS, MORE POWERFUL, THAN SHOT OR SHELL, THAN SWORD OR GUN

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BINDERUP. Mr. Speaker and fellow Members of Congress, I first wish to take a few moments to pay tribute to Governor Murphy, of Michigan, prompted by the disparaging remarks recently made by the gentleman from Michigan [Mr. HOFFMAN], who preceded me on the floor. I believe I am just one of the many millions of citizens of the United States who honor and appreciate Governor Murphy

for what he did in the settlement of the General Motors strike. I believe that I am just one of the millions that appreciate his humanitarian plan and method whereby he settled a strike when we were trembling for fear that it might lead to bloodshed and revolt.

This recent history of Michigan's honored Governor reminds me of a great citizen of France. The people called him Mirabeau the Peacemaker, and they said of him, "If only our Mirabeau could have lived, there would have been no French revolution." And I believe they were right. I believe in offering a tribute to Governor Murphy and President Roosevelt in the peaceful settlement of this threatening strike that I speak the sentiment of 80 percent of the people of our Nation.

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

Mr. BINDERUP. Not now. I know what the gentleman wants to say. But just wait until I get through and then I will give him the privilege of saying it.

Mr. KNUTSON. The gentleman must be very wise; I am sure he knows what I am going to say.

Mr. BINDERUP. I do know, because I have listened so much to the gentleman from Minnesota for several years, and I know what he is going to say, and I would like to answer it a little later, after I finish.

Now, Mr. Speaker, I desire that my subject should not be considered a political issue. I would like to refer also to the gentleman from Pennsylvania [Mr. FOCHT], who spoke immediately before me. He asked a very striking question, honestly and conscientiously I believe, when he called attention to the fact that we have not eliminated the poverty and misery of the United States, and asked why we had not been able as yet to bring our great Nation back to normal. I wish to give my own reasons for that. It is because we have never analyzed the case, and we have never yet discovered the cause in this Congress of this depression.

But the Republicans and the Democrats are alike to blame. I remember a few years ago when the Republicans were trying to cure this depression, and they suggested as a remedy to build prosperity from the top and down, telling us that in this way the money would dribble down to the farmers and the working people, and thus prosperity would be returned. I have often said, and I wish to repeat it once more, that you cannot build prosperity, my friends, from the top and down, any more than you can build a 10-story brick house and build the top story first. You have to build from the bottom and up. We tried it during the Republican administration. We experimented.

First we gave to Mr. Dawes' bank $90,000,000, and waited and hoped that it would dribble down. But it never dribbled. It stayed right in Mr. Dawes' bank, locked up. It never moved. Then do you remember that they gave to the Missouri Pacific Railroad millions of dollars because, we said, the money would dribble down and give work to the laboring people? But it never dribbled.

And then do you remember that J. Pierpont Morgan stepped in and said, "I'll just take that money myself"? We said, "Wait a minute, John. Now listen, you can't do that. We gave those millions of dollars to the Missouri Pacific in order to create work, in order to make the railroads safe, that the public might travel in confident safety, in order that labor might have employment. You can't take that away from us." But Mr. Morgan replied, "The bonds are due." And we said, "All right. I guess that's right, Mr. Morgan. Go ahead." And do you remember he invested this money in Europe? Again we went to Mr. Morgan and said, "Now, listen, John, you can't take our money and invest it in Europe. That money belongs down there in Missouri. That's what we gave it for. You can't take that money and send it over to Europe." Mr. Morgan replied, "Investments in Europe are safer now than they are in the United States." And again we said, "I guess that's right. Investments are not very safe here."

We did not take the trouble to stop and tell J. Pierpont Morgan who it was that had made investments unsafe over here, who it was that had taken the money away from the people and wrecked our Nation.

THE CRIME OF 1920

And now, Mr. Speaker and fellow Members of Congress, I wish to return to the subject I had intended to discuss this afternoon. There is an old, old saying that peace has its horrors as much as war, and by this I mean to refer once more to the crime of 1920, the greatest crime that was ever committed against the people. On former occasions and appearances before this House, on February 16 and March 4, and more or less at other times, I told you of this crime that was committed at 12 o'clock noon on the 18th day of May 1920 in the office of Governor Harding, Governor of the Federal Reserve Board of the Federal Reserve bank, where a secret meeting was being held, consisting of 53 of the large banking representatives of the United States, international bankers and representatives of Wall Street, and also Mr. Houston, the Secretary of the Treasury, and John Skelton Williams, the Comptroller of the Currency, ex-officio member of the Federal Reserve Board of the Federal Reserve bank at that time. Since that time, however, the Comptroller of the Currency and the Secretary of the Treasury, the representatives of the people, have been removed, as they were apparently in the way of the large bankers and interfered with their program.

I have in my possession the records of the minutes of that meeting. There is no longer any question about it. It is strange to me that the people of America have not long since known exactly how it is, and why it is, that this disastrous calamity, this depression, was brought upon us. This was the twenty-fifth time that we had suffered from these depressions, all coming from the same source, all man-made. Every depression is man-made, and yet we did not understand.

Everybody said and whispered to each other, "Isn't it strange? What in the world is the matter? We seem to have too much of everything, and yet we are in want. We have too much to eat and to drink, too much of the necessities of life, too much of the luxuries, and everything, but we can't have it." Yes, my friends, we are sitting upon the largest pile of gold that has ever been accumulated in the history of the world in any nation; actually sitting upon this pile of gold, surrounded by all the natural resources that an Almighty God could give to man, in a nation with unlimited credit and unlimited wealth, and yet the farmer is losing his farm and the laboring man is losing his home. Fifteen thousand banks failed, destroyed eight billions of the people's savings. And all about us there are bankruptcies and misery and want and despair, soup kitchens, and bread lines.

And then the people of our great Nation would look at each other in surprise and say, "I can't understand it. It's the strangest thing that I ever heard of. How can it happen that we are suffering of poverty in the midst of plenty?"

My friends, believe me, there is only one reason. It is because they had that meeting on the 18th day of May 1920 in Governor Harding's office, where they took away from the people their money, the lifeblood of trade and industry and the wheels of commerce. I wish I could shout this from the mountaintop until the people of our great Nation might know and understand. I assure you that there would then be a change before morning if the people only knew.

It was Henry Ford who said, in substance, this: "It is perhaps well enough that the people of the Nation do not know or understand our banking and monetary system, for if they did I believe there would be a revolution before tomorrow morning."

I told you in my last talks the substance of the conversation that took place at this meeting, and one of the first days direct from this floor I will tell you the name of every banker who was there, representing the interests of the Morgans and the Mills and the Myerses and the Mellons and the Rockefellers and the Du Ponts and the large corporations and money monopolies.

I will tell you this emphatically and definitely, taking it from the records of that meeting. I told you that John Perrin, of California, arose and suggested that we could take away from the people two billions of their money, money that measures the sweat of the brow of man, money

that measures the remuneration of labor and the products of labor, according to its own abundance, by comparison. I told you why they wanted to make money scarce, as thereby they could increase the purchasing power of interest, so it would crowd down the price level of labor and the products of labor, and so that interest could buy more, as it was a fixed charge.

I told you of the objections to this from John Skelton Williams, the Comptroller of the Currency. And let me add that there were two of the big bank representatives there who objected strenuously, also, because they thought it too drastic a measure, but they were in a vanishing minority. I told you how these bankers meant to crush down the price level. They did not mean to destroy the Government exactly. No; they rather disregarded the Government and disregarded the people. All they wanted to do was to enrich themselves.

I told you about the great inflation that we had during the war and after the war, when we were on a single gold standard that they preached so much about, that was so safe, when we had the greatest uncontrollable inflation this country has ever had, and yet, let me remind you again, on a single gold standard. And we had another cause and we still have it, that silly, strange, foolish, incompetent, childish monetary system and banking system, whereby the banker was allowed to deposit these bonds in a certain drawer in any Federal Reserve bank, draw his interest in full semiannually, and draw every dollar in cash besides, and then take these dollars and loan them 10 times to the public, each time drawing interest on every dollar, even the dollars he did not have. Such a monetary system cannot possibly mean anything but bankruptcy every few years.

Now, these bankers knew they could not change the figures on their bonds and obligations, but they knew another way. They tried 24 times before in the United States and in other nations. Every economic writer told them, "Just crush down the price level, and interest, remaining stationary, will have the purchasing power back again."

And, friends, I want to repeat once more and warn you that you cannot crush down a price level, after you have done business for a number of years on a certain price level. You bought and sold your farms and homes and your goods on the shelf. Every obligation and future contract is based on this price level. You cannot crush a price level down unless you bring in return to the people starvation and deprivation and misery and want and soup kitchens and bread lines.

But these men were not considerate of the Nation. They belonged to the class that say by their actions, "We do not care for the Almighty God. Just give us the almighty dollar. All we want is that interest must have a greater purchasing power." Let me once more repeat the words of Governor Harding. It is so striking, my friends, that I know you will welcome a repetition. Mr. Harding was the Governor of the Federal Reserve Board of the Federal Reserve banks, and presided at the meeting on this, the 18th day of May 1920. Let me once more quote from the record of the meeting, as follows: First, "We must have a reduction in credit, a credit contraction" (meaning thereby taking the money out of circulation. And then he added (again quoting from the record of the meeting), "This is a drastic remedy, but we believe it is necessary."

He knew and they all knew, and we know it now, that this was a drastic remedy. He knew what it meant to crush down the price level. He said, "It is a drastic remedy, but we think it is necessary." We know that it was not necessary, except for those who wanted to enrich themselves at the expense of suffering humanity. The words I have given to you, remember, are copied from the records of the meeting.

Now, just consider what happened to the people of the United States after this meeting on the 18th day of May 1920, that I have described to you. In order to show you the direct reflex, the effects, of that meeting, let me take myself for an example, for I represent one of the 125,000,000 people that suffered thereunder. In stating my own experiences I am merely stating yours. In fact, I am just reviewing and reminding you of what took place in your own community, in your own home, and on your own farm.

I had always been a big borrower in my home bank. I was always quite a developer, doing considerable building, and employing quite a few men. One bright summer morning, in the following month of June, I came in to my banker as usual, to renew my note and to pay my interest. My good old banker, with whom I had done business for 20 years——

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. BINDERUP] may proceed for 10 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BINDERUP. My old banker said to me: "Charlie, how about paying this note?" I looked at him in surprise. I said, "Why? Do you not want me to do business with you? You are not afraid of me, are you? I have just given you my property statement. I am worth more than I have ever been worth before in my life, and business is wonderful. Profits are good. Do you not want to do business with me any more, or why do you want me to pay this note?"

The old gentleman smiled and turned to his desk and got a letter. He handed it to me and asked me to read it. The letter was from the Federal Reserve Bank of Kansas City; that is our bank in my district. I read the letter, and now let me tell you what was in that letter. Let me repeat that every banker, member bank of the Federal Reserve, and most other banks, received a similar letter. Those that did not belong to the Federal Reserve bank were supposed to be influenced by the letter just the same.

The letter from the Federal Reserve Bank of Kansas City said to my banker, and to your banker, that they were restricting credits; that they had raised their rediscount rate to 7 percent minimum in Kansas City and as high as 20 percent, considered penalty interest, if the borrowings were not reduced, loans classed by the Federal Reserve banking system as "unessential loans." Seven percent minimum—that was more than I was paying my banker for the use of the money. The letter also said that they had restricted the number of loans that were called these "nonessential loans"; that there were many things whereon they had rediscounted paper before that they would not rediscount any more. This made it impossible for my banker to rediscount a great deal of his paper, and so he had to collect and pay up.

After I had read the letter my old banker said to me, "Now you understand. Don't you see why it is I am asking you to pay your note? It is so that we can pay our obligations to Kansas City, in order to eliminate the impossible interest that we have to pay, and reduce our indebtedness with them." I understood, so I started to spread the fire of contraction of credit and money. I went out and said to everybody who owed me, "Pay up. You must pay up." And everybody else went out—hundreds went out, thousands went out, millions went out. Everybody said to everybody else, "Pay up. Pay up." And so we began to force collections among each other. We sued each other. We abused each other. We trampled upon each other in the mad scramble for money, in order to get hold of a little miserable cash, so that we could pay up. I sold the last house I built for less than cost, in order to pay up, sacrificing, as everybody sacrificed, to follow the edict that had issued forth from that meeting of the Federal Reserve Board of the Federal Reserve bank at 12 o'clock on the 18th day of May 1920, which edict was issued to the 12 Federal regional reserve banks of the United States.

And with this demand to pay up, farmers threw everything they had on the market. They sold their eggs finally for 5 cents a dozen, their butter for 10 cents; they sold their hogs for 2 cents, shoats for 1 cent a pound. They sold wheat for a quarter, and oats for 11 cents. They threw everything they had on the market and congested the market, in this campaign to pay up that issued from the Federal Reserve Board of the Federal Reserve banks in Washington, D. C.

And the merchants sold their goods, emptied the shelves, and congested the market, in an effort to pay up. They

discharged their clerks to pay up, and, since they were unable to buy for lack of money, the factories closed down and discharged their employees, and thus was once more crucified on the cross of gold—money—the farmer and the laboring man, their purchasing power and consuming power paralyzed because they had that secret meeting on the 18th day of May 1920, these wizards of finance, these hounds of monopoly and vultures of greed.

They took away from us the circulating medium of exchange, the lifeblood of trade and industry, our money and our credit. And so the campaign to pay went on and on. Every time we paid the banker a dollar, he sent it to the Federal Reserve banks to be destroyed, burned up, or perhaps not exactly burned, but thrown into a vault and locked up, which means the same thing so far as the money is concerned. It might as well have been burned.

Or else the banker locked it in his own vault, in order to make his bank safe, to increase his cash reserve. And even with their best efforts, 15,000 of our banks went broke, and all of them would have gone broke had we not come to the rescue in 1933. And the check-book money, based on credit—it vanished like the dew before a summer sun. And so the campaign went on and on, and in a short time it reflected more drastically on agriculture, because agriculture has no protection. Its prices are decidedly governed by supply and demand. The farmers were selling their products for one quarter of the cost of production. It could end only in bankruptcy. And so it followed; farm after farm was sacrificed on the block of bankruptcy. Thousands and hundreds of thousands went into bankruptcy, until at the present time, as I said in the beginning, peace has its horrors no less than war.

A dollar in the hands of selfish greed and money monopoly is more dangerous, more powerful than shot or shell, than sword or gun. The old unequal battle went on and on. The power of capital and predatory money monopoly, centralized in the modern Frankenstein, the Federal Reserve Banking System, privately owned, against the toiling masses, the great producers of all wealth.

Now let me reply once more to my good friend, the Congressman from Pennsylvania, Mr. FOCHT. In answer to his question, let me repeat that the reason we have not overcome this disastrous depression is because we have not all yet recognized what the trouble is. We do not know the cause. We are like children groping in darkness. And until we know the cause, we can never effect a cure. We have failed to recognize the fact that money measures value by its own abundance. We have failed to recognize the function of money that measures the sweat of the brow of man. We have failed to recognize the little old principle of Adam Smith. They called him the father of political economy, when he said, in common language—

When you double the amount of money in circulation, you double the price of everything, and thereby you divide your debt in two, because it takes only half as much labor and the products of labor to pay the same amount of debt.

If you divide the amount of money in circulation, half as much, you divide the price of everything. By dividing the prices on everything, you double your debt, because it takes twice as much of labor or the products of labor to pay the same amount of debt.

A little simple example that is true in principle.

And now, my friends, I want to return and repeat once more those outstanding facts relative to the crime of May 18, 1920, when the people were robbed of their money, the lifeblood of their trade and commerce, that bankrupted the Nation. I want again to recall the words of the Comptroller of the Currency, our old, white-haired friend, John Skelton Williams, the ex-officio member of the Board, the great friend of humanity, when he once more warned the Federal Reserve Board of the Federal Reserve bank, and said to them, in substance, this: "Gentlemen, you cannot take away from the people their money. Don't you realize they have promised to pay in dollars, and even now there exists less than one-tenth of the amount necessary to meet the people's obligations? Don't you realize our banking system is built on a foundation like a mist, a cloud, or a shadow, a little spark called confidence, that exists only in the brain of man, and that when you take away from the people $2,000,000,000, one-fourth of the basic money of the Nation, you will snuff out this little spark, and the whole financial system will fall and you will bankrupt our banks and wreck our whole economic system?"

They answered him and said—and by the way, they are still saying the same thing, and there are those in Congress who are helping them say it; it is the sole object of Wall Street, and I speak of Wall Street as a symbol of human greed, as it is considered in the minds of the American people—they answered him and said, in substance, this: "We have too many small banks, and what we need is a strong chain system of banking", implying, with headquarters in New York and Wall Street, the cancer at the heart of our great Government.

And once more John Skelton Williams arose. Let me again repeat. It is so important. It sets out the fact so absolutely and definitely. He said to the members of the meeting in substance this: "Don't you see that the farmers and the laborers have mortgages on their homes and farms, and that they will wake up some morning and find all that is left of their homes and farms is the mortgage, and some day they will know that by creating this scarcity of money you thus wiped out their equity?"

But the meeting went on practically undisturbed except for the objections of John Skelton Williams and one or two other bankers who as yet had not had all of their conscience removed.

Mr. HILL of Washington. What was the reply to John Skelton Williams?

Mr. BINDERUP. Oh, yes; the reply to John Skelton Williams was in substance this: "The farmers and laborers have made a lot of money throughout the war and after the war, and they will stand the shock." They knew it was a shock. Yes, Governor Harding, of the Federal Reserve Board, said, at the meeting, "This is a drastic remedy, but we believe it is necessary."

Mr. COLDEN. Will the gentleman yield?

Mr. BINDERUP. I yield to the gentleman from California [Mr. COLDEN].

Mr. COLDEN. The gentleman has referred to a certain meeting May 18, 1920. I would like to ask the gentleman to include in his remarks a copy of those minutes which may be pertinent to the speech he is making, including the names of the representatives who were present.

Mr. BINDERUP. I thank the gentleman very much for his suggestion and his contribution. In reply, may I say that the minutes of this meeting are very long, and would take up a number of pages of the CONGRESSIONAL RECORD, which I fear might be objectionable.

Mr. COLDEN. Just include the parts that are pertinent to the gentleman's remarks.

Mr. BINDERUP. Yes, I am including these in my remarks; and one of the first days, from this floor of Congress, I will give you the name and business connection of each banker present.

Mr. Speaker, in conclusion may I say the remedy, it is a glorious remedy—the cure, and it is a simple cure—for these disastrous depressions that have wrecked our great Nation 26 times, lies in knowledge that is light and wisdom that is power. By the past we shall know the future. The past is the prologue. Know the cause of these disastrous depressions, and know that all depressions, all panics, are man made, just by a few men interested in keeping the control of money; inflating by bankers lending a credit money, fountain-pen money, figures on the book, lending dollars that do not exist, that have never been made; lending an intangible thing, a vision, a dream of a dollar, and then asking payment in something else—a dollar that is tangible, it has never been made, it does not exist. Impossible my friends, impossible; inflating by the use of the debt of the United States—Government bonds and the debts of the people as the basis of our money—inflating and raising prices to an unreasonable level, and then all at once having a meeting, as they did in Washington, D. C., on the 18th day of May 1920, and taking away from the people this bankers-credit money, based on debt, contracting thereby our currency, and collapsing a great nation from the highest plane of prosperity to the lowest level of deprivation and starvation and misery and want.

Mr. Speaker, I know there are millions and millions of people of our great Nation that will welcome, and shout back "Amen", when I make the following announcement. A challenge has just been issued to predatory wealth, to Wall Street, and to international bankers. A bill has just been introduced that demands in no uncertain terms that this sacred right and privilege, this constitutional guarantee to the people, that Congress shall coin and regulate the value of their money, has been included in the bill that has just been introduced in this Congress. So the great battle is on.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a letter written by former Senator Robert L. Owen.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 217. Joint resolution providing for the construction and maintenance of a National Gallery of Art.

BILLS PRESENTED TO THE PRESIDENT

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

H. R. 1096. An act for the relief of Michael E. Sullivan; and

H. J. Res. 272. Joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.) the House, in accordance with its order previously entered, adjourned until Monday, March 22, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Wednesday, March 24, 1937. Business to be considered: Hearing on natural gas bills. In view of the hearing which the committee held last year, it is hoped that the hearing this year will be limited to new matter as far as possible.

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, March 30, 1937. Business to be considered: Aviation bills (hearing).

EXECUTIVE COMMUNICATIONS, ETC.

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

450. A letter from the Attorney General, transmitting the draft of a proposed bill to amend the National Stolen Property Act; to the Committee on the Judiciary.

451. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1937, submitting a report, together with accompanying papers, on a preliminary examination of cut-off from Lemon Bay to Gulf of Mexico and the opening of Lemon Bay for inland waterway purposes, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

452. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1937, submitting a report, together with accompanying papers, on a preliminary examination of, and review of reports on, Santa Monica Harbor, Calif., authorized by the River and Harbor Act approved August 30, 1935, and requested by resolution of the Committee on Commerce, United States Senate, adopted June 14, 1934; to the Committee on Rivers and Harbors.

453. A letter from the Acting Secretary of the Interior, transmitting a proposed amendment to the Organic Act of the Virgin Islands of the United States, approved June 22, 1936; to the Committee on Insular Affairs.

454. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to enlarge and extend the authority of the Secretary of the Interior under the acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended; to the Committee on the Public Lands.

455. A letter from the Attorney General, transmitting a draft of a proposed bill to amend subsection (a) of section 2 of the act of May 18, 1934 (48 Stat. 783; U. S. C., title 12, secs. 588a to 588d), as enlarged by section 333 of the act of August 23, 1935 (49 Stat. 720), so as to include within its prohibitions the crimes of burglary and larceny of a bank covered by its provisions; to the Committee on the Judiciary.

456. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to revise the boundary of the Grand Canyon National Park in the State of Arizona; to abolish the Grand Canyon National Monument; to restore certain lands to the public domain; and for other purposes"; to the Committee on the Public Lands.

457. A letter from the Acting Secretary of War, transmitting a draft of a bill to authorize the Secretary of War to sell, loan, or give samples of supplies and equipment to prospective manufacturers, which the War Department presents for the consideration of the Congress with a view to its enactment into law; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McMILLAN: Committee on Appropriations. H. R. 5779. A bill making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes; with amendment (Rept. No. 433). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN: Committee on the Public Lands. H. R. 4655. A bill to accept the cession by the State of Arkansas of jurisdiction over all lands now or hereafter included within the Hot Springs National Park, Ark., and for other purposes; without amendment (Rept. No. 434). Referred to the Committee of the Whole House on the state of the Union.

Mr. DeROUEN: Committee on the Public Lands. H. R. 5592. A bill to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898 (30 Stat. 409, 414); without amendment (Rept. No. 435). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5492) for the relief of Gilbert A. Watkins; Committee on Invalid Pensions discharged and referred to the Committee on Claims.

A bill (H. R. 5526) for the relief of John W. Taylor; Committee on Invalid Pensions discharged and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. McMILLAN: A bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes; to the Committee on Appropriations.

By Mr. CONNERY: A bill (H. R. 5780) to increase the grants to States for old-age assistance; to the Committee on Ways and Means.

By Mr. JOHNSON of Minnesota: A bill (H. R. 5781) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on Claims.

By Mr. WHITE of Ohio: A bill (H. R. 5782) to amend the Tariff Act of 1930, as amended; to the Committee on Ways and Means.

By Mr. JOHNSON of Minnesota: A bill (H. R. 5783) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1937, and for other purposes; to the Committee on Appropriations.

By Mr. CONNERY: A bill (H. R. 5784) to provide equal opportunities under the 10-percent differential for night work and overtime pay for work in excess of 8 hours for employees of the custodial service of the United States Post Office Department, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. LUCKEY of Nebraska: A bill (H. R. 5785) to establish a Department of National Defense, to consolidate therein the Department of War and the Department of the Navy, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. CROWTHER: A bill (H. R. 5786) to repeal certain provisions relating to compensation paid to officers and employees of corporations; to the Committee on Ways and Means.

By Mr. GASQUE: A bill (H. R. 5787) granting pensions and increases of pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. WALTER: A bill (H. R. 5788) to provide that graduates of approved school ships may be rated as able seamen upon graduation; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 5789) for the improvement of the Delaware River watershed, Pennsylvania, beginning at Chestnut Hill, to provide flood control, water supply, and to encourage agricultural, industrial, and economic development; to the Committee on Flood Control.

Also, a bill (H. R. 5790) to increase the United States Veterans' Administration's hospital facilities at Philadelphia, Pa.; to the Committee on Naval Affairs.

By Mr. HOBBS: Resolution (H. Res. 160) to authorize the investigation of the moving-picture industry; to the Committee on Rules.

By Mr. KNUTSON: Joint resolution (H. J. Res. 287) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BARRY: Joint resolution (H. J. Res. 288) to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair, 1939, New York, N. Y., to be admitted without payment of tariff, and for other purposes; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

The SPEAKER: Memorial of the Legislature of the State of Oklahoma memorializing the President and the Congress of the United States to support the farm-tenant program and assuring the President and Congress of Oklahoma's willingness to cooperate in carrying out said program; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BARRY: A bill (H. R. 5791) granting an increase of pension to Lena Margraffe; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 5792) for the relief of Benjamin Franklin; to the Committee on Naval Affairs.

By Mr. CLASON: A bill (H. R. 5793) for the relief of Josephine Fontana; to the Committee on Claims.

By Mr. CLAYPOOL: A bill (H. R. 5794) granting an increase of pension to Augusta Lambert; to the Committee on Invalid Pensions.

By Mrs. HONEYMAN: A bill (H. R. 5795) for the relief of George Waale Co.; to the Committee on Claims.

By Mr. JOHNSON of Minnesota: A bill (H. R. 5796) for the relief of Edward C. Lynch; to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 5797) for the relief of W. G. Graham; to the Committee on Claims.

By Mr. O'TOOLE: A bill (H. R. 5798) for the relief of Francesco Paradino; to the Committee on Immigration and Naturalization.

By Mr. ROBSION of Kentucky: A bill (H. R. 5799) granting a pension to Mary E. Brummett; to the Committee on Pensions.

By Mr. SCHUETZ: A bill (H. R. 5800) for the relief of Eugene F. Samuelson; to the Committee on Military Affairs.

Also, a bill (H. R. 5801) for the relief of Thomas J. Kruk; to the Committee on Military Affairs.

By Mr. SHAFER of Michigan: A bill (H. R. 5802) granting a pension to Maude Holmes; to the Committee on Pensions.

PETITIONS, ETC.

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

1219. By Mr. ASHBROOK: Petition of the Democratic Women's Club of Center Village, Ohio, endorsing the President's Supreme Court proposal; to the Committee on the Judiciary.

1220. Also, petition of the German Sick and Benevolent Society of Mansfield, Ohio, favoring President Roosevelt's Supreme Court proposal; to the Committee on the Judiciary.

1221. By Mr. CROWTHER: Petition of the citizens of Schenectady, N. Y., opposing enactment of House bill 4417; to the Committee on the Judiciary.

1222. By Mr. FISH: Petition of 27 residents and citizens of Wassau, Wis., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1223. Also, petition of four citizens and residents of Cortland, N. Y., protesting against the President's plan to control or subordinate the Supreme Court; to the Committee on the Judiciary.

1224. Also, resolution adopted at a business meeting of the town of Newburgh, Orange County (N. Y.) Agricultural Society, opposing the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1225. Also, petition of 36 citizens and residents of the city of Middletown, Orange County, N. Y., opposing the President's plan to pack and control the Supreme Court; to the Committee on the Judiciary.

1226. Also, letter signed by Mrs. Edwin A. Lloyd, president, and Caroline C. Moore, secretary, Woman's Christian Temperance Union of Poughkeepsie, Dutchess County, N. Y., an organization of 70 women, opposing the President's proposal to pack and control the Supreme Court; to the Committee on the Judiciary.

1227. Also, petition of 29 citizens and residents of the city of Newburgh, Orange County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1228. Also, petition of 275 citizens and residents of the city of Brooklyn, protesting against the President's proposal, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1229. By Mr. FITZPATRICK: Petition signed by Rudolph Schott and 20 other residents of Bronx County, N. Y., urging the passage of House bills 276, 279, and 298 increasing the salaries of custodial employees in the Post Office Department; to the Committee on the Post Office and Post Roads.

1230. Also, petition adopted by the First Ward Democratic Club of Yonkers, N. Y., endorsing such legislation as proposed by President Roosevelt for the reorganization of the Federal judiciary; to the Committee on the Judiciary.

1231. By Mr. GOODWIN: Petition of residents of Kingston, N. Y., under the auspices of the American Labor Party, expressing approval and support of President Roosevelt's proposed reform of the Federal judiciary and of the Supreme Court of the United States as contained in his message to Congress of February 6, 1937; to the Committee on the Judiciary.

1232. Also, petition of the citizens of Rhinebeck, Clermont, and Red Hook, N. Y., under the auspices of the American Coalition of New York, opposing the proposal of the President to affect the decisions of the Supreme Court by increasing its membership; also any compromise upon this fundamental issue; to the Committee on the Judiciary.

1233. By Mr. CRAWFORD: Petition of the Saginaw Chapter of the Daughters of the American Revolution, opposing any program tampering with the Supreme Court; to the Committee on the Judiciary.

1234. By Mr. JARRETT: Petition of the Clarion County Pomona Grange, No. 27, Rimersburg, Pa., protesting against the President's proposed plan to enlarge the Supreme Court; to the Committee on the Judiciary.

1235. Also, petition of 1,200 members of the Federation of Women's Clubs and allied organizations of Oil City, Pa., protesting against the President's proposal to enlarge the United States Supreme Court or destroy the constitutional checks and balances in our Federal Government; to the Committee on the Judiciary.

1236. By Mr. JOHNSON of Texas: Petition of the Texas State Legislature, favoring House bill 1546, to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, etc.; to the Committee on Agriculture.

1237. Also, petition of Mrs. J. F. Ward, route 1, Ennis, Tex., favoring House bill 87; to the Committee on Ways and Means.

1238. By Mr. KEOGH: Petition of Richey, Browne & Donald, of Maspeth, N. Y., concerning the Beiter bill (H. R. 4594) to amend the Revenue Act of 1936; to the Committee on Ways and Means.

1239. By Mr. MOTT: House Joint Memorial No. 17, of the Thirty-ninth Legislative Assembly of the State of Oregon, urging that the bill now pending before the Congress of the United States providing for the extension of the contracts of star-route carriers for the period of 4 years be considered, and to so amend such bill as to increase the compensation now paid to such carriers; to the Committee on the Post Office and Post Roads.

1240. Also, House Joint Memorial No. 18, of the Thirty-ninth Legislative Assembly of the State of Oregon, urging the Congress to enact House bill 4009, authorizing an appropriation of $50,000,000 to be apportioned among the various States of the United States; to the Committee on Agriculture.

1241. By Mr. THOMAS of New Jersey: Petition of Bergen County residents, entering their protest against any change in the Supreme Court plan; to the Committee on the Judiciary.

1242. By Mr. SWOPE: Petition of Mary Baker and 25 other citizens of Dauphin and Cumberland Counties, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1243. Also, petition of Katie Hollinger and 16 other citizens of Dauphin County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1244. Also, petition of John Kotzmoyer and six other citizens of Cumberland County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1245. Also, petition of Mary Wilson and 16 other citizens of Dauphin County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1246. Also, petition of Harold Worthington and 18 other citizens of Cumberland County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1247. Also, petition of Edward Miller and 18 other citizens of Dauphin County, Pa., favoring the enactment of House bill no. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1248. Also, petition of Mr. and Mrs. Charles E. Maley, Jr., and 16 other persons of Dauphin County, Pa., favoring the enactment of House bill no. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1249. Also, petition of Della Wise and 17 other persons, of Dauphin County, Pa., favoring the enactment of House bill no. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1250. By Mr. THOMAS of New Jersey: Resolution of the Regular Republican Club of Montvale, Inc., Montvale, N. J., opposing the President's Supreme Court recommendation; to the Committee on the Judiciary.

1251. Also, resolution from the Women's Republican Club of Palisades Park, N. J., recording the opposition of the members of the club to the enactment of the President's Supreme Court plan; to the Committee on the Judiciary.

SENATE

MONDAY, MARCH 22, 1937

(Legislative day of Friday, Mar. 19, 1937)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, March 19, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Bulow	George	King
Andrews	Burke	Gerry	La Follette
Ashurst	Byrd	Gibson	Lee
Austin	Byrnes	Gillette	Lodge
Bachman	Capper	Green	Logan
Bailey	Caraway	Guffey	Lonergan
Bankhead	Chavez	Hale	Lundeen
Barkley	Clark	Harrison	McAdoo
Bilbo	Connally	Hatch	McGill
Black	Copeland	Hayden	McKellar
Bone	Davis	Herring	McNary
Borah	Dieterich	Holt	Minton
Bridges	Duffy	Hughes	Moore
Brown, Mich.	Ellender	Johnson, Calif.	Murray
Brown, N. H.	Frazier	Johnson, Colo.	Neely

Nye	Reynolds	Steiwer	Van Nuys
O'Mahoney	Robinson	Thomas, Okla.	Wagner
Overton	Russell	Thomas, Utah	Walsh
Pittman	Schwartz	Townsend	Wheeler
Pope	Schwellenbach	Tydings	White
Radcliffe	Sheppard	Vandenberg	

Mr. MINTON. I announce that the senior Senator from Ohio [Mr. BULKLEY], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Illinois [Mr. LEWIS], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

Mr. BULOW. I announce that my colleague the junior Senior from South Dakota [Mr. HITCHCOCK] is detained because of illness in his family.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting sundry nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

THE DISASTER AT NEW LONDON, TEX.—CONDOLENCES OF SENATE OF FRANCE

The VICE PRESIDENT laid before the Senate a cablegram from His Excellency Jules Jeanneney, president of the Senate of the French Republic, expressing, in the name of the Senate of France, assurance of its great sympathy upon the occasion of the recent disaster to school children and teachers at New London, Tex., which was ordered to lie on the table.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Agriculture and Forestry:

Whereas the noxious weed is one of the major menaces which in time will destroy a large part of the farming lands of the United States, which noxious weed is a perennial plant, propagated for the most part by an underground root system which, if left unchecked, literally takes possession of the soil in which it grows and chokes out the farmers' crops; and

Whereas an exhaustive investigation was made of this problem in 1930, and it was concluded that noxious weeds were costing the United States $3,000,000,000 every year, and that this amount has been increasing ever since the foregoing figure was arrived at, and will double within the next few years; and

Whereas Iowa, being a great agricultural State, has realized the growing menace of the noxious weed and is in sympathy with any organized effort to control it; and

Whereas there has been introduced in the Congress of the United States certain legislation to aid the various States in their fight on the noxious weed: Now, therefore, be it

Resolved by the senate (the house concurring), That the Congress of the United States and the Secretary of the Department of Agriculture have this important subject brought to their attention to the end that adequate Federal legislation be provided to assist in eradicating the noxious weed in the several States so as to save the farms for the farmers of America, and that a copy of this resolution be sent to the Secretary of the Department of Agriculture, to each United States Senator and Representative from the State of Iowa, to the Speaker of the National House of Representatives, and to the President of the United States Senate.

The VICE PRESIDENT also laid before the Senate the following resolutions of the Legislature of the State of Georgia, which were referred to the Committee on Agriculture and Forestry:

Be it resolved by the General Assembly of Georgia—

SECTION 1. That the Secretary of Agriculture of the United States of America be, and he is hereby, requested to recommend to the Congress of the United States that laborers employed in the manufacture of turpentine and rosin and naval stores products be classified as farm laborers.

SEC. 2. That the Secretary of Agriculture, if within his authority and power to do so, make such classification by Executive order for the purpose of classifying turpentine laborers as farm laborers from inclusion under the unemployment compensation laws of the United States and the several States.

SEC. 3. That the Secretary of Agriculture commit himself to the purposes outlined in this resolution and take appropriate action for the determination of this classification, as outlined herein.

SEC. 4. That a copy of this resolution, when adopted by both Houses of the General Assembly of Georgia, be certified and transmitted to the Secretary of Agriculture of the United States; and that a copy thereof be also transmitted to the presiding officers of the respective Houses of the Congress of the United States.

Whereas screwworms were not known to exist in the State of Georgia or in Florida, South Carolina, Alabama, Tennessee, or North Carolina prior to 1933, and the first case of screwworm was reported near Boston, Ga., during the first of July 1933. By the end of 1933 it had spread to approximately 64 counties in the southern part of Georgia. A reliable estimate fixed the number of cases in Georgia in this short time at 75,000. This insect continued to spread rapidly, so that by the end of the year 1934 it had established itself in approximately 110 counties in the State of Georgia, and it was estimated that there were 1,222,000 cases, with 75,000 deaths, in Georgia alone; and

Whereas the Congress of the United States came to the assistance of the farmers in the States of Georgia, South Carolina, Alabama, Mississippi, and Texas, in an attempt to solve this great problem in these States by approximately $480,000 for a screwworm educational and control program, which was to be conducted by the United States Bureau of Entomology and Plant Quarantine, United States Department of Agriculture. And as a result of this screwworm control program by the end of 1935 the screwworm cases in the State of Georgia had been reduced from 1,222,000 in 1934 to 75,680, with only 316 deaths. The number of cases had been reduced in Florida from 1,222,000 cases in 1934 to 153,002 at the end of 1935. There were similar reductions accomplished in the other States in which screwworms had established themselves. The Congress of the United States continued the screwworm educational and control program during the fiscal year 1937, and as a result only 2,174 cases were reported in the State of Georgia from January 1, 1936, to December 31, 1936. Only 43,754 cases were reported in Florida for the same period. Screwworms were practically nonexistant in the States of Alabama, Louisiana, Mississippi, and South Carolina, with a great reduction in the States of Texas, Arizona, New Mexico, California, and Oklahoma; and

Whereas the livestock industry in the State of Georgia is increasing rapidly and is proving one of the most profitable enterprises for our farmers it is believed that if screwworms are not controlled it will have a disastrous effect upon the future livestock industry of this State. The screwworm experts of the United States Bureau of Entomology and Plant Quarantine who have been carrying on research work on screwworms for a long number of years have indicated that screwworms only overwinter in the State of Florida and in the southern counties in Texas, which is only a small portion of the State of Texas. If they are correct in their statements regarding the areas in which screwworms can overwinter, then the State of Georgia could only be reinfested by flight or by the movement of infested animals from the States of Florida and Texas; and

Whereas Hon. Henry A. Wallace, Secretary of Agriculture, has made the statement that the screwworm educational and control campaign will be discontinued after the fiscal year 1937 and if this program is discontinued we can reasonably expect that the screwworm population will build up in Florida and spread to the other Southeastern States, the same to hold true in Texas with a spread to the Western and North Central States. If this program is discontinued, the livestock owners in Georgia and the Southeastern States and the Western and North Central States will continue to have to fight this destructive insect for all the years to come. If this program is continued, there is a possibility of eradicating the screwworm in Georgia and the Southeastern States, and to perfect a better control in that area of Texas where the pest overwinters: Therefore, be it

Resolved by the House of Representatives of the State of Georgia (the Senate of Georgia concurring), That we urge the Members of the Georgia congressional delegation to do everything in their power to get the United States Department of Agriculture to continue this screwworm control program and to support adequate appropriations for same and to urge that the United States Department of Agriculture attempt eradication in the State of Florida and continue the control program in the State of Texas and any other section where outbreaks occur; be it further

Resolved, That if eradication is not feasible, to continue the screwworm control program in the State of Georgia as well as other States; be it further

Resolved, That the secretary of the senate be instructed to forward a copy of this resolution immediately to each Member of the Georgia congressional delegation, to the chairman of the Agricultural Appropriation Committee in both the United States House of Representatives and the United States Senate, and a copy to the Honorable Henry A. Wallace, Secretary of Agriculture, and to Mr. Lee A. Strong, Chief, Bureau of Entomology and Plant Quarantine.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Agriculture and Forestry:

Joint resolution memorializing the Congress of the United States to apply available Federal aid to the salvation of the American farmer and the restoration and stabilization of American agriculture as of more vital national concern than the eradication of noxious weeds

Whereas among the pending bills in Congress, whose sponsors seek popular support because of proposed Federal aid to States with alleged resulting benefit to agriculture, is H. R. 4009 appropriating $50,000,000 for the next fiscal year to be made available to States on a matching basis for the eradication of noxious weeds; and

Whereas while the American farmer realizes that weed eradication is essential to successful farming and knows that weeds spring from the soil and, if not checked, will choke out his crops, he also realizes that the problem of eradicating or checking weeds is negligible and of no serious concern compared to the great problems arising from certain complex economic forces over which he has no control and which have so severely handicapped him and so seriously threaten the future of agriculture; and

Whereas the steady decline of farm-land values to a level which renders them almost valueless as security for loans, with the mounting indebtedness farmers have been compelled to incur and the deplorable situation of the great number of farmer debtors not being able to pay even interest obligations, create problems far more serious and deserving of Federal attention than the eradication of weeds; and

Whereas the estimated waste due to noxious weeds, put at $8,000,000,000 per year, is small indeed compared to the incalculable loss that would result to this country if the great agricultural industry is not stabilized and if farmer debtors are compelled to submit to continued foreclosure and eviction; and

Whereas the farmer has never sought a short workday but has always been and is now willing to toil 12 or more hours each day, 7 days each week, and even additional hours, if necessary to eradicate weeds; and has never asked for security except the privilege of earning a fair and decent living without impending fear of enforced indebtedness and relentless foreclosure and eviction; and

Whereas the State of Wisconsin, as one of the foremost dairy and agricultural States in the Union, has always favored any program to promote agriculture, has always favored and urged Federal aid therefor, and is proud of its leadership in agricultural advancement, but believes that any available Federal aid should be directed to the solution of the more vital and serious problems confronting agriculture, rather than the comparatively minor problem of eradicating weeds: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature memorializes the Congress of the United States to appropriate the $50,000,000 proposed in H. R. 4009, but urges the Congress to make such appropriation available for the lowering of interest rates on the farm indebtedness of America so that the farmers and their families may continue to live in the homes they have made, so that their fields may be tilled and their crops raised and the Nation fed, so that a fallen morale may be restored, so that a sturdy and loyal citizenship may be produced who will be the Nation's defenders in time of need as their forebearers were its founders in the days "that tried men's souls"; be it further

Resolved, That properly attested copies of this resolution be sent to each House of the Congress and to each Wisconsin Member thereof.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Appropriations:

Joint resolution relating to memorializing the Congress of the United States to provide relief for farmers in drought-stricken areas in this State

Whereas there is now pending in the Congress of the United States a measure known as H. R. 4945 which proposes, among other things, to appropriate $30,000,000 to the Works Progress Administration to be used to loan to drought-stricken farmers of the Nation to enable them to purchase foodstuffs for their cattle and other necessities; and

Whereas the farmers of this State are in a sad plight due to the drought and forest fires of 1936 and prior droughts and frosts and the depression; and

Whereas thousands of farmers in this State have been forced to reduce and are now reducing their dairy herds below the foundation or basic number of animals and to a point where it has seriously curtailed milk production in this State so as to enable them to purchase foodstuffs to maintain the remainder of such herds until spring; and

Whereas farmers of this State will be in need of millions of bushels of corn, small grain, and grass seed for this spring's planting and sowing; and

Whereas farming is the greatest industry of this State and its dairying industry is one of the greatest in the Nation, and the neglect to grant immediate aid to such industries can have but disastrous effects upon both the State and Nation; and

Whereas the farmers of this State have not received any appreciable Federal aid except under the corn-hog contracts: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of Wisconsin hereby respectfully memorializes the Congress of the United States to enact into law the aforesaid H. R. 4945 and thereby provide for loans and relief to the stricken farmers of this and other States; be it further

Resolved, That properly attested copies of this resolution be transmitted to the President of the United States, to both Houses of the Congress, and to each Wisconsin Member thereof.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Public Lands and Surveys:

Joint resolution memorializing the Congress of the United States to enact legislation to relieve financial difficulties developing in northern Wisconsin due to Federal purchases of land

Whereas lands owned by the United States are exempt from taxation; and

Whereas the Federal Government has acquired title to large portions of land in northern Wisconsin; and

Whereas Federal-owned land in Forest County constitutes 57 percent of all land within its borders and the percentages of such lands in various other northern Wisconsin counties have reached similarly large proportions; and

Whereas in counties and local units so affected revenues from real estate have fallen off to the point where they are no longer able to meet fixed charges and current operating expenses; and

Whereas the Federal Government has given no financial aid whatsoever to relieve the distress of these local governmental units caused by such Federal purchases; and

Whereas these suffering counties can be presently saved and placed on a firm financial basis for the future only by an equitable allotment of Federal funds to these counties based on the acreage withdrawn from the tax roll by the Federal Government: Now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature respectfully memorializes the Congress of the United States to enact necessary legislation to permit return of Government funds to counties suffering financial distress by reason of deprivation of adequate revenues resulting from governmental acquisition of lands within their borders; and be it further

Resolved, That properly attested copies of this resolution be sent to both Houses of the Congress of the United States and to each Wisconsin Member thereof.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to investigate certain recent charges relative to the distribution of relief in Wisconsin, which was referred to the Committee on Appropriations.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to enact the bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education, which was referred to the Committee on Education and Labor.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Ransom County (N. Dak.) Farmers Union, favoring the enactment of the so-called (redrafted) Frazier-Lemke farm and home refinancing bill, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by the Ransom County (N. Dak.) Farmers Union, favoring the enactment of the so-called Thomas-Massingale farm bill embodying a clause known as the cost-of-production clause, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by the Ransom County (N. Dak.) Farmers Union, favoring the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the City Council of Moline, Ill., favoring the enactment of the bill (S. 1685) to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes, which was referred to the Committee on Education and Labor.

He also laid before the Senate the petition of members of the Fraternity of Needleworkers, of Mayaguez, P. R., praying for the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a memorial of sundry citizens of Mansfield, Mass., remonstrating against the enactment of legislation to change or enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of the State of Texas, praying that no law be enacted closing the mails to the New Testament and other evangelical Christian publications or periodicals, which were referred to the Committee on the Judiciary.

Mr. GIBSON presented two memorials of sundry citizens of Grafton, Vt., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similar character, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by American Legion Post, No. 10, of Barre, Vt., favoring the passage of the so-called Sheppard-Hill bill, being the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Military Affairs.

Mr. TYDINGS presented a resolution adopted by the Montgomery County (Md.) Civic Federation, favoring the enactment of the bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the State of Maryland, praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which were referred to the Committee on Finance.

He also presented a memorial of members of the Women's Bible Class, Church of the Brethren, of Broadfording, Md., remonstrating against the enactment of the so-called Sheppard-Hill bill, being the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Military Affairs.

Mr. NYE presented the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry:

Senate concurrent resolution providing for a resolution memorializing the Congress of the United States and the congressional delegation from the State of North Dakota, and the Secretary of Agriculture of the United States, to pass a bill in Congress known as H. R. 4009, authorizing the appropriation of $50,000,000 to aid the various States in their fight of noxious weeds

Be it resolved by the senate (the house of representatives concurring), Whereas the noxious-weed problem in the State of North Dakota has become such a grave menace to the farmers of the State of North Dakota that it is absolutely imperative that immediate steps be taken to prevent the further spread of noxious weeds in this State, that amongst said noxious weeds which are rapidly destroying the fertility of North Dakota farms, are wild morning glory, also known as the creeping jenny or field bindweed, the Russian Knapp weed, leafy spurge, Canadian thistle, perennial sow thistle, quackgrass, Johnson grass, Bermuda grass, nutgrass, and many others; and

Whereas the State of Idaho has experimented in the destruction of various kinds of noxious weeds with very satisfactory results and the funds of the exterminating of said noxious weeds was furnished by the United States Government; and

Whereas the State of North Dakota is not financially able to provide such funds to carry on an aggressive and successful campaign for the eradication and extermination of noxious weeds prevalent in North Dakota; and

Whereas there is now before Congress a bill known as H. R. 4009, providing for an appropriation by the Federal Government of the sum of $50,000,000 to be expended in the various States before June 30, 1938, for the control and eradication of noxious weeds; and

Whereas said bill is of the greatest importance to the farmers of the State of North Dakota in assisting them in controlling and eradicating the various noxious weeds growing in this State; Now, therefore, be it

Resolved by the Senate of the State of North Dakota (the house of representatives concurring), That the Twenty-fifth Legislative Assembly of the State of North Dakota go on record as endorsing H. R. 4009, now before the House of Representatives of the Congress of the United States; be it further

Resolved, That copies of this concurrent resolution be forwarded to all Congressmen and United States Senators representing the State of North Dakota in the Congress of the United States, urging that they exert every effort to bring about the passage of said H. R. 4009; be it further

Resolved, That copies of this concurrent resolution be sent to the Secretary of Agriculture of the United States, with the request that the Department use every effort to bring about the passage of aforementioned H. R. 4009; be it further

Resolved, That a copy of this concurrent resolution be forwarded to the Speaker of the House of Representatives of the Congress of the United States, with the request that the matter be placed before Congress to show the whole-hearted support of the farmers of the State of North Dakota behind H. R. 4009.

Mr. THOMAS of Utah presented the following concurrent resolution of the Legislature of the State of Utah, which was referred to the Committee on Appropriations:

Whereas a large percentage of the lands and water rights located in Duchesne and Uintah Counties, State of Utah, is owned by Indians; and

Whereas the said lands and water rights thus owned are untaxable and the said counties receive no revenue therefrom; and

Whereas between 300 and 400 white families reside upon the said Indian lands, as lessees, and thereby escape taxation; and

Whereas the said counties furnish school for the children of said lessees upon Indian lands and furnish police and other protection for the said Indians and the said lessees living upon Indian lands; and

Whereas because of the conditions above mentioned the said counties have become seriously handicapped for lack of revenue with which to administer county functions; Now, therefore, be it

Resolved by the Legislature of the State of Utah (the Governor concurring therein), That we urge upon the Congress of the United States to appropriate the sum of $100,000 for the purpose of erecting and equipping a junior college at a site now selected in the city of Roosevelt, Duchesne County, State of Utah, to be jointly used by both white and Indian children; and be it further

Resolved, That the secretary of the State of Utah forward certified copies of this memorandum to the President of the United States Senate and to the Speaker of the House of Representatives and to Utah's Senators and Congressmen.

Mr. DUFFY presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Appropriations:

Joint resolution memorializing the Congress of the United States to investigate certain recent charges by a Wisconsin Congressman and a member of the staff of the Wisconsin Relief Administration as to the distribution of relief in Wisconsin

Whereas on January 26, 1937, Congressman THOMAS R. AMLIE is recorded on page 556 of the CONGRESSIONAL RECORD as saying: "I may say I do know of my own knowledge of people who have starved in my own district and died as a result of starving"; and

Whereas charges were recently made in the press by a member of the staff of the Wisconsin Relief Administration that there are in 27 counties of Wisconsin children going to bed hungry at night, and that the counties in Wisconsin are comparable to those in Arkansas and other Southern States: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature urges the Congress of the United States to investigate the charges herein referred to and to publish its findings to the end that the truth shall be known; be it further

Resolved, That properly attested copies of this resolution be sent to both Houses of Congress and to each Wisconsin Member thereof.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Education and Labor:

Joint resolution memorializing the Congress of the United States to pass the Harrison-Black-Fletcher bill, providing Federal aid for public education

Whereas the Harrison-Fletcher bill providing for Federal aid for public education was introduced into the Seventy-fourth session of Congress and has been reintroduced at the present session of Congress (Senate 419 and H. R. 2288) as the Harrison-Black-Fletcher bill; and

Whereas this meritorious measure has been supported from its inception by many Members of Congress and men and women throughout the Nation who have recognized the important place of education in our social and economic progress; and

Whereas the bill proposes allotments of Federal funds to the several States for public education on the basis of student population and the relative tax-paying ability of the States; and

Whereas under the proposed plan Wisconsin would receive for its quota of such funds $2,292,202 for the first year with an annual increase for 4 years until the allotments for the fifth and succeeding years reach $6,876,606; and

Whereas adequate support of our public schools has long been a problem of paramount concern to State government and local communities and an ever-increasing tax burden to the property owner which such Federal aid will greatly relieve without neglecting education for posterity; and

Whereas centralized funding of the cost of public education is entirely in accord with economic changes of the past two decades: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin respectfully memorializes the Congress of the United States to enact into law the Harrison-Black-Fletcher bill providing Federal aid for public education, and that such aid be allotted to the several States without condition or restriction, to be disbursed and administered by the State agency charged with the duty of administering public education in such manner as the State agency may determine to be for the best interests of public education in the State; be it further

Resolved, That duly attested copies of this resolution be transmitted to the President of the United States, both Houses of the Congress of the United States, and to each Wisconsin Member thereof.

Mr. PITTMAN presented the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Foreign Relations:

Assembly joint resolution memorializing the United States Senate to oppose the ratification of the proposed Argentine treaty

Whereas we feel that the ratification of the said Argentine treaty will be detrimental to the livestock industry of the United States, by reason of the fact that regulations under such treaty will furnish a means of entry of foot-and-mouth disease among cattle in the United States and the impairment of the present standard breeds of cattle in the United States: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of Nevada, That the United States Senate be memorialized to oppose the said proposed ratification of the Argentine treaty; and be it further

Resolved, That certified copies of these resolutions be forwarded to our Senators at Washington, D. C., and that copies of this resolution, certified by the proper officers of the Senate and Assembly of the State of Nevada, be transmitted to the Chamber of Commerce of the United States and to the Honorable H. A. Wallace, Secretary of Agriculture of the United States.

Mr. PITTMAN also presented the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Public Lands and Surveys:

Assembly joint resolution petitioning Congress for the establishment of a patrol, under direction of the Federal Government, over all the lands coming under the control of the Taylor Grazing Act in the Western States

Whereas under the provisions of the Taylor Grazing Act those lands embraced therein are subject to the supervision of the Federal Government, through the Department of Interior; and

Whereas conditions of depredation of alarming extent by cattle rustlers are being developed on public ranges; and

Whereas local authorities are handicapped by the great areas over which these depredations are taking place, in the enforcement of State laws; and

Whereas a system of patrol and supervision by the Federal Government of said lands would reduce such depredations to a minimum and ultimately eliminate the same: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, That the Congress of the United States be petitioned to establish a system of patrol over the public domain in the Western States coming under the provisions of the Taylor Grazing Act; and be it further

Resolved, That certified copies of these resolutions be forwarded to our Senators and Congressmen at Washington, D. C., and that copies of this resolution, certified by the proper officers of the Senate and Assembly of the State of Nevada, be transmitted to our sister States wherein Taylor grazing districts exist.

INTEREST RATE ON CERTAIN FEDERAL LAND-BANK LOANS

Mr. SHEPPARD. Mr. President, I present for printing in the RECORD and appropriate reference a concurrent resolution of the Legislature of the State of Texas, in behalf of a bill introduced by Representative MARVIN JONES, of Texas, extending for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans.

The concurrent resolution, which was referred to the Committee on Banking and Currency, is as follows:

Whereas agriculture is one of the basic industries of Texas; and

Whereas during the period of depression no legislation passed by the National Congress has been more beneficial or more conducive to recovery than the reduction of interest on loans by the Federal land bank; and

Whereas there is now pending before the National Congress H. R. 1546, by Representative MARVIN JONES, of Texas, which is as follows:

"A bill to extend for 2 additional years the 3½-percent-interest rate on certain Federal land-bank loans, and for other purposes

"*Be it enacted, etc.*, That (a) the first sentence of paragraph 'Twelfth' of section 12 of the Federal Farm Loan Act, as amended, is amended to read as follows:

"'Notwithstanding the provisions of paragraph 'second' of this section, the rate of interest on any loans on mortgage made through national farm-loan associations or through agents as provided in section 16, or purchased from joint-stock land banks by any Federal land bank, outstanding on May 12, 1933, or made through national farm-loan associations after such date, shall not exceed 3½ percent per annum for all interest payable on installment dates occurring within a period of 4 years, commencing July 1, 1935; and no payment of the principal portion of any installment of any such loan outstanding on June 3, 1935, shall be required prior to July 11, 1938, if the borrower shall not be in default with respect to any other condition or covenant of his mortgage.

"(b) The fourth sentence of such paragraph 'Twelfth' (relating to the time limit on payments made by the United States to land banks on account of such interest reduction) is amended to read as follows: 'No payments shall be made to the bank with respect to any period after June 30, 1939.'"

Whereas a continuation of said reduced interest rate at 3½-percent interest per annum is necessary in order to further assist ranchmen and home owners in recovery; and

Whereas said reduction and interest rate will save to the people of Texas millions of dollars seriously necessary to such recovery; and

Whereas the House of Representatives of Texas (the Senate concurring) believe said H. R. 1546 should pass, or some measure substantially accomplishing the result sought by said resolution; and

Whereas the passage of said act will permit the farmers and ranchmen who have during the period of depression accumulated tax deficits and other obligations that are fast being removed, and the reduction in interest charge provided in H. R. 1546 will materially aid said debtor class, in again being able to hold their property and at the same time discharge their obligations: Now, therefore, be it

Resolved by the House of Representatives of Texas (the senate concurring), That the Legislature of Texas go on record as approving the matters set forth in H. R. 1546, and memorializing Congress to actively support said resolution; and that the chief clerk of the house of representatives be authorized and directed to send a copy, under the seal of the said clerk, to the Members of Congress of Texas; to Senator MORRIS T. SHEPPARD and Senator TOM CONNALLY, of Texas; and a copy of said resolution be forwarded, under the seal of the clerk, to Hon. Jesse H. Jones, Chairman, Reconstruction Finance Corporation, as expressive of the desires and wishes of the Legislature of Texas.

PROGRAMS OF PUBLIC EDUCATION—PETITIONS

Mr. SHEPPARD. Mr. President, I also present petitions, numerously signed, of sundry citizens of Dallas, Tex., praying for the enactment of the bill (S. 419) to promote the general welfare, through the appropriation of funds, to assist the States and Territories in providing more effective programs of public education. I ask that the petitions may be referred to the Committee on Education and Labor, and that the body of one of the petitions be printed in the RECORD.

There being no objection, the petitions were referred to the Committee on Education and Labor, and the body of one of the petitions was ordered to be printed in the RECORD, as follows:

Hon. MORRIS SHEPPARD,
United States Senator, Senate Chamber, Washington, D. C.

DEAR SENATOR: Realizing that the time has come for the Federal Government to assume its fair share of the cost of all education in all the States, and that it is right that the Federal Government should "promote the general welfare" through bearing a fair share of the cost of schools, we the following teachers, parents, and voters of Dallas urge you to support the Harrison-Black-Fletcher bill, which will help the schools in all of the States of the Union

Name ——— Address ——— Phone number ———

COMPACT FOR FLOOD CONTROL IN CONNECTICUT RIVER VALLEY

Mr. LONERGAN. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Commerce a letter from the attorney general of the State of Connecticut relating to the proposed flood-control compact.

There being no objection, the letter was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
ATTORNEY GENERAL'S OFFICE,
Hartford, March 19, 1937.

Hon. AUGUSTINE LONERGAN,
United States Senator, Senate Office Building, Washington, D. C.

DEAR GUS: As you know, for several months we have been working upon the flood-control question. We have now tentatively agreed upon a compact. Its contents have not been made public, and we have all agreed that no part of the contents will be made public until commonly released in all four States at one time.

As you know, the so-called Omnibus Flood Control Act of 1936 provided for the building of reservoirs in Vermont and New Hampshire. In our tentatively agreed upon compact we have provided (subject, of course, to the Omnibus Flood Control Act being amended to permit it) for two of the reservoirs being located in Massachusetts. It was felt that inasmuch as this change refers

to reservoirs in Massachusetts, that the initiation of an amendment to the 1936 act should come from representatives in Massachusetts. I am advised that Senator WALSH has been furnished with a copy of this adjusted amendment and has been asked to originate it.

You can readily see that inasmuch as the Vermont Legislature is likely to adjourn in another month, if we are going to have our present form of compact approved of by all of the States and Congress, we must be very quick in getting action in Congress in amending the Omnibus Flood Control Act.

We are all of the opinion that there is no basis for objection to the proposed amendment. Really all that it amounts to is deleting the words "Vermont" and "New Hampshire" and permitting the construction of reservoirs for the control of floods in the Connecticut River Valley on tributaries of the Connecticut River.

I do not feel that I can adequately state in this letter the requirement for urgency in this matter. I have been working for almost a year upon it. I have spent hours and weeks of time both in drawing outlines of compacts and discussing the many questions involved with representatives of the other States. We have been required at all times to have in mind the thought that any plan tentatively agreed upon must have successful passage in the legislatures of all four States.

It is now necessary to have two of the reservoirs at the start of the program located in Massachusetts, and in order to accomplish this, as stated above, it will be necessary to amend the 1936 Flood Control Act to permit the building of reservoirs in Massachusetts.

Al Phillips was up here from Washington the other day, and I talked with him briefly about it. I told him it was quite possible that representatives from the other States (Vermont, Massachusetts, and New Hampshire) and I might attempt to meet with the entire congressional representation from the four States in an endeavor to advance another plan we have discussed in our joint meetings. This suggested meeting may or may not prove worth while.

May I ask that you take up this suggested amendment with Senator DAVID I. WALSH, of Massachusetts, at your early convenience with a view toward expediting the passage of it at the earliest possible date.

If I have not made myself and our wishes clear in this mattter, I shall be very glad to amplify my thoughts in any manner you suggest, either by letter, telegram, telephone, or, if necessary, a trip to Washington.

We have gotten so close to the accomplishment of our purpose after these long months of real hard work that we trust most sincerely that nothing will prevent the approval of the compact.

We are meeting again in Boston tomorrow, Saturday, March 20, at which time I trust the final draft of the compact will be agreed upon. I hope then that the matter can be reported here in Connecticut to Governor Cross next week and that he can take the matter up with our legislature at a very early date. Just as soon as the final draft of compact is completed I shall be very pleased to forward you a copy of it.

With kindest personal regards, I am

Sincerely yours,

EDWARD J. DALY, *Attorney General.*

REPORT OF COMMITTEE ON MILITARY AFFAIRS

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (H. R. 2291) to amend the act of May 25, 1933 (48 Stat. 73), reported it with an amendment and submitted a report (No. 223) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 19th instant that committee presented to the President of the United States the following enrolled bills:

S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.;

S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; and

S. 997. An act to further extend the times for commencing and competing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa.

BILLS INTRODUCED

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

By Mr. McADOO:

A bill (S. 1946) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest in the State of California; to the Committee on Agriculture and Forestry.

By Mr. POPE:

A bill (S. 1947) for the relief of Mary Louise Oxley; to the Committee on Civil Service.

By Mr. REYNOLDS:

A bill (S. 1948) to amend the act of June 7, 1935 (49 Stat. 332), and for other purposes; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 1949) to increase the number of midshipmen allowed at the United States Naval Academy from the District of Columbia; to the Committee on Naval Affairs.

By Mr. TYDINGS (by request):

A bill (S. 1950) authorizing the appointment and retirement of Godfrey Neil Wyke as a captain, United States Army; to the Committee on Military Affairs.

By Mr. GUFFEY:

A bill (S. 1951) to authorize the cancelation of deportation proceedings in the case of Harry Worsley; to the Committee on Immigration.

By Mr. COPELAND:

A bill (S. 1952) for the relief of Irwin J. Russell; and

A bill (S. 1953) for the relief of Eugenia Scherban; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 1954) to authorize a preliminary examination and survey of the Grand (Neosho) River and its tributaries in Oklahoma, Kansas, Missouri, and Arkansas, with a view to the control of its floods, and for other purposes; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 1955) to restore without premiums the benefits of United States Government life insurance to certain officers of the United States Army, Navy, and Marine Corps; to the Committee on Finance.

A bill (S. 1956) to promote on the retired list Army officers retired for wounds received in battle; to the Committee on Military Affairs.

By Mr. BYRD:

A bill (S. 1957) to authorize the coinage of 50-cent pieces in commemoration of the three hundred and fiftieth anniversary of the introduction of American-grown tobacco in England by Sir Walter Raleigh and the three hundred and twenty-fifth anniversary of the culture of tobacco by Anglo-Saxons—John Rolfe, husband of the Indian princess, Pocahontas, having planted the first acres in the Virginia Colony in 1612; to the Committee on Banking and Currency.

PROPOSED MERCHANT MARINE ACADEMY

Mr. COPELAND submitted the following resolution (S. Res. 96), which was referred to the Committee on Commerce:

Resolved, That the United States Maritime Commission is requested to prepare, and the Secretary of the Treasury, the Secretary of the Navy, and the Secretary of Commerce are requested to cooperate with the Commission in preparing, tentative plans for the establishment of an academy for the training of persons to become licensed officers in the merchant marine of the United States, including plans for a course of instruction and estimates of the cost of establishing, equipping, and maintaining such an academy; and the Commission is requested to transmit such plans to the Senate at the earliest practicable date.

AID FOR SCHOOLS IN HAZARDOUS CONDITION

Mr. SCHWELLENBACH. Mr. President, last week the people of the Nation were shocked at the tragedy which occurred in Texas as a result of an explosion in a public school. There is nothing we can do in reference to that condition and nothing we can do in reference to the tragedy that occurred; but it happens that in the Public Works Administration there are several hundred applications for grants and loans or grants or loans made by school authorities throughout the country, and that in those applications the basis of need as set forth is that the present physical condition of the schools, which are being occupied, and which would be removed from use if the applications were granted and new buildings constructed, constitutes a danger to the lives of boys and girls who are going to the schools. I found in my experience in my State that the applications based on such need were the ones on which it was most difficult to secure favorable action by the Public Works Administration for the reason that school districts which have schools in such condition are the districts which are least able to meet the requirements of the Public Works Administration. In view of the tragedy which has occurred, I think that the Congress of the United States should interest itself in the subject and attempt to work out a policy whereby it will be possible to meet the problems of school districts which are compelling their children to go to school under conditions of hazard.

Mr. President, I send to the desk a resolution, which I ask unanimous consent to have read, and then that it be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, the resolution will be read.

The resolution (S. Res. 97) was read, as follows:

Whereas the Nation has been shocked by the disaster at New London, Tex., in which several hundred school children were killed as a result of an explosion, which explosion, according to preliminary investigation, resulted from defective construction of equipment; and

Whereas there are now pending before the Public Works Administration several hundred applications for loans and grants or loans or grants from the Public Works Administration for the construction of school buildings and facilities which have as their basis for necessity the fact that under the present construction and facilities the lives of the children attending such schools are endangered from fire and other causes: Therefore be it

Resolved, That the Administrator of Public Works is hereby directed to file with the Senate a statement setting forth, by States, the number of school projects having for their basis hazard to the lives of the school children, classifying the hazards, and setting forth the amounts of loans and grants or loans or grants requested in the applications.

The VICE PRESIDENT. In accordance with the request of the Senator from Washington, the resolution will be referred to the Committee on Education and Labor.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR HOLT

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address on the proposed reorganization of the Federal judiciary, delivered by him on Mar. 16, 1937, which appears in the Appendix.]

FEDERAL AID FOR PUBLIC SCHOOLS

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a radio address on the subject of Federal Assistance to Public Schools, delivered by Senator BLACK on the evening of Mar. 17, 1937, which appears in the Appendix.]

ADDRESS BY DR. HARRY EMERSON FOSDICK ON PEACE

[Mr. POPE asked and obtained leave to have printed in the RECORD an address on the subject Five Sectors of the Peace Movement, delivered by Dr. Harry Emerson Fosdick in New New York City on Jan. 10, 1937, which appears in the Appendix.]

NAVAL APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes.

The VICE PRESIDENT. The question is on the engrossment of the amendments and the third reading of the bill.

Mr. FRAZIER. Mr. President, this is an important measure involving the appropriation of a little over a half billion dollars, and it seems to me that we should have some explanation of at least some phases of the bill before it is finally passed by the Senate. The bill is drawn in such a way that it is difficult to understand many items in it unless one happened to be a member of the committee or attended the committee hearings. I note that there is an item in regard to petroleum reserves. In the hearings one item of the appropriations was discussed, but another item involving $10,000,000, so far as I could see, was not discussed at all at the hearing. I should like to inquire what is meant by the item at the top of page 6. It provides:

That out of any sums appropriated for naval purposes by this act any portion thereof, not to exceed $10,000,000, shall be available to enable the Secretary of the Navy to protect naval petroleum reserve no. 1.

May we have a brief explanation of that $10,000,000 item?

Mr. BYRNES. That item is carried in the bill every year for the purpose of enabling the Secretary of the Navy, in case it should become necessary to protect our oil reserves, to drill wells for that purpose. The appropriation has not been used but has been carried in the bill heretofore, so that the Secretary of the Navy may have authority to use it in case it should become necessary to protect the oil reserves of the Government.

Mr. FRAZIER. Was none of this money used last year?

Mr. BYRNES. It was not used but is carried as an emergency item, giving to the Secretary of the Navy the power to use the money in case it should become necessary.

Mr. FRAZIER. On page 5, in the same paragraph of the bill, there is an item of $62,000 having to do with the conservation, development, use, and operation of naval petroleum reserves, an amount which is a trifle less than that expended last year, according to the hearings.

Our naval policy, of course, is supposed to be set up by the Congress but is really set up, so far as it is set up, if there is any policy, by the Navy Department; and we have been repeatedly told by no less an authority than President Roosevelt that we were building a navy for adequate defense only. Now, as I understand it, there are no new battleships or war vessels provided for in this bill. Is that correct?

Mr. BYRNES. There is no provision in the bill for the construction of any new battleships; that is correct. There is provision for the construction of some destroyers and submarines—eight destroyers, as I recall, and four submarines.

Mr. FRAZIER. There is also some provision for the completion of several battleships, is there not?

Mr. BYRNES. Of course, the Senator understands that battleships authorized by the Congress are not completed in any one year, and funds are appropriated each year to carry on the work of construction. Some of the money appropriated in this bill is to be used to continue the construction of the ships now under construction. There are under construction 81, including all kinds of vessels.

Mr. FRAZIER. How much of the appropriations provided by this bill are for the continuation or completing the construction of battleships, cruisers, and aircraft carriers?

Mr. BYRNES. The amount appropriated by this bill does not provide for the completion of the construction, because it will take a much longer time than will be covered by the appropriations in this bill to complete the construction of the battleships.

Mr. FRAZIER. How much is it proposed to appropriate for that purpose by the bill?

Mr. BYRNES. Nine million one hundred and seventy-nine thousand dollars for construction and machinery and $6,000,000 for armor, armament, and ammunition.

Mr. FRAZIER. How many aircraft carriers are under construction?

Mr. BYRNES. In all there are built and building three aircraft carriers, either authorized or in process of construction.

Mr. FRAZIER. Of course, the building of aircraft carriers would seem to me to be in preparation for a foreign war rather than merely for protection of our own coasts. In hearings before the House committee, and I think before the Senate committee too, some very noted officers of the Navy have appeared and stated that in the event of another world war the great battleships, and other naval paraphernalia in the form of vessels, would be practically useless, because most of the fighting would probably be in the air and the protection of the coast would have to be by airplanes and bombing planes. Yet we are continuing to build battleships and aircraft carriers. Battleships at the present time cost $50,000,000 or more, cruisers $10,000,000, $15,000,000 or $20,000,000, and airplane carriers, I believe, cost about $50,000,000.

I noticed some little time ago a statement given out by some governmental authority to the effect that the construction of battleships, airplane carriers, and so forth, was going to be continued. Only a few days later Great Britain gave out a similar statement to the effect that they were going to spend several hundred million dollars for a larger Navy. It

would seem to me that our naval program and Great Britain's naval program run almost side by side. It seems almost like a race as to whether we shall have a larger navy than Great Britain or whether Great Britain shall continue to be what is termed the "mistress of the seas."

It was only a few short years ago that the Senate approved what is known as the Kellogg Peace Pact, which was in turn adopted, through the influence of Secretary of State Kellogg, by all the great nations of the world. In that pact we pledged ourselves not to be aggressors in any war and practically not to prepare for war. However, each year for military and naval purposes we have been spending increasingly large appropriations, and even since the Kellogg Peace Pact was adopted each year we have been spending more money for such purposes than we spent theretofore. So it is evident that those who have been determining the so-called naval policy of the United States have ignored entirely the Kellogg Peace Pact. In other words, it would seem that we did not mean what we said in the Kellogg Peace Pact in the first place. I do not know whether or not that is the case, but I cannot quite understand why we should have a world peace pact and then continue to appropriate more money each year for naval purposes and war purposes than we have ever before appropriated.

I wonder if the Senator in charge of the bill can tell us what nation is considered our enemy that we need to construct battleships and airplane carriers in order to be in readiness to go to war? Is there any country which is preparing to go to war with the United States?

Mr. BYRNES. Mr. President, I am unable to answer the question of the Senator, but let me say to him, and I know he will agree with me, that the policy of the Congress as to the construction of naval vessels is not determined by the Appropriations Committee. The Congress of the United States, after the receipt of recommendations from the Executive, determines upon the policy of the Government as to its Naval Establishment. Congress in what is known as the Trammell-Vinson Act provided for the construction of certain vessels, a certain number of battleships and a certain number of destroyers and submarines, all within the provisions of the treaty with other naval powers.

The Appropriations Committee has no duty other than to comply with the act of Congress and to provide the funds to enable the Navy Department to carry out the policy which has already been determined by the Congress. That is all the Committee on Appropriations has done in reporting the pending bill providing funds for carrying out the policy of construction already determined by Congress.

Mr. FRAZIER. I should like to ask the Senator again if he believes it is necessary, especially after the adoption of the Kellogg Peace Pact, to continue to build great battleships at a cost of $50,000,000 or more apiece, and to continue to build airplane carriers and cruisers, cruisers with a cruising radius, I understand, of 10,000 or 15,000 miles? They certainly are not being constructed for the defense of our coasts, but apparently for use in foreign wars.

Mr. BYRNES. After the approval of the Kellogg treaty the Congress of the United States determined upon this policy; and the Appropriations Committee, I must again inform the Senator, does not go into the matter of the determination of the policy but considers only the question of providing the needed funds.

Mr. FRAZIER. The Senator is a Member of the Senate just as the rest of us are, and if the Congress determines a peace policy each of us should be included in the determination, it would seem to me.

Mr. BYRNES. Of course, that policy was determined; and why the Congress determined it the Senator from North Dakota, who voted for or against it, knows as well as I do. The Appropriations Committee has never held, and never does hold hearings, on that particular subject. We are simply providing funds for carrying out the provisions of an act of Congress.

Mr. FRAZIER. If the statements made by officials of the Government, members of the Cabinet, the President himself and other officials, are correct that we are preparing for adequate defense and for defense only, it seems to me we should change the name of our War and Navy Departments and call them the Defense Department. If it is to be our policy to have an Army and Navy for defense only, then let us have a policy of national defense and set up a defense department instead of the War and Navy Departments. Let us work along that line. I know we can save a great deal of money in our appropriations for the Navy, and probably for the Army, too, if we are on a defense basis and not on a war-policy basis. If we are going to plan for defense of our own coasts only, we certainly do not need these great battleships.

I remember the late Gen. William Mitchell made a statement a few years ago that in the event of another world war the safest place for our great battleships would be up the Mississippi River as far as they could get, because, he said, in the event of another such war, the airplanes would play a great part and one well-directed bomb from an airplane would sink the biggest battleship afloat. I think he was absolutely correct. It seems to me the money we are spending in the construction of more naval vessels is rather a waste of public funds and the taxpayers' money.

More than that, we are constructing 80 or more war vessels at the present time. Authorizations have been made and appropriations approved to carry on that work, and further appropriations are included in the bill now before us. Some of these vessels have been laid down and some are to be started under the terms of the bill here today.

Then there is another department of the Government which is dismantling and scrapping many vessels. They are, of course, vessels of a different kind; but it seems to me rather strange that one branch of the Government should deliberately try to scrap 40 vessels, if that is their plan, at the present time, while another branch plans to build a great many more, both at immense expense to the taxpayers.

Secretary Roper, of the Commerce Department, only a few months ago made a statement in a speech in which he condemned the scrapping of some of the ships that were to be scrapped, and, in fact, stated that he had canceled part of the contract. Some resolutions were introduced here by the senior Senator from Maryland [Mr. TYDINGS] in regard to one of the contracts to scrap a number of ships.

I hold in my hand a book by Mr. Ewing Young Mitchell, formerly Assistant Secretary of Commerce, entitled "Kicked In and Kicked Out of the President's Little Cabinet", in which he gives some very interesting facts in regard to scrapping these ships, and says they were scrapped in defiance of law and facts, and names the amounts that the vessels cost, and what the Government is getting for them for scrap iron. He states that evidence was produced that they could be repaired at small cost and continued in service; and he gives the history of the old *Leviathan*, which has been discussed on the floor of the Senate a number of times, and gives the names of some of the shipping companies which evidently made a lot of money through buying ships from the Shipping Board, running them for a little while, and then scrapping them, or making some other disposition of them.

Mr. Mitchell also discusses the mail contracts. We passed a resolution here giving the President authority to cancel the mail contracts with the various ship companies.

I note that in this book, on page 223, Mr. Mitchell says:

> The President has had the authority to cancel any or all of these contracts—

That is, mail contracts with the various shipping interests—

> since he received the reports on January 11, 1935, Congress having extended this power from time to time. But notwithstanding this situation, every one of these contracts, except one of small importance held by the United Fruit Co. which was canceled at that company's request, are still going strong. The continuation of the contracts is costing the Government more than $2,200,000 per month, or $26,500,000 per annum.

And besides that, we are scrapping vessels at a great financial loss and then appropriating more money to build others.

Mr. President, I notice that this bill contains quite a substantial appropriation for the air forces of the Navy Department. I should like to ask the Senator in charge of the bill how much of the money appropriated in the bill goes for naval air forces.

Mr. BYRNES. Mr. President, does the Senator mean the construction or the maintenance of airplanes?

Mr. FRAZIER. Construction, especially.

Mr. BYRNES. In the 1938 procurement fund it is shown that there will be 251 replacement airplanes costing $19,386,000; 104 airplanes as an additional increment, $7,894,000; 42 airplanes for the Naval Reserve, $1,580,000; 2 nonrigid airships, $275,000; increase of inspection force, $51,000.

Under the act known as the Vinson-Trammel Act the Navy has determined upon a quota of 1,910 airplanes as being commensurate with a treaty navy. Under present prospects we shall not have, we cannot have, a treaty navy until 1942. That is, the United States cannot have until 1942 the ships to which the Government is entitled under the treaty Navy, and there is no chance that we shall have all of the airplanes we need for a year or two to come.

Mr. FRAZIER. Mr. President, I should like to ask the Senator if the Appropriations Committee has given any consideration to the proposal to consolidate all the air forces under one head instead of having part of the air forces in the Navy, part of them in the Army, and part elsewhere.

Mr. BYRNES. No, Mr. President; because if the Appropriations Committee should report a provision of that character it would be legislation, and would be in violation of the rules. There is not one amendment contained in the bill as reported by the Senate committee that is in the nature of legislation. The committee has lived strictly up to the rule of the Senate that no legislation shall be reported in an appropriation bill.

Mr. FRAZIER. Any consideration of that subject, then, would have to be made by the committee which is authorized to handle the subject of the consolidation and reorganization of Government departments?

Mr. BYRNES. It would have to come from the Naval Affairs Committee, which reported the original measure, and which can recommend the repeal of the provision for the construction of these ships, or provide for changing naval policies, and would have to agree upon a combination or a merger of the various departments.

Mr. FRAZIER. Mr. President, I suppose there is no chance of making any reduction in this bill. The Senate committee has reduced the total amount somewhat from that requested by the Budget Bureau, and the House committee also cut it down somewhat, but still the expenditure of over $500,000,000 in peacetime for naval purposes seems to me altogether too great. I hope the Committee on the Reorganization and Consolidation of Departments can work out, before another session comes around, some plan to save a great deal of this money. It seems to me that if we are going to have preparations for military and naval defense, we should have a defense department under one head; that the Army and Navy Departments should be done away with, and all the activities brought in under one head; a defense department, if that is what our policy is. I believe we could save probably half of the present amount, which would mean about half a billion dollars each year in that way.

I respectfully urge upon the Committee on Reorganization and Consolidation, and the committee which is studying the proposal to cut down the expenses of the Government, the reading of this book by former Assistant Secretary Mitchell, which, to say the least, gives some very interesting information. He names officials and dates and places, and makes a very frank statement as to many things which he believes have been "put across" contrary to law and contrary to the interests of the people. Because of some of the instances that I happen to know something about, I feel that Mr. Mitchell is practically correct in the statements in his book, so far as I have examined them, and a thorough study of the book should be made, I think, by a Senate committee.

Mr. President, in these times, when so many persons are out of employment, and so much money is being spent for relief and work relief, it seems to me it is a waste of the taxpayers' money to appropriate and spend a billion dollars a year for what we term "adequate defense" in peacetimes, more money than we have ever before spent in peacetimes, and more money than any other nation has spent in peacetimes up until the last year or two at least. Great Britain and other nations, too, have used as an excuse for increasing their appropriations for their navies especially, and their air forces, the fact that the United States is making these vast appropriations and spending these vast amounts of money.

Of course, I cannot agree that the policy adopted by the Congress would meet the approval of the majority of the people of the country. I believe the majority of the people of our Nation, if the proposition were put up to them in a fair, plain, straightforward manner for their expression of opinion by vote, would vote, I was going to say, to abolish both the Army and the Navy; if not, at least to cut down their expenses very materially, because they cannot understand why it is necessary to build $50,000,000 battleships and then spend one million or two million dollars a year each for their upkeep in these peacetimes, when we are not supposed to be figuring on war with any nation, when it is the avowed policy of the President of the United States himself to have us make preparations only for adequate defense here at home.

Of course, the term "adequate defense" does not mean much to anyone who thinks about the subject. It has been demonstrated time after time that with modern methods of warfare there is no such thing as adequate defense. A $50,000,000 battleship can be sunk, according to experts, by one well-directed bomb; and the same thing is true of the smaller cruisers and other fighting vessels of the Navy. So "adequate defense" does not mean much, after all. I am sure, too, that the great majority of the people throughout our Nation are not in favor of going into another world war, and, in my opinion, they are not in favor of these immense expenditures for preparation for war; and I can see no other reason for a billion-dollar appropriation for war and Navy purposes than the expectation of going into another world war.

I have called the attention of the Senate several times to the words of the late William Jennings Bryan, just after the World War was declared but before we got into it, when he said that the nations which were best prepared were the ones that went into the war first; and he also stated that if the United States had been as well prepared for war as some of the big-army and big-navy crowd had advocated, undoubtedly we should have been in the war right from the start. I think Mr. Bryan was absolutely correct in that statement.

It has always been true, so far as I know, when a war came on, that the countries best prepared were the ones which went into it first. That was, indeed, the case in the World War. And the nations which went into the war got nothing out of it, and we are still paying the expenses of our participation in the World War. The debts which have been repudiated by foreign countries, of course, are being paid by our own taxpayers, and the building of great battleships and the preparations for war, which are now under way, are being paid for by our taxpayers. The vessels in the merchant marine which are being scrapped have been paid for by our taxpayers. Those vessels are either being scrapped or sold for prices away below cost to private companies at the expense of our taxpayers.

Mr. President, I admit that I am ashamed, as a Member of the United States Senate, that the policy has been adopted here of spending a billion dollars a year for war purposes in times of peace, of giving private shipping lines over $26,000,000 a year as a subsidy for carrying the mails, selling them at low prices vessels which have been built by the taxpayers' money, almost giving them away. I am ashamed, as a Member of the United States Senate, that that kind of a policy has been adopted. I will say in defense of the Senate, at least in defense of myself, that, in my opinion, it has not been the Congress which has adopted that policy. The Congress should have adopted a policy, but it has been

ing for adequate defense and for defense only, it seems to | partment. I should like to ask the Senator in charge of

derelict in its duty, in my opinion, in letting the big Army men and the big Navy men direct the policy and say what it should be.

I see on the other side of the Chamber the junior Senator from Virginia [Mr. BYRD], the chairman of the Coordination Committee to Investigate Ways and Means of Cutting Down the Expenses of the Various Departments, and I call his attention to a book written only last year by a former Under Secretary of Commerce, Mr. Ewing Young Mitchell. He made what seemed to me some very startling charges as to expenditures of Government money. He mentions some of the committees of the Senate and some of the Members of the Senate. I respectfully refer the junior Senator from Virginia, in his study of how to cut down expenses, to this book of Mr. Mitchell's, entitled "Kicked In and Kicked Out of the President's Little Cabinet."

I shall not take more time now, as I know it is useless to do so. I have had previous experience along this line. I think, however, that it is important to get a little of this information to the public, at least so that they will know what is being done and how a part of our money is being spent in peace times for war purposes, notwithstanding the fact that we have joined in a pact known as a peace pact, a pact to outlaw war, in which we have obligated ourselves not to be the aggressors in any war and not to settle our disputes by means of war. Yet we are spending a billion dollars per year in preparation for war.

Mr. BONE. Mr. President, is the bill now open to amendment?

The PRESIDING OFFICER (Mr. WALSH in the chair). The bill is open to amendment.

Mr. BONE. I have sent an amendment to the desk, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 54, line 3, after the word "plants", it is proposed to insert the words:

Provided further, That no part of the moneys appropriated or made available in this act shall be used for the construction of any naval vessel not heretofore let to contract, by a private contractor or contractors; nor shall any of the moneys herein appropriated or made available be used for the manufacture, by a private contractor or contractors, of the main engines, ordnance, and armament for such vessels, the term "manufacture" to mean the making of castings and forgings (both roughing and finishing) the parts, assembling, and installing.

Mr. BYRNES. Mr. President, I make a point of order against the amendment on the ground that it changes existing law, although it is drafted in the form of a limitation. The act of March 27, 1934, provides that each alternate ship may be constructed in the Government navy yards, and there is the further proviso that—

If inconsistent with the public interests in any year to have a vessel or vessels constructed as required above, the President may have such vessel or vessels built in a Government or private yard, as he may direct.

That language gives to the President the power to exercise his discretion whenever it is consistent with the public interest. The language of the proposed amendment would repeal that provision and specifically provide that a vessel should be constructed only in a Government yard and not as a result of a contract.

Mr. BONE. Mr. President, I assume that under our rules and under the parliamentary procedure of this body any provision which in itself is a limitation of this character does not violate the rule to which the Senator from South Carolina has adverted. I do not wish to prolong the discussion, and I will speak later on the bill itself and discuss the subject I have in mind, which involves our navy yards and the drastic curtailment of work in the Government yards. I do not want to make the argument, however, if the present occupant of the chair desires to rule on the point of order raised by the Senator from South Carolina. I do not believe the point is tenable. I think the amendment has to do with a limitation. It is not legislation, but has to do merely with a limitation on the expenditure of the funds. I remember many instances where limitations of this kind have been inserted in appropriation bills in the Senate, and it has frequently been stated on the floor that they do not impinge upon the rules.

The PRESIDING OFFICER. The Chair overrules the point of order and holds that the amendment of the Senator from Washington is merely a limitation.

Mr. BONE. Mr. President, I desire to discuss the amendment very briefly. I am happy to observe that in the bill the provision which would in practical effect have destroyed the operation of the Philadelphia Aircraft Factory, into which we breathed the breath of life by an amendment to the naval appropriation bill in 1934, has been stricken from the bill. The Senator from South Carolina has pointed out today that that provision, to which I had intended to make objection today, has been removed from the bill, and I express my great gratification that we are at least preserving that small part of the Federal operation in the aircraft field.

Mr. DUFFY. Mr. President, will the Senator yield before he starts his discussion?

Mr. BONE. I am very glad to yield.

Mr. DUFFY. Can the Senator give us some idea as to whether it might be expected that Government navy yards could construct or would construct these vessels as cheaply as they could be constructed in private navy yards? What I have in mind is that I understood, from an article I read some months ago—and I may not be correct in my recollection—that there were bids on the construction of a sister ship to the *Washington* and the *Manhattan* which ran about at least a third higher in the Government yards than in private yards. I was wondering whether the Senator intended to cover that matter in his discussion.

Mr. BONE. I will say to the Senator from Wisconsin that I have no intention at the moment of going into the question of comparative costs, because that would involve a very lengthy discussion, and that field was covered in considerable measure when the Munitions Committee appointed by this body went into the matter of building costs. I have upon one or two occasions called attention on this floor to the cost of the cruiser *Louisville*, erected in the Bremerton Navy Yard, a ship which was built at a much lower cost than the cost of similar cruisers in private yards.

I may say to the Senator from Wisconsin that I would not tender the pending amendment were I not firmly convinced in my own mind that the Government can build its own warships and navy auxiliaries at lower cost than they can be built in private plants. Over and beyond that, however, there is a moral reason why the Government should become self-sufficient in time of war and get rid of practices which it seems to me have been a challenge to the moral integrity of this country.

Mr. DUFFY. Mr. President, if the Senator will yield further, does he recall the instance where competitive bids were submitted by Government yards and by private yards on the building of a large class of vessels, and there was a very great discrepancy, much higher bids being submitted by the Government yards than by the private yards? I do not know the facts; I am merely asking for information.

Mr. BONE. I do not recall the incident to which the Senator refers. I have very fresh in my mind the figures as to the *Louisville* and a sister ship built at that time. Further, I have in mind a very tiny part of the record that was made by the Munitions Committee of the Senate, where it was shown that private shipbuilders were invited to come to Washington and get together on their bids.

Beyond that, there is another aspect of this matter which I desire to make the burden of my very brief remarks today, and which has to do with the drastic curtailment of work now contemplated with respect to our Government navy yards.

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

Mr. BONE. I yield.

Mr. POPE. I call the attention of the Senator to the fact that in the hearings before the Munitions Committee very careful data were submitted on the comparative cost

in Government navy yards and private plants, and as I recall the facts, there was a rather surprising difference in favor of Government construction.

Mr. BONE. Mr. President, I have not the time nor the inclination at the moment to go into that subject. I am merely asserting that that is the fact, and I assert it because I became so convinced as the result of the inquiry which the Members of this body made into that business.

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

Mr. BONE. I yield to my colleague.

Mr. SCHWELLENBACH. Did we not have a pretty fair demonstration upon that question during the past year, when the question of building a floating drydock was under consideration by the Navy Department?

The Senator will remember that the only bid received from private companies was the bid of the Bethlehem Co., which was something in excess of $21,000,000. While the Navy Department has not seen fit to give us the exact figures on the estimates of the Mare Island and the Bremerton Yards, the indications are that they were something around $16,000,000, or about $5,000,000 less than the Bethlenem bid. It seems to me those figures indicate that where a Government yard can compete upon the same basis as a private yard—that is, where they are both starting out from scratch—it is possible for the Government yard greatly to underbid the private yard. The reason why it has been possible for private yards to underbid Government yards in some instances was that the private yard was completely equipped for the building of the particular kind of a ship. Therefore it could underbid the public yard; but where they both started from scratch, with no equipment for building a floating drydock, the estimates by the Government yards were about $5,000,000 less than the private bid.

Mr. BONE. Mr. President, what my colleague has suggested is my understanding of that situation.

Preliminary to my statement about the situation which now confronts us, I desire to refer for just a moment to the demand for preparedness which underlies the present program of the Government in the matter of both its military and its naval program.

I think it was demonstrated to the satisfaction of those who read the RECORD that for something less than $24,000,000 the Government could so expand its naval building facilities that it could not only handle the program contemplated under existing acts, but could even handle a navalrace program. That sum—something less than $24,000,000—would provide dies, jigs, tools, cutting and welding equipment, docks, building facilities, and ways by which the Government could become master of this situation so far as it affects national defense. I have been unable to understand why the Congress of the United States does not want its Government, the Federal Government for which we speak, to become self-sufficient, at least to the degree where it would not have to rely on private agencies which might, and probably would, do to us what was done to us during the war by a great powder-manufacturing concern, which told us it would not build necessary facilities until the Government made a contract which reflected such a profit as the company was willing to accept.

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

Mr. BONE. I yield.

Mr. NYE. If the Senator will refresh his memory, I think he will recall that practically the same situation was encountered by the Government in its effort to win cooperation from one of the private shipbuilding companies. The New York Shipbuilding Co. refused to enlarge its facilities to the degree the Government required until it could be assured of a larger return for its trouble.

Mr. BONE. That is correct. If we should become involved in another war we would simply run into the same situation we met before. There would be more Hog Island scandal, more profligate and prodigal outpouring of money. Repetition of such conditions could in no small measure be removed—probably to the extent of 75 percent—by the Federal Government expending just a little more money, yes, less than half what one major capital ship is going to cost us, if newspaper reports of costs are correct.

There has been a suggestion that the new battleships will cost $60,000,000 apiece. Yet $24,000,000, Mr. President, will expand our building facilities so that we can build our own warships. What legitimate criticism can there be of that program? I may say, in justice to my brethren who do me the honor to listen to me, that I am not proposing in this amendment that that be done; but the amendment, of course, would lead to the expansion of the Government yards.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. BONE. Indeed, yes.

Mr. KING. I am very much interested in the last observation the Senator made. Some years ago I attempted to make a study of the comparative costs of the production of battleships, submarines, and all other naval craft in privately owned yards under contract with the Government and in the yards owned by the Government itself. The conclusion I reached from the comparative statement was that by construction under contract the Government saved a great deal of money. Has the Senator made observations and calculations and examinations that enable him to speak with any degree of authority as to the difference in cost between privately produced and manufactured naval craft and those which are manufactured by the Government?

Mr. BONE. I have had the benefit of the inquiry, research, and findings of the experts who were retained by the Munitions Committee of the Senate, who went into this question and secured as nearly as possible a break-down of costs incident to the expansion of Government yards. We went further, however, and interrogated naval officials and the owners of private yards that built ships for the Government. I asked those men to produce for me a break-down and a study of the figures involving wages and cost items. They have not been forthcoming. I asked a member of the naval staff whether they had ever had a break-down of costs, a study of costs in private shipyards, and the answer was "no." Up to that time the Navy of the United States—our naval department—had never had an intelligent or understandable study or break-down of figures of costs in private shipyards, and to this day they have not had that sort of a study.

Mr. President, this tremendous program of building takes us in clear up to the eyebrows. We are pouring out a flood of money that must almost be staggering to the imagination, and the whole world is going berserk. We are going right along pouring out a vast sum of money in naval preparation; and this bill, as I understand, calls for around half a billion dollars. In the face of this tremendous building program, let me say that I have and I now desire to present to the Senate a memorandum from the Navy Department, emitted about the end of the year, which points out that a vast number of discharges of Federal employees in Government navy yards impends. It is upon us. I suspect that other Senators are receiving the sort of mail I am receiving—mail from employees of Government navy yards protesting against drastic lay-offs. I know Senators must have received letters of that kind from employees and representatives of employees of the Washington Navy Yard. Senators have told me they have received that sort of mail.

In the circular from the Navy Department—and it is not a confidential circular—it is said:

In view of the prospective discharges from many of the continental navy yards, and the fact that the reduction in force unfortunately will probably reach high figures, commandants should especially satisfy themselves that the efficiency lists as of 31 December, 1936, show correctly the real relative merit of all employees, and that neither prejudice nor partiality have a part in making up these lists. As the efficiency lists, especially in the face of prospective discharges, vitally affect the well-being of employees and their families, it is essential that they be prepared with absolute justice.

Whether it be right or wrong, this means that in these perilous times of economic stress, to those on a proscription list the ax is going to fall. It is going to fall on the necks of—let me quote the language—

Large numbers of men in the form of drastic reductions of the personnel.

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

Mr. BONE. I yield.

Mr. MOORE. Will not the same condition apply to the shipbuilding companies in case of enlargement of facilities by the Government? Will not the private shipbuilding companies have to lay off their men?

Mr. BONE. Undoubtedly that is true. I have in mind that if we must make the selection, then for the sake of national defense, for the sake of making our Government the possessor of adequate instrumentalities of national defense which it can wield without asking any private individual whether he will do certain things or not do them, I prefer, in the situation which has arisen, to see my Government protect itself, protect its own agencies, rather than those that are privately owned. I am sure that, if the Senator does not agree with my viewpoint, he will, at least, understand why I would make this sort of an election.

Mr. MOORE. I do understand, and, if the Senator will allow me further, I should like to say that I am very much interested in what he is saying; but in one navy yard there are, for instance, 200 men, while in one shipyard in New Jersey there are 10,000 employees, and I suggest the query to the Senator whether it is better to use the 200 men in the navy yards in repairing ships or to do the work of building all the ships there and throw out of employment 10,000 men in yards in New Jersey? Of course, the Senator might well say that they could move out of New Jersey, but that would certainly not be desirable.

I throw out the suggestion to the Senator that if the building of ships was confined to navy yards, then when the ships were built and the program completed, thousands of men would be thrown out of employment at one and the same time.

At private yards, the work being diversified between war vessels, commercial ships, and so forth, the men are kept more continuously employed.

Mr. BONE. There is a very large navy yard at Philadelphia, and it does not follow at all that the 10,000 men in New Jersey would be thrown out of employment. It simply means that Uncle Sam would do enough work in his own navy yards at least to keep those men employed, even if the Navy Department is not willing to see adopted an amendment such as I have suggested. I cannot view with other than alarm and without a protest the conscious, purposeful crippling of our own arms of defense, upon which fundamentally we certainly would have to rely in time of stress and storm, and I think that logic calls upon us to protect these Government agencies of national defense.

Due to the completion of work on naval vessels now in course of construction at the several navy yards, heavy discharges of civilian employees will take place in the navy yards during the next 6 months. The process of laying off men is now in progress and will increase in momentum during the month of May. According to recent estimates of the Navy Department, there will be about 5,200 employees discharged during this period.

Let me say parenthetically that this opinion is given to me by officials of labor organizations who are in very close touch with this work; I am assuming that they are accurate; but I give the Senate the information concerning the source whence the figures come, so that if further question be raised as to their accuracy any Senator or the Navy Department itself may give the Senate further information.

These discharges will be distributed as follows:

New York Navy Yard	1,000
Philadelphia Navy Yard	1,000
Norfolk Navy Yard	750
Washington Navy Yard	670
Puget Sound Navy Yard	500
Charleston (S. C.) Navy Yard	400

All these men will probably be discharged during the period from March to July of this year.

Beginning in July the Mare Island Navy Yard will be affected to the extent of 200 men and the Portsmouth, N. H., Navy Yard to the extent of 80 men. There is also involved the probability that unless steel shall be delivered promptly additional discharges will follow.

The slowing up of the navy-yard work resulting in these heavy discharges has been in contemplation for many months, and yet during this time work of various kinds has been let to private contractors which could have been assigned to navy yards, thus reducing the number of men to be discharged. Last fall, for instance, all six sets of main engines for the submarines appropriated for last year were let to private contractors; that is, three sets were let to the Hooven Owen Rantschler Co., of Hamilton, Ohio, and three sets were let to the Winton Engine Corporation, of Cleveland, Ohio; whereas, three sets of the engines should have been allocated to navy yards under the provisions of the Vinson-Trammell Naval Construction Act of March 27, 1934, which requires, in effect, that one-half of the naval vessels, including their main engines, and so forth, shall be constructed and manufactured in navy yards and arsenals.

To be sure, the act contains the exception which reads:

Except such material or parts as were not customarily manufactured in such Government plants prior to February 13, 1929.

But prior to February 13, 1929, whenever submarines were constructed in navy yards, the engines were customarily built at the New York Navy Yard. The six sets of engines above referred to were let to private contractors on the pretext that the design of the engines had been changed. However, the Vinson-Trammell Act does not state that the Navy Department may disregard the provisions of the act in case there are changes in design. Everyone knows that the design of naval vessels and of the machinery that goes into them is continually changing, as the result of progress in science and invention.

Similarly, in the fall of 1935, six submarines were authorized by the Naval Appropriation Act to be constructed, three of which were allocated to navy yards; but, instead of assigning three sets of engines to navy yards, only a part of one set was allocated to the New York Navy Yard for manufacture; and the other five and a half sets were awarded to private contractors. In view of the fact that the plans were furnished the navy yard by the private concerns manufacturing the bulk of the work, and the private concerns had the advantage of making economies by the larger quantities of work they turned out, the result was that the navy yard was placed at a disadvantage as to cost in this initial order. Everyone knows that the first batch of any line of work undertaken by a shop always costs more than succeeding orders. In the arsenals the experience has been that the first order usually costs twice as much as succeeding orders. This is due to the extra overhead involved in turning out a small order, organizing the work, and the inability of a shop to always apply the most economical method of production the first time a job is performed. Furthermore, the concerns which received the contract for the construction of these five and a half sets of engines in 1935 had already had a year's experience in the production of six sets of the same engines in 1934 and therefore were a year's experience ahead of the New York Navy Yard in turning out one-half of one set in 1935.

The decision of the Comptroller General of October 29, 1935, touching upon this question, is manifestly in error, due to the fact that he merely states the letting out of the entire engines is within the law, because engines are an intrinsic part of a naval vessel and a vessel is not complete without an engine. He overlooks the fact that the Vinson-Trammell Act specifies not only that one-half of the vessels shall be built at navy yards, but also mentions main engines, and so forth, which means that Congress, in drawing the act, has drawn a distinction between what constitutes a vessel and what constitutes an engine. Manifestly a further tightening up of the law which requires work to be performed in the navy yards and arsenals is necessary even to carry out existing law on the 50-50 proposition.

In 1934 all the Diesel engines for the six submarines appropriated for that year were let to private contractors, notwithstanding the provisions of the Vinson-Trammell Act, which required half of them to be allocated to navy yards. But the Navy Department unofficially assured labor representatives speaking for the navy yards that in the following year, 1935, the navy yards would get half of the engines to build, as required by the law. Notwithstanding this unofficial assurance in 1935, the navy yards received only one-half of one set; and in 1936, following a Comptroller General's decision to the effect that they did not have to build any of the engines in the navy yards, all of the engines were again let to private contractors.

It is also maintained by the Navy Department that, due to the fact that more than 50 percent of the ordnance for all of these vessels is being manufactured in the navy yards and arsenals, therefore, the 50-50 ratio is maintained in the proportion of work being allocated to navy yards. This extenuating circumstance overlooks the fact that the provisions of the Vinson-Trammell Act merely say that the first and each succeeding naval vessels of each category shall be built in navy yards; but it does not specify that the other 50 percent of the work shall be assigned to private contractors. Furthermore, the naval appropriation bill has annually contained a provision to which the present amendment is sought to be attached, which provides that all naval vessels and war equipment shall be allocated to navy yards in case time and facilities permit, and when, in the opinion of the Secretary of the Navy, the work would not cost appreciably more than by contract. Hence, this language of existing law amply covers the more than 50 percent of the ordnance which is allocated to navy yards and arsenals. There is, therefore, no justification for subtracting from the total amount of construction work to be done at the yards, in view of the additional ordnance work being performed beyond the 50 percent required by the law without qualifications as to time, facilities, and cost.

The pending naval appropriation act calls for commencing the construction of 8 destroyers and 4 submarines, whereas last year's bill called for the construction of 12 destroyers and 6 submarines. Due to the completion of vessels now on building ways in the navy yards, there are ample facilities to accommodate the 12 vessels upon which work is to start this year.

In addition to this, one of the battleships appropriated for last year is due to be let to contract, unless my amendment is adopted, requiring both of the battleships to be allocated to navy yards. In other words, if this proposed amendment should be adopted the Government would build both the proposed battleships in its own yards.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. BONE. I yield.

Mr. WALSH. As I read the Senator's amendment, it seems to me it would have the effect of preventing from now on the construction of any naval craft in private yards. In other words, it would suspend all future construction in private yards. Does the Senator approve of that construction of his amendment?

Mr. BONE. The Senator is correct in saying there would be no further contracts let. My amendment would not affect ships under contract—that is, where contracts have been let for ships now being built.

Mr. WALSH. The present law provides for building at least 50 percent of naval vessels in Government navy yards.

Mr. BONE. That is correct.

Mr. WALSH. If the Senator's amendment should be adopted, it would result in no more contracts being let for the construction of naval craft in private yards.

Mr. BONE. That is correct. I know the Senate will understand that the amendment is for that very specific purpose. The effect of the amendment would be to require the building of the two proposed battleships in our own Government navy yards. The navy yards are amply equipped to construct both these vessels, in addition to the 12 smaller vessels appropriated for in the bill now before the Senate. I understand that the bill carries an appropriation for 12 vessels; and if I am in error as to that, I ask the Senator from South Carolina in charge of the bill to so advise me.

During the last session of Congress a comprehensive shipsubsidy bill was passed. The merchant marine board contemplated by that act, known as the Maritime Commission, has now been appointed. If the private shipbuilding interests possess the degree of initiative with which private enterprise is presumed to be endowed they would not be in need of naval work but should be able to fill up their shipyards with merchant-marine construction work. At any rate, the Federal Government is not justified in discharging its own employees and allowing its own plants to stand idle for the sake of shifting the work which can be performed in such plants to robust individualists such as private shipbuilding interests are presumed to be.

Mr. President, by way of conclusion of these remarks, I merely repeat that I see no escape in logic from the conclusion and the assumption that the Government, if it is to continue down this pathway of preparedness—and obviously Congress is thoroughly sold, if I may use that vulgarism, on preparedness, which is made so evident here year by year—then, for one, I want my Government to become self-sufficient in the matter of preparing its instrumentalities of war.

I hope we may have a record vote on my amendment, not that I desire to require any Senator to express himself for the RECORD but I think that the eyes of the country and of the whole world now are being literally glued on this preparedness race, which is so menacing and challenging in its international aspects as to constitute an ominous threat against our civilization. As a result of our experience in the World War, our very unhappy and gloomy and sordid experience, when private munitions makers took a shameless advantage of this Government, we are soon going to have to determine the fundamental question of whether or not this Government is going to be self-sufficient and release itself from the clutches of these gentlemen who in our hour of peril are very prone and very likely to lay aside, as they have done in the past, what would seem to be a spirit of fair play and sportsmanship and take a shameless advantage of their Government.

Mr. President, on my amendment I ask for the yeas and nays.

Mr. BYRNES. Mr. President, the Senator from Washington [Mr. BONE] has introduced a bill embodying his views on this question and that bill is now pending before the Committee on Naval Affairs. I respectfully submit to the Senate that, should the Senate ever seriously consider the adoption of the views expressed by the Senator from Washington, it should be done only after the Committee on Naval Affairs has held hearings on the subject and given adequate consideration to the proposal.

I am satisfied that the Senator from Washington does not really intend what I conceive to be the effect of the amendment he has offered this morning. The Senator from Massachusetts [Mr. WALSH] a few moments ago asked the Senator from Washington if his amendment would not have the result of requiring all naval construction to be done in Government yards. As a matter of fact, the adoption of the amendment would prevent the construction of any vessels until there was another appropriation bill passed, because the law now provides that the first and each succeeding alternate vessel of each category shall be constructed in Government yards. One is constructed in a Government yard and the next in a private yard.

The Senator's amendment, seeking to accomplish indirectly what his bill provides for, simply provides that no funds appropriated in this bill shall be used for the construction of any vessel in a private yard. Therefore, if one of the capital ships now authorized and appropriated for is given to a Government navy yard, then no funds appropriated in this bill can be used for the construction of the next vessel in a private yard. At the same time, under the law, the Navy Department must give the contract for the construction of the next vessel to a private yard. If it gives it to a private yard the funds appropriated in this bill cannot be used to pay for it under the Senator's amendment.

Manifestly the Navy Department would not use the funds for construction in a private yard and could not construct the vessel in a Government yard, so his amendment would stop the construction of any vessel other than one in a Government yard at this time.

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

Mr. BYRNES. I yield.

Mr. BONE. I know the Senator realizes that if there is any amendment he might suggest which would cover the thought he has in mind I would be happy to add it to my amendment.

Mr. BYRNES. The reason why no amendment can be offered is that the amendment would be legislation upon an appropriation bill. That is the difficulty the Senator has encountered. It is the only reason why his amendment has been framed as it is. It does not do what he wants to do and what he desires to do. His bill does. His bill provides affirmatively for construction in Government yards. That can be accomplished by legislation. It cannot be accomplished by putting a limitation only upon the funds in this bill.

I submit to the Senator from Washington, knowing the earnestness with which he has presented this cause and his views on the subject, that he ought to present and make his fight before the Committee on Naval Affairs, which committee alone can recommend legislation and which can arrive at a proper solution of the question.

Mr. BONE. I may say to the Senator that upon several occasions in the Committee on Naval Affairs I have raised this very question. Amendments to naval bills have been submitted by me and considered by the Committee on Naval Affairs in times past. Very shortly I hope to introduce a bill which will require, other legislation to the contrary notwithstanding, the building of all naval vessels in Government yards. That would be a piece of straight-out legislation, which would eliminate completely the whole question the Senator has raised with respect to this being merely a limitation and not being capable of being considered here otherwise than as a limitation and only as a limitation.

The bill I have in mind, if it shall be favorably reported by the Naval Affairs Committee, and if it shall be passed, will entirely eliminate the objection raised by the Senator from South Carolina.

It may be that a sufficient number of Members of the Senate do not agree with that idea; the Naval Affairs Committee may not agree with it; but at least the Naval Affairs Committee and the Senate, if the committee shall vote to report the bill, will then have the opportunity to do the very thing I suggested a moment ago, and that is to decide once for all this question of policy on the part of our Government toward the preparation of its own instrumentalities of war.

Mr. BYRNES. Mr. President, I made the suggestion to the Senator in the hope that under the circumstances he might urge this proposed legislation before the Naval Affairs Committee. I really thought Senate bill 1490 was his bill, but evidently I was mistaken.

Mr. BONE. Yes; it is my bill.

Mr. BYRNES. That bill is now pending before the Naval Affairs Committee. The Secretary of the Navy has submitted to the Committee, under date of March 17, a letter with reference to the bill. He sets forth the attitude of the Navy Department; and, inasmuch as the amendment is pending, I shall read this letter from the Secretary.

Mr. BONE. I should like to have it in the RECORD.

Mr. BYRNES. The letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, March 17, 1937.

The CHAIRMAN,
Committee on Naval Affairs, United States Senate,
Washington, D. C.

MY DEAR MR. CHAIRMAN: The bill S. 1490, "To provide that all naval vessels and their main engines, ordnance, and armament should be constructed or manufactured in Government establishments", was referred to the Navy Department by your committee with request for report thereon.

The purpose of this bill is to require the construction of all naval vessels, together with their main engines, ordnance equipment, and armor (including the making of castings and forgings, machining the parts, roughing and finishing operations, and assembling and installing the parts) in navy yards, naval stations, naval gun factories, naval ordnance plants, or arsenals of the United States.

In general, it must be emphasized that constructing, equipping, and supplying ships and aircraft of the present naval program cannot be accomplished with personnel and facilities now existing in establishments under the control of the Navy Department or any other department of the Government.

With more detailed reference to manufacturing facilities, it should be pointed out that Government plants are not now equipped or are equipped only in a limited manner to manufacture Diesel engines, large units of electrical equipment, engines and gears, large valves and forgings, drums and headers for boilers, technical fire-control apparatus and instruments, gyro compasses, gages and instruments in general for ships and aircraft, aircraft and aircraft instruments, and certain structural steel and shapes.

These facilities, therefore, must be either acquired or greatly expanded to accommodate the volume of work which would be added by reason of the requirements of the bill S. 1490.

In addition to plant facilities required for manufacturing the various items that have been enumerated in the preceding paragraph there is for consideration the problem of personnel. If the objects of the bill are to be accomplished, there must be a very large increase in laborers, mechanics, technicians, and so forth, in the many trades which go to make up an industry having the ramifications of ship and aircraft construction.

In order to make any progress at all in the direction of having ships and aircraft which are even reasonably adequate, there must be maintained many departments of research, together with large staffs of design engineers. It need not be demonstrated that the building up of such organizations requires years of time and the expenditure of huge sums of money.

In addition to the time and money that must be consumed in building up plant facilities and training competent personnel, there is for consideration the effect such an organization in the Government would have on the efficiency of the Navy and the adequacy of the national defense facilities.

In the construction of ships and aircraft and their component parts, the field of competition is large. Constructors and manufacturers have their own departments of design and research. There is, therefore, never ending stimulus for one manufacturer to build an airplane, ship, or some part thereof superior to anything in the field. The Navy is in a position, under such circumstances, to take advantage of the best that the market affords.

While the Navy may leave from consideration of the problem any effect which the proposed course of action may have on private industry itself, it cannot overlook the ultimate effect on the whole aspect of national defense.

A major war today means a nation in arms. In such an emergency an immediate and enormous expansion of manufacturing facilities is mandatory if the needs of the fighting forces afloat and ashore are to be adequately met. The World War proved conclusively that this could be accomplished only by the utilization of every industrial plant, the equipment of which could be diverted to the production of war necessities. Complete separation during peacetime of the industrial resources of the Nation from participating in national-defense work will unquestionably handicap seriously the effort of the Nation for defense work in an emergency.

If Government facilities for ship and aircraft construction are provided with the necessary skilled artisans, design engineers, and research technicians there arises in addition to any present consideration of expense and delay to the completion of the national-defense program another serious problem. Personnel and facilities cannot be employed gainfully over a period of years on such technical work as that which is comprised in the scope of ship and aircraft construction. There must be periods after the present program is completed when there will be no naval requirement for these added facilities. Any suggested employment of them outside the Government field would raise the question of Government competition in private business or continued idleness of personnel and plant facilities.

In conclusion this Department is of the opinion that the national defense would suffer immeasurably by the adoption of the proposed plan and the cost of the national defense would be largely increased. The national defense requires the help of private industry to provide facilities and research over a period of time which the Government could not supply. On the other hand, extensive Government competition with private industry, when private industry can do the work properly, is considered basically unsound both as to national economics and as to national defense.

The Navy Department, therefore, recommends against the enactment of the bill S. 1490.

The bill S. 1490 is not in accord with the program of the President.

Sincerely yours,

CLAUDE A. SWANSON.

That letter is addressed to the chairman of the Naval Affairs Committee and signed by the Secretary of the Navy.

I simply wish to say to the Senate that the matter is now before the Naval Affairs Committee. The statement of the Senator from Washington and the letter of the Secretary of the Navy shows that the subject is one to which most serious consideration should be given by the legislative committee after the Senator has had an opportunity to study the views of the Department and present his views to the committee.

It seems to me that upon the floor of the Senate, when the proper committee has been given an opportunity to go into the subject, it is not fair to the Senator's cause to have it acted upon, any more than it would be fair to the Department or to the national defense, in my opinion, to adopt it without serious consideration.

I may say to the Senator that, while I share his views as to the condition of the various navy yards today, where a shortage of work necessitates a reduction in personnel at this time, the existing law gives to the President of the United States the power, where it is inconsistent with the public interests in any year to have a vessel or vessels constructed on the alternate plan, to have a vessel or vessels constructed in a Government yard or in private yards, as he may direct. Therefore it is within the power of the President today, under the priviso to the Trammell-Vinson Act, to direct that one of these ships be built in a Government yard, which would solve the problem which has been presented by the necessary reduction in personnel at this time.

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

Mr. BYRNES. I yield to the Senator from Massachusetts.

Mr. WALSH. Does the Senator from South Carolina construe the proviso he has just read to supplement the proviso requiring a certain percentage of the ships to be built in navy yards and another percentage by private industry?

Mr. BYRNES. That is the way I construe it.

Mr. WALSH. So the President may set aside the percentage required for building and, if he chooses, have all the vessels built in navy yards?

Mr. BYRNES. I am satisfied that that is the case. I will read to the Senate the language to which I refer:

Provided further, That if inconsistent with the public interests in any year to have a vessel or vessels constructed as required above—

That is, on the alternate plan—

the President may have such vessel or vessels built in a Government or private yard, as he may direct.

It is solely a question as to what the President would consider inconsistent with the public interest; and if it be inconsistent with the public interest to call for the discharge of a large number of men, and it should be so determined by him, he could direct construction in a Government yard rather than in a private yard.

Mr. WALSH. So apparently the President has the last say?

Mr. BYRNES. I am satisfied that he has under this language.

On the other question I am sure the Senator from Washington, if we are affirmatively to provide that hereafter all construction shall be in Government yards, would like to have an estimate as to exactly what expenditure would be necessary; and if we have a large personnel in the Government yards in 1942, when the present naval program is to be completed, I am sure the Senator would like to consider what we would use this increased personnel for; whether we would use them in the construction of private vessels, or whether the repair work would be sufficient to employ them, or, if not sufficient to keep them at work, how we would then reduce the force. I submit to the Senator and to the Senate that these and many other questions that I can conceive of should be considered in connection with the Senator's bill upon which the Department has reported, and upon which, I am sure, the Senator from Massachusetts [Mr. WALSH] will have a hearing at any time the Senator from Washington may indicate, when he will have an opportunity to present the subject in detail, and with the thoroughness that the subject demands before definite action is taken upon it.

I hope the Senator from Washington, after consideration, will not insist upon action upon his amendment at this time, but will insist upon action upon his bill, which provides affirmatively for construction in private yards and does not merely impose a limitation which will result in tying up the construction of ships, even in Government yards. I fear that it may be so construed that it will prevent the construction of any ships, because the Department says that if they cannot proceed with construction on the alternate plan as required by the present law, they will not be able to proceed at all; and if they do not proceed at all there will be no construction of destroyers or submarines, and the Senator does not want that to happen any more than I do.

Mr. BONE. Mr. President, the suggestion that the Congress of the United States is so inept, so helpless, so childlike, and naive that it could not correct that condition in 5 minutes is a reflection upon our intelligence.

Do Senators think we cannot construct these ships? I could write a bill and in 10 minutes put it through here, if Senators would vote for it, and then we could go ahead with that sort of building operation.

I desire to say that the letter from the Secretary of the Navy, without employing the reference in an invidious way at all, is what a lawyer would call a plea in confession and avoidance.

He says that during wartime of course we have to thrust a great burden on private concerns. That is what happened during the World War; we thrust this great burden on these astute gentlemen and they made a mess of it, and their ineptitude cost us billions of dollars because we were not prepared to do the work ourselves. We thrust it into the hands of these clever businessmen, who gave us Hog Island and the smelly, messy scandal of the Spruce division. Many grafting fellows should have gone to the penitentiary, but did not.

Another aspect of this matter which we must not overlook is that the very small amount necessary to do this work is so tiny compared with what we are spending that we ought not to blink at it.

Mr. President, my good friend the Senator from South Carolina has said that I should not thrust this sort of thing so obtrusively onto the flood and compel Senators to vote on it when they do not understand it. As a Member of this body—and every other Member has had the same experience—I am compelled time after time to vote for some bill a careful examination into which has not been my lot because I was not a member of the committee which handled the bill. I ask Senators to be witnesses to the accuracy of my statement that as the naval appropriation bill has been reported to the Senate in the last 3 years, each year it has carried half a billion dollars. And how were Senators not on the Naval Affairs Committee able to vote intelligently on those bills? How did they know all the minute details which were locked safely in the breasts and the minds of the able gentlemen in the Navy Department who formulated the bills? Yet all Senators had to vote on them. By saying "aye" they made the Government spend a billion and a half dollars, approximately, in 3 years, and did not have any more information about the matter than about many other things pending in the Congress. That is the way legislation is acted on and passed.

What I have said is not a challenge, because it is a part of the mechanics of legislation. But it is not an answer to say that we cannot pass intelligently on these things. We are compelled to pass on them whether we desire to or not. Every Member of the Senate has to say "aye" or "no" to any bill before us, and thereby possibly be the judge as to whether or not we ought to spend $500,000,000. Is not that the truth? Wherein am I in error in that assertion? Every Member of the Senate must say "yes" or "no" to this particular half-billion-dollar bill and sit in judgment on the wisdom or lack of wisdom of the Navy Department. He has to say whether he wants 12 submarines built, or 6, or 9, as the case may be. So it is a perfectly futile argument, it seems to me, to say that all these matters have to be taken care of in a committee, because the committee sends the bill onto the floor, and theoretically, and under every parliamentary procedure known to Anglo-Saxon civilization, every Member who votes on it, even though he is not a member of the committee, must constitute himself a committee of one to pass upon the merits of the particular piece of legislation.

The Members of the Senate are just as capable, without having the advantage of committee hearings, to pass on this amendment of mine as they are to spend half a billion dollars by their vote on this bill, when probably there is not

1 man in 10 here who can give you the many details of the bill. If there is that fundamental lack of information about the details of the bill, how can there be a challenge to my suggestion, which is very broad in its scope, that we build these vessels in Government navy yards? The intellect of a child can comprehend that.

If the Navy Department wants retained adherence and unstinted loyalty to the principle of private building and development in the naval defense, that is one thing. They have been very frank in saying that they want rugged private initiative preserved in the naval program, and the War Department takes the same attitude in connection with the War Department bill. But it is that very fundamental principle which I desire to challenge positively, directly, and purposefully, by the amendment, and certainly we do not have to know how much it costs to build a submarine or a torpedo boat to determine whether we want the Government to build its own warships. That is all this amendment provides for.

Mr. CAPPER. Mr. President, it is with regret that I feel that I must vote against the passage of the Navy Department and naval service appropriation bill now pending. This program means, with the amount of regular and supplemental Budget estimates for the Navy for 1938, that we are asked to appropriate in round figures $564,000,000 for the Navy, an increase of some $36,000,000 over the peace record appropriations of last year.

Mr. President, there is included in this bill provision for two new battleships, calling for an expenditure of $126,000,000. That is more than the combined cost of State and local government in Kansas, even when the cost of new social-security legislation is included. It means more than $10,000,000 spent every week by our Government for naval purposes. I can see no need, no justification, for this enormous and extravagant expenditure of public funds. I might support the measure if the appropriations for these two battleships were eliminated, although I myself cannot see the need for the eight destroyers and four submarines also included in the appropriation measure.

Mr. President, we make loud and continued statements that we are a peace-loving people. But we are now spending more than a billion dollars a year, or will be during the next fiscal year, for preparations for war.

It is not seriously contended that we have to spend that much money to maintain peace at home, nor is it contended that we must spend that much annually to defend the United States against invasion. So it seems to me that the only purpose for spending this billion dollars a year must be to enable us to engage in war across the seas again, and I will never vote to send the boys and young men of America overseas to fight other peoples' battles.

The United States of America does not need 87 more war vessels, including 2 new battleships at a cost of $126,000,000, for the purpose of adequate national defense. I am in favor of adequate national defense, but I am opposed to extravagant expenditures of hundreds of millions of dollars in the name of adequate national defense, when all the world knows we do not require this much for adequate national defense.

Enactment of the proposed neutrality law, which is a foregone conclusion, presumably will lessen, not increase, the danger of our being drawn into a foreign conflict in which we should not be involved. Therefore I say we should cut down these appropriations for war purposes, not increase them. I am compelled to cast my vote in protest against such a war policy.

Mr. WALSH. Mr. President, I am sure we all admire the earnestness and the persevering spirit of the distinguished Senator from Washington [Mr. BONE] in his efforts to bring about the building of all naval craft in Government-owned shipyards. I rise to emphasize the importance of the proposal, and to call attention to why, in my opinion, it would be most unfortunate to adopt it at this time.

First of all, the suggestion is vigorously opposed by the Navy Department. The distinguished Senator from Washington calls attention to the fact that we have a $500,000,000 bill before us, that we are following the lead of the Navy Department in accepting their suggestions as to their needs, and that very few Senators know the details about it. The fact of the matter is that this appropriation bill has been for weeks before the Committee on Appropriations of the House of Representatives, and I hold in my hand this large volume of the hearings showing the extent to which the House Committee on Appropriations investigated every item of the bill. It has been for several days before the Committee on Appropriations of the Senate, and the bill as reported has lessened the amounts agreed upon by the Budget as essential for the Navy.

Mr. President, we must accept the proposition that the Navy Department is acting in good faith, that it is concerned with the defense of our country from the naval standpoint, and with that assumption and with the recommendation of the Department against the pending proposal, do we not at least owe them a committee hearing where the whole matter may be threshed out and discussed pro and con? Is it not impressive that a great department obligated to concern itself with naval defense says this plan would be ruinous and injurious, and that it is strongly opposed to it?

There is a second objection. Who dares to say how many more millions, if not billions, of dollars it would cost to put our present navy yards in condition to build all the naval craft which it may be necessary to build now and in the immediate future? I think the number of navy yards, large and small, is nine, and nearly all of them are equipped for special and limited work. For instance, the navy yard at Portsmouth, N. H., builds nothing but submarines, and is not equipped to build anything but submarines. Some of the other yards are equipped merely for repair work or for building destroyers, or some other particular kind of naval craft.

I myself offered an amendment, at the request of the employees of the navy yard at Boston, asking for the extension of the structural shop there. Requests were before the committee from every navy yard in the country asking for increases in their facilities, the theory being that if this structural shop, for instance, were built in Boston, that yard could bid for more naval work, and have more naval work than is now being allotted to it. The Senator from South Carolina [Mr. BYRNES] will bear me out in stating that millions of dollars were requested by the various navy yards for the purpose of increasing their present facilities so that they could carry on in a better way than at the present time, and not necessarily for the purpose of expanding them so that they could take on the building that is now being done by private yards. Their requests were denied without any exceptions by the Committee on Appropriations.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. WALSH. I yield.

Mr. BORAH. May I ask what proportion of the building is now being done in navy yards?

Mr. WALSH. Not less than 50 percent of new constructions, and all the repair work.

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

Mr. WALSH. I yield.

Mr. BONE. An item was inserted in the appropriation bill—I think it was last year—of four and one-half million dollars to build a dock at Bremerton Navy Yard. An amendment I offered carrying that provision went into the bill but was taken out in conference. I think it was done at the request of the Navy Department. Of course, the Bremerton Navy Yard happens to be in my own back yard, so to speak, and I rather approached the subject with some diffidence; but that amendment would have permitted that great navy yard, one of the greatest in the State, to have equipped itself to do intelligently and efficiently and, I hope, cheaply the class of work that was sought in the case of this floating dock, which obviously will have to be built on the Pacific coast. Yet that item went out, and I think it went out at the request of the Navy Department.

What I cannot understand is why they would object to even that small item—four and one-half million dollars—which, I think, would enable the Government to get decent and respectable bids for building this dock. In other words,

I cannot understand why the Navy Department wants to tie its own hands.

Mr. WALSH. I think the Navy Department has made requests for—and I ask the attention of the Senator from South Carolina—appropriations for improving and increasing and developing shore establishments. I use the expression "shore establishments"; that is the naval expression for navy yards and naval bases, in distinction from naval craft. They have made requests for appropriations for improving, increasing, and developing a large number of shore establishments. The proposal that I was interested in, relating to the Boston Navy Yard, was, I think, recommended by the Navy Department but was far down on their list of favored and immediately necessary projects.

Let me say in this connection that this summer I visited the submarine base at New London, and I was grieved to find the conditions that existed at that submarine base. It is the place where young officers and enlisted men in the finest of health, the most perfect specimens in the Navy, are sent for training in submarines.

As is well known, submarine training is the most injurious to health of any in the naval service. Tuberculosis and other diseases are quickly contracted as the result of training and experience in submarines. The buildings where these men were housed, built during wartime, were dilapidated, insecure, unsafe, and all were firetraps. The toilets were adjoining the dining room. You just passed through a door from the messroom into the toilet. The whole appearance of the building was that of a firetrap. Furthermore, in that particular plant there was a Government instrument worth $90,000 housed in a building that cost $5,000, and that was not even fireproof. If a fire started at the New London base it would be impossible to prevent a complete disaster to the whole base.

I made up my mind that I would leave nothing undone to see that proper buildings were constructed at New London, especially for the service that causes the largest extent of physical exhaustion of any service in the Navy. Nothing has been done. The reason given is, "We just cannot do it. We have not the money." Like conditions exist in many other shore establishments and naval bases. It is most regrettable that we are unable in many instances to decently house the patriotic men who are serving us in the Navy.

But I must not digress further. All I am attempting to say is that perhaps we ought to do what the Senator from Washington [Mr. BONE] says we should do; but certainly we should not do it until the subject has been studied, certainly not until it is known how much more it is going to cost, how much more expansion will result from it. Certainly we ought not to do it until we know whether or not it is going to be really beneficial to the whole problem of national defense. Furthermore, I have a rather open mind on the question. Personally, after further study I might favor the expansion of our present navy yards to the point of doing all that is essential in connection with the building of naval craft; but I do recognize the fact that the naval program is a national one and that it is larger than personal wishes or local benefits by having Government employees rather than private works do the work.

I was impressed with the fact that in the selection of airplanes and, to an extent, in the selection of naval craft models, private industry is called upon to give the benefit of experience to help the Navy in its engineering department and in its planning department for the purpose of having the very best and latest equipment for our Navy, and I should dislike very much to see an abandonment of that policy and our Government not be in a position to get the benefits of national research and experiments by private industry.

However, I am not going to talk longer, Mr. President, except to say that, assuming the project has some merit, let us first have a thorough investigation made of the subject. Let us have it studied from all sides. Let us find out why the Navy is opposed to it, and what its reasons are. Let us find out what this new policy, if adopted, is going to cost. Let us find out how many more navy yards we will have to build, how many present yards we will have to expand and equip, how many channels we shall have to dig to get into the navy yards, because some of the navy yards now have channels with a draft of water of only 15 or 20 feet; and if a draft of 25 or 30 feet is going to be required, considerable expense along that line will be necessarily involved.

Mr. BORAH. Mr. President, has there been any estimate along that line?

Mr. WALSH. None by the Navy that I know of.

Mr. NYE. O, Mr. President, on June 19 of last year the Munitions Committee submitted an extensive report carrying a very definite study made by the Interstate Commerce Commission for the Munitions Committee, setting forth what the cost would be in various fields of endeavor if the Government were to nationalize the munitions industry.

Mr. WALSH. Does that include the construction of naval vessels?

Mr. NYE. The estimate of additional capital that would be required by the Government if we were to produce all of our peacetime requirements of naval construction was about $24,000,000. The figure was a little less than that, as I now remember.

Mr. WALSH. That is for naval construction?

Mr. NYE. For naval construction.

Mr. WALSH. Was the Navy Department consulted? Did it make an estimate?

Mr. NYE. As I now recall the matter, the Navy Department did not undertake to make an estimate; but the attitude of the Navy Department all through the study was one of great opposition to the mere thought of the Government doing more than it was already doing in the way of naval construction.

Mr. WALSH. I think the Senator may be correct in that statement. I believe I sense that attitude, too; and I think they feel very deeply, sincerely, and honestly that it is necessary for this country in time of war to have the benefit of private building facilities as well as its own facilities for building naval craft. I know they feel strongly upon this subject, and I think their feeling is sincere and honest. I really do not think any objections they have to the Government carrying on this work are due to any sinister purpose or influence; but they really feel that private enterprise and private industry, particularly in the shipbuilding line, ought to be available to this country in time of war.

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

Mr. WALSH. I yield.

Mr. TYDINGS. May I ask the Senator from Massachusetts how the time element of construction of the contemplated vessels would be affected if all of them were to be built in the present navy yards?

Mr. WALSH. If the amendment be adopted, it will postpone for several years the completion of the present naval program. In answer to the Senator, I will say there is a good deal of talk about our naval program being enlarged at the present time. It is not so. There is no expansion of our naval program at this time. No change whatever has been made from the provisions in the treaty we made with some of the great powers in reference to our naval strength; and with all we have planned and appropriated for, this country will not have until the year 1942 a Navy of the strength which our Government said, and other governments agreed, was necessary for our strength in time of peace—not in time of war.

Mr. TYDINGS. Parity.

Mr. WALSH. I refer to parity, as the Senator from Maryland mentioned. Parity will not be reached until 1942. If the proposed amendment shall be adopted, I do not know, and I do not know who else could know, when we could ever equal the number of vessels that were allotted us in the treaty.

Mr. TYDINGS. Will the Senator yield for another question?

Mr. WALSH. I yield.

Mr. TYDINGS. As I understand, the present arrangement of building half the ships in navy yards and half in private yards is of advantage to the country, aside from the value of the private yards in themselves, by reason of the fact that if we should be drawn into a war we should be able to call upon the private yards to build needed vessels. Is it not correct that from the standpoint of national defense it is necessary that we keep the maximum number of yards open, so that in any given emergency we can produce ships, if we are obliged to produce them, within a minimum of time?

Mr. WALSH. Certainly.

Mr. TYDINGS. And if we were to build all these ships in private yards, it would mean a considerable delay in the completion of any naval program?

Mr. WALSH. There is no doubt about that. Furthermore, the Senate should remember that we have put in a restriction as to what profit private yards may make. By law, no private shipyard may retain or make more than 10 percent of profit in building our ships.

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

Mr. WALSH. I yield.

Mr. BYRNES. I do not know whether or not the Senator from Massachusetts was in the Chamber at the time I called attention to the fact that my construction of the amendment would be, not that it would permit directly and affirmatively the construction in Government yards but because it places a limitation upon the funds, that it would simply prevent the use of these funds by the Government to carry out the provision of the law which provides that the building of ships shall be on a 50-50 basis. The result would be that none of the funds could be spent for building any ship in a private yard after the first one. The law requires that the ships be built alternately in private and public yards. The amendment, if adopted, would stop construction after the first ship is built.

Mr. WALSH. Does the Senator go so far as to say that would result, in his judgment, in closing down some of the Government navy yards?

Mr. BYRNES. Yes; because under existing law the Department is required to build one destroyer in a Government yard, the next in a private yard, and the next one in a Government yard, and so forth. This amendment provides that no part of the fund shall be used for the purpose of building in private yards, and, therefore, the Department would be estopped from having any built in private yards. As the law requires the Department to build ships alternately in Government yards and private yards, it cannot build consecutively in the Government yards without violating the provisions of the Vinson-Trammell law, which is obligatory upon it. Therefore, the amendment, if adopted, would stop all construction except that of the first destroyer and the first submarine.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. COPELAND. Mr. President——

Mr. WALSH. I yield first to the Senator from Washington, and then I will yield to the Senator from New York.

Mr. BONE. I should like, in view of the statement made by the Senator from South Carolina, to ask the able Senator from Massachusetts, who is chairman of the Naval Affairs Committee, and is an able parliamentarian, how long he thinks it would take in the emergency situation suggested by my good friend from South Carolina for the Senate and the House and the President, in conjunction with the Navy Department, always realizing the frightful position we are in, to pass a law correcting that situation? I suggest that it would take us but 1 day. We put the National Economy Act through in a few hours. In a great national emergency, and in view of the horrifying character of the situation suggested by the Senator from South Carolina, I am quite sure that the Congress would not find it difficult to act with celerity.

Mr. BYRNES. I think the answer is that it would take only so long as would be required by the Naval Affairs Committee to act on the measure of the Senator proposing to amend the law. The Senator from Washington now has a bill before that committee, and if he can have it reported now, why should he not have it reported? If he can have it reported under such circumstances, he ought to proceed now to have it reported.

Mr. BONE. That is precisely why I should like to have a vote on this amendment and see what the sentiment of the Senate is.

Mr. COPELAND. Mr. President——

Mr. WALSH. I now yield to the Senator from New York.

Mr. COPELAND. May I ask the Senator if it is not a fact that the President has the option of declaring whether a naval vessel shall be built in private yards or in Government navy yards?

Mr. WALSH. It has been developed during the debate this morning that the President has the final say and can decide, if he chooses, to build nearly all our naval craft in Government yards.

Mr. COPELAND. I understand that to be the law.

Mr. WALSH. Mr. President, the very ramifications of the subject which we have been discussing here, the differences of opinion, the magnitude of the question, the expense involved, its relationship to our whole policy of national defense, indicate, it seems to me, that we cannot deal with a question of this magnitude on an amendment offered on the floor to this appropriation bill. I hope the Senator from Washington will withdraw his amendment, or not press it, so that we may have the question discussed in the Naval Affairs Committee and finally in the Senate after the Senate possesses more complete information.

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

Mr. WALSH. I yield to the Senator from Michigan.

Mr. VANDENBERG. The question of nationalizing the manufacture of armament is one of the few upon which the Munitions Committee divided. I hold to the view that if we were completely to nationalize the production of defense facilities we would necessarily create such a magnitude of productive equipment and machinery, a magnitude equal to the maximum defense demands for any one moment, that we would virtually be committing our country to a permanent production speed in armament, because we all know, in the natural course of events, that there is always political pressure to keep every facility going at a hundred percent. Therefore I think that if we should have a 100-percent equipment it would be followed by a 100-percent pressure to keep the equipment in operation, and the final net result would be a devastating influence in behalf of maximum armaments instead of any hope for disarmament.

Mr. WALSH. The Senator has made an admirable statement. In particular would that statement be true in regard to aircraft. We have delayed embarking the Government in building aircraft, and properly so. If war comes, we cannot prepare ourselves by overnight building of naval craft; it takes 2 years to build a battleship, and it takes almost as much time to build a cruiser. Aircraft, however, can be built within 90 days, and it is very essential that the Government encourage every private industry, located anywhere, to be equipped for building aircraft in time of war, so that in a few weeks we could build 15,000 or 20,000 or even 50,000 aircraft if needed. In the meantime we must appropriate money to have men trained to man these ships and take care of them, for it takes a year to train a man to be a pilot and to have the necessary knowledge of gunnery.

Mr. BONE. At this point I should like to ask the Senator, in view of the fact of the pressing need for aircraft development and a more thorough understanding of the problems that inhere in aircraft, why the Navy Department comes down here with a proposal in this bill to destroy the aircraft factory at Philadelphia? In view of the Senator's statement, which I think is absolutely correct, why should the Navy Department want to destroy that infant?

Mr. WALSH. As I understand, that action was taken by the House and not by the Senate committee.

Mr. BYRNES. That has been corrected in the bill as reported to the Senate. The Senator from Washington is entirely in accord with the action of the committee in that

respect. I do not think he wants that provision of the bill as reported to the Senate defeated.

Mr. BONE. I am very happy to state that I am entirely in accord with the conclusion of the committee in striking out the provision regarding the factory in Philadelphia. I think that factory ought to be expanded.

Mr. WALSH. It is gratifying to find the Senator from Washington and the Senator from South Carolina in accord on at least one provision of this bill.

Mr. President, I do not care to prolong the discussion further. I trust the amendment will be rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. BONE].

Mr. NYE. Mr. President, I do not desire to detain the Senate for more than a few moments on the pending amendment, and yet I believe I shall desire at the same time to speak my mind concerning the bill in its entirety.

The armament race in which at the present time the world is engaging in the name of preparation for more war must to everyone who will give a second's thought to what is occurring be a matter of grave moment. I think it is fair to say that never yet has an armament race been followed by peace, and when we know that there never has been an armament race compared with the one upon which nations have now entered, there is little or no consolation to be found in the actual tramp, tramp, tramp which resounds throughout the world today. As for ourselves, I think there is not a power upon earth that would not give millions, indeed hundreds of millions, and perhaps billions of dollars, if it could have what we have in the way of a national defense created by nature that is costing the United States not a penny. I think there is no power on the face of the earth so little subject to attack as is our Nation, and no nation need fear attack so little as we of the United States do. Yet we find ourselves very much a party to the present-day armament race.

I have made up my mind as to where the difficulty is. It arises largely out of the fact that we have not a well-defined national-defense policy. We are all believers in maintaining an adequate national defense, but that term lends itself to so many descriptions, so many definitions, that we in the Senate find ourselves, for example, at loggerheads as to what constitutes an adequate national defense. We know it to be true that 20 years ago certain forces were complaining about the inadequacy of our national defense. Today we are spending, in the name of national defense, between three and four times more than we were spending 20 years ago, and yet those who then were complaining about the inadequacy of our national defense are among those who today are increasing their complaints about the inadequacy of our national defense. It comes down to the point that with some interests, some forces, the call for national defense has no specific goal in mind; the call of some people in the name of national defense is for more and more and ever more, and no one knows what the end of that demand is going to be.

Today the United States is spending approximately $20,000,000 a week in the name of national defense, and yet among us are many who feel that our national defense is all too inadequate. We have listened to a debate here today which reveals that the pending naval appropriation bill is not particularly a construction bill, and that but a very small part of it enters into new construction, which drives us to the conclusion, then, that for all time to come, not counting any enlargements of our Military Establishment, we are going to have an outlay annually at least on a par with that being called for this year.

The sum of $20,000,000 a week for national defense is to be expended at a time when in many communities and in many States there is wonderment that more money is not available to meet the very necessary needs that are arising by reason of economic adversities and emergencies.

Here in Congress we have spent days quibbling about what we ought to permit in the way of an outlay to meet the human needs of our own people, but there always seems to be just a little resentment if any delay whatever is occasioned in the passage of so-called national-defense appropriations.

In our plans of effecting economy, in our plans of establishing a reorganization of governmental units, much consideration has been given by those who have directed their attention to the subject of consolidating the various departments and agencies of the Government. But very few, if any, have been the suggestions which for a moment would tolerate the idea of reorganizing our Military Establishment on such a basis as would bring the Army and the Navy under one head, a head of national defense.

Looking now at the very able Senator from Nevada [Mr. PITTMAN], whose leadership on the Foreign Relations Committee this year has accomplished so much progress in the way of determining America's course in the future, I recall how we have been developing here at home a determination on our own part that we are going to stay at home in the future and do our fighting here, if it is at all possible to do so; that we have seen the end of that day when it can be expected that the United States will quickly follow off into other people's wars, certainly not until there can be better cause than there has been in the past, certainly not until there can be better promise of a chance, after it has won the war, for the United States to win what it goes out to win.

Our difficulty, it seems to me, lies in the fact, as I have said, that we are lacking a clear defining of what we mean by "national defense"; we are lacking in a national-defense policy.

We are not much alarmed about any possible attack upon us by a foreign foe. We are told upon occasion that from this country or that country there is some danger of attack, but when we make inquiry and ascertain the facts we find the people of such country are looking upon us as being more likely to attack them.

We find in this country occasionally developed a large suspicion when stories are circulated about fishing vessels of another nation surrounding our naval craft when they can, eyeing them with suspicion, and photographing them. That throws us into a state of fear that we are being spied upon and that a certain nation has its eyes set upon ways of demolishing our Navy. In the country to which I refer, without naming it, people tell with equal conviction of how Americans are spying upon the naval craft of their nation. We find ourselves building, through our fears and our suspicions, a state of mind that is never going to permit a reduction of the budgets which constitute so burdensome an obligation upon us, a burden that is increasing from year to year.

If we could have a well-defined national-defense policy, and if its definition were to be in keeping with what I take to be the desire of the American people today, I am satisfied we could have a national defense for hundreds of millions of dollars less than is occasioned by the Budget which has been laid before us annually. If we could have defined strictly what we mean by national defense, in addition to serving our needs in the way of economy, we would succeed in giving word to the rest of the world of an intent on our part to do our fighting at home, of an intent on our part to so conduct ourselves in a military way that other nations would not in their national-defense plans ever contemplate an attack from us.

The amendment offered by the Senator from Washington [Mr. BONE], pending before the Senate at the present time, is one which I should like to see have the concurrence of the Senate. I think if the Government itself were to perform all its naval construction work, we would thereby take a first step in eliminating the most powerful influences which are at work keeping the American mind dissatisfied concerning the adequacy of its national defense.

Through the conduct of an investigation running over 2 years the Senate Munitions Committee ascertained some of the influences which were at work, some of the powerful urgings that had America moving in directions which were not, strictly speaking, the directions which the masses of the people wanted pursued. There can be no denying that

the motive of profit plays quite as large a part in programs involving preparation for war as it plays in programs incident to the actual waging of war. The motive of profit is known to cause men and institutions the world over to engage in programs which have anything but the peace of the world in mind.

I am not going to burden the Senate with an extended review of the findings of the practices of the private munitions industry and especially those engaged in the shipbuilding end of the industry. However, I desire to read to the Senate a summary which appeared in the report of the committee to the Senate, to be found at page 6 of report no. 1 submitted to the Senate in June 1935, as follows:

The committee finds that three big shipbuilding companies had $53,744,000 of work at stake in the Geneva Disarmament Conference which the Navy had given to them a few months before the opening of the conference in 1927. It notes the admitted interest of the companies in the unfavorable outcome of that conference. It notes Mr. Shearer's testimony that he was urged to go to the conference by Admiral Pratt and was supplied with secret Navy information. It notes the secrecy of his employment by the shipbuilders and the explanation for that secrecy. It notes his activities in the promotion of a war scare with England in 1928 and 1929 while being paid by the shipbuilders. It notes certain discrepancies between testimony given by the shipbuilders at the Shortridge hearings and the hearings of the Munitions Committee. It notes Mr. Shearer's claim that "as a result of my activities, eight 10,000-ton cruisers are under construction." Further, that owing to the failure of the tripower naval conference at Geneva, there is now before the Seventieth Congress a 71-ship building program costing $740,000,000. It notes Mr. Shearer's further testimony of his activities at the request of various naval officials. It notes his description of his Geneva campaign as "fast and vicious." It notes his report of the "delight" of the shipbuilders at the result. It notes the payment by the shipbuilders of the costs of a pamphlet he wrote attacking certain private citizens, including Newton D. Baker and Franklin D. Roosevelt. It notes the payments he received from Mr. Hearst of $5,000 in 1929. It notes the spreading through a friendly newspaper syndicate of an alarmist story concerning alleged Japanese intentions by the president of the Bath Iron Works, with the intent and result of activity by a Senator and Representatives from Maine in connection with an appropriation bill in 1932.

The committee finds, on the basis of this and other testimony, that there is a clear and definite danger in allowing self-interested groups, such as the shipbuilders and their allied interests, to be in the close position of influence, as they are at present, to such an important instrument of national policy as the Navy is and the danger in allowing them to remain in a position where it is to their financial interest to confuse public opinion between the needs of the country for a purely defensive Navy and their own continued needs for profits.

The committee finds further that there has been a large amount of bipartisan political activity on the part of the shipbuilders locally, in Congress, and also at the national headquarters of the two parties. It makes no claim to have gone into this field thoroughly.

The committee notes the claims of the Washington representative of United Drydocks in 1934 that he could get a bill through Congress for $50,000, and that "there is no virtue in being quixotic at this state." It notes the placing of Congressmen on certain committees at the request of the shipbuilders. It notes their claim to have helped the Navy on certain bills and to have elected members of the House Rules Committee. It notes the reference to United Drydock Co. securing through Dave Hogan, secretary to Mr. McCooey, prominent Brooklyn Democrat, the award of $6,800,000 in destroyers in 1933.

The committee finds that the matter of national defense should be above and separated from lobbying and the use of political influence by self-interested groups and that it has not been above or separated from either of them.

The committee finds further under this head that the main lobby for the Merchant Marine Act of 1936 was conducted by the shipbuilders under the leadership of Mr. Laurence R. Wilder, then president of American Brown Boveri (New York Shipbuilding Co.), and that a sum of over $140,000 was spent in putting that bill over.

The committee finds further that New York Shipbuilding Co. was acquired as a speculative investment by the Bragg-Smith-Cord interests just prior to the 1933 naval awards. * * *

The success of the shipbuilders in securing an allocation of $238,000,000 for shipbuilding from P. W. A. funds has been their most recent demonstration of power. In this their purpose was aided by labor groups, who later, when the expected employment failed to materialize, spoke of the matter as a "double cross" to the Navy officials who had solicited their support for the measure.

Mr. President, one cannot view what is known and a matter of record concerning the activities of the private shipbuilding industry without knowing that there is large ground and real cause for such an amendment as that offered by the Senator from Washington. If one desired to go back to the period of the war to find what those upon whom we count so largely in time of war really did when their Government called upon them to utilize their facilities and give all their service to their country in the full measure which was needed, he would know how utterly disgraceful was the course of private industry. Their action then was not merely a matter for the moment, it was such as ought to invite today from the Congress of the United States anything but encouragement, anything but aid and comfort; and aid and comfort is to be found in far too large a measure in the military appropriations which we are passing from time to time.

With the Senator from Washington, I hope there may be a record vote upon the amendment he has offered.

Mr. POPE. Mr. President, in connection with the amendment of the Senator from Washington [Mr. BONE], I desire to call the attention of the Senate to an amendment which was suggested when this bill was before the House of Representatives. Representative FISH then suggested this amendment:

That the President is authorized and requested to invite such governments as he may deem necessary or expedient to send representatives to a conference at Washington or elsewhere to consider the limitation of naval armaments, for the purpose of reaching an agreement on a program to limit naval armaments, with special reference to the limitation of battleships, battle cruisers, light cruisers, aircraft carriers, destroyers, submarines, and aircraft.

Mr. FISH called attention to the fact that this amendment was not germane to the legislation pending before the House, and he therefore did not actually offer it; and I assume, of course, that the same rule applies here, and that such an amendment would not be germane.

In the course of the discussion in the House this interesting statement was made:

A naval conference should be called immediately, to be held either here or elsewhere, because Japan and England have already stated—England through Mr. Chamberlain, its Chancelor of the Exchequer, and Japan through the head of its Navy Department—that they are willing to enter into such a conference right now. I could read what these governments have said in the last few days if I had time.

I should have been interested if Representative FISH had actually read what the representatives of these governments said, and had given us the authority for his statement that they are ready to consider a limitation of armaments.

Mr. President, the naval limitation treaty which was adopted as the result of the Washington Conference has now expired. I think no one statement is made more often than that there is now underway an armament race. The President himself has referred to it. The Secretary of State has called attention to it. I think it is recognized, as was stated by the Senator from North Dakota [Mr. NYE], that such a race contains the greatest threat to the peace of the world.

Before the Washington Conference, in 1921 and 1922, a similar condition existed. At that time, by reason of the fact that we were headed for an armament race, the Washington Conference was held. I think anyone who is fair will realize that a great deal was accomplished as a result of that conference.

I will read a statement written by Mr. Philip Whitwell Wilson, contained in the American Encyclopedia, which I think fairly sums up the result of that conference. It will be recalled that the treaty provided that the naval tonnage of the United States should be limited to 525,000 tons; that Great Britain should also be limited to 525,000 tons; that Japan should be limited to 315,000 tons; France to 175,000 tons; and Italy to 175,000 tons. The well-know ratio of 5–5–3 was there adopted. Of a result of that conference, this, it seems to me, is a fair summary:

Summing up the results of the Washington Conference, we may say that it cleared the air in the Far East of much inflammatory poison, greatly improving relations between the United States and Japan. It stopped the naval race—

I ask that that statement be especially noted:

It stopped the naval race between the United States and Japan, and furnished Great Britain with a convenient escape both from her Anglo-Japanese alliance and her traditional, but now impossible, command of the ocean. It restored Shantung to China, and Siberia to Russia. Its influence over Japan has been liberal and beneficial, and is reflected in some reduction of Japan's Army.

Mr. President, it seems to me no one can challenge the beneficial results of the Washington Conference. The reason why I now call it to the attention of the Senate is that the treaty which resulted from the conference has expired, and there is no limitation upon any nation in building naval armaments. That being true, it seems to me timely, at any rate, to call the attention of the Secretary of State and of the President to the subject, and to remind them of the importance of having at an early time a conference to limit naval armaments.

I have great confidence in both the President and the Secretary of State. I believe they are entirely aware of the serious importance of this naval race. I also believe they are watching for the opportunity to join other nations in limiting their naval building programs for the future.

I also am interested in a resolution which Representative FISH has introduced, calling for a conference of the signatories of the Kellogg-Briand Pact to consider some machinery for implementing the pact.

It will be remembered that some years ago, when that pact was adopted, there was a great deal of optimism that somehow the nations of the world would cooperate through it to end war. As a matter of fact, in the only test to which the Kellogg-Briand Pact has been subjected, it proved utterly futile. The Secretary of State called the attention of Italy and of other nations to its existence last year, but nothing was done. It is a perfectly futile instrument; and unless it can be implemented, unless some instrumentality can be established to make it workable, it would have been just as well if it never had been ratified by 61 or more nations of the earth.

I simply desire to commend the Representative who introduced this resolution and who suggested this amendment for consideration when the naval bill was before the House. I desire to join with him in calling the matter to the attention of our officials, in order that we may not go on everlastingly without any limitation upon this race in armament. It seems to me that unless something of that kind is done, we are headed toward very disastrous consequences as a result of the naval building program in this country and in the other countries of the world.

Mr. WALSH. Of course, the Senator understands that this Government has not gone beyond the limitations set in the disarmament treaties; but I assume the Senator has in mind that, unless some action be taken, we may have to follow the example of other countries which appear to be about to engage in a naval armament race.

Mr. POPE. I understand that. I think our Government is to be commended for staying within the terms of the treaty. I am glad to note that the present Navy bill is less in amount than that of last year. I call the attention of the Senator to the fact that without any limitation for the future this country is or will be compelled to engage in an armament race. It will be compelled to go beyond any provision of the Washington Treaty in order to defend itself, at least in the opinion of our naval authorities.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Burke	George	La Follette
Andrews	Byrd	Gerry	Lee
Austin	Byrnes	Gibson	Lodge
Bachman	Capper	Gillette	Logan
Bankhead	Caraway	Green	Lonergan
Barkley	Chavez	Guffey	Lundeen
Bilbo	Clark	Hale	McAdoo
Black	Connally	Hatch	McGill
Bone	Copeland	Hayden	McKellar
Borah	Davis	Herring	McNary
Bridges	Dieterich	Holt	Minton
Brown, Mich.	Duffy	Hughes	Moore
Brown, N. H.	Ellender	Johnson, Calif.	Murray
Bulow	Frazier	Johnson, Colo.	Neely
Nye	Radcliffe	Schwellenbach	Tydings
O'Mahoney	Reynolds	Sheppard	Vandenberg
Overton	Robinson	Steiwer	Wagner
Pittman	Russell	Thomas, Utah	Walsh
Pope	Schwartz	Townsend	White

Mr. MINTON. I desire to reannounce the absence of Senators indicated on the previous roll call.

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

The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. BONE].

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

The yeas and nays were not ordered.

The amendment was rejected.

Mr. SCHWELLENBACH. Mr. President, I desire to call the attention of the Senator from South Carolina [Mr. BYRNES] to the provision in the bill on page 25, line 13, and the next two or three lines, for the appropriation of the sum of $10,000,000, which was the amount appropriated by the Congress in 1935 for the construction of a floating drydock to be constructed on the Pacific coast for use at Pearl Harbor. Under the provisions of the bill as it now reads, this $10,000,000 which has been previously appropriated for that purpose is taken away from that purpose, and is reappropriated for the purpose of the payment of personnel.

As I read this provision, naturally it struck me that it might be construed to be a statement of the Congress that it intended to abandon the effort to build this floating drydock. As I indicated a few minutes ago in the course of the question which I submitted to my colleague, the bid which was received for the construction of this floating drydock from a private shipbuilder, the Bethlehem Steel Co., was some $21,000,000. The Navy Department has not made public the exact figures of the estimate by the Bremerton yard and the Mare Island yard, but the indication is that they run somewhere around $16,000,000. The Navy Department has asked the Naval Affairs Committee of the House of Representatives to increase the authorization for the amount of this floating drydock, and that matter is, as I understand, before the Bureau of the Budget at this time.

I have prepared an amendment, to strike out on page 25, line 13, the figures "$78,484,680" and to insert in lieu thereof the figures "$88,484,680", and then to strike out commencing with the word "and" on line 13 down to and including the word "paragraph" on line 17.

If it is the intention of the Committee on Appropriations to have the bill construed to indicate the abandonment, so far as the Congress is concerned, of the floating drydock construction, I will present the amendment and ask for action upon it. If I may receive assurance of the Senator from South Carolina that it is not the purpose of the Committee on Appropriations to bring about an abandonment of that project, but that it is the intention of the committee simply to have this fund, which is now lying idle, put to use during the period of time while we are waiting for an authorization for a larger amount, and that the Committee on Appropriations, so far as it is now concerned, will treat with favorable consideration the action of the Navy Department if they ask for a larger appropriation for the floating drydock, then I will not submit the amendment. I am making this statement for the RECORD.

Mr. BYRNES. Mr. President, there is no justification for the construction of the action of the committee as an abandonment of this project. The fact is that the authorization for the drydock, as the Senator from Washington has stated, was $10,000,000. When bids were asked for the completion of the project the private bid was in excess of $21,000,000, and for a bare dock, without pumping equipment and other essential and desirable equipment, it was $16,000,000. The Navy Department could not proceed with the construction because the bid was in excess of the authorization.

The Department has presented to the legislative committee, or is about to present, the estimate for an authorization of an amount sufficient to build the drydock. The Committee on Appropriations of the Senate did not pass upon the matter for the reason that no estimate was submitted or could be submitted in the absence of the necessary

legislation. Therefore there could be no justification for construing the action of the committee in transferring the $10,000,000 as an intention on the part of the committee to oppose the construction of the drydock. As the Senator has indicated in his remarks, it was simply making provision for the use of the $10,000,000 until such time as the Congress would authorize the construction at a cost which would permit the Department to go ahead with the construction.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. BYRNES. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. DUFFY in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 14, line 23, after the words "more than", it is proposed to strike out "nineteen" and insert in lieu thereof "twenty."

Mr. BYRNES. Mr. President, I offer this amendment at the request of the Senator from Missouri [Mr. CLARK], who is temporarily absent from the Chamber. I am willing that the amendment be adopted and go to conference, where an opportunity will be afforded to determine its exact effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. NYE. Mr. President, I should like to inquire of the Senator from South Carolina, in charge of the bill, concerning certain language in the bill. Beginning in line 19, on page 29, is this language:

Rent of rendezvous and expenses of maintaining the same.

What is the meaning of that? Is it as mysterious as it sounds?

Mr. BYRNES. Mr. President, I think the Senator is in a facetious humor. That phrase is one which has been put into these bills year after year, and, as I understand, has no application to anything except the place where the troops are gathered. The provision is for the rent of the place and the expense of maintaining it. The rendezvous is the place where the men are gathered. That language has appeared in these bills year after year. If the Senator objects to it, I am willing to accept an amendment to strike it out.

Mr. NYE. No, Mr. President; but, quite seriously, the rendezvous is the recruiting place, is it not?

Mr. BYRNES. That is, as is always understood, what the general language has reference to. As the Senator will notice, the language is:

Apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service.

It is for the expense incident to keeping up the place where the recruits are gathered before being sent to one of the training stations.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. FRAZIER. On the passage of the bill I call for the yeas and nays. The people ought to know how the Senate stands on so important a bill, calling for an appropriation of over $500,000,000.

The PRESIDING OFFICER. Is the demand seconded? [A pause.] Not a sufficient number have seconded the demand, and the yeas and nays are not ordered.

Mr. FRAZIER. Mr. President, I expected that would be the result, and if it had not been for one or two Senators——

Mr. ROBINSON. Mr. President, I have no objection to a yea-and-nay vote.

Mr. BYRNES. I join with the Senator from North Dakota in demanding the yeas and nays.

Mr. FRAZIER. Mr. President, I appreciate that action on the part of the Senator from Arkansas and the Senator from South Carolina. If it had not been for the action of one or two Senators on the floor Friday afternoon, the bill providing for an appropriation of more than $500,000,000 would have been disposed of without any explanation.

Mr. ROBINSON. Mr. President, I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. MINTON (when Mr. GLASS' name was called). I announce the general pair of the Senator from Virginia [Mr. GLASS] and the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. LONERGAN (when Mr. MALONEY's name was called). My colleague [Mr. MALONEY] is necessarily absent. He is paired with the Senator from Utah [Mr. KING]. If present, my colleague would vote "yea" on this question, and the Senator from Utah would vote "nay."

Mr. McNARY (when his name was called). Upon this question I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I am advised that if he were present he would vote as I am about to vote. Therefore I shall vote. I vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the senior Senator from Ohio [Mr. BULKLEY], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from Utah [Mr. KING], the Senator from Nevada [Mr. PITTMAN], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Montana [Mr. WHEELER] are detained in an important meeting of the Committee on the Judiciary.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. HARRISON], and the Senator from Oklahoma [Mr. THOMAS] are absent attending to important matters in the various Government departments.

The Senator from Illinois [Mr. LEWIS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

Mr. BULOW. I announce that my colleague the junior Senator from South Dakota [Mr. HITCHCOCK] is detained from the Senate because of illness in his family.

The result was announced—yeas 64, nays 11, as follows:

YEAS—64

Adams	Chavez	Herring	Overton
Andrews	Connally	Hughes	Pope
Austin	Copeland	Johnson, Calif.	Radcliffe
Bachman	Davis	Lee	Reynolds
Bankhead	Dieterich	Lodge	Robinson
Barkley	Duffy	Logan	Russell
Bilbo	Ellender	Lonergan	Schwartz
Bone	George	McAdoo	Schwellenbach
Borah	Gerry	McGill	Sheppard
Bridges	Gibson	McKellar	Steiwer
Brown, Mich.	Gillette	McNary	Townsend
Brown, N. H.	Green	Minton	Tydings
Burke	Guffey	Moore	Vandenberg
Byrd	Hale	Murray	Wagner
Byrnes	Hatch	Neely	Walsh
Caraway	Hayden	O'Mahoney	White

NAYS—11

Black	Clark	Johnson, Colo.	Nye
Bulow	Frazier	La Follette	Thomas, Utah
Capper	Holt	Lundeen	

NOT VOTING—20

Ashurst	Harrison	Maloney	Smith
Bailey	Hitchcock	Norris	Thomas, Okla.
Bulkley	King	Pepper	Truman
Donahey	Lewis	Pittman	Van Nuys
Glass	McCarran	Shipstead	Wheeler

So the bill (H. R. 5232) was passed.

Mr. BAILEY subsequently said: Mr. President, I wish to announce that I was absent when the roll was called on the naval appropriation bill. If present, I should have voted "yea."

ELIGIBILITY OF JOSEPH P. KENNEDY FOR MARITIME COMMISSION

Mr. ROBINSON. Mr. President, out of order, I ask leave to introduce a joint resolution, and I ask to have it read, with the intention of requesting unanimous consent for its present consideration.

The PRESIDING OFFICER. Without objection, the clerk will read the joint resolution.

The joint resolution (S. J. Res. 110) limiting the operation of section 201 (b) of the Merchant Marine Act, 1936, with respect to qualification of member of the United States Maritime Commission, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the appointment of Joseph P. Kennedy as a member of the United States Maritime Commission and his service on said Commission shall not be deemed to be in violation of the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, notwithstanding any pecuniary interest he may now have or may have had within 3 years prior to his appointment in any carrier by water, shipbuilder, contractor, or other firm or corporation or in any person who derives a substantial portion of his revenue from any business associated with ships or shipping.

Mr. ROBINSON. I ask unanimous consent for the present consideration of the joint resolution. In explanation of the measure, I will state that, under a provision contained in the maritime act of last year, the act approved June 29, 1936, a question has arisen as to the eligibility of Mr. Kennedy to receive the appointment as chairman of the Commission because of his alleged ownership of a limited amount of stock in certain corporations, which ownership may be construed to be in possible violation of the terms of the act.

Mr. Kennedy is the former chairman of the National Securities Exchange Commission. He is a gentleman of notable business ability and broad experience. I find that Senators who assisted in drafting the Maritime Act are willing—indeed, many of them are anxious—that Mr. Kennedy serve. It is my opinion that he would not desire to do so with a cloud upon his title such as might exist should the joint resolution offered by me, or some similar measure, be not passed.

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

Mr. ROBINSON. I yield to the Senator from Missouri.

Mr. CLARK. I think it is only fair to point out that the fact of Mr. Kennedy's ownership of stock in the Todd Shipbuilding Co., to be exact, was called to the attention of the President and of the Commerce Committee of the Senate by Mr. Kennedy himself. So far as the direct ownership of the 1,100 shares of the Todd Shipbuilding Co. stock is concerned, that matter was submitted to the Attorney General of the United States, who rendered an opinion to the effect that, in his judgment, the ownership of the 1,100 shares did not amount to a substantial interest within the meaning of the law. Subsequently, however, Mr. Kennedy called the attention of the Commerce Committee to the fact—it being his intention, I may say, to dispose of the 1,100 shares mentioned of the Todd Shipbuilding Co.—that he had established some years ago an irrevocable trust for the benefit of his children, of which he now has no control, but which does own a certain amount of stock of the Todd Shipbuilding Co. He also has a mortgage on a small ship, given him voluntarily to secure a personal loan which he had made to his brother-in-law. I may say that, in my opinion, neither of these circumstances would amount to a disqualification within the meaning of the law, but, in view of the very scrupulous attitude which Mr. Kennedy himself has assumed, and because of the desire on the part of all concerned, so far as I am advised, and in view of Mr. Kennedy's outstanding qualifications for the position, I think it would be a most excellent thing to have the joint resolution proposed by the Senator from Arkansas passed.

Mr. McNARY and Mr. COPELAND addressed the Chair.

Mr. ROBINSON. I yield to the Senator from Oregon.

Mr. McNARY. I desire the floor in my own right.

Mr. ROBINSON. Very well. Then I yield to the Senator from New York.

Mr. COPELAND. Mr. President, the Commerce Committee has been embarrassed by this matter, and particularly so because of Mr. Kennedy's own anxiety to let it be known to all the world what the situation is. Under date of March 12 he wrote me, saying:

The restrictions of the law as to qualifications are so far-reaching that I was quite concerned about my eligibility.

Then he recites the reasons, referring to his stock holding, which has just been mentioned by the Senator from Missouri [Mr. CLARK].

Mr. President, I think I am correct in saying that there is perfect unanimity on the part of the Committee on Commerce that the selection of Mr. Kennedy was a wise one, a happy one, that he will carry to the office a degree of ability which the office demands.

The appointments of members of the Maritime Commission have been delayed for about 8 months since the passage of the bill. During that time we have had no permanent Commission. Many matters of the greatest import are awaiting the Commission and it is very necessary that there should be early action. I take it that if this joint resolution shall be passed, Mr. Kennedy's name will then be before the Committee on Commerce without prejudice; but, of course, the passage of the joint resolution will not serve as a confirmation of Mr. Kennedy's appointment for this position.

I hope the Senate may deem it wise to pass the joint resolution. I was not advised of it until a few moments ago, and was not a party to it in any way, but I myself am convinced that if the President had gone over the entire United States to find a man to head the Maritime Commission he could not have found a better one than Mr. Kennedy.

Mr. Kennedy takes the place, if he takes it at all, very reluctantly. He has large affairs of his own and will make a sacrifice in order to render this service. If he shall do so, it will be in order to render a public service. I trust my friend from Oregon will see fit to allow the joint resolution to be considered and passed.

Mr. McNARY. Mr. President, unquestionably Mr. Kennedy is an able financier and a fine executive. I shall oppose the proposition submitted by the Senator from Arkansas without in any sense meaning to reflect at all upon the great ability of Mr. Kennedy. It is a most unusual request. With the long experience I have had in the Senate, I do not recall its parallel. The Senate Committee on Commerce has before it the names of five members of the Maritime Commission. Mr. Kennedy's name, like that of Abou Ben Adhem, "led all the rest." Then came a letter from Mr. Kennedy, stating that he was of the opinion that he was disqualified until he could dispose of his stock. He says he does not wish to undertake the service until he has ample and reasonable opportunity to sell the stock in the Todd Shipbuilding Co. It is a frank and sincere statement. I want to see him accorded that opportunity, and he shall be.

Mr. President, the Commerce Committee of the Senate has jurisdiction over this matter. It must pass upon the qualifications of the gentlemen who have been nominated as commissioners, and must report to the Senate conformably to a rule which is ancient in the practices of this body. Here we are attempting to take away from the Commerce Committee the opportunity to pass an opinion which it must eventually render upon the qualifications of Mr. Kennedy. It is an attempt by the Senate to prejudge the situation without having anything before it. It is an attempt upon the part of the Senate to take away the jurisdiction of the Commerce Committee and bring the nomination here and rush it through in the form of a joint resolution. It is unthinkable and unheard of.

Mr. COPELAND. Mr. President, I do not think the Senator quite means that.

Mr. McNARY. I mean everything I have said.

Mr. COPELAND. I think the purposes of the joint resolution, if passed, would but indicate that the Congress is willing that the Commerce Committee should consider the name of Mr. Kennedy in spite of the fact that he holds certain shares of stock. I do not think the power of the committee is to be limited in the least. When the matter goes back to the committee my feeling, as chairman of the committee, is that we must still determine whether we will recommend Mr. Kennedy for confirmation.

Mr. McNARY. I appreciate the generous attitude of the Senator from New York. Mr. Kennedy is his constituent. I admire his great legal ability. I am sure the Commerce Committee is capable of passing upon the very question

it is now attempting to have the Senate pass upon without any data or information before it.

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

Mr. McNARY. Gladly.

Mr. COPELAND. I never saw Mr. Kennedy in my life. My position in the matter has no relation to the fact that he is one of my constituents. I do not know whether or not he voted for me. He is such a wise man I doubt if he did, but that has nothing to do with it. I know my own feeling is that Mr. Kennedy has demonstrated such remarkable ability that I should like to see him placed at the head of the Maritime Commission where we all know ability is needed. That is the reason why I favor the joint resolution. If he lived in Oregon, I should be just as enthusiastically for him.

Mr. McNARY. I appreciate that. I did not intend the Senator from New York to become serious about the matter. It was only a pleasant passing remark upon my part.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas for immediate consideration of the joint resolution?

Mr. McNARY. Mr. President, I have not concluded my remarks.

The Commerce Committee, having jurisdiction over this matter, must pass upon the qualifications of the five gentlemen who have been named to the Commission and submit a report to the Senate. One of the things for the committee to consider and ponder is whether Mr. Kennedy comes within the provisions of the act creating the Commission. It is true that the Attorney General has rendered an opinion, which is before the committee, approving the qualifications of Mr. Kennedy. He may be qualified. I am not discussing that. He is qualified from the standpoint of experience and ability. He may be disqualified by reason of ownership which runs counter to some of the provisions of the Maritime Act.

No aid could be given the Commerce Committee by action at this time. What is proposed would constitute a precedent without a parallel. I shall object, and when the matter comes again before the Commerce Committee we shall take it up and consider it and report to the Senate upon Mr. Kennedy, along with the other members who have been nominated by the President to be members of the Maritime Commission.

In passing I ought to refer to a matter which I have had in mind and which does not influence me in the immediate case. I expect eventually to support the confirmation of Mr. Kennedy's nomination; but of the five commissioners appointed to serve on the Maritime Commission, not a member proposed comes from the Pacific coast, which has the longest coast line of any section of the country. I recall when the Maritime Commission was created, instead of placing in the measure the geographical description which was formerly found in acts of a similar nature, the statement was made that the President would deal fairly with each section of the country. This is the first opportunity I have had to state that we have not been treated fairly in the matter, and, while that does not enter into the question involved in this particular case, it may in some other case.

Mr. President, I conclude by announcing again that I emphatically object to the present consideration of the joint resolution.

Mr. ROBINSON. Mr. President, before the matter is finally passed over, let me point out that if the services of Mr. Kennedy are to be availed of, it will probably be necessary to pass the joint resolution.

There is a provision in the law to the effect that if anyone has owned an interest in a shipbuilding concern or in ships within 3 years before the time of his appointment, he thereby becomes ineligible. As stated by the able Senator from Missouri [Mr. CLARK], an opinion has been rendered to the effect that this does not make Mr. Kennedy ineligible; but Mr. Kennedy is in doubt about the matter. Members of the Commerce Committee are in doubt about the subject. I, myself, feel that a question is involved as to his eligibility.

The joint resolution does not in any sense interfere with the jurisdiction of the Committee on Commerce to pass upon the nomination. As stated by the able Senator from New York [Mr. COPELAND], it simply removes a question of doubt as to their right to consider the nomination favorably.

It has been said, I think, during the course of the discussion that Mr. Kennedy did not seek this position; that he never asked for the appointment. He was tendered the appointment because the appointing power felt that he was an able and good man, well qualified to perform the functions of the office.

After his appointment Mr. Kennedy himself, evidently having doubt as to his eligibility under a technical construction of the statute, brought the subject to the attention of the Commerce Committee and told them of the securities he owned, told them of the existence of the trust referred to by the Senator from Missouri, and also mentioned one or two other small property interests which relatives had, and perhaps another which he himself had, in concerns which are related to the shipbuilding industry.

This was commendable action on his part. The only course that I see that can be taken to permit consideration of his nomination is some such action as that which is proposed in the joint resolution.

As stated by the Senator from New York, quite a long time has already elapsed since the original bill was passed and since the necessity arose for the administration of its provisions.

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

Mr. ROBINSON. Certainly.

Mr. CLARK. In line with what the Senator from Arkansas has said as to the necessity or desirability for the commission immediately to begin functioning, and particularly in view of the Senator's statement, with which I probably agree, that it will probably be necessary to pass such a joint resolution as the one now pending, I simply desire to call attention to the very great and pressing necessity in the matter due to the fact that the commission is confronted by two deadlines.

By the terms of the act itself, at a day certain, I believe April 30, or before that day certain, the commission must pass upon the question of personnel, because the personnel in office at that time, at the effective date, will be automatically converted into the civil service, and if it is desired to make any changes in personnel prior to conversion into the civil service, it will be necessary for the commission to begin operations at the earliest practicable date.

Also under the terms of the act it is necessary for the commission to negotiate new contracts for the carrying of mails and operation of ships, or to adjust old contracts on or before June 30 of the present year. It seems to me, in view of the fact that they must organize and pass upon all these exceedingly important questions, the commission has little enough time even now to effect the necessary decisions.

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

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. ROBINSON. Certainly.

Mr. McNARY. As I recall, the organic act creating a Maritime Commission of five members was passed in May 1936. Today is the 22d of March 1937. Why the present haste, when the President of the United States has had nine and a half months in which to act, without taking action?

Treating Mr. Kennedy's case as not the case of the commission, the names of the commissioners are now before the Commerce Committee. Let us bring them all down here, and then the Senate can pass upon the qualifications of Mr. Kennedy as applied to the state of facts brought to the attention of the Commerce Committee. We do not need any amendment of the organic act. The nomination simply brings up the question whether Mr. Kennedy's holdings are substantial and whether they come within the provisions of the act.

I suggest to the Senator from Arkansas that merely bringing the names before the Senate on a favorable report will raise the question. If it does not do so, then the Senator had better have his joint resolution to amend the act referred to the Commerce Committee.

Mr. COPELAND. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield.

Mr. COPELAND. I fully agree with the Senator from Oregon [Mr. McNARY] that it is very strange that 9 months have elapsed since the bill became a law without the appointment of the members of the commission. I have fretted about the matter for a long time; but that does not absolve me as a Member of the Senate from taking as early action as I can after the nominations reach us. I am not going to fall back on the deliquency and failure of the White House to act as a defense for my failing to act. I think it is very vitally important that the Maritime Commission should be appointed and made to function, because otherwise we shall be in great distress.

Mr. BYRNES. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. Certainly.

Mr. BYRNES. With reference to what has been said by the Senator from New York [Mr. COPELAND], I only wish to say that I cannot indulge in any criticism of the White House because of the delay. If a delay of a few months can result in the selection of men like Mr. Kennedy, I hope there will be more delay in the selection of other appointees hereafter. The members of the Banking and Currency Committee and the members of the Appropriations Committee, who are in position to know the service rendered by Mr. Kennedy as Chairman of the Securities and Exchange Commission, know that during many years we have not been so fortunate as to have a more efficient public servant than Mr. Joseph Kennedy; and if the action of the Senate can straighten out the matter so as to enable him to accept this position, I hope such action will be taken.

Mr. ROBINSON. Mr. President, as I stated earlier in my remarks, the act was approved June 29, 1936. Great difficulty has been encountered in finding men who are eligible and who are capable of carrying on the work of this very important commission. Delay has already occurred. No divestiture of his holdings would relieve Mr. Kennedy from possible criticism of ineligibility under the original act, because the act provides that no one shall be eligible who held securities of the character already described and well understood within 3 years before the time of his appointment; so that if Mr. Kennedy should sell or give away every interest he has that would not affect the question of his eligibility.

As I see the matter, it is solely an issue as to whether Senators desire the services of Mr. Kennedy. He feels that he ought not to be expected to run the gantlet of attack here on the ground of ineligibility when he has frankly stated the circumstances and conditions which surround that question.

Mr. BROWN of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Michigan?

Mr. ROBINSON. I do.

Mr. BROWN of Michigan. In line with the remarks of the Senator from South Carolina [Mr. BYRNES] I call the attention of the Senate to the fact that the President acted quite promptly; and in the month of September or early October of last year he advised my predecessor, the late Senator James Couzens, that he wished him to accept the place as Chairman of the Maritime Commission. Of course, the unfortunate passing of Senator Couzens caused some further delay.

I may say in that connection that, of course, I regret that the area which I in part represent—the Great Lakes area—is not represented upon the commission; but I wish to call attention to the fact that the President acted promptly under the circumstances.

Mr. ROBINSON. Another question which has been raised, I think, by the able Senator from Oregon [Mr. McNARY], relates to the action of the committee. He seems to have proceeded on the theory that the committee is under obligation to report all names at one time. It frequently happens in cases of this character that some names are reported and others are held for further consideration. The committee may act upon this nomination at any time that it chooses.

If the Senator persists in his opposition to the consideration of the joint resolution—and, of course, he has the power and the right to do so, because it has not been considered by a standing committee of the Senate—I can and will ask a reference of the joint resolution to the Committee on Commerce. I can and will and do ask the committee, in the event it becomes necessary to do so, to give prompt consideration to the joint resolution, and to report it, if practicable, at the next session of the Senate, when, the day following that, I may be able, or some member of the committee may be able, to move the consideration of the joint resolution, which motion will be determined not by a single objection but by a majority vote.

I understood my friend the Senator from Oregon to announce that he would not consent to the consideration of the joint resolution at this time.

Mr. McNARY. I think I made that very clear; and I am glad the Senator from Arkansas has followed my advice, and has now requested the reference of the joint resolution to the Commerce Committee.

Mr. ROBINSON. No; I have not yet done so.

Mr. McNARY. I am quite sure the Senator will do so before the day is over.

Mr. ROBINSON. Mr. President, of course any one Senator may object to the consideration of a joint resolution when it is introduced. I did not need the advice of the Senator from Oregon—although I always appreciate it—to inform me of that fact; and I did not need the information that if the joint resolution goes to a committee and is reported by the committee, the Senate one day later at its will may then proceed to the consideration of the joint resolution.

I ask that the joint resolution be referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, the joint resolution will be so referred.

EXTENSION AND COMPLETION OF THE CAPITOL

Mr. CONNALLY. Mr. President, my information is that later on the Senator from Arkansas will make a motion that the Senate take a recess until next Thursday. Therefore at this juncture I move that the Senate proceed to the consideration of Senate bill 1170, so as to make it the unfinished business for consideration when the Senate meets again.

Mr. McNARY. Mr. President, I ask to have the title of the bill stated before the request is acted upon.

The PRESIDING OFFICER. The clerk will state the title of the bill.

The LEGISLATIVE CLERK. A bill (S. 1170) to provide for the extension and completion of the United States Capitol.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, I understand that the Senator from Texas does not desire to proceed with the consideration of the bill today. Believing that consideration should be promptly had of the joint resolution which was introduced a few moments ago, it is my intention to move an adjournment of the Senate until tomorrow; and then the Senate may proceed with the consideration of the pending bill, and the Committee on Commerce may have an opportunity to report tomorrow, if it chooses to do so.

I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair) laid before the Senate messages from the President of the

United States submitting sundry nominations in the Army, which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. If there are no further reports of committees, the calendar is in order.

THE JUDICIARY

The legislative clerk read the nomination of Guy K. Bard to be United States attorney, eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF THE NAVY

The legislative clerk read the nomination of Andrew C. Pickens to be Chief of the Bureau of Ordnance, with the rank of rear admiral.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William G. Du Bose to be Chief Constructor and Chief of the Bureau of Construction and Repair with the rank of rear admiral.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations for promotions in the Regular Army.

Mr. SHEPPARD. I ask unanimous consent that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc. That concludes the Executive Calendar.

ADJOURNMENT

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate stand adjourned until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, March 23, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 22 (legislative day of Mar. 19), 1937

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Maj. Morris Simpson Daniels, Jr., Cavalry, with rank from August 1, 1935.

TO FIELD ARTILLERY

First Lt. Bernard William McQuade, Infantry, with rank from August 1, 1935.

TO AIR CORPS

First Lt. Charles Edward Wheatley, Jr., Cavalry, with rank from August 1, 1935.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be lieutenant colonels

Maj. Elias Earle Cooley, Medical Corps, from April 6, 1937, subject to examination required by law.

Maj. Thomas Dreux Hurley, Medical Corps, from April 6, 1937.

Maj. Josiah Baker Henneberger, Medical Corps, from April 6, 1937.

Maj. Paul Miller Crawford, Medical Corps, from April 6, 1937.

Maj. George Sawyer Woodard, Medical Corps, from April 6, 1937.

Maj. John Howard Sturgeon, Medical Corps, from April 6, 1937.

Maj. Raymond Wright Whittier, Medical Corps, from April 6, 1937.

Maj. Wood Sue Woolford, Medical Corps, from April 6, 1937.

Maj. Charles Benjamin Kendall, Medical Corps, from April 6, 1937.

Maj. Cadmus James Baker, Medical Corps, from April 6, 1937.

Maj. Herbert Lee Quickel, Medical Corps, from April 6, 1937.

Maj. Leon Alexander Fox, Medical Corps, from April 6, 1937.

Maj. Charles Kettig Berle, Medical Corps, from April 6, 1937.

Maj. George Charles Henry Franklin, Medical Corps, from April 6, 1937.

Maj. William Thomas Weissinger, Medical Corps, from April 6, 1937.

Maj. Samuel McPherson Browne, Medical Corps, from April 6, 1937.

Maj. Frank Lamont Cole, Medical Corps, from April 6, 1937.

Maj. Gerald D. France, Medical Corps, from April 6, 1937.

Maj. Miner Frank Felch, Medical Corps, from April 6, 1937.

Maj. Rowland Daniel Wolfe, Medical Corps, from April 6, 1937.

Maj. Clarke Blance, Medical Corps, from April 6, 1937.

Maj. Val Emile Miltenberger, Medical Corps, from April 6, 1937.

Maj. Edgar Fremont Haines, Medical Corps, from April 6, 1937.

Maj. Herbert Lentz Freeland, Medical Corps, from April 6, 1937.

Maj. Henry Fuller Philips, Medical Corps, from April 6, 1937.

Maj. Curtis Dudley Pillsbury, Medical Corps, from April 6, 1937.

Maj. James Porter Crawford, Medical Corps, from April 6, 1937.

Maj. Henry Colmore Bradford, Medical Corps, from April 6, 1937.

Maj. Harry Hunt Towler, Medical Corps, from April 6, 1937.

Maj. Percy James Carroll, Medical Corps, from April 6, 1937.

Maj. John Wade Watts, Medical Corps, from April 6, 1937.

Maj. George Albert O'Connell, Medical Corps, from April 6, 1937.

Maj. Joseph Cushman Breitling, Medical Corps, from April 6, 1937.

Maj. Irwin Beede March, Medical Corps, from April 6, 1937.

Maj. John Randolph Hall, Medical Corps, from April 6, 1937.

Maj. Louis Anatole LaGarde, Jr., Medical Corps, from April 6, 1937.

Maj. Royal Kendall Stacey, Medical Corps, from April 6, 1937.

Maj. Charles Augustus Pfeffer, Medical Corps, from April 6, 1937.

Maj. Adolphus Alfred McDaniel, Medical Corps, from April 6, 1937.

Maj. James Hubert Blackwell, Medical Corps, from April 6, 1937.

Maj. Floyd William Hunter, Medical Corps, from April 6, 1937, subject to examination required by law.

Maj. Robert Earl Thomas, Medical Corps, from April 6, 1937.

Maj. Leonard Watson Hassett, Medical Corps, from April 6, 1937.

Maj. John Roy Oswalt, Medical Corps, from April 6, 1937.

Maj. Joseph Edward Campbell, Medical Corps, from April 6, 1937.

Maj. Erick Martin Paulus Sward, Medical Corps, from April 6, 1937.

Maj. Paul Newkirk Bowman, Medical Corps, from April 6, 1937.

Maj. Merton Almond Farlow, Medical Corps, from April 6, 1937.

Maj. Herbert Wellington Taylor, Medical Corps, from April 6, 1937.

Maj. Harry Elton Hearn, Medical Corps, from April 6, 1937.

Maj. William Joseph Froitzheim, Medical Corps, from April 6, 1937.

Maj. Thomas Hill Stewart, Jr., Medical Corps, from April 6, 1937.

Maj. Carlton Lakey Vanderboget, Medical Corps, from April 13, 1937.

Maj. Francis Elwood Weatherby, Medical Corps, from April 16, 1937.

To be captains

First Lt. William Titus Sichi, Medical Corps, from April 3, 1937.

First Lt. James Goree Moore, Medical Corps, from April 3, 1937.

First Lt. Robert LaShore Callison, Medical Corps, from April 4, 1937.

First Lt. William Donald Graham, Medical Corps, from April 7, 1937.

First Lt. Eugene Coryell Jacobs, Medical Corps, from April 10, 1937, subject to examination required by law.

DENTAL CORPS

To be lieutenant colonel

Maj. George Magnor Krough, Dental Corps, from April 6, 1937.

To be captain

First Lt. Charles Joseph Cashman, Dental Corps, from April 1, 1937.

CHAPLAINS

To be chaplain with the rank of lieutenant colonel

Chaplain (Maj.) Charles Wadsworth Ball Hill, United States Army, from April 6, 1937.

To be chaplain with the rank of captain

Chaplain (First Lt.) John Thomas Kilcoyne, United States Army, from April 18, 1937.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Lt. Col. Millard Fillmore Harmon, Jr., to be colonel with rank from April 1, 1937.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Harold Richards Barker, Rhode Island National Guard, to be brigadier general, National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22 (legislative day of Mar. 19), 1937

UNITED STATES ATTORNEY

Guy K. Bard to be United States attorney, eastern district of Pennsylvania.

DEPARTMENT OF THE NAVY

Andrew C. Pickens to be Chief of the Bureau of Ordnance, Department of the Navy.

William G. Du Bose to be Chief Constructor and Chief of the Bureau of Construction and Repair, Department of the Navy.

PROMOTIONS IN THE REGULAR ARMY

Elmer Cuthbert Desobry to be colonel, Adjutant General's Department.

Jesse Beeson Hunt to be lieutenant colonel, Field Artillery.

Arthur Foster Gilmore to be major, Quartermaster Corps.

John August Otto to be major, Infantry.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 22, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Oh that men would praise the Lord for His goodness and for His wonderful works to the children of men. The Lord Jehovah liveth. The righteous shall flourish like the palm tree and shall spread abroad like the cedar of Lebanon.

Arouse, O Lord, in our land that conscience that saves from the clutch of selfishness, sin, and rebellion. We entreat Thee to break through the deep vault of every section until they are powerless against the majesty of righteousness, justice, and truth. Make our national life clear and benevolent, that all problems may be worked out in the calmness of brotherhood and cooperation. In this, the Passion Week of our Lord, we would tarry in Galilee. We would walk with the Master, hear His warnings, heed His entreaties; we would confess Him at the throne of eternal love and follow Him until daybreak in the garden, and Thine shall be the glory forever. Heavenly Father, preserve the health of our President and clothe him with great wisdom; do Thou sustain the health and strength of our most brotherly Speaker and all Members of this Chamber. Through Christ. Amen.

The Journal of the proceedings of Friday, March 19, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 328. An act for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield;

H. R. 1231. An act for the relief of John Munroe;

H. R. 3067. An act for the relief of John Edgar White, a minor;

H. R. 3201. An act for the relief of Bertha M. Harris;

H. R. 5487. An act to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); and

H. J. Res. 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 595. An act for the relief of Mada Landtiser;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3812. An act for the relief of the estate of Rees Morgan; and

H. R. 4951. An act to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009).

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 74. An act for the relief of Melba Kuehl;

S. 191. An act for the relief of Orson Thomas;

S. 274. An act for the relief of Joseph N. Wenger, lieutenant, United States Navy, and for other purposes;

S. 316. An act for the relief of Edward Y. Garcia and Aurelia Garcia;

S. 434. An act for the relief of Rufus C. Long;

S. 435. An act for the relief of B. W. Winward;

S. 470. An act for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne;

S. 544. An act for the relief of M. K. Fisher;

S. 595. An act to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio

communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes;

S. 750. An act to grant relief to persons erroneously convicted in courts of the United States;

S. 1470. An act authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800);

S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit;

S. 1570. An act granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to the Red River of the North; and

S. 1684. An act for the relief of the State of Pennsylvania.

The message also announced that the Senate disagrees to the amendments of the House to the joint resolution (S. J. Res. 51) entitled "Joint resolution to amend the joint resolution entitled 'Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, as amended", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PITTMAN, Mr. ROBINSON, and Mr. BORAH to be the conferees on the part of the Senate.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. WARREN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to sit today during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to insert an address delivered by Hon. James M. Landis, Chairman of the Securities and Exchange Commission, before the Harvard Alumni Club, of Boston, March 17, 1937.

Mr. RICH. Mr. Speaker, reserving the right to object, is James M. Landis still functioning as a Government official or is he now dean of the Harvard Law School?

Mr. MAVERICK. He is still head of the Securities and Exchange Commission. This is a high Government official speaking on a subject that concerns strikes.

Mr. RICH. Is he working for the Government now or is he connected with the Harvard Law School?

Mr. MAVERICK. He is working for the Government of the United States; he is doing a good job, too; he will soon be the dean of Harvard Law School.

Mr. RICH. Is he located in Washington?

Mr. MAVERICK. He is located in Washington, D. C., United States of America.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE ON AGRICULTURE

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Agriculture considering the sugar bill be permitted to sit during the sessions of the House today and tomorrow.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I presume this is in accordance with the desires of the chairman of the Committee on Agriculture?

Mr. KLEBERG. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SIT-DOWN STRIKES

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that I may proceed for half a minute, and that I may be permitted to revise and extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the motto, "He who hesitates is lost", has application only when a question of principle is involved. It has no application when politicians are considering political expediency. Then the course is hesitation, indecision, vacillation, statements framed, if possible, to please everyone; thus loss of votes may be avoided.

No one desires violence, bloodshed, the shooting of strikers, nonstrikers, or innocent bystanders. Concededly, the sit-down strike in Michigan, which has degenerated into successful armed rebellion against authority of State and Nation, has neither legal, moral, nor economic justification.

From some stores, business places, comparatively small factories in Detroit, sit-down strikers have been thrown out by the police. But not many blocks away, sit-down strikers in automobile plants are guaranteed protection by the attitude of the Governor, who at Flint prevented police from interfering with or enforcing the law against sit-down strikers.

The strikers in the stores and small factories have no political influence.

Other unsuccessful sit-down strikers who were without political influence are Walter Doyle and his mother, Gertrude Doyle, who were ousted from their home in Ocean City, N. J., by Sheriff Paul M. Scull and four deputies, who moved their household goods out on the sidewalk, under an order obtained by the Home Owners' Loan Corporation of the Federal Government.

One class of sit-down strikers is made to feel the hand of the law. Another group enjoys immunity. Why? The answer is clear to one familiar with recent political events. It is, "Have you political influence?"

"Sit-downers" in the motor industry are supported by C. I. O., which has at its command millions of dollars and more millions of votes. They have political influence. This political influence, this vast sum of money which can be used for political purposes—the contribution last year was a half million—may explain—to my mind, it does explain—the break-down of the law in Michigan, where Governor Murphy is quoted in the New York papers of March 20 as saying that, in Detroit—

> There is a general picture of high wages, good condition, security, and recognition which is one of the best in the country. Wages here are the highest of any place in the country or the world.

He is also quoted as saying there would be no "compulsion."

The Governor further said:

> All parties, in my opinion, are desirous of complying with the orders of the court, as the authorities of Michigan will expect everyone to do.

But it is not forgotten that when the sheriff of Genesee County wanted to enforce the order of the court to oust the sit-down strikers, Governor Murphy prevented him from doing so.

Why did not the Governor himself enforce the law and the court orders, as he now states it is the duty of all to do?

The Governor's failure in the first instance to enforce the laws and court orders, when but few were involved in this rebellion, is the chief contributing cause to the present defiance of Michigan's laws and court orders.

An unequivocal demand from the Governor of Michigan and the President of the United States for obedience to the law would end sit-down strikes and lead to arbitration and final, permanent settlement of the issues involved.

Hundreds of thousands of law-abiding citizens, workers who want their jobs and the opportunity to work, and hundreds of thousands of property owners call upon the Governor of Michigan and the President of the United States to make good the oath of office they took when they assumed office and to protect them in their right to life, liberty, and the pursuit of happiness. There is no need, there is no excuse for the President to remain silent until we have drifted into a state of civil war and then to assume the functions of a dictator. Let him act now—under the Constitution and the law which he took oath to maintain and enforce.

EXTENSION OF REMARKS

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief joint statement by Hon. Manuel L. Quezon, President of the Commonwealth of the Philippines, and Hon. Francis B. Sayre, Assistant Secretary of State, and also a resolution from the Philippine veterans in the Philippines.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by my colleague the gentleman from Missouri [Mr. SHORT] at Kalamazoo, Mich., on the evening of Friday, March 19, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MESSAGE OF CONDOLENCE FROM THE PRESIDENT OF THE FRENCH CHAMBER OF DEPUTIES

The SPEAKER laid before the House the following communication from the French Chamber of Deputies:

Cable via French, Paris. MARCH 20, 1937.

President of the Chamber of Deputies to the Speaker of the House of Representatives of the United States of America, Washington, D. C.:

I express to you in behalf of the French Chamber of Deputies our deep sympathy for the catastrophe which has stricken the American Nation with a loss the more moving and affecting as it has killed so many of its young children, and beg to convey to their families our deepest sympathy.

EDOUARD HERRIOT, *President.*

The SPEAKER. Without objection, the Speaker will address an appropriate reply to the President of the Chamber of Deputies of France.

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, THE JUDICIARY, COMMERCE, AND LABOR APPROPRIATION BILL, FISCAL YEAR 1938

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes; and, pending that, Mr. Speaker, may I ask the gentleman from New York [Mr. BACON], the minority member of the committee, as to the time for general debate today, the time to be equally divided and controlled by the gentleman from New York [Mr. BACON] and myself.

Mr. BACON. Mr. Speaker, my suggestion is that we run along and see how we come out so far as today is concerned. I have a considerable number of requests for time on this side.

Mr. RAYBURN. Mr. Speaker, it is contemplated, however, that general debate will close with today, at least?

Mr. BACON. May I say to the gentleman from Texas that is satisfactory to me.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. McMILLAN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY of Indiana. Mr. Chairman, the many municipal or city-owned electric plants which are already furnishing electricity at wholesale to farm membership electric companies are not acting alone from benevolence or public spirit but because they are not only increasing their profits but are reducing the cost of electricity to the consumers of the towns and cities.

By contracting with the farm electric company to furnish electricity at wholesale to farmers, the municipal or city-owned plants are increasing their production—the volume or output of electricity—one-third, or doubled, or many times over, accordingly as the farm consumers require.

THE ECONOMIC LAW OF COSTS

It is a well-recognized and accepted principle under the law of economic cost that the cost of a service or the cost of any product is determined by the scale of operation or the volume or amount of production under which the service or product is provided.

Under this economic law, the larger the scale of operations the lower will be the cost of the service, or the larger the volume of production the lower will be the cost of the product, and under which operations the small-scale operations make low cost impossible.

For this reason, it is greatly to the interest of the electrical consumers of every town or city operating an electrical generating plant, to take over the production of electricity to supply the surrounding farm territory for the purpose of increasing its output and reducing the unit cost to its own consumers.

WILL REDUCE RATES TO BOTH CITY AND FARM CONSUMERS

Such joint or cooperative operations by and between municipal or city-owned plants and farm electrical companies will not only reduce the rates of electricity to the lowest possible minimum, but the economy of larger scale production will bring down the costs for electricity, the same to the farm and the towns or city consumers.

The reason why farm and rural areas cannot be served separately and apart from the towns and cities of the territory at low and reasonable rates is the identical and same reason why the consumers of towns and smaller cities cannot be served separately and alone from the consumer at such low and reasonable rates.

Municipal or city-owned electrical plants generating electricity for double the consumers, their own and the farmers of the surrounding territory, will reduce the costs or price to both in proportion to the increase of electricity generated. This is the economic principle of mass production operated not only for the benefit of the few but for the consuming mass of the people.

HOW LOW COSTS INCREASE USE AND CONSUMPTION

While not equally true for city consumers, it is true of farm electric consumers that a low rate or charge to consumers makes the use of electricity practical for almost an unlimited number of farm operations and doubles farm consumption of electricity or multiplies consumption many times over.

"This increased farm consumption operates to the benefit of city consumers as well as to the farm population." Every unit of increase of the city plant to supply the increased demands of farmers (in the same ratio reduces or) lowers the cost of electricity to the city consumers.

FARMERS WILL USE ELECTRICITY FOR MANY OPERATIONS

With a lower rate and charge for current, farmers will extend the use of electric power to other and many more farm operations to their profit and increased advantage, multiplying manyfold their consumption of electricity in such farm and farm-home operations.

It is, therefore, greatly to the interest of town and city electricity consumers that their municipal- and city-owned plants take over the production of electricity for the farm electrical companies now being organized and provide electric power for both city and rural consumers.

In other words, it is as much or more to the interests and special advantage of the consumers of a city electricity

plant that the plant furnish the electricity at wholesale for the farm companies than it is to the farmers and rural consumers.

WILL NOT LOWER COSTS UNDER PRIVATE-COMPANY OPERATIONS

But this increase in volume of production under the economic law of cost only operates to reduce electric rates under municipal or city ownership and where production and distribution is carried on for use and service of the patrons or consumers and not for dividends, profits, and gains.

Under private company ownership operations solely for dividends, profits, and gains the increased output or production and the lower unit cost resulting would be shown only in the higher dividends, profits, and gains to stockholders and not in lower rates to consumers.

PRIVATE ELECTRIC COMPANIES OWNED BY HOLDING COMPANIES

To understand properly the reasons why the same increase in volume and production which lowers the cost of electricity to consumers under municipal- or city-owned plants will not operate to lower the cost of electricity produced under private electric plants, it must be realized and understood that the stock or shares of the local private plants are all held, manipulated, and controlled by certain foreign electric companies commonly known as holding companies, and all increased earnings are claimed for profits and dividends to stockholders.

WHERE ALL SAVINGS AND OPERATIONS WILL BENEFIT CONSUMERS

But municipal- or city-owned electrical plants are not required to take the savings realized from greater or increased production to pay millions for newspaper and other propaganda to maintain and justify their organization before the people of the country. And they have no stockholders to claim such savings in operations for increased dividends, profit, and gains.

LOW RATES WITH ELECTRICITY WITHOUT WATER POWER

Under more modern inventions and discoveries low and reasonable charges for electricity are no longer possible only at and near water-power sites. But electric power may now be developed at equally low or lower costs at any inland point in the country.

DIESEL AND HIGH-PRESSURE STEAM ENGINES

And now the marvel of the power developed by the Diesel engine is to be far outrivaled by the invention of a new design of high-pressure steam engines multiplying power manyfold from a fraction or far less fuel consumed.

The invention of the Diesel engine and other forms of power now developed has made the production of electricity possible at lower and more reasonable cost at any town or inland county seat and available to electrical consumers of towns, cities, and farm territories alike.

WHY RATES ARE NOT LOWERED UNDER PRIVATE COMPANIES

There is a reason why under private electric companies, even with these new improved facilities multiplying and increasing manyfold, the production and amount of electricity and lowering the unit cost of current the cost of electricity to consumers will not be brought down to the cost to the people.

These new power-producing inventions increasing the production of electricity at lower cost will not bring a reduction to the consumers under private electric companies. This is because the private electric company, under foreign holding companies, are required to apply all savings in operations to dividends, profits, and gains.

But municipal- or city-owned electric plants are not required to take savings in operation to pay millions for newspaper propaganda necessary to maintain and justify themselves before the people of the country.

ECONOMY OF INCREASED PRODUCTION NOT THE ONLY ADVANTAGE TO CITY CONSUMERS

But the economy of increased production and the increased sales of electricity is not the only profit and advantage gained by municipal- or city-owned plants in joining with the farm electrical company, and furnishing farm consumers with electricity.

There are many other services required to be performed by the farm electrical company which the municipal- or city-owned plant can perform for the farm membership at great profit and advantage to the municipal- or city-owned plant as well as to the farm electrical company.

MANY SERVICES THE CITY PLANT CAN PERFORM FOR FARM COMPANIES TO ADVANTAGE

After the rural lines are built, the farm electric membership company will require many services to be performed in the operation of their distributing system for which they are not especially equipped and for which they cannot properly prepare to perform without great present expense and outlay of money.

The rural electric membership will require constantly from time to time the services of an electrical engineer. This the municipal-, town-, or city-owned plant has already provided, and on its pay rolls, and such services can be furnished to the rural membership company, both at low cost to the farmers and at a great saving to the city.

MAINTENANCE AND REPAIR SERVICE

The rural membership electrical company will require a maintenance and repair service to restore fallen poles, wires, and make repairs, the equipment for which is costly not only to provide but to hold ready for service.

The town or city electric plants have such equipment already available and can furnish such services promptly to the rural electric membership at lower cost than can be provided by the farm company itself and at the same time effect great savings to the city.

Such repair and maintenance department of the town or city electrical plant is made or held subject to call from any part of the surrounding farm territory, and repairs are made promptly without delay, of great and valuable service to the farmers and at the same time reducing the operating expense of the city plant.

METERS, BILLS, AND ACCOUNTING

Then the rural meters must be read and the accounts billed out to the farm consumers and there must be an adequate accounting service maintained at all times, and reports made, for which the town- or city-owned plant is already fully equipped with facilities to make and keep prompt and accurate accounts.

The town or city plants can furnish such services to the rural electric membership company and perform the same efficiently and at lower costs than the farm membership could provide for, and at the same time effect a very substantial saving to the town and city electrical plant.

LEGAL AND OTHER SERVICES

And the same can be said of legal services and the many incidental services necessary and required by farm electric companies, and which can be performed by the town or city plant at comparatively low and trivial cost and at a great and substantial saving both to the city plant and to the farm cooperative company.

Such services performed for both city and farm company utilizing the same facilities and equipment always lying idle a greater part of the time will eliminate much loss and waste and work great economy in operations alike to city plants and farm company.

Under such a policy of providing electricity the charges can be brought down to the consumers at the lowest possible rate consistent with efficient and reliable services.

GREAT ADVANTAGES COMING TO MERCHANTS

But such a mutual arrangement for the performance of these incidental services will bring to the merchants of the town or city more than ordinary or usual business opportunity, the opportunity to negotiate with the farmers and solicit their orders and contracts for many electrical utensils and equipments.

Bills rendered for electricity used will constantly bring the farmers of the county to the town or city for adjustment and payment, there to meet and confer with the merchants for further electrical work and supplies, leading to a better and more familiar acquaintance, and the opportunity to show equipment and quote prices, and submit offers or contracts for the work.

WIRING HOUSES AND FURNISHING ELECTRICAL EQUIPMENT

After the farm distributive lines are built the Government will make another loan to the farm electrical consumers for the purpose of wiring farm buildings and providing necessary farm equipment to enable all farmers to begin the full use of electricity at one time.

LOANS MADE TO MERCHANTS SUPPLYING FARMERS

This all will average not less than $150 for each and every farm consumer and will total in all from $100,000 to $300,000 to a county. These loans will be made to farmers direct with which to pay for wiring and equipment or to the persons, business firms, or corporations furnishing equipment or providing the service.

If the contract for furnishing electric current is entered into with the private farm electrical company this latter company will be afforded an opportunity, and of which opportunity advantage will be taken to solicit the wiring of the farm houses, and furnishing the equipment required. And the local business interests of the town or city will be without opportunity to negotiate for the business.

CLOSER RELATIONSHIP OF BUSINESSMEN WITH FARMERS

By the local municipal- or city-owned plant contracting with the farm electrical company to furnish current and other electric service, the businessmen of the town or city will be afforded a closer relationship with the farmers, and with the opportunity to furnish and provide the farmers with electrical appliances for any purpose required as users and consumers of electricity.

SOME OF THE APPLIANCES REQUIRED FOR THE FARM HOME

The following are some of the many uses which electricity can be made to serve to relieve from the irksome drudgery of woman's work on the farm, and the many comforts, conveniences, and pleasures which electricity will bring to the farm home and the electrical equipment for which the merchants of the town or city will be called upon to supply:

For churning,
For corn poppers,
For doorbells,
For hair driers,
For hair clippers,
For bottle heaters,
For water heaters,
For curling irons,
For flatirons,
For lighting dwellings,
For radio sets,
For electric ranges,
For refrigerators,
For sewing machines,
For sausage grinders,
For toasters,
For vacuum cleaners,
For waffle irons,
For washing machines,
For water coolers,
For water pumps,
For dish washers,
For air-conditioning systems,
And for other uses.

SOME OF THE EQUIPMENT NEEDED ON THE FARM

And the following are some of the tasks performed by electric power on the farm to relieve the burdens of farm work and the electrical appliances for which the merchants would be afforded the opportunity to furnish and sell to the farmers:

For cooling milk,
For pasteurizing milk,
For bottling milk,
For operating brooders,
For charging batteries,
For making cheese,
For cleaning grain,
For clipping horses,
For cold storage,
For concrete mixers,
For shelling corn,
For separating cream,
For cutting ensilage and feed,
For running frost-preventing fans,
For grinding feed and grain,
For threshing,
For heating water tanks,
For hoisting hay,
For making ice,
For operating incubators,
For milking cows,
For mixing feed,
For repair-shop machinery,
For running grindstones,
For sawing wood,
For shearing sheep,
For pumping water,
For lighting barns,
For lighting stables,
And other uses.

THE DEMAND WILL BE CONTINUOUS AND INCREASING

Such general use of electricity stimulated in such more and liberal greater volume as will be used under such lower and reduced rates will continually call for more and more electrical equipment, both for wiring and installation of new appliances for the use of electricity on the farm.

The benefits from this part of the program will be generally distributed among the merchants and business interests in the sale of many electrical utensils and appliances which such increased use will call for.

THE KILOWATT-HOUR OF ELECTRICITY AND WHAT IT WILL DO ON THE FARM

The kilowatt-hour is a measure of electricity, is a certain amount of electric power, like the pound is a certain amount of rice or flour, or the bushel is a measure or certain amount of wheat, corn, rye, oats, or potatoes.

The following is a list of some of the uses and some of the labor-saving operations which electricity will bring to the farm home, and what one kilowatt-hour will do and the cost to perform the service, taking the average farm consumption as 100 kilowatt-hours under the Peru, Ind., municipal farm rate:

WHAT 1 KILOWATT-HOUR WILL DO IN THE FARM HOME

One kilowatt-hour, at a cost of 4 cents,
Will light a 40-watt lamp for 25 hours, or
Run a flatiron for 2 hours, or
Pump 1,000 gallons of water from a shallow well, or
Wash 70 pounds of clothes, or
Refrigerate food for 18 hours, or
Run a radio for 15 hours, or
Run a vacuum cleaner for 3 hours, or
Cook a meal on an electric range, or
Run a sewing machine for 8 hours, or
Tell time for 20 days, or
Operate a mangle for 30 minutes, or
Take care of door bells for a month and one-half, or
Toast bread for 8 mornings, or
Percolate 40 cups of coffee, or
Operate kitchen mixer for 20 hours, or
Heat 3 gallons water from 65 to 212 degrees, or
Run a 6-inch fan for 50 hours, or
Run pump for 3 hours, or
Heat pad for 15 hours, or
Heat curling iron for 42 hours, or
Operate radiant heater for 2 hours, or
Make 10 batches of ice cream, or
Run exhaust fan for 5 hours, or
Operate sun lamp for 1⅔ hours, or
Make 30 waffles, or
Operate moving-picture machine 4 hours, or
Operate razor-blade sharpener 40 hours, or
Stoke ¼ ton of coal, or
Heat a hot plate for 2 hours.

There are many other uses in the home, such as pants pressers, tie pressers, floor polishers, sick-room vaporizers, egg boilers, water coolers, hair dryers, toys, trains, Christmas-tree lights, jigsaws, bottle warmers, massage machines, drink mixers, corn poppers, dumb-waiters, clothes driers, elevators, and electric razors.

The following is a list of some of the uses and operations which electricity will perform on the farm at great saving of time and labor, relieving farmers of many burdensome drudgeries and adding to their earnings and income and the cost to perform the work:

WHAT 1 KILOWATT-HOUR WILL DO ON THE DAIRY FARM

One kilowatt-hour, at a cost of 4 cents,
Will milk 30 cows, or
Cool 10 gallons of milk, or
Separate 2,000 pounds of cream and milk, or
Wash 2,000 milk bottles, or
Bottle 500 gallons of milk at 24 quarts per minute, or
Operate milk irradiator for 6 hours, or
Put a ton of ensilage in a 30-foot silo, or
Elevate 1,500 pounds of shavings.

Other uses include utensil sterilizers, feed grinders, fly screens, milk testers, food-handling and water-control machinery, bottle cappers, and precooling.

WHAT 1 KILOWATT-HOUR WILL DO ON THE POULTRY FARM

One kilowatt-hour, at a cost of 4 cents,
Will hatch four chickens in an incubator, or

Brood one chick through entire season, or
Test eggs for 40 hours, or
Light a 100-bird poultry house for 4 days, or
Cut 300 pounds of green feed, or
Grind 90 pounds of bone or shells, or
Shred 500 pounds of roots, or
Operate a 200-watt floodlight for 5 hours, or
Cut 1,000 pounds of straw in 2-inch lengths.

Electricity is also used for sprouting oats, warming drinking water by an immersion heater.

WHAT 1 KILOWATT-HOUR WILL DO ON THE GRAIN AND LIVESTOCK FARM

One kilowatt-hour at a cost of 4 cents
Will shell 30 bushels of corn, or
Grind 400 pounds of shelled corn, or
Grind 100 pounds of ear corn, or
Grind 100 pounds of oats, or
Grind 200 pounds of rye, or
Grind 200 pounds of wheat, or
Husk and shred 3 bushels of corn, or
Grind 90 pounds of hay, or
Thresh 4 bushels of oats, or
Clean and grade 100 bushels of small grain, or
Clean and grade 30 bushels of small seed, or
Bale 4 bales of hay, or
Shear 40 sheep, or
Hoist 4 tons of hay, or
Clip and groom animals for 5 hours, or
Operate hay dryer 15 minutes (with fuel oil), or
Grind 250 pounds of meat, or
Operate seed tester for 12½ hours.

Other uses include pig brooders, feed mixers, branding irons, and animal exercisers.

WHAT 1 KILOWATT-HOUR WILL DO ON ANY FARM AT CONVENIENCE

One kilowatt-hour at a cost of 4 cents
Will grind 50 axes, or
Gum ten 5-foot cross-saws, or
Run a paint spray machine 4 hours, or
Grade 600 bushels of potatoes, or
Mix 2 cubic yards of concrete, or
Saw a cord of wood, or
Operate 2 square yards of hot bed 24 hours where the outside temperature is 40°, or
Operate one-fourth horsepower utility motor 5½ hours, or
Operate air compressor 2 hours, or
Charge batteries 7 hours, or
Operate forge blower 5 hours, or
Operate engine warmer 5 hours, or
Operate drill 3½ hours, or
Operate grindstone 3.8 hours, or
Cook 62 pounds of bulbs, or
Operate hedge trimmer 5 hours, or
Operate lathe 1.8 hours.

Other uses include glue pots, soldering irons, cultivators, hive warmers, and potato kilns.

These are not complete lists but give a fair representation of the relationship between the kilowatt-hour of electricity and the work done. The figures will vary under different conditions.

Mr. BACON. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, I was very much interested in what the gentleman from Michigan [Mr. MAPES] had to say the other day with respect to the report of the Brownlow reorganization committee as it related to the Interstate Commerce Commission, and other regulatory commissions or independent establishments of the Government. With him, may I say, that I am a friend of reorganization and hope to be able to support some of the intended legislation. I hope I may be able to support all of the legislation to be reported by the Joint Committee on Reorganization. I certainly cannot and shall not support it if the joint committee accepts some of the recommendations of the Brownlow committee which clearly would disorganize the present set-up wherein and whereby beneficent results have been accomplished.

REORGANIZATION OF GOVERNMENT AGENCIES

In a limited way I know something about the reorganization of administrative management of State and municipal governments, from observation and from experience.

I am much interested in the general proposition. I have been reading the reports of reorganization commissions and committees and President's messages to Congress suggesting administrative changes.

It seems to me and it is my present impression and opinion that to make the Interstate Commerce Commission, the Securities and Exchange Commission, the Federal Power Commission, and other similar independent commissions into bureaus in some department or other of the Government would be a most serious mistake.

I wish all of you would read what Mr. MAPES says about these independent commissions—their origin; the reasons for their being; their functions and their responsibility to Congress, and Congress alone. It is important that you get the picture before you. Incidentally, you can, if you wish, renew your familiarity with what the Supreme Court has had to say with respect to some of these independent commissions and their responsibility to Congress as the delegative agents of Congress. But see what Mr. MAPES said on pages 1856 et sequentes of the RECORD. I quote briefly as indicative of the nature of his remarks—RECORD, page 1857:

IMPORTANCE OF COMMISSIONS

It would be hard to overstate the importance of these commissions. Every one of us, every American citizen, is directly affected by their work in his everyday life. In recognition of their importance and in order that they might be as free as possible from political and other control, Congress in creating them has given them an independent status outside of the regular departments of the Government, which are under the jurisdiction and the control of the members of the Cabinet. Up to this hour they are and always have been responsible to Congress, and to Congress alone. The Brownlow committee would change all this.

RECOMMENDATION OF BROWNLOW COMMITTEE

It is impossible to get the full import and implications of the Brownlow committee report without a careful study of it; but, stated briefly, as far as its proposal relating to these regulatory commissions is concerned, it recommends that they be deprived of their independent status, placed in one or another department of the Government, and put under the control of, and made responsible to, a member of the Cabinet, a political appointee, and, through him, to the President. After that has been done, the work of the commissions is to be divided; the legislative, or quasi-legislative, part of it is to be separated from the judicial, or quasi-judicial, part and performed by a bureau or division, set up in the department for that purpose, the members of the commissions proper to confine themselves in the future to the purely judicial part of the work now performed by them.

MEANS POLITICAL CONTROL

This recommendation, if carried out, means a radical change in a long-established practice of the Government and involves a question of public policy of fundamental importance. It seems to me, and to others with whom I have discussed the matter, that it would change the very nature of the Interstate Commerce Commission; in fact, that it would destroy it as we have known it and as it has existed throughout the years. A former member of the Commission, testifying before the Committee on Interstate and Foreign Commerce of the House a few days ago, gave it as his opinion that it would be better to abolish the Commission altogether than to put into effect this recommendation of the Brownlow committee.

Putting these commissions under a member of the Cabinet means political control. Can anyone imagine anything more unfortunate? It means direct and constant contact between the Executive and the commissions, which would deprive them of the independence which they now enjoy. Their work would hereby be subjected to political influence which might prove very powerful when an administration had some political policy or plan it desired to put across or when the exigencies of party politics seemed to demand it. Think of the power which an Executive would have under such circumstances to reward or punish if he saw fit to use it for that purpose.

BETTER ABOLISH COMMISSIONS ALTOGETHER

Who would want to make a political campaign upon the issue of whether railroad rates should be lowered or raised? When one contemplates the possibilities of this proposal, he can well understand the feeling of the former member of the Interstate Commerce Commission who declared it would be better to abolish the Commission altogether.

The friends of the work of these commissions may take some encouragement from the apparent uncertainty of the Brownlow committee itself as to the wisdom of the recommendation.

The report speaks of it as a "possible solution" only. Referring to it, the report says:

"The following proposal is put forward as a possible solution of the independent-commission problem, present and future."

That language indicates that the committee itself was not certain of the wisdom of its position. It may be that upon further reflection it will withdraw the recommendation which it has made as to these commissions. It is devoutly to be hoped that it will; but if it does not, then the friends of the work which they are delegated to perform must rely upon the good judgment of the reorganization committees of the House and Senate not to report any legislation which will attempt to put the recommendation into effect.

MORE BUREAUS OR CORPORATIONS

As between bureaus and the formation of corporations one stands between the devil and the deep sea. The answer is found in not permitting these independent commissions to be disturbed in their present state, if you ask me.

INDEPENDENT COMMISSIONS SHOULD BE INDEPENDENT

I may not be able to look at this matter as I should for I am unalterably opposed to any further increase in useless bureaus or trend toward bureaucracy. Above all things else which should be avoided, these independent commissions should not be subjected to domination by, or to the partisan political whim of, any group of men, or any one man, who temporarily may be snapping the whip.

GOVERNMENTAL MACHINERY INEFFICIENT

Governmental administration machinery, overloaded as it has been, has slowed down. It is inefficient in operation, due to enlargement of functions, increase of load, and changes in patterns.

No one should entertain the mistaken notion that this situation can or will be rectified in a minute, or that wholesale abandonment of existing set-up, the substitution of new parts for old in the machinery, a general overhaul, a remodeling of the plant, the installation of new machinery, the employment of inexperienced help can or does mean anything more or other than an increase in expense.

Such reorganizations as are contemplated do not make for economy. Savings never immediately accompany such changes, if ever. It is to be hoped that something along the line suggested might be accomplished and some saving eventually effectuated. Experience, however, offers no substantial basis for entertaining any such hope, and we might as well understand it.

OFFICE OF COMPTROLLER GENERAL

For the present I shall confine myself, and desire to direct your attention, to the consideration of the report, insofar as it relates to the Office of the Comptroller General.

You all have a copy of the report of the President's committee. I commend to your careful consideration the recommendations of that committee, which are found on page 20, paragraph B, of the report under the heading "B. Direction and Control of Accounting and Expenditures."

I must be brief. I assure you I did not tend to take so much time. So, with the recommendation that you read carefully this portion of the report, I am going to pass to other matters.

PUBLIC, NO. 13 (67TH CONG.)

As a matter of legislative history, Congress enacted Public, No. 13, in the Sixty-seventh Congress, which was "An act to provide a National Budget system and an independent audit of Government accounts, and for other purposes."

By, and by virtue of, title 3 of that act there was created an establishment of the Government to be known as the General Accounting Office, to be independent of the executive departments, and under the control and direction of the Comptroller General of the United States. You should read this, and more than once.

HOUSE DOCUMENT NO. 493 (72D CONG., 2D SESS.)

You should read House Document No. 493 (72d Cong., 2d sess.), which is a message from the President of the United States transmitting his recommendation "to guard, coordinate, and consolidate executive and administrative agencies of the Government as nearly as may be according to major purposes."

OTHER REPORTS HEREIN MENTIONED

You should read the report of the Joint Committee on Reorganization of the Administrative Branches of the Government, made by Mr. MAPES, of Michigan, for the Joint Committee on Reorganization, created under the joint resolution adopted December 17, 1930, which is House Document No. 356, of the Sixty-eighth Congress.

In this connection I commend to your careful consideration Report No. 524, of the second session of the Sixty-sixth Congress, found in Senate Reports, volume I, as Calendar No. 476, reported by Mr. McCORMICK from the Special Committee on the National Budget; the report of Mr. Good from the Select Committee on the Budget, known as Report No. 362, Sixty-sixth Congress, first session, found in volume II, Sixty-sixth Congress, first session, of House Reports, identified as Union Calendar No. 114.

You should also examine the report from the Committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill to provide a National Budget System and Independent Audit of Government Accounts, found in Report No. 1044, of the Sixty-sixth Congress, second session.

CHECK ON USELESS AND ILLEGAL EXPENDITURES

And lastly, so far as I am concerned, I suggest that you study carefully Report No. 14, Sixty-seventh Congress, first session, from the Select Committee on the Budget, made by Mr. Good, and I particularly call your attention to the statement therein made to the effect that:

The only way by which Congress can hold a check on expenditures is to continue a control and audit of the accounts by an independent establishment. * * * The creation of this office will enable it to furnish information to Congress and to its committees regarding the expenditures of the Government. * * * The creation of this office will, it is seen, serve as a check not only on useless expenditures but will keep the Bureau more keenly alive to a rigid performance of its duties.

In conclusion it is desired again to point out that the provisions of the bill as framed by it carry no departure from the fundamental political principles of the present Government of the United States. It rather seeks to emphasize and make more effective those principles. It thus makes more definite the constitutional obligation that rests upon the President "from time to time to give to Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient" and furnishes him with the means by which he may meet this obligation. It provides for no restriction on the part of Congress to modify the proposals of the President, but, on the other hand, seeks to have such proposals come before it in such a form, so itemized, classified, and supported by detailed data, as will enable it more effectively to perform this function.

LAW OBSERVANCE IN USE OF APPROPRIATED MONEYS

Now, Mr. Chairman, this law which we are considering was deliberately enacted and the General Accounting Office was set up for the single purpose and with the single intent to do one thing, namely, to require law observance in the uses of appropriated moneys—to aid the Congress in this regard in discharging a constitutional responsibility to the people. It has accomplished that purpose, and in so doing has carried out the intent of Congress.

As someone has well said, the authority of the congressional branch to require law observance in the uses of appropriated moneys and in executive expenditures goes back to the days of William of Orange. William had been called from Holland to rule England when the English found it impossible to rule themselves. After he was safely in England a political sand boil spurted up behind the Dutch dikes. William asked the English Parliament for more money. Parliament suspected he wanted the money to cover the costs of his armies in Holland.

"What for?" asked Parliament.

"None of your business", said William. (This may not be an absolutely verbatim report.) "I'm the King, what? Send me the money and I'll spend it the way I want to. I can do a far better job of spending than you can."

"Go, my fair liege", replied Parliament in effect, "and jump in the lake."

The principle that the money-producing body shall say how the money shall be spent has been upheld in English and American jurisprudence ever since.

CRITICISMS BECAUSE ACT WORKED AS INTENDED TO WORK

Mr. Chairman, at the bottom of all the criticisms of the act which established the Office of Comptroller General, and the real, uncamouflaged reason underlying all other, given by

those who would offer a new scheme or system, is the fact that the act worked as it was intended it should work, and exactly as Congress proposed to have it work. It accomplished those very things which it undertook to effectuate, therefore it should not be changed or amended for the purpose of emasculation or repeal.

STRENGTHENED, NOT WEAKENED

That it has functioned as it was intended it should is the compelling reason for strengthening rather than weakening the provisions of the act, for its continuance, and for the position I have above taken. It should remain unmolested by those who would interfere with it, undisturbed by those who claim they have suffered interference by reason of it, and unassailed by others who have undoubtedly been inconvenienced.

Were the matter to be gone into on Congress' own volition and motion out of the experience of the years, there would of necessity come the conviction that the independent audit system should be strengthened, not weakened, emasculated, or crucified, as proposed by the President's committee.

COMPTROLLER GENERAL THE AGENT OF CONGRESS

Significant facts which should not be overlooked by Members of Congress are found in the language of the act creating a General Accounting Office, an office—

Which shall be independent of the executive departments and under control and direction of the Comptroller General of the United States.

In this act it is provided that:

Among other things, as the agent of Congress—

The Comptroller General or the Assistant Comptroller General may be removed at any time by joint resolution of Congress after notice and hearing when, in the judgment of Congress, the Comptroller General or Assistant Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment * * *.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

Why should Congress be asked to surrender not only the right but its duty to require law observance? It should not.

Congress should insist that the Office of Comptroller General should be continued substantially pursuant to the terms and according to the provisions of the act by which it was created, strengthened, and circumscribed only with and by the limitations therein contained be empowered to function effectively and independently as prescribed and made possible by the act.

CONGRESS SHOULD DEFEND ITSELF AND PRESERVE ITS PREROGATIVES

Congress should protect itself. It should resent and show its unmistakable disapproval of every suggestion looking toward the surrender by it of any of its rights and prerogatives, and most emphatically should it decline to surrender its authority and duty to require law observance. [Applause.]

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Chairman, it is my desire today to call attention to the membership of this House the necessity for curtailing appropriations by the Congress of the United States. Continuing appropriations as we have been doing is not for the best interest of the Government.

To refresh your recollection, I will state in round sums the appropriations for the second session of the Seventy-fourth Congress and also what is likely to be appropriated for the first session of the Seventy-fifth Congress.

Total appropriations, 74th Cong., 2d sess. (including interest on public debt, sinking fund, and other permanent appropriations), being for the fiscal year 1937 and also embracing supplemental and deficiency appropriations for the fiscal year 1936	$10,336,000,000
Less appropriations for Adjusted Compensation Payment Act (bonus)	2,237,000,000
All other	8,099,000,000
Total estimates of appropriations in the Budget as submitted to the 75th Cong., 1st sess. (including interest on the public debt, sinking fund, and other permanent appropriations), being for the fiscal year 1938 but not including relief or emergency conservation work (C. C. C.)	6,520,000,000
Relief and recovery (the Budget message expressed the hope it would not exceed this amount for 1938)[1]	1,537,000,000
Emergency conservation work (C. C. C.). (The law for the C. C. C. expires on June 30 next and continuance is dependent upon legislation at this session for a permanent policy. To date no bill has been taken up.) The appropriations for the present fiscal year total	403,000,000
Appropriations in first deficiency act at this session, consisting principally of relief, C. C. C., and crop loans	950,000,000
	9,410,000,000

[1] Appropriations for relief for the fiscal year 1937 consist of primary appropriation of $1,425,000,000 and supplemental appropriation of $789,000,000—a total of $2,214,000,000. To hold relief to $1,537,000,000 for 1938 means a decrease under 1937 funds of $677,000,000, into which enters the factors of employment in private industry, improvements in business conditions, etc.

You can readily see that in all probability the expenditures for this coming fiscal year will be $9,410,000,000; but this does not include any increase in appropriations for that which has already been authorized under the law. As an illustration, under the Flood Control Act $30,000,000 are the Budget figures for this coming fiscal year. If any increase is desired, that will mean just that much more.

No one knows yet or no one can give an estimate of what the farm-tenancy and crop-insurance plans will cost. An estimate is $175,000,000.

In the short statement that I am making I am not at the present time speaking about revenues that we collect, but I am trying to impress upon you the necessity for a curtailment of expenditures.

I might have added in speaking to you just now of the other expenditures that confront us that a great many are asking that the relief appropriations be increased up to two and one-quarter billion dollars, over seven hundred million more than the Budget calls for.

Mr. Chairman, the time has come when we, as Members of Congress, must seriously consider the necessity of curtailing expenditures, of committees' making authorizations for expenditures, and of the Appropriations Committee's reporting out appropriation bills. And the time is here when it is necessary for us to have a sit-down strike on making appropriations for and spending unnecessary money. [Applause.]

Mr. BACON. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I greatly appreciate the words of the gentleman who just took his seat. It is rather courageous for a gentleman on that side of the aisle to make a speech of that kind. They are usually reserved for Members of the minority party, but the alarm bells are now ringing on the New Deal. We note a good deal of impatience on the part of many of the majority party.

She was suing for divorce. The judge asked her, "Can you allege cruelty; has he struck you yet?" "No; but he goes about slamming his fist against the doors and saying under his breath, 'I wish it was you.'" [Laughter.]

Probably, and soon, many of you are going to slam your remarks against something that is not a door, and the results may be persuasive. The New Deal has a real case of acute indigestion at the moment. The doctors in attendance, Eccles, Morgenthau, and Wallace, very suddenly seem to have demanded a complete reversal of the treatment they themselves have been administering to the patient in large doses. Now will these other doctors, Ickes, Hopkins, and Perkins, cooperate? The gentleman from North Carolina, in his earnest appeal, indicated that he hoped so.

Certainly Dr. Eccles shocked the Nation with a statement of the patient's true condition, and although he is greatly to be commended now, and his logic is completely convincing, it would have been more satisfactory to many of us had he also been willing to acknowledge that he himself, to a large extent, had been responsible for the recent huge Government spending by his assertions that he did not fear a Federal debt of $40,000,000,000, and that the Budget need not necessarily be balanced oftener than once in 10 years.

I have quoted this statement of his before. It is here in this volume for your delectation, if you wish to read it. Now he seems to have maneuvered himself into a very tight place and states that he is being misrepresented.

As I understand it, Mr. Eccles was a very prominent and successful banker in the State of Utah, who not only saved his own banks but his own fortune before coming to Washington.

I think he was an Assistant to the Secretary of the Treasury, and was afterward made Governor of the Federal Reserve Board. I certainly do not wish to misrepresent him, but, of course, I think he was the man most responsible for that complete somersault that your President turned in 1933. When he was seeking election he promised to balance the Budget; to cut the expenses of the Federal Government 25 percent; that he would not fill up the banks further with evidences of debt, as, he declared, the former administration had done. But somehow it seems that after he met Governor Eccles the Keynes-Eccles theory of borrowing and spending appealed to him as the very thing to do to bring back prosperity. This theory they have followed in full measure. Governor Eccles presented his views to our Banking and Currency Committee for many days in 1935. Here in this volume are the hearings. I was greatly disturbed, as I have said here often, and as I have a ranking minority place on the Committee on Expenditures, I suppose it is my job to be critical of these huge expenditures. I spoke recently on "a $7,000,000,000 Government, permanently established." The gentleman from North Carolina [Mr. BULWINKLE], who preceded me, says that we are to spend something like $9,000,000,000 this year.

I was greatly interested in Mr. Eccles' many statements. He showed to us how "debt created money", and that if you and I were unwilling to give the banks our notes and create deposits, the Government must do so. The Government has certainly followed his suggestion. He then insisted that we need have no fear of inflation, and often through those hearings—and I have many excerpts here from his testimony—he stated that inflation was most difficult to achieve; that inflation could be controlled much better than deflation. And only last month, in the hearings before the Committee on Banking and Currency, he asserted several times that he could see no immediate inflation. When the chairman of the committee remarked:

I am unable to see in the situation that exists where we are in any danger of going too fast or reaching a basis of inflation—

Mr. Eccles replied:

No; and at the moment I do not feel that we are doing it.

He has often told us how hard it would be to get inflation. Two years ago we gave him enormous powers. He claimed that if we gave him the power of open-market operations without permission of the President, and the power to freeze the reserves, that undoubtedly he could control such a situation. He said open-market operations is the primary object that we want, and that the freezing of reserves was a secondary operation. I ask you, which do you think is now the primary or the secondary operation? Has he tried the primary, or open market, operations and has it failed? Only recently he has availed himself of the full power granted him to freeze the reserves. I do not wish to misrepresent him, but here is his testimony. He even suggested that the open-market operations would take care of such situations and it would probably not be necessary to freeze the reserves. He stated that the power of raising of the interest rates, the open-market operations, and the freezing of the reserves would undoubtedly prevent another inflation. But now, within a week, we are apparently faced with immediate inflation and the cry is taken up by Secretary Morgenthau and Secretary Wallace and followed by appeals from Secretary Roper. Is this a trial balloon? Are these present calamity howlers meaning what they say, or is it a red herring drawn across the trail in order to get the President more power? Is it an argument to assist directly in backing up the President in his Supreme Court fight? Is it an alibi or is it real? If this is real—and we ought to accept it from such sources as real—what are we going to do about it? And what can we do about it? Such former testimony even of 1 month ago naturally leads us to have a little doubt about the real intent of such calamity statements at the moment. I trust that you who are interested will read other excerpts from Mr. Eccles' testimony of 2 years ago and even of 1 month ago. We sympathize with the statement of his present viewpoint, however, although we have taken issue with him heretofore. The administration has created these conditions and is now unable to check them. They have been forced to issue these solemn warnings. It must be assumed that such important statements would not have been given out without consultation with the President. It will be the death knell of many of these new projects mentioned by the previous speaker [Mr. BULWINKLE], such as farm tenancy, housing, and other similar projects.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MAY. Of course the gentleman is a member of the Committee on Banking and Currency, and has given deep study to the question of inflation, as we all have, and he knows and understands the power of the Federal Reserve Board to prevent such things as inflation and even deflation by the manipulation of the money market of the country. What value is there to increase reserve requirements of the member banks for the purpose of raising the interest rate and to prevent inflation, if it results in deflation in the price of Government bonds at the other end of the line, and forces the Reserve Board out into the market to stabilize the bonds of the Government itself by open-market operations on them? What remedy has the gentleman to suggest for that kind of a situation that apparently exists now?

Mr. GIFFORD. I shall put into my remarks several remedies, the first of which is to balance the Budget and stop spending, stop this constant issuance of credit money, although I fear it may be too late. This country cannot stand a debt of thirty-five or forty billion, plus a contingent debt of five billion. In his testimony the Governor told us at one time that the debt of Great Britain was $46,000,000,000, and at another time $35,000,000,000. Since the deflation of the pound we do not know what it is; but we do know that if Great Britain were willing to dispose of only a few of her interests in her colonial possessions she could wipe out her debt with one stroke.

His attempt to soothe us by a comparison with England's position in the matter of indebtedness is not persuasive. Conditions are vastly different.

But what is the real trouble of the moment? I think I know what it is. A week ago bonds went down in the market as they have not gone down for several years. How many times have you listened to me and others say that when business recovers even slightly, and even a slightly higher rate of interest is offered, then, of course, the bonds will be dumped on the market, first by the local banks and then by the larger ones. They will wish to take advantage of that little higher interest rate.

Mr. KERR. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. KERR. Are not bonds worth today twice as much on the markets of this country as they were when the gentleman's party went out of office in 1933?

Mr. GIFFORD. No, indeed. In 1920, when business loans commanded higher rates of interest, we had to sacrifice our Government bonds for as low as 83 when we needed the money in our business, where we could get higher returns.

Mr. KERR. The gentleman said he did not know. I will tell him that it is a fact that bonds today are worth more than twice as much as they were when the gentleman's party went out of office in 1933.

Mr. KNUTSON. Oh, no.

Mr. GIFFORD. Oh, no; that is ridiculous. Of course, they are worth more, because when my party went out of power March 4, 1933, things were in pretty bad shape. My party was not greatly to blame for that. That takes a little time to answer, but it is a fact. History will teach you that. Certainly Government bonds were down, but not to the ridiculous amount stated. It can easily be ascertained.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RANDOLPH. Is it not a fact that the per-capita national debt in the United States is much smaller than it is in Great Britain or France?

Mr. GIFFORD. Yes; but you do not count the citizens of those colonial possessions of Great Britain, for whose benefit the debt was so largely contracted. If you want to pursue that line, our debt would be so much more. There is no comparison. Oh, how statistics can easily be made to lie!

Why did Government bonds decline on the market? Are not the chickens coming home to roost? How many times must we tell you that you were mistaken in your gloating over the fact that the credit of the Government was so good that you could borrow money for long terms for 2¼ percent? I have often said, "You will wish to God you had paid a higher rate, so that people would hold on to them." Governor Eccles says, "We must continue easy money. We must continue to have low interest rates, or if we do not our vast Government issues will be jeopardized." Just as if low interest rates would coax money to take the risks of business. No. You must have a reward for the money invested in a business. The Eccles theory is incorrect. He has proven his own theory incorrect; and now for the alibi. Now he is blaming John L. Lewis. But did not he hand Lewis a good one? He criticized labor demands and blames business for putting up prices as a result of them. That is all so funny. We have had two big doses of his medicine, and an alibi must now be found. He cannot continue easy money and have it assume the present great risks in business enterprises, with the Government constantly harassing business, not only through excessive taxation but actually in the conduct thereof; and now, above all else, lending comfort to the illegal strikes that are shaking the very foundations of our Government itself.

Mr. MAY. Mr. Chairman, will the gentleman yield again?

Mr. GIFFORD. Why should I yield when I need so much time to make reference to the opinions of shrewd commentators and many experts who write on financial subjects? You should be forced to listen to much of it. However, I do wish to arouse interest and discussion in the Chamber.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes; I yield.

Mr. MAY. I think this is a matter of current vital importance to the House of Representatives, and I think it ought to be discussed on a nonpartisan basis rather than partisan.

Mr. GIFFORD. It is being discussed on a nonpartisan basis by me this afternoon.

Mr. MAY. As I see the situation, there is just one of two or three things that Congress can do to correct what might happen in the future. The gentleman has said balancing the Budget will solve the problem. How are you going to balance the Budget if we continue to spend money for relief and other purposes that it is necessary to spend it for, without the levying of further taxes, and how are we going to stand any further taxes now?

Mr. GIFFORD. The gentleman is answering his own question by the tone of his voice in asking it. We cannot stand any new or additional taxes. We cannot continue paying out such large sums of money, even at the instance of the Governors of the different States. Shame on the Governors of those States coming to Washington and demanding further raids on the National Treasury. The credit of their States is still good, is it not?

They are careful, indeed, about their own credit. Our municipalities are exceedingly careful in their town meetings not to greatly disturb their own credit. Are they, then, not interested in preserving the national credit, which is so much more important? The National Government must preserve its credit in order to relieve such States as may really need assistance and whose credit is exhausted.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. MAY. What would the gentleman do when 15 or 20 Governors come here and swear and declare that their governments are bankrupt and that the matter of relief raises an imminent problem; that they have got to deal with it but that they have not got any money?

Mr. GIFFORD. I would have them prove their case. I want our President to be courageous. I ask him not further to keep silence in this hour of anarchy through which we are passing. This is a time when silence speaks volumes. Where is that courage that he exhibited during the first half year of his administration? I hope this will not be regarded as partisan, because I would surely say it of a Republican President under similar circumstances.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RANDOLPH. Before I ask this further question, I want to say that I, as one Member of this House, always give the gentleman a respectful hearing, because I know he is a student of these affairs.

Mr. GIFFORD. And I speak frankly, do I not?

Mr. RANDOLPH. Yes; the gentleman does. We have so far discussed the taxes of the United States in relation to those of other countries. Is it not a fact that the taxes in the United States are less than they are in Great Britain and France?

Mr. GIFFORD. I could not go fully into that, even if I were able, because it would take too much of my time this afternoon. I covered that subject matter the other day. The central government of Great Britain pays about one-half municipal expenses, and the expenses of a municipality there are nothing like those of ours. The gentleman can figure out that our taxes seem less according to our ability to pay, but we must take into account different conditions, especially their colonial possessions. I have dealt with this subject before.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. KNUTSON. The gentleman from West Virginia overlooks the fact that in Great Britain they have but one tax, whereas within the United States we have multiple taxes, which, added together, make a heavier burden than the British tax.

Mr. GIFFORD. I hope that speakers will not continue these manifestly unfair comparisons. The picture usually drawn is untrue; yet when we come to an income-tax bill how the Members love to say that the income-tax payer of Great Britain pays much more than the income-tax payer of the United States. That is true in some brackets, but the ordinary citizen in the United States pays more.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield for a further question?

Mr. GIFFORD. I yield.

Mr. RANDOLPH. I hesitate to continue this line of questioning, but is it not a fact that the per-capita tax in those countries is greater than it is in the United States? I ask the question in that way, the per-capita tax. I feel certain that the gentleman from Minnesota [Mr. KNUTSON] is incorrect in saying but one tax exists in the other nations.

Mr. KNUTSON. If the gentleman from Massachusetts will yield, income tax, yes; but when you add all the taxes the American taxpayer pays and compare them with what the Englishman pays, it will be found that the Americans pay much more than the Englishman.

Mr. GIFFORD. I trust I may be permitted to carry on the subject I started to discuss and to enlarge upon my intended subject matter, but let me give you an illustration of the last ridiculous tax bill. A neighbor of mine, a good citizen in the lumber and building-materials business, died recently. They found among his assets many second mortgages, many notes, many uncollected bills. He had been easy with his debtors. They found he owed a considerable sum, but not as much as his assets' indicated value. The creditors got together and cheerfully agreed to wait 5 years for full payment; that the estate could pay one-fifth of the indebtedness each year, so that the widow could continue the business. The company made good profits last year, but they could not pay the debts without a fine imposed by the Government. Had they done so they would have found that instead of paying the usual 12½- or 13½-percent tax they would have been fined up to 27 percent. So they paid the one-fifth, as agreed, and distributed the rest as bonuses to the workmen in the plant. Those workmen will probably say: "This Roosevelt policy is good; I guess we had better vote for Roosevelt." That is the result, yet it cripples business. Creditors may curse such tax bills all they please. What are we going to do about it? Apparently nothing. I made an address on this subject of taxation the other day. I hardly think I want to repeat it now.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RICH. The gentleman has spoken of some of the bills that have been passed. The question that has been going through my mind is why so many of the Democrats will follow the President blindly in everything that he proposes in the way of legislation without knowing what the results will be? Can the gentleman answer that?

Mr. GIFFORD. I think that question should be answered easily.

Mr. MAY. Loyalty.

Mr. GIFFORD. Loyalty! It reminds me of an address I made last year on the subject of Blind Loyalty; and I might add, too, because so many of you newer Democrats, at least, came in on the coattails of the President, they feel that they must remain near to him.

Someone, I recall, asked a child, "Why were you born in Pennsylvania?"

"Oh", came the reply, "in order to be near my mother."

Mr. ARNOLD. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Illinois.

Mr. ARNOLD. Is it not the custom of the Republican sons to stay close to their mothers?

Mr. GIFFORD. Yes, perhaps—if we can find our mother. I read this morning in an editorial:

> What are we to do? What is by far the most important single measure for the Government to take in order to balance the Budget? Then other measures would be comparatively easy. What other method can be effected and what is necessary, apart from the imposition of a tax, to take care of the balancing of the Budget? Let us stay the rapid expansion of these old bureaus and cease the creation of new ones. It is a reverse to the present tendency, but let us turn these emergency forms of expenditure into permanent forms.

Then turn back to the States and localities some of the responsibilities that were taken from them.

We ask today, Is this another emergency simply created to order? Those are not my words. Those are the words of many of our writers. Many suspect that there is now another emergency made to order.

I want to comment upon that briefly, and this is not political. The President of the United States came into this Chamber and told us substantially that the members of the Supreme Court were too old, that they could not have the right viewpoint, that all of the judiciary should be overhauled, that they were greatly behind in their work; much of which has been proved not to be the case. So he resorted to another argument at the "victory dinner", stating that the Dust Bowl is blowing now, that one-third of our people are ill fed and ill housed now, and similar platitudes. The audience applauded hilariously under the spell of that beautiful voice. But when we come to our senses how ridiculous it seems to us. It always has been, and in the future it will be, that perhaps one-third of the people will be relatively ill-fed and ill-housed, in spite of all their Government can do for them.

Mr. RANDOLPH. Will the gentleman yield?

Mr. GIFFORD. The gentleman is very busy with me this afternoon.

Mr. RANDOLPH. I am happy to be busy with a man who is giving us something on which to ask questions.

Mr. GIFFORD. I hope to do so with a smile today. I know that sometimes I wear an unpleasant expression and I have been reminded of that, but may I paraphrase a verse that applies? "The gentleman is handsomer by far. But my face, I don't mind it, for I am behind it; it is you out in front that I jar."

Mr. RANDOLPH. The gentleman said we applauded the President hilariously. The gentleman did not mean to include himself, did he?

Mr. GIFFORD. No; he would not have heard me. I was listening on the radio. I also heard the so-called Crown Prince speak over the radio the other evening and I thought he did a very wonderful job. I felt sure he had been sitting on his father's knee when I noticed his voice and its inflections and the familiar arguments.

Mr. KERR. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from North Carolina.

Mr. KERR. My friend made a statement a while ago that the President of the United States appeared before this body and made a statement that was absolutely false.

Mr. GIFFORD. No; I did not mean to say that.

Mr. KERR. In respect to the congestion of the courts as exist in this country, may I say the Attorney General of the United States made a most lucid statement about the situation, and if the gentleman will read that statement I think he will agree that most of the dockets of the courts of this country are behind.

Mr. GIFFORD. It is constantly stated that the work of the Supreme Court is not behind. However, it was so stated to us by the President of the United States as I recall it. Do not mention the Attorney General to me until you convert your own Senator GLASS, who says we need a new Attorney General more than a new Court.

Mr. Chairman, I have probably used most of my time, and as I have the permission to enlarge upon my remarks I will stop at this point, unless other Members wish to interrogate me.

I have read that the President is insisting that corrective measures are necessary now and that he has declared it as his ambition during the next 3 years "to abolish poor pay to workers, to remove slums, to save farmers from drought and overproduction, to shorten working hours and give workers time for recreation, to end child labor, to stop strikes, and to keep farm prices up." And all he needs in order to do these things, he explained, is an acquiescent Supreme Court. But neither Mr. Roosevelt nor any other Executive could accomplish what he speaks of in 4 years or in 4 centuries. The impossibility of his objectives cannot justify the stultification of the Supreme Court. It must be brought home to our people that in a democracy such as ours we cannot fully control labor and prices. Hitler can do it. Mussolini can do it. Stalin can do it. Blum cannot do it. The sacrifice of liberty for such power must not be granted. This does not mean that palliative measures should not be adopted in conformity with our form of government. Neither boastful nor demagogic statements must affect the foundations of our national structure.

However, the only thing we have to fear is fear.

And in these times we should be very tenacious of at least the appearance of adequacy. I repeat:

Are these warnings only trial balloons? Is it another emergency made to order? Is it a tool to be used in forcing public opinion to the side of the President in the Court fight? A search for the gentleman in the wood pile is on. Has the Keynes-Eccles theory really exploded with such violence? Shall not huge Government spendings go merrily on? Can we combat the demands of the beneficiaries, not only from individuals but from Governors and mayors,

who have been so anxious concerning their own municipal debts, but entirely careless of the debt of the Nation? Now, a great fear of the dreadful calamity of inflation is advanced by the administration itself. The Supreme Court upheaval has brought a great fear upon the Nation. The most illegal and dangerous form of strikes ever known is rampant and the silence of the administration has spread a great fear on all law-abiding citizens. Yes, "All we have to fear is fear."

Let us hope that Governor Eccles now means what he says and will pursue his recently declared policy; let us hope that the President is behind him and that they are determined to return us to national solvency.

Such a tremendous volume of Government securities issued at such low yields of interest to the holders is, and will continue to be, a constant menace to this solvency.

The following figures may be of interest:

Receipts:	
1934	$3,100,000,000
1935	3,900,000,000
1936	4,100,000,000
1937 (estimated)	5,800,000,000
1938 (estimated)	7,200,000,000
Expenditures:	
1933	5,100,000,000
1934	6,700,000,000
1935	6,800,000,000
1936	8,800,000,000
1937	8,400,000,000
1938	(?)
Deficits:	
1934	3,900,000,000
1935	3,500,000,000
1936	4,700,000,000
1937 (estimated)	2,600,000,000
1938	(?)
Public debt:	
June 30, 1933	22,500,000,000
1934	27,000,000,000
1935	28,700,000,000
1936	33,700,000,000
1937 (estimated)	35,000,000,000
1938	(?)
Cost of Civilian Conservation Corps:	
1934	331,000,000
1935	435,000,000
1936	486,000,000
1937	368,000,000
1938	(?)

1938 estimated receipts

[In billions]

	Amount	Amount
Income tax	$3.300	[1]$0.992
Social security	.774	[1].450
Miscellaneous revenue	2.500	[1].233
Enrichment	.082	
Carriers act	.134	
Customs	.463	[1].014
Miscellaneous	.151	[1].009
Sale of assets	.030	[2].001
Total	7.434	

[1] Excess over 1937. [2] Less than 1937.

Question marks for 1938 may well receive most careful attention by this Congress.

Mr. McMILLAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, I ask unanimous consent to insert at this point in the RECORD a bill which I have introduced today.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to is as follows:

A bill to provide $30,000,000,000, which shall be expended within a period of 5 years, to furnish employment and to end poverty in the United States and its possessions

Whereas there are many millions of persons unemployed in the United States, and many of those who are unemployed are young men and women; and, because of this unemployment situation, men and women have been compelled to go into bread lines and do many other things which are humiliating to them; and

Whereas there is an abundance of the necessities of life, and yet many of our citizens are compelled to go hungry; and

Whereas this human misery has been brought about because our people have been unable to find employment; and

Whereas if we became engaged in war we would spend billions of dollars in the destruction of property and humanity; and

Whereas if we spend billions of dollars for construction purposes we would be promoting the welfare of mankind: Therefore

Be it enacted, etc., That $30,000,000,000 shall be expended by the Federal Government within a period of 5 years to provide employment and to end poverty in the United States.

SEC. 2. The money shall be expended for the prevention of floods, forest fires, dust storms; soil erosion; purification of rivers and streams; slum clearance; construction of homes that can be sold or rented at reasonable cost, schools, hospitals, roads, bridges, reservoirs, canals, tunnels, subways, and disposal plants; elimination of dangerous grade crossings; rural electrification; the purchase of railroads and other utilities, which shall be owned by the Government; development of our natural resources; and for medical, surgical, dental, biological, geological, and every other art and science; and for every other purpose which will solve the unemployment problem and promote the welfare of the people of our country.

SEC. 3. No person employed by the Federal Government under the provisions of this act shall be compelled to work more than 5 days per week nor more than 6 hours in any one day, and the wage paid shall be no less than 75 cents per hour.

SEC. 4. Union organizations must be recognized under this act.

SEC. 5. The President of the United States shall be authorized to appoint a committee of at least five members, or as many as he believes is necessary, to devise ways and means to secure the money to carry out the provisions of this act. It shall be the duty of the committee to obtain the said money from such sources which will work the least hardship on the taxpayers of our country.

SEC. 6. This act shall become effective within 90 days after its passage.

Mr. McMILLAN. Mr. Chairman, I yield myself such time as I may desire.

It is not my desire to take up the time of the House with a recitation of all of the activities and problems that the committee has had to deal with in the course of its deliberations in preparing this bill for the consideration of the House.

For 2 months the subcommittee, of which I have the honor and the pleasure of serving as chairman, has been engaged in hearing the testimony in justification of the needs of the four departments for funds to carry on their activities.

With the fine cooperation that has been extended to me by my colleagues we have completed the bill, and I now present it to you for your consideration with the unanimous approval of the entire committee on every item contained therein.

I believe Members of the House who have never served on the Appropriations Committee have little idea of the intricate detail that must be considered in the preparation of appropriation bills for the various departments from year to year. With the able assistance of the older majority members of the committee, Judge TARVER, of Georgia, Mr. McANDREWS, of Illinois, and Mr. RABAUT, of Michigan, and with the fine cooperation of my genial and distinguished friend from New York, Mr. BACON, the ranking minority member, we have arrived at our conclusions on the different items after a period of about 9 weeks of continuous hearings and study. I also want to say a word of commendation of the two new members of the subcommittee, Mr. CALDWELL, of Florida, and Mr. CARTER, of California. Their devotion to our task is greatly appreciated, and their counsel and wisdom have contributed much in the formulation of the results that have been accomplished.

At this point, Mr. Chairman, I desire to say a word in connection with the services rendered by the clerk of this subcommittee, Mr. Jack K. McFall. He has been with us for a number of years. I may say without any hesitation that the committee without the services of this very fine, able clerk would be constantly in trouble with the many problems with which it is constantly confronted.

The bill before you carries appropriations for the Department of State, the Department of Justice and the judiciary, the Department of Commerce, and the Department of Labor. Over 200 paragraphs of appropriations were considered in connection with the committee's deliberations. Many of these paragraphs were divided into subitems, each of which required careful consideration.

Knowing how uninteresting a recitation of figures can become, I shall limit my remarks to certain general observations of the activities of the departments that I think will be of most interest to the Members of the House. If, at the conclusion of my remarks, or at any time during the reading of the bill for amendment, Members may desire information on any of the different services provided for in the bill, I shall be glad to try to answer your questions.

The bill carries a total appropriation of $121,177,000, a reduction of $3,112,000 under the estimates as submitted in the Budget for the fiscal year 1938. While this sum is in excess of the appropriations for the current year by $3,373,000, I think it proper to state that this increase over the appropriations for 1937 is more than offset by the amounts that have been included in the bill for two activities, both of which I am sure the House will feel are extremely deserving and for which ample funds should be supplied.

The number of unfortunate airplane accidents that occurred with surprising frequency during the past few months has focused attention upon the need for additional safety facilities being afforded this rapidly growing medium of transportation. In order that a program of installing new aids and improving old aids to air navigation might be instituted, the Budget has recommended a program which will require the expenditure of approximately $5,000,000 over a period of 2 years. Developments in aeronautical radio have revolutionized the science of air safety. It is to keep pace with the development of science in this field that the committee has recommended an increase of approximately $2,328,000 over last year's appropriations. A large part of this sum will be devoted to the installation of radio beams, additional radio stations, high-frequency radio location markers, and the improvement of existing radio facilities to make them more efficient and dependable.

We have also recommended an increase in the bill of $1,805,000 for grants to States for maternal and child health, services to crippled children, and child-welfare services, under the provisions of the Social Security Act. Congress has now defined a policy of social welfare and has authorized certain sums to be allotted to the States to carry out a joint Federal and State endeavor. The Appropriations Committee, therefore, unless it should choose to impair the program, has no alternative except to recommend funds sufficient to meet the amount that the various States are entitled to under the terms of the act.

These two sums that I have just mentioned total $4,133,000, which is required to meet these two well-defined needs. It will thus be seen that if the amount of $4,133,000 be deducted from the total amount as recommended in the bill, it will show a reduction of approximately $760,000 under the appropriations for the fiscal year 1937.

The committee hearings reveal the fact that some of the departments have been indulging in the practice of transferring personnel from one bureau to another for an indefinite period of time, but retaining the employee on the pay roll of the bureau from which he is transferred. Such a practice, if abused, defeats the purpose for which the funds are appropriated. Let me give an example. An employee in Bureau A will be transferred to Bureau B, but the salary of this employee will continue to be paid from the appropriation for Bureau A. Under the law these assignments may be made for a period of 3 months, and then renewed for a period of 3 months. The plain intent of the law sanctioning these transfers is to provide sufficient administrative elasticity to meet emergency conditions when they arise. In some cases, however, these employees have been carried in this transferred status for years. The report on the bill has called attention to this condition, and I am hopeful that in the future the law authorizing these temporary assignments will be complied with. I am sure Congress will always lend an attentive ear to pleas for transfer of funds from one appropriation to another if the conditions warrant. This is the proper remedy.

One of the more important changes that the committee recommends this year has to do with the consolidation of traveling-expense funds in a single appropriation for each department with a few exceptions. This policy is recommended for all traveling expense in the Department of Labor, for practically all in the Department of Commerce, and for a large part in the Department of Justice. No change is made in the State Department for the reason that practically all traveling expense for the Department proper and the Foreign Service is already confined to two separate travel-appropriation headings. The amount expended for travel by the four departments totals nearly seven and one-half million dollars. As a result of the consolidations that have been made, approximately $150,000 has been saved, and the committee is convinced that this reduction will not seriously impair a single service now being rendered by these four departments. Some years ago a uniform policy was adopted by the Appropriations Committee of placing all appropriations for printing and binding under one heading for each department. The arrangement has been entirely satisfactory, and I am certain that economies have resulted. Experience must answer for the application of the same principle to the expenditures for traveling expense.

DEPARTMENT OF STATE

Before entering into any discussion about the Department of State I want to commend to the Members of the House the testimony of Secretary Hull that will be found in the hearings accompanying the bill. Those of us who had the pleasure of serving with him when he was a Member of this body, I am sure, have always been impressed with his sincerity of purpose and his devotion to his ideals. His statement contains an interesting account of the problems that have beset the Department during the past fiscal year and also contain illuminating evidence on the matter that is most dear to his heart—the reciprocal-trade agreements.

FOREIGN SERVICE SALARIES

As a matter of first importance, I think the House should be acquainted with a condition that to my mind is appalling. It concerns the pay of clerks in our embassies, legations, and consulates throughout the world. During the past summer I attended a meeting of the Inter-Parliamentary Union for the Promotion of International Arbitration, which was held in Budapest, Hungary, as a delegate representing this Government. At the completion of the meeting of that body, I took occasion to visit several of our missions in Europe, and let me say here that that trip gave me a sense of pride at the type of representation that our Government is having in the services of our splendid corps of Foreign Service officers. In accordance with the rules of the Appropriations Committee, I submitted a report of my findings while on this trip, and, if any Members may be interested, it will be found printed in the hearings on the bill.

To get back, however, to the question of the pay of the clerks. Out of a total of over 900 of these employees, only about 30 draw in excess of $960 per year. Wherever I went I found them to be the very backbone upon which the work of the post proceeded. Many of them speak and translate fluently 4, 6, 8, even 10, foreign languages. They handle passport and citizenship work. They do expert accounting. They prepare legal documents. They interview local businessmen in the interest of promoting American trade. They adjust trade complaints. They examine prospective immigrants. In fact, there were but few types of work that they could not do; and yet I found these people compensated by our Government in a manner that prevents them from having anything but the bare necessities of life. I think this Congress should know that in one instance I was informed by a Foreign Service officer that a collection was taken up among the officers at that post to provide burial expenses for a faithful clerk who died, leaving a wife but no money whatever even for the expenses of his own interment.

After going into this question thoroughly, the committee has concluded that it would be derelict in its duty if it did not recommend that some funds be provided to at least partially remedy this distressing situation. We have therefore included in the bill about $75,000, in order that the Department may make promotions among these lower-paid employees where their efficiency is such, and their need is such, as to justify this being done.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield for a question on this very point?

Mr. McMILLAN. I yield.

Mr. WADSWORTH. Has the Committee any information as to the percentage of American citizens among the clerks in the embassies and legations?

Mr. McMILLAN. Offhand, I am not in a position to answer the gentleman's inquiry, but I think a list of the clerks, foreign and native, in our foreign missions, is to be found in the record of the hearings.

PASSPORT DIVISION

With the revival of business, the Passport Agency of the State Department continues to show a progressive increase in work. The applications for passports are running over 30 percent more than last year. An increase of $5,000 for the maintenance of the Passport Bureau has been recommended to take care of this unit that is so ably administrated by Mrs. Ruth Shipley.

DIVISION OF TRADE AGREEMENTS

At the time the hearings were held on the bill Congress had not authorized the continuance of the reciprocal-trade program. As a result, the amount carried for the personnel that administer the work connected with the negotiation of treaties was reduced by about $140,000. Since then the bill has become law, authorizing the continuance of the treaty work, so a supplemental estimate for funds to pay salaries of additional employees will doubtless be submitted to Congress before the expiration of the present session.

FOREIGN SERVICE OFFICERS

We have allowed sufficient funds to employ 20 additional Foreign Service officers. Many posts in the Service are undermanned. Some have but one officer assigned to duty. At these posts the leave problem is always acute, and sometimes it is not possible to fully comply with the leave laws. This condition will be largely remedied and all of the candidates who successfully passed the last examination given by the State Department can be inducted into the Service.

Continuing the program instituted by the committee last year to bring home officers who have not been back to the United States for many years, we are providing $110,000 for this purpose during the next fiscal year. We feel that it is important that these men be brought back to their home country at reasonable intervals, not only in order that they may not lose touch with America but also that they may familiarize themselves with the business and economic conditions of the country in general, and of their own department in particular.

INTERNATIONAL CONFERENCES

Funds have been provided in the bill for three conferences to be held in 1938—the Eighth International Conference of American States at Lima, Peru; the Telecommunication Conference, Cairo, Egypt; and the Aviation Conference, likewise at Lima, Peru. Our participation in these conferences is a matter of treaty obligation.

INTERNATIONAL BOUNDARY COMMISSION

Three separate amounts totaling $2,525,000 will be found in the bill under the heading of the International Boundary Commission, United States and Mexico. The three objects of expenditure are for the rectification work along the Rio Grande, flood control, and construction of a diversion dam. All of these projects come under the head of public works and are, of course, authorized by existing law or treaty with Mexico. There will still remain to be appropriated about $4,900,000 if all the work either authorized or in progress is to be completed in accordance with existing plans. We have omitted an appropriation of $1,100,000 to commence canalization work on the upper Rio Grande.

DEPARTMENT OF JUSTICE AND THE JUDICIARY

Attorney General Cummings appeared before the committee and gave us a very interesting picture of the work of his Department, which you will find in the hearings. The committee is recommending that you approve an appropriation of $39,380,000 for the Department of Justice and the judiciary. If you concur in our recommendation you will have reduced the appropriation of the current year by $1,976,000 and the estimates by $883,689.

Certain consolidations of appropriations have been made looking to affording a greater degree of administrative freedom in the expenditure of moneys, while some appropriations previously carried in lump sum have been broken down in their component parts and have been carried as separate items. The effect of the latter is, of course, to place a greater degree of legislative control over the expenditures. I will not bore you by going into all the details of these changes, but if any Member is particularly interested I may refer you to the report on the bill, which explains everything that has been done in this connection.

In keeping with the ever-growing volume of work in the Department resulting in some degree from the imposition of additional duties necessitated by the new crime laws passed by Congress, we have allowed increases where it was felt the facts warranted. For example, in the criminal and the tax divisions, where the load appears to be the heaviest, $40,000 additional has been allowed for each division. The request for additional attorneys in the antitrust work has been approved. It appears that their difficulties have grown not so much out of the fact that they have additional litigation but that the litigation that they now have is of such an involved nature as to require the services of many more attorneys to properly handle the work.

BUREAU OF INVESTIGATION

I now desire to take a few moments to tell you about a bureau that by its capable direction and remarkable results has captured the fancy of the American people. I refer to the Federal Bureau of Investigation. Let me suggest to you new Members, and the old Members as well, that it would be well worth your time to go down and visit this Bureau in the Department of Justice. I am sure you will come away with the knowledge that you have witnessed one of the most efficiently operated units in our entire Government.

The growth of this Bureau has been phenomenal. In the identification unit nearly 7,000,000 fingerprints are on file, from which over 400,000 identifications were made last year. Over 10,000 law-enforcement agencies regularly contribute to the fingerprint collection, which is growing at the rate of 4,400 per day. Over 5,700 fugitives from justice were identified during last year. Outgoing letters increased 50 percent in the course of a year. I could continue citing these statistics to indicate this tremendous growth, but I am unable to take the time. I am, however, greatly concerned about the welfare of the employees working in the Bureau. During 1936 these employees performed over 110,000 hours of overtime. It seems that the volume of work is always a pace ahead of the appropriations to carry it on. The committee has recommended an increase of $75,000 over the Budget for this Bureau. If you approve our action, it will make available $6,000,000 for the fiscal year 1938. While I am certain this will not provide the complete solution to this problem of overtime work, it should at least somewhat relieve present conditions. The Mattson kidnaping case has drawn heavily upon the manpower resources of the Bureau, and when it is considered that there are over 15,000 cases pending, of which over 8,000 are unassigned, I am sure the House will sustain the action of the committee in increasing the appropriation.

PENAL INSTITUTIONS

I want to take this opportunity to express my own feeling, as well as what I think to be that of the committee, at the loss the Government has sustained in the resignation of Mr. Sanford Bates, former Director of Prisons. He was an exceptional administrator, always cooperating 100 percent with the committee in working out our common problems. The Federal penal service today is a monument to his ability and devotion to his task. I may add, however, that the Government is fortunate to secure the services of Mr. James Bennett, who succeeded Mr. Bates and who had worked as his assistant for many years.

Unfortunately for the country, the prison population continues to grow, and hence the problem of supplying proper housing facilities for the prisoners is ever present. In order that the parole system might be strengthened we have allowed several of the existing institutions additional parole officers and clerks. Additional guards have likewise been provided at the different prisons, both for the purpose of complying with the leave law passed at the last session of Congress and for affording increased guard facilities commensurate with the increase in population.

The probation system has had an astonishing growth in the 10 years of its existence. We are allowing 10 additional probation officers in order to reduce the average case load per officer, which averages 180 cases at the present time. In one judicial district over 900 cases are handled by one officer. No adequate supervision of probationers can be had by any officer charged with handling over 100 cases.

The Public Health Service directs all medical relief in the various penal institutions and under the able direction of Dr. Treadway adequate medical facilities are being provided.

Three new jails are in process of being constructed—one in California, one in Minnesota, and one in Florida. Their completion will somewhat relieve crowded conditions in existing institutions, as well as provide a place of incarceration for prisoners who are now cared for by contract in State and county institutions.

DEPARTMENT OF COMMERCE

I want to recommend to the new Members of the House particularly that they secure a copy of the hearings on the Department of Commerce bill and read the engrossing statement of the Secretary of Commerce contained therein. In a very succinct way he has painted a picture of all the activities of this Department. I would know of no better way for one to acquaint himself with the activity of the Department of Commerce than to diligently read Secretary Roper's remarks.

BUREAU OF AIR COMMERCE

Knowing the concern and responsibility we all have as Members of the House in providing adequate facilities to insure safety of air transportation, we have endeavored to develop most fully in the hearings the entire program the Bureau of Air Commerce proposes to do to prevent airplane disasters in the future such as have recently occurred. With the sum allowed in the bill, plus authority to obligate appropriations for next year to the extent of $2,000,000, about 212 projects will be undertaken. These projects look to either the establishment of new air-navigation aids or the modernizing or improvement of existing aids.

Traffic control at key airports is now being successfully undertaken under the Bureau's supervision, and this program will be further extended. There have been and are continuing to be such rapid developments in the field of aeronautical transportation that what is provided for today may be obsolete tomorrow.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

The committee has made certain consolidations in the appropriations for the Bureau of Foreign and Domestic Commerce to afford better administration. The only increase contained in the Budget is in an item to establish a division of industrial economics. The theory underlying this new division is to afford a means whereby business could be extended a governmental service similar to the aid extended agriculture by the Bureau of Agricultural Economics and to labor by the Bureau of Labor Statistics. It was proposed in order that certain economic studies desired by business might be undertaken. Among others, studies of distribution and retail prices were to be made, and some of the fund would be devoted to making an analysis of data contained in the old N. R. A. records.

The committee always questions the establishment of a new division in the Government, because once under way, it is difficult to eliminate. We were, however, impressed with the fact that some of these price and distribution studies may be desirable, so we have provided $125,000 under the regulation activities of the Bureau to undertake some of this work.

You will also find in reading the bill that we have added about $73,000 over the estimates for the division charged with the compilation of foreign-trade statistics. These statistics are compiled from the customs declarations that are filed at the various ports of entry, and have a wide and important use among businessmen engaged in exporting and importing. In addition they are used extensively, and are in fact essential today, in the negotiation of reciprocal-trade treaties. Due to the increase in trade, the present staff of the division has been unable to handle the work, although working considerable overtime. Many inaccuracies have occurred in the statistics compiled and many complaints have been received as a result. The committee has assurances from the Department that with this additional appropriation the work can be done both properly and expeditiously.

BUREAU OF THE CENSUS

The bill contains an appropriation of $2,175,000 for the operation of the Census Bureau.

In reading the bill you will find two new items, one of $25,000 for gathering age records as an aid to applicants under the Social Security Act and the other for the expenses of the Sixteenth Decennial Census, amounting to $50,000. Heretofore it has been customary to appropriate $100,000 the year previous to the taking of the decennial census for the work preparatory thereto. The Director believes, however, that this preparatory work can be more efficiently performed over a 2-year period. This explains the $50,000 item carried for this expense. A similar amount will be provided next year.

BUREAU OF STANDARDS

The only increases to be found in the regular activities of the Bureau of Standards are occasioned by reallocations of certain administrative positions by the Civil Service Commission, which creates a legal obligation on the part of the Government to pay the increased salary rates.

A new item, however, does appear under this Bureau. It deals with the investigation of building materials. The Central Housing Committee, which is composed of nine Federal agencies interested in housing problems, has recommended that the Bureau conduct a research of materials and methods of construction.

Lack of adequate facilities for this type of research has been a drawback in the Federal housing program, and inasmuch as all nine of these Federal housing agencies have enthusiastically endorsed the suggestion, the committee has recommended to the Congress an appropriation of $200,000 for research and study in this field.

BUREAU OF MARINE INSPECTION AND NAVIGATION

Four laws were passed by the last Congress designed to more adequately protect life at sea and to promote the welfare of the American seaman. To carry out these laws the bill contains an increase of $631,000.

The Government has suffered another unfortunate loss in the resignation of Mr. Joseph B. Weaver as director of this service. Under his extremely efficient management and leadership a more or less moribund organization has been given new blood, and by means of the new legislation has placed itself in a position of rendering a real service in the protection of life at sea.

Mr. Weaver has given the committee several recommendations that he feels should be adopted in the interest of the public in its relation to our shipping interests. Among these recommendations is one that a schedule of fees should be authorized for services performed by the Government to ship operators in the enforcement of regulations looking to safety of life at sea. If a schedule of fees were authorized by appropriate legislation, many hundreds of thousands of dollars in revenue would result to the Government. Such a system is now in effect in England, and I share with the committee the thought that legislation should be considered to extend the principles of the English system to our own service.

BUREAU OF LIGHTHOUSES

Over one-quarter of the total appropriation for the Department of Commerce is found under the Bureau of Lighthouses. This agency is one of the oldest in the Government. An item of $1,296,000 is recommended in the bill for 22 public-works projects. Many of the lighthouse tenders and lightships maintained by the Bureau have passed the age of usefulness. The cost of repairs to some of these antiquated vessels is out of proportion to the capital invested in them.

Under the public-works program some of these old boats will be replaced and some will be reconditioned. In addition, some of the projects look to the installation of additional aids to navigation in various lighthouse districts. I may refer you to the hearings for a complete statement as to the work to be undertaken in this regard.

COAST AND GEODETIC SURVEY

This unit of the Government devotes itself primarily to making surveys of the coasts of the United States and its Territories; determines the topography of the land under the ocean and along the shores, and engages in collecting certain basic geodetic and seismological data. In addition to preparing charts of our navigable waters, it is also engaged in the preparation of aeronautical charts. These charts are the road maps of all aviators—commercial, private, or service fliers. Inasmuch as both the charts and various photographic work done by the Bureau are of immediate interest to national defense, the committee is hopeful that the Army will cooperate with the Bureau to the extent of supplying an airplane to do this essential work.

BUREAU OF FISHERIES

In 1930 Congress passed what is known as the Jones-White Act, which authorized the construction of 34 fish hatcheries or laboratories on the basis of a 5-year program. After 20 hatcheries had been constructed up to 1932, the era of economy forced the abandonment of this program. These hatcheries, it is believed, can be constructed on an average cost of $50,000 each, and when completed can produce millions of fish available for distribution in the locality of the station. Not only do these hatcheries provide a food supply to millions of our population but there is a very definite, even though intangible, recreational value that results from this fish propagation. The committee has decided that this program of hatchery construction should be continued and that all the hatcheries authorized by the Jones-White Act be constructed under a 3-year program. We have accordingly inserted $220,000 in the bill to begin this construction program.

This should permit the building of about a third of the 12 stations and 2 laboratories that remain to be constructed under the act. We have also added $40,000 to the bill to enlarge and improve some existing hatcheries. Complaints have come to the committee that the Bureau has been unable in many instances to make delivery of fish. In order that this situation may be remedied, we have included an item of $15,000 for the purchase of trucks in order that the Bureau may transport from their hatcheries the fish they propagate.

During the current fiscal year $172,000 is recommended to make scientific investigations relating to food fishes, their habits, migration, supply, and so forth. This is certainly a modest sum when one considers the hundreds of types of food fishes, the supply of which we should protect as a measure of food conservation. The committee has added $70,000 to the amount under this head for 1938 in order to conduct investigations concerning the shad and the pilchard, the former on the Atlantic coast and the latter on the Pacific coast. Both of these studies are desired in order to secure essential facts and statistics on the habits and supply of these two species of fish.

PATENT OFFICE

The committee is always delighted to hear the evidence of the Commissioner of Patents regarding the need for funds to operate the Patent Office because this Bureau produces revenue to the Government. I think the Members of the House will be interested to know that for 12 years prior to 1933 a deficit in the operation of the Patent Office resulted each year. Since the incumbency of the present Director, Mr. Coe, however, there is a net profit to the Government of $540,000. This is an impressive record and I want the record to show that the committee is appreciative of the successful administration of this Bureau.

DEPARTMENT OF LABOR

I now direct your attention to the items in connection with the appropriation for the Department of Labor.

Secretary Perkins appeared before the committee and her comprehensive statement of the activities of the Department will be found in the hearings. If you eliminate from consideration the appropriation of $1,805,000, which has been added to the bill this year for grants to States under the provisions of the Social Security Act, the appropriation in the bill for 1938 would be about $6,500 under the total appropriation for the current fiscal year.

One of the proposals presented to our committee by the Budget and sponsored by the Department was to transfer from the National Youth Administration to the Division of Labor Standards, a division of personnel engaged in stimulating apprentice training in the States. There may be a great deal of merit to this program but I do not feel that work created under an emergency agency without specific sanction of law should be taken over by a permanent establishment of the Government by a rider on an appropriation bill. The Labor Committee of this House should go into this matter thoroughly, and if it is felt that the work is justified a bill can be brought in and the House can then determine as a matter of policy whether they desire this program of apprentice training to be undertaken. If the Congress does so decide, then your Appropriations Committee can determine what financial assistance should be rendered to make the work effective.

Mr. MARTIN of Colorado. Mr. Chairman, if the gentleman will yield for a question, is any report available on the work of the conciliation commissioners?

Mr. McMILLAN. Yes. I think I have referred to it in the report, and I may say the hearings do reveal quite a bit of detail in connection with the conciliation commission.

SILICOSIS CONTROL

Included in the appropriation for the Division of Labor Standards and Service is an amount of $18,000 for studies aimed at the control of silicosis. Secretary Perkins feels that if all the known mechanical engineering and scientific protective measures are continued for 2 or 3 years this disease can be wiped out completely within the next 10 years. This fact has been established by a report of experts which has been submitted recommending a program for the prevention of the disease. We all cherish the hope that this much-dreaded disease will be completely conquered.

DIVISION OF PUBLIC WORKS

A new item of approximately $300,000 is carried in the bill for a new division of public contracts to enforce the provisions of the so-called Walsh-Healey Act. This represents a reduction of approximately $55,000 under the Budget estimates.

The report accompanying the bill calls attention to what the committee believes to be an erroneous interpretation of the section of the act which exempts from the operations of the statute goods that may be purchased in the open market. The decision that is ultimately made in this matter will affect materially the volume of work that the division will be called upon to perform, and the committee has requested the Department to secure a ruling from the Comptroller General on the point involved before proceeding to expend the money contained in this bill.

Mr. McCORMACK. Mr. Chairman, if the gentleman will yield, I was very much interested in the gentleman's statement with respect to the much-dreaded disease—silicosis. I notice the gentleman mentioned an appropriation of $18,000. Does the gentleman expect this disease can be conquered by an appropriation of $18,000?

Mr. McMILLAN. May I say to the gentleman the $18,000 carried in the bill is in nowise intended to be used in treating the disease. This appropriation is intended merely for purposes of investigation.

Mr. McCORMACK. That is what I want to bring out. I assumed that.

Mr. McMILLAN. Yes.

Mr. McCORMACK. The gentleman covered the subject rather briefly. I thought it might be interesting for the RECORD if the gentleman would explain in a little more detail just what is the purpose of the $18,000 appropriation.

Mr. McMILLAN. This is merely for the purpose of conducting a scientific investigation and to undertake a study of this disease.

Mr. McCORMACK. Was a larger amount than that requested?

Mr. McMILLAN. No; the amount was allowed as requested.

BUREAU OF LABOR STATISTICS

We have approved the Budget estimate of $880,000 for the Bureau of Labor Statistics. This amounts to an increase of $30,000 over the amount available for this year. This increase will be devoted to enlarging the field covered in the collection of statistics on wages, hours of labor, working conditions, and cost of living. The testimony before the committee indicates that there is a growing demand for the basic data collected by the Bureau in the various fields and that the increase requested is justified.

IMMIGRATION AND NATURALIZATION SERVICE

About 40 percent of the entire appropriation for the Labor Department is expended by the Bureau of Immigration and Naturalization. There has been a continuing increase in the number of applications for naturalization and it has taxed the facilities of the Bureau to keep pace with the work.

Under the act of February 5, 1917, the Secretary of Labor is authorized to draw on appropriations made for this Bureau in an amount not to exceed $200,000 "to enforce the law excluding contract laborers and induced and assisted immigrants." It has come to our attention that some of the personnel employed under this authority of law have not been devoting their time to the problems defined in the act. We have placed a limitation of $95,000 on the amount that may be expended under this authorization, and want it specifically understood that we will expect that all expenditures, if any, under this limitation will be made in accordance with the provisions of law. The hearings contain an interesting report on deportations, naturalization, seizures made, and so forth, and I recommend their reading to any Member who may be interested.

CHILDREN'S BUREAU

Now that the social-security program is being adopted by the States, we are called upon to make additional appropriations to meet the needs of States qualifying for benefits under the terms of the act. As I have stated, we are carrying an increase of $1,805,000 for these grants during the next fiscal year. The committee has likewise approved an increase of about $100,000 over appropriations for the current year for the administrative expenses of the Children's Bureau. Advice and counsel must be given the States in the formulation of their program for maternal and child health, care of crippled children, and child welfare. It is only by these studies and advice that we will get a dollar value for a dollar spent.

WOMEN'S BUREAU

A small increase of $1,800 has been allowed over the budget for this Bureau in order that it might extend its investigations touching on the welfare of women in industry. Studies are being made of hours, wages, employment conditions, health standards, and so forth, of women, with a view to improving their standards in the economic and industrial field.

UNITED STATES EMPLOYMENT SERVICE

The United States Employment Service was set up under the terms of the Wagner-Peyser Act which was designed to establish a joint State and Federal employment service. Only 3 States of the 48 have not yet actually accepted the act and 37 States have already become affiliated with the Service. During the past 3 years over 8,700,000 applications for positions have been filed in the States affiliated with the Service and over 5,000,000 placements have actually been made. The Service has established a system of job classification in all of the major industries so that scientific selection of personnel may be made. A veterans' placement representative is maintained in each affiliated State in order to give especial consideration to veterans who are seeking employment. Another specialized branch of the Bureau is a farm placement service that assists in supplying farm labor in the agricultural States. The bill carries an appropriation of $925,000 for administrative expenses for this service and $1,500,000 for payments to the States. These sums represent a saving under the Budget estimates of $25,000 and $90,000, respectively.

In closing I desire to thank the House for its courteous attention to my remarks and to express the hope that you will join me in supporting the recommendations of the committee for the appropriations which have been included in the bill for the next fiscal year. [Applause.]

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. RANDOLPH. May I compliment the gentleman and the members of the subcommittee on the splendid report they have made on the pending items?

May I ask the gentleman particularly about the increased funds which would be made available for air-navigation aid? I do this because in my own State of West Virginia we have during the past 4 years attempted by every possible and rightful means to secure funds from the Bureau of Air Commerce for the erection of radio-beam stations and air beacons in the State of West Virginia. I may say to the gentleman and to the committee we have been unable to get a single improvement in our State of this type.

Today the American Airlines is operating passenger service daily both east and west from Washington to Elkins, Charleston, the capital of West Virginia, Cincinnati, and Chicago, yet on that line not a single radio beam or beacon has been established by the Bureau of Air Commerce between Washington and Cincinnati.

I do not believe the failure of the Bureau to give us this vital and needed navigation aids for our aviation travel has been because of the Bureau's failure to understand the problem. I believe it is largely because of lack of funds. May I ask the chairman whether in connection with this increased appropriation for air-navigation aids material was brought before the committee indicating such a territory would receive aid?

Mr. McMILLAN. I may say I think the gentleman may look forward to a brighter day so far as his territory is concerned. The committee has included a substantial increase, $2,328,000, over the current budget for the next fiscal year, and has also authorized the Bureau to incur contract obligations of some $2,000,000 next year.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. May I say that with this $5,000,000 program for installation and improvements of airway aids the Bureau of Air Commerce feels there will be 212 projects undertaken in order of priority. I am unable to tell the gentleman from West Virginia where his State or his projects stand with respect to that list of priorities, but it is estimated this $5,000,000 program for the next fiscal year will provide for some 212 projects which have been submitted by the Bureau.

Mr. RANDOLPH. I do not want to get into a technical discussion, but I do want to say that West Virginia, almost at the Nation's Capitol door and a rugged mountain section over which to fly, has not a single radio-beam station, which shows the importance of the item to which the gentleman has just referred.

I also wish to mention in this connection the fact the air route traveled by transport planes running from Washington to Pittsburgh to Detroit has changed in recent years, yet the Department has been unable to change its radio beacons from the old routes to the new routes. I refer to the pressing need for such a facility at Martinsburg, W. Va.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mrs. ROGERS of Massachusetts. I think the gentleman made an extremely fine statement.

Mr. McMILLAN. I am very grateful to my friend the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I am very pleased the committee has increased the appropriation for the Foreign Service. I know our Foreign Service officials do a splendid work.

I notice the committee has added to the appropriation for men going into the Consular Service.

Mr. McMILLAN. Yes.

Mrs. ROGERS of Massachusetts. I also notice in the report the committee saw the lack of coordination between the Department of State and the Department of Commerce. Does the gentleman feel he can tell us what this means?

Mr. McMILLAN. I may say in that connection there has recently been perfected between the two departments certain amendments to the coordination agreement, and it is hoped that with this new agreement the work may be expedited and the two departments will not have what I have always regarded as an apparent conflict or overlapping of duties.

Mrs. ROGERS of Massachusetts. I have been very much interested in both departments. I think the Department of Commerce does what the Department of State's foreign service cannot do, perhaps, more in a business way.

Mr. McMILLAN. This new agreement will, in my judgment, eliminate a great deal of this overlapping and duplication.

Mrs. ROGERS of Massachusetts. Will the appropriation for labor statistics provide money for a census of the number of children employed in industry all over the country?

Mr. McMILLAN. My understanding is the Bureau contemplates taking care of that item at some later time.

Mrs. ROGERS of Massachusetts. I am delighted.

Mr. FLANNERY. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. FLANNERY. I wish to compliment the gentleman and the members of the committee for their manner of handling this measure, and also to compliment the gentleman on his dissertation, and in view of the charges and countercharges of lax supervision, and political interference in respect of the Bureau of Air Commerce, may I ask the gentleman whether the pending bill has a provision to transfer the jurisdiction of that Bureau to the Interstate Commerce Commission?

Mr. McMILLAN. There has been nothing before the committee on that point. There may be something pending in the other body about it, but so far as our committee is concerned, the question was not raised, and I am not in position at this time to tell the gentleman what, if anything, may be undertaken in that respect.

Mr. FLANNERY. Am I correct in assuming that the Bureau of Air Commerce does not have the authority to issue a decree for the regulation of air traffic or to enforce such a decree if made?

Mr. McMILLAN. The Bureau of Air Commerce does initiate and promulgate such regulations, and, of course, when they are promulgated, they enforce them.

Mr. FLANNERY. The reason I asked the question is because I was talking with Mr. St. Clair, of the Department of Commerce, this morning with reference to one of the American air lines, to be specific, and was informed they could recommend to the Post Office Department but could make no decrees or exercise any regulations.

Mr. McMILLAN. No; the regulatory features of the Air Commerce Act are under the control and jurisdiction of the Department of Commerce and are enforced and administered by the Bureau of Air Commerce.

Mr. FLANNERY. If the authority were transferred to the Interstate Commerce Commission, in the opinion of the committee, that would not change your views with respect to these appropriations?

Mr. McMILLAN. It would not.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield myself 2 minutes at this time, and I do this because I cannot refrain from congratulating the gentleman from South Carolina [Mr. McMILLAN] on one of the ablest presentations of an appropriation bill it has been my pleasure to listen to before this body. [Applause.]

I may add that not a single partisan or political question arose at any time during the hearings or the discussion of this bill before our subcommittee.

This is a unanimous report of the subcommittee, and I concur 100 percent in everything that the gentleman from South Carolina has said. The gentleman has been a splendid chairman of our subcommittee and is one of the most conscientious, hard-working men we have in this body. [Applause.] I commend the gentleman for the splendid work he has done and for the very enlightening and comprehensive statement he has just completed before the Committee. [Applause.]

Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I ask unanimous consent to extend my remarks and include therein three tables compiled by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ENGEL. Mr. Chairman, on January 8, 1937, the Postmaster General of the United States was quoted by the Associated Press, in part, as follows:

James A. Farley's Post Office Department went $88,316,324 into the red last fiscal year, but Farley hastened to explain yesterday free mail for Congressmen and other "nonpostal items" were largely responsible—

Placing the emphasis upon "free mail for Congressmen."

This statement was apparently given out at a press conference through newspaper services and appeared in practically every daily newspaper, large and small, in the United States. Members of Congress know what the reaction to a statement such as this is and will be in their respective districts. The country at large is imbued with the idea that the Post Office Department would pay expenses were it not for the tremendous amount of free mail sent out by Members of Congress. This is absolutely not true.

The fact is that during the fiscal year 1936 the amount of mail franked by Members of Congress was less than 2½ percent in weight and lost revenue of the total free mail for that year. The deficit of the Post Office Department is due in a large measure to the abuse of the franking privilege, but that abuse is not by Members of Congress but by the departments of Government, practically every one of which is directly responsible to the Chief Executive and whose heads have been appointed by the Chief Executive.

I am inserting into the RECORD today tables giving the actual figures as to the number of pieces, the weight, and the lost revenue of mail franked by departments and by Members of Congress. I compiled these tables personally, every figure being taken from the annual reports of the Post Office Department, with the exception of the figures for the year 1937. The 1937 figures were taken from the testimony given by post-office officials on the Post Office appropriations bill when that bill was being considered by the subcommittee of the House Appropriations Committee. I have asked unanimous consent to insert into the RECORD at this point table I and table II.

TABLE I.—*Franked mail sent by departments (exclusive of Post Office Department)*

FOR FISCAL YEARS ENDING JUNE 30, 1934, 1935, 1936, AND 1937 (PRESENT ADMINISTRATION)

	Number of pieces	Weight	Lost revenue
		Pounds	
1934	530,471,016	81,212,639	$23,094,882
1935	624,194,119	85,207,595	31,281,600
1936	669,352,068	91,125,145	32,236,269
1937 [1]	669,352,068	91,125,145	32,235,369
Total	2,493,369,271	348,670,524	118,849,020
Yearly average	623,342,232	87,167,631	29,712,270
Daily average	2,045,178	285,795	97,417

[1] Estimate submitted speaker by Post Office Department.

FOR FISCAL YEARS ENDING JUNE 30, 1930, 1931, 1932, AND 1933 (LAST ADMINISTRATION)

1930	302,126,259	42,737,534	$9,347,505
1931	353,795,225	43,342,958	9,896,456
1932	319,890,040	43,118,907	9,151,899
1933	373,440,968	43,326,622	14,315,414
Total	1,349,252,492	172,526,021	42,701,274
Yearly average	339,750,830	43,131,503	10,675,319

TABLE II.—*Franked congressional mail*

	Number of pieces	Weight	Lost revenue
		Pounds	
1930	34,525,581	3,978,879	$718,060
1931	33,413,032	4,385,007	723,671
1932	38,551,744	4,418,216	778,436
1933	36,171,088	6,867,788	1,019,621
1934	20,882,779	7,724,910	775,785
1935	16,097,050	2,683,096	577,162
1936	29,747,411	3,922,109	751,579

These tables show that while congressional franking was reduced from 34,000,000 pieces in 1930 to 29,000,000 pieces in 1936—it is the 1936 deficit to which Mr. Farley refers—departmental franking has during the same time increased from 302,126,259 pieces in 1930 to 669,352,068 pieces in 1936. Departmental franking has been increased almost 100 percent in weight and nearly 300 percent in lost revenue under the present Democratic administration over the last Republican administration. By departments I mean all departments of Government, excluding only the Post Office Department itself. The reason the Post Office Department is not included is because Post Office franking is included in the postal deficit as a legitimate charge, while other departmental franking is included in the nonpostal items to which Mr. Farley refers. Taking the estimates of the Post Office Department for the year 1937, these departments will have mailed during the 4 years ending June 30, 1937, the enormous amount of 2,493,369,271 pieces of mail, or a yearly average of 623,342,232 pieces, or over 2,000,000 pieces of free mail for every working day in the year.

I wonder how many people appreciate just how large this vast amount of mail is. Let us assume that one of our postal clerks, the most expert clerk in the Postal Service, were given the job of counting and sorting it. Let us assume that he counted and sorted one piece of mail every second and worked 40 hours a week, 48 weeks in the year. If he had started counting and sorting when Abraham Lincoln signed the emancipation proclamation he would be counting yet. If he had started counting when George Washington crossed the Delaware he would be counting yet. And if he had started counting when the Pilgrim Fathers landed upon the Plymouth Rock 300 years ago he would be counting yet. And if he did not take off any holidays and took no sick leave he would finish the job in the year 2004. And all this tremendous amount of mail the departments of Government, not Congress, sent out during 4 short years.

This mail weighed 348,670,524 pounds, with a yearly average of 87,167,631 pounds, or nearly 300,000 pounds for every working day in the year. Again it is difficult to realize just how much paper it required for this enormous amount of franking. It would take 140 railroad engines, hauling 50 railroad cars, each with a 50,000-pound capacity, to haul this enormous amount of mail out of Washington. It was sent from the Atlantic to the Pacific, from the rock-bound coast of Maine to the sunny slopes of California, from the Canadian border to the Gulf of Mexico and the Rio Grande, and some of it went into Canada and Mexico, Puerto Rico, the Philippine Islands, and Alaska. They sent preachers documents telling them how to kill hogs and hog killers documents telling them how to preach sermons. They told lawyers how to practice medicine and doctors how to practice law. Every conceivable kind of information was sent to the people—statistical figures that would make a certified public accountant gasp with astonishment; legal documents that even the President's proposed Supreme Court of 15 Justices would fail to construe; political propaganda of all kinds. Think of it! Three hundred and forty-eight million six hundred and seventy thousand two hundred and fifty-four pounds sent out during 4 years of the present administration, or more than 55 pieces of literature, weighing nearly 8 pounds, for every one of the 45,646,000 voters who cast their ballot in the last election.

And what did this actually cost the taxpayers of the country? The Postmaster General's Department says that there was lost in revenue $118,849,020. This is almost three times as much in lost revenue as that Department reported for these same departments during the 4 years of the last Republican administration, those figures being $42,701,274. This was a yearly average of $29,712,270 as against a yearly average in lost revenue for the last Republican administration of $10,675,319. But that does not tell the entire story. We had to pay for these 7,000 railroad carloads of paper it required to do this printing. We had to pay for the printing of this more than 348,000,000 pounds of paper. Mr. Chairman, I have asked unanimous consent to insert into the RECORD at this point a table showing the actual cost of the paper and printing and the lost revenue for the period from July 1, 1933, to July 1, 1937—table III.

TABLE III.—*Departmental franking (not including Post Office Department)*

LOST REVENUE PLUS COST OF PAPER AND PRINTING FOR PERIOD FROM JULY 1, 1933, TO JULY 1, 1937

Lost revenue	$118,849,020
Cost of 348,670,523 pounds of paper, at 0.0695 cent per pound	24,232,601
Cost of printing 348,670,523 pounds of paper at 0.2133 cent per pound	74,371,422
Total lost revenue and cost of franking from July 1, 1933, to July 1, 1937	217,453,043
Annual cost	54,363,260

The Government Printing Office informs us that the average cost of paper they buy is .0695 cents per pound. Using those figures, the paper alone cost $24,232,601. The Printing Office purchased last year 88,414,682 pounds of paper, and the total cost of all printing by the Government Printing Office in 1936 was $18,756,268, or 0.2133 cents per pound. While some of the Department paper was mimeographed, the statement was made before a subcommittee of the Appropriations Committee recently that mimeographing is more expensive than printing because departmental labor is higher. Taking this method of computing the cost—and it is the only method I know of—of printing this 348,670,524 pounds of paper it cost the taxpayers another $74,371,422. Parenthetically, if anyone, either here or in the departments, knows of any better way of figuring this cost of printing, I would be pleased to have him place those figures in the RECORD.

The table shows the total amount of lost revenue, cost of printing, and cost of paper for the 4-year period from July 1, 1933, to July 1, 1937, to be the enormous sum of $217,453,042, or an annual cost of $54,363,260. In other words, 7,000 railroad carloads of free mail cost the taxpayers $217,000,000 in 4 years. This is almost three times as much as the lost revenue and cost for the similar service during the period from July 1, 1929, to July 1, 1933, or during the preceding Republican administration. Conceding that there is a legitimate increase due to new agencies and new departments, no increase of 300 percent can be justified by anyone. That there is an enormous amount of political franking and semipolitical franking by the departments in their work must be conceded. Allowing an increase of 100 percent over the cost of the last administration there would be approximately $72,000,000 that must be conceded either political or semipolitical franking. This amount equals nearly $3 for every Democratic vote cast in the last Presidential election. It is 10 times as large as the entire Republican campaign fund spent by the national committee during that election. In view of this $72,000,000 of political and semipolitical propaganda sent out to the public at large, it is amazing that the Republican Party was able to carry even Maine and Vermont.

Compare this with the 2.5 percent of the total amount of franking sent out by Members of Congress during the year 1936, to which Mr. Farley refers in his newspaper interview.

I listened closely to the wonderful praise given and the glowing tributes paid James A. Farley at the recent banquet given by the Democratic Party in his honor, and again at the big ovation that was tendered him at the $100-a-plate feast which was held 2 weeks ago. Much was said about the wonderful leadership of Chairman Farley in that campaign. I listened carefully, but in vain, to hear one word of praise for this wonderful contribution of $72,000,000 worth of political propaganda contributed by a Postmaster General, James A. Farley, at public expense, to Chairman James A. Farley, of the National Democratic Committee. And now Postmaster General James A. Farley has the colossal nerve to broadcast over the entire Nation, through the various news services, that the 1936 postal deficit was largely due to congressional franking. James A. Farley, the Postmaster General, should place the responsibility for the postal deficit upon James A. Farley, chairman of the Democratic National Committee. That is where it belongs. [Applause.]

Mr. GIFFORD. Mr. Chairman, will the gentleman yield for one question?

Mr. ENGEL. Yes.

Mr. GIFFORD. The gentleman talked about the cost of distribution in poundage, but did not talk about the value of that propaganda and remind us that it took a lot of it to send checks, did it not? [Laughter.]

Mr. ENGEL. I thank the gentleman.

Mr. CARTER. Mr. Chairman, I yield 25 minutes to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Chairman, the plan to enlarge the United States Supreme Court reaches deeply into the fundamental principles of the American system of government. The question should not be a partisan one. It transcends the importance of any political party or political considerations. Democrats, Republicans, Progressives, and Farm-Laborites have taken up the cudgel against the plan.

I am opposed to the proposal because, in my judgment, it is designed to make a political football out of that Court and avoid the orderly process of changing the Constitution by amendments.

I am in sympathy with any move to increase efficiency and expedite action in the Federal courts, but insofar as the Supreme Court is concerned, that tribunal is not behind on its docket and the records show that decisions are customarily handed down within 2 or 3 weeks.

Enlargement of the Supreme Court would simply mean more Judges participating in each decision and would not mean more decisions. Obviously the plan is not designed to speed up the Court.

HOW DOES THE AGE ARGUMENT FIT INTO THE PICTURE?

Being a young man, I naturally like to see young men taking an active part in the affairs of government. But neither youth nor advanced years can be used as exclusive yardsticks of a man's mentality, his capacity for work, or his usefulness.

The President himself has refuted the age argument by his own actions. In the first place, two members of the Cabinet are over 70.

Furthermore, the records of the United States Civil Service Commission show that the President has signed 103 Executive orders since 1933 exempting that number of civil employees—all past 70—from retirement.

The President, therefore, has no fears of age itself. This argument is merely used as a club with which to beat the Supreme Court.

Nine influential Members of the Senate already are past 70, and 12 Members of the House have attained that age. In the House five additional Members will pass 70 during the coming year. If a man of 70 is not equipped to interpret the law, as the "court kickers" contend, men of 70 certainly are not equipped to make the law.

No one can recall the decisions and services of John Marshall, of Mr. Justice Holmes, of Justice Brandeis, and successfully contend that age was the criterion of their viewpoints. Retirement at age of 70 would have deprived the Nation of 20 years of Justice Holmes' services; would have shortened the judicial career of Marshall by nearly one-third; would have cut Mr. Brandeis' judicial service in half.

Since presence on the Court of Justices past 70 does not, and apparently has not, impeded its work, this question would appear to have no genuine or material bearing upon the present controversy.

These facts prove that the elements of age and speeding up cases are removed from the question at hand.

The whole thing resolves itself into one perfectly plain question that need not be confused with fancy words or high-sounding phrases:

Shall the Supreme Court be turned into the personal organ of any President?

Senator LA FOLLETTE and others have clearly acknowledged the truth of this purpose. They make no bones about it now, although the same degree of frankness was not shown in the beginning. In answer to this question I say no. Personally, I do not believe that any President, whether he be Republican, Democrat, Socialist, or what-have-you, should be permitted to make our courts his servants. If the Nation wants one man, whoever it may be, to control the policy and action of all three branches of government, then why not simply eliminate Congress and the Court?

If one group can take political control of the Court now, there is nothing to stop another group from doing the same thing another time. The result is that the Court becomes a political football, to be kicked back and forth, and the country ceases to have an independent judiciary.

If this purpose is accomplished, confidence in the integrity of the law will be undermined, reaching and penalizing all the courts of the Nation.

POLITICAL FORCE OR ORDERLY GOVERNMENT?

When men in high places deliberately tear down confidence in our courts, when they sow seeds of distrust and disrespect, is it any wonder that the country reaps a harvest of lawlessness? Is it any wonder that we witness defiance of law and order?

And if we who make the laws close our eyes to the defiance and the truth of this statement, we must share the blame.

The entire American court system stands at the crossroads. Shall political force prevail—or orderly government?

Recent events are strengthening the determination of thinking citizens of the Nation to stand by their courts; to insist upon the rule of law rather than the rule of mobs.

In considering this court enlargement plan, may I suggest a couple of homely comparisons:

First. It would be like a football game for which a majority of the referees and umpires had been chosen with an advance understanding that they would render all their decisions in favor of one team.

Second. The American people frequently cry, "Kill the umpire", but when it is all said and done, they abide by his decisions. If they want to change the rules, they do it in the orderly way and not merely at the dictation of the pitcher on the mound or the quarterback on the field at the moment.

Third. Getting back to the courtroom, how fair do you think it would be if you had to enter a case in your local court in which the prosecutor had most of the jurors "in his pocket", so to speak?

IS THERE MERIT IN THE CLAIM THAT IT TAKES TOO LONG TO SECURE ACTION ON A CONSTITUTIONAL AMENDMENT?

Here again the answer is "no." It is not a long-drawn-out process, as some would have you believe, when the force of public opinion is behind the proposal. If the force of public opinion does not support the measure, then it can only be said that the will of the people has been expressed in keeping with our plan of democracy.

The contention that amendments take too long has been artfully developed upon the basis of the child-labor amendment. Let us face the facts. This amendment was originally considered and rejected by 35 States. Now it is being reconsidered. New York State has not yet approved it. Ohio did so but recently.

As the gentleman from New York said a few days ago:

In all, the Constitution has been amended 21 times thus far. The first 10, of course, were approved practically in one group. Counting all the 21 ratifications and grouping the first 10 in 1 unit, we find that the average time between submission and ratification is 1 year and 7 months.

The twenty-first amendment, repealing the prohibition amendment, was ratified within less than 10 months after submission to the people. The thirteenth amendment, which grew out of public issues raised by the Civil War, was approved in about the same amount of time. The seventeenth amendment, providing for direct election of United States Senators, was ratified within approximately 1 year; the women's suffrage amendment within less than 18 months; and the so-called "lame duck" amendment, proposed by Senator NORRIS, in 11 months.

The last five amendments have come within the present era of rapid communication, and each of them has been ratified in just about a year.

In view of these facts, just ask yourself if the talk of delay is a justifiable excuse for rejecting the method prescribed by the Constitution itself for the purpose of making it responsive to the requirements of the times and the people's needs.

If the President wants honest, orderly, well-considered court reform; if he is not aiming at political control—then he should submit the enlargement plan to the people in the orderly American way, by giving them a chance to act upon a constitutional amendment based upon logic and not upon emotion or purely political grounds.

The people themselves have set up the constitutional requirements of government, and to ignore them would mean disobedience to the rules they have made. If they want to change the rules, they have the right and the method for doing it through constitutional amendments—which, after all, simply means the people's right to govern themselves.

CAN THE LAST ELECTION BE LOOKED UPON AS THE MANDATE OF THE PEOPLE IN SUPPORT OF THIS MOVE TO ENLARGE THE COURT?

This question has been raised and may now be in the minds of many people. The answer is found in the platform upon which the Chief Executive ran. It pledged the use of constitutional amendments submitted to the people. It is likewise answered by the great galaxy of courageous Senators and Members of Congress who have loyally supported his policies and who now believe in them, but who also oppose this enlargement of the Court. It is answered again in the minds of millions of citizens who were convinced that nothing of this kind was in mind or would be attempted.

Many of them are now asking why the proposal was not brought out in the open then.

If the last election could in any way be interpreted as a mandate in favor of this Court proposal, there should certainly be no fear in submitting an amendment to the people.

In the last election the Nation accepted a 27-to-17 decision with sportsmanship and tranquillity. Had it been a 27-to-25 decision, the result would have been the same. There was no talk of a revolution, no wolf cries of "crisis", no wail about a split decision.

Recovery was proclaimed then. If the claim was true, why all this sudden need for haste; why all these vague threats of crisis?

If acting on a political basis, the opponents of the President should be the first to condemn the Supreme Court for declaring a closed season on the N. R. A. bird; they should be downright mad because the Court took Top Sergeant Johnson's punch-drunk parrot off the President's window sill.

ABOVE PARTISANSHIP

The talk of a mandate or of narrow partisan opposition is carried to a more conclusive point of absurdity when we stop to think of the great Democratic newspapers opposed to this Court proposal.

I myself have counted 72 of them in the last few days. The Plain Dealer, in Cleveland, Ohio, is a notable example. It has long been an effective supporter of New Deal legislation. No one can say that partisanship prompts its present effective and important opposition to the Court plan. The same thing can be said of Scripps-Howard papers, the New York Times, the Cincinnati Enquirer, the Brooklyn Eagle, the Birmingham (Ala.) Herald, the Galveston News, the Memphis Commercial, and hundreds of others all over the country. They supported the President's legislation; they oppose his Court plan with equal vigor and courage.

In its March 5 editorial, the Cleveland Plain Dealer says, the President—

Uses the figure of the three-horse team of the American system of government, which must "pull together" if the field is to be plowed.

To us it seems that one member of the three-horse team is conspiring with another member of the team to reduce the third horse to a position of complete subserviency. Two of the three want to do all the planning, going whither they will and when, while the third member is merely to go along where its teammates wish, whipped into complete submission.

Ohio has two Senators. They both belong to the same party. Senator BULKLEY favors the plan and Senator DONAHEY opposes it. Certainly no one could properly belittle Senator DONAHEY's position with a cry of partisanship.

Virtually upon its submission Senator BULKLEY endorsed the Court-control plan. Since then he has made a radio speech by which he sought to add to the fog around the issue, for nowhere in his discourse was there a paragraph which so clearly stated the real purpose of the proposal as did the two sentences of Senator LA FOLLETTE, when he said:

Of course the President's proposal will affect the decisions of the Supreme Court.

It was intended to do exactly that.

On the other hand, Senator DONAHEY stated his opposition to the plan in the following words:

This entire controversy vitally affects the judiciary, the coordinate branch of the Government, and should be referred to the people—the source of all political power.

The Supreme Court has not issued a prohibition against humane legislation. It has ruled that one Congress must resort to constitutional means of accomplishing these and any other purposes, the same as every other Congress has been required to do.

DELUGE OF DECEPTION

The deluge of deception which has characterized this movement from the beginning makes any thoughtful person question the motives behind it all.

According to recent arguments, one should believe the Supreme Court is responsible for the depression, the drought, the floods, the recent wave of influenza, and Aunt Sarah's corns. Maybe those of us in northern Ohio who are interested in the Cleveland baseball club have overlooked the possibility that the Court was responsible for the fact that the Indians failed to win the pennant in 1936.

Said Raymond Moley—and we all know who he is:

I should welcome the opportunity to speak to the man of whom we heard Thursday evening; to the man who, in the sweat of his brow, piles sandbags on the levee at Cairo. And, if I spoke to him, I would say that there is no evidence whatsoever that the Supreme Court has ever placed obstacles in the way of flood control. I would tell him, too, that there is no evidence whatsoever that the Supreme Court stands, or has stood, in the way of the efforts of the Federal Government to provide work for the unemployed, to protect home owners and farm owners from foreclosure, to guarantee the safety of bank deposits, to expand credit or restrict it, to protect the small investor on the stock exchange, to adjust the value and nature of the currency, or to do any one of many other things in the interest of the little fellow.

Only one important New Deal law—the Wagner Labor Relations Act—is now in danger in the courts. The administration apparently has a court-proof substitute for A. A. A. in the present soil-conservation law, which is adequate to deal with the Dust Bowl. The biggest project which the Supreme Court will not allow the New Deal is another N. R. A., and six new judges could not make that constitutional, for the Supreme Court was unanimous upon it.

PROTECTION OF HUMAN RIGHTS

The most terrible error of all, to my humble way of thinking, is the deliberate misrepresentation used to show that the Supreme Court is the device of privilege, of position, of wealth. If it were, I would be in favor of throwing it out the window entirely, not merely these halfway measures.

Instead, the protection which this tribunal has afforded to humble, deserving citizens, who had no other source of

protection, constitutes the main reason why I am willing to fight for its independence.

The safeguards of an independent judiciary are not simply the protection of one moment or one set of circumstances. They are the guaranties which, at all times and under all circumstances, preserve the rights of a people and keep a nation free.

Has this been true of the United States Supreme Court? Has it preserved the human rights of the great masses of our common people or has it been a tool of the mighty, scorning the plight and privileges of the humble citizen?

For the answers to these questions let us consider some of its decisions.

Take the Scottsboro case, for example. Local courts, State courts, and all along the line, those three obscure colored men were beaten. They had neither wealth nor power. And it remained for the United States Supreme Court to protect their rights. When they did this it was not only a decision for those three men but the guaranty of a free and fair trial to every colored person in the United States; and the same to any other citizen, regardless of class, creed, or race.

Time after time the Supreme Court has protected the legal rights of organized labor, including the right of strike and peaceful picketing. Mr. PETTENGILL, the gentleman from Indiana, cited these cases in detail in his eloquent radio broadcast last Saturday evening. He stated that the Supreme Court has decided 80 out of 100 of such cases in protection of labor.

Yet some of the leaders of this group are asking their followers to uphold the enlargement of the Court. Is it not significant that many of the foremost friends of labor legislation are vigorously opposed to the move?

The device of wrapping up this Supreme Court proposal in the same bundle with the aims of farm legislation or labor legislation seems a rather far cry from the true picture when you think of the fact that many of the men in the Senate and House who have carried the brunt of the fight for years in behalf of farm and labor legislation are among the most bitter opponents of the plan to control the Court.

Then let us take a look at the protection afforded to foreign-language groups.

In 1923 the Supreme Court declared unconstitutional an act of the State Legislature of Nebraska prohibiting the teaching of certain foreign languages in the schools. Every foreign-language group in the country should be interested in this decision.

In 14 cases involving denominational and private schools, the precious birthright of religious freedom in America, which belongs to all religious beliefs alike, has been preserved. This right was attacked in 22 different States. Attorneys representing every religious denomination helped fight for this protection in the Supreme Court. Another human right was saved for all citizens.

In 1924 the Supreme Court declared unconstitutional an Oregon statute requiring every child between 8 and 16 years of age to be sent to a public school. Speaking for the Court in this case, Mr. Justice McReynolds said, in part:

> We think it entirely plain that the act unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control.

In 1926 the Supreme Court ruled that a Federal officer cannot make a lawful search of a person's premises under a warrant invalid under the Federal law, even though it might comply with the State law.

The Supreme Court declared unconstitutional a Texas statute providing that "in no event shall a Negro be eligible to participate in a Democratic Party election."

The Supreme Court held unconstitutional a Minnesota statute which forbade creameries to buy cream at higher prices at one place than at another.

The Supreme Court held unconstitutional the Kansas Criminal Syndicalism Act and said that the act could not, in the absence of violence or crime, be applied against a person who sought to persuade people to become members of a branch of the Industrial Workers of the World.

The Supreme Court declared unconstitutional arrests and seizures without warrant made by New York State troopers.

The Supreme Court has ruled that a Negro on trial is entitled to have the jurors asked whether they have racial prejudice which might prevent the giving of a fair and impartial verdict.

The Supreme Court in the case coming up from Alabama ruled that it is unconstitutional for a person to be convicted of a criminal offense in a trial where he has been deprived of assistance of counsel. In another case coming up from Alabama the Supreme Court said the systematic exclusion of Negroes from grand jury and trial duty in cases of criminal action against Negroes constitutes a denial of the equal protection of the law.

PRINCES OF PRIVILEGE?

The people involved in these cases are not "Princes of Privilege" except insofar as the humblest American citizen is the "prince" of his own domain of freedom and liberty. In talking about threats against these privileges of the humblest kind of citizens, no one may say, "It can't happen here." These cases show it has happened here.

These examples are endless. More than a political doctrine is at stake. I do not accuse the President of having designs against any one of these rights, but I do say that one group may use authority wisely; another may intend to, yet fail; and still another may use exactly the same power with no good intentions and with results utterly disastrous.

If the Nation will permit the abandonment of the orderly processes of government and depend upon varying political and emotional winds to determine the legality of laws, we might easily find ourselves in a position where any law, the right of free speech, trial by jury, religious freedom, free assemblage—a piece of labor or farm legislation—was held operative one minute and inoperative the next, depending upon the changing swing of the moment. Any law now in existence or hitherto written would be menaced by such a condition. There will be no stability if the legality of legislation is left to these shifting winds of emotion and politics.

The issue today is to save the Nation from disrespect of courts and from one-man government—now or henceforth—no matter who that one man may be.

An independent judiciary, free from manipulation, free from political control, is the priceless safeguard of every American citizen against the encroachments of all groups at all times. My plea is, do not let down the bars. Keep the American court system independent from political control. [Applause.]

Mr. RABAUT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. LUCAS].

Mr. LUCAS. It is with interest that I have listened to the able address made by the distinguished gentleman from Ohio [Mr. WHITE] upon the President's proposal to reorganize the Federal judiciary. The gentleman prefaced his address by advising the House and the country that the proposed reorganization is an American issue and not a partisan one. In this declaratory and patriotic statement I heartily concur. And yet it is a curious thing to note that not a single Republican in the House of Representatives or in the Senate or any Republican of note throughout the Nation has endorsed the President's plan. And when one considers the subject matter from that angle, he may reach the conclusion that from the standpoint of Republican politics the question is partisan. This thought is corroborated by a number of letters and petitions that I have received through the mail from my constituents wherein local Republican politicians are leading the way in denouncing the President's judiciary program. It is a difficult thing for me to challenge the sincerity of one's motives upon any question, and yet, knowing some of the "dyed in the wool" reactionary Republicans in my own district who are moving heaven and earth to see that I am properly informed upon this question, I am constrained to conclude that these gentlemen are basing their conclusions solely upon the ground of partisan politics.

Let me advise my colleagues that I have not completed my research work upon the great problem before us. My mind is still open as to what is the best thing to do under present conditions and circumstances as they may affect the future state of the Union. At this juncture let me say firmly and from a heart chiseled with sincerity that my final decision upon the subject before us will be made in the interests of what I believe to be best for the future of my country. I proclaim here and now that the question of self, political expediency, and party or partisan loyalty shall be submerged in what I conceive to be for the best interests of this great Government of ours and the country of the future which I love and revere. [Applause.]

Mr. BACON. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, we are now discussing the appropriation bill for the State, Justice, Commerce, and Labor Departments; and I cannot help but commend the chairman of the subcommittee and the other members of the subcommittee for trying to hold down these various departments, even though the appropriation bill this year is $3,373,405 over that of last year. It is a difficult task for the Appropriation subcommittees to hold down Congress on its spending spree, because Congress makes the laws that require so much Federal spending; however, the Appropriation Committee can function greatly in holding down the departments by not granting the amount they ask for.

Mr. Chairman, I do not wish to spend my 15 minutes this afternoon in talking upon this bill. I have taken as my text this afternoon, "Spend less, tax more, or 'bust'!" In 15 minutes I could not do justice to that subject, so I am going to spend most of my time this afternoon upon the subject "Spend less." I was very much interested in hearing the gentleman from North Carolina [Mr. BULWINKLE] take the floor this afternoon and give you a résumé of the spending of this Government. Some more Democrats evidently want to know the answer to where are you going to get the money? It seems to be the desire and the idea of Members of Congress that all they are sent here for is to get money for their districts, and that the more money they can have spent in their districts will be the measure of determining whether they are good Congressmen or not, without regard to the welfare of the Nation as a whole. Sometimes it seems to me that Members of Congress fail to appreciate, as was suggested by the gentleman from Illinois a few minutes ago, that this is America, and I am an American first before I am a partisan; I do not care whether that means Democrat or Republican. The Members of Congress must now look to the things we are trying to do from the broad viewpoint of whether we are American citizens or are partisans, where one is doing something as a Member of Congress for his own district and that is all. God forbid that I shall ever stoop so low as to be only a Republican when the welfare of America is at stake, and I think we are today in the most critical period of American history.

Mr. Chairman, someone in this country of ours in public office is responsible for this great expenditure of funds. Who is the first man? He is the President of the United States. He is the first man who is responsible. In my judgment, who is the second man? The Speaker of the House is the second man. And in turn, who is the third man? The third man is the majority leader. They are the men who are responsible for keeping down Government expenses. Yet what have they done to curb expenses? Then we come down to the various chairmen of committees, who are spending these vast, fabulous sums. They are responsible for the laws that we are passing. Most of the chairmen come from the Southern States. They are the men who are responsible for what we are doing in Congress. Then you have a body at the other end of the Capitol called the Senate. They must assume their responsibility. A funny thing happened a few minutes ago. I was called to my office, and over there a wool salesman named Worthington, from Philadelphia, was showing me some wool. I said to this salesman, "There is somebody in this country who is pulling the wool over the eyes of the American people, and who is also pulling the wool over the eyes of the Congressmen. Who is that man? Who is the man that is responsible mostly for these enormous expenditures of funds?" When I get through with my quotations, judge for yourself who is pulling the wool over your eyes. I want to quote to you this afternoon from the man who is mostly responsible for the vast Government expenditures. First I quote from the Democratic platform, 1932:

> We advocate an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagances, to accomplish a saving of not less than 25 percent of the cost of the Federal Government.

The President of the United States said that he was for that platform 100 percent. That same President, Franklin D. Roosevelt, in his acceptance speech, July 2, 1932, made this statement:

> For 3 long years I have been going up and down this country preaching that government costs too much. I cannot stop the preaching.

Mr. Chairman, the President of the United States for the last 3 years has forgotten all about that statement. He has not said anything lately about reducing governmental expenses. In my judgment, all he thinks about is spending more, spending more. At least he has not tried to stop it; or he could if he wanted to.

Let me quote again from the President's speech of October 19, 1932:

> That (the Hoover spending), my friends, • • • is the most reckless and extravagant pace I have been able to discover in the statistical record of any peacetime government anywhere anytime.

I wonder if the President would recognize those remarks after seeing what he has done in the past 4 years? I am going to give you the figures, if I have time later, about his enormous spending spree.

I am going to quote from what the President said on July 2, 1932:

> I propose to you, my friends, that government be made solvent and that an example be set by the President of the United States.

Is there any man in the House of Representatives or in this country who thinks the President has set an example on economy? If there is, let him speak now. Let me quote again from President Roosevelt's message to Congress on March 10, 1933:

> For 3 long years the Federal Government has been on the road toward bankruptcy. With the utmost seriousness I point out to the Congress the proven effect of this fact upon our national economy. Too often in recent history liberal governments have been wrecked on the rocks of loose financial policy. We must avoid this danger.

I wonder if the President ever gives any thought to these statements that he made 4 years ago?

I want to say again with reference to this man who is most responsible for this Government spending, that in Franklin D. Roosevelt's inaugural address, March 4, 1933, he said:

> Through this program of action we address ourselves to putting our national house in order and making the income balance the outgo.

When the President looks at the Treasury statement today the statement just referred to seems like a big joke.

Talk about economy; talk about Government expenses. I want to say this will be the most extravagant Congress that this Nation has ever seen before you get through with it. This Seventy-fifth Congress, before you get through with the appropriations, will be the most extravagant Congress in the history of the Nation. The Seventy-fourth was appalling in its expenditures and the Seventy-fifth will surpass it, I am afraid, even with the bonus left in the appropriation of the Seventy-fourth Congress.

I again quote from Franklin D. Roosevelt's Budget message of January 3, 1934:

> Furthermore, the Government, during the balance of this calendar year 1934, should plan to build its 1936 expenditures, including recovery and relief, within the revenues expected within the fiscal year 1936. We should plan to have a definite balanced Budget by

the third year of recovery, and from that time on seek a continued reduction of the national debt.

I want to say to Mr. Roosevelt, in reference to those remarks, that should happen this year, but Mr. Roosevelt's Budget will be so unbalanced at the end of this year that it will be worse than any year in the history of Mr. Roosevelt's presidency up to this time. He just does not know what it is all about, and the public must advise him, because Congress does not seem to be able to. Congress is on a sit-down strike when it comes to economy in Government.

I do not want to condemn Mr. Roosevelt. I have not any desire to do so. He never did anything detrimental to me personally. I do not want to do anything detrimental to him personally, but I want him to assume the responsibility that is his. I would not do anything detrimental to him, but I want him, as Chief Executive, to come here and whip this Congress into line in economy in Government expenses, in consolidation of offices, which he promised the American people he would do. I want him to tell you to keep down these expenditures if you are going to keep this Government from being wrecked. Why is he so quiet on economy in Government, why the change in his attitude? He never has explained to the people.

I will read one more quotation from Mr. Roosevelt's address on November 4, 1932, in Brooklyn:

> The people of America demand a reduction of Federal expenditures. It can be accomplished not only by reducing the expenditures of existing department but it can be done by abolishing many useless commissions, bureaus, and functions, and it can be done by consolidating many activities of the Government.

Mr. Roosevelt had the power in his hands to reduce and consolidate these Government bureaus and commissions, but he did not do it; instead, he has established more bureaus than any three Presidents in the history of this Nation. No President has ever been so ruthless in the establishment of new bureaus and new organizations as the present President, although he condemned that very thing in the past administrations. Oh, it is easy to criticize; but it takes will power to carry out a principle that is worth while.

I want to show you what we are doing in our spending. In 1932 the Government spent $5,153,000,000. Then on June 30, 1934, the first full year of President Roosevelt's administration, we increased the expenditures over 1932 by 38 percent, or $7,105,000,000. At the end of 1935 we increased the expenditures over 1932 by 43 percent, or $7,375,000,000. At the end of 1936 Mr. Roosevelt increased the expenditures of this Government over 1932 over 72 percent. That is, over 1932, the very year he was condemning his predecessor in office, or $8,879,000,000.

Let me say to you Members of Congress, before you get through 1937 you will have spent more money than you did in 1936, and unless you change the course you are on now you will spend more money in 1938 than you did in 1937, because you are drafting that legislation right here in the House of Representatives at this time.

Do you propose to do it? Mr. Speaker, Mr. Majority Leader, Mr. Chairman of Appropriations, Mr. Chairman of Ways and Means, and other important committee chairmen, I advise you to go with caution. Stop, look, and listen.

Now, if you cannot understand what these annual figures mean, I shall give them to you by monthly averages. We spent in 1934 an average per month of $553,000,000. In 1935 the average expenditure per month was over $546,000,000. The average expenditures per month in 1936 were over $552,000,000; and the average per month expenditure in 1937 will be over $593,000,000. These are staggering sums, too staggering for the ordinary mind to realize. Do you Members of Congress understand them? From time to time I have given you Treasury statements. I now come to the Treasury statements for the month of February, and I hope you may understand and grasp the significance of the figures I am about to quote you. If the people responsible cannot understand the picture when it is presented one way, the next step to take is to present it to them in another way. You have not heard the President of the United States say that we are going to try to collect the debts owed us by foreign countries, amounting to over $22,000,000,000. Nor Congress has not insisted they pay their debts. Why not? You seem to have forgotten that item of national moment. You are now negotiating reciprocal-trade agreements by proxy to the President and Secretary of State, and the foreign countries are getting the advantage of this Government when it comes to closing up those agreements. Instead of improving our financial condition, we shall wake up some day to find that we are still further in the red. The foreign countries will get the advantage of America, and they are doing it. Protect American agriculture and American labor from cheap foreign-made goods.

I call your attention to the Federal Treasury statement of February 1, when the Federal Government was $4,851,000 in the red. That is, our receipts were less than our expenditures by these amounts. The Treasury statement of February 2 shows that the Federal Government was $8,735,000 in the red for that day. The Treasury statement for February 3 shows the Federal Government lost $12,263,000. The Treasury statement for February 4 shows that we were in the red $8,782,000. We see by the daily statement of February 5 that the Federal Government was in the red $12,590,000. Each day we spend more than we receive. How long can we keep it up?

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 3 additional minutes to the gentleman from Pennsylvania.

Mr. RICH. The Treasury statement for February 6 shows the Federal Government $7,248,000 in the red. On February 8 the Federal Government was in the red $14,779,000. On February 9 the Federal Government was in the red $8,649,000. On February 10 the Federal Government was in the red $2,716,000. On February 11 the Federal Government was in the red $7,562,000. On February 13 the Federal Government was in the red $4,808,000.

At no time to date in February do you find a day when the Federal Treasury was collecting more money than it spent. On February 15 they were in the red $17,000,000. And so it goes practically every day, you will find we spend more than we receive; this may be uninteresting, but, I ask you, Where are you going to get the money?

When I came to read the statements for March I felt that around the middle of the month, when the income-tax collections came in, that surely we would find days where the income exceeded the outgo, when we were collecting more money than we were spending; but when I looked at the statement of March 16, yesterday, and found that we were in the red $52,768,000 for that day I almost fell through the floor of my office. It is the most serious thing that we Members of Congress have to face, these enormous expenditures of the Government and the rate at which we are unbalancing our Budget; but my time is up and I have confined my remarks on this occasion to spending less. At some future time I hope to have an opportunity to show you that we must lay more taxes if we do not cut down the expenditures; but we must cut down the expenditures first. I will do my duty. Will you assume your responsibility?

[Applause.]

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman, some of my good friends in Congress, representing great dairying States, are very much concerned about what we are doing and just what we will do about going into the dairying business in the South. I mean on a scale that they believe would be injurious to these States that are now shipping into South Carolina and other cotton States. My good friend ANDRESEN, representing the State of Minnesota, takes up quite a lot of the time of the Agricultural Committee when we are considering farm legislation in trying to find out if, for instance, under the Soil Conservation Act whether or not this program tends to increase dairying in the South. My good friend, BOILEAU, representing the State of Wisconsin, a real daring State, and also a member of the Agricultural Committee, apparently is not worried about what we are doing or what we will do along this line,

stating that it just cannot be done in the South to the extent that it would be harmful to the dairy interest of the great dairying States of the Union. May I state that the only farm product that we cannot produce in the South is coffee. However, our people want to produce cotton and will continue to make cotton their major crop if only they are able to get a fair price for their cotton. During the past 16 years during my service in Congress, I have tried to get over to my good friends representing those States where their main crops are hogs, corn, wheat, and dairying, that they should join with us of the cotton States in our every effort in making the cotton farmers prosperous, for the reason it would enable our people to continue to stick to their cotton production and continue to buy from these other sections. We of the South have all along proven to be large buyers of those farm products grown in the West and Northwest—flour, meal and grits, hog products, butter and can milk, as well as horses and mules.

However, I want you to get this: Do not think for a moment that we cannot succeed in growing all of these products, including mules and horses. I have grown 35 bushels of wheat per acre on my farm. We have at this time in South Carolina some of the finest dairy herds to be found in any State. What about hogs? Listen to a few recent reports of shipments of hogs in South Carolina: Mr. Craven, county agent, Bamberg County, reports during January and February farmers shipped $53,233 worth of hogs. Mr. Massey, county agent, my home county, Orangeburg, states that four cars of hogs are being shipped today, and several more cars will be shipped in the next few days; Chesterfield County, March 15, the first carload of hogs ever to be shipped out of this county was shipped today to Richmond, Va. Kingstree, Williamsburg County, March 15, shipped the largest car of hogs today ever shipped by farmers from this county. Plans are to continue to ship each Monday. The papers of the various counties are carrying such information, which would indicate to you that our people can grow their hog products and to the extent of shipping to markets other than in South Carolina. This is also true with other cotton-producing States.

Without giving actual figures as to dairying and hog farming in my State, I am hoping that from what I have said on this subject I have made it clear that we can produce and compete with you along this line, especially to take care of the actual needs of the cotton States.

What I want to especially call to the attention of my friends and colleagues representing the West and Northwest is that you are only adding fuel to the fire when your State legislatures proceed to pass legislation denying any of the farm products of the South to be shipped into your States.

You remember two of us can play this game and, may I state, that this attitude on the part of your State to do this will tend to do two things: It will bring about the passage in the cotton States of legislation along the same line, and certainly it will cause our people to produce not only for the needs of the people of the South, but we can increase our shipments outside of the cotton States which will certainly interfere with your shipments to these outside markets where you now have no competition from the cotton States.

Let us see what sort of bill is now being considered before the Iowa General Assembly. I am quoting:

> Lard substitute shall mean any manufactured product containing not less than 90 percent animal fat by weight used as or in place of lard or corn oil except butter substitutes, which are now taxed.

I am quoting from the bill:

> There is hereby imposed • • • an inspection fee and excise tax of 5 cents upon each pound of any substitute for lard sold • • • or exposed for sale or given or delivered to a consumer, said fee to be paid to the secretary of agriculture prior to any such sale, gift, or delivery • • •.

The purpose of this bill, in fact, the purpose of all these bills would be to put such a high tax on cottonseed-oil shortenings that they would be driven out of the Iowa market and thereby force the people of Iowa and other States passing such legislation to use hog lard. As stated, I want to warn you, my good friends who so ably represent the great State of Iowa, as well as those representing other States, where the general assembly would be so short-sighted as to do such a foolish thing, that is, pass such legislation, that you should inform yourselves as to the large open and free market that you now have in the cotton States. May I state to you that the balance in trade in farm products between the Corn Belt and the dairying States, and that of the cotton South is overwhelmingly in favor of the Corn Belt and the dairying States?

Crisco and compound lard are made out of cottonseed oil, the purest of any and all types of shortenings. Millions of people today are using these products, including margarine, for the reason they are made out of pure vegetable oils, and for the further reason they are cheaper than hog lard and butter.

Why should either the Federal or a State Government tell any citizen what he should use as a table spread or a shortening? Taxing a legitimate product in order to increase the consumption of another is just one way of trying to dictate to consumers.

A tax on margarine is a tax on cottonseed, soybeans, and other crops, and a tax on beef cattle, sheep, and hogs.

I find that the old lobby representing selfish interests is working again, urging Congress and State legislatures to pass laws that will put an additional tax of from 5 to 20 cents a pound on shortenings other than hog lard and on margarine.

These are not bills for the purpose of raising revenue.

They are bills backed by the creamery interests and other State groups who, frankly, would like to see shortenings made out of vegetable oil and margarine taxed out of existence in order to increase the sale and price of butter and hog lard.

What is wrong with margarine?

Why should this food product be singled out for ruinous taxation?

I will give you the answer in a nutshell: Margarine's only crime is its great economy.

It sells for substantially less than butter.

I protest against this proposed taxation on the grounds it would be un-American and unfair.

Margarine is made from nutritious domestic vegetable fats that are produced from the crops of southern plantations.

It is a wholesome, economical food product that needs no defense.

It is used through preference, or necessity, in millions of American homes in both cities and on the farms.

It makes a delicious spread for bread.

Margarine is on my own table daily, therefore, I know what I am talking about. Thousands of people have been advised by their physicians to use margarine instead of butter.

Its food-energy content is measured at 3,400 calories to the pound, exactly the same caloric value as butter.

To tax wholesome margarine as a means of increasing the sale of butter would be as illogical as taxing apples to increase the sale of oranges; as taxing cotton to increase the use of wool.

And let me point out, the real burden of this tax would be borne by the people who can least afford to have their cost of living increased, the wage earners of America.

Finally, a tax of this character would result in depriving many persons in the low-income class of a wholesome and palatable spread for their bread.

This is another reason why I am for the President's Federal court program. During the 12 years I served under a Republican administration those of us interested in the under dog could not pass helpful legislation and if we did succeed in passing anything in the interest of farmers it was vetoed. Now, when we have a man in the White House interested in farmers, wage earners, and the masses of the people, and who has advocated the passing of legislation to help protect the great masses from the ravages of the selfish interests, the Supreme Court says, "You cannot do it."

Now comes this same selfish interest trying to put through legislation that would heap up an additional tax burden on that great class of people who are forced to buy cheaper shortenings and margarine so as to come within their ability to buy and so as to enjoy some type of spread on their bread.

I want my people in South Carolina and the people of the Cotton States to know just what is going on in the Corn Belt, the dairy States, as well as in Congress, so that they may be able to take same up with their Representatives in Congress, urging them to demand equal rights and fair play with every other section of our great country in the consideration of any legislation considered in the States as well as in the Congress of the United States.

Mr. McMILLAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Mississippi [Mr. FORD].

ADEQUATE FEDERAL PENSIONS FOR THOSE ABOVE THE AGE OF 60 YEARS

Mr. FORD of Mississippi. Mr. Chairman, the Members of the House of Representatives who are interested in old-age-pension legislation will recall the speeches I made 2 years ago, in which I predicted that under the Social Security Act then being proposed, and which was later adopted, many of the deserving old people in a number of the States would be left without assistance. This prediction was based on my knowledge of what would necessarily result from requiring the States to match Federal contributions dollar for dollar. I am sorry to report to you that my prediction, although disregarded when the legislation was being enacted, has proven true. I feel now as I felt on April 12, 1935, when I told you—

> I cannot agree that the several States should be required to match dollar for dollar with any funds furnished by the Federal Government for payment of old-age pension benefits. Many States are absolutely unable to furnish any funds at all for this purpose, thus preventing any aged, needy citizens from receiving help in those States, while citizens of other States are being granted assistance. It is my contention that the Federal Government should set a definite sum per person to be granted each State for all persons in that State above a certain age. If the State is able to furnish additional funds, it should be allowed to do so. If the Federal Government agrees to furnish a certain sum per month for every person over a certain age, then let it furnish that sum, without requiring that the State furnish an equal sum per person.

This statement is an assertion of my principles regarding old-age assistance, and I am glad to urge the enactment of those principles into the living law of the land for the benefit of the aged.

An amendment in line with this feeling was offered by me on April 18, 1935, and was rejected by the House because it apparently did not want the Federal Government to be guaranteeing a certain sum regardless of the amount the States were able to furnish as supplementary funds.

What do we see today as a result of the rejection of the amendment which I offered? According to the figures which I have before me and which were compiled by the Social Security Board, in the month of December 1936 the average amount given the recipient of old-age assistance in Mississippi was $3.92. Why is the sum so low? Because Mississippi is unable to match to a greater amount the funds which could be obtained from the Federal Government. Nine other States were paying less than $15 a month, which means that those States were able to put up less than $7.50 as their portion of the amount payable under the Social Security Act.

A number of the Members have introduced good bills at this session and if enacted into law would mean that the Federal Government would pay a pension to every person over the age of 60 years, regardless of what any State could or could not pay.

The matter is up to the Members of Congress. If we are to do equal justice to all of the people over 60 years of age, we must amend the present law so that the aged in the poor States will be put on an equality with those living in the rich States. The eyes of our older citizens are turned toward Washington prayerfully looking for relief that can only come as a result of affirmative action by Congress. We have started in the right direction, but we must finish right by giving a guaranteed Federal old-age pension of not less than $15 a month to all persons who can satisfactorily prove that they are above the age of 60. I repeat that it is up to us, and I plead with you to join with me and other interested Members in taking effective action at once to secure the necessary legislation along the lines I have indicated. [Applause.]

Mr. McMILLAN. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman, my purpose in coming before the House at this time—and if possible I shall use less than the 20 minutes—is to present to the attention of the Members the situation with respect to the fisheries industry in the United States. I appeared before the Committee on Appropriations asking certain amendments, and I wish to congratulate the committee upon its interest in the fisheries. While I feel that they have not gone as far as they should, or as far as I should like to have them go, they have certainly manifested an interest in this industry which is so sorely distressed.

But there are some material facts that ought to be considered by the Committee as a whole, and there will probably be some amendments I shall offer for the consideration of the Committee.

The commercial-fishery industry is in as great, if not greater, need of aid as agriculture. It is made up of individuals widely scattered, unorganized, and dependent upon the Government for guidance and assistance.

The fishery harvest is marketed fresh, frozen, dried, pickled, salted, smoked, canned, and in the form of by-products. About one-third, or a billion pounds, is marketed fresh or frozen and about two-thirds in other forms. When ready for market in the various forms, those commodities are worth annually about $250,000,000 to the wholesalers or manufacturers. By the time they are purchased by consumers, the value, largely because of waste and transportation charges, may be doubled or more. The investment in vessels, gear, shore property, and other equipment is close to $250,000,000, while the operating capital undoubtedly is around $150,000,000. This makes the fishing industry worth nearly $1,000,000,000 to the economic structure of the Nation. This industry is based on a great natural resource, and one which under a wise plan of conservation and husbandry has promise of yielding a sustained production for future generations.

On an average, the annual harvest of our commercial fisheries amounts to nearly 3,000,000,000 pounds of protein food and edible oils, and about one-half a billion pounds of products are used in the arts and industries. In 1929, the volume of the edible fishery products was a little less than one-third the annual production of pork in this country, about one-third that of beef, about three times that of veal, and about four times that of mutton and lamb.

The harvest is made up of about 160 varieties or species, although 12 of these varieties make up over 80 percent of the total volume. These are salmon, pilchard, haddock, sea herring, cod, tuna and tunalike fishes, shrimp, oysters, crabs, flounders, mackerel, and halibut.

The catch as landed decreased in value from $124,000,000 in 1929 to $77,000,000 in 1931.

I call particular attention to this, because if there is anybody in the United States who may occupy the status of the forgotten man, it is the fisherman.

The average earning of a fisherman in 1929 was about $1,000. In 1931 this was reduced to about $630. On the basis of returns for 1932 and 1933, the average earnings per fisherman will be still less than in 1931. When economic conditions within the fishing industry become unbalanced, as they are at present, they are felt in every corner of the entire country, not only by the industry itself but by many others which depend upon it for a livelihood in whole or in part.

The canning of fish depends on other industries for its supplies and furnishes them markets for their goods. Statistics are lacking to show the entire picture. New agents are needed to make annual statistical canvasses of the fisheries of the United States. At present some sections are canvassed only on a biennial basis. In New England a statistical canvass was made for 1933 and the next for 1935. In the South Atlantic the Bureau canvassed the fisheries for the year 1934 and are now making a canvass for 1936.

These statistics should be obtained annually and should cover the catch of fish, the value of the catch, the methods of capture, the number of fishermen employed, the number of persons employed in fishery manufacturing plants, the output of manufacturing plants, and the wages and salaries paid to the employees in manufacturing plants. This information is of value to determine the relative abundance of the fish population and for economic purposes, in that the figures can be used by the industry in conducting business operations.

These statistics should cover prices paid fishermen, cost of marketing prices to consumers, marketing data, and other needed information to secure a better price to the fishermen themselves.

The true picture can never be obtained by present methods. It is necessary to collect data on an annual basis, for the year missed may be either a good year or a poor year, and if so, a basis is not obtained for accurate conclusions.

AID GRANTED IN OTHER COUNTRIES TO THEIR FISHERMEN

In England there is a herring board to promote the orderly marketing of herring.

Norway aids its canned-sardine packers in securing export markets for their products.

Germany has a fleet of mobile kitchens mounted on motor trucks with which cookery demonstrations are held throughout the country.

Russia conducts economic fishery research in all of its phases.

Italy studies organizations for trading in fish.

Japan carries on extensive studies of the production, processing, and merchandising of fish.

There was submitted to the Senate in 1936 a report prepared by the United States Tariff Commission covering the subject of subsidies and bounties to fisheries enterprises by foreign governments. It is known as No. 116, Second Series. I commend its study to all who are interested in this subject or who fail to realize the need for the United States to do more in aid of its fisheries and to adopt some definite, well-planned policy. The study is comprehensive, and I shall undertake here only a brief summary of its findings.

This report shows that in all foreign countries the recipients of the various kinds of direct assistance are almost exclusively individual fishermen or fishermen's organizations.

In Japan direct assistance is practically confined to fishermen's associations or to owners of vessels.

Fishing bounties, in contrast to bounties on exports, are paid on various bases in different countries. Governmental grants for vessel construction, for the repair of old vessels, for the erection of freezing establishments, and for fish-meal manufacture represent a certain percentage of the expense involved in these undertakings. In other words, the government pays part of the cost. According to available information, these grants usually range from 15 to 75 percent of expenses. The grants are more flexible in Japan, where in certain cases they may cover total costs. The grant is usually paid in a lump sum, provided the prerequisites are complied with; in other cases the payment is spread over a number of years.

Fishery bounties are paid by the government in Canada, Germany, and Japan.

A bounty on exports is paid in four countries—namely, France, the Irish Free State, Italy, and Newfoundland.

Governmental aid is granted for the construction of new fishing vessels in Germany, Japan, and Newfoundland. Cold-storage facilities are subsidized in Canada, Japan, and Norway. In Japan, miscellaneous direct aid consists largely of grants to various activities if undertaken by fishermen's cooperatives.

Loans to fishermen from public funds are made in Canada, France, Germany, Iceland, the Irish Free State, Italy, the Netherlands, Newfoundland, Norway, Portugal, and the United Kingdom. Furthermore, in Canada, Norway, and the United Kingdom the Government guarantees the funds obtained from private sources by the lending governmental agency for the purpose of refunding them to fishermen.

In Denmark the Government assists the fishermen in obtaining loans from private sources and guarantees the loan.

Activities designed to stimulate the home market for fish products are carried on by governmental agencies with public funds in Canada, Denmark, France, Germany, and Japan.

In Canada, France, and Japan methods of preparation are demonstrated and exhibits are held in order to promote the domestic consumption of fishery products; in Denmark and Japan advertising and other means of publicity are used.

Fishermen or fishery products enjoy the benefit of reduced rates of transportation in Canada, Germany, and Newfoundland. In Canada and Germany the preferential rates apply to fishery products; in Newfoundland to fishermen.

In Canada preferential transportation is extended in the form of certain fish-collection services carried on entirely at Government expense; in Germany the preferential rates on fish are from 20 to 45 percent below the regular freight rates. In Newfoundland fishermen traveling to fishing operations are granted reductions ranging from 50 to 86 percent of the regular passenger rates.

Exemptions of fisheries from certain duties or taxes exist in 6 of the 15 foreign countries investigated—namely, Canada, Italy, Japan, Mexico, Newfoundland, and the United Kingdom.

In Canada fishery products and materials used in fisheries are exempt from the general sales tax, and a number of imported commodities used in fisheries are afforded preferential duties. In Italy fishing vessels are exempt from taxation, and fishing establishments from certain taxes.

In Japan there is exemption from duty on imported mineral oil if used in fisheries operations.

In Mexico fishery vessels are exempt from vessel dues. Imports of ice to be used in fisheries enter duty free.

In Canada and Newfoundland a number of commodities used in fisheries enter duty free. In the United Kingdom the duty on imported hydrocarbon oils is remitted in full if the oils are used in fishery vessels.

There are other aids and benefits too numerous to be specified here, but it may be said that miscellaneous indirect bounties and subsidies exist in Italy, Japan, Mexico, Newfoundland, and Norway. In Italy such aid consists of prize contests held in connection with fisheries activities; in Japan it is represented by inspection of exports carried on entirely by the Government and by regional assistance; in Mexico it is extended in the form of occasional grants to cooperatives.

Governmental aid designed to improve conditions in fisheries is known to have been given in 14 of the foreign countries studied. Facilitation services consisted chiefly of, first, research and investigations; second, fish propagation and conservation; third, provisions for port facilities; and, fourth, other services.

Research investigations are probably carried on in every fish-producing country. Fish propagation and conservation are known to exist in Canada, Denmark, France, Germany, the Irish Free State, Japan, the Netherlands, Norway, and the United Kingdom.

Most, if not all, of the countries studied provide for port facilities for fisheries enterprises. Other types of facilitation are found in Canada, Denmark, Germany, the Irish Free State, Japan, Mexico, the Netherlands, Norway, and Portugal. They vary from compulsory cartel schemes in Germany and Portugal to technical education given to fishermen in Canada and Denmark. In a number of countries this type of aid is extended through cooperative bodies of fishermen.

The bulk of the governmental aid is granted in the form of indirect bounties and subsidies, such as government loans or guaranties of loans to fishermen or fisheries enterprises, and especially in the form of other governmental aid; that is, expenditures for facilitation services, such as research, fish propagation and protection, and for carrying on the administrative functions of fisheries bureaus or departments.

A few years ago, I think it was in 1934, there was passed by this House a bill to provide for a research vessel. It was not stipulated it was to be used in either the Atlantic

or Pacific, but it could be used wherever needed. A very comprehensive report was filed by the committee. It was deemed by the committee to be of the utmost importance that there should be a research vessel that should study the condition of the fisheries in the ocean. That bill was approved by the President. No appropriations whatsoever have been made.

One of the amendments which I propose to offer is an amendment to start that fishery research vessel. The information that was submitted to this House at the time that bill was passed was that there were such research vessels in every fishing nation in the world. These other nations are studying their fishery problems. Mr. Chairman, we are going to be confronted at no late date, in my opinion, with the necessity of an international conference dealing with the fisheries of the world. The reason I say that is because today the economic method of converting the fisheries seems to be that which obtains in the Pacific Ocean; that is, the sending out of cannery vessels with the conversion plants on board. They have a mother vessel or manufacturing vessel, and it is accompanied by many supply boats which go out and catch the fish. The fish are brought on board and converted into oil or meal or canned or otherwise processed.

Last year a very serious question was raised as to the depletion of the pilchard industry of the Pacific Ocean. The salmon industry is similarly affected. On the Atlantic coast an increasing number of trawlers are sweeping the seas. When we enter into an international conference, as we may sooner or later, and begin a discussion of the fisheries of the world, we need to have definite, scientific information with which our delegates to that convention may be armed for the protection of our own country. In addition we need the information for our own guidance and the protection of our own waters.

Mr. BACON. Will the gentleman yield?

Mr. BLAND. I yield to the gentleman from New York.

Mr. BACON. I am very much interested in what the gentleman is saying and am in entire accord with the purpose of his remarks, but I do not want this committee left with the impression it is the fault of the Appropriations Committee.

Mr. BLAND. Not at all. I am not making that charge.

Mr. BACON. It is not the fault of the Appropriations Committee the appropriation has not been made.

Mr. BLAND. If there is anything in the remarks I have made which seems to reflect on the committee in that respect, I wish it to be distinctly understood I am not criticizing that committee. I prefaced my remarks with the statement this committee had been generous. I believe that if an estimate had come up from the Bureau of the Budget for this item it would have received the favorable consideration of this committee. The committee is not at fault.

Mr. COLDEN. Will the gentleman yield?

Mr. BLAND. I yield to the gentleman from California.

Mr. COLDEN. In reference to the research vessel on the Atlantic coast, the chairman of the Merchant Marine and Fisheries Committee, of course, remembers that we passed a similar bill for the Pacific coast, and it was vetoed by the President. In the veto message the President stated a cutter or some naval vessel could be converted into such a ship. Does the chairman believe that is practical?

Mr. BLAND. That matter was gone into by the committee at the time the study was made of the first vessel. The bill was reported out and passed. The information presented to the committee at that time, was it required a special type of vessel in order to make the studies that were needed and that there were no such vessels available.

This was the study made at that time.

There is another matter I wish to bring to the attention of the committee. I have referred here to the need of statistics. In the last Congress we passed a bill, the number of which I have forgotten, which met with a Presidential veto. The veto was based largely upon the fact we had made provision for fish in the Department of Agriculture appropriation bill, and, besides, there was no need for legislative authority.

I am not criticizing the veto. While it did say aid was being provided in the Department of Agriculture appropriation bill, upon a subsequent investigation it was discovered the only provision which was made with respect to fish in that appropriation bill was to secure information as to the quantity of frozen fish on the market. These statistics are being obtained, are being given to the Bureau of Fisheries, and are being distributed.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield 5 additional minutes to the gentleman from Virginia.

Mr. BLAND. But that is an infinitesimal part of the information needed. The bill provided for other things. It provided for a statistical study of the fisheries throughout the United States, and made provision so that those figures could be secured annually.

The bill also provided an extension service similar to that which is being granted for agriculture. This information should be secured and sent out to the fishermen.

We reported out of this committee a few years ago a bill for the organization of cooperatives. Some fishermen have taken advantage of this legislation, but they are disorganized, they are not united. They need instruction, advice, and assistance. It is an obligation of the Federal Government to teach these people the advantages of cooperative associations. The Government did that for farmers and it should do as much for fishermen.

We also provided an extension service which would carry to the fisherman the news as to markets in the United States, so that from the information given out daily he would know what market was glutted, where a famine existed, and so determine the market to which he could best ship his fish with reasonable prospect of a fair price. This service would advise as to prices in the different markets. This information should be sent to different centers of production throughout the United States.

The fisherman, in whom I am satisfied you are interested, and in whom I am interested, is the man who goes out and catches the fish, the man who has fish to sell which he has himself caught. We are interested in all other problems of the fisheries, but primarily the fisherman who, above all, needs protection. We desire the information to go to him as to the prices at consuming centers so that he may not be at the mercy of those who purchase his fish when he has no information by which he can determine whether the price offered him is a fair price or is too low.

Very recently, in the section of the country from which I come, I noticed that some of the fishermen declined to go out for the catch of shad because the price was so low. Such a service as this would have been of immeasurable benefit to these people in showing them what the conditions were at all consuming centers of the United States.

At the appropriate time I shall offer amendments to this bill, but my purpose now is to bring this matter before you. We have started a fight in the committee of which I am chairman, and we do not propose to give it up until we have been able to secure for the fishermen of this country the benefits to which he is entitled and which are no more than have been accorded farmers and other classes of industry. He has been unable to get far because of his lack of organization, but he is learning to organize. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. Chairman, on Friday the gentleman from Michigan [Mr. HOFFMAN], in referring to the situation in Detroit, referred to the situation in Anderson, Ind., with, as I understood it, the statement the Governor of Indiana called out the troops for the sit-down strike.

The situation in the matter of the sit-down strike at Anderson did not occasion the calling out of the troops. So far as the sit-down strike at Anderson was concerned, it was handled by the local courts, because we in Indiana believe in handling our own troubles locally.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. In a moment when I finish.

Mr. HOFFMAN. Yes; but the other day when the gentleman said "in a moment", the gentleman did not yield. Is the gentleman going to yield in a moment?

Mr. GRISWOLD. I decline to yield, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRISWOLD. The facts are these——

Mr. HOFFMAN. Mr. Chairman——

Mr. GRISWOLD. I decline to yield, Mr. Chairman, and I resent the interruption.

Mr. HOFFMAN. I apologize most humbly.

Mr. GRISWOLD. There was trouble there between a citizen and some people engaged in a labor dispute. At that time the National Guard was called, not because of the sit-down strike situation but because this citizen fired a shotgun into a group of some 19 other citizens of the State.

Thereafter certain people, whom we assume were citizens of Michigan, entered the State of Indiana from Michigan, 31 automobiles containing 149 people. They came down the national highway, insisting on going into Anderson, where these labor difficulties were going on. These people were met by the State highway police and some officers of the militia, the State National Guard, who refused to let them go on into Anderson. They were stopped at Alexandria, a few miles from Anderson, where they insisted on blocking traffic, conducting a sit-down strike on the highway.

The Governor of the State of Indiana advised the officers of the Guard and the highway patrol to send them back. These people said they did not have gasoline to take them back, and therefore they were conducting a sit-down strike there. The Governor of Indiana, through the officers of the State National Guard, informed them that Indiana took care of all its destitute and that it had money to take care of the destitute of other States long enough to get them out. The automobiles were then run into a filling station at Alexandria, the gasoline tanks filled with 155 gallons of gasoline at a cost of $31 to the State of Indiana, and the people were sent back to Michigan.

I state this in order that the House may know the true facts with regard to the matter to which the gentleman from Michigan referred.

The Governor of Indiana acted with wisdom and dispatch. His action and his understanding of the problem prevented bloodshed in Madison County. He did not attempt to settle the property rights of the disputants. The State of Indiana has laws governing the possession of property and eviction therefrom, which laws are enforceable by the courts; and the Governor did not attempt to ursurp this right with military authority. Had the necessity arisen to use the guard to maintain peace and the authority of the courts I have no doubt but that Governor Townsend would have been equal to the occasion. He did not ask the Federal Government to send in assistance. It was not a Federal matter. Neither side had submitted its case to the Labor Relations Board under the Wagner Act. It was entirely a local matter, and the people of Indiana believe in local self-government. When the State has troubles within its borders it has a Governor big enough to cope with its troubles. Michigan should handle her troubles without assistance from outside.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield now.

Mr. HOFFMAN. Does the gentleman claim I misstated anything the other day; and if so, what was it?

Mr. GRISWOLD. My understanding of the gentleman's statement is that the National Guard was called out because of the sit-down strike. So far as the sit-down strike in the lamp plant at Anderson is concerned, it was handled by the courts, and the courts are still handling it. I think some 20 or so citizens, I am not sure of the number, many were people from outside the State, have been indicted. They were put in jail. Some of them are now out on bond or, perhaps, all of them are out on bond, but the court is handling the local labor situation in the State of Indiana, protecting the property rights of Indiana citizens, and bloodshed has been prevented. [Applause.]

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, does the gentleman say there was not martial law at Anderson?

Mr. GRISWOLD. No.

Mr. HOFFMAN. There was, was there not?

Mr. GRISWOLD. There was in the county.

Mr. HOFFMAN. I will continue, Mr. Chairman. During the time of that disturbance there was martial law in Indiana, in that county, and the troops of Indiana met this motor cavalcade from Michigan, as the gentleman from Indiana [Mr. GRISWOLD] has stated, and turned them back at the county line. The State bought gas and you sent them back from whence they came; that is, you sent back those who were not arrested for their attempt to wreck a restaurant at Anderson.

Nineteen of them, who had gone down prior to the trip of the main body, attempted to storm a restaurant. They were met by the owner and his shotgun and they were repulsed. Nineteen of them were arrested by the military authorities, thrown into jail, later indicted by an Indiana grand jury, and turned over to the civil authorities for prosecution, and they will be, if they have not been, prosecuted in the Indiana court.

The course of your Governor was in accord with law. His conduct upheld the law of your State. It protected the right of your citizens under the Constitution of the United States and of your State. His conduct was in every way commendable, as was the conduct of your local officers.

I do want to congratulate the gentleman who comes from a State where the Governor has courage enough and is honest enough to keep his oath of office, enforce the laws of the State, and to guarantee to the citizens of the State the rights given to them under the Constitution.

It is my firm belief that, had the Governor of Michigan acted as did the Governor of Indiana and the Governor of Connecticut, upheld the hands of the court and of the civil authorities, this epidemic of sit-down strikes would have been prevented and bloodshed would have been avoided.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Of those 19, as I recall, none was a resident of Indiana. Am I right about that?

Mr. GRISWOLD. I could not say.

Mr. HOFFMAN. And but few, if any, were citizens of Michigan, although they had gone through Flint—had staged a strike there.

The point I was trying to make the other day was that if our President, instead of remaining silent on this subject, would tell his hired man, Murphy, and this lady down here who is running, or pretending to run, the Labor Department, to tell these "sit-downers" to get out, or if they had told them that at Flint when they first came there, we would not have had this trouble; but when you have a situation such as we had last week in Michigan with the Governor of our State giving the strikers encouragement, you cannot expect to settle a strike.

Mr. GRISWOLD and Mr. DINGELL rose.

The CHAIRMAN. Does the gentleman from Michigan yield; and if so, to whom?

Mr. HOFFMAN. I yield to the gentleman from Indiana.

Mr. GRISWOLD. The point I am trying to bring to the attention of the gentleman from Michigan is that so far as we are concerned in Indiana, and so far as the Governor of Indiana is concerned, we are not asking for any Federal assistance in labor disputes in Indiana.

Mr. HOFFMAN. That is fine.

Mr. GRISWOLD. We will take care of them ourselves in Indiana and I am pleased that the gentleman congratulates my Governor on that.

Mr. HOFFMAN. Sure, I do, and again I want to congratulate the gentleman on the attitude of his Governor in upholding the right of the men to work, in protecting them against nonresident armed men who would have kidnaped their factories and deprived them of their jobs. I wish the President, as long as he was picking Governors, had picked one for Michigan with equal courage and respect for the law and the rights of our citizens. [Applause.]

Mr. BACON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

THE ADMINISTRATION'S FISCAL POLICY

Mr. TREADWAY. Mr. Chairman, I have been wondering recently whether or not high officials in the administration have not got their wires crossed a little bit on financial matters. I recall a short time before Congress opened, the leaders of the Ways and Means Committee of the House and the Finance Committee of the Senate were sent for and interviewed at the White House, and following this interview the announcement was broadcast there would be no taxes during this session of Congress and no need for such taxes.

This announcement was made to the world, and a week ago today we were confronted with another announcement from an administration source that we must have more taxes at once in order to balance the Budget now. That "now", of course, Mr. Chairman, is getting to be quite a favorite word in the administration, but the definition of it is hard to understand. The Budget has been "balanced" in that same way for several years; in fact, almost since the beginning of the present administration, when in just a "very short time" the Budget was going to be balanced.

The Governor of the Federal Reserve Board, Mr. Eccles, now comes out with the statement that we must balance the Budget in order to prevent inflation. I wonder how this is going to be done. No explanation has been given, unless it may be that certain taxes are going to be increased. I am in thorough accord for once with the position of the Democratic Party that we ought to balance the Budget, but I would like to see more action and less talk about it.

But I defy Mr. Eccles or any other advocate of making both sides of the ledger meet, to balance the Budget at the present level of expenditures without confiscating the property of the citizens of this country. Taxes have already reached almost the breaking point. Mr. Eccles' statement said there were certain sources of revenue that could be increased. If you increase the income tax and the estate tax, as he advocates, you will practically take over the property, since the present maximum rates of these levies are 79 percent and 70 percent, respectively. That is all right, if that is the way you want to do it.

When it is stated that we are going to balance the Budget very soon by taxation, how does that statement bear with the newspaper item I hold in my hand that today, and every day, we are spending, according to the official report, $7,935,006 more than our daily income. It is going to be a very difficult problem to balance the Budget when you are daily spending nearly $8,000,000 more than you receive. That is just a juggling of arithmetic that I did not learn in my early elementary education, and I do not think any Democratic official learned it either.

Why bluff the people with what you are going to do and cannot do. There is only one way of eventually balancing the Budget, and that is to reduce the items of expenditure. That can be done and that should be done, but for one I do not see any indication of the majority party or the administration endeavoring to do it. If they can fool the people that they are going to balance the Budget now, in view of the facts that are actually before the people, they have my best wishes in that effort.

I wonder whether Mr. Eccles was putting up a trial balloon on this question of balancing the Budget with new taxation. In view of the statement made officially last autumn that there would be no tax bill during this session of Congress, he now puts up a balloon advocating taxation. Which are we to believe? The statement of the distinguished chairman of the Ways and Means Committee after a White House interview that there would be no new tax bill this year, or the statement of Mr. Eccles last week that we must have more taxes? It looks to me as though it is a come-and-go proposition—heads I win and tails you lose. In other words, a tax bill every day looms nearer.

Who are paying the taxes today? A man's name does not have to be on the income-tax list to have him pay taxes. The worst taxes that we have are the hidden ones. Let any man on a salary, a clerk in a store on an ordinary weekly pay, tell you what part is left at the end of the week from his household budget now, in comparison with what it was 2 years or 5 years ago, so far as the price of staples and necessities are concerned. There is the taxation. And the moment you try to raise your taxes today, it is the average man and the woman who will pay the bill, whether their name is on the income-tax roll or not. They not only pay taxes directly, but also in the increased cost of what they buy. It is a terrible situation that we face, and it is due in very large measure to the extravagance of the present administration. Let us put the blame where it belongs. Unless more economy is shown in the next 3 years than has been shown in the past, what do we face at the end of this administration?

There has been absolutely no economy so far, as is shown in the following table of expenditures under the present administration:

Federal expenditures, 1933–38

1933	$5,143,000,000
1934	7,105,000,000
1935	7,376,000,000
1936	8,880,000,000
1937 (Budget estimate)	[1] 8,481,000,000
1938 (Budget estimate)	[1] 7,695,000,000

[1] Does not include items not included in Budget.

I could go on indefinitely referring to the present financial condition of the country, but everyone is familiar with the situation. I am glad to find that even some of the officials of the Government are at last becoming "Budget conscious." The people long since have become "tax conscious", and if those in authority in the country today will become Budget conscious it may in the end result in a reduction of governmental expenditures in such a bill as we are considering here this afternoon.

I think in all fairness it can well be said that the members of the subcomittee that is handling this bill today, the able chairman of the subcommittee, Mr. McMILLAN, and his associate on the minority side, Mr. BACON, are doing their utmost conscientiously to reduce the expenses of Government so far as this bill is concerned, and I wish the example that the gentleman from South Carolina is setting his party associates would be followed. Unfortunately it has not been. Instead of the Budget being balanced downward, as it should be, if it is balanced at all, it will have to be balanced upward by levying more and more taxes on the everyday men and women of the country. I, for one, believe in economy in government, and it is certainly time that that economy is not only preached but practiced by those in authority.

Mr. Chairman, in his radio "fireside chat" a short time ago the President said that he had a great ambition.

I, too, have a great ambition, Mr. Chairman. I want to live to see the day when the President carries out his solemn promise, made over 4 years ago and which he has since repeated many times, that he would balance the Budget—now. And when it is balanced I want to see it done, not by increasing taxes on the masses, who cannot afford to pay them, but by reducing expenditures through the elimination of waste and extravagance.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Chairman, I appeal to this House of Representatives and to the Congress to keep faith with American mothers, American parents, and American womanhood. I am appealing to this House of Representatives and the Congress to prevent heartaches of unnamed parents whose children will be kidnaped and murdered in days to come. I am making this appeal on behalf of the Department of Justice appropriation, particularly that appropriation dealing with the Federal Bureau of Investigation, which is conducted under the most able and efficient direction of J. Edgar Hoover and his marvelous G-men and every member of the staff and every member of that great organization.

American women and especially mothers are demanding that this Congress give Attorney General Cummings and Mr. J. Edgar Hoover all the money and all of the men that they deem necessary in order to stamp out, for all

times to come, kidnaping, white slavery, extortion, bank robbery, and other crimes, which have created so much suffering in recent years. If this House of Representatives refuses to appropriate the amount of money which Mr. J. Edgar Hoover originally requested and which he deems necessary and required for the efficient operation of the Federal Bureau of Investigation, then this House of Representatives and the Congress must stand responsible for any increase in kidnaping, white slavery, extortion, and other crimes.

The Federal Bureau of Investigation only has 630 G-men to cover the 48 States, serving 130,000,000 people. Just think of that, my dear colleagues. Over 7,000 unassigned cases are awaiting investigation on account of the lack of personnel. In the year 1936 the Federal Bureau of Investigation secured convictions in 94 percent of all the cases investigated. The Federal Bureau of Investigation saved the Government in fines over $7 for every dollar spent by the taxpayers in the Federal Bureau of Investigation. The Federal Bureau of Investigation investigated over 80 kidnaping cases, and every one has been solved with the exception of the Mattson case at Tacoma, Wash., which I am sure will be solved if this Congress does not hamper the Federal Bureau of Investigation by refusing to give that most efficient organization the money which it requires.

J. Edgar Hoover and the Federal Bureau of Investigation have requested, and need and must have, not less than $337,160 for additional field special agents. The special committee of this House of Representatives and the Budget committee refuse to allow this amount. This amount is needed for salaries and expenses. This Congress has appropriated billions of dollars, none of which is as important as the $337,160 which is needed for G-men to protect your homes and my home and the children of America from kidnaping and millions of young girls and women from the horrors of white slavery. Do we want the Nation to accuse this Congress of being penny-wise and pound-foolish? Let us give the Federal Bureau of Investigation this money and let them put on duty the G-men they think are necessary, not the number of men the Budget Bureau thinks are necessary.

After the famous Lindbergh kidnaping case Americans felt that kidnapers would never attempt their nefarious efforts again. We were mistaken. The heart-broken fathers and mothers, parents of kidnaped children, are mute testimony to this fact.

As a mother and as a Member of Congress, I appeal to you, my colleagues, to make available to Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, the full amount of money he needs. I speak in the name of American womanhood, who are demanding that kidnaping and white slavery be stamped out. It will be stamped out if the Congress will furnish the financial support J. Edgar Hoover and his organization needs. But if this House of Representatives adopts a penny-wise and pound-foolish procedure, and skimps and curtails the funds of this most important Bureau in Federal service, we will be indirectly helping kidnapers and white slavers who fear the properly financed activities of the Federal Bureau of Investigation.

I am sure that your constituents, parents, women, churches, women's organizations, and business organizations, will applaud and praise you if you will heed my plea and place back in the appropriation the full amount requested by Mr. Hoover.

This Congress has appropriated billions of dollars for many purposes, and I do not know of any purpose where a few hundred thousand dollars could be spent to a better advantage, which would provide more peace of mind to the parents and general citizenship, than by giving these few extra hundreds of thousands of dollars which Mr. J. Edgar Hoover has stated he needs and which the Budget officials have, in the name of economy, and which I brand as false economy, removed. Let us not break faith with the mothers and fathers of America. Kidnaping and white slavery must be abolished.

Your favorable vote today for the extra money needed by the Federal Bureau of Investigation will mark the first steps, and I appeal to you for your active interest and vigorous support. [Applause.]

Mr. BACON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Chairman, billions of dollars have been expended in recent years to bring about better conditions in the agricultural industry. Curiously enough, nothing has been done in behalf of the poultry raisers, whose plight has been just as serious as other branches of agriculture assisted, and who in numbers rank second. Indeed, it can be truthfully stated the poultry industry has actually been penalized by the legislation enacted and the efforts of the administration to aid other classes.

The men and women engaged in the poultry industry are sympathetic with the needs of the producers of corn and grains. It is realized if these growers are prosperous the entire country is benefited. They do maintain, however, that no administration has a right by legislation to bring ruin and disaster to one large group of our people in an effort to aid another group. By all means help the producer of grain, but not at the cost of ruin to the larger poultry group. Surely there must be some other way to aid the grain producers than that which has brought so much misery to the poultry industry in the last 2 years.

There is no dispute over the facts. A division of the Department of Agriculture said last November:

> The relation of chicken and egg prices to feed prices on November 15 this year (1936) is the most unfavorable to poultry producers since 1917.

That is the report from the Department of Agriculture, and one would think, knowing the acuteness of the situation, something definite would be done for the poultry industry.

Unfortunately there is only inactivity and sympathetic words, which fail to pay the feed bills. Think of it! The worst conditions since 1917, and nothing being done about it. No wonder the millions of poultry raisers are now adopting a more militant mood. They must be militant, otherwise they will continue to be the forgotten men and women engaged in agriculture.

The records of the average farmer confirm the report of the Federal bureau. A farmer in my district sends some interesting data. On April 4, 1936, he bought corn at $1.60 per 100 pounds, and he sold his eggs at 25 cents a dozen. On September 22, 1936, he paid $2.63 for his hundred pounds of corn and sold his eggs at 37 cents a dozen. On March 5, 1937, he was paying $2.37 for his corn, and large eggs brought 25 cents a dozen and medium eggs 21 cents.

To put it a little more concretely, he is now getting a little less for his eggs than he received a year ago and his grain costs are 40 percent higher.

Unless there is a radical change in conditions the second largest agricultural group has a long road to go before it is permitted to share in any prosperity that may be hereabouts.

The poultry raisers are fully aware what has brought about their financial woes. It is the administration policy which curtails the production of corn and grain, creating an artificial price for the grain and leaving the poultry producer to struggle along with the same price for his product.

And the pity of it all has been the high grain prices have gone chiefly to the Argentine producer. For months the American poultry producer has been obliged to pay tribute to the corn grower in the Argentine. Ruin for thousands of American farmers so that there may be a larger trade with a neighbor. If there is any sense in this it is so well concealed it is difficult to discern.

This is no new problem. It has frequently commanded the attention of other countries in the past. England has constantly grappled with it. From the time of the corn laws in England industrial nations have found it necessary to foster and protect their agriculture by such means as would not materially increase the cost of living of their industrial workers.

The producers of poultry, dairy products, and livestock understand there is a limit to which you can tax the consumer. Jack up the prices too high and you have less consumption, less work, and in the end disaster. The producer does not want to bring about this condition of affairs, but he has no alternative if his Government, by restrictive regulations, forces up his own costs.

Today high grain prices, with the need of importing feed grains from abroad, have created critical conditions among all livestock feeders. Dairymen, poultrymen, and hog raisers provide the three largest agricultural products of the country. Without ample feed grains at reasonable prices meat, milk, egg, and pork prices must rise rapidly if normal production is to continue.

Unless normal production is maintained, even higher prices will result before the damage to our livestock industry is repaired.

Industry cannot go forward safely with high food costs absorbing the workers' wages. Industry cannot afford to allow maladjustments in our agricultural enterprise to limit our increasing prosperity. The millions who are on the relief rolls are cruelly cut when the cost of living is so radically increased by the administration.

If we are to assume the burden of vast expenditures to safeguard our future food supply through Federal action, should we not insist that these sums be so administered as to protect the livestock feeders as well as the grain farmers? Must we not insist that Federal subsidies to agriculture insure an abundance of feed grains rather than a scarcity? Is it not a policy which will bring greater prosperity than the policy of restriction so fondly cherished by the Roosevelt administration?

The animal feeders of America—dairymen, poultrymen, and hog raisers—are today fighting the battle of the consumers for reasonable food prices. They seek the aid of the consumers in the determination of Government policies which shall be for the common good of all.

The cow, the sow, and the little red hen have been and still are the great food producers of the country.

Let us quite playing politics with the great agricultural industry. Let us forget dreams and get down to earth and solve this agriculture problem on merit and without favoritism. Sane spending of the billions given in recent years should have brought us nearer to a solution than we are. The American people are willing to maintain an agriculture industry on an American basis, but they do want more intelligence than when in aiding one person you cripple two. [Applause.]

Mr. BACON. Mr. Chairman, I yield 15 minutes to the gentleman from Hawaii [Mr. KING].

Mr. KING. Mr. Chairman and members of the Committee, I appreciate the courtesy that has been extended in granting me 15 minutes to discuss a subject close to my heart and one that I hope will be of interest to the Members of this House. I do not expect often to take up the time of the House, but during these hours of general debate custom permits the discussion of subjects that may be of more immediate interest to the individual than the Members as a whole.

A Delegate representing a Territory in Congress has a qualified position as a Member of this House, with the specific obligation of speaking for his Territory when occasion requires and opportunity permits. It is, however, a well-established office having been created by Congress almost simultaneously with the birth of this Nation, and there has been in over 150 years of American history a continuous succession of Territorial Delegates from every one of the present-day States except the Thirteen Original Colonies, Vermont, and Texas. I accept the position with great pride despite its limitations and consider it an honor to be included in the roll of Delegates of this House and a high privilege to speak in that capacity for Hawaii as a Territory.

But because there is some confusion in the minds of the public at large and perhaps in that of some of the Members of this House regarding the status of Hawaii as a part of the United States of America, I feel it incumbent on me to place before you the historical background of Hawaii's becoming a part of this Nation and what I consider its proper place within the Union.

Because Hawaii is separated from the mainland, and because there are, with the exception of Alaska, no longer any Territories on the mainland, the position of a Territory has become somewhat ill-defined. There is a tendency to confuse it with possessions. It is so convenient to think of the noncontiguous Territories of the United States as insular possessions since so many of them are insular and only Hawaii among these island groups is an incorporated Territory. Without desiring in any way to detract from the position these other parts of the Nation have under the American flag, nor question their claims to recognition, I do want to make the point again that I made the other day, that Hawaii has a unique place in the Union, because it became a part of the United States by annexation.

For nearly three-quarters of a century America had taken a leading part in upholding the Hawaiian government against the turbulence of foreign residents, Americans and others, and the intrigues of local representatives of foreign nations. The birth of the Hawaiian nation followed closely after its discovery to the western world in 1778 by the English navigator Capt. James Cook. The consolidation of the different islands under one rule was accomplished by the great Hawaiian chief, Kamehameha, in the 1790's. For practically 100 years his descendants and an allied family ruled over Hawaii as a kingdom.

While the monarchy was trying desperately to maintain itself against the cupidity of the European nations, sometimes of their agents rather than of the governments themselves, it was America that consistently held out a supporting hand, that took a stand against foreign interference with the affairs of the country; that advised its rulers how to meet the recurring emergencies of French demands, of British arrogance, and of Russian efforts at infiltration. The arrival of the first group of American missionaries in 1820, followed by several later groups, comprised of devoted American men and women from practically every New England State and many of the Middle Atlantic States, set the character of Hawaiian civilization along American lines. Indeed, the cultural foundation of Hawaii today is New England, superimposed on the old Polynesian concepts of the ancient Hawaiians.

The rapid acceptance of Christianity by the Hawaiian people, the high degree of confidence in which the Hawaiian rulers held the early missionaries, gave the latter great power during the formative years of Hawaii's monarchical period. This thoroughly American element in Hawaii not only checkmated the smaller British colony and other foreign groups in their efforts to lead Hawaii away from America but also exercised a strong influence in the United States in favor of Hawaii.

Besides the missionaries themselves, there were other Americans settling in the islands engaged in business and trade. My own New England ancestor came to Hawaii in 1793, nearly 30 years before the missionaries, and was one of the first King's foreign advisers. Although these traders did not always see eye to eye with the missionaries in all things, their jealousy of any other foreign influence added that much more weight to the Americanization of Hawaii that was going on long before the United States had crossed the Mississippi River.

The American Navy was another powerful force to keep Hawaii out of the hands of other nations until the inevitable workings of destiny brought Hawaii under the American flag. Hawaiian history has on its honor roll the names of several famous naval commanders who came to Hawaii's rescue in the many crises that agitated its course as an independent nation. On one accasion, when a British naval officer had hauled down the Hawaiian flag and hoisted the British flag in its stead, and before his superior had arrived to repudiate his action and restore Hawaiian sovereignty, an American commodore—Kearney—protested vigorously, and received members of the Hawaiian royal family with full honors as evidence of his refusal to recognize the British

rule. As early as 1826 the United States Navy, its officers then practically roving ambassadors of their country, were advising the native government, acting as referees in disputes involving foreigners and the government, supporting law and order against those who would have liked to leave the Ten Commandments behind them when they entered the Pacific Ocean. Capt. Thomas ap Catesby Jones and Captain Finch; Commodores Downes, Kennedy, Read, and Kearney, already mentioned; and Commodore Wilkes, whose exploring expedition added so much to the knowledge of the whole Pacific area, are great names in Hawaiian history, as they are honorable names in American history.

I paint this picture as the background of the steps that led up to our annexation; so that the last act was indeed, as President McKinley so truly said in his message to the Senate dated December 6, 1897, transmitting the treaty of annexation:

> Under such circumstances, annexation is not a change; it is a consummation.

In addition to the close ties that bound us to America, first cultural and later economic as well, there were many political ties, treaties, and trade agreements, and abortive efforts at complete union of the two countries. As early as 1842, Daniel Webster, as Secretary of State, paved the way for the recognition of Hawaiian independence by declaring it to be—

> The sense of the Government of the United States that the Government of the Sandwich Islands ought to be respected; that no power ought to take possession of the islands, either as a conquest or for the purpose of colonization; and that no power ought to seek for any undue control over the existing Government or any exclusive privileges or preferences in matters of commerce.

The same sentiments were expressed in President Tyler's message to Congress of December 30, 1842, and in the report of the Committee on Foreign Relations written by John Quincy Adams. This strong stand soon led England and France to jointly declare that they—

> Taking into consideration the existence in the Sandwich Islands of a government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage reciprocally to consider the Sandwich Islands as an independent state, and never to take possession, either directly or under the title of a protectorate, or under any other form, of any part of the territory of which they are composed.

The first formal efforts for annexation were made in 1854, when President Pierce instructed Secretary of State Marcy to commission Mr. D. L. Gregg to represent the United States in Hawaii to negotiate a treaty with Kamehameha III for that purpose.

This annexation treaty was to provide for the admission of Hawaii as a State—

> Enjoying the same degree of sovereignty as other States and admitted as such * * * to all the rights, privileges, and immunities of a State, on a perfect equality with other States of the Union.

This proposed treaty was not ratified and the admission of Hawaii to the Union was not consummated at this time primarily because of the death of Kamehameha III and the fact that his successor, Kamehameha IV, was not interested in having Hawaii annexed to the United States and also because the representatives of Hawaii insisted upon being admitted as a State. The records show that efforts were made to persuade Hawaiian officials to accept Hawaii's admission to the Union as a Territory, which these officials, and especially King Kamehameha III refused to do. The Hawaiian authorities frankly stated that they looked forward to the time when their country might constitute an integral portion of the great North American Republic and were willing to cede to the United States—

> All its territories, to be held by them in full sovereignty, subject to the same constitutional provisions as other States of the American Union.

But were unwilling to forego the—

> Rights and privileges of the citizens of the United States in terms of perfect equality in all respects with other American citizens.

As evidence of good faith on the part of the American Government, Secretary Marcy in the first of a series of United States pledges of good faith stated that—

> It will be the object of the United States, if clothed with the sovereignty of that country (Hawaii), to promote its growth and prosperity.

Although the matter of annexation lay dormant for the time being, the general attitude of all American Secretaries of State following Secretary Marcy was that the United States had a special interest in Hawaii, and would not permit the Kingdom to go under the control of any other power. In the years following this first treaty the economic relations between the two countries became even closer, America coming to dominate Hawaii's commerce. As industries were developed in the islands the nearest and most logical market for its products was America and the converse was equally true that the source of supply for all the commodities it needed was also America. This led to the signing of a treaty of reciprocity in 1875, effective 1876, which made Hawaii practically a unit of the American economy. It may be of interest to the membership of the House to know that during the discussions that preceded the treaty, the King of Hawaii, Kalakaua, was the guest of Congress at a joint session of the House and Senate, and appeared here on this floor, and exchanged compliments with the Speaker, as recorded in the RECORD for the Forty-third Congress, second session, page 144.

Naturally the treaty gave the people of Hawaii a sense of security in their commerce with America, and brought about the further development of its principal industry, the sugar industry. It guaranteed to Hawaii an open market for its products and greatly increased Hawaii's demands for American goods.

In 1893 a local revolution overthrew the Hawaiian monarchy, which had existed for nearly 100 years, and set up a temporary government in its place. The principles of the new government were issued in a proclamation announcing the abrogation of the monarchy and the establishment of a provisional government to exist until terms of union with the United States of America had been negotiated and agreed upon. President Sanford B. Dole of the provisional government of Hawaii dispatched commissioners to Washington with instructions to negotiate a treaty with the United States Government "by the terms of which full and complete political union may be secured between the United States and the Hawaiian Islands."

President Harrison approved of the principles of annexation and designated Secretary of State John W. Foster to act on behalf of the United States in negotiating an annexation treaty. In the conferences held with Secretary Foster, the commissioners from Hawaii insisted that Hawaii be admitted to the Union as a State. Secretary Foster replied to their demands that "bringing Hawaii into the Union" was the main object in view, that while not averse to statehood, a treaty providing therefor would occasion debate and delay, and that Hawaii, by asking for annexation had demonstrated her confidence in the United States and could be assured that if annexed, that confidence would be justified. The Hawaiian commissioners were evidently convinced of the sincerity of Secretary Foster, because they made formal written request for "full and complete political union" of Hawaii with the United States "as a Territory of the United States." Upon receipt of this formal request, Secretary Foster suggested omitting the provision concerning territorial government on the ground that details involved therein might cause delay, and suggested in place thereof that the treaty contain a provision that Hawaii should "be incorporated into the United States as an integral part thereof." The Hawaiian commissioners were reluctant to accede to this change, but after consulting the Century Dictionary which defined "integral" and cited examples as follows, they accepted the modification:

> "Integral"—relating to a whole composed of parts, spatially distinct (as a human body of head, trunk, and limbs) or of distinct units.

"Intrinsic"—belonging as a part to the whole, and not a mere appendage to it.

All the Teutonic states in Britain became first dependencies of the West Saxon King, then integral parts of the Kingdom.

This clarification of the definition of "integral" was considered extremely important by the Hawaiian commissioners, because they did not wish Hawaii to be considered a mere appendage or possession of the United States.

President Harrison was very much pleased with the treaty as drawn. In his message transmitting this treaty to the Senate on February 15, 1893, President Harrison said:

Only two courses are now open, one the establishment of a protectorate by the United States, and the other annexation full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people, and is the only one that will adequately secure the interests of the United States.

No action was taken on the treaty prior to the expiration of President Harrison's term on March 3, 1893. President Cleveland, his successor, declined to consider annexation, withdrew the treaty from the Senate, and made an unsuccessful attempt to restore the Hawaiian monarchy.

The provisional government of Hawaii immediately proceeded to transform itself into the Republic of Hawaii, and on July 4, 1894, formulated a constitution which was adopted by a constitutional convention. Article 33 of this constitution provided for the making of "a treaty of political or commercial union between the Republic of Hawaii and the United States * * *."

It was undoubtedly in the minds of the leaders of the Republic of Hawaii that, despite President Cleveland's opposition to annexation, the argument of events would sooner or later force the issue.

Almost immediately after the inauguration of President McKinley in 1897 a new annexation commission was accredited to Washington by the Republic of Hawaii. President McKinley designated Secretary of State John Sherman to represent the United States in the negotiations. In the conferences with Secretary Sherman the Hawaiian commissioners requested that annexation be expressed in terms of the Harrison treaty, namely, that they be annexed to the United States "as an integral part thereof." This request was agreed to by Secretary Sherman and a treaty was drafted with such provision.

In his message to the Senate, dated December 6, 1897, already referred to, President McKinley said that Hawaii was—

Realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian governments through some 70 years of their virtual dependence upon the benevolent protection of the United States. Under such circumstances annexation is not a change; it is a consummation.

He further states that—

If the treaty is confirmed, as every consideration of dignity and honor requires, the wisdom of Congress will see to it that * * * the most just provisions for self-rule in local matters with the largest political liberties as an integral part of our Nation will be accorded the Hawaiians. No less is due to a people who * * * come of their free will to merge their destinies in our body politic.

In the meantime war with Spain was brewing. At the time the United States, as a young nation, was not known to the world in its full lusty strength. There were those who felt America had undertaken a difficult task. We of Hawaii felt no qualms, felt no fears. We were as wild with enthusiasm as any and greeted the transports and naval vessels en route to and from the Orient with every hospitality. Our government disregarded every tenet of international law in putting Hawaii, especially the port of Honolulu, at the disposal of the United States military forces, and laid itself open to any reprisals Spain might wish to make. Our people did this with their eyes open to the possible consequences, but we considered ourselves so much a part of America as to make the war as much our own as though we had by formal treaty allied ourselves with the United States. The Battle of Manila Bay made Hawaii essential to the United States, and today's defense plans make it even more imperative that Hawaii should be under the jurisdiction of the United States.

During these exciting days, which I spent in Honolulu as a boy helping to entertain the Volunteers as they came ashore off transports and to feed them something to vary the embalmed beef of transport fare, the treaty so strongly endorsed by President McKinley languished in the Senate. Annexation was finally consummated by joint resolution of Congress accepting, ratifying, and confirming the "cession" by the Hawaiian Government. This "cession" was the resolution of the Hawaiian Senate containing the full text of the treaty.

The treaty provides that "those islands shall be incorporated into the United States as an integral part thereof", and the ratification of such a treaty by the Hawaiian Senate, as required by the constitution of the Republic of Hawaii, is referred to in the joint resolution of annexation as the cession on the part of Hawaii upon which the joint resolution was based. The joint resolution, therefore, incorporates into itself the said basis of annexation as much as though the resolution itself had contained the above phrase.

On July 7, 1898, the resolution stating that "such cession is accepted, ratified, and confirmed" was finally adopted. The formal transfer of the sovereignty of Hawaii was not effected, however, until August 12, 1898, when Harold M. Sewall, Minister of the United States to Hawaii, presented to President Dole a certified copy of the resolution, and the sovereignty and property of the Republic of Hawaii was transferred to the United States of America.

Mr. Sewall's instructions from Secretary of State W. P. Day, in a letter dated July 8, 1898, were in part as follows:

Herewith a copy of a joint resolution of Congress for annexing the Hawaiian Islands to the United States.

By the preamble to this resolution it is recited that the Government of the Republic of Hawaii has in due form signified its consent in the manner provided by its constitution "to cede * * *."

These recitals, it will be observed, are made in the language of the treaty of annexation, concluded at Washington on the 16th day of June 1897. They, as well as the other terms of the treaty, were advisedly incorporated in the joint resolution, because they embody the terms of cession which have not only been agreed upon by the two Governments but which have also been ratified by the Government of the Republic of Hawaii. The joint resolution, therefore, accepts, ratifies, and confirms on the part of the United States the cession formally agreed to and approved by the Republic of Hawaii.

At the ceremony in Honolulu, when presenting the certified copy of the joint resolution of annexation to President Dole, Minister Sewall said:

This joint resolution ratifies and confirms the cession formally consented to and approved by the Republic of Hawaii.

President Dole, in reply, said:

A treaty of political union having been made, and the cession formally consented to by the Republic of Hawaii having been accepted by the United States of America, I now, in the interest of the Hawaiian body politic, and with full confidence in the honor, justice, and friendship of the American people, yield up to you as representative of the United States the sovereignty and public property of the Hawaiian Islands.

After the salute to the Hawaiian flag and its lowering, Mr. Sewall said:

Mr. President, in the name of the United States I accept the transfer of the sovereignty and property of the Hawaiian Government.

The American flag was then hoisted and saluted. The Minister then congratulated "his fellow countrymen" on the consummation of the national policies of the two countries. By act of April 30, 1900, Hawaii was organized into a Territory of the United States.

Congress followed a precedent in admitting Hawaii to the Union. The Republic of Texas was admitted to the Union as a State by joint resolution of Congress, it likewise being a free and sovereign nation at the time of annexation. It is undeniable that in annexing Hawaii by joint resolution the Congress did not have the power to alter the terms agreed upon in the preceding treaty of negotiations. The congressional joint resolution specifically "accepts, ratifies, and confirms on the part of the United States the cession formerly agreed to and approved by the Republic of Hawaii." If the nature of the agreement had been changed by the Congress, both parties would have had to signify their acceptance of the new conditions.

This is the story in brief of the American background of Hawaii for many years preceding annexation, of the successive steps that led to its annexation by joint resolution, and of its present status as an incorporated Territory of the United States, and an integral part of the Nation. I was present in the palace grounds when the Hawaiian flag was hauled down, never again to be the banner of an independent nation, but continued in use as our "state" flag. I saw the American flag hoisted in its stead, and sensed, even though but a boy, the feeling of pride, and relief, and security that that ceremony brought to our people. As a Territory we follow the precedents of American history. As a Territory we accept all the responsibilities and obligations of American citizenship, both individually and as a community. As a Territory we share with all other Americans the full benefits of American citizenship, of American economic and political institutions. As a Territory we accept no lesser place under the flag than even a sovereign State except in those specific limitations applicable to our political status. As a Territory we have fulfilled every possible test that can be applied to us. And, finally, as a Territory, we have the right by the fundamental principles of American democracy to aspire to statehood. [Applause.]

Mr. PETTENGILL. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McMILLAN. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, there are two important items in this appropriation bill that I desire to bring to the attention of the Committee. One of them pertains to aviation and the other to the training of apprentices.

Referring to aviation, that industry has come forcibly to public attention during the past year because of a few unfortunate mishaps. On the whole, I believe American aviation is by far the best and safest on earth, and that its trained personnel cannot be equaled in any other country interested in the promotion of aviation. But, as a result of these mishaps, congressional committees have been appointed to delve into the subject of air safety.

A committee headed by the senior Senator from New York [Senator COPELAND], known as the Copeland committee, has made its report. It is very interesting, and every Member of the House should read its suggestions. That committee proposes an authorization of $12,414,000 at once to advance aviation in America. It points out that this $12,000,000 plus is necessary. In its break-down of the figures it would spend $10,000,000 for new ground aids throughout the country, $2,364,000 for more adequate weather-investigation facilities, and $50,000 to study pilot fatigue, as a means to determining how many hours pilots should be kept on duty. All of these recommendations are noteworthy and meritorious.

The Air Transport Association of America recommends a sum approximating that recommended by the Copeland committee. I have a letter from the president of that association. In it he offers a list of improvements that are needed in my own State.

By unanimous consent, Mr. Chairman, I ask that this letter may be made a part of my own remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The letter and list are as follows:

This list has been compiled from the experience of our member companies who are daily flying the airways to, from, and through your State. Naturally, the items in this list have been submitted to the appropriate Government departments, with the hope that some day Congress may make possible the installation of these aids. They are not only desirable from the viewpoint of peacetime flying but are also essential if, in case of emergency, we hope to avoid the possibility of our military air force being in the wrong place at a crucial moment, should atmospheric conditions be adverse.

STATE AND FACILITY NEEDED—NEW YORK

Albany: Light chains, beacon lights to Westport, relocate radio.
Brooks Grove: Radio, teletype.
Buffalo: Light chains, airplane meteorograph, relocate radio.
Columbiaville: Modernize radio.
Dunkirk: Modernize radio.
Elmira: Relocate radio, teletype.
Floyd Bennett: Light chains, radio.
New Hackensack: Improve radio.
Rochester: Radio.
Rouses Point: Beacon light, radio.
Utica: Teletype, radio.
Westport: Beacon light, radio.
White Plains: Radio marker.

Mr. MEAD. Mr. Chairman, the Department of Commerce has made recommendations to the Appropriations Committee, and the committee in the main has agreed to those recommendations. The Commerce Department requests flexibility in the expending of the appropriations. I understand there is such flexibility within the bureaus, up to 10 percent.

They have also requested that some of this money become available at once, so that it might be made useful in installing aids to air navigation. This expenditure would be prudent and wisely consummated. It might result in saving human life. But that recommendation has not yet been agreed upon. I trust it will be agreed upon tomorrow when we go into Committee of the Whole.

The committee allows $2,000,000 to be made available beginning with the first of the fiscal year 1938. They authorize the expenditure of three additional millions for the future recommendations of the department.

I think the committee acted wisely in making the appropriation far less than has been recommended either by the Transport Association or by the Copeland committee. Both of those recommendations for a higher amount are meritorious, but the money can be more wisely expended after time for investigation, after time for experimentation, and after time for the development of scientific apparatus as useful aids to navigation. It is futile to attempt to spend all of that money right now because in this scientific, romantic industry changes occur with great rapidity. Study should be made before the entire appropriation recommended by the investigating committees is made available. In other words, it is just as necessary to spend a dollar in experimentation as it is to spend a dollar in installation. So the appropriation of $15,000,000 as a 3-year plan, to be carried out by 1940, would put aviation at its highest degree of safety and efficiency.

American aviation, as I said a moment ago, leads the world by comparison in every field and in every means of measurement.

The trouble with aviation in America and the cause of some of these conditions and disasters perhaps can be traced to the futile wave of economy that came into being in the last 2 years of the administration of President Hoover and carried on for a year or two after the advent of the present administration. Appropriations were reduced to the bone as they applied to this activity of Government. Experimental work and development were almost entirely eliminated; equipment became obsolete, disintegrated; and we paid dearly for that unwise and costly economy.

My recommendation, after years of study, after investigating this industry, would be to leave aviation, insofar as originating new lines, regulating schedules on existing lines, advertising for contracts for new service, regulating the collection, delivery, and dispatch of the mails are concerned, entirely with the Post Office Department. We have a number of bills pending in either one House or the other that would transfer the entire activity to the Interstate Commerce Commission. This would be a mistake. The Post Office Department pioneered this industry. Without the Department aviation would not be what it is today; it would not be in the advanced stage in which we find it. It is the Post Office Department, too, that pays the bill. I say to you, therefore, to leave as much of this industry in the Post Office Department as is possible. Leave with the Commerce Department the promotional work, the licensing of pilots, registry of ships, and all work of that nature which naturally goes with that great Department of Government. Leave with the Interstate Commerce Commission the regulation of rate, and give it, if you wish, the supervision of the

inspection service. The Interstate Commerce Commission now inspects safety appliances and locomotives and boilers on our railroads and has charge of the enforcement of the 16-hour law, as well as of the 8-hour law. It might be well, therefore, to give that particular activity to the Interstate Commerce Commission, which would leave with that Commission the regulation of the rate structure and the supervision of the safety of air lines in operation.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Not until I complete the formal part of my statement; then I shall be pleased to yield.

Then the suggestion is made which I think is worthy and meritorious and one that should be put into operation by law, and that is that the pilots flying the air lines should become members of the Military Reserve Force. They should be put into a military training school every year and given 2 months of intensive military training. We would, as a result of such training, have the best pilot personnel for national defense of any country in the world. We would be doing more for our own national defense than we would be by appropriating millions of dollars for warships. We would improve the efficiency of the pilots in commercial aviation, because in this intensive training school they would be skilled in the use of modern, up-to-date, last-minute methods—and they are changing very rapidly. They would be schooled in the use of new instruments, new apparatus, new radio control, and all the rest of the improvements that are so constantly, continuously, and everlastingly going on in the aviation industry.

There should be also, as the result of law if necessary, regular, frequent, and open conferences on safety and on the promotion of aviation. These conferences should be held by the Commerce Department, and in them pilots, operators, and all those interested in aviation, as well as those in positions of authority in the Government touching this activity, should participate. These conferences should be continued year in and year out in order to keep pace with the times.

So I really believe that we are making excellent strides in aviation in this country; that we are overcoming the futile savings that resulted from the wave of economy that struck this House a few years ago; that we are bringing our industry up to date with the new Air Mail Act, the increase in air-mail volume, and the rapid rise in passenger and express revenue. These all indicate that aviation is here to stay, that it has made good, and that its safety is now at the very highest peak in all its history. Tomorrow American ships, clipper ships with their intrepid pilots, comparable to the captains who sailed the clipper ships of years ago, will fly over every ocean, bringing America closer to every other nation of the world, increasing the good will, and building up the commerce of this country.

Mr. Chairman, there is another matter I would leave with the Members. Years ago, when I was a boy, I was an apprentice learning the machinist trade in a railroad shop. I spent years of my early life working on the railroads. I sympathize with the boys who go into railroad shops, who have to crawl up into the boiler of a locomotive and there and in other equally hazardous places learn a trade, become skilled mechanics, and serve the Nation in this important vocation.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. MEAD. I recognize the fact that skilled mechanics are no longer as numerous as they were in the old days. The march of efficient machine methods, the coming of the assembly line and all those new and uncanny electrical devices, including the conveyors, have robbed men of an opportunity to create that which mankind utilizes and has placed the apprentice of today in the category of the forgotten man. Here is our opportunity to develop and train mechanics and skilled workers, to rescue that occupation, to give protection, care, and the interest of Government to the boys of America who seek thus to become the skilled workers of tomorrow.

Mr. STACK. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. STACK. While the gentleman has made a wonderful talk regarding aviation, he has failed to bring out what part the Government should play in building the airplanes.

Mr. MEAD. I am very glad the gentleman brought that out. I may say to him that by reason of the fact that we subsidize the air-mail industry to a limited degree by paying to them more than we receive in revenues, we encourage the building of ships. The Army, the Navy, and the Marine Corps organizations in the development of their ships have their engineering corps investigating all of the work done in connection with the formation and the building of military ships. We also have a National Advisory Board for Aviation that is continually investigating developments in this particular field. All we have to do is to continue adequate appropriations for the air mail and to provide sufficient appropriations for the Department of Commerce and the other agencies of the Government interested in the well-being and upbuilding of aviation. In that manner we will be doing our share.

Mr. Chairman, the Federal Committee on Apprentice Training was created by the Secretary of Labor under authority granted by Executive Order No. 6750–C, June 27, 1934. The purpose of the order was to permit genuine apprentice training under National Recovery Administration codes, and at the same time prevent the exploitation of apprentices and the break-down of labor standards, insure an adequate training program on the job and prevent the overcrowding or shortage of labor in skilled trades. The committee, established to carry out the purposes of the order, was composed of representatives of the United States Department of Labor, the United States Office of Education, the National Recovery Administration, employers, and employees.

After the National Industrial Recovery Act was declared unconstitutional, the Federal committee was continued under the National Youth Administration, since in creating the National Youth Administration the President listed the promotion of apprenticeship as one of its chief functions. A representative of the National Youth Administration replaced the National Recovery Administration member of the committee, succeeding the representative of the N. R. A.

Following a letter from the President to the Secretary of Labor, dated September 19, 1936, requesting the transfer of the Federal Committee on Apprentice Training to the Department of Labor and suggesting that a request for an appropriation to cover this activity be included in the Department's budget, the Federal committee unanimously voted to approve such transfer and budget. The Department of Labor included an item for the continuance of this work in its appropriation request and the Budget Bureau recommended to Congress an appropriation of $56,900 for this work during the coming fiscal year.

The President's letter was prompted by the work which had been done by the Federal Committee on Apprentice Training working in cooperation with State apprenticeship committees. The activities of the Federal and State committees have brought about a widespread and enthusiastic interest in apprentice training and an understanding of the importance of apprenticeship as a sound employment policy. Evidence of this may be seen in the resolution passed at the 1936 convention of the American Federation of Labor commending the work of the committee and urging its continuance, and in a letter from Mr. Green, president of the American Federation of Labor to the President dated October 30, 1936, requesting an appropriation for the committee under the Department of Labor. Employers as well as labor support the work which has been done by the Federal Committee on Apprentice Training. National associations of employers, such as the National Association of Master Plumbers, the International Society of Master Plumbers and Decorators, the National Founders Association, the Associated General Contractors are working with the committee and have endorsed its program. Under the leadership of the committee, national trade associations and labor organizations in two industries have formulated sound

programs of apprentice training acceptable to both groups and in other industries plans for doing this are under way.

The increased interest and recent success in the promotion of apprenticeship are largely due to the recognition that there are two distinct groups of responsibilities in the promotion and operation of plans for apprentice training. One group deals with the apprentice as an employed worker—the conditions under which he works, his hours of work, his rates of pay, the length of his learning period, and the ratio of apprentices to journeymen so that overcrowding or shortage of skilled workers in the trades may be avoided in large part. The second group deals with the apprentice as a student—the related technical and supplemental instruction needed to make him a proficient worker and the supervision and coordination of this instruction with his job experience. The Department of Labor has jurisdiction over the first group of responsibilities; the Office of Education over the second.

In accordance with the suggestion of the President and in line with the thought of all parties interested in apprenticeship—including the United States Office of Education—the Department of Labor presented in its budget an item of $56,900 to carry on the work of the Federal Committee on Apprentice Training. A joint statement was submitted to the Appropriations Committee by the Secretary of Labor and the assistant commissioner in charge of vocational education setting forth the advisability of the separation of functions in connection with apprenticeship and the continuance of the present plan of operation. A copy of the memorandum is attached as exhibit C.

Notwithstanding the proved value of the activities under consideration and complete agreement as to the proper division of functions between the Department of Labor and the Office of Education in the promotion of apprenticeship, the Appropriations Committee has stricken from the bill language proposed in the appropriation request of the Department of Labor and has deleted this item. The committee stated that this action was primarily prompted by a consideration of the policy involved. The committee apparently felt that the proposal to continue the work of the Federal Committee on Apprentice Training under the Department of Labor, through the medium of an appropriation, was contrary to policy, and that such activity should have special consideration by the legislative committees of Congress. The Appropriations Committee further reported that some doubt exists as to whether the Office of Education in the Department of the Interior is not only authorized but equipped to handle a program of apprentice training along the projected lines.

There appears in the hearing records of the Appropriations Committee a statement by the Department of Labor showing that the proposed participation in an apprenticeship program was precisely within the province of the Department of Labor as set forth in the creative act of 1913 (37 Stat. 736, U. S. C., title 5, sec. 611). This act states:

> The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

In addition, the act of February 23, 1917 (39 Stat. 932, U. S. C., title 20, sec. 17), as changed by Executive order dated June 10, 1933, transferring the functions of the Federal Board for Vocational Education to the Department of the Interior, which authorized studies, investigations, and reports with reference to apprenticeship also expressly provided that—

> When the Interior Department deems it advisable • • • such studies, investigations, and reports concerning trades and industries for the purposes of trade and industrial education may be made in cooperation with or through the Department of Labor.

This shows that when Federal funds were first appropriated for vocational education it was with the understanding that a close relationship should exist between the Federal office administering funds for trade and vocational education and the United States Department of Labor. It was intended by Congress that the primary interests of labor would be safeguarded through the Department of Labor. This is essential, inasmuch as the Office of Education has no authority to function in the field of labor standards and employment conditions.

It appears now that the Department of Labor is estopped from proceeding with an activity of vital interest to labor and directly concerned with the safeguarding of labor standards and the promotion of employment opportunities upon a purely technical construction by the Appropriations Committee. It is apparent that the Appropriations Committee need exercise no legislative function whatsoever in approving the request for funds for promotion of apprenticeship under the Department of Labor. It is also apparent that there is no need for legislation to enable the Department of Labor to carry out an activity directly in line with the purpose for which it was created.

The Appropriations Committee apparently did not find that there was any duplication of work. The Budget Director previously approved the requested item, so that it is evident that he found no duplication. Unless funds are made available to the Department of Labor under its requested appropriation, one important phase of the apprenticeship program must be abandoned, and the excellent progress made in apprenticeship within the last 2½ years will be lost.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to insert certain excerpts from the letters to which I just referred.

The CHAIRMAN. The gentleman will have to make the request to insert excerpts in the House.

Mr. BACON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the chairman of our Subcommittee on Appropriations has gone into this bill so thoroughly and has so covered every phase of it that it is not my purpose to discuss the bill in detail. I do, however, want to touch one or two of the more important items and make some comments upon them.

As stated in the debate today, there is nothing political or partisan in this bill, and my remarks will not be either political or partisan.

The gentleman from New York [Mr. MEAD] has referred to an item that authorizes apprentice training, which came to us from the Budget. Your committee went into that question with a great deal of care. We had quite full hearings on it, and all through the discussion the question of whether an item such as this was permissible in an appropriation bill was paramount. I hope that the gentleman from New York [Mr. MEAD] will give me his attention, because I want to discuss the very point he has just raised.

Your committee examined the precedents as to whether or not this item was subject to a point of order on the ground it is legislation in an appropriation bill. Without going into the merits of the apprentice-training item or whether you are for it or against it, it seems to your committee it was clearly a piece of legislation in an appropriation bill; therefore your committee, acting in good faith to the House, determined that they could not include this item in the bill.

I may say parenthetically that I believe this is a worthy project and I think this should eventually be included in the Labor Department appropriation bill; but I am convinced it requires legislation from the proper committee of the House before we of the Appropriation Committee may consider it here.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BACON. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. Is there any legislation in this appropriation bill?

Mr. BACON. The report shows there are two minor pieces of legislation in the bill.

Mr. O'CONNOR of New York. If that had not been the gentleman's answer, it would be novel, because I have yet to see an appropriation bill that did not have some legislation in it; therefore, if the only reason for striking out this item is because it is new legislation, it is not very appropriate in the consideration of an appropriation bill.

Mr. BACON. The legislative provisions in this bill are in order, we think, as they are limitations and come within the

Holman Rule; otherwise I do not think there is any legislation in the bill.

Mr. O'CONNOR of New York. Then this is a rare bill, because most appropriation bills do have legislation in them.

Mr. BACON. This question of apprentice training is a brand new activity that has never been considered by the Congress of the United States or by any legislative committee. I want to refer to some decisions that are directly in point, sustaining the contention that this item is legislation on an appropriation bill and therefore subject to a point of order.

Mr. Chairman, I have before me Cannon's Precedents of the House of Representatives, volume 7, and I refer to page 316. I refer to paragraphs 1264 and 1265, as follows:

The general statement of purpose for which a department is established, as set forth in the organic act creating it, is not to be construed as authorization for appropriations not specifically provided for in succeeding sections of the act providing for bureaus designated to carry out the declaration of purpose.

An appropriation to enable the Secretary of Labor to advance opportunities for profitable employment of wage earners was held not to be in order on an appropriation bill.

This point came up on February 28, 1919, when a Department of Labor appropriation bill was pending before the Congress. Mr. Gallivan, of Massachusetts, offered the following amendment as a new section to the bill:

To enable the Secretary of Labor to advance the opportunities for profitable employment of the wage earners of the United States there is hereby appropriated out of available money in the Treasury $10,033,806.10.

Mr. Blanton, of Texas, and Mr. Gould, of New York, raised the point of order on the amendment that it was legislation on an appropriation bill.

Mr. JAMES F. BYRNES, of South Carolina, the present Senator from South Carolina, argued in favor of the point of order.

After extended debate, the Chairman ruled:

The gentleman from Massachusetts offers an amendment to insert a new section, as follows:

"To enable the Secretary of Labor to advance the opportunities for profitable employment of the wage earners of the United States there is hereby appropriated out of available moneys in the Treasury $10,023,000"—

And so forth.

To that amendment the gentleman from Texas and the gentleman from New York make the point of order. Arguing the point of order, gentlemen who have discussed it cited certain language in the organic act which created the Department of Labor. That language is:

"The duties of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

That language is relied upon, as the Chair understands, to make this amendment in order. The House has always been extremely careful in conferring the legislative power upon committees; at least, it has been so for 50 years. It has withheld from the Committee on Appropriations any power of legislation, and, naturally, having withheld that power, it has provided that no amendment to an appropriation bill if it carried legislation should be in order if offered on the floor of the House. This is very peculiar language as contained in this organic act. If the Committee on Appropriations could have rightfully brought in a proposition such as is contained in the amendment of the gentleman from Massachusetts, and, of course, if it could not, an amendment from the floor of the House would be subject to the point of order. The Chair is unable to see where the limit on the Committee on Appropriations would end. If this—like the whereas of a resolution—should be held to authorize appropriations by the Committee on Appropriations, there is absolutely no limitation that you could put upon your Committee on Appropriations.

And, of course, if the Appropriations Committee could bring in a proposition, any amendment from the floor would be in order. The Chair thinks this amendment that is offered by the gentleman from Massachusetts makes new legislation, not authorized by any existing law, and that therefore it is obnoxious to the rule of the House. Therefore, the Chair sustains the point of order.

I want to call attention to the fact the Chairman of the Committee of the Whole House on the state of the Union at that time was Mr. John N. Garner, of Texas, one of the ablest parliamentarians the House has ever had.

Mr. Chairman, I should like to include at this point certain excerpts from Mr. Garner's decision, without repeating them here and taking up the time of the Committee.

The CHAIRMAN. That request will have to be made in the House.

Mr. BACON. I will not take the time of the Committee to read them, then, but will ask consent in the House to insert them in my remarks.

Mr. MEAD. Mr. Chairman, will the gentleman yield right there for a brief question?

Mr. BACON. Yes.

Mr. MEAD. First of all may I make my position clear? I realize the members of the committee were prompted by high and ethical reasons in the stand they have taken. They went into the matter very deeply, and they are to be congratulated. I think they have one of the very best chairmen in the House, as well as one of the very best ranking Members.

I merely want to have their help, assistance, and cooperation in making this appropriation a reality under proper conditions.

Mr. BACON. As far as I am concerned, I shall be very pleased to assist the gentleman in obtaining legislation from the Committee on Labor, in order that we may consider this proposal and include it in an orderly fashion in the appropriation bill.

Mr. MEAD. That is, providing it is not ruled out of order.

Mr. BACON. Of course, if it is authorized by a legislative committee, it is obviously in order in an appropriation bill.

Mr. MEAD. What I have in mind is, if it were declared out of order during the consideration of the bill tomorrow, we would then have to obtain legislation from the Committee on Labor?

Mr. BACON. When I get through reading this decision I think the gentleman will agree it would be considered not in order.

Later on, when the same bill was under consideration, the decision of Mr. Garner, Chairman of the Committee, was reaffirmed by another able parliamentarian, Mr. Finis J. Garrett, of Tennessee.

Two years later a similar point of order was sustained by Mr. Joseph Walsh, of Massachusetts, who was another very able parliamentarian. In Mr. Walsh's decision it was decided that—

Statements of purpose embodied in the organic act creating the Department of Labor were held not to authorize appropriations for establishment of an employment service.

The question of apprentice training is a new proposal. It has seemed to the subcommittee it would not be fair to the House to let it slip by in an appropriation bill without a complete and full discussion by the proper committee of the House having jurisdiction thereon. The proposal is very far reaching. I do not believe there were any members of the subcommittee who opposed the matter in principle, but we felt that any new activity created by an Executive order under the emergency powers given the President ought to have a full hearing before the proper committee of the House before it became permanent law. There is a very, very broad question of principle involved, and the members of the Committee on Appropriations felt they would not be keeping faith with the rules of the House and with the rules under which the Committee on Appropriations acts if they did not call this to the attention of the appropriate committee, in order that the matter may be thoroughly threshed out and brought up in a regular way. As a result of the decisions I have cited, the question of an employment service in the Department of Labor was presented to the Committee on Labor, a bill was passed, and we now carry an appropriation for an employment service in this bill.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield myself 10 additional minutes.

We should follow the same procedure and pass enabling legislation for apprentice training.

If it is, I, for one, will gladly support a proposal to include the necessary amount to carry out the project in the Department of Labor appropriation bill.

I want to touch for a few minutes on one or two other important bureaus mentioned in this bill; first of all, the Department of State.

The normal functions of the Department of State cost the Government the net sum of approximately $10,400,000 a year. This is all the great "Department of Peace" costs the Treasury of the United States, the net sum of $10,400,000 a year. There are other items in the appropriation bill over which the State Department has little or no control, in which the Department merely acts as trustee; but the Foreign Service and the State Department proper cost under $10,500,000 net to the people of the United States per year.

I think the committee should feel this is a very moderate amount. I personally believe we will in future years have to increase this amount. There are a number of matters in the State Department proper that need attention, but your committee did not feel inclined to give them any increase because of the Budget limitations.

The Foreign Service itself is undermanned. There are 691 Foreign Service officers at the present time, and in 1931 there were 775. The Budget allowed and we have given 20 additional Foreign Service officers, but Mr. Secretary Hull asked for a great many more. I believe eventually, owing to the disturbed condition of the world, we will have to strengthen the Foreign Service of the United States and strengthen the hands of Mr. Hull.

Mrs. ROGERS of Massachusetts rose.

Mr. BACON. The State Department is the first line of defense, because the State Department is charged with keeping us out of war. It is poor economy to economize on the State Department. In these troublesome times in the world the State Department, being the great "Department of Peace", ought to have sufficient sums of money, and Secretary Hull's hands ought not to be tied.

I now yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Has any provision been made for any increases of salary in recognition of foreign service, such as that performed by Mr. Engert in Ethiopia and Mr. Wendelin in Spain, both of whom showed great courage in staying at their posts?

Mr. BACON. We hope that through lapses which will come about because of certain eliminations in the Foreign Service due to resignation and otherwise there will be a sufficient sum of money to make certain promotions in the Foreign Service. It is obviously unwise to add 20 men at the bottom unless a flow of promotions for meritorious service can be started toward the top. I believe we will be able to make some promotions, though no specific sum is provided in this bill to do so.

Mrs. ROGERS of Massachusetts. I know the fine work of these gentlemen deserves such increases.

Mr. BACON. May I commend the chairman of my subcommittee for the excellent report he made on the underpaid clerks, particularly the foreign clerks in our service. They are of utmost importance. I know in one case the chief of our mission is paying money out of his own pocket to provide the translators necessary for his office. This situation occurs in Japan, where obviously translators are extremely important and necessary. The increase we have allowed will be less than one-half what is necessary to make small increases in salaries to those receiving under $960 a year. It is, however, a beginning, and your committee hopes the Bureau of the Budget will remedy the situation in the bill next year.

I come now to the Bureau of Air Commerce in the Department of Commerce.

Your committee has made no cut in the amount granted by the Budget for new aids to navigation. It is absolutely essential that the air routes be marked by radio beams. The radio beam marks the channel through the air as the buoys mark the channel through the water in entering a harbor. It will require at least the $5,000,000 we have in this bill to complete the gap in the air routes of the United States. I believe it will take a great deal more money to really complete the job. This is one item the Congress has got to look forward to, and we will be obliged to make a further appropriation in the future. We must make the airways as safe as we possibly can. The private companies are not allowed to do it, even if they had the money to do it. We are appropriating $5,000,000 in this bill to make the aids to navigation more efficient, as well as to put in the additional aids that are so necessary. The air lines themselves are spending $11,000,000 this year to increase the safety of their own planes, twice as much money as the Government is spending to make the air routes safe; and Colonel Gorrell, who testified before your committee, stated that the air lines intended to spend $15,000,000 additional during the next year to improve the safety of the planes that carry mails and passengers. The Government must keep pace in making the aids as safe and as up to date as the planes that fly the passengers and the mails. The private companies are way ahead of the Government so far as safe navigation in the air is concerned. I shall submit a table in the extension of my remarks showing how the Government has been falling behind, not through the fault of the committee but because of the general economy program, in keeping up with the improvements in air navigation. I do not intend to take up any further time of the Committee to discuss the various items of the bill. I should like to discuss the Bureau of Prisons, the Bureau of Fisheries, and the Bureau of Steamboat Inspection and Navigation, because I think they present very important problems for the Department, as well as your committee, but the time is late. My chairman has covered the bill very thoroughly and in the extension of my remarks, which I shall ask when we go back into the House, I shall include some of the comments I had intended to make on the bill now, or else I will take time under the 5-minute rule. [Applause.]

Mr. McMILLAN. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. BROOKS] such time as he may desire to use.

Mr. BROOKS. Mr. Chairman, my attention has just been called to a copy of one of the local newspapers of Shreveport, La., bearing date of March 16, 1937, containing 30 legal advertisements of foreclosures being made by the Home Owners' Loan Corporation in the parish of Caddo, La. This list does not include the foreclosures which may have been brought and which may be advertised in other newspapers at the present time. Neither does this list include advertisements of other foreclosures being run by the Home Owners' Loan Corporation in the same paper at the present time.

Under the laws of the State of Louisiana, the foreclosing mortgagor is required to run a judicial advertisement in a daily newspaper announcing the foreclosure and the date and place of the sale. This advertisement must be run four times in a daily newspaper over a period of four consecutive weeks before the sale can be held.

I have been watching from time to time the list of foreclosures being made by the Shreveport office of the Home Owners' Loan Corporation with grave concern. Ordinarily, when a home owner knows that he is unable to carry on with his home, and knows the futility of attempting to do so, he informs the owner of the mortgage of this fact and by agreement the property is deeded from the mortgage debtor to the mortgage owner. In this manner, no doubt, the Shreveport office of the Home Owners' Loan Corporation disposes of cases of many borrowers who are unable to meet the monthly payments. It is the unusual case that requires foreclosures.

In speaking of this fact, I find that 30 homes are being advertised in one single issue of one of the local newspapers. This means in effect that within the next month 30 families will lose their homes in this city and will have to look for some other place of abode. I am informed that the Home Owners' Loan Corporation since its establishment in Shreveport, La., has made the sum of 2,350 loans. Therefore, we find in this issue of the newspaper that 1½ percent of all the property upon which the Home Owners' Loan Corporation holds a mortgage is being advertised under legal foreclosure in Shreveport proceedings.

Since January 1, 87 foreclosure suits have been filed against home owners in Caddo Parish, La., and since October 1 the Shreveport office of the Home Owners' Loan

Corporation has foreclosed against 135 home owners in this locality. I am informed that the usual old-line insurance companies which loan money on homes rarely exceed in repossession of homes for all purposes 6 percent of the total number of loans made. Yet we find in this city that the Home Owners' Loan Corporation in less than 6 months' time has foreclosed upon approximately the same percent of people and taken their homes from them as the old-line companies do during the entire period of 8 or 10 years in the collection of their loans.

But to make the situation worse, I wish to say that lending agencies lend money on homes when times are fairly prosperous and, therefore, must accept the value upon the home as of the date of the application. The Home Owners' Loan Corporation made the loans in the depth of the depression when property had very little value. Since then, property values have been rising in every section of the United States. In Shreveport real-estate values have more than doubled during the last 3 years. Due to the improvement in business conditions and especially due to the oil development which continues apace in this oil section of the mid-continent area, a real house shortage exists in Shreveport, La. Because of this situation, I say, and the Home Owners' Loan Corporation will not deny, that the properties upon which they own mortgages have doubled in value since the mortgages were obtained.

There is something wrong with the Home Owners' Loan Corporation in the fourth congressional district. They tell me that the defendants in these foreclosure suits are, to some extent, 20 months or better in arrears on the payment of these mortgages. It may be that there is a faulty system of collection. It is true that the United States is not in the position of a good-natured philanthropist but rather it is in the position of a strict businessman who insists and has a right to the return of all money loaned. This does not explain the conditions existing at the present time in the fourth congressional district, however.

We have in Shreveport just as honest and conscientious citizenry as exists in any other part of the United States. We have people who understand the meaning of an obligation and where they are able to do so, intend to and do accordingly, carry out their contracts. These home owners constitute the backbone of my congressional district as well as the bulwark of the Nation. The Home Owners' Loan Corporation should grant every possible consideration to these heads of families who are struggling with a heavy burden in an effort to retain their homes for themselves and their children. I say that if, in the list of foreclosures, there exists one single family who unnecessarily loses its home, some one is at fault in the Home Owners' Loan Corporation.

When the crash came in 1930–31 in Shreveport, we found the banks closing and the financial institutions refusing to aid even the most worthy persons who because of the economic crisis were unable to carry on with their obligations. Values disappeared and refinancing was impossible. In such a situation came the Home Owners' Loan Corporation and it said to the people of Shreveport, in effect, here is a haven of refuge; you will be permitted to liquidate the indebtedness on your home in an orderly manner.

Several years have passed since then, and values and confidence have been to a large extent restored. And now the people of this city of northwest Louisiana find that they have jumped from the frying pan into the fire. They have been permitted to hold on for a little longer and to "cherish the fond delusion of hope" for a short time only to find their homes taken from them in spite of their every effort, every struggle, and every sacrifice.

The Home Owners' Loan Corporation in Louisiana has been and is thoroughly politicalized. Mr. Paul B. Habans, State manager, of New Orleans, La., is a political appointment. He has politicalized the entire set-up. In the Shreveport office, up until last week, a close relative of the leader of the opposing faction, Mr. A. M. Leary, has been in active management of the office. Last week he retired to make a place for another political appointment, a Mr. Parker, of Monroe, La., whose chief claim to competency are his political views and activity.

I have analyzed the situation existing in Shreveport very carefully and I am of the opinion that this office should be thoroughly investigated from top to bottom. Unquestionably loans have been made which should have never been considered by the Home Owners' Loan Corporation of Shreveport, La. In the making of these loans certain institutions have been favored and individuals have been discriminated against. The Shreveport office of the Home Owners' Loan Corporation has accepted from some local financial institutions practically every bad loan on their books and has permitted these institutions to retain the loans in whose liquidating value they have full confidence.

I charge that the difficulty now that this office is having is in concealing the facts that have existed there for some time and should require immediate investigation.

As I have said before, irregularities exist in the Shreveport office which should require investigations. The large number of recurring foreclosures likewise should require investigation. I have discussed this matter with Mr. John W. Childress, assistant to the chairman, who promises his aid; but a more general investigation with a wider scope is needed. We are entitled to know here in Congress why certain irregularities have existed. We are also entitled to know why it is necessary that 6 percent of the loans out of this office be foreclosed within the last 6 months and where this folly of rushing into legal proceedings is going to lead.

I do not have the figures upon the number of homes which have been voluntarily returned by home owners who acknowledge their inability to pay. These figures are in the possession of the Home Owners' Loan Corporation. I merely have what is shown by the public records and should be sufficient to warrant an immediate investigation of the affairs in Shreveport, La.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to my colleague on the committee, the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, there is an old saying, "Of what should a man be proud if he is not proud of his friends?" and my colleague the gentleman from Michigan [Mr. HOFFMAN] this afternoon took occasion to refer to the Governor of our State as "the hired man."

I am happy to refer to Frank Murphy as a soldier, a district attorney, a mayor of Detroit, a Governor General of the Philippines, the first High Commissioner of the Philippines, a municipal judge and, now, the Governor of the State of Michigan. If there is one thing that Frank Murphy would be proud to be called, it would be the hired man of the underprivileged. [Applause.] Frank Murphy has been known throughout his entire public career as the champion of the underprivileged. Frank Murphy has been famous for his leniency and his charitable thought of the underprivileged. Frank Murphy has a heart bigger than the man himself, and with it all it is tempered with the greatest sense of justice. Frank Murphy lists among his friends both the rich and the poor, but by far would he prefer to be in Abe Lincoln's class, as the champion of the underprivileged.

I wish that the Committee would give me permission now to read from an editorial in the Detroit Free Press. I ask unanimous consent that I may read this editorial.

The CHAIRMAN. Is there objection?

Mr. HOFFMAN. Mr. Chairman, I reserve the right to object. I think I know what is in the editorial and I agree with the Governor's statement about the enforcement of the law and the duty as well. He is entitled to the highest praise for his words, but did he himself follow the advice that he gave to others? Did he follow his words with action?

Mr. RABAUT. Let us see what the editorial says.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RABAUT. Mr. Chairman, this editorial is from the Detroit Free Press, under date of March 19. The Detroit Free Press most vigorously opposed the election of Frank Murphy as Governor of the State of Michigan. I quote it because so much has been said here about the sit-down strike and Governor Murphy's connection with it that I feel it proper for the House to know what the Republican press has to say about the statement of the great Democratic red-headed Governor of Michigan. The editorial is as follows:

[From the Detroit Free Press of Mar. 19, 1937]

THE GOVERNOR'S STATEMENT

The law-and-order statement by Governor Murphy merits wholehearted approval and support.

It is a statement the people of Michigan have long been waiting for. It is firm and clear. Already it seems to be having a healthful effect.

Nobody can mistake where the Governor stands with respect to the maintenance of order in Michigan, or can be doubtful about his disposition to do what is necessary for ending the impossible condition existing as a result of the epidemic spread of unlawful sit-down strikes.

Governor Murphy says plainly that the Government of Michigan will not forsake its responsibilities to maintain order and protect citizens in the full exercise of their legal rights. He points out that under their oaths, the Governor and the police officials have no alternative in the matter.

On the strength of what he says, the State will expect effective law enforcement.

At the same time, Governor Murphy makes it clear that he earnestly hopes to avoid any extraordinary action. What he said is a warning, but it is not a threat. He speaks to strikers as to reasonable men and women and fellow citizens.

He has no quarrel with workers because they are trying to obtain redress of grievances or because they are struggling to get relief from hard conditions. He has nothing to say against the use of the lawful strike as an instrument to gain those ends, where necessary.

The Governor sets his face only against the use of illegal and violent methods which tend to destroy law and order and jeopardize the State and the Nation, and which in the end inevitably will defeat the purposes of those who use them.

For as Governor Murphy says, when such things are resorted to, democratic rule is endangered and the way is prepared for the rule of mobs or dictators; at best democratic government is impaired, and social progress impeded.

"And", adds the Governor, "it should not be forgotten that personal liberty (the most precious possession of the common man and woman) will be of little value if the authority and integrity of the courts are not preserved and property rights protected."

That is sound talk. And the Governor might have said, too, that the present conditions in Detroit and Michigan already are injuring seriously the standing and reputation of the State throughout the Nation, and are threatening its business and industry so that any victory won by violent, lawless strike methods will be a very hollow triumph.

Agreements about bargaining and working conditions and rates of pay don't mean much if the jobs that make them valuable are gone.

Governor Murphy is doing his duty to the State. He also is performing a friendly service for labor.

That is the comment of the most bitter paper against the Democratic Party in the State of Michigan and I am happy to congratulate it today upon this candid statement.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. Yes. I yield to the gentleman from Michigan.

Mr. HOFFMAN. I approve of all that the Governor said there, but was the Governor's statement about the sanctity of the law and the duty of everyone to obey the law and the court order made after or before he prevented the sheriff of Genesee County serving the writ issued by Judge Gadola of Flint?

Mr. RABAUT. This is about the Detroit situation, and was published on the 19th of this month.

Mr. HOFFMAN. After the Governor had prevented the officer at Flint from executing the process of the court?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I desire at this time to call to the attention of the Appropriations Committee the desperate situation in which employees of the United States district courts and the employees of the United States marshals' offices throughout the Nation find themselves. I make specific reference to the pay scale of these employees. The bailiffs in the district courts receive $4.50 a day for only such time as they actually put in. This makes the annual average scale below that which is necessary for the average self-respecting citizen. The deputy United States marshals, I would say, are in even worse condition because for most part they are younger men and have greater obligations.

In comparison to wages paid by first-class municipalities and salaries paid to deputy sheriffs, these Federal employees are unjustly treated.

The service rendered by deputy marshals in serving subpenas and certain court papers require extensive travel within the jurisdiction of the local court, and the mileage allowances, it is universally agreed, are insufficient to pay the cost on the deputies' investment and provide for the gasoline used in the conveyance, with the result that the meager salaries, which run from $115 to perhaps $135 per month, must be drawn upon to make up the losses incurred through the use of their automobiles.

The policy of the Department heretofore has been so short-sighted as to force some of these men to use streetcars, thus limiting the number of services on the part of a deputy in any working day, and this practice is not profitable for either the employee or the Department.

The only reason that these conditions exist is because the deputy marshals and bailiffs are not members of any association or trade union. Therefore, they have no one to speak for them. They are not in a position to force their demands upon the Government.

Under date of January 21, 1937, I brought these matters to the attention of the Attorney General, and I received a reply from him under date of February 8. For the benefit of the committee I insert copies of these letters to show that the Attorney General agrees with my deductions:

HOMER S. CUMMINGS,
Attorney General, Washington, D. C.

DEAR MR. CUMMINGS: I was privileged to write you in behalf of the employees connected with the United States marshal's office. As we go along we learn of additional injustices.

It has been brought to my attention that the bailiffs in the United States district courts receive pay at the rate of $4.50 per day and payable only when the court is in session.

It appears to me that the entire plan of the Justice Department as it applies to its employees, for want of a better term, may be called "scabby." Whoever may be responsible for this condition, certain I am it is not you up to and until this date, but from this time on you and I must share the responsibility for its continuance. When the bailiffs in the State courts of Michigan receive $3,300 per year and the deputy sheriffs, with no particular experience, receive from $1,800 to $2,100, it is a crying shame to pay Federal bailiffs $4.50 per day and trusted employees serving as deputy United States marshals at a ridiculously low rate.

Of course, I understand your position. You have recommended an increase. Somehow your ideas and mine seem to collide with the Budget Director, and the Appropriations Committee is always willing to accommodate the Budget Director. But, personally, I am of the opinion that it is a matter of obligation on the part of this administration to see that this iniquitous condition is changed.

I sincerely hope that in making your recommendations that you will again recommend a reasonable increase for the United States marshals' deputies and likewise, after careful analysis, recommend some reasonable basis for compensation for the court bailiffs.

I will be more than willing to cooperate with you in remedying this situation.

Cordially and sincerely yours,

JOHN D. DINGELL.

Hon. JOHN D. DINGELL,
House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: Your letter of January 21, 1937, in reference to the pay of bailiffs in United States district courts is acknowledged herewith.

I agree with you that something should be done about the underpayment of bailiffs and deputy marshals, and we have requested additional funds to alleviate this situation as far as possible. The fundamental basis of correction, however, is through legislation, and please be assured that the Department is giving every consideration possible to this matter.

I appreciate your interest and cooperation very much.

With kind regards,

Sincerely yours,

HOMER S. CUMMINGS,
Attorney General.

Unfortunately, these employees are faced with almost insurmountable obstacles. First, the Judiciary Committee must authorize an increase after the Attorney General's office approves it. Then after an appropriation is authorized the Appropriations Committee must allow the necessary money to meet any increase in pay scales. The Appropriations

Committee is governed by the recommendation of the Budget Director, and it seems that the Budget Director as well as the authorized legislative committees fail to act because these employees have no spokesman and certainly are not in a position to force the issue.

In my letter to the Attorney General I referred to the shabby treatment of these Department of Justice employees. For want of a more forceful or descriptive term, I called it "scabby", and on that point there is no discounting the phrase.

Mr. Chairman, I would have introduced a bill of my own, but after discussing the matter with several members of the Committee on the Judiciary I am assured that the committee has before it a bill which will take care of the situation and which will provide a scale of wages and allowances for mileage commensurate with the service rendered.

I sincerely hope that if and when the Judiciary Committee passes favorably upon the needs of these employees that the Appropriations Committee, without any regard whatsoever for a contrary opinion from the Budget Director, will discharge its duty and make the necessary appropriation.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I was glad this afternoon to hear the question brought up and also the promise of the committee for its support, pertaining to apprentice training. I believe that is one of the most important subjects that will come before this House through the Department of Labor this year. It is doing something for the youth of our country. I base my support on an experience of over 40 years ago. My parents apprenticed me out to learn the trade of foundry worker nearly 40 years ago, for $1 a day, for 11 hours. I was apprenticed upon the promise to be taught my trade. That was at the beginning of the machine age in my particular business. After working a few months upon one special machine I could produce as much work as a journeyman, receiving at that time possibly seven times as much pay. I rebelled. I had no place to appeal. I quit my job and I went to another town and got a job. Being under contract with the company, I was forced back to their employment to finish my time. Now I know that this is a condition, only it has been exaggerated a thousand times with the boys and girls of our country who are agreed to be apprenticed to a trade, to learn all of the different parts, that they are being exploited on one particular machine. At the end of 4 years' time, at small wages, these boys and girls went out into the world as specialists, and they were not equipped.

The result has been a shortage of skilled mechanics. Today in this country there is a real shortage of skilled mechanics in certain lines. This project is to throw a cloak of protection around these boys and girls in industry in a voluntary plan participated in by the company, the employee, and the Federal Government. It has been organized in 42 States and has been accepted. There are today 117 committees working in this country for the protection of young people in industry and for putting this project across. Three years ago I organized this committee in the State of Connecticut and saw the results. I am very much satisfied with the way it has worked out. If nobody else does, I shall present a bill that will bring this under the Department of Labor as one of its activities in a legal way, and I do hope that the Committee on Appropriations will see fit to help pass this bill.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. BACON. I may say to the gentleman from Connecticut that, so far as I am concerned as one member of the Appropriations Committee, I shall be very glad to join in getting the necessary appropriations, provided we can do it in the Appropriations Committee. I think that the Secretary of Labor has been very negligent in not bringing this subject to the attention of the Committee on Labor in an orderly way before this time.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. McMILLAN. I can only say that the committee will go along with the gentleman's views on this matter if it is properly presented to the legislative committee and authorization is granted by the Congress providing for such a commission. The Appropriations Committee, however, is not a legislative committee, and under the circumstances a point of order will unquestionably be raised against the provision were it undertaken to be inserted in the bill at this time.

Mr. FITZGERALD. I promise the chairman of this subcommittee that I shall bring in a bill putting this activity where it belongs—in the Department of Labor—and bringing it properly within the appropriation bill.

MEMORANDUM ON THE WORK OF THE FEDERAL COMMITTEE ON APPRENTICE TRAINING

The Federal Committee on Apprentice Training is a coordinated committee made up of representatives of the United States Office of Education, the Youth Administration, the United States Department of Labor, industry, and organized labor. It was created by Executive Order No. 6750–C (June 27, 1934) for the purpose of permitting genuine apprentice training under the National Recovery Administration codes and, at the same time, prevent the exploitation of apprentices and the break-down of labor standards. After the N. R. A. was declared unconstitutional, the Federal Committee was continued under the National Youth Administration. While apprenticeship solves in part the unemployed youth problem, it is primarily a long-time program covering a period of years and its promotion should be the function of a permanent department of the Government.

The President, in a letter to the Secretary of Labor, dated September 19, 1936, requested the transfer of the Federal Committee on Apprentice Training to the Department of Labor and suggested that a request for an appropriation to cover this activity be included in the Department's budget. The Budget Bureau recommended to Congress an appropriation of $56,900 for the continuation of this work during the coming fiscal year. This transfer and budget had the unanimous approval of the Federal Committee.

Scope of the program of the Committee

The objectives of the Federal Committee on Apprentice Training are to promote apprenticeship as a sound employment policy and to open up to young people opportunities to obtain training that will equip them for profitable employment. To this end the Committee has been active in:

1. Stimulating training of skilled workers in those trades where shortage is imminent and discouraging training in trades where obsolescence or other factors forecast overcrowding.

2. Bringing national trade associations and labor organizations together in the formulation of a sound program of apprentice training acceptable to both groups.

3. Stimulating the States to set up the necessary machinery for safeguarding and promoting the training of youth for the skilled trades.

4. Serving in an advisory capacity to both employers and employees in the formulation of practical training programs for skilled workers.

It will be seen that the work of the Committee is entirely voluntary and depends upon the acceptance by employers and employees of the services and advice of the Committee. It works through representative State committees that have been set up to establish policies for the administration of the State apprenticeship program. Each of these State committees has drawn up a plan of work which has been approved by the Federal Committee. Such State committees have been set up in 42 States. In addition to these committees, 117 local trade committees have been organized, composed of employers and journeymen in the trade, for the formulation of labor standards and the application of these standards to the training program in the trade.

The activities of the Federal Committee have brought a widespread and enthusiastic interest in apprentice training and an understanding of the importance of apprenticeship as a sound employment policy. One of its outstanding achievements has been its influence in upholding standards of apprenticeship at a time when the normal tendency would have been to put on learners without regard to supply and demand and standards of employment.

Up until the time that the Federal Committee became active there had been no adequate Federal or State machinery developed to promote uniformity and give protection to employment standards of apprenticeship. Because of this lack of machinery, this vital system of training has not kept pace with the needs of industry or with the opportunities for employment in the skilled trades. Labor has repeatedly expressed itself in opposition to any apprenticeship program that does not provide proper safeguards for labor standards. If young workers are to be apprenticed, the trade unions must be assured that the boy's interests will be safeguarded, that labor standards will be upheld, and that the apprentice will not be put on at the expense of the older worker. The Federal Committee on Apprentice Training has the cooperation and support of the trade-union movement and must be kept functioning if the future demands for skilled labor are to be properly met.

The Department of Labor was created "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." Certainly the activities of the Federal Committee on Apprentice Training are in line with these purposes. Its activities encroach in no way upon the work being done by the United States Office of Education but, on the contrary, increase the demands upon the school authorities for related instruction for apprentices. The division of the authority and responsibility between the Department of Labor and the Office of Education is clearly covered in the attached joint memorandum which was submitted to the Subcommittee on Appropriations for the Department of Labor.

The American Federation of Labor, at its last convention in Tampa, unanimously approved the work of the Federal Committee and urged that its activities be carried on as a regular function of the Department of Labor. Various State federations of labor have also gone on record in approval of the Committee's work. National programs for apprentice training have been worked out and approved by the National Society of Master Painters and Decorators, and the Brotherhood of Painters, Decorators, and Paperhangers, and by the National Association of Master Plumbers, and the United Association of Journeymen Plumbers and Steamfitters. Other national joint programs of this sort are in the process of formulation. This development is meeting a long-felt need in the building and construction industry.

Mr. BACON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, the distinguished gentleman from Michigan [Mr. RABAUT] is entitled to the thanks of the House for placing in the RECORD the editorial from the Detroit Free Press. I have no doubt but that every Member of the House agrees with the sentiments of that editorial, even though it comes from a Republican newspaper.

While the Governor there lays down a course of conduct for all public officials, and which meets with the approval of all, since the 30th day of December 1936, he has failed to follow that course which would permit him to be in line with the advice he gives the others. I mean that, while he has been depicted here as a friend of labor, thousands of men have been deprived of their jobs because the Governor refused or failed, if you prefer that word, to tell those strikers to leave those factories. I am firmly of the opinion, from information that I have of my own and what I have received from Flint and from Detroit, that had the Governor then said to these men in those factories, "You must get out and we will arbitrate this matter", we would have had no further trouble there.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. RABAUT. The gentleman pays a compliment to the Governor.

Mr. HOFFMAN. As to his words, yes—pardon me—but not as to his actions.

Mr. RABAUT. By inference and implication he gives the Governor credit for being able to do that which the officials could not do; he gives the Governor credit for doing everything that seemed humanly impossible for anybody else to do.

Mr. HOFFMAN. Governor Murphy laid down the correct rule, which all must follow if this Nation is to endure as a democracy. When the Governor stated, in substance, that the use of illegal and violent methods which would tend to destroy law and order and jeopardize the State and Nation would in the end defeat the purpose of those who used them, we can all agree with and applaud him.

When he said, in substance, that when such things were resorted to democratic rule was in danger and the way is prepared for the rule of mobs or dictators, he again stated a fundamental truth which we all admit.

When he said, as the gentleman has quoted from this editorial, that—

> It should not be forgotten that personal liberty will be of little value if the authority and integrity of the courts are not preserved and property rights protected—

he stated a principle which experience has demonstrated must govern the actions of all.

But when he gave the people of the State of Michigan and the strikers to understand there would be "no compulsion" he nullified all that he said, and when, by his conduct at Flint, he refused to permit the sheriff to uphold the authority and protect the integrity of the Circiut Court of Genesee County, then, as he himself said, the personal right of the citizen is of little value.

The Governor's words are all that any honest man can desire. His failure to inform the sit-down strikers at Flint and again at Detroit that the law must and would be enforced, his failure to take any action looking toward that end nullifies all his words and demonstrates once more that men must be judged by their acts rather than by their words. The acts of the Governor have demonstrated that the liberty of the citizen of Michigan, the right of the worker who desires to continue in his job, means nothing to him.

Our President by his silence lends support to these sit-down strikers. For more than 60 days, while this lawlessness has continued, while civil authority has been defied, while armed men have invaded our State, disturbed its peace, kidnaped factories and held them to ransom, the President of the United States has remained silent. Not one word of disapproval has come from the Chief Executive of the Nation.

The Clerk read the bill down to and including line 7, page 1.

Mr. McMILLAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 5779, the appropriation bill for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year 1938, had come to no resolution thereon.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that on Thursday next, after the disposition of business on the Speaker's desk and special orders heretofore made, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an excerpt from a speech made by Senator Jones, of Nevada.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon in Committee, and to include therein one or two quotations from decisions of previous Chairmen.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DUNN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a bill which I introduced today.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FERNANDEZ, for 10 days, on account of official Government business in New Orleans.

To Mr. FORD of California, for 2 weeks by doctor's order, on account of illness.

To Mr. HILDEBRANDT, for 8 days, on account of death in family.

To Mr. HILL of Washington, for 2 weeks, on account of official business.

To Mr. LARRABEE, for 1 week, on account of important official business.

To Mr. McCLELLAN, indefinitely, on account of pressing business.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speakers' table, and, under the rule, referred as follows:

S. 74. An act for the relief of Melba Kuehl; to the Committee on Claims.

S. 191. An act for the relief of Orson Thomas; to the Committee on Claims.

S. 274. An act for the relief of Joseph N. Wenger, lieutenant, United States Navy, and for other purposes; to the Committee on Claims.

S. 434. An act for the relief of Rufus C. Long; to the Committee on Claims.

S. 435. An act for the relief of B. W. Winward; to the Committee on Claims.

S. 470. An act for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne; to the Committee on Claims.

S. 544. An act for the relief of M. K. Fisher; to the Committee on Claims.

S. 595. An act to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 750. An act to grant relief to persons erroneously convicted in courts of the United States; to the Committee on the Judiciary.

S. 1470. An act authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800); to the Committee on Public Buildings and Grounds.

S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit; to the Committee on the Judiciary.

S. 1570. An act granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to the Red River of the North; to the Committee on Flood Control.

S. 1684. An act for the relief of the State of Pennsylvania; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 328. An act for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield;

H. R. 1231. An act for the relief of John Munroe;

H. R. 3067. An act for the relief of John Edgar White, a minor;

H. R. 3201. An act for the relief of Bertha M. Harris;

H. R. 5487. An act to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); and

H. J. Res. 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on March 20, 1937, present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 217. Joint resolution providing for the construction and maintenance of a National Gallery of Art.

ADJOURNMENT

Mr. McMILLAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 23, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs at 10 a. m., Tuesday, March 23, 1937. Business to be considered: Open hearings on House Joint Resolution 234, authorizing an appropriation of $5,000,000 for New York World's Fair, 1939.

COMMITTEE ON THE JUDICIARY

There will be a hearing before subcommittee no. 4 of the Committee on the Judiciary at 10:30 a. m., Saturday, March 27, 1937, on the bill H. R. 2271, to provide for trials and judgments upon the issue of good behavior in the case of certain Federal judges.

There will be a hearing before subcommittee no. 2 of the Committee on the Judiciary at 10 a. m., Friday, April 2, 1937, on the bills H. R. 4894, to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff, and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will meet on Wednesday, Mar. 24, 1937, at 10:30 a. m. to consider the following bills: H. R. 3424, for the relief of certain aliens illegally in the United States; H. R. 4291, to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed by the Committee on the District of Columbia to consider H. R. 3291, barber regulations, will meet Tuesday, March 23, 1937, at 10:30 a. m. in room 345, House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m. Wednesday, March 24, 1937. Business to be considered: Hearing on natural-gas bills. In view of the hearing which the committee held last year, it is hoped that the hearing this year will be limited to new matter as far as possible.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, March 30, 1937. Business to be considered: Aviation bills (hearing).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:30 a. m., Wednesday, March 24, 1937. Business to be considered: Hearings on H. R. 3683, conveyance of portion of Oakland, Calif., post-office site for street-widening purposes, and H. R. 3135, for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site.

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation at 10:30 a. m., March 23, 1937. Business to be considered: House Joint Resolution 91, to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes; H. R. 2512, to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws; H. R. 1499, to create a commission and

to extend further relief to water users on United States reclamation projects and on Indian irrigation projects.

EXECUTIVE COMMUNICATIONS, ETC.

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

458. A communication from the President of the United States, transmitting a proposed provision pertaining to two existing appropriations of the War Department (H. Doc. No. 172); to the Committee on Appropriations and ordered to be printed.

459. A communication from the President of the United States, transmitting a proposed provision pertaining to the appropriation for Army transportation, War Department, fiscal year 1937 (H. Doc. No. 171); to the Committee on Appropriations and ordered to be printed.

460. A letter from the Secretary of Agriculture transmitting a request for the enactment of an appropriation authorizing an appropriation of $100,000 to defray the organizing and holding of the Seventh World's Poultry Congress and Exposition in the United States; to the Committee on Foreign Affairs.

461. A letter from the Secretary of Agriculture, transmitting a draft of a bill to amend section 13 of the Migratory Bird Conservation Act of February 18, 1929; to the Committee on Agriculture.

462. A letter from the Secretary of Agriculture, transmitting a proposed change in the act approved March 26, 1934, Forty-eight Statutes, 467 (U. S. C., title 5, sec. 514a) creating the position of Under Secretary of Agriculture; to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WHITTINGTON: Committee on Flood Control. H. R. 4194. A bill to authorize a preliminary examination of the Delaware River with a view to the control of its floods; with amendment (Rept. No. 436). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 4541. A bill for a survey and examination of the Kickapoo River, Wis., with a view to the control of its floods; with amendment (Rept. No. 437). Referred to the Committee of the Whole House on the state of the Union.

Mr. SECREST: Committee on Flood Control. H. R. 4708. A bill to authorize a preliminary examination and survey of the Scioto and Sandusky Rivers and their tributaries in the State of Ohio, with a view to the control of their floods; without amendment (Rept. No. 438). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN: Committee on Flood Control. H. R. 4714. A bill to provide for a preliminary examination and survey of Illinois Bayou, Pope County, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, constructing dams and reservoirs when needed, and the cost of such improvement, with a view to the controlling of floods; with amendment (Rept. No. 439). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN: Committee on Flood Control. H. R. 4715. A bill to provide for a preliminary examination and survey of Big Piney Creek in Pope and Johnson Counties, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, constructing dams and reservoirs where needed, and the cost of such improvements, with a view to the controlling of floods; with amendment (Rept. No. 440). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 4896. A bill to authorize a preliminary examination and survey of Cayuga Creek, N. Y., with a view to the control of its floods; without amendment (Rept. 441). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 4956. A bill to provide for a preliminary examination of the White River in South Dakota with a view to flood control; with amendment (Rept. No. 442). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 4957. A bill to provide for a preliminary examination of the Keyapaha River in South Dakota with a view to flood control; with amendment (Rept. No. 443). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 4958. A bill authorizing a preliminary examination of the Bad River from Philip to Fort Pierre, S. Dak.; with amendment (Rept. No. 444). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN: Committee on Flood Control. H. R. 4963. A bill authorizing a preliminary examination and survey of Estero River, Imperial River, Corkscrew River (Horse Creek), Gordon River, and Rock Creek, all in Florida, with a view to the control of their floods; without amendment (Rept. No. 445). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN: Committee on Flood Control. H. R. 5123. A bill to provide for a preliminary examination and survey of Palarm Creek, a tributary of the Arkansas River, in Faulkner and Pulaski Counties, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, of constructing dams and reservoirs where needed, and the cost of such improvement, with a view to the control of floods; with amendment (Rept. No. 446). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 5128. A bill to authorize a preliminary examination and survey of the Bayou Meto Basin, a tributary of the Arkansas River in the State of Arkansas, with a view to control of floodwaters; without amendment (Rept. No. 447). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN: Committee on Flood Control. H. R. 5129. A bill to provide for a preliminary examination of Sulphur River in Arkansas with a view to flood control and to determine the cost of such improvement; with amendment (Rept. No. 448). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN: Committee on Flood Control. H. R. 5130. A bill to provide for a preliminary examination of the Poteau River in Arkansas with a view to flood control and to determine the cost of such improvement; with amendment (Rept. No. 449). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALLGREN: Committee on Flood Control. H. R. 5180. A bill to authorize a preliminary examination of Nestucca River and its tributaries in the State of Oregon with a view to the control of its floods; with amendment (Rept. No. 450). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALLGREN: Committee on Flood Control. H. R. 5181. A bill to provide a preliminary examination and survey of the Flathead River and tributaries in Flathead County, Mont., with a view to the control of its floodwaters; without amendment (Rept. No. 451). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. House Joint Resolution 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; without amendment (Rept. No. 452). Referred to the House Calendar.

Mr. DEEN: Committee on War Claims. H. R. 2904. A bill for the relief of officers and soldiers of the Volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899; without amendment (Rept. No. 456). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUINN: Committee on Flood Control. H. R. 4545. A bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; with amendment (Rept. No. 457). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on Merchant Marine and Fisheries. S. 1441. An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy; without amendment (Rept. No. 458). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on Merchant Marine and Fisheries. H. R. 4552. A bill to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes; with amendment (Rept. No. 459). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DEEN: Committee on War Claims. H. R. 1767. A bill for the relief of the Rowesville Oil Co.; without amendment (Rept. No. 453). Referred to the Committee of the Whole House.

Mr. DEEN: Committee on War Claims. H. R. 1770. A bill for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.; without amendment (Rept. No. 454). Referred to the Committee of the Whole House.

Mr. WOOD: Committee on War Claims. H. R. 2114. A bill for the relief of Ernst Nussbaum; without amendment (Rept. No. 455). Referred to the Committee of the Whole House.

Mr. WARREN: Committee on Merchant Marine and Fisheries. House Joint Resolution 185. Joint resolution to authorize Capt. Harry G. Hamlet, Capt. Edward D. Jones, Lt. Comdr. Louis W. Perkins, Lt. Comdr. Frank T. Kenner, and Lt. Dwight H. Dexter, United States Coast Guard, to accept certain foreign decorations and diplomas; with amendment (Rept. No. 460). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 4926) to authorize a payment to Annie Brown Corson in lieu of pension not paid to her father or his widow, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ROBSION of Kentucky: A bill (H. R. 5803) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more efficient tax-supported free public-school systems; to the Committee on Education.

By Mr. ROBINSON of Utah: A bill (H. R. 5804) to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 5805) to amend an act entitled "An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes", approved April 19, 1930; to the Committee on the Public Lands.

Also, a bill (H. R. 5806) to authorize the Secretary of the Interior to accept donations of land, interests in land, buildings, or other property for the extension of national parks, national monuments, battlefield sites, national military parks, and other areas administered by the National Park Service, and for other purposes; to the Committee on the Public Lands.

By Mr. BUCK: A bill (H. R. 5807) to amend the Social Security Act with respect to the meaning of the term "agricultural labor"; to the Committee on Ways and Means.

By Mr. KLEBERG: A bill (H. R. 5808) to amend the act of March 16, 1934, relating to the migratory bird hunting stamp, as amended by the act of June 15, 1935; to the Committee on Agriculture.

By Mr. DIMOND: A bill (H. R. 5809) authorizing the transfer of canceled cheque to the Governor of Alaska; to the Committee on the Territories.

By Mr. SHEPPARD: A bill (H. R. 5810) to provide for the refund of certain interest paid by veterans on loans secured by adjusted-service certificates, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNN: A bill (H. R. 5811) to provide $30,000,000,000 which shall be expended within a period of 5 years to furnish employment and to end poverty in the United States and its possessions; to the Committee on Ways and Means.

By Mr. KLEBERG: A bill (H. R. 5812) to amend section 243 of the Penal Code of the United States as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof; to the Committee on Agriculture.

By Mr. FULMER: A bill (H. R. 5813) to authorize the Director of the Census to collect and publish monthly statistics concerning the quantities of soybeans, peanuts, flaxseed, corn germs, copra, sesame seed, hempseed, babassu kernels and nuts, rapeseed, and other oil seeds, nuts and kernels received at oil mills, and for other purposes; to the Committee on the Census.

By Mr. CHANDLER: A bill (H. R. 5814) to authorize and direct the submission to Congress of a comprehensive plan to provide flood protection for the city of Memphis and Shelby County, Tenn.; to the Committee on Flood Control.

By Mr. SCOTT: A bill (H. R. 5815) providing for the refund of profits realized by the Reconstruction Finance Corporation from the sale of collateral; to the Committee on Banking and Currency.

By Mr. HILL of Oklahoma: A bill (H. R. 5816) to provide that the workmen's compensation law of any State may apply, within such State, to employments in interstate commerce; to the Committee on the Judiciary.

By Mr. ROGERS of Oklahoma: A bill (H. R. 5817) to create an Indians Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; to the Committee on Indian Affairs.

By Mr. CLASON: A bill (H. R. 5818) for the allowance and payment of certain claims for wages for labor performed in excess of 8 hours per day in national armories and arsenals; to the Committee on Claims.

By Mr. SUMNERS of Texas: A bill (H. R. 5819) to amend the Judicial Code in respect to claims against the United States for just compensation; to the Committee on the Judiciary.

By Mr. MAAS: A bill (H. R. 5820) granting compensation for death of Reserve officers and Reserve enlisted men by aviation accidents; to the Committee on Naval Affairs.

By Mr. STARNES: A bill (H. R. 5821) to give honorably discharged veterans, their widows, and the wives of disabled veterans who themselves are not qualified, preference in employment where Federal funds are disbursed; to the Committee on the Civil Service.

By Mr. BOILEAU: A bill (H. R. 5822) to provide for the continuation and expansion of the Federal works program; for the development of a planned, long-range public-works program; for grants and aid by the Federal Government to the several States in relieving hardship and suffering caused by unemployment, and for other purposes; to the Committee on Appropriations.

By Mr. DINGELL: A bill (H. R. 5823) to provide funds for acquisition of a site, erection of buildings, and the furnishing thereof for the use of the diplomatic and consular establishments of the United States, at Warsaw, Poland; to the Committee on Foreign Affairs.

By Mr. RAMSPECK: A bill (H. R. 5824) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the city of Atlanta, Ga., and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. TINKHAM: A bill (H. R. 5825) authorizing the disposal of boats to the Dawn Patrol, Inc.; to the Committee on Naval Affairs.

By Mr. ANDRESEN of Minnesota: A bill (H. R. 5826) to authorize a preliminary examination and survey of Root River, Fillmore and Houston Counties, Minn., with a view to control of floodwaters; to the Committee on Flood Control.

Also, a bill (H. R. 5827) to authorize a preliminary examination and survey of Gilmore Creek, Winona County, Minn., with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. MARTIN of Colorado: A bill (H. R. 5828) to provide a preliminary examination of the Fountaine Qui Bouille (Fountain) River and its tributaries, in the State of Colorado, with a view to the control of their floods and the conservation of their waters; to the Commitee on Flood Control.

By Mr. MOTT: A bill (H. R. 5829) authorizing the construction of a dam and dike for preventing the flow of tidal waters in the North Slough in Coos County for the purpose of reclaiming land for farming; to the Committee on Rivers and Harbors.

By Mr. DISNEY: A bill (H. R. 5830) to provide for the enlargement, extension, and remodeling of the post-office building at Tulsa, Okla., and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. COLLINS: A bill (H. R. 5831) to provide for a survey of the old Jackson Military Road and the establishment of a national parkway along the route thereof, and for other purposes; to the Committee on the Public Lands.

By Mr. DIMOND: Joint resolution (H. J. Res. 289) authorizing a preliminary examination and survey of Wrangell Harbor, Alaska; to the Committee on Rivers and Harbors.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Iowa, memorializing the President and the Congress of the United States favoring the eradication of the noxious weed; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Georgia, memorializing the President and the Congress of the United States requesting consideration of House Resolution 225 proposing that naval stores laborers be classified as farm laborers, and for other purposes; to the Committee on Agriculture.

Also memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States requesting consideration of their Joint Resolutions No. 49 A, No. 55 A, and No. 58 A; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to consider their Senate Joint Resolution No. 28, favoring the Harrison-Black-Fletcher bill providing Federal aid for public education; to the Committee on Education.

Also, memorial of the Legislature of the State of Oregon, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 16 favoring Senate bill 816; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 18 favoring House bill 4009; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 17 concerning star-route mail carriers; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to consider their Senate Resolution No. 18; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Utah, memorializing the President and the Congress of the United States, urging the passage of House bill 5028, by Mr. DEEN, providing for an appropriation of $125,000,000 for each of the fiscal years ending June 30, 1938, and June 30, 1939, for the purpose of increasing employment; to the Committee on Roads.

Also, memorial of the Legislature of the State of Utah, memorializing the President and the Congress of the United States to appropriate $100,000 to the counties of Uintah and Duchesne, located in the former Indian reservation, State of Utah; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Utah, memorializing the President of the United States and the Congress of the United States to consider their House Joint Memorial No. 6, requesting passage of Senate bill 1375, which provides punishment for persons stealing cattle moving in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Territory of Hawaii, memorializing the President of the Congress of the United States to consider their House Concurrent Resolution No. 18 and to Amend the O'Mahoney sugar bill; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BATES: A bill (H. R. 5832) for the relief of John Joseph McMahon; to the Committee on Naval Affairs.

By Mr. BURCH: A bill (H. R. 5833) to provide for a review by the Department of War of the case of the late Capt. Bartlett James; to the Committee on Military Affairs.

By Mr. CLARK of Idaho: A bill (H. R. 5834) for the relief of Mary Louise Oxley; to the Committee on the Civil Service.

By Mr. CLAYPOOL: A bill (H. R. 5835) to amend certain records of the Department of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. DIES: A bill (H. R. 5836) for the relief of Lindsy Linsicombe; to the Committee on Naval Affairs.

By Mr. HIGGINS: A bill (H. R. 5837) for the relief of Joseph Patrick Twomey; to the Committee on Naval Affairs.

By Mr. KELLY of Illinois: A bill (H. R. 5838) for the relief of Thomas F. McKee; to the Committee on Claims.

By Mr. KNIFFIN: A bill (H. R. 5839) granting a pension to Clara Sill; to the Committee on Invalid Pensions.

By Mr. O'BRIEN of Michigan: A bill (H. R. 5840) for the relief of Purse Bros.; to the Committee on Claims.

Also, a bill (H. R. 5841) for the relief of William Bockheim; to the Committee on Claims.

By Mr. OLIVER: A bill (H. R. 5842) for the relief of John G. Edwards; to the Committee on Claims.

By Mr. POLK: A bill (H. R. 5843) for the relief of Harry E. Conn; to the Committee on Claims.

By Mr. RICH: A bill (H. R. 5844) granting a pension to Ella V. Bellinger; to the Committee on Invalid Pensions.

By Mr. SADOWSKI: A bill (H. R. 5845) authorizing the Secretary of War to award a Distinguished Service Medal to Clarence E. Whitney; to the Committee on Military Affairs.

By Mr. THOMASON of Texas: A bill (H. R. 5846) for the relief of Carolina Maldonado; to the Committee on Claims.

By Mr. WELCH: A bill (H. R. 5847) granting a pension to Katherine Mueller; to the Committee on Pensions.

PETITIONS, ETC.

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

1252. By Mr. ASHBROOK: Petition of Mr. and Mrs. C. E. Neptune and Mr. and Mrs. C. W. Neptune, of Roscoe, Ohio, urging that nothing be done to disturb or abridge the

religious rights and privileges of our people; to the Committee on the Judiciary.

1253. Also, petition of the Democratic Women's Club of Cheshire, Ohio, endorsing the President's Supreme Court proposal; to the Committee on the Judiciary.

1254. By Mr. BEITER: Petition of the Building Contractors' Association of Indianapolis, urging the continuance of the Public Works Administration and the allocation to it for public construction of a proportionate share of any moneys required to be spent by the Federal Government for national relief of the unemployed and the recovery of industry; to the Committee on Ways and Means.

1255. Also, petition of the Amalgamated Clothing Workers of America, representing 1,500 members, urging enactment of the President's proposals to reform the judiciary; to the Committee on the Judiciary.

1256. By Mr. CARTER: Petition of the City Council of the Town of Emeryville, Calif., by its mayor and city clerk, favoring the bill (H. R. 4215) to amend the Banking Act of 1935 to authorize the continuance of the payment of interest on deposits of public funds; to the Committee on Banking and Currency.

1257. Also, petition of the southern California legislative committee of the Standard Railroad Labor Organizations, by Frank G. Pellett, chairman, and R. B. Thompson, secretary, Los Angeles, Calif., supporting the program being advanced by the President for the reorganization of the judicial branch of the Government; to the Committee on the Judiciary.

1258. Also, petition of the Contra Costa County People's Legislative Conference, by Joseph F. Milcoch, secretary, Martinez, Calif., endorsing the action taken by President Roosevelt on the Federal and Supreme Court matters, and recommending a constitutional amendment to definitely give Congress power to pass laws over the 5-to-4 vote of the Supreme Court; to the Committee on the Judiciary.

1259. Also, petition of 158 lawyers of San Francisco, Calif., received with letter dated March 12 from Matt I. Sullivan, attorney at law, Mills Tower, San Francisco, Calif., opposing the proposal of President Roosevelt in regard to the Supreme Court change; to the Committee on the Judiciary.

1260. By Mr. CURLEY: Resolutions of the Alteration Plumbers, Steamfitters, and Helpers Union of New York, endorsing the President's program for reorganization of the Federal Judiciary; to the Committee on the Judiciary.

1261. Also, resolutions of the Medical Society of the County of New York, composed of 4,500 registered physicians in the city of New York, opposing the enactment of Senate bill 1233 and House bill 4650; to the Committee on the Judiciary.

1262. By Mr. COLDEN: Resolution adopted by the southern California legislative committee of the standard railroad labor organizations, March 5, 1937, expressing the approval of the railroad brotherhoods of southern California of the President's program for reform of the judiciary; to the Committee on the Judiciary.

1263. Also, resolution adopted by the California Mutual Water Companies Association, Upland, Calif., asking that the United States Department of Agriculture, through its proper agencies, be requested to conduct a study of the varying salt constituents of irrigation water, and its possible effects upon soil, plants, and eventually underground percolating waters; to the Committee on Irrigation and Reclamation.

1264. By Mr. CRAWFORD: Petition of R. A. Carothers and other residents of Stanton, Mich., protesting against any legislation prohibiting the use of the mails for distribution of religious literature; to the Committee on the Judiciary.

1265. Also, petition of residents of Owosso, Mich., relative to the issuance of currency; to the Committee on Banking and Currency.

1266. By Mr. ENGEL: Petition of Mary A. Blankenship and others, of Idlewild, Mich., urging enactment of old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1267. Also, petition of Joshua Lewis and others, of Baldwin, Mich., urging enactment of old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1268. Also, petition of Helena F. Kubecka and others, of Chase, Mich., urging enactment of old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1269. Also, petition of Neely Couch and others, of Lake County, Mich., urging enactment of old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1270. Also, petition of Oscar Blankenship, of Idlewild, Mich., urging enactment of old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1271. Also, petition of Edward Harrison and others, of Baldwin, Mich., urging enactment of old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1272. By Mr. FITZPATRICK: Petition of the Alteration Plumbers, Steamfitters, and Helpers Union, unanimously endorsing President Roosevelt's program for the reorganization of the Federal judiciary; to the Committee on the Judiciary.

1273. Also, petition of the Eastern and Gulf Sailors' Association, New York Branch, New York, N. Y., endorsing the President's proposal for improving and enlarging the United States Supreme Court; to the Committee on the Judiciary.

1274. By Mr. GOODWIN: Petition of 22 taxpayers and residents of Sullivan County, N. Y., protesting against the President's recommendation of appointing additional Justices to the Supreme Court; to the Committee on the Judiciary.

1275. By Mr. JARRETT: Resolution of the Mercer County Bar Association, Mercer, Pa., memorializing the Congress of the United States to defeat the measure to provide for supplementary appointment of Justices to the Supreme Court of the United States when incumbents fail to retire at 70 years of age; to the Committee on the Judiciary.

1276. Also, petition of Wayde H. McKinley and other residents of Polk, Pa., protesting against revising or weakening the United States Supreme Court; to the Committee on the Judiciary.

1277. By Mr. KEOGH: Petition of Thomas H. Holden, president, New York Building Congress, New York City, with reference to the enactment of the Beiter bill (H. R. 4594); to the Committee on Ways and Means.

1278. By Mr. LAMBETH: Petition of citizens of Lee County, N. C., favoring enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1279. Also, petition of citizens of Union County, N. C., favoring enactment of House bill 2257 providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1280. By Mr. LEWIS of Colorado: House Joint Resolution No. 10 of the Colorado General Assembly, urging the appointment of a citizen of Colorado to a place on the Federal Power Commission; to the Committee on Irrigation and Reclamation.

1281. Also, House Joint Memorial No. 6 of the Colorado General Assembly, memorializing the Congress to consider in any treaty or treaties between the United States of America and Mexico the waters of the Colorado River and the Rio Grande River as the subjects of separate and distinct agreements and treaties; to the Committee on Foreign Affairs.

1282. Also, House Joint Memorial No. 5 of the Colorado General Assembly, urging favorable action on Senate Resolution 298 providing for certain measures designed to solve the problem of transient relief; to the Committee on Ways and Means.

1283. Also, House Joint Memorial No. 4 of the Colorado General Assembly, asking for appropriation of $1,000,000,000 for the continuation of the Works Progress Administration; to the Committee on Ways and Means.

1284. Also, House Joint Resolution No. 7 of the Colorado General Assembly, urging assistance to the President in connection with the reorganization of the Federal judiciary; to the Committee on the Judiciary.

1285. Also, Senate Joint Memorial No. 5 of the Colorado General Assembly, memorializing the Congress to pass the Wagner-Van Nuys anti-lynching bill; to the Committee on the Judiciary.

1286. Also, House Joint Memorial No. 9 of the Colorado General Assembly, expressing favorable attitude toward House bill 4009 providing for control and eradication of noxious weeds and to protect the agricultural resources of the several States and of the United States; to the Committee on Agriculture.

1287. Also, House Joint Memorial No. 10 of the Colorado General Assembly, urging the continuation of a public-works program under the administration of the Public Works Administration; to the Committee on Ways and Means.

1288. Also, House Joint Memorial No. 7 of the Colorado General Assembly, urging appropriation for the control of grasshoppers, Mormon crickets, and other insect pests similarly subject to interstate migratory movements; to the Committee on Agriculture.

1289. Also, House Joint Memorial No. 8 of the Colorado General Assembly, urging Federal legislation providing for the punishment of persons stealing animals moving in interstate commerce; to the Committee on Interstate and Foreign Commerce.

1290. By Mr. MARTIN of Colorado: Senate Joint Memorial No. 3 of the General Assembly of Colorado, for the relief of the people of the State of Colorado in respect to narrow-gage rail abandonments, etc.; to the Committee on Interstate and Foreign Commerce.

1291. By Mr. MOTT: Seven petitions of citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1292. Also, House Joint Memorial No. 16 of the Thirty-ninth Legislative Assembly of the State of Oregon, urging the Congress to enact into law Senate bill 816, which amends the Federal Farm Loan Act and Farm Credit Act of 1935, to provide that no deficiency judgment shall be taken in the foreclosure of any first mortgage obtained as security for any loan; to the Committee on Agriculture.

1293. Also, 11 petitions of citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1294. By Mr. PETERSON of Georgia: Petition of citizens of Emanuel County, Chatham County, Bulloch County, and Candler County, Ga., concerning old-age pension bill (H. R. 2257), by Mr. ROGERS of Oklahoma; to the Committee on Rivers and Harbors.

1295. By Mr. PFEIFER: Petition of the New York Building Congress, Thomas S. Holden, president, New York City, concerning the Beiter bill, H. R. 4594; to the Committee on Ways and Means.

1296. By Mr. RICH: Petition of citizens of Bradford, Pa., protesting against the President's plan to reorganize the Supreme Court; to the Committee on the Judiciary.

1297. By Mr. WARREN: Petition of certain citizens of First Congressional District of North Carolina, favoring House bill 2257, old-age pension bill; to the Committee on Ways and Means.

1298. By Mr. WITHROW: Senate Joint Resolution No. 18, passed by the Wisconsin Legislature, memorializing the Congress of the United States to investigate certain recent charges by a Wisconsin Congressman and a member of the staff of the Wisconsin Relief Administration as to the distribution of relief in Wisconsin; to the Committee on the Judiciary.

1299. Also, Joint Resolution No. 58 A, passed by the Wisconsin Legislature, memorializing the Congress of the United States to enact legislation to relieve financial difficulties developing in northern Wisconsin due to Federal purchases of land; to the Committee on the Public Lands.

1300. Also, Joint Resolution No. 55 A, passed by the Wisconsin Legislature, relating to memorializing the Congress of the United States to provide relief for farmers in drought-stricken areas in this State; to the Committee on Ways and Means.

1301. Also, Senate Joint Resolution No. 28, passed by the Wisconsin Legislature, memorializing the Congress of the United States to pass the Harrison-Black-Fletcher bill providing Federal aid for public education; to the Committee on Education.

1302. Also, Joint Resolution No. 49 A, passed by the Wisconsin Legislature, memorializing the Congress of the United States to apply available Federal aid to the salvation of the American farmer and the restoration and stabilization of American agriculture as of more vital national concern than the eradication of noxious weeds; to the Committee on Agriculture.

1303. By the SPEAKER: Petition of the Council of the City of Knoxville, Tenn., favoring the United States Housing Act of 1937; to the Committee on Banking and Currency.

1304. Also, petition of the City Council of the City of Moline, Ill., favoring the United States Housing Act of 1937; to the Committee on Banking and Currency.

SENATE

TUESDAY, MARCH 23, 1937

Rev. W. L. Darby, D. D., executive secretary of the Washington Federation of Churches, of Washington, D. C., offered the following prayer:

Almighty and loving Lord, we approach Thee in humility and reverence, for Thou art our creator and preserver; Thou alone art worthy of our worship. We come with gratitude for the multitude of Thy mercies upon us as a people through the years of our national life. May we increasingly deserve Thy grace and favor. Cleanse us from selfishness and greed, from envy and covetousness. Forgive our individual and collective sins and help us to seek those great moral and spiritual ideals which alone will assure our stability and permanence.

In these times of stress and strain, when we know not what a day may bring forth, we pray for wisdom to be given the President of the United States, his Cabinet and other advisers, and the members of our courts. In this hour we ask Thy blessing upon the Congress and especially upon this body, the Senate of the United States. Give Thy servants here vision and judgment, so that, devoted to the welfare of their country, they may act for the highest interests of its citizens.

Aid us also to maintain our place helpfully in the family of nations to which we belong. Grant us the spirit of peace and good will, not that of hatred and strife. Let us all labor together for the common good and the coming of Thy kingdom of righteousness and brotherhood.

Today give Thy servants here the consciousness of Thy presence and guidance in all their discussions and actions. This we ask through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 22, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

H. R. 328. An act for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield;

H. R. 1231. An act for the relief of John Munroe;

H. R. 3067. An act for the relief of John Edgar White, a minor;

H. R. 3201. An act for the relief of Bertha M. Harris;

H. R. 5487. An act to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); and

H. J. Res. 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	Johnson, Colo.	Pope
Andrews	Copeland	King	Radcliffe
Ashurst	Davis	La Follette	Reynolds
Austin	Dieterich	Lee	Robinson
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Schwellenbach
Bilbo	George	Lonergan	Sheppard
Black	Gerry	Lundeen	Steiwer
Bone	Gibson	McAdoo	Thomas, Okla.
Borah	Gillette	McGill	Thomas, Utah
Bridges	Green	McKellar	Townsend
Brown, N. H.	Guffey	McNary	Tydings
Bulow	Hale	Minton	Vandenberg
Burke	Harrison	Moore	Van Nuys
Byrd	Hatch	Murray	Wagner
Byrnes	Hayden	Neely	Walsh
Capper	Herring	Nye	Wheeler
Caraway	Holt	O'Mahoney	White
Chavez	Hughes	Overton	
Clark	Johnson, Calif.	Pittman	

Mr. MINTON. I announce that the senior Senator from Ohio [Mr. BULKLEY], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Illinois [Mr. LEWIS], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from South Carolina [Mr. SMITH], the Senator from Michigan [Mr. BROWN], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Tennessee [Mr. BACHMAN] is unavoidably detained.

Mr. BULOW. I announce that my colleague the junior Senator from South Dakota [Mr. HITCHCOCK] is detained because of illness in his family.

Mr. AUSTIN. I again announce that the Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

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

SAFETY OF RAIL TRAVEL—CORRECTION OF REPORT

Mr. BARKLEY. Mr. President, in submitting on March 19 instant the report of the Committee on Interstate Commerce on Senate bill 29, to promote the safety of employees and travelers on railroads, and so forth, appearing on the calendar as No. 228, the clerk of the committee by oversight noted that the bill was reported without amendment, whereas, as a matter of fact, there were a number of amendments adopted in the committee. I ask unanimous consent that the report may be withdrawn and that the calendar may be corrected accordingly. I will file a new report for the committee.

Mr. ROBINSON. Does the Senator desire to recommit the bill to the committee?

Mr. BARKLEY. No; merely to make the correction.

Mr. ROBINSON. Very well.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

ORDER FOR CONSIDERATION OF UNOBJECTED BILLS

Mr. ROBINSON. I ask unanimous consent that, after the conclusion of the morning business, the Senate proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Utah, which was referred to the Committee on Appropriations:

Joint memorial of the Senate and House of Representatives of the State of Utah to the Congress of the United States of America, urging the passage of H. R. 5028, by Mr. DEEN

Whereas there is now introduced in the Congress of the United States a bill known as H. R. 5028, by Mr. DEEN, providing for an appropriation of $125,000,000 for each of the fiscal years ending June 30, 1938, and June 30, 1939, for the purpose of increasing employment by providing for emergency construction of public highways and other related projects; and

Whereas under the terms of this bill the States would not be required to match with State funds any portion of these appropriations; and

Whereas any portion of the said appropriations which might be necessary may be used for matching Federal funds already authorized to be appropriated to the States for highway purposes; and

Whereas there is also made available the sum of $25,000,000 per year for the construction of farm-to-market and feeder roads under the same terms as set forth above; and

Whereas the State of Utah has plans and surveys for projects sufficiently advanced so that these funds could be put under contract without undue delay; and

Whereas the State of Utah at the present time is unable to match all of the funds now allocated for expenditure during the present year; and

Whereas the large amount of work that could be done through the expenditure of these funds would result in the employing of a large number of needy persons: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the State of Utah respectfully and earnestly memorialize and request the Congress of the United States to give serious consideration to the passage of this bill; and be it further

Resolved, That copies of this memorial be sent by the secretary of state to the President of the United States Senate, the Speaker of the House of Representatives of the United States, the Secretary of Agriculture of the United States, and to the Senators and Representatives of the State of Utah in the Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Utah, which was referred to the Committee on the Judiciary:

Memorial requesting that the Seventy-fifth Congress of the United States pass S. 1375, which provides punishment for persons stealing cattle moving in interstate commerce

We, your memorialists, the House of Representatives and the Senate of the State of Utah, respectfully represent that—

Whereas there is now pending in the Seventy-fifth Congress of the United States S. 1375, which is "A bill to provide for the punishment of persons stealing animals moving in interstate commerce, and for other purposes"; and

Whereas stealing of animals is rapidly reaching alarming proportions and the apprehension and conviction of persons engaged in stealing of animals is becoming increasingly more difficult because of modern means of transportation and the inability of State governments to afford protection to citizens beyond the borders of the State; and

Whereas the passage of S. 1375 would enable the Federal Government to apprehend and convict persons stealing animals who are now able to evade punishment; and

Whereas the passage of S. 1375 would be extremely beneficial to the State of Utah and all of the States in the United States which are concerned with the establishment and protection of the livestock industry of the State: Now, therefore, be it

Resolved by the twenty-second session of the Legislature of the State of Utah, That the Seventy-fifth Congress of the United States is hereby respectfully memorialized and urged to give every consideration to S. 1375 to the end that it may be speedily enacted into law; be it further

Resolved, That the Senators and Representatives of the State of Utah in the Congress of the United States are hereby requested to give their support to, and vote for, the aforesaid measure, and that the secretary of state forward copies of this memorial to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to Senators and Representatives of the State of Utah in said Congress.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the Territory of Hawaii, which was referred to the Committee on Finance:

Concurrent resolution memorializing the Congress of the United States to amend the O'Mahoney sugar bill so that said measure, while retaining all its meritorious provisions, will not discriminate against the Territory of Hawaii

Whereas on March 4, 1937, there was introduced before the Federal Congress the so-called O'Mahoney sugar bill, under which the quota provisions of the Jones-Costigan Act are intended to be extended and a new excise levy is imposed on all sugar processed in the United States; and

Whereas while the purpose underlying this measure is concededly to benefit the small producer and is sincerely advocated by the national administration, yet the bill, as framed, contains provisions of great injustice to and discrimination against Hawaii:

(1) In failing to classify this Territory as a domestic producer of sugar similar to other American sugar-producing areas, and in failing to accord the Territory the same treatment as to quotas as is accorded the producers in other parts of the United States, but, on the contrary, in classifying the Territory of Hawaii with foreign and other areas which are not, like this Territory, integral parts of the United States;

(2) In limiting the quantity of refined sugars which Hawaii may ship to other parts of the United States, while other domestic producers are not so restricted; and

(3) In providing for benefit payments only for cane harvested after June 30, 1937 (while our Hawaiian cane is practically all harvested prior to that date), so that our Territory must bear its burden of the excise tax, while receiving virtually no benefit payments for 1937; and

Whereas such discrimination and injustice is wholly undeserved and by reason of same this Territory and its citizens are denied the equal protection of the laws and equality of treatment with their fellow Americans in other parts of the United States, while bearing all the obligations with respect to taxation and otherwise which are borne by other domestic producers of sugars: Now, therefore, be it

Resolved by the House of Representatives of the Territory of Hawaii (the senate concurring), That the Congress of the United States of America be, and it hereby is, memorialized and respectfully requested not to pass the said O'Mahoney sugar bill in its present form, but to so amend said measure that, while retaining all the merits of the bill and its sincere underlying purpose, it will not discriminate against the Territory of Hawaii and its citizens; and be it further

Resolved, That copies of this concurrent resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Interior, and the Delegate to Congress from Hawaii.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of Utah, favoring an appropriation by Congress of $100,000 for the purpose of erecting and equipping a junior college at a site now selected in the city of Roosevelt, Duchesne County, Utah, to be jointly used by both white and Indian children, which was referred to the Committee on Appropriations.

(See concurrent resolution printed in full when presented by Mr. THOMAS of Utah on the 22d instant, p. 2536, CONGRESSIONAL RECORD.)

Mr. AUSTIN presented the following joint resolution of the Legislature of the State of Vermont, which was referred to the Committee on the Judiciary:

Resolved by the senate and house of representatives, That, as representing the sovereign State of Vermont, and speaking in its name, they deplore any attempt to weaken the independence of the Supreme Court of the United States, whether by enlarging its membership or in any other way making it dependent on or subservient to the executive or legislative branches of the Government, and declare that the safety of our institutions and Government depend upon the maintenance of the severance of executive, legislative, and judicial powers, without any branch of the Government attempting to encroach upon the powers or dictate the action of another; be it further

Resolved, That a copy of this resolution be forwarded to each of the Senators and to the Representative from Vermont in the Congress of the United States by the secretary of state.

Mr. SHEPPARD presented petitions of sundry citizens, being farmers of Morris County, Tex., praying for the adoption of the President's Court proposal, which was referred to the Committee on the Judiciary.

Mr. HALE presented memorials of sundry citizens of the State of Maine, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented petitions of several citizens and also of members of Baptist Churches of West Bowdoin and vicinity, all in the State of Maine, praying that no law be enacted disturbing or abridging religious rights and privileges, which were referred to the Committee on the Judiciary.

Mr. GIBSON presented a resolution adopted by Lodge No. 789, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Rutland, Vt., favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by an annual town meeting of citizens of Barnard, Vt., protesting against the enactment of legislation to change the personnel or powers of the Supreme Court, which was referred to the Committee on the Judiciary.

LOW-COST HOUSING

Mr. WAGNER. Mr. President, I present for appropriate reference certain resolutions from New York City endorsing and approving the so-called low-cost housing bill introduced by me in the Senate and by Representative STEAGALL in the House. I ask unanimous consent that the resolutions referred to may be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

NEW YORK CITY, *March 21, 1937.*

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SIR: At a general meeting of the Mid-Town Tenants' Association on the evening of Friday, March 19, the following resolution was passed by unanimous vote:

"Whereas the Mid-Town Tenants' Association is an organization of tenants primarily interested in the improvement of housing conditions of its membership and persons of the lower-income groups: Now, therefore, be it

"*Resolved*, That it go on record as heartily endorsing the Wagner-Steagall bill; that it urges the Senate Committee on Education and Labor, the House Committee on Banking and Currency, and representatives from this section in both the House of Representatives and the Senate to give active support to this bill; and, further, that it urges an amendment to the above bill providing a maximum rental of $5 per room per month."

Respectfully,

MID-TOWN TENANTS' ASSOCIATION,
LEE ROSENTHAL, *Secretary.*

[The above letter has been addressed to the following: HENRY B. STEAGALL, chairman, House Committee on Banking and Currency; HUGO L. BLACK, chairman, Senate Committee on Education and Labor; ROYAL S. COPELAND, Senator from New York; THEODORE A. PEYSER, Representative, Seventeenth District of New York; JOHN J. O'CONNOR, Representative, Sixteenth District of New York; copy to National Public Housing Conference, 112 East Nineteenth Street, New York City.]

Resolved, That the Board of Estimate and Apportionment of the City of New York does strongly urge the Congress of the United States to enact at the earliest possible date "the United States Housing Act of 1937", known as the Wagner-Steagall housing bill (S. 1685; H. R. 5033); and be it further

Resolved, That a copy of this resolution be sent to the Vice President of the United States, the Speaker of the House of Representatives, Senator WAGNER, Congressman STEAGALL, and the chairmen of the House and Senate committees having jurisdiction thereof.

TALKING BOOKS FOR THE BLIND

Mr. WALSH. Mr. Presient, I present a letter from M. C. Migel, president of the American Foundation for the Blind, of New York City, with reference to pending legislation pertaining to talking books for the blind, which I ask may be printed in the RECORD and appropriately referred.

There being no objection, the letter was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

[American Foundation for the Blind, Inc., New York, N. Y. Hon. Franklin D. Roosevelt, honorary president. Officers: M. C. Migel, president; Miss Prudence Sherwin, vice president; William Ziegler, Jr., secretary-treasurer. Bureau of National and International Relations, Dr. Helen A. Keller, counselor]

MARCH 15, 1937.

Hon. DAVID I. WALSH,
United States Senate Office Building,
Washington, D. C.

DEAR SENATOR:

* * * * * * * *

I was very sorry to miss you in Washington last Saturday. Senator WAGNER, who is away on a little vacation, wished me particularly to see you on the matter of H. R. 168, talking books for the blind, regarding which Dr. Helen Keller recently had a conference with you, and which, after a hearing in the House, was reported out by the Committee on the Library and passed in the House.

I might inform you that in your own State of Massachusetts there are now between 500 and 700 talking-book machines in the hands of the blind, who are eagerly awaiting talking-book records.

Owing to preparations required for mechanical production of talking books, we are hoping that this bill will be reported out from your Committee on Education and Labor during the present week, and we also hope that, owing to the extended hearings had in the House, it will not be necessary for your committee to hold a hearing.

If you personally would be good enough to request consideration of this bill, in conjunction with Senator BLACK, in order to expedite reporting same, the blind of the entire country will be most grateful to you.

Thanking you in advance, and with warm personal regards, believe

Sincerely yours,

M. C. MIGEL, *President.*

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1631. A bill for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy (Rept. No. 225); and

S. 1632. A bill for the relief of Capt. Benjamin Dutton, Jr.; Capt. C. H. J. Keppler; Commander Leo H. Thebaud; and Lt. Comdr. Gordon S. Bower, Supply Corps, United States Navy (Rept. No. 226).

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 436. A bill for the relief of the owners of property damaged by high waters in the Blackfoot Reservoir (Rept. No. 229);

S. 1721. A bill authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma (Rept. No. 232);

S. 1831. A bill to provide for the payment of attorneys' fees from Osage tribal funds (Rept. No. 233); and

S. 1901. A bill to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248) (Rept. No. 234).

Mr. THOMAS of Oklahoma also, from the Committee on Indian Affairs, to which were referred the following bill and joint resolution, reported them each with amendments and submitted reports thereon:

S. 1902. A bill to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes (Rept. No. 230); and

S. J. Res. 64. Joint resolution defining the jurisdiction of the Court of Claims under the act approved April 25, 1932 (47 Stat. L. 137), and for other purposes (Rept. No. 228).

Mr. HATCH, from the Committee on Indian Affairs, to which was referred the bill (S. 323) to extend the provisions of the act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, and California", approved March 4, 1913, as extended by the acts of April 11, 1916, June 30, 1919, and March 10, 1928, reported it without amendment and submitted a report (No. 231) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 1621) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works, reported it with an amendment and submitted a report (No. 235) thereon.

FEDERAL CROP INSURANCE CORPORATION—REPORT OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. POPE. From the Committee on Agriculture and Forestry I report back favorably with amendments the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes, and I submit a report (No. 227) thereon. I will state that the report is unanimous.

The VICE PRESIDENT. The bill will be placed on the calendar.

ELIGIBILITY OF JOSEPH P. KENNEDY FOR MARITIME COMMISSION—REPORT OF COMMITTEE ON COMMERCE

Mr. COPELAND. From the Committee on Commerce I report back favorably without amendment the joint resolution (S. J. Res. 110) limiting the operation of section 201 (b) of the Merchant Marine Act, 1936, with respect to qualification of member of the United States Maritime Commission, and I submit a report (No. 224) thereon.

This is the joint resolution which was introduced yesterday by the Senator from Arkansas [Mr. ROBINSON]. I ask the Senator from Oregon if he will permit action to be taken on the joint resolution today?

Mr. McNARY. What is the joint resolution?

Mr. COPELAND. It is the joint resolution which we had under consideration in the Committee on Commerce this morning regarding the eligibility of Mr. Kennedy for appointment to the Maritime Commission.

Mr. McNARY. Does it relate to his eligibility or provide for the repeal of the statute? I did not quite understand the Senator.

Mr. COPELAND. Both, perhaps.

Mr. McNARY. And what is the request?

Mr. COPELAND. The request is that immediate consideration may be given to the joint resolution.

Mr. McNARY. Of course I am interested, but I am a little amazed at the size of the request. I certainly shall object to it.

Mr. COPELAND. Then, I ask that the joint resolution go to the calendar for consideration tomorrow.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

BILLS INTRODUCED

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

By Mr. CLARK:

A bill (S. 1958) for the relief of Anton C. Miller; to the Committee on Military Affairs.

(Mr. DUFFY introduced Senate bill 1959, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. HAYDEN:

A bill (S. 1960) to prohibit the mailing of certain classes of unsolicited merchandise; to the Committee on Post Offices and Post Roads.

By Mr. REYNOLDS:

A bill (S. 1961) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister; to the Committee on the District of Columbia.

A bill (S. 1962) relating to charges for quarters and subsistence made to certain members of the Soldiers' Home; to the Committee on Military Affairs.

By Mr. HATCH:

A bill (S. 1963) increasing the fees of jurors in United States courts; to the Committee on the Judiciary.

A bill (S. 1964) granting to the State of New Mexico certain lands for the use and benefit of the Museum of New Mexico; to the Committee on Public Lands and Surveys.

By Mr. DAVIS:

A bill (S. 1965) for the relief of James A. Lyons; to the Committee on Claims.

A bill (S. 1966) further amending the World War Adjusted Compensation Act; to the Committee on Finance.

By Mr. LA FOLLETTE:

A bill (S. 1967) to authorize the Department of Labor to continue to make special statistical studies upon payment of the cost thereof, and for other purposes; to the Committee on Education and Labor.

By Mr. WALSH:

A bill (S. 1968) for the allowance and payment of certain claims for wages for labor performed in excess of 8 hours per day in national armories and arsenals; to the Committee on Education and Labor.

By Mr. THOMAS of Oklahoma:

A bill (S. 1969) granting an increase of pension to Annie R. C. Owen; to the Committee on Pensions.

REAMORTIZATION OF MORTGAGES UNDER HOME OWNERS' LOAN CORPORATION ACT

Mr. DUFFY. Mr. President, I introduce for appropriate reference a bill which would amend in certain respects the act creating the Home Owners' Loan Corporation, the general purpose being to permit in certain cases an amortization of loans of those who after they borrowed were unemployed. A serious situation has developed. I believe the bill, if enacted into law, would bring relief to a number of people who are now employed and who are unable to take up the deficiency of the amount in which they are in arrears. I ask unanimous consent that the bill, which is very brief, may be printed in the RECORD as a part of my remarks.

There being no objection, the bill (S. 1959) to provide for the reamortization of mortgages by the Home Owners' Loan Corporation, and for other purposes, was read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

A bill to provide for the reamortization of mortgages by the Home Owners' Loan Corporation, and for other purposes

Be it enacted, etc., That section 4 (c) of the Home Owners' Loan Act of 1933, as amended, is amended by striking out "1952" and inserting in lieu thereof "1955."

SEC. 2. The fourth sentence of section 4 (d) of the Home Owners' Loan Act of 1933, as amended, is amended by inserting before the period at the end thereof a colon and the following: "*Provided*, That the Corporation may at any time reamortize any such home mortgage or other obligation or lien by means of a fixed number of payments sufficient to retire the unpaid balance of the then existing obligation of the home owner to the Corporation for principal and interest within a period of not to exceed 18 years from the date such home mortgage or other obligation or lien was acquired by the Corporation."

REORGANIZATION OF FEDERAL JUDICIARY—PRINTING OF ADDRESSES, ETC., IN RECORD

Mr. MINTON. Mr. President, I ask unanimous consent to have inserted in the Appendix of the RECORD the statement made by Mr. Justice Ferdinand Pecora, of New York, last Saturday afternoon before the Judiciary Committee of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. JOHNSON of California. Mr. President, I desire to inquire the nature of the request the Senator from Indiana made a moment ago.

Mr. MINTON. I asked to have published in the Appendix of the RECORD a statement made by Mr. Justice Pecora last Saturday afternoon before the Judiciary Committee of the Senate.

Mr. JOHNSON of California. I have no objection to granting the request, but I am going to insist that I be permitted to read the memorial to the Congress submitted by certain lawyers of San Francisco. A few days ago this question arose when the Senator from Kentucky [Mr. LOGAN] presented an address by a distinguished lawyer of his State. I offered for publication in the RECORD a memorial of distinguished lawyers of my State. The result of the discussion then had was that both were denied publication in the RECORD. I have no objection to the publication in the RECORD of the matter now presented by the Senator from Indiana, but I want the opportunity then to present a similar request for my particular locality.

Mr. MINTON. I have no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana? The Chair hears none. Is there objection to the request of the Senator from California?

Mr. McNARY. Mr. President, the result which was somewhat unfortunate was probably brought about by the objection I made to the offer submitted by the Senator from Kentucky [Mr. LOGAN]. Inasmuch as the Senator from California [Mr. JOHNSON] makes the request in the absence of the Senator from Kentucky I ask that the address presented by him, which was kept out of the RECORD by my objection, may also be printed in the RECORD, in order that both may be treated alike.

The VICE PRESIDENT. Is there objection to the request of the Senator from California supplemented by the request of the Senator from Oregon? The Chair hears none, and the addresses and memorial will be printed in the RECORD.

[The address of Justice Pecora, presented by Mr. MINTON, the memorial presented by Mr. JOHNSON of California, and the address heretofore presented by Mr. LOGAN appear in the Appendix.]

LABOR RELATIONS—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. POPE asked and obtained leave to have printed in the RECORD a radio address on the subject Labor Relations, delivered by Senator THOMAS of Utah on the evening of Mar. 22, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR BURKE

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary, delivered by Senator BURKE on Mar. 20, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—STATEMENT OF THE ATTORNEY GENERAL

[Mr. BYRNES asked and obtained leave to have printed in the RECORD the statement made before the Senate Committee on the Judiciary on Mar. 10, 1937, by Hon. Homer Cummings, Attorney General of the United States, in reference to the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY JAMES H. WOLFE

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address on the subject of the proposed reorganization of the Supreme Court, delivered by James H. Wolfe, associate justice of the Supreme Court of Utah, on Mar. 7, 1937, which appears in the Appendix.]

TRADE AGREEMENTS PROGRAM—ADDRESS BY L. R. EDMINSTER

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address on the subject The Trade Agreements Program in Retrospect and Prospect, delivered by Lynn Ramsay Edminster on the evening of Mar. 13, 1937, at the Hotel Astor, New York City, which appears in the Appendix.]

CONSIDERATION OF UNOBJECTED BILLS ON THE CALENDAR

The VICE PRESIDENT. Morning business is closed. Under the order of the Senate adopted earlier in the day, the Senate will proceed to the consideration of unobjected bills on the calendar, and the clerk will state the first business in order.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. HAYDEN and Mr. McKELLAR. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1095) to provide a government for American Samoa was announced as next in order.

Mr. COPELAND. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 143) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. ROBINSON (and other Senators). Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. ROBINSON and Mr. McKELLAR. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. POPE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 48) to authorize an appropriation for investigation under the Federal reclamation laws was announced as next in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The bill will be passed over.

PAYMENT OF GOVERNMENT EMPLOYEES IN DISTRICT OF COLUMBIA

The joint resolution (H. J. Res. 131) for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the employees of the United States Government in the District of Columbia and the employees of the District of Columbia who come within the provisions of the act approved June 18, 1888, and who, under the provisions of said act, did not work on Wednesday, January 20, 1937, due to the closing of their places of employment on account of the holiday, shall be entitled to pay for said holiday.

GENERAL PULASKI MEMORIAL DAY—JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 102) authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, was announced as next in order.

Mr. ROBINSON. Let the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

Mr. COPELAND. Mr. President, I ask that the four next orders of business on the calendar, being Senate Joint Resolution 23, Senate Joint Resolution 24, Senate Joint Resolution 33, and Senate Joint Resolution 74, which relate to the same subject matter, be also passed over.

The VICE PRESIDENT. On request of the Senator from New York, the joint resolutions will be passed over.

VICTOR M. RUIZ C AND LUZ ELENA ROBLES

The Senate proceeded to consider the bill (S. 1038) for the relief of Victor M. Ruiz C and Luz Elena Robles, which had been reported from the Committee on Claims, with an amendment, at the end of the bill, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as an act of grace and without reference to the question of liability, the sum of $266.50 to Victor M. Ruiz C and the sum of $490.15 to Luz Elena Robles, both of Panama City, Panama, in full and final settlement of all claims whatsoever against the United States for compensation for damages arising from personal injuries sustained in the collision between a United States Army truck and the Chevrolet touring car of Victor M. Ruiz C, on March 26, 1935, near Arraijan, Republic of Panama: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JORDAN ROBERTS

The Senate proceeded to consider the bill (S. 1471) for the relief of Jordan Roberts, which had been reported from the Committee on Claims, with amendments, on page 1, line 4, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps"; in line 7, to strike out "$1,000" and insert "$300"; and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Jordan Roberts, of Murfreesboro, Ark., the sum of $300 in full satisfaction of his claim for damages arising out of personal injuries sustained by him when the truck upon which he was riding was struck by a Civilian Conservation Corps truck, driven by an enrollee of the Civilian Conservation Corps, on Highway No. 26, near Murfreesboro, Ark., on December 14, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

P. S. EVEREST

The Senate proceeded to consider the bill (S. 1402) for the relief of P. S. Everest, which had been reported from the Committee on Claims with an amendment, at the end of the bill, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to P. S. Everest, former superintendent and special disbursing agent for the Lac du Flambeau Indian Agency, Lac du Flambeau, Wis., the sum of $515.14, said sum to be in full settlement of his claim against the Government on account of the fraudulent acts of W. H. Shawnee, deputy disbursing agent, at the time of his superintendency at the Lac du Flambeau Indian Agency: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACK J. WICK

The Senate proceeded to consider the bill (S. 1414) for the relief of Jack J. Wick, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the words "West Virginia", to strike out "there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,483.50, or so much thereof as may be necessary, for payment of said claim" and to insert "The sum of $3,483.50, or so much thereof as may be necessary, of the unexpended balance of the sum made available to the President, for making loans for and otherwise aiding in the purchase of subsistence homesteads, by section 208 of the National Industrial Recovery Act, as amended and extended, is hereby made available for payment of such claim", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Jack J. Wick, of Morgantown, W. Va., for $3,483.50 for the installation of a heating plant in the factory at the subsistence homestead project at Arthurdale, W. Va. The sum of $3,483.50, or so much thereof as may be necessary, of the unexpended balance of the sum made available to the President, for making loans for and otherwise aiding in the purchase of subsistence homesteads, by section 208 of the National Industrial Recovery Act, as amended and extended, is hereby made available for payment of such claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. FOX

The Senate proceeded to consider the bill (S. 1753) for the relief of James A. Fox, which had been reported from the Committee on Claims with an amendment, at the end of the bill, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $328 to James A. Fox, of West Plains, Mo., in full satisfaction of all his claims against the United States for damages sustained by him as the result of personal injuries received on July 27, 1936, when a dynamite explosion on Works Progress Administration project no. 976 blew a large segment of stump through the top of the automobile in which he was riding: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MR. AND MRS. ROBERT O. BROWN

The Senate proceeded to consider the bill (S. 1589) for the relief of Mr. and Mrs. Robert O. Brown, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$200" and insert "$147.21", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Robert O. Brown, of Avery, Idaho, the sum of $147.21 in full satisfaction of their claim against the United States for damages to their household effects caused by debris thrown upon their home as a result of blasting operations on April 4, 1936, by the Forest Service in connection with an Emergency Conservation Work road-construction project in the St. Joe National Forest: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMELIA CORR

The bill (S. 784) for the relief of Amelia Corr was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1937", to Amelia Corr, mother of Frederick Andrew Corr, late chief pharmacist's mate, United States Navy, the sum of $945 in full settlement of her claim against the United States for 6 months' pay at the rate said Frederick Andrew Corr was receiving at the date of his death, October 1, 1932: *Provided*, That said Amelia Corr shows to the satisfaction of the Secretary of the Navy that she was actually dependent on her son, Frederick Andrew Corr, at the time of the latter's death and that the determination of such dependency by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

REIMBURSEMENT OF CIVILIANS AT HAMPTON ROADS NAVAL BASE

The bill (S. 1320) to provide for the reimbursement of certain civilians employed at the naval operating base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on pier 7, at the naval operating base, on that date was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $245.17, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain civilians employed at the naval operating base, Hampton Roads, Va., on May 4, 1930, for the value of tools owned by said civilians, lost as a result of the fire which destroyed pier 7 at the naval operating base on that date: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MARINE BAND AT CONFEDERATE VETERANS' REUNION

The bill (S. 1330) to authorize the attendance of the Marine Band at the United Confederate Veterans' 1937 Reunion at Jackson, Miss., June 9, 10, 11, and 12, 1937, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the United Confederate Veterans' Reunion to be held at Jackson, Miss., on June 9, 10, 11, and 12, 1937.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such reunion there is authorized to be appropriated the sum of $10,000, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

ACQUISITION OF LANDS IN ALAMEDA, CALIF.

The joint resolution (H. J. Res. 43) to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That section 1 of Public Law No. 780, entitled "An act to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon", approved June 24, 1936, is amended by inserting after the words "free from all", before the colon and preceding the proviso, the word "encumbrances."

RETURN OF COMMISSION OF JOHN BAPTISTE ASHE

The bill (S. 1507) authorizing the return of the commission of John Baptiste Ashe as a major in the Continental Army to Martha B. Rogers, nee Ashe, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General is authorized and directed to deliver to Martha B. Rogers, nee Ashe, great-granddaughter of the late John Baptiste Ashe, formerly a lieutenant colonel in the Continental Army, the commission of the said John Baptiste Ashe as a major in such Continental Army, signed by John Jay, President of the Congress, in 1779, which commission is now a part of the permanent records of the General Accounting Office.

TRANSFERS OF FIREARMS—EXEMPTION FROM TAX

The Senate proceeded to consider the bill (S. 1905) to amend the National Firearms Act, approved June 26, 1934, which was read, as follows:

Be it enacted, etc., That the National Firearms Act, approved June 26, 1934 (48 Stat. 1236), as amended by the act approved April 10, 1936 (49 Stat. 1192), be, and the same is hereby, amended by substituting a semicolon for the period at the end of section 13 thereof and by adding immediately thereafter the following: "(4) to any citizen of the United States for the purpose of design, development, or test upon approval of the Secretary of War."

Mr. COPELAND. Mr. President, may I ask the Senator from Texas to make a brief explanation of the purpose of the bill?

Mr. SHEPPARD. Mr. President, the law requires the payment of a tax of $200 on each firearm transferred in the continental United States. Section 13 of the 1934 act, however, exempts certain transfers of firearms from the payment of the $200 tax. The purpose of the bill under consideration is to extend exemption to American inventors and designers from the payment of this tax who wish to purchase

firearms for their use in experimental work in which the War Department has a military interest. Such purchases under the provisions of S. 1905 will have to be made with the approval of the Secretary of War. The measure is recommended by the War Department for enactment, and it has been reported favorably by the Military Affairs Committee with a recommendation that it do pass. In submitting the bill for favorable consideration the War Department pointed out that its enactment will make it possible for American citizens to purchase firearms, without inclusion of the transfer tax, for their use in design, development, or test when such purchase is approved by the Secretary of War.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT MYER MILITARY RESERVATION, VA.

The Senate proceeded to consider the bill (S. 1212) authorizing the conveyance to the State of Virginia, for highway purposes only, of portions of the Fort Myer Military Reservation, Va., and for other purposes, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 10, after the word "corner", to strike out "thereto" and insert "thereof", so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to convey to the State of Virginia, for highway purposes only, upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to that portion of the Fort Myer Military Reservation, Arlington County, Va., and that section of the military road connecting the said reservation with Key Bridge, over which the State of Virginia was granted permission to extend a State highway known as the Lee Memorial Boulevard by instrument dated July 1, 1936: *Provided*, That the Secretary of War is authorized to make such deviations in the descriptions of the lands involved as may be necessary to carry out the purposes and intent of this act.

SEC. 2. The Secretary of War is hereby further authorized, upon such terms and conditions as he may consider advisable, to sell or otherwise dispose of that portion of the Fort Myer Military Reservation comprising the northwest corner thereof, containing approximately 2.2 acres, which will be separated from the main body of said reservation by the conveyance to the State of Virginia of one of the parcels referred to in section 1 hereof.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BOY SCOUT WORLD JAMBOREE

The Senate proceeded to consider the bill (S. 1473) to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 6, to strike out "Holland" and insert "The Netherlands"; on page 2, line 22, after the word "jamboree", to strike out "that" and insert "That, under such regulations as he may prescribe"; and in line 25, after the word "America", to insert "who are citizens of the United States or, if not citizens of the United States, who owe permanent allegiance to the United States", so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the National Council, Boy Scouts of America, for use at the world jamboree, Boy Scouts, to be held in the Netherlands, in the months of July and August 1937, 1,200 cots, 4,500 blankets, tentage for 1,200 Scouts, 25 fire cranes, 25 sets commissary storage shelves, 100 pot chains, 100 cook pots, 25 United States parade-size flags, 50 fry pans, 50 bake pans, 50 reflector ovens, 200 water pails, 250 tin serving pans, 250 pitchers: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of said convention as may be agreed upon by the Secretary of War and the National Council, Boy Scouts of America: *Provided further*, That the Secretary of War before delivering said property shall take from the said Boy Scouts of America a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States. That the Commissioner of Internal Revenue be, and he is hereby, authorized under such rules and regulations as he shall promulgate to remit the tax on steamship tickets to bona-fide Scouts and Scouters certified by the National Council, Boy Scouts of America, attending this jamboree. That, under such regulations as he may prescribe, the Secretary of State be, and he is hereby, authorized to issue passports to bona-fide Scouts and Scouters of the Boy Scouts of America who are citizens of the United States or, if not citizens of the United States, who owe permanent allegiance to the United States upon certification by the National Council, Boy Scouts of America, as to their qualification to attend this jamboree as representing the National Council, Boy Scouts of America, without fee for the application or the issuance of said passports.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. C. YOUNG

The bill (H. R. 448) for the relief of C. C. Young was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. C. Young, of Pulaski County, Ark., the sum of $3,500, in full satisfaction of his claim against the United States for the death of his minor son, Adriel Young, who was killed on September 15, 1932, from the explosion of 37-millimeter shell which had previously been picked up and carried from Camp Pike Reservation, Ark., by Alpha Vint, a minor: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

BILLS PASSED OVER

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 532) to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train-dispatching offices and train-dispatching service and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers was announced as next in order.

Mr. ROBINSON and Mr. MCKELLAR. Over.

The VICE PRESIDENT. The bill will be passed over.

THE FEDERAL TRADE COMMISSION

The bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, was announced as next in order.

Mr. WHITE. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. ROBINSON subsequently said: Mr. President, I should like to inquire what is the objection to the consideration of Calendar No. 226, Senate bill 1077. A similar bill passed the Senate at the last session of the Congress.

The VICE PRESIDENT. The Senator will have to ask the Senator from Maine [Mr. WHITE], who objected to the consideration of the bill.

Mr. WHITE. Mr. President, I asked that the bill go over. In the first place, in the committee I offered an amendment which I understood was adopted, but which does not appear in the text of the reported bill. I stated to the committee, when that amendment was adopted, that the bill would require some further amendments. I have not yet been able to prepare those amendments, and therefore I asked that the bill go over.

Mr. ROBINSON. The Senator is now speaking with reference to Calendar No. 226, Senate bill 1077?

Mr. WHITE. Yes; the bill amending the Federal Trade Commission Act. An amendment which I offered, and which I understood had been adopted in the committee, does not appear in the bill as it is reported.

Mr. ROBINSON. And it was not incorporated in the report?

Mr. WHITE. And it is not referred to in the report, so far as I know. I wish to check on it.

Mr. ROBINSON. Very well.

OPERATION OF EXPERIMENTAL RADIO STATIONS

The Senate proceeded to consider the bill (H. R. 3898) to amend section 318 of the Communications Act of 1934, which was read, as follows:

Be it enacted, etc., That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however*, That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreements, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below 30,000 kilocycles: *Provided further*, That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices."

Mr. WALSH. Mr. President, this passed the House and has been reported favorably by the Committee on Interstate Commerce. It was recommended by the Communications Commission and simply permits the Communications Commission to authorize the operation of experimental stations, such as the one at Harvard College, without requiring a licensed operator, which they have no authority to do under the present law.

Mr. ROBINSON. Mr. President, was not a similar bill passed at the last session?

Mr. WALSH. Yes; it was passed during the last session. I think the Senator from Maine [Mr. WHITE] is particularly familiar with the bill.

Mr. WHITE. Mr. President, under existing law a radio station may not be operated without a licensed operator. At Harvard College, in particular, and at some other places, automatic transmitting apparatus has been developed. Such stations operate in the very high frequencies which are not in general use. This bill simply authorizes the operation of automatic transmitting apparatus without the presence of a licensed operator. As the Senator from Massachusetts says, the bill has been approved by the Communications Commission, and I know of no objection to it on the part of anyone.

Mr. WALSH. Mr. President, I inquire whether these experimentations are not very helpful to the radio science.

Mr. WHITE. Yes, Mr. President. These experiments are in the ultra-high frequencies—frequencies above 30,000 kilocycles—and their use at the present time is largely an experimental one. They create no interference with anything else, and they may result in substantial development of the art.

The VICE PRESIDENT. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation, was announced as next in order.

Mr. BARKLEY. Mr. President, that bill will have to go over, because the wrong report was made on it. I shall file the correct report later.

The VICE PRESIDENT. The bill will be passed over.

DEGREES TO GRADUATES OF MILITARY AND OTHER ACADEMIES

The Senate proceeded to consider the bill (H. R. 2291) to amend the act of May 25, 1933 (48 Stat. 73), which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "upon", to strike out "all living graduates of the said academies" and insert "such other living graduates of the said academies as shall have met the requirements of the respective academies for such degree", so as to make the bill read:

Be it enacted, etc., That the act approved May 25, 1933 (48 Stat. 73), be amended by changing the period at the end of the act to a colon and by adding the following words: "*Provided*, That on and after the date of the accrediting of the said academies by the Association of American Universities the superintendents of the respective academies may, under such rules and regulations as the respective secretaries may make, confer the degree of bachelor of science upon such other living graduates of the said academies as shall have met the requirements of the respective academies for such degree."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The VICE PRESIDENT. That completes the calendar.

EXTENSION AND COMPLETION OF THE CAPITOL

The Senate resumed the consideration of the bill (S. 1170) to provide for the extension and completion of the United States Capitol.

The VICE PRESIDENT. The amendments of the committee will be stated.

The first amendment was, in section 1, page 1, line 9, after the word "determine", to strike out "except" and insert "excepting", so as to read:

Be it enacted, etc., That the central portion of the Capitol shall be extended, reconstructed, and replaced in substantial accordance with either scheme A or scheme B of the architectural plan submitted by the joint commission of Congress and reported to Congress on March 3, 1905 (H. Doc. No. 385, 58th Cong., 3d sess.), with such modifications as the Commission may determine, excepting so much of said plan as relates to a sculptural group in the pediment of the House wing, etc.

The amendment was agreed to.

Mr. MCNARY. Mr. President, I am not conversant with the provisions of the bill. I think the same statement applies to other Senators. It seems to me, therefore, that a statement should be made regarding the bill by the chairman of the committee reporting it, the author of the bill.

Mr. CONNALLY obtained the floor.

The VICE PRESIDENT. The Chair will state to the Senator from Texas that the Senator from Florida [Mr. ANDREWS] expressed a desire to address the Senate on yesterday, and has again requested recognition for the purpose of addressing the Senate. Does the Senator from Texas desire to complete the consideration of the bill before that is done, or does he desire to yield for that purpose?

Mr. CONNALLY. Of course, I yield to the Senator from Florida. When the Senate proceeds with the consideration of the bill, it will be agreeable to the Senator from Texas, since he is chairman of the committee, to make a brief statement outlining the purposes of the measure; but I have no disposition to interfere with the remarks of the Senator from Florida.

Mr. ANDREWS. I should like to yield to the Senator from Texas if the consideration of the bill will not consume too much of the afternoon.

Mr. CONNALLY. If it is agreeable to the Senator from Florida, I shall be glad to proceed now. Otherwise, I am perfectly willing that he shall proceed.

Mr. ANDREWS. Can the Senator tell me how long the consideration of the bill will take?

Mr. CONNALLY. I will say that the Senator from Florida may speak at any time he obtains recognition. If he thinks the consideration of the bill is running on too long, he may take the floor and proceed with his address.

Mr. ANDREWS. I prefer to proceed now. Of course, I am with the Senator from Texas on the bill, having served on the committee.

Mr. CONNALLY. Very well. It is entirely agreeable to the Senator from Texas for the Senator from Florida to proceed as long as he may desire.

PROPOSED AMENDMENT TO CONSTITUTION AFFECTING JUDICIARY

Mr. ANDREWS. Mr. President, I should like to have Senate Joint Resolution 100 read by the clerk.

The VICE PRESIDENT. The joint resolution will be read.

The Chief Clerk read the joint resolution (S. J. Res. 100) proposing an amendment to section 1, article III, of the Constitution of the United States relating to the judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment, when ratified by the legislatures of three-fourths of the several States, shall become a part of article III, section 1, of the Constitution:

"ARTICLE III

"SECTION 1. The judicial powers of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Justices of the Supreme Court, and judges of inferior courts, shall be appointed by the President by and with the advice and consent of the Senate, and shall hold their offices during good behavior as herein provided, and shall receive at stated times for their services a compensation which shall not be diminished during their continuance in office. Any person having held a commission or commissions as Justice of the Supreme Court or judge of an intermediate appellate or district court for at least 10 years, continuously or otherwise, may voluntarily retire on full salary upon attaining the age of 70 years, subject to call, however, for such further duties as he may be willing to undertake, and upon attaining the age of 75 years he shall automatically retire and shall, during the remainder of his life, continue to receive the yearly compensation payable to him at the time of his retirement.

"The Supreme Court shall consist of a Chief Justice and one Associate Justice appointed from territory comprising each of the intermediate appellate courts established by the Congress. No person other than a native-born citizen of the United States shall be appointed a member of the Supreme Court. No person shall be appointed to fill a vacancy in the office of Associate Justice of the Supreme Court which shall occur by reason of this amendment or any cause who has not been for 10 years last past an inhabitant of the territory comprising the highest intermediate appellate court from which no incumbent Associate Justice was an inhabitant at the time of his induction to office. A vacancy in the office of Chief Justice may be filled by appointment from any State or the District of Columbia.

"The Supreme Court may exercise its powers and jurisdiction under such rules as it may adopt, and two-thirds of its members shall constitute a quorum. The concurrence of a majority of all members of the Court shall be sufficient to a decision and judgment of the Court: *Provided*, That no act of Congress shall be adjudged invalid except upon the vote of not less than two-thirds of the whole Court.

"The membership of each intermediate appellate court, ordained and established by the Congress, shall consist of at least one judge from each State included within the territory comprising such court, one of whom shall be designated by the President as the presiding judge of the court.

"This section shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 5 years from the date of its submission."

Mr. ANDREWS. Mr. President, this proposed amendment to the Constitution is introduced to cover the various situations that have arisen with regard to the Supreme Court and the inferior Federal courts during the past half century. I trust that those who are interested in this subject may follow me closely. I hope with due modesty I may say that I have served about 7 years in each of the departments—legislative, executive, and judicial—of my native State. I have served in the lowest trial court, in the highest trial court, and with the highest appellate court at the time when it consisted of six members and three commissioners.

Senate Joint Resolution 100, introduced by me on March 12, proposing an amendment to section 1 of judicial article III of the Constitution, would make no substantial change in the first paragraph of section 1 of that article as it now stands. This proposed amendment in substance seeks to effectuate the following changes:

First. That the Supreme Court shall consist of a Chief Justice, appointed from the United States at large, and one Associate Justice, to be appointed from territory composing each of the 10 circuit courts of appeal, by providing that hereafter no vacancy occurring by reason of this amendment, or for any cause, shall be filled by any person other than a native of the United States who has been for 10 years last past an inhabitant of one of the territories comprising a circuit court of appeal of which no incumbent Associate Justice was an inhabitant at the time of his induction to office; so that, gradually and ultimately, there shall be only one Associate Justice from each of the 10 circuit courts of appeal.

It is clear that if it shall become necessary as our Nation grows to create additional courts of appeal the elasticity furnished by this amendment will permit the adding of other Justices, as business of the Court increases, without the necessity of any further constitutional amendment. The number of Justices, however, can never exceed the number of intermediate appellate courts after being put in full operation.

One of the chief purposes of this provision of the amendment is to democratize our courts by making them nationally representative bodies similar to the Congress and the executive department.

At present the records show that at least 8 members of our Supreme Court were appointed from the northern half of the United States, 5 being from the northeastern industrial section, 2 from the West, 1 from the Middle West, and only 1 from the southern half of the United States.

This country being a representative democracy, it is believed that every section of the United States should have representation on our highest Court in order to insure that its members will be conversant as to the social, economic, educational, and agricultural welfare in each major section of the Nation. This idea is not new; it goes to the very heart of our theory of democracy. Judges, like other men, are by nature creatures of environment, and, naturally, they would be better able to render a more satisfactory service, for the general welfare of the entire Nation, if they were selected from the inhabitants of each major district.

For example, there is a rule applied in the construction of an act of Congress that every act of Congress is presumed to be constitutional, and that it is not the function of the courts to pass upon the question as to whether any statute is reasonable or unreasonable, or whether it be good or bad policy, or whether it be wise or unwise. That is not the function of a court in this country.

A careful examination will disclose that in nearly all of the recent decisions of our Supreme Court in which certain acts of Congress were held unconstitutional, those opinions turned on the discretionary views of individual judges as to the economic, agricultural, and industrial policy. In other words, those acts held to be void turned more upon the wisdom of the legislative intent than upon the fact that they may violate some plain or implied provision of the Constitution, or that they were not within the powers granted by the States to Congress.

The "due process" clause has too often become the morgue for acts of Congress which met their death because they were adjudged to be against public policy. Social-welfare statutes are now contesting the zone heretofore occupied by property rights. Some of the newly organized agencies and activities of the Government rest under legal suspicion at the present time. For example, the Securities and Exchange Commission, the Social Security Board, the Public Works Administration, the Tennessee Valley Authority, and the Labor Relations Board. Any of the acts creating these departments and their functions may involve some legislative provisions which, in the minds of some individual Justices, violate certain established policies of our Federal Government. So it is that there is no telling what may happen when the acts are tested.

It has been asserted as a matter of history that at least upon three occasions the process of constitutional amendment has been used to change the Court. At least five times we have by legislative enactment changed the size of the Court, with resulting changes in the Court's attitude. We find that legislation creating or abolishing positions on the

Court is not prohibited by the Constitution, but has more than once been recognized by historical practice as a method of bringing the elective and nonelective branches of the Government into closer coordination. There is no question that its frequent use has postponed meritorious amendments. It is also true that it has always provoked much unnecessary political turmoil and strife.

There is a persistent and well-founded belief in this country that if we are to increase or decrease the number of Justices on our Supreme Court, or prescribe a rule to be followed when declaring an act of Congress void, or designate a given age at which a Justice should retire, that it should be ordained and established by the people themselves through amendment. These are matters upon which sound-thinking men may honestly hold widely divergent views.

The question may be raised that the present phraseology of section 2 of article II of the Constitution providing for the appointment of Justices of the Supreme Court, "by and with the advice and consent of the Senate", is sufficient without any amendment to effectuate and require by statute the appointment of Associate Justices from the territory composing the respective courts of appeal. While it is true that the President has no power to appoint Justices except "by and with the advice and consent of the Senate", there is grave doubt in the minds of some as to whether the Senate could, by refusing its consent, ultimately compel a President to appoint a Justice from a particular territory created under statutory authority. If my view is correct only the President can raise the question of the validity of such a statute. On the other hand, if any President should proceed to make the appointments agreeable to the Senate, it is quite certain that no one save a Senator would then have the power to question the validity of the appointments. That doubt might some day bring on much confusion and strife, and it can be entirely obviated now by placing the mandate in the Constitution, where it should rest securely for future generations.

Second. At present the Constitution, of course, provides that a Justice shall hold office for life or during good behavior. The proposed amendment further provides that any person having held a commission on the Supreme Court, circuit court, or district court for at least 10 years may voluntarily retire on his salary upon attaining the age of 70 years, and that upon reaching the age of 75 he shall automatically retire. I might state that that is a policy which has obtained in the Army and in the Navy, and there is no reason why it should not apply to other officers of the United States.

The statutory provision relating to voluntary retirement at 70 years of age, as set forth in the Sumners Act recently passed by Congress, is at best merely directory or permissive and not mandatory in any sense. All agree that the provision automatically retiring Justices at 75 must necessarily be authorized by the Constitution, otherwise we cannot effect involuntary retirement at 75 or at any age.

When the Seventy-fifth Congress convened recently there was no statute in force giving the Supreme Court Justices the privilege of "retiring" at any age. Under the statute amended by the recent Sumners Act they were required to "resign" if they desired to relinquish the bench, and were necessarily thereafter subjected to the will of Congress as to further compensation. For example, after the late Justice Holmes "resigned" from the bench his yearly compensation was reduced by one-half, on which he thereafter took the emergency 15 percent cut and also paid an income tax on the remainder. Just why the "retiring" privilege had heretofore been extended to judges of inferior courts and withheld from the Justices of our Supreme Court is not quite clear nor is it logical, and I do not blame them for not giving up their places under such circumstances.

There appears to be little doubt in the minds of many of those who seem to be best entitled to know that the age of 75 should be the honored and accepted retiring date in the lives of a great majority of men.

When our distinguished Chief Justice was a private citizen in 1927, with a splendid past record of service as Associate Justice of the United States Supreme Court, he delivered a most enlightening and interesting series of lectures at Columbia University. In one of these he expressed his views regarding the proper retirement age, and no doubt he holds the same view today. In one of these lectures he said:

> While Congress could not provide constitutionally for compulsory retirement of a judge during good behavior by fixing an age limit, Congress could and did provide for a voluntary retirement on full pay, at or after the age of 70 when a judge had held his commission for at least 10 years.

The Chief Justice then called attention to the fact that 10 judges of district courts and circuit courts of appeal had retired under that act, and that on the policy of compelling retirement at a given age there were conflicting opinions. He cited the case of Chancelor Kent, who was compelled to retire at the age of 60, and then, at the height of his mental power, proceeded to write his Commentaries, conceded to be one of the outstanding contributions to American law. He then added that:

> Doubtless there is a time when a judge reaches, on account of age, the limit of effective service, but it is very difficult to fix that time. Justice Holmes at 85 did his share of work, or even more, with the same energy and brilliance that he showed 20 years before. On the other hand, some judges have stayed too long on the bench. An unfortunate illustration was that of Justice Grier, who had failed perceptibly at the time of the first argument of the Legal Tender case. As the decision was delayed he did not participate in it. A committee of the Court waited upon Justice Grier to advise him of the desirability of his retirement and the unfortunate consequences of his being in a position to cast a deciding vote in an important case when he was not able properly to address himself to it.

On the policy of "compulsory" retirement, he said:

> Under present conditions of living, and in view of the increased facility of maintaining health and vigor, the age of 70 may well be thought too early for compulsory retirement. Such retirement is too often the community's loss. A compulsory retirement at 75 could more easily be defended.

In Warren's treatise on the Constitution appears a quotation from the diary of John Quincy Adams in which he says that Mr. Wirt commented upon the fact that Chief Justice Marshall had reached his seventy-fifth year, and that Mr. Wirt had serious doubts that the Chief Justice would be able to render opinions in cases which he had already prepared. That brings us to the conclusion that there cannot be any serious doubt that 75 is a proper age for involuntary retirement.

Quoting further from the Chief Justice:

> I agree that the importance in the Supreme Court of avoiding the risk of having judges who are unable properly to do their work and yet insist on remaining on the bench is too great to permit chances to be taken, and any age selected must be somewhat arbitrary, as the time of the failing in mental power differs widely. The exigency to be thought of is not illness but decrepitude. Men who take good care of themselves and live the protected and regular life of a judge are more likely now to be fit at 70 than were their predecessors at 65 under the conditions of 50 years ago.

We naturally must infer from the above expressions, taken from actual experience, that where a Justice is fully competent after he reaches the age of 75 it is more or less an exception, and that the exception should not be made the rule. The involuntary retirement of judges at the age of 75 is desirable, because judges, after years on the bench, naturally sheltered from the everyday life experienced by the ordinary citizen, get out of touch with people. Justice is meaningless unless it involves social justice and unless it is founded on a human understanding of the needs of the times. Law is not static. It must represent the crystallized sentiment of the people and recognize the needs of the day.

It is my understanding that one of our present able Supreme Court Justices, when Attorney General under President Wilson, recommended that when a district or circuit judge failed to retire at the age of 70 an additional judge should be appointed. In February 1919, during the administration of President Wilson, the statute embodying that recommendation of Attorney General McReynolds became a law. As I stated before, I still cannot understand why the same rule should not have been applied to the Supreme Court.

In almost every decade since 1789 changes have been made by congressional enactment whereby the number of judges and the duties of judges in Federal courts have been altered

in one way or another. The Supreme Court was established with 6 members in 1789; it was reduced to 5 in 1801; it was increased to 7 in 1807; it was increased to 9 in 1837; it was increased to 10 in 1863; it was reduced to 7 in 1866; it was increased to 9 in 1869. It has so remained at nine for 68 years, although the number of cases presented for review has increased many times.

Let us see, now, just what effect age has upon the number of opinions written by present Justices. By the way, this is perhaps the first time Senators have had that comparison.

If my information is correct, the respective Justices of the Supreme Court during the past 2 years have rendered decisions as follows:

	Age	Number of opinions
Mr. Justice Roberts	61	45
Mr. Justice Stone	64	47
Mr. Justice Cardozo	66	45
Mr. Justice Butler	70	30
Mr. Chief Justice Hughes	74	40
Mr. Justice Sutherland	74	30
Mr. Justice McReynolds	75	31
Mr. Justice Van Devanter	77	5
Mr. Justice Brandeis	80	24

This summary shows that the average number of opinions for the Justices 70 years and younger is 41.75 over the 2-year period, and for those over 70 years of age only 26 for the same period. In considering these facts we must also remember that each Justice nearly always participates in every opinion rendered, whether his name appears as the author or not.

Third. The proposed amendment further provides that the Supreme Court may exercise its powers and jurisdiction under such rules as it may adopt, and that the concurrence of a majority of all members of the Court shall be sufficient to a decision and judgment, provided that no act of Congress shall be adjudged invalid except upon the vote of not less than two-thirds of the whole Court.

Under the proposed amendment, if it should be adopted, it would take eight judges to declare a law invalid.

The provision that no act of Congress shall be adjudged invalid except upon the vote of not less than two-thirds of the whole Court is not now authorized by our Constitution. A statute or rule of Court making such provision would necessarily be without constitutional mandate. This constitutional change, like the two already discussed, is essential in our fundamental law if we are to set at rest forever the belief of many of our best citizens that a mere majority of the Supreme Court should not have the power to veto an act of Congress.

There is a rule, long adhered to, that no legislative act should be declared invalid unless it so appears beyond a reasonable doubt. There certainly is a reasonable doubt where four or even three Justices state in plain terms that it is valid and constitutional. There is no escape from that conclusion.

This question has been so long discussed and debated that there is scarcely any room for doubt that the American people are now ready to place in their fundamental law this mandate, which all seem to agree is fair and just, namely, that at least a two-thirds majority of our Supreme Court should be required to declare invalid the affirmative legislative acts of Congress and the President. The matter should be settled, so that future generations will not be required to face this question periodically.

Fourth. The amendment proposes a further democratization of our Federal courts by providing that the circuit courts of appeal of the United States shall hereafter consist of at least one judge from each State included within the territory comprising such court, one of whom shall be designated by the President as presiding judge. This is a new proposition.

It is generally conceded that under the present Constitution the discretion of a President could not be controlled as to the territory from which he would appoint any Justice of the Supreme Court or a judge of a court of appeals. This constitutional power is likewise necessary in order that the question may not hereafter be successfully raised.

To illustrate the purpose for including the above provision to make our courts of last resort a more representative body, Senators know that the circuit court of appeals of the United States is the court of last resort in 7 cases out of 10. I am using the latest available Federal census of 1930, and the number of cases disposed of in each of the several Federal circuit courts of appeal during the 12 months between July 1, 1935, and July 1, 1936, as reported in the Federal Reporter. For example:

The first circuit, composed of the four States of Maine, New Hampshire, Massachusetts, Rhode Island, and the Territory of Puerto Rico, with an aggregate population of 6,199,827, with three judges during this period of 1 year, disposed of 73 cases.

The second circuit, composed of the three States of Vermont, New York, and Connecticut, with an aggregate population of 14,554,580, with five judges during the same period, disposed of 559 cases.

One judge disposed of 24 cases in the first circuit, and one judge had to dispose of over 100 cases in the second circuit. Is that equality?

The third circuit, composed of the three States of Delaware, New Jersey, and Pennsylvania, with an aggregate population of 13,911,074, with five active judges during the same period, disposed of 216 cases, less than half those disposed of in the New York district.

The fourth circuit, composed of the five States of Maryland, North Carolina, South Carolina, Virginia, and West Virginia, with an aggregate population of 10,691,623, with three active judges during the same period, disposed of 227 cases.

The fifth circuit, composed of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and the Canal Zone, with an aggregate population of 16,960,094, with four active judges during the same period, disposed of 285 cases.

The sixth circuit, composed of the four States of Kentucky, Michigan, Ohio, and Tennessee, with an aggregate population of 16,720,164, with four active judges during the same period, disposed of 122 cases.

The seventh circuit, composed of the three States of Illinois, Indiana, and Wisconsin, with an aggregate population of 13,808,183, with four judges during the same period, disposed of 249 cases.

The eighth circuit, composed of the seven States of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, with an aggregate population of 15,261,398, with five active judges during the same period, disposed of 249 cases.

The ninth circuit, composed of the seven States of Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington, and the Territories of Alaska and Hawaii, with an aggregate population of 9,703,702, with five judges during the same period, disposed of 392 cases.

The tenth and last circuit, composed of the six States of Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming, with an aggregate population of 6,468,659, with four active judges during the same period, disposed of 193 cases.

It will be observed that in the second, third, sixth, and seventh circuits there are in each as many or more judges on the respective circuit courts of appeal as there are States within the territorial jurisdiction of such circuits. The first circuit has three judges and includes four States; the fourth circuit has three judges and includes five States; the fifth circuit has four judges and includes six States; the eighth circuit has five judges and includes seven States; the ninth circuit has five judges and includes seven States; and the tenth circuit has four judges and includes six States.

The appointment of one additional judge in the first circuit and two additional judges in the fourth, fifth, eighth, ninth, and tenth, making a total of 11, would make at least one judge on the circuit court of appeals from each State within the respective circuits.

This is one way in which we can democratize our circuit courts of appeal, as well as democratize the Supreme Court of the United States. In the first, second, and tenth circuits there is one circuit judge each above the retirement age. In the third circuit there are two judges above the retirement age, and an additional judge will reach that age this month. In the fourth, fifth, sixth, seventh, and eighth circuits there are no judges above the retirement age. In the ninth circuit one judge will reach the retirement age in May of this year.

I am giving these data so that the Senate may readily understand just what the situation is.

Under the provisions of the proposed act recommended to Congress by the President on February 5, the President would have authority, on a basis of retirement age of 70 years, to appoint immediately one circuit judge each in the first, second, and tenth circuits, respectively, and two in the third, one in the ninth circuit within the present year, and one additional judge may be added to each of the second, fourth, and eighth circuits within 2 years. There would be no additional judges in the fifth, sixth, or seventh circuits under that proposed act within the next 4 years.

It would take many more judges to put into effect the recommendation of the President than would be required if and when the constitutional amendment I have suggested should be adopted.

So it will be seen that neither the number of inhabitants nor the number of States included within the circuits nor the number of judges composing those circuits can be taken as an index of the number of cases disposed of by each of those courts. It therefore appears that experience has demonstrated, for example, that seven judges are not too many to function as an appellate court composed of seven States, as would be the case in the eighth and ninth circuits, or six in case of the fifth circuit, which has the greatest population of all the circuits in the United States.

To make my point clearer, I call attention to the fact that the fourth, fifth, seventh, and ninth circuits, with an aggregate population of 51,163,382, according to the census of 1930, have no direct representation on the Supreme Court. These circuits embrace nearly half of our entire population. The circuit courts of appeal of the above four circuits disposed of 1,239 out of a total of 2,651 cases during the period between July 1, 1935, and July 1, 1936. It is also observed that the tenth circuit, having the smallest population of all except the first, disposed of more than twice as many cases as were disposed of in the first circuit, and more cases than were disposed of in the sixth circuit, which has more than double the population of the tenth circuit.

Today on our present Supreme Court we find:

From the territory constituting the First Circuit Court of Appeals, Justice Brandeis, of Massachusetts; from the second circuit, Chief Justice Hughes, Justice Cardozo, and Justice Stone, of New York; from the third circuit, Justice Roberts, of Pennsylvania; from the sixth circuit, Justice McReynolds, of Tennessee; from the eighth circuit, Justice Butler, of Minnesota; from the tenth circuit, Justice Sutherland, of Utah, and Justice Van Devanter, of Wyoming.

The areas composing the Fourth, Fifth, Seventh, and Ninth Circuit Courts of Appeals are not directly represented on our Supreme Court.

Mr. President, I have here on another sheet, which I desire to have entered as part of my remarks in the CONGRESSIONAL RECORD but do not wish to take the time of the Senate to read at this time, the names and the States from which they were appointed, all the men who have been on the Supreme Court since it was first established, with the dates on which they began service and the dates on which they ended their service.

The PRESIDING OFFICER (Mr. MURRAY in the chair). Without objection, the list referred to by the Senator from Florida will be printed in the RECORD as part of his address.

The list is as follows:

Alabama (2): John McKinley, 1837–52; John A. Campbell, 1853–61.
Arizona (none).
Arkansas (none).
California (2): Stephen J. Field, 1863–97; Joseph McKenna, 1898–1925.
Colorado (none).
Connecticut (2): William H. Taft,[1] 1921–30; Oliver Elsworth,[1] 1796–1800.
Delaware (none).
Florida (none).
Georgia (3): James M. Wayne, 1835–67; William B. Woods, 1880–87; Joseph R. Lamar, 1911–16.
Idaho (none).
Illinois (2): David Davis, 1862–77; Melville W. Fuller,[1] 1888–1910.
Indiana (none).
Iowa (1): Samuel F. Miller, 1862–90.
Kansas (1): David J. Brewer, 1889–1910.
Kentucky (3): Thomas Todd, 1807–26; Robert Trimble, 1826–28; John M. Harlan, 1877–1911.
Louisiana (1): Edward D. White,[1] 1894–1910.
Maine (1): Nathan Clifford, 1858–81.
Maryland (5): Robert H. Harrison, 1789–90; Thomas Johnson, 1791–93; Samuel Chase, 1796–1811; Gabriel Duval, 1811–36; Roger B. Taney,[1] 1836–64.
Massachusetts (7): William Cushing, 1789–1810; Joseph Story, 1811–45; Benjamin R. Curtis, 1851–57; Horace Gray, 1881–1902; Oliver Wendell Holmes, 1902–32; William H. Moody, 1906–10; Louis Brandeis, 1916–
Michigan (1): Henry B. Brown, 1890–1906.
Minnesota (1): Pierce Butler, 1922–
Mississippi (1): L. Q. C. Lamar, 1888–93.
Missouri (none).
Montana (none).
Nebraska (none).
Nevada (none).
New Hampshire (1): Levi Woodbury, 1845–51.
New Jersey (3): William Patterson, 1793–1806; Joseph P. Bradley, 1870–92; Malone Pitney, 1912–22.
New Mexico (none).
New York (11): John Jay,[1] 1789–95; Brock Livingston, 1806–23; Smith Thompson, 1823–43; Samuel Nelson, 1845–72; Ward Hunt, 1872–82; Samuel Blatchford, 1882–93; Rufus W. Peckham, 1896–1909; Charles E. Hughes, 1910–16; Harlan S. Stone, 1925–; Charles E. Hughes,[1] 1930–; Benjamin N. Cardozo, 1932–
North Carolina (2): James Iredell, 1790–99; Alfred Moore, 1799–1804.
North Dakota (none).
Ohio (7): John McLean, 1829–61; Noah H. Swayne,[1] 1864–73; Salmon P. Chase,[1] 1864–73; Morrison R. Waite,[1] 1874–88; Stanley Matthews, 1881–89; William R. Day, 1903–22; John H. Clark, 1916–22.
Oklahoma (none).
Oregon (none).
Pennsylvania (6): James Wilson, 1789–98; Henry Baldwin, 1830–44; Robert C. Grier, 1846–70; William Strong, 1870–80; George Shiras, Jr., 1892–1903; Owen J. Roberts, 1930–
Rhode Island (none).
South Carolina (3): John Rutledge,[1] 1789–91; John Rutledge, 1795–95; William Johnson, 1804–34.
South Dakota (none).
Tennessee (5): John Catron, 1837–65; Howell E. Jackson, 1893–95; Horace H. Lurton, 1910–14; James C. McReynolds, 1914–; Edward T. Sanford, 1923–30.
Texas (none).
Utah (1): George Sutherland, 1922–
Virginia (5): John Blair, 1789–96; Bushrod Washington, 1798–1829; John Marshall,[1] 1801–35; Phillip P. Barbour, 1836–41; Peter V. Daniel, 1841–60.
Washington (none).
West Virginia (none).
Wisconsin (none).
Wyoming (1): Willis Van DeVanter, 1911–.

Mr. ANDREWS. Mr. President, I find from the foregoing list that 22 States in our Union have never had one of their inhabitants on the Supreme Court, and perhaps may never have unless we democratize the courts of the Federal Union. These States are: Arizona, Arkansas, Colorado, Delaware, Florida, Idaho, Indiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Vermont, Washington, West Virginia, and Wisconsin.

Eleven States have had one member on the Supreme Court. They are: Connecticut, Iowa, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, New Hampshire, Utah, and Wyoming.

[1] Chief Justice.

Four States have had a total of two representatives. They are: Alabama, California, North Carolina, and Illinois.

Four States have had a total of three. They are: Georgia, Kentucky, New Jersey, and South Carolina.

Three States have had a total of five. They are: Maryland, Tennessee, and Virginia.

Pennsylvania has had six.

Massachusetts and Ohio have had seven each.

The State of New York has had 12.

Furthermore, of those States which I have just mentioned, whose native sons have, at one time or another, had seats upon the Supreme Court, it has been 76 years since Alabama was represented, 12 years for California, 137 years for Connecticut, 21 years for Georgia, 27 years for Illinois, 47 years for Iowa, 27 years for Kansas, 26 years for Kentucky, 27 years for Louisiana, 56 years for Maine, 73 years for Maryland, 31 years for Michigan, 43 years for Mississippi, 86 years for New Hampshire, 15 years for New Jersey, 133 years for North Carolina, 15 years for Ohio, and 103 years for South Carolina.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. ANDREWS. I yield.

Mr. CONNALLY. In the case of North Carolina there was a nomination some years ago which was not confirmed. Is not that correct?

Mr. ANDREWS. Yes; I recall that incident.

It has been 77 years since Virginia, the mother of Presidents, was represented on the Supreme Court of the United States—not since the Civil War. I mention these dates to illustrate that fact.

It will be noted that those three big agricultural and livestock States—Illinois, Iowa, and Kansas—or six, for that matter, since Indiana, Missouri, and Nebraska have never had representation on the Supreme Court—this empire of the Middle West, with great cities like Chicago, St. Louis, Kansas City, Des Moines, Omaha, and Indianapolis, to mention only a few—have not had a single Supreme Court Justice from that area during the past 27 historical and all-important years. Also, Michigan, a great State of many varied and great industrial problems, the home of the automotive industry, has been unrepresented for 31 years and is another outstanding example.

To summarize, I contend that the proposed amendment would forever remove any and all doubt first as to involuntary retirement of a Federal judge at the age of 75 years, second as to the mandatory appointment of a Supreme Court Justice and circuit judge from a specified circuit or State, third as to the number of judges that would hereafter be placed on the Supreme Court or a circuit court of appeals, and fourth the retirement of the two-thirds' concurrence in adjudging an act of Congress invalid.

The enactment of any statute at this time without those powers will mean nothing more nor less than that it may not only be declared unconstitutional, but would be subject to repeal by any subsequent Congress, and thus possibly throw the whole matter into controversy again and perhaps at a time when it would be even more disturbing and critical than at present.

I hope that I have given ample supporting reasons why the amendment should be adopted and immediately sent on its way to the States for ratification. This should be done even though the present legislative plans outlined by the administration may be enacted into law before the close of the year.

The four contemplated changes in our Constitution by Senate Joint Resolution 100 are not introduced for the purpose, nor will they have the effect, of impeding the progress of any legislation recommended by the President. It may well be considered as a measure in furtherance of that idea, with the added advantage that it will let the people of the United States themselves have the chance to make those changes. We will thereby incur the confidence needed to secure a more sympathetic and efficient administration of justice throughout the United States.

The amendment should be submitted at once for the further reason that there are 42 legislatures now in session; 18 of them may end with the close of March, 2 in April, 2 in June, 1 in September, and 19 have no limit as to the time of adjournment. There is a belief among some of our Members that it takes proposed amendments too long to effect necessary remedial legislation. That assertion is not always borne out by the facts. For example, of 10 recent amendments submitted to the people, 7 were ratified within 1 year. Certainly the people of the United States, at this time, and especially the members of the legislatures now in session, are as fully conversant on this subject as they will be later, and no doubt are ready, able, and willing to act upon it. There is a far greater reason to pursue the amendment method, for if we are to change the personnel or add to the powers of our courts, the people would feel that they ought to be consulted. In other words, the people of the United States, through their legislatures, ought to be in position to act intelligently and immediately, or as soon as the amendment can be submitted.

Let us remember that any radical change made in the Supreme Court by statute is always subject to repeal by any subsequent Congress, thus renewing an unhappy condition of perhaps far greater consequence than the present.

Truly, the Supreme Court should be democratized—by amendment. Our people want it. The problems of today require it. The echo of history, repeating itself through the years to come, demands it. The Constitution provides a way for us to do it. I think that Associate Justice Holmes a number of years ago aptly described his feelings, now shared by countless thousands, in regard to the Constitution as it applies to the present needs of our day, when he said:

> I think the Constitution should be likened to the bark on a tree, which expands as the needs of the tree increase, and always accommodates the tree and offers full protection regardless of its size or requirements.

Mr. President, if any Senator should desire to ask any questions as to any of the four proposals, I should be glad to answer them at this time or at any time in the future.

STOP THE HIGHWAY SLAUGHTER

Mr. CAPPER. Mr. President, this Congress has been attempting to write into law the greatest possible insurance against the United States being dragged into war, with its attendant loss of life and destruction of property. And rightly so.

But, Mr. President, I say we have other problems to meet, involving still larger losses of life and the destruction of billions of dollars of property.

In six major wars in which the United States has been engaged in more than 150 years, the total loss of life, killed in action or died of wounds, has been 244,357.

In the past 15 years—just one-tenth of the time in which nearly a quarter of million men were killed in action or died of wounds received in action—415,977 have been killed in automobile accidents.

In the past 2 years, 1935 and 1936, accidental deaths in the United States, according to the latest figures from the National Safety Council, numbered 211,000. In the same 2 years accidents—automobile, fire, and medical costs and wage losses from accidental injuries—resulted in property and cash loss damage amounting to more than $7,000,000,000.

Think of it, Senators! The country has been appalled at the high cost of work unemployment relief in the United States. But the cost of accidents, most of them preventable, is higher even than the cost of unemployment relief.

We have the record placed before us daily in the newspapers. I quote from the front page of a recent issue of the Washington Post—and I want to say at this point that Mr. Howard F. Wentworth, of the Washington Post, is doing a most commendable work in calling attention to conditions in the District of Columbia.

I will quote just two paragraphs, typical of similar reports from all over the country:

"Washington's traffic fatality for 1937 rose to 35 last night.

"This is almost twice the number of persons killed during the same period last year."

Mr. President, the Washington situation, as I said a moment ago, is typical, not exceptional. January of this year established a new high record for motor-car fatalities—an increase of one third over the record of January 1936.

It is interesting to note, in connection with the District record, that of the first 26 persons killed in motorcar accidents in Washington this year, all except 1 were pedestrians.

Last year 99 persons were killed in the National Capital in traffic accidents—54 of these were pedestrians. The great majority of these were killed while walking against the lights, or while attempting to cross between intersections.

But while death stalks the pedestrian in our cities, he drives at the wheel, a mile or more a minute, on the rural highways. As a matter of fact, auto fatalities in cities showed a slight drop in 1936, from 11,800 to 11,700. But in rural areas there was an increase of 1,600, the record for 1936 being 26,800 killed in motor accidents, compared to 25,200 in 1935.

Mr. President, I want to put into the RECORD at this time the 1936 and 1935 records of accidental deaths in the United States—211,000 in the 2 years.

With the United States at peace, 111,000 Americans met violent deaths in accidents last year.

The auto's death toll was 38,500; it was 37,000 the year before.

Other public accidents caused 19,000 fatalities; 18,000 the year before.

Home accidents—and few realize this, I believe—caused 500 more deaths last year than motor crashes, 39,000, an increase of 7,500 over the 1935 record of 31,500. Last summer's excessive heat is charged with 5,000 of the increase.

Traffic fatalities, of course, are only a part of the human toll in motor accidents. In addition to the 38,000 reported killed last year, 110,000 received permanently disabling injuries; 1,230,000 received temporary disabilities.

Killed and injured on our streets and highways in 1 year—1,378,000 men, women, and children, equivalent to twice the population of the District of Columbia killed, maimed, or injured by motor vehicles. That is too heavy a price to pay for high speed—and I believe it is safe to say that the greater part of these accidents, especially outside the cities, was due to fast driving.

There are some rays of hope in the 1936 picture of highway tragedies. The 1936 death rate per gallonage of gasoline consumed was 6 percent lower than in 1935. But the death rate per 100,000,000 of population was 27 percent higher than 5 years ago.

In 19 States, including the District of Columbia, the National Safety Council reports, motor-vehicle fatalities were reduced, the reduction amounting to 7 percent, and that on an increase in gasoline consumption of 10 percent. All but two of these 19 States carried on planned safety campaigns during 1936, so that kind of work seems to be very much worth while.

Mr. President, a recent survey by a subcommittee of the President's Accident Prevention Conference gives us a fairly clear picture of the highway-accident situation.

A large majority of the 36,000 annual fatalities—I am using an average figure for the past few years—are shown by the report to have happened in rural sections.

The outstanding cause of these deaths and injuries to more than one and one-third million persons is high speed.

Coupled with high speed is inadequate lighting. Apparently road-surface conditions play only a minor part, although we know that many of our highways lack much in the way of safety for high-speed travel.

Drunken drivers take their toll every year; in some sections of the country Death and Liquor are the back-seat drivers.

I quote from the committee report:

> What is happening is that cars are being driven at night in rural sections too fast for lighting conditions.
>
> The average car today is capable of making from 70 to 100 miles an hour; speeds from 60 to 80 miles an hour are not uncommon in rural night driving. These are unsafe speeds and are the cause of most rural night fatalities.
>
> Experiments by experts in many States have demonstrated definitely that night driving under the very best conditions at more than 50 miles an hour is unsafe—

The committee says. And that means that on all except our best planned and constructed highways speeds higher than 35 miles are unsafe at night.

Now the stopping distance at 50 miles an hour, with good brakes in perfect condition and properly applied, is close to 250 feet; at 60 miles an hour, not an unusual night speed, the stopping distance is close to 350 feet. In other words, drivers in cars equipped with the latest in lights and brakes, cannot see objects in straightaway in time to stop before striking the object. The best they can hope for is to slow down and go around, and that is not always possible.

Of course, the danger of driving at these high rates of speed where there are curves or hills is greatly increased.

This committee, headed by Henry H. Heimann, of New York, makes some worth-while recommendations, to which I desire to call the attention of the Senate and the country. The job primarily is not a Federal one, but I believe the Federal Government has a responsibility for heading up and pushing such a program. The committee recommends, in part:

> Your committee is convinced that new and drastic approaches must be made to the problem of night fatalities in rural sections. Obviously, education and enforcement, the two methods now most generally being tried to solve the problem, will not prove highly effective. They may help in a limited way. Of the two, enforcement, of course, holds out the most hope, but there are not now and never will be highway forces sufficiently large to prevent wholesale violations of speed laws in rural sections. As one correspondent has put it, "It would take all the Army, National Guard, and all the local police" of the United States to enforce speed regulations in rural sections of the country at night.
>
> Thus, engineering—a change in the power and design of cars to protect the reckless motorist against his own folly—appears to hold out the only possible hope of solution. The reason assigned for present high-speed construction is that it enables drivers to extricate themselves from hazardous situations. The soundness of this reasoning can well be challenged when the reports of accidents indicate that the very possession of this additional speed has a tendency to cause some drivers to attempt what might be called abnormally hazardous situations. The record would indicate that high speed is causing more accidents than it is preventing. Slower speeds, better lights, and safer body construction, such as raising seats so as to enable drivers to see farther than the present low type of seat permits, and general strengthening of bumpers and body parts to increase safety in cases of collision would seem desirable.
>
> Your committee is informed that the automotive industry is becoming increasingly aware of the gravity of the high speed and light situations and is making studies in an endeavor to correct these contributions to deaths. As one of the leading industries of the world, possessed as it is of the finest engineering minds obtainable, it is to be presumed, of course, that it will do everything in its power, regardless of cost, to eliminate these outstanding accident hazards. We strongly urge the industry to take united action to eliminate them. We feel that automotive executives will recognize that a correction originating within the industry and voluntarily put into effect will receive general approval; just as we are certain that the industry is conscious of the fact that public opinion is being increasingly wrought up over the larger number of high-speed fatalities and demands action. We believe such voluntary industry action will be more effective than compulsory action from other sources, which a growingly impatient public would demand.
>
> Your committee's survey indicates that, generally speaking, high speed is contributing to accidents in cities to a considerably less degree than in rural sections. This situation undoubtedly is due to effective law enforcement and education, both of which are more intense in the urban sections. The greater number of city accidents are due to the carelessness of pedestrians. This usually takes the form of jaywalking. The pedestrian should be held strictly accountable for taking such chances, but there is a general hesitancy to enforce jaywalking ordinances.
>
> Compulsory and regular inspection of cars, as well as the compulsory junking of dangerously worn cars, would add to general safety. Many authorities contend, however, and apparently with evidence to support their contentions, that old, but sound, cars, unable to make high speeds, are less likely to become involved in accidents than the new cars with their many temptations to go fast.

The statement in the report that automotive manufacturers are becoming aware of the seriousness of the speed and lighting situations is encouraging. I believe that the leaders of this great industry realize that they have an accident-prevention duty toward the public to perform.

Until a little over a year ago the automotive industry had participated in only a limited way in national accident-prevention campaigns. However, in 1936 the Automobile Manufacturers Association announced that it would contribute several hundred thousand dollars to various national organizations interested in safety. The chief of these and the one that obtained the largest amount of the appropriation, something like $150,000, I believe, was the National Safety Council. A great deal of publicity accompanied announcement of this motor-sponsored drive. The National Safety Council announced a program centering on driver education designed to reduce fatalities 35 percent in 5 years. The campaign has been carried on vigorously throughout the last year but apparently there has been little reduction in total fatalities. The council announced at the end of the year that fatalities had increased 4 percent.

These results would indicate that once a driver gets behind his own wheel, it is difficult to change his driving habits.

In the face of the failure of this campaign to date, it seems to me that the automotive industry should take cognizance of the conviction of the conference committee and many students of the accident problem that high speed and poor lights are major causes in the situation, and go after these causes. I am informed that the automobile industry is studying the problem very carefully.

I have emphasized the speed phase of the accident problem, because I believe with the conference committee that it is of outstanding importance. However, there are other corrective steps which should be taken, and I want to mention a few of them briefly. I can do no better, I believe, than call your attention to an accident-prevention program which has just been suggested by Motor, one of the leading automotive publications of the United States. While this program makes speed control first in its recommendations, it lists other important steps. The program follows:

1. Building safer cars, with excessive speeds curtailed, driver visibility enlarged, and headlighting systems improved.
2. Compel periodic mechanical inspections of all vehicles, ruling off the roads all that do not meet rigid safety standards.
3. License all drivers, issuing permits only to those able to pass real tests of driving ability, and suspending or revoking privileges of unfit operators.
4. Make traffic regulations uniform for all States and cities, with simple, understandable definitions of reckless, careless, and ignorant acts.
5. Enforce traffic regulations without political or social favors, eliminating repeat offenders and warning potential offenders by a swift, sure system of punishment. Suppress intoxicated drivers.
6. Curb jaywalking by strict enforcement of adequate regulations.
7. Use safety aisles in center of new highways to prevent head-on collisions and add this improvement to present roads wherever they are wide enough.
8. Improve highway visibility by a progressive program to eliminate steep hills, sharp curves and other blind spots. Make warning and directional signs simpler and plainer.
9. Eliminate parking and expand night freight delivery while curtailing day delivery in congested areas.
10. Develop a uniform national system of investigating and reporting accidents so that real study can be made of their causes.

This program strikes me as being essentially sound, and I think it should have the careful consideration of the entire motor industry and those who are concerned with this great problem. What appeals to me most about it is its practical nature. It gets away from generalities and comes down to causes and remedies. Only by following some such program are we going to reduce the 36,000 annual highway fatalities in the United States. We must and shall reduce them by whatever stringent methods are necessary, regardless of the cost and who is pleased or displeased. The toll of human life due to highway accidents is so great that it must not be permitted to continue.

The mail of every Senator and Representative, as well as that of every other public official, is full of letters daily urging that the frightful highway slaughter be stopped. To many, the high-speed automobile is becoming regarded as more dangerous than a deadly weapon. It is not surprising that drastic action is demanded.

I realize, Mr. President, that it is not enough to say that drastic action is demanded. It is not sufficient to set down a few of the outstanding facts—38,000 killed on the highways in 1 year; 1,340,000 injured the same year; property loss and damage, including costs of medical care, well over $1,600,000,000 in 1 year—it is not sufficient to point to these and say something must be done about it.

The question is, What can be done about it? Has the Congress any power and responsibility to deal with this situation, to reduce this slaughter by wholesale?

It seems obvious that Congress cannot deal with the entire problem. Nor can the State governments do the entire job. Forty million drivers are involved; twice that many passengers and pedestrians. In fact, here is a question the answer to which is essential to nearly every man, woman, and child of our population.

Nor can the automobile industry solve the problem by itself, even if it felt called upon to do so.

Here is a difficult task that calls for cooperation of a number of agencies, and, to make it measurably successful, the voluntary and perhaps to some extent compulsory cooperation of millions of people.

It seems to me the point is to get the right start. I say start because this is going to prove a long-drawn-out and practically ceaseless fight to make our highways safe.

A few minutes ago I recited 10 proposals advanced by a leading magazine. These 10 proposals, if even made measurably effective, would cut down the fatalities, injuries, destruction of property, at least one-half, in my judgment. But simply to list these 10 proposals is to indicate the need of cooperation of a number of different agencies and groups.

The first proposal calls for the building of safer cars, with excessive speeds curtailed, driver visibility enlarged, and headlight systems improved.

This largely will be the job of the motor-car industry. If it cannot solve them, legislation might be called upon to require curtailed speed, set standards for headlighting systems, and driver-visibility requirements.

The second suggestion calls for periodic mechanical inspections, ruling off the roads all cars that do not meet requirements. It seems to me this is largely a job for the States and municipalities; probably the States should take the lead.

Similarly, the third suggestion, calling for drivers' licenses only to those who can pass prescribed tests, also is a matter for State regulation.

There also is the need for uniform traffic regulations. There are some who would take the short cut of Federal legislation to attain this end, but it may be more feasible, though slower, to depend upon a Nation-wide drive to get the adoption of uniform traffic regulations.

Enforcement of traffic regulations is a police function that can best be performed by State and city and local traffic officers. But these will have to be backed by public sentiment to make them effective.

Jaywalking is responsible for a majority of city fatalities these days. Control of jaywalking is a job for the city traffic departments. Again it cannot succeed without the backing of informed public sentiment.

As I see it, there are three general fields in which the Federal Government can take effective steps to promote highway safety. Through Federal aid for State highway systems, the Bureau of Public Roads can insist upon highways constructed in the interest of safety; center aisles on new highways, for instance. The Bureau of Public Roads is in excellent position to obtain cooperation of State highway departments in the construction and maintenance and marking and policing of all highways partly financed with Federal funds.

Elimination of night parking on streets and highways, freight deliveries at night in the larger centers, and such things, can be worked out by local officials and business interests.

Development of a uniform national system of investigating and reporting accidents can be worked out by the Federal Government in cooperation with local governments, and with the aid also of insurance organizations.

Mr. President, I believe I have outlined a program that presents possibilities of really accomplishing results. I believe it is within the province of the Federal Government and within the power of Congress, and that it is the duty of Congress to provide a Federal agency charged with at least these three main functions:

First. To provide for a national uniform system of reporting and investigating accidents. Accurate and intelligently compiled information must be the basis of whatever is attempted on a Nation-wide scale in dealing with the problem of highway safety.

Second. To act as a clearing house and central agency to coordinate the work of the Bureau of Public Roads, the States, and the State highway departments in providing highways as safe as engineering, construction, maintenance, and marking can make them.

Third. Coordinate the work of and cooperate with the National Safety Council, the State safety councils, the motor-car industry, and similar organizations working for the common objective in an unending, Nation-wide drive for highway safety. And last, but not least, this Federal agency would head up a campaign of public education and develop a highway consciousness without which all these other efforts must fail.

Mr. President, I suggest that a Senate committee be empowered to make a real investigation of this subject and recommend appropriate legislation to cover the program I have attempted briefly to outline.

Mr. President, I stated earlier in these remarks that auto fatalities do not comprise all our accident death toll. Even more persons are being killed every year in what are classified as home accidents than on our streets and highways. The remainder of the annual fatalities from accidents, totaling around 35,000, are due to varying causes. About half of them occur in industrial plants. Safety campaigns in these have been very successful, but much remains still to be done. Then there are 17,000 or 18,000 occasioned by drowning, falling, and from miscellaneous causes.

Mr. President, this annual death toll from accidents, most of them preventable, amounts to almost double the number of American lives lost in the World War. It is many times greater than the total number of lives lost in any plague or pestilence which has ever struck this Nation. The picture of the past and present in connection with deaths from preventable accidents is bad. It is terrible. But the prospect of future accidental deaths is even more alarming. I regret to say that despite the many accident-prevention activities now under way there is little indication that present corrective methods are going to prove effective in reducing the ghastly annual death toll.

I say the time has come when this country must face the appalling facts of the situation and resort to new and drastic safety methods if we are to get results. We must attack this problem on a broad front, as we would attempt to repel a foreign invader bent on killing 100,000 of our citizens and maiming and injuring another one and one-third millions of our men, women, and children.

My personal interest in this situation has been increased materially during the last year by my serving as a member of the General Committee of the Accident Prevention Conference. This group, composed of citizens genuinely interested in saving human lives on land and sea and in the air, was called together by Secretary Roper at the request of President Roosevelt to make a study of the general accident situation and recommend ways and means of decreasing the Nation's terrifying total of injuries and fatalities. More than 500 persons attended the organization meeting held here in Washington, and organized several subcommittees headed by and composed of leading men of many parties, businesses, and professions throughout the country, who were determined that accidents should be decreased. Senator A. HARRY MOORE, who as Governor of New Jersey was a pioneer in accident prevention in this country, was chosen general chairman. Additionally, 10 subcommittees were formed and are now functioning. I have the honor to be chairman of the subcommittee on home and rural accidents, and the other officials are:

Causes and remedies: Henry H. Heimann, Niles, Mich.

Urban street safety: Thomas J. Watson, New York City, president, International Business Machine Co.

Cooperation with common carriers: W. Averell Harriman, New York City, chairman of the Union Pacific Railroad Co.

Cooperation with the automotive industry: John L. Lovett, Detroit, Mich., general manager, Michigan Manufacturing Association.

Uniform traffic regulations: Representative Emmet O'Neal, Louisville, Ky.

Driver training and law enforcement: Dr. B. L. Corbett, executive secretary, Milwaukee (Wis.) Safety Commission.

Education: Barron G. Collier, New York City, former deputy police commissioner in charge of safety for New York City.

Cooperation with safety groups: Fred M. Rosseland, Newark, N. J., former secretary, Governor's street and highway safety committee.

Safety in the air: Senator W. G. McADOO, Los Angeles, Calif., president, National Aeronautic Association.

Initially, the conference sought an appropriation of $250,000 from the Congress to carry on its work. I regret to say that it was successful in obtaining an appropriation of only $35,000. The largest single item, for $200,000, desired to make an accurate survey of the exact number and types of accidents occurring in the country, and particularly the causes of them, failed to obtain committee approval. This was an unfortunate circumstance because the most effective result cannot be obtained in accident prevention until we have a full and accurate picture of the national situation. The States are collecting this information slowly and in a fragmentary way and supplying it to the best of their ability to the Bureau of the Census. The service is not what it should be and definitely is slowing up accident-prevention work.

Nevertheless, the conference has gone ahead to the best of its ability and during the year has learned and given publicity to many hitherto unrevealed facts about accident causes. This has been accomplished chiefly by setting up key contact men in the 48 States and inducing the Governors to appoint independent accident-prevention committees which serve without compensation. In my opinion, there is a better public appreciation today of the accident situation and more persons and groups are working unselfishly in an effort to solve the problem than ever before in history.

Credit for this improved situation is due in great part to the activities of the conference, and particularly to the cooperative attitude of citizens and public officials of the various States. It was the President's view that the problem should be attacked along State lines and that the chief duty of the conference should be to arouse communities and States to their local duties. He was of the expressed opinion that the Federal Government should not undertake to direct work which obviously was a local responsibility.

As chairman of the committee dealing with home accidents, which resulted in 1,000 more deaths last year than highway accidents, I have learned some astounding facts. The outstanding one is that in great measure the 37,000 home deaths are traceable to seemingly trivial causes and are largely the result of human carelessness. Unfortunately, with the exception of my native State of Kansas, State governments are not doing thorough jobs of investigating and reporting home accidents. From the best figures obtainable, however, we are led to believe that approximately one-half of these fatalities occur at night in sleeping rooms and are caused chiefly by inadequate lighting. Compared with the number of airplane deaths in the country—which in 1936 totaled only 67—they are monumental. Yet the public pays almost no attention to them, because they are largely local and seldom make the front pages of the newspapers.

Solution of this phase of the accident problem is most difficult. The committee is approaching it primarily by enlisting the interest of the manufacturers of electrical equipment in providing better lighting facilities for homes. The

committee proposes to go further and arouse the interest of manufacturers of other household equipment such as ladders, bathtubs, and so forth. Finally, of course, solution of the problem rests with the individual and various educational plans, including the cooperation of publications which reach the home, and instruction of school children, which are being attempted. A wise woman who has made a great study of the problem recently suggested that "tidier housekeeping" probably would do more than any other one thing to prevent home deaths. By this she meant teaching housekeepers to straighten out rugs, pick up toys, arrange furniture, and take similar steps so as to prevent persons slipping on or colliding with objects at night and sustaining injuries.

Fortunately, the American Red Cross is paying close attention to this problem and is making constructive advances toward the solution of it. Incidentally, the moment that Admiral Cary T. Grayson, president of the Red Cross, heard of conference activities last year, he cabled from abroad offering the heartiest cooperation of his organization, and it has followed up his offer with splendid performance.

Mr. President, I would be remiss in my discussion of this subject, and also would pass over the fact that systematic organized safety campaigns can and do get results, if I did not call attention to the record of occupational accident fatalities.

Deaths from occupational accidents in 1936 numbered 18,000. This is an increase of 1,500, or about 9 percent, over the record of 1935. There also were reported 70,000 permanent disabilities, compared to 63,000 in 1935, and 1,480,000 temporary disabilities, compared to 1,340,000 in 1935.

But here is the important point in connection with occupational accidents, Mr. President. Despite the increase in 1936 over 1935, occupational deaths were still only about half what they were in 1913. Industry faced the problem of industrial accidents a quarter of a century ago. It organized safety committees. The employers and employees cooperated to reduce accidents in industry, and they did reduce them. Particularly, they reduced fatal accidents.

The National Safety Council estimates that the number of occupational accidents occurring since 1913, in total, has been about 265,000 less than it would have been if the 1913 death toll had been repeated each year since. Incidentally, industry reports a reduction of 10 percent for 1936 under 1935 in its accident rate per million man-hours worked.

Mr. President, in conclusion, I wish to reiterate my position that Congress cannot make a better investment of a small amount of public funds than by providing a more adequate sum for research work by the general committee of the Accident Prevention Conference.

About the only real way to solve the problem is to start with actual information on the causes of these accidents and then work to remove or mitigate those causes. That calls for research, for careful study, and I believe that research and that study are a legitimate field for the Federal Government. I certainly will support any reasonable appropriation for such a worth-while objective as reducing our terrific death toll from preventable accidents.

EXTENSION AND COMPLETION OF THE CAPITOL

The Senate resumed consideration of the bill (S. 1170) to provide for the extension and completion of the United States Capitol.

The PRESIDING OFFICER. The next amendment of the Committee on Public Buildings and Grounds will be stated.

The next amendment of the committee was, in section 1, page 1, line 11, before the word "replacing", to insert the word "excepting", so as to read:

And excepting replacing with white marble the two broad flights of terrace steps on the west of the Capitol, etc.

Mr. McNARY. Mr. President, I stated earlier in the day that there ought to be an explanation of this measure before the consideration of amendments. They are all part of one subject matter.

Mr. CONNALLY. Mr. President, I agree with the Senator from Oregon.

Mr. McNARY. Very well. Let us have an explanation before further amendments are acted upon.

Mr. CONNALLY. Mr. President, this bill, being Senate bill 1170, provides for the completion of the Capitol Building in conformity with the conception of the architect who served as Architect of the Capitol from 1851 to 1865, and who designed and constructed the House and Senate wings. The bill provides for the appointment of a commission, which, as set forth in the bill, is to be composed of the chairmen of the Committees on Public Buildings and Grounds of the respective Houses and others; and the estimated cost of the repairs and reconstruction is about $4,000,000.

I shall make a very brief statement in explanation of the bill.

The cornerstone of the first unit of the Capitol, known as the Supreme Court section of the building, was laid on September 18, 1793. The north wing of the Supreme Court section was constructed between 1793 and 1804. The south wing, containing Statuary Hall, which was formerly the Chamber of the House of Representatives, was constructed between 1804 and 1812. The central portion, containing the rotunda and the original wooden dome, was constructed between 1818 and 1829. The replacement of the wooden dome with a cast-iron dome, and the construction of the Senate and House wings was carried on between 1851 and 1855.

The hearings reveal that at that time Mr. Thomas U. Walter, the architect who constructed the two wings, had among his plans the subsequent bringing forward of the central section of the building even to a greater extent than the pending bill proposes. He also constructed the iron dome. It was his view that the central portion ought to be extended toward the east in order to provide architecturally a sufficient base for the dome; and the plans of the committee now before the Senate in the main seek to carry out the original conception of Mr. Walter.

In 1904 a joint commission composed of three Senators and three Members of the House was appointed to investigate the subject of the extension and completion of the Capitol. That commission employed a firm of architects, Carrere & Hastings, of New York, to study the whole question. The architects thus employed reported to the commission and proposed two alternate plans. Scheme A provided for an extension of the middle section of the building eastward for a distance of 12 feet 10 inches, and scheme B for an extension for a distance of 32 feet 6 inches.

Scheme B, which seems to be preferred by most of those familiar with the proposal, will provide 54 large rooms, 18 on each of the three floors of the building, available for office use of Senators and Representatives. The commission appointed in 1904 submitted its report to Congress on March 3, 1905.

It appears that the sentimental feeling toward the Capitol Building which now exists in the hearts of some people also existed when Mr. Walter in the period from 1851 to 1865 added the House and Senate wings, and replaced the small wooden dome with the present cast-iron dome. There were at that time those who opposed the addition of the wings. There were those who, on account of sentiment, then opposed the removal of the old wooden dome and its replacement by the cast-iron dome, which, in the opinion of many experts and architects, is the finest dome in the world today, excelling that of St. Peter's in Rome and St. Paul's in London.

But, Mr. President, if Senators will observe the dome from the north wing or the south wing of the building, they will find that from an architectural standpoint it has the appearance of extending over the middle portico so as to present the aspect of an architectural maladjustment; and one of the purposes of this measure is so to extend the front of the building as to complete the harmony and the symmetry of the original construction, so that the dome will appear to be a part and parcel of the structure, rather than to have been superadded on a building too small for its proportions.

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

Mr. CONNALLY. I yield.

Mr. DUFFY. Is there any question at all about the safety of the dome in its present condition, or is it just a matter of appearance?

Mr. CONNALLY. I will say to the Senator from Wisconsin that there is no question as to the security of the dome. It is firmly anchored on the wall, but in order to make the dome complete the skirt apparently extends out over the portico. Let me say to the Senator from Wisconsin that the present front walls of the building on the east side will not be disturbed. They will remain and whatever firmness of foundation and support exists in that regard will not in any wise be altered. The addition will consist of building a new wall about 32 feet in front of the present eastern front of the building.

Let me also say to Senators that if they will observe the building from the front they will notice that the middle section is composed of sandstone, whereas the two wings are constructed of marble. The difference in the color is easily discernible to the most clouded eyesight. Testimony before the committee was that sandstone as a building material is quite inferior to marble. As a result, from time to time the middle section of the building must be painted in order to preserve the stone as best paint can, and to harmonize the color of the middle section as nearly as possible with the color of the two wings. That has never yet been accomplished, because the difference in color is easily discernible.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I desire to call attention to the fact that notwithstanding the almost annual effort by repainting to keep the middle section somewhat in harmony with the wings, it cannot be satisfactorily accomplished, because it is perfectly observable that the middle section is covered with paint and has an artificial color. It does not harmonize at all with the marble wings, and the more the central portion is painted the greater the lack of harmony.

Mr. CONNALLY. The Senator from Kentucky is eminently correct. The testimony also is that the paint peels off the stone, thus requiring frequent application of paint. The testimony before the committee from eminent architects throughout the country is that the sandstone has already materially deteriorated and as time goes on it will deteriorate still more; and regardless of the architectural aspects, and regardless of the conception of completing the original plan, it will so deteriorate that it will have to be repaired either by the replacement of new stone or by refacing with marble or other material.

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

Mr. CONNALLY. I yield.

Mr. BARKLEY. I may be entirely wrong, but it is a tradition around here that painting the central part of the Capitol began soon after the British burned the Capitol in 1814. Is that historically correct?

Mr. CONNALLY. I cannot say. I have heard of that tradition—that because of the smoky condition of the building in 1814 by reason of the fire the building was painted in order to remove the smoke stains.

Mr. BARKLEY. If that be true, of course, the building of the new wall would conceal all evidence of that unfortunate episode in the history of the country.

Mr. CONNALLY. A good point is made there by the Senator from Kentucky.

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

Mr. CONNALLY. I yield.

Mr. POPE. Does the Senator say that the extension would be on the west side?

Mr. CONNALLY. On the east side, the front of the building. The rear, or west side, of the building will be simply refaced with marble, but with that exception it will not be disturbed.

Mr. POPE. The wall will remain the same?

Mr. CONNALLY. The wall will remain the same; and if the Senator from Idaho will give heed to the plan on the wall, he will notice that the rear portion of the central section already extends far to the rear, whereas the front section does not. So, in order to complete the harmony, it is not necessary to extend the rear section to any degree; it is already extended.

As I was saying a moment ago about the material, I hold in my hand [exhibiting] a photograph of some of the colonnades and other portions of the building which are of sandstone. These photographs reveal the eroded condition of this work, which requires replacements from time to time because of the fact that it is sandstone rather than marble.

Mr. President, there are those who oppose remodeling the central portion of the building because of its historical associations. Some of the gentlemen who came before the committee urged that it not be changed because they did not want the place where Abraham Lincoln stood when he was inaugurated disturbed or moved. Here is a photograph [exhibiting] of the second inauguration of Mr. Lincoln. He was inaugurated on a wooden platform which was long since removed and, of course, long since destroyed. There is no spot now existing where he stood on that occasion.

Others do not want to disturb the building because of other associations of a similar kind; but if that motive had controlled, the Senate wing would never have been built; if such considerations had guided our predecessors, we would not have any dome on the building today; if that kind of consideration had actuated those who preceded us, we would not have any separate wing housing the House of Representatives. We would simply have the remains of the old central section as they were left by the British after they had captured Washington and burned the Capitol in 1814.

So there is nothing violent about this proposal according to the views of the committee and according to the views of every architect who has had supervision of the Capitol. Since the time of Mr. Walter in the period from 1861 to 1865, each Architect of the Capitol has advocated the completion of the central section of the building in conformity in general with the plans now proposed.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Oregon?

Mr. CONNALLY. I am glad to yield.

Mr. McNARY. I recall that a bill of similar kind to that now pending passed the Senate last year. What was its fate in the other House?

Mr. CONNALLY. I will say to the Senator from Oregon that the bill did not get out of the committee in the House; there was some opposition to it. As I recall, some hearings were held, but I am advised that the committee tabled the measure and that it died in the committee. The bill now pending is practically the same bill as that which was passed by the Senate last year; in fact, it is identical with the exception that we have had to revise the estimates somewhat because of the rising cost of material and labor.

In this connection, some question has been raised about the item of expense as compared with the estimates which the commission made in 1904. Of course, it is going to cost considerably more now than it would have cost in 1904. As indicating the reasons for that increase, let me say that in 1904 plasterers were paid $4.50 a day; now they are paid $14 a day. Carpenters in 1904 were drawing $3.50 a day; today they get $11 per day. Common laborers in 1904 were available at a dollar and a half, whereas today they get $4.80 per day. Bricklayers in 1904 received $4.50 a day, as contrasted with $12 today. Painters in 1904 were paid $3.50, as against $11 today. Tinners in 1904 were paid $3.50, as against $12 today. Electricians in 1904 were paid $3.50 a day, as compared with $13.20 now. Of course, materials have also increased in price. So that answers, I think, the question as to the increased cost.

Mr. President, there are two plans possible under this measure. One is plan A, which would bring forward the central section 12 feet and 10 inches, and the other is plan B,

which would bring it forward 32 feet 6 inches. The determination as between the two plans is left, under the bill, to the commission, but still the Senate and the House are not precluded when the appropriation comes forward, of course, from rejecting either one of the plans as they may see fit.

The reason for the bill having an optional plan is that the overwhelming mass of architectural testimony before the committee was to the effect that, while the majority of the architects favored the remodeling, there were some aspects as between the two plans which ought to have very careful and very detailed study by the commission before a plan was adopted. Personally—I speak only for myself, but I think I may speak also for a majority of the committee—I favor plan B, which is the plan that would bring forward the central section about 32 feet.

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

Mr. CONNALLY. I yield.

Mr. BARKLEY. I am glad to hear the Senator say that, because it seems to me that simply to extend the walls 12 feet, in view of the large proportions of the building, would not successfully carry out the architectural scheme which was in the minds of the original architects and of Congress when it added the two wings and put on the dome.

Mr. CONNALLY. I heartily agree with the Senator from Kentucky.

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

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CONNALLY. I yield.

Mr. POPE. What would be the difference in cost as between the two plans?

Mr. CONNALLY. I am advised that the difference in cost would be very slight, because in building a wall, whether it should be built 12 feet out or 32 feet, the cost would be practically the same. Of course, there would be some difference in the interior.

Mr. President, from a practical standpoint let me point out that this construction would also provide a corridor on the third floor of the Capitol Building from the Senate wing, where the press gallery and other offices are located, over to the House of Representatives. At present there is no such method of access between the two wings. If one is on the third floor of the Senate wing and desires to go over to the House of Representatives, he has to come down to the floor below, walk over, and then go up a flight of steps.

Let me also point out, in view of the fact that the material of which the wings are constructed differs from the material in the central section, that the columns on the central section are not in harmony with the columns on the wings. The wings have marble fluted columns with Corinthian capitals, while the central section has smooth sandstone columns. Our idea is that it shall all be alike and harmonious.

The steps in front of the central section now are narrow and smaller than are the step approaches to the two wings of the building. Architecturally we are told that that is not a proper conception, and that the steps of the central section should be more nearly of the same size or of a preponderating size compared with the steps to the entrance to either wing, which to a lay mind—at least to my mind—seems entirely reasonable from an artistical and architectural standpoint.

So this bill, Mr. President, is offered with the hope that the commission will, after detailed and careful study, report back to the Senate and the House of Representatives one of these plans, which may then be included in the appropriation bill, and we may proceed to complete—not to reconstruct but to complete—the Capitol Building in accordance with the original conception of the great architects who constructed the two wings and who envisioned the time when the central section might be completed in harmony with the two wings and with the great dome which was placed on the old structure.

Mr. GILLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Iowa?

Mr. CONNALLY. I gladly yield to the Senator.

Mr. GILLETTE. The Senator has just stated the purpose is to complete the Capitol Building. There is no definite plan for such completion, whether by a 12-foot extension or a 32-foot extension. Is not that true?

Mr. CONNALLY. I tried to suggest a moment ago—perhaps the Senator did not hear me—that there are alternate plans presented by the bill which the commission will study, and one of which it will recommend, with such modifications, if necessary, as it may think desirable; that that recommendation will then come back to the appropriating committees of the Senate and the House, and, if the Senate and the House are not then satisfied with the plan, they have a very easy way of rejecting the appropriation and not going ahead.

Mr. GILLETTE. It is true the plan will have to go before the appropriations committees, but, so far as this bill is concerned, it is an authorization up to the sum of $4,000,000 for the plan to be later submitted, substantially in accordance with either scheme A or scheme B, whichever the Commission may recommend.

Mr. CONNALLY. That is correct.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Colorado?

Mr. CONNALLY. I yield.

Mr. ADAMS. I gather from the statement of the Senator that either House of Congress may put a stop to the proposed extension when the plan reaches the Appropriations Committee.

Mr. CONNALLY. It may do it if that is the desire.

Mr. ADAMS. As I read the bill in its present form, it authorizes the execution of a contract; of course, if a contract is made, there will be no opportunity for a review; and my inquiry is whether or not we are following the line of our rules in authorizing a contract without a previous appropriation?

Mr. CONNALLY. Let me say to the Senator from Colorado that, under the general law, executive officers cannot execute contracts until the money is appropriated for the work.

Mr. ADAMS. I have no question of the power of Congress to authorize contracts if it sees fit to do so without an appropriation, but it does not follow the custom to which we have adhered of always laying the ground work by an appropriation. My suggestion comes from the fact that the Senator from Texas has said that Congress would still have its hand upon the situation. I was merely asking for an explanation as to how that could be if the contract should have been entered into.

Mr. CONNALLY. I will say to the Senator that the contracting officer cannot execute a contract until the money has been appropriated. That is the custom in connection with all work on the Capitol, and I am given that assurance by the Architect of the Capitol himself. That question was developed in the hearings, and the committee members will bear witness to my statement when I say that the testimony before the committee was that, at least, so far as the Capitol is concerned, contracts are never made until the money is in hand by an appropriation.

Mr. ADAMS. I think that is perfectly sound; but, as a legal matter, it seems to me the bill authorizes the making of a contract, and such authorization would supersede the limitations which have existed heretofore.

Mr. CONNALLY. It is not the purpose of the Senator from Texas to be inconsistent, although I have eminent authority in the Senate for being so; but the Senator from Texas was assured, as were other members of the committee, by the Architect of the Capitol when he testified that his office never makes a contract for any construction work until the money is in his hands, and he is under the impression that the law prevents him from doing so. The Senator from Texas cannot put his finger on the statute which prevents such action, but it is his impression that it does so provide.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. Certainly.

Mr. BARKLEY. I happen to have some information with respect to the course pursued in the building of the annex to the Congressional Library. Congress authorized the construction of an annex to the Congressional Library under a joint commission set up by the Congress for that purpose. The contract was not let until at least a portion of the money was appropriated, so the commission was authorized to begin the work. I think nothing is to be feared because of the authorization in the pending bill, and that even if the power were granted to enter into a contract nothing would be done until the money should be actually available.

Mr. CONNALLY. I feel absolutely assured of the correctness of the position of the Senator from Kentucky. The construction of the annex of the Congressional Library was under the supervision of the same authority that will carry on the work contemplated by the pending bill.

The Senator from Iowa [Mr. GILLETTE] seemed worried because we are not in this bill selecting the particular plan for a particular kind of construction. What does Congress do with regard to the construction of a departmental building? We have no say-so about it. We turn over the money in a lump sum to the Treasury and allow them to allocate the money, to determine how much money they will spend on the construction of the building, to select the plan without any reference to the Congress whatever. They have blanket authority.

The Secretary of the Interior, Mr. Ickes, is now building a new department of the Interior Building. Who in Congress passed on that plan? Who had anything to say about it? No one did. The Secretary of the Interior decided he wanted new housing for his administration and he is building it. Did any Senator pass on the plan for that building? Did anyone raise a question in the Appropriations Committee or on the floor of the Senate as to how it would be built, or how many floors it should have, or how many elevators it should contain?

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

Mr. CONNALLY. Certainly.

Mr. GILLETTE. The only thing to which I wished to direct the Senator's attention was that there seems to be nothing definite in the way of a plan. The matter to which he just referred had a particular purpose. What is the purpose of the present bill? The Senator just stated it is the completion of the Capitol, but there is nothing to designate what contemplates "completion." What I am interested in is what is to be done. Is this construction to have a utilitarian purpose or merely a sentimental purpose? What is it for and why is the money desired?

Mr. CONNALLY. The Senator from Iowa is a very influential and very active and very intelligent member of the Committee on Public Buildings and Grounds. He attended diligently the hearings before that committee, and I think he really knows more about the bill than does the chairman, who, in his poor, stumbling fashion, is trying to present it to the Senate.

The Senator from Iowa knows that this construction will have a utilitarian purpose. Incidentally, however, the chief object of the bill is to preserve and complete the architectural harmony and beauty of this great Capitol in the Capital of the greatest country on earth. Why should not we have the handsomest, most superb Capitol on earth? Why should we, simply because the central section of the Capitol has been standing for 100 years unchanged, say, "No; we will not touch it"? We are living in a day of change and improvements which are, I hope, always for the best. I think, with the Government spending millions of dollars, we ought to spend at least enough to house this mighty Government of ours, so far as its legislative chambers are concerned, in a building appropriately constructed from an architectural standpoint, from the standpoint of art, from the standpoint of utility, and that we should not quibble about the comparatively small amount of money involved.

The Senator from Iowa says no plan is presented. We present two plans, as a matter of fact. With reference to the plans in the bill, so far as the Senator from Texas is concerned, he favors plan B, but the Senator from Texas thinks that the adoption either of plan B or plan A will bring about a result so superior to the present condition of the central wing of the Capitol that he is willing to accept either one of the plans. He knows that the adoption of either one of them will constitute an improvement which will surpass in a transcendent way the present condition and appearance of the central wing of our Capitol.

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

Mr. CONNALLY. Certainly.

Mr. BARKLEY. It ought to be said in that connection that all the buildings in the triangle have been constructed out of lump-sum appropriations. Congress did not undertake to say anything about the details of the Archives Building. It did not undertake to draw the specifications and prepare the blueprints for the Apex Building, which is now under construction, in an effort to carry out the original conception of buildings in that area.

I hope the Senator's Committee on Public Buildings and Grounds or some other appropriate committee in the near future will submit to the Congress authorizations providing for appropriations to complete the building program on Constitution Avenue and Pennsylvania Avenue. We set out a few years ago to beautify Washington. We bought much property along Pennsylvania Avenue and Constitution Avenue and tore down a part of it and left it in a condition so that it now looks like a snaggle tooth from the filling station at Second Street down to Seventh Street. Two or three blocks of buildings were torn out, leaving half of the courthouse visible from Pennsylvania Avenue and the other half invisible. I hope some day in the near future this beautiful Capital will be fittingly improved by filling in the gaps by the construction of public buildings between here and the Archives Building so it will really present from all sides an interesting and beautiful architectural appearance to all visitors to Washington.

Mr. CONNALLY. I thank the Senator from Kentucky for his suggestion and say to him that the Committee on Public Buildings and Grounds is undertaking to give diligent consideration to all measures of that character. We think it quite appropriate, however, that we should begin on the Capitol in order to set an example in respect to the other buildings. Here was the original seat of the Government, and here is where the original plans were laid out for the building of a great Capitol to house the Congress of the United States and the Supreme Court.

Mr. McADOO. Mr. President, I should like to ask the Senator from Texas a question. Will he yield for that purpose?

Mr. CONNALLY. With pleasure.

Mr. McADOO. I was not on the floor when the Senator began his statement. To what extent, aside from the artistic development—which I think highly proper and which I fully approve—does the bill relate to the utilitarian aspects of the question to meet the needs of the House of Representatives and the Senate?

Mr. CONNALLY. In addition to the artistic and architectural aspects of the matter, plan B, which the committee advocates, would provide 18 additional office rooms on each floor, or 54 in all. It would also provide a corridor on the third floor from the Senate wing through the entire building to the third floor of the House wing. In addition to that, it would furnish a new front to the Capitol, constructed of marble instead of sandstone, which the architects all say is a very inferior building material and will eventually require replacement in any event. If the plan is carried out, the material will be a substantial marble which will stand long after we are all gone and will cause the central wing to harmonize with the original dream and the original conception of the architects of the Capitol.

Does that answer the Senator's question?

Mr. McADOO. Yes; and I thank the Senator from Texas.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The question is on agreeing to the amendment of the committee, on page 1, line 11, inserting the word "excepting" before the word "replacing."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment of the Committee on Public Buildings and Grounds was, in section 1, page 2, line 2, after the word "Capitol", to insert "said work having already been done", so as to read:

said work having already been done. The joint commission hereinafter provided for shall determine whether the substance of scheme A or scheme B shall be adopted.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 18, after the word "Capitol", to strike out "Notwithstanding the expiration of a Congress, any Senator or Representative who was a member of such commission during such Congress by reason of membership on the Committee on Public Buildings and Grounds of either the Senate or House of Representatives, if reelected to the succeeding Congress, shall continue as a member of such commission until his continuance as such member or his successor thereon is determined for such succeeding Congress", and on page 3, line 1, after the word "Capitol", to strike out "shall serve as executive officer of the Commission and", so as to make the section read:

SEC. 2. The extension, reconstruction, and replacement herein authorized shall be carried out under the direction and supervision of a commission, which is hereby created, to be known as the Commission for the Extension and Completion of the United States Capitol, and to be composed of the President of the Senate, the Speaker of the House of Representatives, the chairman and the ranking minority member of the Senate Committee on Public Buildings and Grounds, the chairman and the ranking minority member of the House Committee on Public Buildings and Grounds, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol. The Architect of the Capitol shall perform such services under this act as the Commission may direct.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 14, after the word "supervision", to insert "and approval", so as to make the section read:

SEC. 3. The construction contemplated under this act, including the necessary traveling expenses, the letting of contracts, advertising, purchase of materials, supplies, equipment, and accessories in the open market, the employment of all necessary architectural, engineering, and other personal services (without reference to sec. 35 of the Public Buildings Act, approved June 25, 1910, as amended, or the Classification Act of 1923, as amended), and the purchase of necessary technical and other books shall be under the control of the Architect of the Capitol, subject to the direction and supervision and approval of the Commission.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 16, after the word "replacement", to insert "and other items enumerated in section 3", so as to read:

SEC. 4. The total cost of the extension, reconstruction, and replacement and other items enumerated in section 3 herein authorized shall not exceed the sum of $4,000,000, and a contract or contracts for any portion or all of such amount may be entered into in accordance with section 3.

SEC. 5. Appropriations made pursuant to this act shall be disbursed in the same manner as other appropriations under the Architect of the Capitol through the Division of Disbursements, Treasury Department.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments. The question is on the engrossment and third reading of the bill.

Mr. O'MAHONEY. Mr. President, I desire to address a few interrogations to the Senator from Texas before the bill is put to a vote.

I do not observe anywhere in the bill any authorization for an appropriation.

Mr. CONNALLY. I will say to the Senator that the Senator from Colorado [Mr. ADAMS], who sits by him, suggested as one of the objections to the bill that it did contain an authorization.

Mr. O'MAHONEY. I do not know whether the Senator is correct in understanding the Senator from Colorado to have made that suggestion, or whether he was wise in making it if he did make it.

Mr. ADAMS. Mr. President, if the Senator from Wyoming will permit me, I think the Senator from Texas misunderstood my inquiry. My inquiry was as to how contracts could be authorized when no appropriation is made or authorized; and I gathered that the Senator from Texas regarded this language as an authorization.

Mr. CONNALLY. I do. I regard the language of section 4 as an authorization where it says:

The total cost of the extension, reconstruction, and replacement and other items enumerated in section 3 herein authorized—

And so forth.

Mr. O'MAHONEY. That is the construction that may be authorized, but does not the Senator agree with me that under the rules of this body, and under the rules of the Congress, no appropriation can be made until a specific authorization has been made by the Congress in a bill?

Mr. CONNALLY. I do not disagree with the Senator as to the rule that before an appropriation is in order, there must be an authorization.

Mr. O'MAHONEY. There is no authorization here. I read the language of section 4:

The total cost of the extension, reconstruction, and replacement and other items enumerated in section 3 herein authorized—

That, of course, obviously refers only to the extension—

shall not exceed the sum of $4,000,000.

Obviously, that is merely a limitation upon the cost. Does not the Senator believe there ought to be incorporated in the bill a specific statement saying:

An appropriation of such and such amount is hereby authorized.

Mr. CONNALLY. Mr. President, the Senator from Wyoming says this authorization obviously is limited to the extension. In answer to him, I will say that it says:

Extension, reconstruction, and replacement and other items enumerated in section 3.

Mr. O'MAHONEY. The items enumerated there are merely detailed items of construction.

Mr. CONNALLY. If the Senator will permit me, I am of opinion that the bill now is an authorization. If the Senator from Wyoming has any doubt about it, I shall be glad to consider any amendment he desires to offer.

Mr. BARKLEY. Mr. President, if the Senator will yield at that point, the language of section 1 provides that it shall be enacted—

That the central portion of the Capitol shall be extended, reconstructed, and replaced in substantial accordance with either scheme A or scheme B—

And so forth. While the word "authorized" is not used there, is not the enactment itself an authorization to carry out the plan, subject to the subsequent limitation? Section 2 also refers to "the extension, reconstruction, and replacement herein authorized." Does not that of itself authorize an appropriation?

Mr. O'MAHONEY. I will say to the Senator from Kentucky that I think not. Congress might pass a bill of this kind, authorizing certain work to be done, and then the matter might remain in abeyance for years before an appropriation was made.

Mr. BARKLEY. Yes; it would unless an appropriation should be made.

Mr. O'MAHONEY. Unless it should be authorized and made.

Mr. BARKLEY. But whenever Congress authorizes the doing of a thing, of course such action presupposes that there is to be an appropriation following the authorization of the thing being done, in order that it may be carried out. I recognize the point made by the Senator that there must

be an authorization; but if Congress should instruct the Secretary of the Navy to build a battleship, while, of course, it could not be built until the appropriation was made, it seems to me the instruction would be regarded as an authorization for an appropriation which would be made later.

Mr. O'MAHONEY. I do not wish to seek to compel the Senator to agree with me. I raise that point merely for the benefit of the committee.

Mr. BARKLEY. I appreciate that.

Mr. O'MAHONEY. I do not intend to pursue the matter further, but I should like to ask another question.

Section 4 also says, in lines 18 and 19:

And a contract or contracts for any portion or all of such amount may be entered into in accordance with section 3.

Section 3 reads:

The construction contemplated under this act, including the necessary traveling expenses, * * * shall be under the control of the Architect of the Capitol, subject to the direction and supervision and approval of the commission.

I desire to ask the Senator from Texas or the Senator from Kentucky just what official representative of the Government would sign the contract under this language.

Mr. CONNALLY. To what language does the Senator refer?

Mr. O'MAHONEY. The language of sections 3 and 4. Who would sign the contract which is provided for in the bill?

Mr. CONNALLY. It is to be assumed that the commission will authorize the Architect of the Capitol to do so. He usually makes the contracts with regard to all structures relating to the Capitol and its grounds.

Mr. O'MAHONEY. Does the Senator from Texas believe that the language of the bill gives the commission authority to do that?

Mr. CONNALLY. If the Senator from Texas did not believe that to be the case, he would not have the bill here.

Mr. BARKLEY. Mr. President, if the Senator will yield there, section 3 provides that—

The construction contemplated under this act—

That includes the building, the furnishings in it, and everything else, it seems to me—

including the necessary traveling expenses, the letting of contracts, advertising, purchase of materials, supplies, equipment, and accessories in the open market, the employment of all necessary architectural, engineering, and other personal services, * * * and the purchase of necessary technical and other books, shall be under the control of the Architect of the Capitol, subject to the direction and supervision and approval of the commission.

Subject to the control and advice of the commission, it seems to me the Architect of the Capitol would be authorized to make contracts.

Mr. O'MAHONEY. I will say to the Senator from Kentucky that the ordinary practice in building construction is to have an architect in control and exercising supervision; but the architect is seldom, if ever, the person who signs the contract. It seems to me the bill is seriously defective in that it clothes no particular individual, official, board, or commission with the responsibility of making a contract for the expenditure of a very large sum of money.

Mr. BARKLEY. The Senator will realize that there is a difference between the present case and the procedure where a private individual or corporation is constructing a building under contract and employs an architect to supervise the construction of the work. Here the Architect is the agent of Congress. He is an employee of the Government. He is in charge of the Capitol. He supervises not only the maintenance of the Capitol and its grounds but the construction of any additional buildings that may be authorized, just as the Architect of the Capitol now is supervising the construction of the addition to the Library of Congress. The Architect of the Capitol does that under the control and approval of the Joint Commission on the Library, which was created by Congress to supervise and bring about the construction of the new building of the Library of Congress. The joint commission from time to time has met and authorized the signing of contracts, which the Architect of the Capitol attends to; and I imagine the same procedure would be followed in this case.

Mr. O'MAHONEY. Does not the Senator agree that it might be better to make the authorization specific instead of having to depend upon the imagination of any Member of the Senate or any other person?

Mr. BARKLEY. I do not think anything is left to the imagination here.

Mr. O'MAHONEY. I was using the Senator's language.

Mr. BARKLEY. The bill authorizes the Architect of the Capitol to do these things with the approval of the commission.

Mr. O'MAHONEY. I submit to the Senator that the draftsmanship of the bill would be improved if there were in section 3 a provision specifically authorizing some particular individual to enter into the contract. I do not care to offer such an amendment, because I am not a member of the committee.

Mr. BARKLEY. I am not, either. I am just "butting in" here, where I have no business.

Mr. CONNALLY. Mr. President, the Senator from Wyoming has raised a question about the signing of the contract. If he will read the bill, he will see that it sets up a commission. One of the members of the commission is the Architect of the Capitol—not an architect whom we go out and hire to do one little job and then discharge and employ another. The Office of Architect of the Capitol is a statutory office. It is recognized by law, just like that of the Speaker of the House and the President of the Senate. The Architect of the Capitol is an official of the Government. The bill provides that he shall be a member of the commission, and in addition it says that "the Architect of the Capitol shall perform such services under this act as the commission may direct." The commission is the authority, of course; but the commission in the course of its work as it has heretofore been conducted will authorize, by resolution or by minute, the signing of the contract by the Architect of the Capitol.

I will say to the Senator from Wyoming that other architects will be associated with the Architect of the Capitol so far as the architectural features of the building are concerned. The commission has authority to employ architects for advice and consultation on these alternate plans; so there is nothing in that contention.

Mr. O'MAHONEY. Mr. President, will the Senator yield at that point?

Mr. CONNALLY. I yield.

Mr. O'MAHONEY. Would there be any objection, then, to inserting an amendment at the end of line 19——

Mr. CONNALLY. I have an amendment which I think will satisfy the Senator. There is nothing so pleasant in a body like the Senate, observing the senatorial tradition of courtesy to Senators, as doing all that is possible in our brief stay here to accommodate our colleagues, and in order to accommodate the Senator from Wyoming I offer the amendment which I send to the desk, not because I think the amendment is necessary, but to please the Senator and to allay the fears of any whose apprehensions may have been aroused by the speech of the Senator from Wyoming.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 3, at the end of line 19, to insert "A sum not exceeding $4,000,000 is hereby authorized to be appropriated to carry out the provisions of this act."

Mr. CONNALLY. Mr. President, does that meet the objection of the Senator?

Mr. O'MAHONEY. It does not meet the objection with respect to the authorization to sign a contract.

Mr. CONNALLY. I do not think we are going to meet the Senator's objection. According to the Senator from Wyoming, the contract could not be signed until the money was available and we could not get the money until the contract was signed, so we would meet ourselves coming back.

Mr. President, I do not like to have the Committee on Public Buildings and Grounds attacked for seeming negligence regarding an authorization. What is an authorization? It is not so many words in a particular phrase. It is what is to be done. What does the joint resolution provide? It provides that the commission set up shall proceed to reconstruct and complete the Capitol Building. Is not that an authorization to do something? Is it nothing but a plain invitation? It is an authorization to the commission to do a certain thing. This is what is provided on page 2:

SEC. 2. The extension, reconstruction, and replacement——

What about them?—

herein authorized.

Section 4 provides:

The total cost of the extension, reconstruction, and replacement and other items enumerated in section 3 herein authorized—

And so forth. Where does the commission get the authority except by the pending measure? They go before the Committee on Appropriations, and some Senator with a technical slant of mind rises and says, "Mr. Chairman, where is there any authorization?"

Mr. McKELLAR. Mr. President, the Senator from Texas will recall that this is a suggestion I made to him not long ago when the joint resolution first came up. Has the amendment just suggested been agreed to?

Mr. CONNALLY. No; it has not been voted on as yet.

Mr. McKELLAR. If that amendment shall be agreed to, it will certainly be an authorization for the appropriation of the amount of money the Senator has set out in the bill. I do not think there is any doubt about that.

Mr. CONNALLY. I thank the Senator from Tennessee. Being an appropriation-minded Senator, he views these questions always, properly, from the authorization standpoint. My contention is that an authorization authorizes that something be done, and when we authorize that something be done, that provides a basis for inclusion of the item by the Committee on Appropriations if they see fit to recommend the appropriation.

I do not know that this amendment will satisfy all Senators, but if it shall satisfy the Senator from Tennessee, I think it ought to stand the test.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Connally	Johnson, Colo.	Pope
Andrews	Copeland	King	Radcliffe
Ashurst	Davis	La Follette	Reynolds
Austin	Dieterich	Lee	Robinson
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Schwellenbach
Bilbo	George	Lonergan	Sheppard
Black	Gerry	Lundeen	Steiwer
Bone	Gibson	McAdoo	Thomas, Okla.
Borah	Gillette	McGill	Thomas, Utah
Bridges	Green	McKellar	Townsend
Brown, N. H.	Guffey	McNary	Tydings
Bulow	Hale	Minton	Vandenberg
Burke	Harrison	Moore	Van Nuys
Byrd	Hatch	Murray	Wagner
Byrnes	Hayden	Neely	Walsh
Capper	Herring	Nye	Wheeler
Caraway	Holt	O'Mahoney	White
Chavez	Hughes	Overton	
Clark	Johnson, Calif.	Pittman	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, there is a quorum present.

The question is, Shall the bill pass?

The bill (S. 1170) was passed.

GENERAL PULASKI MEMORIAL DAY

Mr. LONERGAN. Mr. President, I ask unanimous consent to return to Order of Business 181, Senate Joint Resolution 102, setting aside October 11, 1937, as General Pulaski Memorial Day, and I ask for the present consideration of the joint resolution.

Mr. ROBINSON. Mr. President, when this joint resolution was reached on the calendar, remembering that a measure relating to the same subject was vetoed a year or two ago, I had it passed over. After talking with the Senator from Connecticut, it is my understanding that this joint resolution does not permanently fix October 11 as a holiday, but merely provides for recognition of that day in the present year as a holiday.

Mr. LONERGAN. The Senator is correct.

Mr. ROBINSON. In that view of the matter, I personally have no objection to the consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the joint resolution (S. Res. 102) authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the President of the United States is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1937, and inviting the people of the United States to observe the day in schools and churches or other suitable places, with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, reported favorably the nominations of several officers in the Coast Guard and also in the Coast and Geodetic Survey.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the calendar is in order.

HALIBUT FISHERY TREATY, UNITED STATES AND CANADA

The Senate, as in Committee of the Whole, proceeded to consider Executive F, Seventy-fifth Congress, first session, a convention between the United States and Canada, signed at Ottawa on January 29, 1937, which revises the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed between the two Governments at Ottawa on May 9, 1930, which was read the second time, as follows:

CONVENTION BETWEEN THE UNITED STATES AND CANADA

The President of the United States of America,

And His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, in respect of the Dominion of Canada,

Desiring to provide more effectively for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, have resolved to conclude a convention revising the convention for the preservation of that fishery signed on their behalf at Ottawa on May 9, 1930, and have named as their plenipotentiaries for that purpose,

The President of the United States of America:

Norman Armour, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Canada; and

His Majesty, for the Dominion of Canada:

The Right Honourable William Lyon Mackenzie King, Prime Minister and Secretary of State for External Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

The nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, respectively, are hereby prohibited from fishing for halibut (Hippoglossus) both in the territorial waters and in the high seas off the western coasts of the United States of America, including the southern as well as the western coasts of Alaska, and of Canada, from the first day of November next after the date of the exchange of ratifications of this Convention to the fifteenth day of the following February, both days inclusive, and within the same period yearly thereafter.

The International Fisheries Commission provided for by Article III is hereby empowered, subject to the approval of the President of the United States of America and of the Governor General of Canada, to suspend or change the closed season provided for by this Article, as to part or all of the convention waters, when it finds after investigation such suspensions or changes are necessary, and to permit, limit, regulate, and prohibit in any area or at any time when fishing for halibut is prohibited, the taking, retention, and landing of halibut caught incidentally to fishing for other species of fish, and the possession during such fishing of halibut of any origin.

It is understood that nothing contained in this Convention shall prohibit the nationals or inhabitants or the fishing vessels or boats of the United States of America or of Canada, from fishing in the waters hereinbefore specified for other species of fish during the season when fishing for halibut in such waters is prohibited by this Convention or by any regulations adopted in pursuance of its provisions.

It is further understood that nothing contained in this Convention shall prohibit the International Fisheries Commission from conducting fishing operations for investigation purposes at any time.

ARTICLE II

Every national or inhabitant, vessel or boat of the United States of America or of Canada engaged in halibut fishing on the high seas in violation of this Convention or of any regulation adopted under the provisions thereof may be seized by the duly authorized officer of either High Contracting Party and detained by the officers making such seizure and delivered as soon as practicable to an authorized official of the country to which such person, vessel, or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon. The authorities of the nation to which such person, vessel, or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of the provisions of this Convention, or any regulations which may be adopted in pursuance of its provisions, and to impose penalties for such violation; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

Each High Contracting Party shall be responsible for the proper observance of this Convention, or of any regulation adopted under the provisions thereof, in the portion of its waters covered thereby.

ARTICLE III

The High Contracting Parties agree to continue under this Convention the Commission as at present constituted and known as the International Fisheries Commission, established by the Convention for the preservation of the halibut fishery, signed at Washington, March 2, 1923, and continued under the Convention signed at Ottawa, May 9, 1930, consisting of four members, two appointed by each Party, which Commission shall make such investigations as are necessary into the life history of the halibut in the convention waters and shall publish a report of its activities from time to time. Each of the High Contracting Parties shall have power to fill, and shall fill from time to time, vacancies which may occur in its representation on the Commission. Each of the High Contracting Parties shall pay the salaries and expenses of its own members, and joint expenses incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

The High Contracting Parties agree that for the purposes of protecting and conserving the halibut fishery of the Northern Pacific Ocean and Bering Sea, the International Fisheries Commission, with the approval of the President of the United States of America and of the Governor General of Canada, may, in respect of the nationals and inhabitants and fishing vessels and boats of the United States of America and of Canada, from time to time.

(a) divide the convention waters into areas;

(b) limit the catch of halibut to be taken from each area within the season during which fishing for halibut is allowed;

(c) prohibit departure of vessels from any port or place, or from any receiving vessel or station, to any area for halibut fishing, after any date when in the judgment of the International Fisheries Commission the vessels which have departed for that area prior to that date or which are known to be fishing in that area shall suffice to catch the limit which shall have been set for that area under section (b) of this paragraph;

(d) fix the size and character of halibut fishing appliances to be used in any area;

(e) make such regulations for the licensing and departure of vessels and for the collection of statistics of the catch of halibut as it shall find necessary to determine the condition and trend of the halibut fishery and to carry out the other provisions of this Convention;

(f) close to all halibut fishing such portion or portions of an area or areas as the International Fisheries Commission find to be populated by small, immature halibut.

ARTICLE IV

The High Contracting Parties agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention and any regulations adopted thereunder, with appropriate penalties for violations thereof.

ARTICLE V

The present Convention shall remain in force for a period of five years and thereafter until two years from the date when either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

This Convention shall, from the date of the exchange of ratifications, be deemed to supplant the Convention for the preservation of the halibut fishery signed at Ottawa, May 9, 1930.

ARTICLE VI

This Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties. The ratifications shall be exchanged at Ottawa as soon as practicable, and the Convention shall come into force on the day of the exchange of ratifications.

In faith whereof, the respective plenipotentiaries have signed the present Convention in duplicate, and have hereunto affixed their seals.

Done at Ottawa on the twenty-ninth day of January, in the year one thousand nine hundred and thirty-seven.

NORMAN ARMOUR. [SEAL]
W. L. MACKENZIE KING. [SEAL]

Mr. SCHWELLENBACH. Mr. President, I desire very briefly to explain this treaty. In discussing the general question of the fish problems of the Pacific northwest a couple of weeks ago I described in detail the workings of the International Fish Commission. That Commission was created in 1924 under a treaty between this Government and the Government of Canada. For the first 6 years the work of the Commission consisted exclusively of investigation. Since 1931, under another treaty which was ratified in 1930, the Commission has done regulatory work, and has performed services which are recognized as being of extreme value in the conservation of the fish resources.

The pending treaty, which was signed on January 29, 1937, is different in several respects from the treaty of 1930. However, there are only two of the changes which are of any importance. One of the changes is that the treaty provides that when men fishing for other kinds of fish than halibut incidentally catch halibut in areas in which the fishing for halibut at the particular time is prohibited, they shall come under rules and regulations to be established by the Commission. At the present time fish thus incidentally caught must be immediately brought into port and surrendered either to the Canadian Government or to our Government. That has resulted in a failure of regulation.

It has been found impossible to enforce the law, and the Commission itself recommends that this change be made. It amounts to only about 150,000 pounds per year, as compared with a total of 22,000,000 pounds which are permitted to be caught, and does not affect conservation.

The second change is in reference to the time when halibut boats may leave for a closed area. At the present time closing the area is the only means by which the Commission is permitted to regulate. It is not permitted to regulate the time when the boats may leave for the area. At the present time a boat may leave for the area, but if the captain of the boat makes a mistake in his figuring, or if he encounters bad weather, it means that he is in the area in the closed season, and he must either return with less than a load or violate the law. If he returns with less than a load, it is costly to him and his crew. If he violates the law, the Commission finds that he cannot successfully be prosecuted. Therefore, the Commission recommends that it be given power to fix the date at which boats shall leave the port for the fishing area. It is the belief of the Commission that they can more successfully carry out the regulations when such power is given them.

I will say, Mr. President, that the changes are approved by everyone concerned. The Commission, representing both governments, and the employers and the employees, all desire these changes in the treaty.

The VICE PRESIDENT. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of executive F, Seventy-fifth Congress, first session, a convention between the United States and Canada signed at Ottawa on January 29, 1937, which revises the convention for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed between the two Government at Ottawa on May 9, 1930.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to and the convention is ratified.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

That completes the calendar.

ADJOURNMENT

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 53 minutes p. m.) the Senate adjourned until tomorrow, Wednesday, March 24, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 23, 1937

POSTMASTERS

CALIFORNIA

Theodore R. Wilson, San Fernando.

IOWA

Laurence C. Smith, Dyersville.
John T. Barnett, Independence.
Jake A. Mein, McCallsburg.
Gladys Hadley, New Providence.
Wayne O. Thomas, Rake.
Harold F. Diekmann, Readlyn.
John N. Lichty, Toledo.
George W. Montag, West Bend.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 23, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Have mercy upon us, O God, according to Thy loving kindness; according unto the multitude of Thy tender mercies blot out our transgressions. Create in us clean hearts, O God, and renew a right spirit within us. Give us possession of ourselves, sustain us with Thy presence, and gladden us in the increase of our strength. Heavenly Father, help us to keep in our hearts the ministries of the Master, the cup of cold water, the widow's mite, and Mary's sacrifice; may these bless us after the sun goes down. His holy nature stooped to the lowest tasks while His thoughts were wandering through the eternities. Almighty God, crown us with His life, light, and love, and may our thoughts and actions be unspotted by the sense of guilt. Inspire us, blessed Lord, to live more by faith and less by sight, more by the power of God and less by the power of the world, and more by those holy conceptions which call us into the emancipation of the spirit. Through Christ our Savior. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5232. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes.

EXTENSION OF REMARKS

Mr. HOUSTON asked and was given permission to extend his own remarks in the RECORD.

DEPARTMENTS OF STATE, JUSTICE, THE JUDICIARY, COMMERCE, AND LABOR APPROPRIATION BILL, FISCAL YEAR 1938

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5779, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

For all printing and binding in the Department of State, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, $148,000.

Mr. COCHRAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: On page 5, line 5, after the comma, strike out "$148,000" and insert in lieu thereof "$146,300."

Mr. COCHRAN. Mr. Chairman, while the amount of money involved is only $1,700, I feel I can show justification for its elimination.

In the past I have made some remarks which were rather critical in reference to the operation of The National Archives. The Committee on Expenditures in the Executive Departments, of which I am chairman, held a hearing for the purpose of trying to get The National Archives to function. We have succeeded to a certain extent. I am sure we have not wasted our efforts.

In the report of the hearings Mr. Wynne states the $1,700 additional is desired for the purpose of repairing and binding certain documents in the State Department archives, some of which are over 100 years old. He further states a large number of people, both lawyers and others, interested in history, visit the State Department to look over the papers, and that the State Department has set aside 14 tables up there, and maintains a number of employees to assist those who desire to go over the documents.

I am going to quote from his testimony. Mr. Wynne says in part:

I should like, with your permission, to emphasize the item of $1,700 regarding the papers and correspondence in the archives section. We find here the originals of nearly all treaties to which the United States is a party. The correspondence to which I referred consists of the originals of diplomatic and consular despatches from the field; that is, from embassies, legations, consulates general, and consulates to the Department, copies of the Department's instructions to the field, the originals of notes from foreign embassies and legations in Washington to the Department, and copies of notes addressed by the Department to these embassies and legations. The correspondence also contains the originals of what are known as miscellaneous letters, which are letters from former Presidents, Cabinet officers, Senators, Congressmen, other Government officials, and State officials, as well as private individuals, to the Department. There are also the so-called domestic letters, which are copies of the Department's answers to the miscellaneous letters mentioned. Reference may also be made to the records of claims commissions, boundary commissions, and arbitrations in the archives section, to the correspondence up to 1870 relating to Territories of the United States.

Mr. Wynne also states at another place:

A well-lighted room with 14 tables, 5 of which are adorned with typewriters, has been reserved for the use of those who are engaged in this work. Members of the archives section are on hand to render such assistance as showing research workers where the relevant volumes of correspondence and records are, and so forth. Teachers of international law and international relations, lawyers, and publicists have been quick to make use of this service. The 14 tables are in constant use; sometimes we have as many as 20 research workers at a time using them. I feel that the service rendered is of great value, because it means that trained scholars and international authorities of established position can turn to "original sources" and, after a careful study of these sources, give the benefits of that study to the interested public in the form of books and treatises.

Members of this House who know anything about The National Archives will agree that the purpose of the act that created the Archives was to take care of just such documents as are referred to by Mr. Wynne. In fact, Mr. Chairman, it appears to me the first documents that should have been turned over to the Archives are these that now rest in the State Department archives. If Government departments are going to retain such historical documents what are we to have reposing in The National Archives? Here is a duplication of effect; just as clear a case as it is possible to present, because you have the word of the Government official in charge that in the State Department you have an archives doing exactly what was set out as a responsibility placed upon the National Archivist and National Archives.

This $1,700 is for binding and also repairing these manuscripts.

It so happens the Archivist is aided by a National Archives Council, and the Secretary of State is chairman of that council. It is the duty of the council to advise the Archivist as to the papers he is to secure from the various Government agencies to place in The National Archives. However, here the State Department, whose head is chairman of The National Archives Council, is maintaining its own archives. I repeat it is a duplication of the work set out for The National Archives.

After the hearings were printed I inquired of the Archivist whether or not The National Archives were in a position to repair manuscripts and do binding. For a new agency they have received a very large appropriation, and they are continually growing. I have his reply—and I am asking the permission of the House to put the correspondence in the RECORD—that they have the finest equipment which can be bought, with experts to do the job; yet this bill through the appropriation for printing and binding will give the State Department $1,700 with which to do the very work the appropriation for The National Archives provides for.

I made inquiry whether or not The National Archives had facilities to take care of people who desired to see the documents if they were transferred from the State Department to The National Archives. I knew they had, because I had been there and had looked at a hundred beautiful mahogany desks, in a reference room set aside for that very purpose.

I contend, Mr. Chairman, that if the National Archivist is going to function properly the old treaties and the old diplomatic correspondence, a hundred years old, as the records show, should be in The National Archives, if any Government documents should be there.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. If you will read the hearings on the independent offices appropriation bill you will find the statements I am making with reference to The National Archives are correct. While I have been critical in my remarks about The National Archives, I repeat that my purpose is to try to make a new Government agency function properly. They received appropriations for a year and a half, and I have proved beyond question at a hearing that they were not functioning. However, an investigation discloses they are now doing much better, and I hope they will continue to improve and justify the large appropriations we have made.

We provided for additional appropriations for personnel this year because the Archivist said more help was needed in view of the large volume of documents they expected to receive from the various Government agencies.

I always desire to be fair, and in this instance I say the fault is not with the Archivist. He is limited in his operations. He cannot go into a department and take valuable historical documents, no matter how old they might be, but must accept only that which the head of the Government department or agency gives him. Mr. Connor, the Archivist, tells me he has the facilities now to care for all documents, no matter how old or how valuable. They have watchmen on duty 24 hours a day; they have vaults to store the more valuable records.

Mr. Chairman, as long as we have the facilities and as long as we have the money already appropriated in the independent offices appropriation bill—and I think the gentleman from New York [Mr. FITZPATRICK], who is a member of that committee, will state that is the fact——

Mr. FITZPATRICK. It is in the independent offices bill, but the bill is now in conference.

Mr. COCHRAN. Is there any dispute over that item?

Mr. FITZPATRICK. No.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. McMILLAN. I may say to the gentleman from Missouri that the committee shares the belief he has expressed and thinks there is a great deal of merit in his proposal. We have no objection to the amendment.

Mr. COCHRAN. I thank the chairman of the subcommittee, and I hope the amendment will be agreed to. Below will be found the two letters I received from the Archivist, together with the resolution adopted by The National Archives Council and the regulations governing the withdrawal of material deposited in the Archives Building:

THE NATIONAL ARCHIVES,
Washington, D. C., March 17, 1937.

Hon. JOHN J. COCHRAN,
Chairman, Committee on Expenditures in the Executive Departments, House of Representatives, Washington, D. C.

MY DEAR MR. COCHRAN: I have the honor to acknowledge your letter of March 17, 1937, in which you call to my attention the testimony of Dr. Cyril Wynne, Chief, Division of Research and Publications, Department of State, before the Subcommittee on Budget Estimates of the State Department, House Appropriations Committee, with reference to the binding, rebinding, and use of certain records in the archives section of the State Department, and in which you raise two questions, viz, (1) whether these papers should be transferred to The National Archives; (2) whether The National Archives is equipped to do the binding and rebinding necessary to protect them from damage.

In reply to the first question may I recall your attention to the provisions of section 6 of The National Archives Act (48 Stat. 1122–1124), which created The National Archives Council and authorized it to "define the classes of material which shall be transferred to The National Archives Building, and establish regulations governing such transfer"? On February 10, 1936, The National Archives Council adopted resolutions, a copy of which is herewith enclosed, from which you will note that the responsibility is placed on the head of any agency of the Government to determine what records in his possession fall within class I as defined by the council for transfer to The National Archives.

On January 28, 1937, I wrote to the heads of the several executive departments, including the Secretary of State, a letter (copy enclosed) calling their attention to these resolutions and also to the fact that there would soon be installed in The National Archives Building equipment sufficient to store and preserve a large volume of such records as fall within the classes defined by the council, and requesting that they report to me a descriptive list of such records as they were prepared to recommend for transfer in order that I might make the necessary arrangements for transferring them to The National Archives Building.

The Secretary of State acknowledged receipt of this letter under date of February 9, 1937, stating that he had the matter under consideration and would communicate the information requested at an early date. As this information has not yet been received, I cannot state whether the particular records referred to in your letter will be included in the list or not.

In reply to your second inquiry I beg to say that The National Archives has the best equipment available for fumigating, cleaning, and repairing old records, whether bound or loose, so as to preserve them indefinitely and protect them from damage while in use. The National Archives also has in its appropriation an item

for binding, but it does not have the equipment for this purpose, since under a ruling (A-74150) of the Comptroller General all new binding for The National Archives must be done by the Government Printing Office.

Sincerely yours,

R. D. W. CONNOR,
Archivist of the United States.

THE NATIONAL ARCHIVES,
Washington, D. C., March 22, 1937.

Hon. JOHN J. COCHRAN,
House of Representatives, Washington, D. C.

DEAR MR. COCHRAN: In response to your request by telephone, I have the honor to submit the following information with respect to the reference facilities available in The National Archives Building.

A Division of Reference has been created and organized under authority granted in section 3 of The National Archives Act (48 Stat. L. 1122–1124). Its major functions are to supervise and control the search rooms, in which the archives will be consulted by searchers; to make available to searchers the catalog prepared by the Division of Cataloging; to requisition for the use of searchers the archival materials desired from the various stack sections; to aid searchers in the location and use of archival materials; to furnish copies of documents and supply other archival services requested; and to enforce the rules and regulations governing the use of the archives.

At the present time 15 people are employed in this division to perform the functions referred to above. Three search rooms have been made available to searchers, one large room and two auxiliary rooms. The three rooms contain desk space for 110 searchers. If necessary, additional space can be made available for the use of Government officials in searching the records.

Facilities are also available to searchers who are interested in motion-picture films and sound recordings. The auditorium which was constructed for this purpose in compliance with section 7 of The National Archives Act (48 Stat. L. 1122–1124) will seat 215 people.

It might be added that adequate facilities for supplying photostatic copies of records in the custody of the Archivist are also available.

If additional information is desired, I will be glad to undertake to furnish it.

Very truly yours,

R. D. W. CONNOR, *Archivist.*

RESOLUTION ADOPTED BY THE NATIONAL ARCHIVES COUNCIL ON FEBRUARY 10, 1936

Whereas section 3 of the "Act to establish a National Archives of the United States Government, and for other purposes" (c. 668, 48 Stat. L. 1122), provides that "All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to The National Archives establishment such archives or records as The National Archives Council, hereafter provided, shall approve for such transfer":

And whereas section 6 of said act creates The National Archives Council and authorizes it to "define the classes of material which shall be transferred to The National Archives Building and establish regulations governing such transfer": Therefore be it

Resolved, That the Archivist of the United States be, and he is hereby, authorized to requisition for transfer to The National Archives any archives or records in the custody of any agency of the United States Government (legislative, executive, judicial, and other) which fall within any of the following classes, viz:

I. Any archives or records (a) which the head of the agency in custody of them may deem not to be necessary for use in the conduct of the regular current business of said agency; (b) which he may consider to be in such physical condition that they cannot be used without danger of damage to them; and (c) for which, in his opinion, he is unable to provide adequate or safe storage.

II. Any archives or records of any Federal agency that has gone out of existence, unless its functions have been transferred to the agency which has custody of its records.

III. Any other archives or records which The National Archives Council, by special resolution or which the head of the agency in custody of them for special reasons, may authorize to be transferred to The National Archives.

Resolved further, (1) That when the head of any agency of the Government of the United States shall determine that any archives or records in his custody fall within class I as defined above, he shall cause to be furnished to the Archivist of the United States a descriptive list of such archives or records which shall thereupon become subject to requisition by the Archivist for transfer to The National Archives; (2) that when the Archivist shall issue his requisition for any archives or records he shall furnish to a duly authorized representative of the agency that has custody of them an identification inventory of the material covered by such requisition, and this inventory shall be verified and agreed to by the representative of said agency before such archives or records shall be transferred to the Archivist; (3) that when such verification has been completed and certified to on the inventory form by the signatures of the representatives of said agency and of the Archivist of the United States, respectively, such archives or records shall be delivered by the representative of said agency either to the representative of the Archivist of the United States at the depository in which they are stored for transfer to The National Archives or to a representative of the Archivist of the United States at The National Archives Building: *Provided*, That all such archives or records shall pass into the legal custody of the Archivist of the United States when, and not until, they have been either delivered to his representative for loading on the trucks of The National Archives or delivered to and accepted by a representative of the Archivist at The National Archives Building.

REGULATIONS GOVERNING THE TEMPORARY WITHDRAWAL BY AGENCIES OF THE UNITED STATES GOVERNMENT OF MATERIAL DEPOSITED IN THE NATIONAL ARCHIVES BUILDING

JANUARY 26, 1937.

The following regulation has been made and promulgated by the Archivist of the United States pursuant to the authority vested in him by The National Archives Act, approved June 19, 1934 (48 Stat. 1122–1124):

"Public records in the custody of the Archivist may, with his approval, be withdrawn from The National Archives Building temporarily, for official use, by any agency of the Government of the United States. All applications for permission to withdraw records from The National Archives Building shall be made in writing on forms furnished by the Archivist. Such forms shall be signed by the head of the agency making application or, in his name, by his representative, thereunto duly authorized."

R. D. W. CONNOR,
Archivist of the United States.

Mr. DIES. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to proceed out of order for 20 minutes.

Mr. McMILLAN. Mr. Chairman, I am sorry, but I will have to object to the request. We have, today, a bill containing 105 pages and it is hoped we can conclude the consideration of the bill today. If the gentleman from Texas takes 20 minutes, there will be some other Members who will want further time.

Mr. DIES. I think 20 minutes is a very short time when we consider the fact that we expect to be here all summer.

Mr. McMILLAN. What about 10 minutes?

Mr. DIES. I cannot make the speech in 10 minutes, but I shall try to do so in 15 minutes as a compromise with the gentleman.

Mr. McMILLAN. I wish to serve notice right now to other members of the Committee that we do want to get through with the consideration of the bill today.

Mr. COCHRAN. Mr. Chairman, reserving the right to object, and I do not want to object to the speech of my friend the gentleman from Texas [Mr. DIES], because I know he has a valuable contribution to make, but we have an amendment before the House and I think that should be disposed of now. I do not want to object to the gentleman's request, but, I repeat, we should dispose of the amendment which the chairman of the subcommittee has stated he is willing to accept. The gentleman can see if we do not vote now on my amendment by the time he concludes the Members will not understand what the amendment is and it might not be accepted, whereas if we vote now I am sure the amendment will be adopted.

Mr. DIES. Do I understand the gentleman from Missouri objected to my request?

Mr. COCHRAN. I did not object, but I reserved the right to object to ask the gentleman to withhold his request until we vote on the pending amendment. I certainly do not intend to object to the gentleman's request.

Mr. DIES. I will be pleased to do that.

Mr. RICH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am very much in sympathy with the statement made by the gentleman from Missouri in reference to placing many things we have in the various departments of the Government in the Archives Building. I think the request of the gentleman from Missouri to cut down the expense for the reason he has suggested is very timely.

I also want to call your attention to many other papers we have in the various departments of the Government that ought to be moved just as rapidly as possible to the Archives Building; we have many bills here that the Members of the Congress have placed in the hopper for action by the committees and by the Congress that ought to be placed in the Archives Building.

DO NOT CHANGE THE CAPITOL BUILDING

I think one of these bills which is now before the Senate and is being discussed, is the one with respect to changing the front of the Capitol Building at a cost of $2,000,000 or more. This is to change a building that has stood here for years and years and is one of the most outstanding landmarks of the National Capital—a building of beauty and charm, a building we are all proud of as a Capitol Building. It has in the past stood for intelligence and stability. Think of anyone being interested in changing this building and spending $2,000,000 to do so. I do not believe you can think of anything that is more ridiculous. I think that bill ought to be consigned to the Archives Building, and some day we will look upon it with a great deal of interest and believe we did a very wise thing when we consigned it there. Let well enough alone; the architects should not try to get a new job by changing the outline of the Capitol.

I also call your attention to the fact that the Philadelphia Chapter of the American Institute of Architects objects to this defacement of the Capitol Building. Why anyone should want to do this I cannot understand. We do not need the space, we certainly should take no chances in defacing this old landmark. The old is good enough for me. Are the same architects suggesting the change that omitted the air conditioning in the House Office Building when the building was built 3 years ago, and last summer almost wrecked the Office Building by installing an air-conditioning plant that cost over $2,000,000, so I am told? Members of Congress, beware of this preposterous proposal.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. TAYLOR of Tennessee. May I remind the gentleman that during the last session of the Congress the Senate passed a similar bill carrying an appropriation of $3,500,000. When the bill came to the House it was referred to the Committee on Public Buildings and Grounds and I took a great deal of delight in opposing the bill, and it was on my motion that it was finally tabled.

Mr. RICH. Is the gentleman still a member of that committee?

Mr. TAYLOR of Tennessee. I am; and I am still opposed to the bill.

Mr. RICH. That is fine. I hope all the members of the committee have a good sound mind such as yours and just as good judgment.

Mr. TAYLOR of Tennessee. I agree with the gentleman wholeheartedly.

Mr. RICH. I congratulate the gentleman from Tennessee, and I hope the Members of the House, if this bill comes before us asking for two or three million dollars to change the Capitol Building, will consign the measure to the Archives Building.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. FITZPATRICK. I understand there are some dangerous conditions revealed with respect to the central part of the building. Is there any danger that there may be a collapse?

Mr. RICH. This building is just as solid as the rock of Gibraltar. I wish the Congress were just as sound. The trouble is they are not only trying to tear down the Capitol Building but the laws of the land as well, and I think this is the time for us to be good, sound, rock-ribbed Americans. Stop the proposed change. It was good enough for Cleveland and McKinley, and it is good enough for me. [Applause.]

Mr. BACON. Mr. Chairman, I move to strike out the last word, and I do this to call attention to the amendment offered by the gentleman from Missouri [Mr. COCHRAN]. These old records that he would send down to the Archives Building are part of the library of the State Department, and the testimony shows that these old records are constantly used by the officials of the Department for a study of current problems. It will greatly hamper the officials of the State Department if part of the library is in the State Department and part of it in the Archives Building. In addition to that, the State Department library is used by students of international law from all over the country. They come there to study these documents, and they are allowed to do so. If they come and have to go to the State Department for one set of documents and to the Archives Building for another set of documents, it will be very inconvenient. I caution the Committee against adopting this amendment, because I believe it will seriously hamper the current work of the State Department in the ordinary everyday tasks they have to do. I think we would be making a mistake if we adopted this amendment.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. BACON. Yes.

Mr. COCHRAN. Mr. Chairman, I read Mr. Wynne's testimony, and I find that he lays emphasis on the fact that people come from the outside to see the documents, old treaties, diplomatic correspondence, and so forth. They have the very nicest set-up anyone could imagine at the Archives Building for that very purpose, with plenty of personnel to assist those who desire to see documents. That is just what The National Archives is for.

Mr. BACON. The point I want to emphasize is that there are only about 200 of these old documents, and they are in bad condition. They need repair, but they are in current use every day by the officials of the State Department, and to move them into another building will hamper the State Department in its everyday work. If this amendment is adopted, these documents will not be sent to the Archives Building, because they are needed for current work. It will simply mean that there will be no money to make much-needed repairs on very valuable State Department records, treaties, and other important documents. The amendment should not be adopted, in the interest of efficiency and good administration.

The CHAIRMAN. Without objection, the pro-forma amendment will be withdrawn, and the question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 31, noes 11.

So the amendment was agreed to.

The Clerk read as follows:

PASSPORT AGENCIES

For salaries and expenses of maintenance, rent, cost of insurance covering shipments of money by messenger, registered mail, or otherwise, and traveling expenses not to exceed $500, for not to exceed five passport agencies, $59,480, of which $1,000 shall be available immediately.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word. On the 2d day of February the very able gentleman from Ohio [Mr. LAMNECK] made what I consider to be a very scholarly speech upon the subject of war debts. At that time I asked him a question or two relative to the thesis that was in his mind in respect to the collection of those debts. He, however, offered no solution, and virtually the only conclusion as a result of his remarks is that it is a question that ought to have the attention of Congress, and that in his judgment the question of war debts ought not to be settled by some expert from overseas. This item in the pending bill dealing with passport agencies brings this matter to my mind. I have examined the testimony of Miss Shipley, the very able lady who presides over that Department, and I learn that for the last 6 months there has been an increase in passport visas of approximately 27 percent, and that for the month of December it was approximately 48 percent. If you take these figures in connection with the recent report of the Department of Commerce, which shows that our tourists' expenditures in foreign countries for the fiscal year 1936 were $495,000,000, and that our immigrant remittances of money which people send to relatives and kin in foreign countries amounted to $143,000,000, and, after making the proper deduction for the money that has been sent from those countries over here, you will have a net excess of $511,000,000 for the year 1936 for tourist expenditures and immigrant remittances.

For the fiscal year 1936 those two items amount to over one-half billion dollars, and it seems to me therein lies a possible solution for the war-debt problem that has been plaguing the best minds of the country. They owe us, on an amortized basis running for 62 years, approximately $22,000,000,000. Naturally we want the debt paid. They do not have the gold, largely because the United States owns over one-half the visible gold in the world. Nor will we take manufactured products so long as we have a static unemployment group amounting to approximately 8,000,000 people. Yet every time we study the war-debt proposition and explore the idea of paying in cash or goods, that is where we stop, and every discussion I have heard upon the subject does not get beyond the point of general agreement that we ought to be paid, but we do not know how it will be paid. It is purely a matter of mechanics. Here is a tremendous external debt that is not even in the process of collection at the present time, and I respectfully submit and suggest to the Members of the House that they do some thinking in connection with a plan whereby we might be able to apply these tourists' expenditures and immigrant remittances toward the ultimate payment of the war debt.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DIRKSEN] has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DIRKSEN. I should like very much to expand this whole matter, but I am only suggesting it to the attention of the House for deliberation.

These war debts constitute one of the strangest emotional phenomena in our national life. With high patriotism the people of this country responded to the persuasion of flying squadrons of minutemen to give until it hurt. With the greatest of ease, $10,000,000,000 was coaxed from their pockets. That ten billion and more is still over there and with what singular apathy we consider this debt. It constitutes a national problem. It is everybody's problem, and it cannot go on forever without a solution.

Perhaps a very brief history of the situation will not be amiss. These war loans were made in 1917 and 1918 so that the Allied nations could purchase supplies and munitions with which to carry on. The war ended in November of 1918. Our people were holding the bonds and our Government was holding the sack. Under Harding a Debt Funding Commission was established. It scaled the debt, funded it on a 62-year basis, and payments were made. In 1931 under Hoover a moratorium was declared and no payments were made. In 1932 the debts went into default, and that is where they still are—with little immediate hope of collection. The tragedy of the matter is not that the debts have not been collected but that they are not even in process of collection. I believe it can be said that no proposal of collection of any kind is now before this country. Perhaps we have gotten so callous in our fanciful dealings with billions and billions that $11,000,000,000 of war debts mean little. About the only thing we hear about it is the 10-line squib that appears on the front page of most newspapers on December 16 to the effect that the 15th of December, when payments were due, has come and gone and no payments were made. Thereafter we chuck the subject into mothballs for another year.

Perhaps we fail to appreciate that these debts, like private debts, grow cold with the passing of time. We continue in our position of a creditor nation and the road to international understanding continues to be obstructed with this overhanging debt burden. Now, it may be as some have suggested that we just let them stand as a monument to human folly or that we let them continue so that European nations can no longer borrow money from us under the Johnson Act. That suggestion should carry a grand laugh. The idea of paying $11,000,000,000 for the privilege of keeping other nations from borrowing our money.

Political expediency seems to dictate that the proper course to follow is to shout like Ishmael in the wilderness that these infernal debtors should be made to pay.

When the question is posed as to how they should pay and what they should use for money, the whole question falls like a hot potato. In working out some method of payment, the Congress and the administration has probably been extremely remiss in its duty, and that is precisely where our deliberations should begin.

Ordinarily, international debts and balances are paid in gold. But they have an insufficient amount of gold with which to pay. Our country owns more than half of all the gold in the world today, so for the moment we can dismiss gold as the medium of payment. They could pay us in goods. I am informed that Finland paid her debt through shipments of pulp to this country, thereby establishing a credit out of which she could pay. But find the person who will agree to accept shipments of manufactured goods in payment of war debts, when we have millions of idle folks for whom provision must be made out of the State and Federal Treasuries. Find the person who is willing to accept farm commodities in payment of war debts when we are spending enormous sums out of the Federal Treasury for removal of surplus farm commodities, for soil-conservation benefits, and for other purposes to aid the farmer in his struggle against low prices. We will not accept such goods, and the nations who are indebted to us have no gold with which to pay; so what?

One of the most promising suggestions I have seen is to collect our war debts in the form of culture, or invisible imports. This suggestion bears proper examination in the light of tourist expenditures and immigrant remittances. In 1936 thousands of our citizens toured in foreign lands and spent $495,000,000. As against that, foreign tourists and travelers in our country spent but $122,000,000, so that the excess of our tourist expenditures was about three hundred and seventy-three millions. Our people sent one hundred and forty-three millions to foreign countries for one purpose or another, while people in other countries sent but five millions to this country. The excess is about one hundred and thirty-eight millions. Parenthetically, it should be remarked that it appears unlawful under the Johnson Act to buy foreign bonds, but it seems perfectly all right to send the money over there for all other purposes. But quite aside from that, the fact remains that the excess of tourist expenditures by people in this country and the excess of remittances to foreign countries is more than $511,000,000 for 1936. If the increase in tourist travel indicated by the first few months of 1937 continues, it is reasonable to suppose that the excess of such funds which will go abroad in 1937 and succeeding years will greatly increase. So the question arises: Why not devise a plan under which these expenditures and remittances can be applied to payment of the debt? If but half of such expenditures and remittances were allocated to that purpose, it would in the immediate years to come make available a half billion dollars for that purpose.

If the debtor nations would agree to such a proposal, the procedure under which it could be effected should not prove difficult. A war-debt liquidation commission with corporate powers could be set up to administer the plan. Travel certificates might be issued and every tourist compelled to estimate in advance his expenditures in the debtor countries and then made to purchase such certificates for half of the estimated expenditure. These travel certificates could be tendered in payment of steamship passage and for all other purposes. The funds derived from the sale of these certificates would go to a retirement fund and be applied to the public debt, thereby redounding directly to the interest of the people of our country. The debtor nations must perforce agree to redeem these travel and expenditure certificates in cash or long-term bonds. If in the latter form, the plan would have the virtue of transferring these bothersome debts from defaulted external obligations held by the United States into internal long-term obligations held by the people in the debtor nations. A similar proposal might be worked out in connection with the remittances now made by people in this country to people in debtor countries.

The present war debts on a funded basis of 62 years, with interest added is, roughly, $22,000,000,000. It has been estimated that if immigrant remittances and tourist expenditures could be used to retire these debts with all countries the average length of time would be about 62½ years. In the case of those nations whose indebtedness is small it would require on the basis of this estimate from 5 to 46 years. In the case of Belgium and England it would require a great deal longer, but the average time required is estimated at 62½, or about the base period on which these debts were funded under the Harding administration.

In the average it can therefore be said that this proposal contains the nucleus of a plan whereby these annoying war debts could be placed into process of collection on a satisfactory basis that would liquidate them within a period that would be close to the original time established by the Debt Funding Commission, and would do so without calling for larger imports of foreign-made goods or for payment in nonexistent gold. It would call for payment in the form of invisible exports.

I am not insensible to the criticism that might be offered against this proposal. Some people will rebel against the thought of encouraging European travel in order to secure collection of these debts. The answer to that is that people will travel in Europe anyway. The visa division in the State Department is the best evidence of that uncontrovertible fact. Some will say that such a scheme will disturb the balance of trade. That poor balance of trade has been hurt so often that it is becoming accustomed to it. But by way of modifying the effect of the showing that would be made in the balance of trade it might be feasible to allocate only one-half of the immigrant remittances and tourist expenditures for this purpose.

At all events, this seeks to set forth a concrete proposal for the solution of this problem, and I sincerely trust that the membership of this body may give some time and attention to alternative proposals that could be employed.

This problem involves the interest of every taxpayer in this land. He has a right to expect, in view of an astronomical public debt, that the Congress and the President undertake to collect every possible dollar owing to this country to reduce that debt. In proportion as it is reduced it is not only money in the taxpayers' pocket but makes a definite contribution to fiscal stability in our country.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks, because I shall want to elaborate somewhat upon this.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DIRKSEN. This deals with a problem international in scope, that demands solution before we can get down to some kind of economic relationship with foreign countries, whereby this country and other countries can proceed normally.

[Here the gavel fell.]

Mr. DIES. Mr. Chairman, I rise in opposition to the amendment, and I again ask unanimous consent to proceed for 20 minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. McMILLAN. Mr. Chairman, I think I have compromised with the gentleman from Texas, as I said a moment ago.

Mr. DIES. I think I can make it in 15 minutes.

Mr. McMILLAN. We want to finish with this bill today, and while I will not object to the gentleman's request, I hope there will not be others along the same line.

The CHAIRMAN. The gentleman from Texas modifies his request and asks unanimous consent to speak out of order for 15 minutes. Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, ladies and gentlemen of the Committee, those of us who have supported the ideals and objectives of the New Deal have not hesitated to denounce the lawlessness that characterized many of the business activities of Wall Street. In our own districts, in other districts, and on the floors of Congress we severely condemned the abuses that had grown up in the conduct of certain industrial and financial organizations. We championed the cause of labor and demanded adequate protection from such evils as sweatshop conditions, child labor, and inadequate wages. In doing so we were accused of catering to the side that had the most votes, and the sincerity of our motives was questioned by the beneficiaries of these abuses. No Congress has ever manifested a more active interest in the cause of labor than the New Deal Congresses. Legislation designed to curb the lawlessness in the business and industrial world, and to give labor equal and exact justice under the law, has received the hearty support of the great majority of us. While all of the abuses have not been corrected, nor has all of the lawlessness been curbed, no man can gainsay the statement that we have been the true friends of labor and that much has been accomplished in their behalf.

We are now faced with lawlessness from another source and in another form, but lawlessness just as reprehensible and indefensible as that which disgraced the world of high finance and industry. [Applause.] I refer to the wave of sit-down strikes which is sweeping the Nation and which constitutes, in my judgment, an open challenge to law and order and a bold threat to that stability without which no nation can long survive. To remain discreetly silent in the presence of such a menace, or to condone by inaction this threat to the very foundations upon which our Government is erected, cannot be justified from any point of view. I therefore rise, Mr. Chairman, to denounce this flagrant and indefensible violence which either must be stopped or else the security of personal and property rights will cease to exist.

I cannot believe that the majority of laboring people of this Nation approve of this resort to lawlessness in an attempt to secure objectives which in themselves may be perfectly right. No man has more at stake in the fight to preserve law and order than the one who earns his living by the sweat of his brow or the skill of his fingers. The rich and powerful have always been able to protect themselves under any form of government. The poor and weak have never found protection save under a system of law and order. To my way of thinking, the sit-down strikes are doing infinitely more harm to the cause of labor than to the cause of industry. [Applause.] Labor has never won a fight except with the aid of public sentiment and it is my firm opinion that public sentiment is beginning to revolt against this new species of lawlessness and mob spirit. If the revolt of public opinion were only directed against those who participate in this form of strike, the harm would be great enough. But, unfortunately, when reaction sets in all those who come under the classification of labor will suffer the consequences and the cause of honest and deserving labor will be set back another decade. Through long and painful years labor will have to struggle to regain the confidence of the public which it will lose if sit-down strikes continue.

I have been one of those who have contended for many years that we have gone to extremes to protect property rights at the expense of human rights, but because we were led to one extreme by the lords of high finance does not justify us in being swept to the other extreme by the leaders of certain labor organizations. The protection of human rights does not justify the destruction of property rights, because without property rights there can be no rights of any kind. The man or men who own an industry have the same right to the enjoyment of their property as labor has to the enjoyment of its wages. In a well-balanced economy both capital and labor are essential. Neither has the right to deprive the other of the earnings to which he is justly entitled. If the captains of industry seized labor halls, locked the doors, and denied to the members the right to meet and to use their own premises the outcry from all of us would reverberate from coast to coast. But such conduct would be no more reprehensible than the action of certain labor organizations in seizing a plant and refusing to leave it or to permit the owners of the plant to enter. There can be no human or personal rights without property rights, for,

as Shakespeare said, "You take my life when you do take the means whereby I live." The chief incentive to work, industry, and creative genius is the security of property rights.

Men do not work solely because of the pleasure of work, but that they may enjoy the fruits of that work, and when we destroy the incentive to work, then all progress and all civilization will perish from the earth. Russia found this to be true early in her experience, when she was compelled to abandon the precepts and teachings of Karl Marx and to restore differentials in wages and property rights.

The man who with impunity may enter my plant or industry, if I had one, and hold it against my will, may do the same with my home or my farm. The principle is identical.

I am sure that the great majority of those who have participated in this form of lawlessness have been unthinking and have yielded to the impulse and emotionalism of the moment. Certainly they should know that the dictatorships of Mussolini and Hitler were preceded by a series of such sit-down strikes. [Applause.] The history of the world has proved that mankind will choose dictatorship in preference to lawlessness. If he cannot secure the enjoyment of his property rights or the fruits of his labor and earnings under a democracy, he will attempt to do so under dictatorship. So that those who are perpetrating this outrage in the name of labor are lending aid and comfort to the enemies of democracy, though they may not realize the consequences of their folly.

We stand alone, Mr. Chairman, as the surviving democracy on the face of the earth. All about us democracies have crumbled through the greed of a few and the excesses of the many. The laboring man who once participated in sit-down strikes in Italy and Germany cannot even so much as whisper a protest today without endangering his life.

While there have been many abuses in this country, and while we have too many people who have been the victims of economic injustice, let it not be forgotten that the laboring man in America today is infinitely better off than the laboring man in any other country on the face of the earth. The poorest among us are infinitely better off than the peasants of Europe. And the average laboring man in this country today enjoys more comforts, more privileges, and more luxuries than the so-called well-to-do classes in Europe.

Not one of us believes that we can abolish poverty in this country, but we are sincerely trying to improve the lot of those unfortunate human beings who are classified as the underprivileged. Not one of us believes that we can guarantee to every man a living. No government has ever been able to do this, and none will ever be able to do it, for, after all, more depends upon the individual, his industry, thrift, and initiative than it does upon any government that ever existed. Nevertheless we are trying sincerely to open the doors of equal opportunity to every man, woman, or child who is sincerely knocking for admittance. Those who believe that great reforms can be accomplished over night are ignoring the lessons of history and preparing for themselves and for their children bitter disappointment. But we all believe that by intelligent, unselfish, and patient cooperation we can bring about an economic condition which will give to energy, thrift, and ambition opportunities for useful employment. [Applause.]

Those who have been so loud in the past in denouncing the abuses and lawlessness of Wall Street are for some reason strangely silent about this other species of lawlessness which is equally indefensible and dangerous. Certainly it cannot be charged against them that they are actuated by political motives; there must be some other reason for their discreet silence which they will make known at the proper time.

I am gratified that William Green, president of the American Federation of Labor, has had the courage and patriotism to denounce sit-down strikes in no uncertain terms. [Applause.] In doing this he has proven himself a true friend of labor. I feel sure that other responsible labor leaders will soon follow his example and that those in positions of authority and responsibility in our Government will take a firm and courageous stand against this new form of industrial lawlessness.

Because some captains of industry and finance have employed lawless and indefensible methods to achieve their greedy objectives does not justify labor in doing the same thing. In fact, a consideration of the consequences which these captains of high finance and industry brought upon themselves and upon others should act as an object lesson to deter labor from committing the same outrages. For, by such lawlessness, capital lost the support and confidence of the public and, by the same methods, labor is likely to suffer the same consequences.

Mr. Chairman, it was under the auspicious union of liberty and order that we grew to be a great republic. The two go hand in hand—they are like Siamese twins who have a common vertebra. To sever order from liberty is to produce the instant death of both. What would the laboring man, who has seized the plant of his employer and refuses to permit him to enter, say if he went home at night and found someone in possession of his home or his automobile in violation of law? Would he not cry out for immediate redress at the hands of the court? The principle is the same in both instances, and if he expects protection in the enjoyment of his home and earnings, then he must be willing to accord the same rights to his employer.

I have never been an admirer of the Chinese custom which clings to the past with superstitious awe. I do not believe in blind and unreasoning worship of the past nor of a tenacious and inflexible adherence to precedents. On the other hand, I am certain that those who do not revere their fathers will not have much respect nor concern for their children. As for me, I still believe that our form of government, as conceived by our fathers, is the wisest on the face of the earth. And to overturn these ancient landmarks hastily and without due consideration would be to deprive ourselves and our children of the priceless blessings which we have enjoyed for more than a century. Of all the landmarks which stand out in bold relief against the background of the past there is none so important and so vital to our happiness and well-being as law and order. [Applause.] The same law that protects the humble cottage of the laboring man must likewise protect the greatest industrial plant in America. To destroy the protection accorded to the one is to destroy the security vouchsafed to the other.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DIES. I would be the first man to insist upon the right of labor to strike, to picket, and to pursue any other lawful means to secure a redress of wrongs and to obtain its just dues, but there is a vast difference between the right of labor to strike and their right to seize possession of other peoples' property and to refuse to give up possession until their demands are met.

There is a world of difference between the refusal to work and the refusal to permit the owners of property to enter it and have access to their own files and offices. There is a marked distinction between the right of labor to picket and their right to surround the courthouses and seek to interfere with the orderly administration of justice. For the pure and impartial administration of justice is the greatest bulwark of freedom in America and is indispensable to the very existence of free government. So while I would be the first man to defend the right of labor to strike, I am just as vigorously opposed to the unlawful use of the property which belongs to others. Between the right to strike and the right to continue a so-called sit-down strike there is a chasm as wide as the ocean itself which can never be spanned by constitutional and democratic methods.

As one who has been the unfailing friend of labor in its honest aspirations to better its lot—as one who has consistently supported measures designed to eliminate with child-labor and sweatshop conditions and to give to labor the right of collective bargaining and to improve the standards of work and pay among the laboring people—as one who has consistently voted for all legislation to curb the lawlessness in the business and financial world and to restrain the greed and selfishness that prevailed—as one who championed the cause of organized labor at a time when there was only a handful of members in my district and when it was unpopular to take such a stand, I denounce this lawlessness as un-American and inimical to the best interests of our country. I yield to no man in my loyalty to the cause of honest and deserving labor, but I do know and I do declare that if sit-down strikes succeed America will fail. If there ever was a time when those in places of authority, whether under municipal, State, or Federal government, should speak out in clear and unmistakable language, it is now. Let those who are responsible for this form of lawlessness realize that they stand before the bar of public opinion with the condemnation and disapproval of every thinking American citizen and of every public official who has the true cause of labor at heart. [Applause.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

Provided, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government.

Mr. HARLAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I assume that the remarks made by the gentleman from Texas [Mr. DIES] a moment ago were directed toward some real objective; that they were not merely an arraignment or a chastisement of the Governor of Michigan from a citizen of Texas. They were directed, I assume, toward this body, undoubtedly with the idea this body might be in a position to do something about what the gentleman was talking. In other words, what shall this Congress do on the question of sit-down strikes, if anything?

Mr. Chairman, this Congress, under the leadership of President Roosevelt, has adopted a Labor Dispute Act in the form of the Wagner Labor Relations Act. It has adopted a Guffey coal bill; it has adopted the National Industrial Recovery Act. All three acts were designed toward the accomplishment of one thing, and that is the establishment of some tribunal before which these questions that are involved in these sit-down strikes could be tried.

Since the birth of our present industrial age the struggle between employer and employee has gone on constantly, the employer endeavoring to get wages as low as possible and the employee endeavoring to get them as high as possible. This has brought on repeated conflicts and we have conducted those conflicts along the ethical standards of an alley fight, in which brickbats flew in every direction, and the one that had the most power won out. In that fight the innocent bystander, as usual, was the one who suffered. That innocent bystander is the citizen of the United States, the purchaser or the laborer in some affiliated industry.

No real settlement has ever been achieved because there has been no settlement arrived at on the basis of justice.

We have in this country the Railway Labor Act, which has established a tribunal in which these questions may be solved for a fortunate portion of our people. Since the adoption of the Railway Labor Act there has been practically no labor troubles on the railroad and no tying up of transportation, which would inevitably have affected all adjacent industry. This has been to the mutual advantage of the railroad, the railway employees, and the public. The last evidence of this spirit of cooperation was the joining of the railroad and the railway brotherhoods in an agreement on our last piece of railway legislation.

Despite this example of common sense, our Supreme Court has set aside and destroyed every effort of this Government to establish a similar tribunal that would settle all labor questions on a basis of justice, and not of might, and make sit-down strikes unnecessary.

Mr. Chairman, let me read what that Court said in setting aside the Guffey Coal Act:

> Much stress is put upon the evils which come from the struggle between employers and employees over the matter of wages, working conditions, the right of collective bargaining, etc. In the resulting strikes curtailment and irregularity of production have effect on prices, and it is insisted that interstate commerce is greatly affected thereby. But * * * the conclusive answer is that the evils are all local evils over which the Federal Government has no legislative control. The relation of employer and employee is a local relation. At common law it is one of the domestic relations. The wages are paid for the doing of local work. Working conditions are obviously local conditions. The employees are not engaged in or about commerce but exclusively in producing a commodity. And the controversies and evils, which it is the object of the act to regulate and minimize, are local controversies and evils affecting local work undertaken to accomplish that local result (*Carter* v. *Carter Coal Co.*, 298 U. S. Reports 238).

If that is the case, then this Congress has no business talking about sit-down strikes, when it is clearly out of the business zone of the Congress. But everybody knows that this is not the case. The minority Judges in that decision knew it was not the case.

To speak of most strikes in modern days as being purely local questions, not affecting interstate commerce, is simply an attempt to call black white. An automobile strike in Detroit seriously affects one factory making steering wheels and another one making automobile starters in my city of Dayton, Ohio. A strike in the steel industry, if not quickly terminated, will shut down industry all over the country using steel as a raw material. The days of the local strike are past, except as applying to possibly a hotel or a peanut-roasting plant. To refer to such a decision, which is not much less than the voice of the eighteenth century speaking in the twentieth as a "horse and buggy" idea, is to compliment the decision. When our Supreme Court chooses to adopt such a definition of the constitutional phrase, "commerce among the States", in the face of all common sense and modern usage and against the wisdom of both the Congress and the Executive, it is purely making law.

"The wages of sin is death." Unfortunately, it is frequently death to the innocent. This Government is suffering from the sin of one branch of our tripartite Government which has taken over functions that do not belong to it.

While we are speaking of sit-down strikes, this Congress in July 1935 passed the Wagner Labor Relations Act. This act was openly and flagrantly violated by these same employers who are now whining about the violation of their property through sit-down strikes. This act finally reached the Supreme Court in October of 1936; and although the Chief Justice tells us that that Court is the embodiment of efficiency, 4 months elapsed before time could be allotted for the argument of this case. Since that argument over 6 weeks have passed and still no decision.

We are sitting over a loaded mine likely to be detonated at any moment, and yet we must wait 6 weeks for a decision in a case in which the questions involved have been argued back and forth in practically all of the New Deal litigation dealing with interstate commerce. While we are speaking of sit-down strikes, it would be well not to forget one branch of our Federal Government.

We are going to have a continuation of these conditions, regardless of the oratory of the Members of Congress coming from unaffected districts, until we obtain a judicial tribunal sufficiently free from the concepts of corporation lawyers to recognize that commerce among the States is not now what it was in the days of the canal boat, oxcart, and stagecoach. We are going to have fights and riots on the labor front until this country becomes sufficiently civilized to know that every dispute must have a peaceful agency for settlement.

We are going to have these conditions until our Government is reestablished back to the three branches, in which the lawmakers will make the laws, the courts will interpret them, and the President will execute them. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the pro forma amendment, and I ask unanimous consent to speak out of order for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. McMILLAN. Mr. Chairman, reserving the right to object, I regret very much that the gentleman has asked to speak out of order. We want to get through with this bill today and I think the Members of the House also wish to conclude the consideration of this bill today, which consists of 105 pages.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I have not asked the indulgence of this House very many times, but I have a very important matter to discuss at this time. I believe every member of the committee is deeply interested in the matter and I hope the gentleman will not object at this time.

Mr. McMILLAN. Mr. Chairman, the gentleman makes an eloquent appeal. I want the membership to know that we are trying to get along and when requests are made to speak out of order, the bill is thereby being greatly delayed.

However, in view of the gentleman's appeal, I will not object.

Mr. JOHNSON of Oklahoma. I thank the gentleman very much.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

A PLEA TO SAVE THE C. C. C. CAMPS

Mr. JOHNSON of Oklahoma. Mr. Chairman, I have asked to speak at this time concerning a matter of vital importance to this Nation. More than a year ago I addressed the House on the same subject. At that time, an order had been issued by Mr. Robert Fechner, Director of the Emergency Conservation Corps activities in the United States, that if permitted to have been carried out would have closed approximately 700 C. C. C. camps in the United States, effective April 1, 1936.

At that time I explained that another order had been issued in December 1935 to abandon 1,000 C. C. C. camps January 1, 1936. I also explained then that a few Members of Congress especially interested in maintaining these camps called on Mr. Fechner prior to that time and, although he appeared sympathetic, gave us to understand that there was positively nothing that could be done about it. We were told that inasmuch as the order in question had been issued that the die was cast, and it was useless to attempt to do anything about it. But certain Members of this House, some of whom are on the floor at this time, organized and actually did something about it then. In discussing this matter on the floor of this House a year ago, I said:

Some of us felt justified in carrying our protests to a still "higher authority." It is sufficient to say that finally the order was modified and only 300 of the 1,000 camps were actually abandoned January 1. So that this April order merely postponed the death sentence that was ordered for these camps January 1936.

It will be recalled that when we first began to protest against the closing of the remaining 700 camps 1 year ago, that we were again told that ours was destined to be a futile and fruitless effort. Members of this House, many of whom were sympathetic, said the move then to save the camps was an empty gesture. It will also be remembered that when the order was issued to close nearly 700 camps on April 1, last year, we did not stop our fight. As a last resort we called a meeting of all those Members of this House interested in maintaining the balance of the camps. A committee was appointed to again call at the White House and confer with a "higher authority." This we did and as Members will recall, the order was revoked by the President, only a few hours before some 700 C. C. C. camps would have otherwise folded up forever.

It was suggested at that time, however, that when any camp had actually finished its work that it would fold up and under that statement or agreement a number of camps have been abandoned within the past year, until today we have only 2,086 camps.

Now another order has been issued abandoning 84 camps April 1, 1937, and the balance of 630 are to be abandoned on or about July 1 next. So according to the figures furnished me there will be 2,002 C. C. C. camps in the United States after April 1. If all the 630 camps proposed to be abandoned soon had finished their work program then we would have no criticism to make, but the Democratic steering committee of the House, of which I have the honor of being chairman, called Director Robert Fechner before it a short while ago and he refused to say that all of the 84 camps to be abandoned next week had finished their tasks or work programs. On the other hand, we were given to understand by the E. C. W. director that the contrary is the case. I submit it is certainly unreasonable to assume that 630 C. C. C. camps will finish the work program in each vicinity in which they are situated by July 1, but they are scheduled to be abandoned unless Congress does something about it. This is in the making and according to present plans the camps will close as per schedule, even though they may be in the middle of a work program.

Of the 84 camps to be abandoned April 1, the Soil Conservation camps that are undoubtedly doing an outstanding job, and although only having 450 camps left in the entire United States, must bear the brunt of the cut by losing 25 camps. Surely no one would seriously contend that the Soil Conservation Service has finished its work program. The fact is it has only touched the surface, yet it must lose 112 additional camps by July 1, if they get the same pro-rata cut as they will receive on April 1, which I am advised will be the case.

On April 1, the Forest Service, with 975 camps, will also lose 42 C. C. C. camps, the Interior 17, and on July 1, the Forest Service and Interior Department are scheduled to lose 434 C. C. C. camps, so I am advised.

May I suggest that Members of Congress, in my judgment, can stop the closing of these C. C. C. camps this year if we will make the proper fight. We demonstrated that a year ago.

Within a few weeks a bill will be sent to Congress proposing permanent legislation for the C. C. C. camps. The Bureau of the Budget has made its estimate on the basis of 1,456 camps instead of 2,086 that we now have, or 2,002 that we are scheduled to have April 1, and proposes to cut the personnel from 350,000 now in the 2,086 camps, to 300,000 in 1,456 camps. When that bill reaches the Committee on Appropriations and later the floor of this House, Members will have the opportunity of expressing themselves in a practical but effective manner.

The House steering committee has gone on record favoring an increase in the personnel from 350,000 to 400,000 and keeping the number of camps at not less than 2,000. Our committee took this action not only because of the splendid outstanding work these camps are doing in conserving the soil, terracing to prevent further soil erosion, in the setting out of millions of trees, building trails and dams, filling up gullies, constructing and beautifying park areas and making America a more beautiful and bounteous land in which to live, but also—and this is by far more important—the building of morale that the C. C. C. camps are doing for the millions of the young men of America. [Applause.]

May I tell you a true story of an incident that occurred during the last national campaign?

As chairman of the speakers' bureau of the congressional campaign committee, I was in New York City for a while. Among the requests received for speakers was one to go out into a section of that great city called Yonkers and speak to a great crowd of Hungarians. It being difficult to find someone to speak the Hungarian language on short notice, the gentleman making the request finally suggested that I go out to Yonkers and talk to them.

For some 45 or 50 minutes I spoke to that fine group of citizens, the most of whom I found enthusiastically supporting President Roosevelt and the New Deal. When I finished, the chairman of the meeting, one of the city commissioners, said:

I will say to the visiting speaker that not over 5 or 10 percent of the people present understood a word you said.

It is needless to add that I felt rather squelched.

An old Hungarian woman was listening way back in the rear of the hall. She rose and said:

Mr. Commissioner, it is true that I have not understood everything that has been said here this evening, but I did understand some things. I do not know the difference between the Democratic Party and the Republican Party, but I understand one thing:

I had a boy who was about 16 years of age at the close of the Hoover administration. My son was unemployed and discouraged. He had looked for jobs that he could not find. Our home had been foreclosed, and we had nothing to eat in the house. My boy felt the Government was not interested in him or other young men of the Nation.

I tossed my head on the pillow that night—

She said—

I was worried about what might happen to my boy. Then I heard a marvelous voice over the radio, the voice of Franklin D. Roosevelt. I heard that voice say, "We are going to do something for the young people of America."

When Mr. Roosevelt was inaugurated President and established the C. C. C. camps, someone told my boy he could get into a camp. He did get into a C. C. C. camp, where he stayed about 1 year. He had gained more than 20 pounds in weight.

Then she told how the boy had been taught to be a stonemason, had come home and secured a good job, and had decided that this Government he had said was so bad and unappreciative of the young people was the greatest government in all the world.

The mother said:

When you go back down to Washington, if you see the President of the United States, please tell him there is an old, ignorant Hungarian woman in the city of New York. She does not know anything about politics. She does not know the difference between the great parties. But she does know the difference between having a boy who thought the Government was down on him—a boy headed in the wrong direction and one who had been saved for himself and for his family.

Mr. Chairman, as this old Hungarian woman spoke I saw the tears trickling down her cheeks. She added—

Please tell the President also that every night when the old Hungarian woman prays she asks God to preserve the life and health of Franklin D. Roosevelt, that he may continue to save the young people of America.

I told her she had made the best speech I had heard during the entire campaign. [Applause.]

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield, with pleasure, to my good friend the able gentleman from Kansas.

Mr. HOUSTON. Mr. Chairman, I simply want to commend the gentleman for the very kindly interest he has always shown in the maintenance of the C. C. C. camps. While I have no such camps in my own district, I should be very pleased to see them retained, and if there is anything we can do individually or collectively to help the gentleman from Oklahoma, we are with him 100 percent.

Mr. JOHNSON of Oklahoma. I thank the distinguished gentleman for his kind and generous statement.

But getting back to the proposal to close 630 C. C. C. camps in the United States, there is some red tape, rules, and regulations that must be eliminated. In one of my speeches to this House a year ago I pointed out the unreasonable rules and regulations providing that before a young man is eligible for the C. C. C. camps that his parents must actually be on relief. There is no question but what there are thousands of border-line cases that have been unjustly denied the opportunity of entrance in the C. C. C. camps because of these unreasonable rules and regulations.

The Democratic steering committee of the House has also gone on record with reference to these rules, and again we have taken the matter to a "higher authority", and it is no secret that the White House is interested in these camps. The C. C. C. have been held up as the President's pet hobby of his entire administration, but the President has put the matter squarely up to Congress, that this House must find the money within the Budget to maintain the present personnel of 350,000. We have every reason to believe that the unreasonable rules and regulations that I have just mentioned will be modified, but that will not help the situation to any great extent if the personnel is cut 50,000 at one fell swoop and 50,000 young men, or a major part of that number, are thrown back upon the relief rolls where they were before they entered the C. C. C. camps. It is absurd to say that business will absorb even a majority of these 50,000 youngsters between now and July 1.

The fact is, Mr. Fechner advised the House steering committee that he had considerably more than 350,000 applicants for the C. C. C. camps on January 1, in spite of these unreasonable rules requiring a young man's family to be actually on relief before he becomes eligible for entrance. There is no question but what more than 400,000 worthy young men should be placed in the C. C. C. camps immediately, to give them the opportunity to which they are entitled. [Applause.]

It was also brought out in Mr. Fechner's testimony that we have in the United States approximately 350 vacant C. C. C. camps at this time. The committee was advised that these camp sites cost from $18,000 to $25,000 each. We also learned that some thirty-odd of these camp sites, constructed at this enormous expense by the Government, have never yet been occupied. If and when 630 additional camps are abandoned, we will then have the sorry spectacle of approximately 980 camp sites where the Government has a tremendous investment standing idle on the theory that the Government has finished its job; that no more boys can be found for the camps and that no further need can be had for the C. C. C. camps in these 980 communities and sections of the United States.

I have given you these facts from the records, facts that Members of the House must face when you return to your respective districts. You are going to be asked how it is that Congress can afford to appropriate $50,000,000 to $60,000,000 for one battleship without the batting of an eye, and yet cannot provide funds to keep homeless and helpless C. C. C. boys at work where they are trying to save themselves and their families, and make America a better place in which to live. May I suggest that by eliminating one $50,000,000 battleship Congress can save the whole C. C. C. situation at this time. That, in my judgment, would be practicing real, practical, and sensible economy. [Applause.]

I have two suggestions to make. The first is, as I indicated a while ago, that when the bill comes before the committee to make appropriation for the Civilian Conservation Corps next year, on a decidedly reduced basis, that this House find the money and add sufficient to the bill to say to Mr. Fechner, to the White House, and to the country that not a single camp in the United States shall be closed. [Applause.] And furthermore, that every one of the 350 camps now standing idle shall be filled with the American youth who are clamoring for an opportunity to earn an honest livelihood. If Congress will do this, the situation will be saved. If it does not furnish the funds, these 630 C. C. C. camps will be closed on or before July 1 next.

I have one other suggestion. A year ago, as I have heretofore stated, those of us especially interested issued an informal call for a conference of all Members desiring to maintain the C. C. C. camps, and as I related a few moments ago, as a result of that conference the C. C. C. camps were saved. I propose to again ask those who are interested in preserving these camps to join me in making another call to Members of the House to save them. That the meeting ought to be held in the very near future and we should make our plans to fight to the last ditch, the proposal to close 630 camps in the United States within the next few weeks.

My friends, this is one of the most important problems facing this Congress and we cannot afford to close down

and abandon 630 additional C. C. C. camps at this time in the name of economy. That would be false economy and would be proving false to the young men of the Nation. [Applause.]

I have been furnished authentic and tabulated information, much of which I have already given you, which I think will be of tremendous interest to all Members of the House. I shall insert it at this point as a part of my remarks.

Tabulation showing distribution of C. C. C. camps, by technical services and camp periods

Technical service	1 Apr. 1–Sept. 30, 1933	2 Oct. 1, 1933–Mar. 31, 1934	3 Apr. 1–Sept. 30, 1934	4 Oct. 1, 1934–Mar. 31, 1935	5 Apr. 1–Sept. 30, 1935	6 Oct. 1, 1935–Mar. 31, 1936	7 Apr. 1–Sept. 30, 1936	Average 1–7 Apr. 1, 1933–Sept. 30, 1936	8 Oct. 1, 1936–Mar. 31, 1937
National forest	603	447	470	472	755	535	494	[1] 538	[2] 486
State forest	315	324	305	305	411	321	291	324	282
Private forest	219	223	168	174	269	196	173	203	163
Levee	4	4	4	4	4	2	1	3	
Mosquito control				3	15	13	13	6	13
Tennessee Valley Authority		20	23	19	38	30	26	23	26
Erosion	120	107	161	142	(1)			133	
Total Forest Service	1,261	1,125	1,131	1,119	1,484	1,097	988	1,230	975
Soil Conservation Service			(V) 34	(V) 51	542	477	454	222	450
Other agencies	3	3	4	6	81	76	82	37	75
Department of Agriculture	1,264	1,128	1,169	1,176	2,107	1,650	1,524	1,489	1,500
National parks	71	61	109	86	117	82	92	(X) 87	76
State parks	102	244	320	344	485	387	340	(Y) 318	(Y) 351
Grazing					50	45	45	20	45
Reclamation			8	9	45	35	34	19	34
Department of the Interior	173	305	437	439	697	549	511	444	506
War	31	32	31	22	108	88	71	(Z) 55	(W) 74
Navy		3	3	3	4	6	5	3	4
War and Navy	31	35	34	25	112	94	76	58	78
Grand total	1,468	1,468	1,640	1,640	2,916	2,293	2,111	1,991	2,084

[1] Includes 5 Oregon and California land-grant companies (average).
[2] Includes 3 Oregon and California land-grant companies.
(V) During third and fourth camp periods these camps were assigned to Soil Erosion Service, Department of Interior.
(X) Includes 1 General Land Office company (average).
(Y) Includes 8 Tennessee Valley Authority park companies.
(Z) Includes 24 Army Engineers companies (average).
(W) Includes 28 Army Engineers companies.
First-, second-, third-, fourth-, and fifth-period figures taken from data prepared by Forest Service as of Mar. 31, 1936.
Sixth-, seventh-, and eighth-period figures taken from data prepared by Forest Service, Oct. 5, 1936.
Eighth-period figures corrected to Dec. 30, 1936.
Proposed cut for ninth period: S. C. S., 25; Forest, 42; Interior, 17; total, 84.
Pro-rata cut to 1,500 camps S. C. S. would lose 112 additional camps.

Mr. BERNARD. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, my colleague the gentleman from Texas [Mr. DIES] delivered quite an oration. The gentleman was applauded by this body. During the last few days I have heard many remarks directed against the sit-down strikers.

I take the liberty at this time to rise in defense of the strikers, and I hope I shall be given a few minutes. I asked the Chairman yesterday about it. I believe the millions of strikers throughout the country are entitled to be heard in this body, and I sincerely hope that I shall be given a few minutes to speak in their behalf. I belong to a union that is affiliated with the C. I. O. and I repeat, I hope that you will be kind to the rank and file of the workingmen and give me an opportunity to voice their cause. I want to answer the attacks on sit-down strikers and on the Committee for Industrial Organization made by Members of this House and the Senate during the last few days.

SIT-DOWN STRIKES ARE LEGAL

As a rank and file workingman I want to answer the attacks on sit-down strikes and on the Committee for Industrial Organization made by Members of this House and of the Senate during the last few days.

I should like to say at the outset that I am proud to be a member of the International Union of Mine, Mill, and Smelter Workers, affiliated to the Committee for Industrial Organization, which is the most progressive national force in America today.

These men who so confidently tell us what the law is base their argument on the protection of property rights. I have no desire, Mr. Chairman, to see the rights of private property violated. But a great industrial enterprise cannot be compared to an overcoat, as the gentleman from Michigan [Mr. HOFFMAN] who spoke Friday would have us believe. The physical property of an industry represents an investment on the part of the stockholders—an investment of capital in dollars. But the workers have also made an investment in industry—an investment not so easily measured in dollars but without which there could be no industry.

THE WORKERS' INVESTMENT IN INDUSTRY

The investment of the workers is their daily work, by which is produced all the good things of life. Their entire lives have been spent training their hands and their senses to the proper performance of their work, to the specialized skills which are required of them. They have built their homes conveniently near their places of work. They have taken on the obligations of raising families. Their entire beings have been devoted to the industry so that it might yield a profit to the owner and a living to themselves. This is their investment, and they are entitled to protect it. In protecting it, in insisting on a decent living, they are protecting their jobs, their livelihood, and the food, clothing, and shelter for their families.

Thus a partnership relation is created. There is ample authority to prove this. Prof. Leon Green, dean of the Northwestern Law School, in his recent article entitled "The Case for the Sit-down Strike", said:

Both participating groups have contributed heavily to the joint enterprise of industry * * * both groups are joint adventurers, as it were, in industrial enterprise. Both have, and necessarily must have, a voice in the matters of common concern. Both must have protection adequate to their interests.

Dean Green summarizes his argument in the following language:

Occupation in good faith and peacefully of a plant devoted to industry by employees awaiting the adjustment of differences growing out of the industrial relation is but an incident of the industrial relation and in no sense unlawful.

I am glad that the senior Senator from Idaho [Mr. BORAH] recognized that human rights as well as property rights must be taken into consideration in determining the rights and the wrongs of the sit-down strike. I was very much interested in his remarks on Friday when he recited the lawlessness of the large corporations and the unbelievable inequalities of present society. The Senator said, "We cannot successfully appeal for the majesty of law, only to one sector of the economic circle." I say, Mr. Chairman, that human rights must take precedence over property rights.

WORKERS ARE PART OF THE PLANTS

But let us examine for a moment this so-called invasion of property rights. The denouncers of sit-down strikes say that the strikers are trespassers. The insolence of this. These workers have spent their lives working in the plants; they have been called into the plants 5 days out of every week by the companies' whistle; they are part and parcel of the plants, for without them no wheel could turn, no conveyor belt could move, no automobile or other product could be produced; and now, because they remain peacefully at their places of work until their grievances should be ironed out through the process of collective bargaining, which is their right, according to the law of the land, they are called trespassers.

This is not primarily a legal problem. The workers realize very clearly that nothing will establish the legality of the sit-down strike more effectively and more permanently than the victory of the strikers. They know in their hearts that there is nothing lawless about carrying on a struggle for a better living for themselves and their families in the most effective possible way; and they are aware that, because of the lawlessness of the great corporations, this is their only way until the employers agree to recognize their union and their rights to collective bargaining.

But, Mr. Chairman, I say the sit-down strike is lawful. These workers by fighting to protect their jobs and their means of subsistence are breaking no law. Do they remain in the plants in order to take them over and run them for themselves? They do not. Are they remaining in order to destroy the property? They are not. They insist only that the plants be not put into operation until their grievances are adjusted. They would leave the plants, as they have often stated, if the company would not operate them until the settlement. And meanwhile they are committing no damage, but rather they are guarding the property and the machinery with the greatest of care. This machinery will soon be running again; it will be operated by workers with the happy faces of victory; it will provide them a better and fuller living than before.

TEMPORARY INTERFERENCE JUSTIFIED

Mr. Chairman, I do not deny that the sit-down strike results in an interference with the interests of the corporations. But the issue is not whether or not there is an interference with property interests. The issue is whether this interference is justified. The law says that interferences with the interests of others are not unlawful if they are justified. Is not a strike an interference with the interests of the employer? Is not picketing? Is not the boycott? But these interferences have long been recognized as legal. As Mme. Perkins said recently:

There was a time when picketing was considered illegal, and before that strikes of any kind were illegal.

Justice Brandeis said that:

For cause the right (to carry on a business for profit) may be interfered with and even be destroyed.

I say to you that the fight for a decent living is just cause. The fight for higher wages and shorter hours is just cause. The fight for union recognition is just cause. These causes justify the temporary interference with the interests of capital.

Mr. Chairman, I shall introduce ample legal authority to support my remarks that the sit-down strike is lawful.

The Senator from Louisiana [Mr. ELLENDER] and the senior Senator from Michigan [Mr. VANDENBERG], who spoke last Friday, found "abhorrent" the sit-down strikes which are occurring throughout the country. They proclaimed them illegal and lawless. The Governors of Connecticut and New Jersey announced that there would be no sit-downs in their States while they were Governors; that the wish was father to the thought was proven in the newspapers of the last 2 weeks during which the Connecticut chain makers and the New Jersey girl cigar makers won victories through sit-down strikes.

The gentleman from Michigan [Mr. HOFFMAN] last Friday referred to the sit-down strikes in his State as "armed rebellion." He contended that they were in "utter disregard of right and justice, to say nothing of law." The gentleman defended the antilabor, antiunion policies of the great automobile corporations, even the sending of stool pigeons into the ranks of the workers to spy on their unions and disrupt their organizations. The gentleman told us—

Some of these questions cannot be settled until blood has been shed.

And then he asked us—

Just whose blood shall be shed?

CHRYSLER WORKERS' LETTER

Mr. Chairman, I say that the gentleman from Michigan has his answer straight from the workers of Michigan. I desire to call the attention of the Members of this House to a letter written to Governor Murphy by the striking Chrysler workers. This letter has an eloquence which should appeal to every American who holds dear the inalienable rights of life, liberty, and the pursuit of happiness. This letter should thrill everyone who considers that the task of every American is to place first and foremost the welfare of the greatest number of the American people. This letter speaks the simple and direct words which come from the hearts of workers—workers who are at this very moment actively engaged in the struggle for a fuller and a better life. In such a struggle the sit-downers are the real Americans.

The Chrysler workers wrote the Governor:

We want you to know—

They said—

that what we have to say is supported by more than 50,000 other Chrysler workers, more than 100,000 automobile workers in Detroit, 200,000 in Michigan, and 300,000 in the United States.

Mr. Chairman, because I am a worker I recognize that these words from the hearts of the Chrysler strikers state their case far more ringingly than I could state it for them. I shall quote from their letter:

Our employers have refused to recognize the principles of collective bargaining—

These brave strikers wrote—

so we have resorted to the only weapon we have to make them abide by the law. * * *

We have suffered for years in these shops of the Chrysler Corporation. We haven't been paid wages enough to support our families in decency and health.

We have seen each year an increase in the speed of the line. And still the foremen and gang leaders stand over us and demand more and more production.

Last summer hundreds of us fell like flies on the job because the heat and speed of work were more than we could stand. And it wasn't until we threatened to strike that the management slowed down the line.

Last fall thousands of us were discharged in violation of our seniority standing. We had to threaten to strike then to get rehired.

While we were exercising our right to organize, we were opposed by one of the most vicious and unspeakable spy systems ever employed in industry. The Chrysler Corporation retained an agency that hired criminals and ex-convicts to do their filthy work. That is a matter of public record. We were subject to intimidation by foremen and petty bosses. Our members were fired for no other reason than that they had joined the union. These things they did to us were lawless.

Then when we had built our union in spite of these obstacles the Chrysler Corporation refused to recognize us. And this refusal, Governor, was a lawless act.

We have many other complaints. We don't feel any better about this whole situation when we know that Walter Chrysler, using the money we earned for him and entirely ignoring our complaints, is unconcernedly vacationing in Florida, that only a few days ago he paid $1,000 (more than many of us earn in a year) for a case of champagne.

We want to remind you of one other thing, Governor. The same sort of intimidation that Chrysler used against us was used against you and President Roosevelt. Last fall, we received notices in our pay envelopes that very bad things were going to happen to us if we voted for you and Mr. Roosevelt. You know that the very people who fought so hard against your election are those who employ and exploit us. We defied their threats last November and voted for you anyway. We elected you.

We don't intend to leave these plants without a satisfactory settlement. You can do one of two things. You can use your influence to see that our grievances are adjusted. Or you can use the State's troops to try to force us out.

The first way will lead to industrial peace and the elimination of the causes for strikes. The second way will lead to bloodshed and violence and more strikes. We are resolved to protect our rights to our jobs with our lives * * *.

This letter, Mr. Chairman, speaks for more than the automobile workers who wrote it. It speaks for millions of workers throughout the land. They reject the statements of Governors Cross and Hoffman. To them the sit-down strike is legal, for it is their most effective and powerful weapon to secure the standard of living they deserve.

Mr. Chairman, I ask unanimous consent to proceed out of order for 10 minutes.

Mr. McMILLAN. Mr. Chairman, I make the point of order that the gentleman is not speaking on the bill. I regret to do this very much.

Mr. BERNARD. I approached the gentleman yesterday——

Mr. McMILLAN. A number of Members feel I am, perhaps, unduly harsh with them this morning, and I may say that my friend did come over yesterday and ask for time, and I offered to give him time yesterday afternoon if the gentleman would wait for it. We are reading the bill for amendment today, and I must insist that we confine our remarks to the bill, and I therefore object, Mr. Chairman.

The Clerk read as follows:

CONTRIBUTIONS, QUOTAS, ETC.

For payment of the annual contributions, quotas, and expenses, including loss by exchange in discharge of the obligations of the United States in connection with international commissions, congresses, bureaus, and other objects, in not to exceed the respective amounts, as follows: Cape Spartel and Tangier Light, Coast of Morocco, $588; International Bureau of Weights and Measures, $4,342.50; International Bureau for Publication of Customs Tariffs, $1,318.77; Pan American Union, $192,942.80, including not to exceed $20,000 for printing and binding; International Bureau of Permanent Court of Arbitration, $1,722.57; Bureau of Interparliamentary Union for Promotion of International Arbitration, $20,000, including not to exceed $10,000 for the expenses of the American group of the Interparliamentary Union, including personal services in the District of Columbia and elsewhere without regard to the Classification Act of 1923, as amended, stenographic reporting services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), traveling expenses, purchase of necessary books, documents, newspapers, periodicals, maps, stationery, official cards, printing and binding, entertainment, and other necessary expenses, to be disbursed on vouchers approved by the President and executive secretary of the American group; International Institute of Agriculture at Rome, Italy, $48,831, including not to exceed $11,775 for the salary of the American member of the permanent committee (at not more than $7,500 per annum), compensation of subordinate employees without regard to the Classification Act of 1923, as amended, expenses for the maintenance of the office at Rome, including purchase of necessary books, maps, documents, and newspapers and periodicals (foreign and domestic), printing and binding, allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., title 5, sec. 118a), for the use of the American member of the permanent committee, and traveling and other necessary expenses, to be expended under the direction of the Secretary of State; Pan American Sanitary Bureau, $30,986.12; International Office of Public Health, $3,015.63; Bureau of International Telecommunication Union, Radio Section, $5,790; Government of Panama, $250,000; International Hydrographic Bureau, $4,632; Inter-American Trade-Mark Bureau, $14,330.20; International Bureau for Protection of Industrial Property, $1,471.63; Gorgas Memorial Laboratory, $50,000: *Provided*, That hereafter, notwithstanding the provisions of section 3 of the act of May 7, 1928 (45 Stat. 491), the report of the operation and work of the laboratory, including the statement of the receipts and expenditures, shall be made to Congress during the first week of each regular session thereof, such report to cover a fiscal-year period ending on June 30 of the calendar year immediately preceding the convening of each such session; American International Institute for the Protection of Childhood, $2,000; International Statistical Bureau at The Hague, $2,000; International Map of the World on the Millionth Scale, $50; International Technical Committee of Aerial Legal Experts, $6,696, including not to exceed $6,500 for the expenses of participation by the Government of the United States in the meetings of the International Technical Committee of Aerial Legal Experts and of the commissions established by that Committee, including traveling expenses, personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended, stenographic and other services by contract if deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent, purchase of necessary books and documents, printing and binding, official cards, entertainment, and such other expenses as may be authorized by the Secretary of State; Convention Relating to Liquor Traffic in Africa, $55; International Penal and Penitentiary Commission, $4,328.75, including not to exceed $800 for the necessary expenses of the Commissioner to represent the United States on the Commission at its annual meetings, personal services without regard to the Classification Act of 1923, as amended, printing and binding, traveling expenses, and such other expenses as the Secretary of State may deem necessary; Permanent Association of International Road Congresses, $588; International Labor Organization, $173,939.74, including not to exceed $25,000 for the expenses of participation by the United States in the meetings of the general conference and of the governing body of the International Labor Office and in such regional, industrial, or other special meetings as may be duly called by such governing body, including personal services, without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere, stenographic reporting and translating services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent, traveling expenses, purchase of books, documents, newspapers, periodicals, and charts, stationery, official cards, printing and binding, entertainment, hire, maintenance, and operation of motor-propelled passenger-carrying vehicles, and such other expenses as may be authorized by the Secretary of State; implementing the Narcotics Convention of 1931, $9,109.18; International Council of Scientific Unions and Associated Unions, as follows: International Council of Scientific Unions, $19.30; International Astronomical Union, $617.60; International Union of Chemistry, $675; International Union of Geodesy and Geophysics, $2,316; International Scientific Radio Union, $154.40; International Union of Physics, $62.72; International Geographical Union, $125.44; and International Union of Biological Sciences, $154.40; in all, $4,124.86; and Pan American Institute of Geography and History, $10,000; in all, $842,862.75, together with such additional sums, due to increase in rates of exchange as the Secretary of State may determine and certify to the Secretary of the Treasury to be necessary to pay in foreign currencies the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word, offering a pro-forma amendment in order to elicit some information from the Chairman.

The paragraph which has just been read includes the payment to the Government of Panama of the sum of $250,000. At the time we concluded the building of the Canal, or while we were building it, the Government of the United States obligated itself to pay annually to the Republic of Panama the sum of $250,000. As I recall, something like 2 or 3 years ago, when we had devalued the American dollar, and offered the Government of Panama as annual payment $250,000 in devalued money, the Republic of Panama refused to accept it, calling attention to the fact that the treaty provided we should pay them in gold. May I ask the chairman of the committee what kind of money is to be paid to Panama under this item?

Mr. McMILLAN. Mr. Chairman, I think the inquiry of the gentleman from New York is a very proper one. Under the terms of the treaty to which the gentleman has referred, under date of November 18, 1903, provision was made that the United States pay to the Government of Panama $10,000,000 in gold coin of the United States on the exchange of ratification of the convention, and also an annual payment during the life of the convention in the sum of $250,000 in like gold coin, beginning 9 years after the date aforesaid. My information, Mr. Chairman, is that since the date to which the gentleman has referred, to wit, some 2 or 3 years ago, when the devaluation of the dollar was initiated, a check for $250,000 has been sent to the Government of Panama under the terms of the convention as carried in this bill, but in every instance, so far as I am aware, the check has been returned, and hence the payment has not been made.

My inference is, Mr. Chairman, that sooner or later, with this condition prevailing, there will be some further convention or agreement entered into or undertaken to be entered into between the two countries providing for a settlement of the matter.

Mr. WADSWORTH. The statement of the gentleman is correct, I am certain. Panama has refused to accept these payments and points to the treaty which obligates the United States to pay her 250,000 gold dollars, and thus far there has been a refusal on her part to take the money in the form of a check in American devalued dollars. I have understood that the State Department has been endeavoring to persuade the little Government of Panama to take the money, but they will not do it.

I am now wondering if the language at the end of this long paragraph, commencing at the bottom of page 19, enables the Secretary of State to satisfy Panama, for in line 22 of that page it is stated:

Together with such additional sums, due to increase in rates of exchange as the Secretary of State may determine and certify to the Secretary of the Treasury to be necessary to pay in foreign currencies the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation.

Does the chairman believe that this is an indirect method of appropriating an additional sum or authorizing the expenditure of an additional sum to make good our treaty obligations with the Republic of Panama?

Mr. McMILLAN. With regard to the language the gentleman refers to, while I do not pretend to be an expert on the construction of English——

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I ask for recognition in opposition to the pro-forma amendment. There is no break-down of any estimate given this committee in the Budget estimates submitted here for this purpose.

Mr. WADSWORTH. Did the State Department make any statement before the committee about their difficulties?

Mr. McMILLAN. I am reading from the hearings, page 195, State Department, and I have read to the gentleman virtually everything contained in those hearings on this particular item.

Mr. WADSWORTH. This is the third year this situation has persisted. It seems to me it is about time for the State Department to inform the committee and the House whether this appropriation here amounts to anything at all.

The Clerk read as follows:

Rio Grande diversion dam: For completion of the construction of a diversion dam in the Rio Grande wholly in the United States, with appurtenant connections to existing irrigation systems, as authorized by the acts approved August 29, 1935 (49 Stat. 961), and June 4, 1936 (49 Stat. 1463), $400,000.

Mr. DEMPSEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 23, strike out the paragraph beginning on line 3 and insert in lieu thereof a new paragraph, as follows:

"Rio Grande canalization project: For beginning construction of the Rio Grande canalization project, as authorized by acts approved August 29, 1935 (49 Stat. 961), and June 4, 1936 (49 Stat. 1463), $900,000, of which not to exceed $400,000 may be expended for completion of the construction of a diversion dam in the Rio Grande wholly in the United States, with appurtenant connections to existing irrigation systems."

Mr. DEMPSEY. Mr. Chairman, this amendment is offered for the purpose of permitting the State Department to carry out an authorization of this Congress. In the last session of Congress we authorized two projects in Texas and New Mexico. The reasons were that we had an agreement with Old Mexico that could not be lived up to without certain work being done in the way of a diversion dam and canalization. Congress passed these measures, and we appropriated certain sums to start the work. One of the projects is nearing completion. Some of this money is required to finish it, and additional money is required to protect the work when it is completed. I am sure, if the committee considering this measure had had the information from the State Department they should have had, the item would have been included in the bill, and this amendment would not have been necessary. I sincerely trust that the committee will accept this amendment.

Mr. THOMASON of Texas. Mr. Chairman, I rise in support of the amendment and to confirm all the gentleman from New Mexico [Mr. DEMPSEY] has said. The canalization part affected by this amendment is entirely in the State of New Mexico, but living as I do at El Paso, on the border, and being familiar with the entire rectification program, and also the building of the diversion dam, which is in my State, I express the hope that this amendment will be adopted, because it is a part of the general program. All of this work is being done pursuant to the treaty between the United States and Mexico. I feel a great interest in the completion of this work. The gentleman from New Mexico [Mr. DEMPSEY] and I have worked in complete harmony on the entire Rio Grande program. Mr. L. M. Lawson, International Boundary Commissioner, has approved this amendment. Mr. Lawson is one of the outstanding engineers of the country. I already knew that he had the complete confidence of the State Department, and I am now glad to find that this committee also praises the fine job he is doing.

Mr. McMILLAN. Mr. Chairman, this is a very interesting project. Those of you who have followed for a period of years the boundary problem between the United States and Mexico, certainly in its relation to the Rio Grande, are familiar with the difficulties that have so often and continuously arisen in that area. A few years ago this program was commenced with a view of rectifying, improving, and perfecting this constant problem which had existed for so many years. Last year the Congress passed a law, and appropriations were made of $1,000,000 for a diversion dam at the point where this canalization project is now desired. It was found, however, before the appropriation was made that a total of $1,400,000 would be necessary to construct this diversion dam. It was therefore necessary to go back to the legislative committee to secure additional authority for the $400,000. That was done, but in addition to that, $1,100,000, or rather a total authorization for $2,600,000, was made for this canalization work. It now develops that the Budget has recommended $1,100,000 for this canalization project, which is sought here in the amendment of the gentleman from New Mexico. The committee went into the matter, but since the hearings, Mr. Chairman, we have had two or three officials from the State Department confer with us about it. We have had Mr. Lawson, the engineer in charge, to advise us as to the necessity for this item, and he feels that $500,000 proposed by the gentleman from New Mexico would be the amount that can be feasibly and economically used during the next fiscal year; and, following the views expressed by the State Department, together with those of Mr. Lawson, the engineer in charge, the committee is disposed to accept the amendment offered by the gentleman from New Mexico.

Mr. REES of Kansas. Mr. Chairman, I rise to ask the gentleman from South Carolina a question. Do I understand that the committee now offers an expenditure of a further half million dollars for this project?

Mr. McMILLAN. Yes. But the authorization totals $2,600,000 for canalization. The Budget estimated $1,100,000 of that for this next fiscal year, but in view of the fact that the committee did not have the information it now has, it eliminated this item from the bill at the time the bill was prepared. I may read for the information of the House a telegram from Mr. Lawson, chief engineer of the Boundary Commission, under date of March 18, addressed to the Secretary of State:

EL PASO, TEX., *March 18, 1937.*

Hon. SECRETARY OF STATE,
Washington:

Replying Department's inquiry 18th, 11:50 a. m.: Failure of appropriation for dam and canalization, fiscal year 1938, would leave partially built dam now under construction under existing contract in precarious incompleted condition to insure control and delivery present limited water supply to American lands at earliest possible date. Work on American dam also necessitates immediate upstream portion canalization construction to coordinate requisite protection land and valuable improvements with present stage progress of actual dam construction. Both above requirements could be substantially satisfied by reduced estimate set forth my night letter March 18, which should be provided so work can continue after July 1.

L. W. LAWSON.

Mr. REES of Kansas. Then the committee is approving the amendment for the expenditure of a further sum of $500,000?

Mr. McMILLAN. That is right.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. TABER. Was there a Budget estimate for this item?

Mr. McMILLAN. One million one hundred thousand dollars.

Mr. TABER. This is raising the amount that is to be appropriated from $2,525,000 to $3,000,000 for this irrigation project?

Mr. McMILLAN. Let me say that the original estimate of the Budget was for $1,500,000; $400,000 of that was to cover the completion of a diversion dam, $1,000,000 of which was appropriated and carried in the deficiency bill last year. One million one hundred thousand dollars was the balance that was estimated by the Bureau of the Budget for this canalization project. At the time of the hearings the committee did not have, as the gentleman from Georgia has just said, detailed information as to the desirability or necessity for that work, but later on, a few days ago, the gentleman from New York [Mr. BACON] and myself had this conference with the officers of the State Department, and have contacted Mr. Lawson, engineer in charge of the work. It is in view of that conference, together with the recommendation of Mr. Lawson, chief engineer in charge of the International Boundary Commission, which I have just read, that I have accepted the amendment proposed by the gentleman from New Mexico [Mr. DEMPSEY]. In other words, it is $600,000 less than the amount estimated for by the Budget.

Mr. TABER. But still there is an increase over the amount the committee reported of $500,000.

Mr. McMILLAN. Oh, that is true, but it is in view of the facts which have since been developed.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there has come a growing tendency to spend money on the development of reclamation projects in this country. At the same time we are trying to prevent farmers, who own their own farms and have paid for them, from raising crops that can naturally be raised upon those farms. I think it is time we stopped that tendency and that we stop any tendency to increase this kind of an appropriation. I hope the amendment will be voted down.

Mr. BACON. Mr. Chairman, I rise in support of the amendment.

I want to correct the impression that the gentleman from New York [Mr. TABER] has given. This has nothing to do with reclamation. This item will assist the United States Government to carry out a treaty obligation with Mexico. Under the treaty obligation we must turn over to Mexico a certain number of acre-feet of water per year from the Rio Grande River. To do that, a diversion dam was built. But we find that water users are taking out of the Rio Grande River for irrigation purposes an amount of water that the Federal Government is not able to estimate. Therefore they are under a handicap in determining how much water they must turn over to Mexico under the treaty obligation. Therefore by making a canal out of this part of the Rio Grande River they can absolutely control the flow of water, turn over the amount of water necessary under the treaty, and at the same time prevent those who live nearby from taking more water out of the Rio Grande than they are entitled to. It is simply to assist our Government to carry out a treaty obligation, and has nothing at all to do with reclamation, except that it will help to accurately control water for reclamation purposes that now can be legally taken from the Rio Grande.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. DEMPSEY].

The amendment was agreed to.

The Clerk read as follows:

Traveling expenses: For all necessary traveling expenses under the Department of Justice and the judiciary, including traveling expenses of probation officers and their clerks but not including traveling expenses otherwise payable under any appropriations for "United States Supreme Court", "United States Court of Customs and Patent Appeals", "United States Customs Court", "Court of Claims", "United States Court for China", "Federal Bureau of Investigation", "Salaries and expenses of marshals", "Fees of jurors and witnesses", and "Penal and correctional institutions (except as otherwise hereinbefore provided)", $800,000.

Mr. TABER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question.

As I understand it, the committee has consolidated all traveling expenses and that sort of thing under the Department of Justice and the part of the judiciary in this item. Most of the courts are excepted from this proposition, but the traveling expenses of the district judges and circuit judges are thrown in with it. It occurs to me, frankly, that it is very bad policy to throw into the control of the Attorney General the allotment or allowance of expense items for the judges of our district and circuit courts, who have to pass upon a large number of questions which the Attorney General's office has to submit to them. It would seem to me that that item of $93,000, which is estimated for the expenses of those judges, would better be kept as a separate appropriation, as it has been in the past.

I should like to have the chairman of the subcommittee tell us, if he can, why this consolidation was proposed.

Mr. McMILLAN. Mr. Chairman, under the law, of course, district and circuit judges are entitled to their traveling expenses within their own territories or districts on their own certification. This item therefore cannot affect those expenses, whether they be incurred by circuit or district courts. The primary purpose of this proposal is simply to put under the Attorney General the total amount for traveling expenses for the circuit and district judges, as well as for many other activities which the Appropriations Committee handles in connection with the Department of Justice appropriation bill.

It seems to me with the law as it is, with these judges paid by authority of law for any expense they incur in traveling in their own districts, that this proposal will in nowise affect them or any of the expenses they may incur. It is purely a matter of administration that can be handled, it seems to me, without any great difficulty whatever.

Mr. TABER. Does not the gentleman think that it is bad practice to turn over to the Attorney General control of these expenses, bearing in mind the fact that these judges have to pass on the questions that the Attorney General has to raise all the way through?

Mr. McMILLAN. I do not think that it sets up any new policy or that we have anything to fear. No such principle is involved. Under the law the judges are entitled to their expenses; and, if there is a deficit or should a deficiency occur, they have the right under the law to come up here and get the money. I repeat that I do not think any principle or policy will be affected by the adoption of this proposal.

By unanimous consent, the pro-forma amendment was withdrawn.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; purchase and exchange not to exceed $50,000, and hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; purchase and exchange at not to exceed $7,000 each, and maintenance, upkeep, and operation, of not more than four armored automobiles; firearms and ammunition; such stationery, supplies, and equipment for use at the seat of Government or elsewhere as the Attorney General may direct; not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses, including expenses, in an amount not to exceed $4,500, of attendance at meetings concerned with the work of such Bureau when authorized in writing by the Attorney General; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed $20,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed $1,640,000 for personal services in the District of Columbia; $6,000,000: *Provided*, That section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Federal Bureau of Investigation in the field when the aggregate amount involved does not exceed the sum of $50.

Mrs. JENCKES of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. JENCKES of Indiana: Page 35, line 12, strike out "$6,000,000" and insert in lieu thereof "$6,337,160."

Mrs. JENCKES of Indiana. Mr. Chairman, I offer this amendment not in any criticism of the splendid work done by the subcommittee. The subcommittee has not stricken out this amount of money. This was done by the Budget committee. This item was requested by Mr. J. Edgar Hoover to create an additional fund which he might use to employ extra personnel. Whenever there is a major crime, such as a kidnaping, all of the available manpower of the F. B. I. is withdrawn from projects on which it is working and centered in one area, one section of the United States. At the present time in the Federal Bureau of Investigation there are a great number of unassigned cases merely because there is not sufficient manpower to take care of them. When we stop all of the processes of this investigating bureau in order to put these men at a hot spot we are at that minute giving to the criminal an opportunity to go further with the work he is doing. So I ask of this august body favorable consideration of the amendment I have offered. I think every man here realizes what these people are doing to protect our homes and our families; and I am sure that you want to give to this able corps of men the things they need to carry on.

Mr. KELLER. Mr. Chairman, will the gentlewoman yield?

Mrs. JENCKES of Indiana. I yield.

Mr. KELLER. Did the Budget include this extra money the gentlewoman is asking for?

Mrs. JENCKES of Indiana. No; the Budget struck it out and therefore the committee did not include it. I am asking that it be included.

Mr. KELLER. I am for the granting of this item.

Mr. McMILLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate, of course, the position taken by the gentlewoman from Indiana on this proposal. The committee shares the view that she has expressed in connection with the fine work the Bureau of Investigation is doing. As I think I said in my remarks yesterday, the activities of this Bureau under the very fine leadership of Mr. Hoover has really caught the fancy of the American people; but, Mr. Chairman, the amendment proposed is for the amount, if I may say so, that was requested of the Budget. It was brought out in the committee hearings that if this amount of $337,000 were allowed, it would mean that additional employees could be had, and I do not think there is any question about the fact that the additional employees are necessary in this fine Bureau. Last year, however, Mr. Chairman, this committee increased the funds of this Bureau by $225,000 over the estimate of the Budget, and this year we have repeated, at least to the extent of $75,000 over the estimate of the Budget.

There is no one on this floor—and I do not believe there is in Congress—a more sympathetic believer in the spirit of cooperation with the Bureau of Investigation than the members of the subcommittee, on which I have the honor to serve as chairman; but, Mr. Chairman, in view of the fact that there is such a demand from all quarters as to where we are going to get the money—we have heard it on this floor before—I feel that the $75,000 this committee has put in here is about as far as we can go at this time, and for this reason I must regretfully say that it will be necessary to oppose the amendment offered by the gentlewoman from Indiana.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. WALTER. Do I understand the gentleman to say that $75,000 is included in the bill beyond the amount recommended by the Director of the Budget?

Mr. McMILLAN. Yes; we exceeded the Budget estimate by $75,000.

Mr. KELLER. How much is this item being cut, or, rather, what does the total cut in the appropriation amount to?

Mr. McMILLAN. Eight hundred and thirty-eight thousand dollars for the entire Department of Justice. For the four departments under the bill we have cut about $3,067,000, less the $500,000 that was put back in the bill for the canalization work under the State Department.

Mr. KELLER. How much altogether? Three and a half million?

Mr. McMILLAN. It is about $2,550,000 now.

Mr. KELLER. Would it not be reasonable to allow this, and we would still save $2,000,000?

Mrs. JENCKES of Indiana. Will the gentleman yield?

Mr. McMILLAN. I yield to the gentlewoman from Indiana.

Mrs. JENCKES of Indiana. Does the gentleman not think the Department of Justice is a bad place to cut?

Mr. McMILLAN. The truth of the matter is we have not cut the appropriations for this Bureau. We have, as a matter of fact, exceeded the Budget estimate to the extent of $75,000. We have added to the Bureau's activities $75,000 over the estimate of the Budget.

Mrs. JENCKES of Indiana. Does not this Bureau show when they spend the money that is given to them that they have saved more than that sum in the property they reclaim and in the arrest and convictions they secure?

Mr. McMILLAN. Yes. Of course, we expect that on the part of all of our bureaus and departments. We hope they all make good. We want them to submit to Congress from year to year a very fine record and we would be disappointed if this particular Bureau did not show such a record.

Mr. WALTER. May I ask if the gentleman's subcommittee followed very closely the recommendations made by the Director of the Budget in this appropriation?

Mr. McMILLAN. Yes; and we even went $75,000 over the estimate of the Budget. As I said before, last year we exceeded the Budget estimate by $225,000 for this particular activity. In view of this situation, Mr. Chairman, I ask that the amendment offered by the gentlewoman from Indiana be voted down.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentlewoman from Indiana [Mrs. JENCKES].

The amendment was rejected.

The Clerk read as follows:

Examination of judicial offices: For the investigation of the official acts, records, and accounts of marshals, attorneys, clerks of the United States courts and Territorial courts, probation officers, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also, when requested by the presiding judge, the official acts, records, and accounts of referees and trustees of such courts; for copying, in the District of Columbia or elsewhere, reports of examiners at folio rates; in all, $46,000, to be expended under the direction of the Attorney General.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 37, strike out the paragraph beginning on line 11 and insert in lieu thereof the following two paragraphs:

"Salaries: For salaries in the District of Columbia and elsewhere in connection with the supervision of the maintenance and care of United States prisoners, $236,700.

"The appropriation under title II for traveling expenses shall be available, in an amount not to exceed $3,500, for expenses of attendance at meetings concerned with the work of the Bureau of Prisons when incurred on the written authorization of the Attorney General."

Mr. McMILLAN. Mr. Chairman, I may say this is merely a perfecting amendment, and I do not think it requires any further explanation.

The CHAIRMAN. The question is on the adoption of the committee amendment offered by the gentleman from South Carolina [Mr. McMILLAN].

The committee amendment was agreed to.

The Clerk read as follows:

Miscellaneous expenses: For such miscellaneous expenses as may be authorized or approved by the Attorney General, for the United States courts and their officers, including experts, and notarial fees or like services and stenographic work in taking depositions, at such rates of compensation as may be authorized or approved by the Attorney General, so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska, the Court of Claims, and in courts other than Federal courts; rent of rooms for United States courts and judicial officers; supplies, including the exchange of typewriting and adding machines, for the United States courts and judicial officers, including firearms and ammunition therefor; purchase of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the libraries of the 10 United States circuit courts of appeals, and the Federal Reporter and continuations thereto as issued, $1,086,000: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased hereunder to be marked plainly, "The Property of the United States": *Provided further*, That not to exceed $2 per volume shall be paid for the current and future volumes of the United States Code, Annotated: *Provided further*, That the maximum salary paid to any stenographer or law clerk to any circuit or district judge shall not exceed $2,500 per annum: *Provided further*, That this limitation shall not operate to reduce the compensation of any stenographer now employed nor shall the salary of any stenographer drawing more than $2,500 per annum hereafter be increased.

Mr. CELLER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 47, line 19, insert a new paragraph, as follows:

"Salaries of law clerks to district judges: The salaries of law clerks to district judges, authorized by Public Law No. 449, Seventy-fourth Congress, $78,750."

Mr. CELLER. Mr. Chairman, I have offered this amendment on the unanimous recommendation of the Committee on the Judiciary, which met this morning and passed a resolution authorizing the offering of this amendment as a committee amendment.

The amendment provides, in a word, that there shall be appropriated the sum of $78,750 to take care of the salaries of law secretaries, to the number of 35, to the Federal district judges throughout the land.

Mr. Chairman, the Judiciary Committee recommended to this House, and the bill passed the House and Senate, providing, in effect, as follows:

Each United States district court judge is hereby authorized to appoint a law clerk, when he deems the same to be necessary, and the senior judge of the circuit court of appeals having jurisdiction over the district where the clerk is needed shall certify to the necessity of the appointment; but there shall not be appointed more than 35 such law clerks during the first fiscal year of the enactment of this amendment. Thereafter such number in excess of 35 per year shall be limited by the necessity of each case, as hereinbefore provided. The salary of such appointed law clerk shall be at a rate not in excess of $2,750 per annum, and the appropriation of such amount as is or may be necessary to pay for the salaries and traveling expenses of such law clerks is hereby authorized.

Despite the authorization of this Congress that there be set up at least 35 of these law secretaries for the district judges during the first fiscal year after the enactment of this measure, a committee of this House has seen fit to deny the authority of the House and has deliberately failed to appropriate a sufficient sum to take care of the appointment of these law secretaries.

When the bill was originally passed the Bureau of the Budget found it was too late to get the amount in the deficiency appropriation bill for last year. For some reason or other the bill has fallen between two stools. On the one hand we had the Appropriations Committee, which said it would not take favorable action unless and until the Bureau of the Budget made a recommendation. The Bureau of the Budget, after my conference with them, said they were awaiting some word from the Appropriations Committee. As I say, the bill has fallen between two stools.

Are we going to pass a bill, then refuse to make the appropriation? Are we going to permit the Appropriations Committee to refuse to make the appropriation after we pass the bill? That is flouting the will of the House. It is flouting the will of the Senate. It is flouting the will of the President. Something is amiss.

The Appropriations Committee says it awaits word from the Bureau of the Budget. It will not take any action until the Director of the Budget gives word. Since when does the Director of the Budget govern the destinies of Congress? Who set up the Budget Director as dictator? The Appropriations Committee has made a grievous error. We must rectify this error. If we did not want law secretaries to judges, why did we pass the bill originally? The logical thing for the Appropriations Committee to do would be to repeal the bill—withdraw the provision for law secretaries. But as long as that provision is the law of the land, it is the duty of the Appropriations Committee to appropriate the moneys to carry out the provision of that law of the land.

With reference to the need for these law clerks, may I say we have canvassed the situation throughout the country and in the more populous centers, in the large cities particularly, we find there is an avalanche of business, particularly as the result of the passage of the so-called New Deal statutes. There is great difficulty in the judges carrying on their functions properly, adequately, and intelligently without the aid of a law secretary; in other words, the judges need someone to run down the statutes, someone to check up on the briefs that have been submitted by counsel on either side, prepare memoranda, and do a great deal of the so-called research work that the judge cannot do alone under present circumstances.

There has been presented to the courts a tremendous amount of additional work, due to the amendment 77B of the Bankruptcy Act. This provides for reorganization proceedings in lieu of bankruptcy. These 77B proceedings entail a tremendous amount of work. The judge becomes a sort of administrative officer in these proceedings, and a great deal of his time is taken up with them. Many intricate problems arise daily in the reorganization of these large companies. Stacks of briefs pile up on the judge's desk. He is unable to digest most of them. Somebody must help him.

While he carries on these reorganization proceedings, he has his equity calendar, his patent-law calendar, his administrative cases, and the common-law litigation. While he runs through these calendars from month to month, these reorganization proceedings remain with him. Motions involving all manner and kind of intricacies are made. The judge's burdens are staggering. At times it is physically impossible for him to keep abreast of the situation.

Then there are cases arising under the Social Security Act, the Securities and Exchange Commission Act, the Federal Housing Administration Act, and the Reconstruction Finance Corporation Act. Embraced within his work are the many tax problems.

Of course, in some country districts these difficult cases never arise. My original bill only provides for law secretaries where they are actually needed, and where such need is certified by the senior circuit judge.

I herewith read to you a typical letter received under date of February 15, 1937, from one of the judges, my very esteemed friend, John C. Knox. This letter clearly indicates the besetting difficulty of a judge in the New York section, and indicates the compelling need for these law secretaries:

FEBRUARY 15, 1937.

Hon. EMANUEL CELLER,
Washington, D. C.

MY DEAR CONGRESSMAN: It is a matter of regret to me that I cannot be in Washington to appear before the Appropriations Committee at the hearing tomorrow morning. I am at the moment engaged in the trial of a mail-fraud case in which there are 19 defendants and about a dozen lawyers and this makes me feel that I should perhaps stay on the job here. Judge Hulbert, however, is able to get away and he can present the views of the various judges to the committee.

I trust the Appropriations Committee will favor the bill to make it possible for Federal judges to have law secretaries. They are particularly necessary in a district such as this, where the judges are engaged substantially all the time in holding court sessions. As you know, our motion term is productive of a great many questions of law. The same is also true of the equity and admiralty branches of the court. If decisions in these cases are to be promptly rendered, it is necessary that the papers be examined and the wheat sifted from the chaff at the earliest possible moment. When a judge is engaged upon the bench from 10:30 in the morning until 4:30 in the afternoon, and is then confronted with the necessity of seeing attorneys with respect to orders and various other matters, the time within which he can engage in research work is extremely limited.

Two of our local judges have law secretaries who are paid out of personal funds, but others are unable to do this and are required to get along as best they can.

A law secretary can also save a judge considerable time by seeing counsel on matters that must be gone over but need not necessarily engage the time and attention of the judge. As you know, interviews upon relatively small subject matters consume much time. Thus, a law secretary in a judge's office will conserve many hours in this respect.

With appreciation of your efforts to be of assistance to us and with kindest regards, I am,

Sincerely yours,

JNO. C. KNOX.

I know in New York, whence I came, the judges are woefully in need of a law secretary. Remember, we do not ask that a law secretary be appointed for every one of the judges. One may suffice for several judges. If I had my way, however, I would have one for each judge. Each circuit judge, each Congressman, in fact, has a secretary; why not the district judges?

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. In a district court in Brooklyn, for example, we have six judges. We do not ask for six law secretaries, one for each of the judges. Two or three secretaries might be sufficient. I repeat, I would prefer to have one for each. But let us try this first. Later we can improve the situation by asking for more money.

We have very significant letters from judges, which I have put into the record of the hearings of the Committee on Appropriations. For instance, a letter written to me under date of February 16 by Marcus B. Campbell, the distinguished senior judge of my district, wherein he approves of the bill.

I think members of the Committee on the Judiciary have been besieged by requests from various judges throughout the length and breadth of the land certifying to the need for these law secretaries. I do indeed hope, therefore, the members of this Committee will see fit to appropriate the sum of seventy-eight-odd thousand dollars to take care of this situation.

Although the bill provides for a salary not to exceed $2,750 per annum, I have taken the recommendation of the Comptroller General that the salary be reduced to $2,250; so, multiplying $2,250 by 35, you obtain the amount which is indicated in my amendment, which I hope will pass. If we left the salary at $2,750 you would provide a salary at a sum higher than the salaries of law secretaries to the circuit judges.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. REES of Kansas. Do I understand the gentleman is asking for an appropriation of $78,000 in addition to the appropriation specified in the bill?

Mr. CELLER. That is correct.

Mr. REES of Kansas. Do I also understand the gentleman is asking the House to appropriate this amount notwithstanding the fact the Committee on Appropriations has turned it down?

Mr. CELLER. That is true. I think the Committee on Appropriations, with a sort of misguided enthusiasm, turned it down. Economy may be carried too far. They probably turned it down in the interest of economy; but this is misguided economy, because in the long run the litigants appearing before these judges need to have the judges render intelligent and appropriate decisions, which they cannot render without sufficient, proper aid, which this law provides.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I rise in opposition to the amendment.

The Committee on Appropriations tries very hard to keep within the Budget.

This item was placed before the Bureau of the Budget. Extensive hearings were held by the Director of the Budget on it. The need for this additional amount of money was not demonstrated to the Director of the Budget, and I may say your committee in its hearings did not develop sufficient evidence to override the Director of the Budget. Therefore we did not allow the request of the gentleman from New York [Mr. CELLER], who appeared before the committee and asked us to override the Budget.

We do not like to override the Budget unless there is a very clear and plain reason for doing so, a reason beyond any peradventure of a doubt. No showing was made to warrant us in flaunting the Budget and overriding it. In these times we have to keep the ordinary expenditures of the regular departments somewhere within the bounds of reason. We have to reserve our excess resources for the purposes of much-needed relief. We have to keep the ordinary budgets within the bounds set by the President and the Director of the Budget.

Mr. HANCOCK of New York. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield to the gentleman from New York.

Mr. HANCOCK of New York. Does not the gentleman think the fact the House authorized this expenditure for law clerks 2 years ago is some argument in favor of it? Is not the feeling of the House indicated thereby?

Mr. BACON. That may be true as far as the feeling of the House is concerned, but the Director of the Budget did not seem to think so, and a case was not made before our committee to justify us in exceeding the Budget estimates.

Mr. HANCOCK of New York. A few weeks ago we received a message that the courts were clogged and congested, and the appointment of additional Justices was recommended. If the judges who are now sitting had law clerks they would be able to expedite their business, there would be a better administration of justice, and justice would be more prompt. Would the gentleman rather have new judges or a few new law clerks?

Mr. BACON. Some of our judges ought to do more work.

Mr. HANCOCK of New York. They will if they have law clerks, which is the exact point of this legislation.

Mr. BACON. Your committee feels it should not override the Budget unless there is a real showing made, which is the reason we did not accede to the request of the gentleman from New York [Mr. CELLER]. A clear case was not made.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield.

Mr. WALTER. Do I understand the gentleman to mean he takes the position of giving preference to the Budget rather than the feeling of the House as expressed by the passage of this bill of authorization?

Mr. BACON. No. I take the position that unless a very good case is made your committee is duty bound to keep within the Budget figures. We also reserve the right, however, if a clear case is made to exceed the Budget figures. In the case of the Bureau of Investigation in this bill we exceeded the Budget estimate by $75,000 because a very convincing case was made for an increase. We do not feel ourselves bound to follow the Budget blindly, but we do feel we ought to keep within the Budget figures unless a real case is made for some other course of action. The members of the Judiciary Committee should have presented a case before our committee when the Bureau of the Budget failed to approve this item.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield.

Mr. CELLER. Does not the gentleman think it would be more logical to repeal the bill we first passed? Then we can come within the Budget figures, as the gentleman puts it. However, certainly the Budget Director should not flout the will of the Congress, expressed when we passed this authorization bill. The Budget Director did not even notify us of his action. Do you not think we ought to have some rights in the matter? The Members of Congress voted on this bill

solemnly, after due deliberation. Now the Budget Director comes along and says "no." And the Appropriations Committee slavishly follows him.

[Here the gavel fell.]

Mr. MILLER. Mr. Chairman, I move to strike out the last word.

With all due deference to the Committee and to the remarks of the gentleman from New York [Mr. BACON], may I call the attention of the House to the real situation he discussed and the implications involved in following such a course? The Bureau of the Budget performs a real service for the Congress, but it is not the province of the Budget to interfere with appropriations which are directly authorized by law. The Bureau of the Budget does and should recommend to the Committee on Appropriations the amount of appropriations on matters which are not definitely fixed by law. Here the Budget is openly disregarding the law and in effect recommending against following the law. I want the House to speak one way or the other so we may know who has the last word in determining how and when the taxpayers' money is to be spent.

Last year the Congress deliberately passed the law providing that law clerks should be appointed by district courts and authorizing an appropriation to pay them. Now, what has happened? The Bureau of the Budget and the Appropriations Committee have come along and now say the Congress was wrong; that there is no need for these clerks; that, notwithstanding the fact the Congress authorized the appropriation, and notwithstanding the fact the President signed the bill, we do not think there is any necessity for it. In other words, it does not please us to make this appropriation and we do not intend to do so, regardless of the provision of the law.

They do not think there is any necessity for it. When reduced to the last analysis it is simply a question of whether the Congress is going to control the appropriations or whether the Budget and the various bureaus that have been set up will control the Congress and the amounts and purposes of appropriations. Who are to have their hands on the purse strings? The House of Representatives or the Budget? This is the question involved. There is not much money involved, the amount being $78,750, and the question is whether you are going to carry out the mandate of a former Congress. If you are not, as has well been pointed out, the law should be repealed.

Mr. CALDWELL and Mr. MAY rose.

Mr. MILLER. I yield first to the gentleman from Florida.

Mr. CALDWELL. Would the gentleman from Arkansas advocate the making of every appropriation of funds authorized by the Congress?

Mr. MILLER. No; I would not advocate that because many appropriations authorized by the Congress are continuing appropriations, and are necessarily made as and when required, such as the appropriations for flood control, rivers and harbors, and many similar authorizations, but here is a specific authorization for 35 law clerks and the former Congress said by the enactment of the law that they are needed now.

Mr. CALDWELL. Is it not a specific authorization for 150 law clerks?

Mr. MILLER. No; if the gentleman will read the act he will find, as the gentleman from New York, [Mr. CELLER] has pointed out, it provides that 35 shall be employed the first year and then others as occasion may demand. It might reach 155, because we have 155 district judges in the United States now, but, Mr. Chairman, there must be an additional appropriation if more law clerks are needed than the 35 already authorized. As a matter of fact, we think more clerks are needed, and I think there is not a man in this House who is not having appeals from the district court in his district asking for this assistance.

You have heard a lot of talk about congestion in the courts; you have heard a lot about justice being delayed is justice denied. You have an opportunity here by the appropriation of this $78,750 to help a great deal in expediting the administration of justice.

[Here the gavel fell.]

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLER. When we analyze the situation existing in this country today, the reason is apparent why we have congested court dockets and delay in the trial of cases. I call the attention of the House to the fact that the judicial branch of this Government costs less than any other branch of the Government. A very infinitesimal amount of money is being yearly expended to maintain this coordinate branch, which, after all, is the Gibraltar of the liberties of the American people. Are you going to further retard the trial courts and bind them down by refusing to give them what the hearings before the committee show they need and what the Congress, by its solemn judgment, has stated they are entitled to? The rich may engage in extended litigation; the poor cannot. Delay in court is the friend of the powerful and rich. It is the enemy of justice. These law clerks are needed as a help to prompt trials.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. MAY. Does the gentleman understand there are 10 executive departments in Washington, each one of which is spending more money than the entire judiciary every year?

Mr. MILLER. Yes; that is true.

Mr. WALTER. Is it not a fact that the cost of maintaining the judiciary is three-tenths of 1 percent?

Mr. MILLER. Three-tenths of 1 percent of Government expenditures; and here we are simply asking $78,750 in order that justice may be quickly administered for the benefit of litigants in these courts.

The amendment should be adopted.

[Here the gavel fell.]

Mr. CALDWELL. Mr. Chairman, I rise in opposition to the pro-forma amendment.

The question really before the Committee is not one of $78,000 but, approximately, one of $412,000 or $450,000. It is not a question now of appropriating for 35 law clerks; it is actually a question of eventually, and within the near future, appropriating for 150 or 160 law clerks. The Budget did not have sufficient evidence before it to warrant its recommending this item. The committee gave it consideration, and a sufficient showing was not made there, and it is the feeling of the committee that the amendment ought not to be adopted.

Mr. McMILLAN. Mr. Chairman, I desire recognition for just a moment.

Mr. Chairman, our distinguished friend the gentleman from New York [Mr. CELLER], a member of the Committee on the Judiciary, appeared before the Committee on Appropriations in support of this proposal. As has been stated here, the Budget did not estimate any amount of money for this item. It is true that according to the provisions of the law, 35 law clerks are undertaken to be provided for by this proposal, but the members of the Committee will find in this provision another phrase which states that thereafter, from time to time, additional law clerks may be included.

I am calling the attention of the members of the Committee to the fact that once the camel gets its nose under the tent by this proposal, with 35 law clerks for the district judges and the circuit judges of this country, it will only be a matter of a few years before every district judge will have one of these law clerks, paying them an average salary of $2,750 per year.

What will that amount to? One hundred and fifty at $2,750 a year——

Mr. CELLER. $2,250 a year.

Mr. McMILLAN. $2,750 a year is the amount authorized in the law. We may say $2,100 this year or $2,200 next year, but eventually it will be $2,750. Do not let anybody fool you about that. If that happens, Mr. Chairman, there will be a total of $412,500 that will have to be devoted for this item that is here sought as a beginning in this bill.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. There is a picture. I have no ax to grind with the courts. They are doing a fine job, but when you get the nose of this camel under the tent in providing for these law clerks, something never heretofore established, very well, go ahead and spend your money. Over $425,000 will be the result of it after a period of a few years. I yield to the gentleman from Arkansas.

Mr. MILLER. Let us not confuse the camel with the dromedary, because the circuit judges already have law clerks already provided for. The only thing that we are attempting to do is to provide clerks for the district courts, and there are 155 of these judges in the country today. This law does not apply to circuit judges at all.

Mr. McMILLAN. I may be in error in regard to the circuit judges, but we are annually increasing the number of judges, both district and circuit, as my friend knows, and his is the committee that provides for that increase. We have additional judgeships authorized here from year to year. Right now there are pending some seven or eight appointments, and each one of those in turn will want this law clerk referred to, and while you have 155 at the present time with seven or eight additional district courts provided for every year, you will have 200 pretty soon. Gentlemen, there is the picture.

Mr. MICHENER. Mr. Chairman, I move to strike out the last word.

I dislike very much to oppose anything that this subcommittee suggests, because I am sure that the committee is at all times doing that which it believes to be for the best interests of the Government. Especially do I dislike to disagree with the very affable, able, and efficient chairman of the committee.

The committees of the House, however, may be divided into two groups: First, the legislative committees, which committees formulate the policy of legislation. Second, the Appropriations Committee, which committee passes only upon appropriations. Indeed, the rules of the House provide that any suggested legislation on an appropriation bill is out of order. I was a Member of Congress in 1921 when the Budget system was established. There was a great fight at that time by many of the legislative committees who insisted that the new Appropriations Committee, consisting of 35 members, would be a supercommittee, and would usurp the legislative functions of the other committees. The older Members will recall that fight. For the good of the House and orderly procedure, as well as the success of the Budget system and the present Appropriations Committee, that committee must be careful about usurping the powers of other committees and nullifying the mandates of Congress.

The amendment we are now discussing points out vividly just what I am aiming at. Something over a year ago, the Congress, after due deliberation and careful consideration, passed a law providing law clerks to be of assistance to district judges, where the necessity was certified by the Chief Justice of the Supreme Court, the Attorney General and the presiding judge of the circuit, if I recall clearly. The number of these law clerks for the first year was not to exceed 35; that is, these clerks were only to be appointed if and when these court officials certified that there was a necessity. The President approved that law. However, the Appropriations Committee has failed to recommend any appropriation in order that the terms of the law might be carried out; that is, the Appropriations Committee has, in effect, vetoed the law. We have heard much recently about the Supreme Court vetoing the acts of Congress. Here is a case where an Appropriations Committee, in direct violation of the spirit and intent and the action of Congress, as expressed in the law, deliberately nullifies the law by refusal of the appropriation.

The word "dictatorship" is used very frequently in these days. However, it has but one meaning, and it does not seem to me that the Appropriations Committee should assume the role of dictator in determining which laws enacted by the Congress shall be given force and effect. This amendment would make it possible for this law to become operative. In effect, this amendment will override the veto of the Appropriations Committee on this particular law. It seems to me that that is common sense at least. As I recall, I opposed this bill when it was originally before our committee. However, the majority of the committee and a majority of the Congress thought otherwise, and I am now convinced that that majority was correct. The amount involved is not large, and there is congestion in some of the district courts of the United States, and the Judiciary Committee was told that the selection of these law clerks would help alleviate the situation.

I feel sure that this matter was not properly presented to the Committee on Appropriations, for had it understood the matter as the Judiciary Committee understands it, possibly it might have recommended an appropriation. I yield to none in my belief that we must cut down expenses and balance the Budget. It occurs to me, however, at this time, when the courts are being attacked and when the courts themselves ask for this additional help, it behooves the Congress to hearken to the appeal. The Supreme Court has law clerks and the calendar of the Supreme Court is current, as stated by the Chief Justice not later than yesterday. I condemn the philosophy of the Appropriations Committee in denying appropriations to carry out laws enacted by Congress.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. McMILLAN. The gentleman does not take the position that he will vote appropriations for every authorization passed by the Congress?

Mr. MICHENER. Mr. Chairman, if the Congress on yesterday, for instance, enacted a law, after careful and deliberate consideration, and the President signed the law, and then the Appropriations Committee was asked for the money to put the law into effect, I would hesitate before I refused to vote for the appropriation. The Appropriations Committee is but a creature of the House, and when the House has enacted a law it seems hardly fair that its creature, a committee, should deprive the majority of the House from having that law made effective.

Mr. McMILLAN. Every authorization passed by Congress is the law of the land. Will the gentleman stand up and vote for those appropriations?

Mr. MICHENER. The distinguished chairman of the subcommittee well knows that that is a rather general question, and I could not answer by saying "yes" or "no." Many authorizations contemplate discretion as to time and amount by the Appropriations Committee. However, where a law, like the present law, provides explicitly for the creation of a given number of law clerks, at a given salary, to be appointed and serve during a given period, it seems to me that there should be no question about how a Member of Congress should vote on the appropriation, if the law were enacted with a knowledge of what the effect of the law would be.

Again let me say that I regret exceedingly to be compelled to support an amendment which is in opposition to the recommendations of this committee, and possibly those of us more familiar with the necessity for this law should have seen to it that this subcommittee was more fully advised when hearings were being held on this appropriation bill. I hope, Mr. Chairman, that this amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the last word. Much as I dislike to oppose the Committee on Appropriations for which I have the highest regard, I submit that this amendment is meritorious and should be adopted. It is not offered hastily or without due consideration. It is an amendment which has the backing of the Committee on the Judiciary, within whose province this question comes. One year ago this House passed a bill recommended by the Committee on the Judiciary which provided that 35 law clerks should be appointed for judges of

the United States district courts. There was precedent for that action. The law already provided that judges of the United States circuit courts of appeals should have such law clerks.

The Committee on the Judiciary considered this matter very seriously. Hearings were had. Witnesses were given an opportunity to present evidence. After full deliberation the Committee on the Judiciary, in the exercise of its judgment and its wisdom, decided to recommend to the House a bill calling for the appointment of 35 law clerks to assist the district judges of the United States. That bill was presented on the floor of this House and it was considered by this body and it was passed by this body. So therefore we have today a situation in which the House has spoken and has said that it desires these 35 law clerks to be appointed. On the other hand, we have the Bureau of the Budget which says to the Appropriations Committee, "We do not believe we will recommend that." We have a direct clash between the Budget Bureau and the House itself.

The question for the members of this committee to consider and determine is, are we going to act upon our own judgment or are we going to accept the judgment of the Bureau of the Budget?

I have every respect for the Director of the Budget. I have the very greatest respect for the members of the Committee on Appropriations. However, in this clash it is a question of whether we are going to surrender our power as Members of this House to the Budget Bureau; whether we are going to recede from our position because the Budget Bureau does not appear to agree with us. I pray the Members of the House to stand by their action and vote favorably upon this amendment, an amendment which calls for something which is badly needed and which will assist in the administration of justice in this country. So I ask the members of the committee to support this amendment. It will be no reflection on the members of the Committee on Appropriations if this amendment is adopted.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. I yield.

Mr. BACON. The Appropriations Committee is always willing to exceed the Budget, provided a real case is made before our committee. We held hearings from the fourth day of January until just the other day. We held hearings for over 9 weeks. It seems to me that the members of the Committee on the Judiciary, who seem to be so much interested in this question now, might have come before our committee and presented some of these arguments to us.

Mr. McLAUGHLIN. That question was already settled by the action of the House. The law already authorized the appointment of these clerks. Why should we come before your committee and ask you for something which the House had already given us?

Mr. BACON. I will tell you why. It was for the simple reason that the Budget refused to allow the item.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. McMILLAN) there were ayes 60 and noes 40.

Mr. McMILLAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CELLER and Mr. McMILLAN to act as tellers.

The Committee again divided; and the tellers reported there were ayes 69 and noes 48.

So the amendment was agreed to.

The Clerk read as follows:

PENAL AND CORRECTIONAL INSTITUTIONS

For all services, including personal services compensated upon fee basis, supplies, materials, and equipment in connection with or incident to the subsistence and care of inmates and maintenance and upkeep of Federal penal and correctional institutions, including farm and other operations not otherwise specifically provided for in the discretion of the Attorney General; gratuities for inmates at release, provided such gratuities shall be furnished to inmates sentenced for terms of imprisonment of not less than 6 months, and transportation to the place of conviction or bona-fide residence at the time of conviction or to such other place within the United States as may be authorized by the Attorney General; expenses of interment or transporting remains of deceased inmates to their homes in the United States; maintenance and repair of passenger-carrying vehicles; traveling expenses of institution officials and employees when traveling on official duty, including expenses, in an amount not to exceed $750, of attendance at meetings concerned with the work of the several institutions when authorized in writing by the Attorney General, and including expenses incurred in pursuing and identifying escaped inmates; traveling expenses of members of advisory boards authorized by law incurred in the discharge of their official duties; packing, crating, drayage, and transportation of household effects, not exceeding in any one case 5,000 pounds, of employees when transferred from one official station to another for permanent duty and uniforms for the guard force, when specifically authorized by the Attorney General; rewards for the capture of escaped inmates; newspapers, books, and periodicals; firearms and ammunition; tobacco for inmates; and the purchase and exchange of farm products and livestock, when authorized by the Attorney General: *Provided*, That any prt of the appropriations under this heading used for payment of salaries of personnel employed in the operation of prison commissaries shall be reimbursed from commissary earnings, and such reimbursement shall be in addition to the amounts appropriated herein.

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment: On page 48, line 22, after the figures "$750", strike out the comma and insert the following: "for each institution."

Mr. McMILLAN. Mr. Chairman, that is merely a clarifying amendment, and I do not think it is necessary to take up further time with it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The committee amendment was agreed to.

The Clerk read as follows:

Buildings and equipment, public works: For extensions to existing facilities and not to exceed $50,000 for construction of dwellings for prison officers at existing institutions, to be expended under the direction of the Attorney General by contract or purchase of material and hire of labor and services and utilization of labor of United States prisoners as the Attorney General may direct, $280,000.

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 53, after the paragraph on line 21, insert a new paragraph reading as follows:

"Buildings and equipment, public works: For completion of construction of the Federal jails at Los Angeles, Calif., Sandstone, Minn., and Tallahassee, Fla., $1,100,000, to be immediately available and to remain available until expended."

Mr. McMILLAN. Mr. Chairman, I think it appropriate at this time to say a word in connection with this amendment.

If you will refer to the hearings, you will find that Mr. Bates, during the course of his statement before the committee, went to some length in discussing the needs of these additional jails and other institutions connected with the penal system.

It so happens that at these three institutions in Los Angeles, Sandstone, Min., and Tallahassee, Fla., under a building program that was begun a year or two ago, a great deal of it had been spent in those three institutions; but, in view of the advancing cost of material and other factors that enter into this building program, it was found to be absolutely essential to find additional funds to carry on and complete these three institutions.

The hearings contain a break-down showing the amount necessary for each one of these institutions. I do not recall the amount, but offhand I think $430,000 is allowed for Los Angeles; $300,000 for Sandstone; and $370,000 for Florida, making a total of $1,100,000. Since the committee held those hearings the Budget has considered this item and has sent down to us a supplemental estimate providing for the completion of these three jails. In addition, they submitted an estimate for the maintenance of these three institutions; that is, for the upkeep and maintenance cost of their operation. It was developed in the hearings, however, that it would be probably several months, certainly into the next fiscal year, before these jails will be completed. It was not necessary at this time, therefore, to provide funds for the maintenance or the equipment of these institutions. The primary object was to try to get them completed. With this in mind, Mr. Chairman, the committee felt that if this amount, $1,100,000, were made available at this time to complete the three institutions, that additional funds for their maintenance and operation could be taken care of at some later time in a deficiency bill.

I may say for the information of the House that the prison population, unfortunately, as I think I said yesterday, is constantly growing. The Leavenworth annex, in Leavenworth, Kans., is an institution that has for a number of years been operated by the Bureau of Prisons, but it is the property of the Army, and the Army for several years has been trying to get this property back for its own use, as they need it in connection with their activities at Leavenworth; and so it is with that in mind, coupled with the increase and demand for additional space that the committee felt that it was better to provide funds to complete these three institutions and attempt at a later time to take care of their maintenance and equipment in a deficiency bill.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. JOHNSON of Oklahoma. It is my understanding that although the committee is making provision for the completion of the three Federal jails that the committee is not launching a new program of additional reformatories or penitentiaries.

Mr. McMILLAN. That is true.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. JOHNSON of Oklahoma. Let me call the attention of the Committee to the fact that a year ago I appeared before the committee and suggested that the Southwestern Federal Reformatory situated at El Reno, Okla., has not yet been completed. I pointed out that Congress authorized $3,000,000 to complete that institution. The water mains were laid for a $3,000,000 institution. The administration building was constructed with that in view. There is sufficient land, 1,800 acres, for a $3,000,000 institution. I suggest, then, that rather than launch on a new program of constructing another Federal prison, certainly the Southwestern Reformatory ought to be completed as authorized by Congress. The record shows that the gentleman's committee agreed to such a policy.

Mr. McMILLAN. The gentleman understands, of course, that this is not a new program. This merely provides for the completion of a building program that was instituted some 2 or 3 years ago. These jails are all under way and it is thought that they ought to be completed.

With reference to the gentleman's project at El Reno, the committee has, in another item, allowed the sum of about $53,000 for miscellaneous construction items at that institution.

Mr. JOHNSON of Oklahoma. I understand from reading the report of the committee that $53,000 is carried in the bill for the Southwestern Reformatory for three specific items, although they are not specifically set out in the bill.

Mr. McMILLAN. The gentleman is correct.

Mr. JOHNSON of Oklahoma. The point I have been endeavoring to make is that I understand it is the purpose and definite policy of the committee not to inaugurate any new building program of additional Federal reformatories or prisons until the prisons that we now have, such as the Southwestern Reformatory, have been completed as contemplated by Congress. Is that correct?

Mr. McMILLAN. The gentleman is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The Clerk read as follows:

This title may be cited as the "Department of Justice Appropriation Act, 1938."

Mr. WEARIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I appreciate the fact that the lady from Indiana [Mrs. JENCKES] offered an amendment to the section of the bill under consideration that deals with the Bureau of Investigation providing for certain increases in the appropriations therefor upon which I congratulate her even though the amendment failed. Regardless of that fact I want to avail myself of the opportunity to make a few remarks I have had on my mind for some time with reference to the Federal Bureau of Investigation of the United States Department of Justice. The Members of this House on both sides of the aisle will recall that back in 1930, 1931, and 1932 we had some of the most vivid demonstrations of lawlessness that swept across this country in its entire history. We suffered from outstanding examples of criminal activities in the United States: The Dillinger gang, the "Baby Face" Nelson crowd, the "Pretty Boy" Floyd outfit, and many others of like character that robbed, pillaged, and killed their way across this country, leaving a bloody trail which was a shameful example of lack of law enforcement. At the beginning of this administration it became the policy to stop that lawlessness. One of the least publicized and least talked-about achievements during the past 4 years has been the manner in which the Bureau of Investigation has put its foot down and stamped out of existence a sizeable contingent of the criminal element in the United States.

I went through the Federal Bureau of Investigation a few weeks ago. I hope that before you go home at the conclusion of this session that you as individual Members of Congress with responsibilities to your constituents, with responsibilities to yourselves as citizens, will go through that Bureau and see the splendid, scientific manner in which those officials are going about the business of enforcing the laws of this country.

They are establishing a psychology in the United States that is exceptional and commendable. We have heard for a long time about the romance of the Royal Canadian Northwest Mounted Police and about the men who represent Scotland Yard. Now we are beginning to hear more and more about the romance of the Federal Bureau of Investigation, composed of young men of high type who are either attorneys or certified public accountants and with whom I have had the great pleasure to associate during the past 2 months in some individual cases. In all instances I have found them to be gentlemen of the highest order, men that it is a pleasure to know, not men of the variety that we have sometimes termed in the past "flatfeet", but men who are educated, men who are able, men who are experienced in their art and who are rendering an excellent service to the Government of the United States.

Mr. Chairman, the psychology of law enforcement that they are beginning to spread throughout this country is beginning to have effect in the proper manner. In days gone by when the school kids were playing "cops and robbers", by virtue of the attitude of some of the press of this country in publicizing criminals and their records, all of the youngsters wanted to be robbers; but since the activity of the Department of Justice in the last few years all of them want to be cops. That is the psychology we want to instill into the minds of the youth of America, and it will result in greater respect for the law. [Applause.]

I sincerely hope that the Members of the House will follow my suggestion of visiting the Bureau of Investigation before this bill is finally approved by Congress. If you will do that and in addition thereto read some of the authoritative writings on crime by Courtney Riley Cooper, who knows more about the manner in which that rotten disease of the body politic, and the people themselves, has spread over this land than any other man in America, and is rendering a profound public service by exposing it. You will join with others of us who are urging that the Bureau

of Investigation, under J. Edgar Hoover, receive the full amount of funds considered necessary for the efficient operation of the Department. In fact, I think you will feel as I do, that we should make available whatever sums are required for the officials of that Bureau to stamp out the orgy of crime that leaves its grimy mark upon this Nation every day.

Even though we were unable to secure your approval of the amendment increasing the appropriation to the figure specified as necessary by the Director today, I trust you will reconsider your action, and that another legislative body will look with favor upon the work that was launched in the House during the reading of the bill. If such is the case and members of the Appropriations Committee who represent us in conference will express the reconsidered opinion of the Members of the House we will witness an uninterrupted march of the Bureau of Investigation toward new and even brighter goals of law enforcement, brighter in the sense that their work will be more widespread and more lasting in its effect because of the appreciation of it on the part of the public and the realization on the part of criminals that sooner or later the G-men will get them.

Both branches of the National Congress should cooperate with the Bureau of Investigation in providing funds this session to continue a relentless war upon crime.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

Establishment of air-navigation facilities: For the establishment of additional aids to air navigation, including the equipment of additional air-mail routes for day and night flying; the construction of additional necessary lighting, radio, and other signaling and communicating structures and apparatus; the alteration and modernization of existing aids to air navigation; not to exceed $50,000 for investigation, research, and experimentation to develop and improve aids to air navigation; aircraft, aircraft power plants, and accessories; for personal services in the field; purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work; special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, $2,714,300: *Provided*, That in addition to the amount herein appropriated, the Secretary of Commerce may, prior to July 1, 1938, enter into contracts for the purchase, construction, and installation of additional air navigation aids not in excess of $2,000,000.

Mr. MAPES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this paragraph carries an appropriation to enable the Department of Commerce to install radio beams and other safety devices in aid of air navigation at a certain number of airports throughout the country. I take this opportunity to express the hope that before the bill is finally enacted into law this particular appropriation will be increased so as to enable the Department to take care of a great many airports that it will not be able to take care of with the amount carried in the bill at present. I hope the appropriation will be materially increased, either here or in the Senate, and that if it is increased in the Senate that the House conferees will agree to the increase.

The Grand Rapids (Mich.) Airport, for example, is located on the Pennsylvania Central Air Lines, running from Detroit to Grand Rapids, thence across Lake Michigan to Milwaukee. There is no radio beam at the airport at Grand Rapids, although it is a very important airport and one upon which a great deal of money has been spent. I believe something like $750,000 has been spent upon it. Planes going from Detroit to Grand Rapids and across Lake Michigan to Milwaukee are dependent upon the radio beam at Detroit until they reach Grand Rapids and the eastern shore of Lake Michigan, and as they approach Lake Michigan they are dependent upon the radio beam at Milwaukee. As I understand, the range of the Detroit beam falls about 50 miles short of Grand Rapids. The airport at Grand Rapids is very much in need of a radio beam, but I am told that this appropriation will not be sufficient to enable the Department to install one there. In view of the bad accidents which have occurred in the last few months, it seems to me if the Congress is going to err in this appropriation it ought to err on the side of safety and that sufficient funds should be provided to enable the Department to install these aids to air navigation wherever they are needed.

May I ask the chairman of the Subcommittee on Appropriations if the committee cut the Budget estimate on this particular item?

Mr. McMILLAN. Only on experimental work, I may say to the gentleman from Michigan.

Mr. MAPES. Only for the experimental work?

Mr. McMILLAN. Only for research development and experimental work. If I recall correctly, $165,000 was recommended by the Bureau of the Budget for research and experimental work, which the committee reduced to $50,000. That was done, I may say to the gentleman, because the committee felt we have the National Advisory Committee on Aeronautics down here at Langley Field, Va.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MAPES] may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MAPES. May I interrupt the gentleman's statement to ask him this further question? How much did the Bureau of the Budget cut the estimate of the Department of Commerce in this appropriation? As I understand, it would take something like $7,000,000 to make the necessary installation of these safety devices at the different airports of the country. How did the Bureau of the Budget arrive at this amount rather than some other amount? Did it fix an arbitrary sum which would take care of a limited number of airports and leave out others, or how did it arrive at the figures here?

Mr. McMILLAN. I may say to the gentleman, as I proceeded to say a moment ago, the committee limited this research development and experimental work to $50,000 because of the fact the committee considered that the Bureau is not primarily a research and development bureau. Experiments of that nature, if conducted at all by the Government, should be left to the National Advisory Committee and to the manufacturers that are engaged in that work.

Mr. MAPES. My remarks were not aimed at that particular item.

Mr. McMILLAN. With respect to the other inquiry the gentleman raised, the Bureau estimated this year $2,458,000 over the current appropriation bill, and furthermore passed an authorization to the committee here permitting the Bureau to commit itself to $2,000,000 more during the next fiscal year. There is a total of about $5,000,000 available that the Bureau of Air Commerce may operate on for the next 2 years, which, in my judgment, will take care of a great many projects to which the gentleman has referred.

Mr. MAPES. I think the gentleman is correct that it will take care of a great many, but, as I understand, the Bureau of Air Commerce estimates there are a great many other important airports which it will not take care of.

Mr. McMILLAN. There are 212 projects that have been submitted or referred to by the Bureau that they will be able to handle under this $5,000,000 program. As the gentleman and other Members of the House know, there have been varying estimates given as to the amount necessary to carry on what we all may regard as an ultimate complete program for our air-transport needs.

This amount ranges anywhere from $5,000,000 to $25,000,000, but, as the gentleman from New York suggested, in view of the rapid changes in the new gadgets which are occurring from day to day and in the character of ships and radio aids we are now constructing, what may be regarded today as a modern up-to-date ship in a month or so may be considered obsolete. Therefore, the Bureau feels a conservative program such as has been recommended here would in the end be the proper kind of program to pursue.

Mr. MAPES. Let me say that the airports ought to be made as safe as possible for the ships which are now flying.

Mr. BACON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

I think the hearings will show the Bureau of the Budget allowed the entire amount asked by the Department of Commerce for additional aids to navigation. Assistant Secretary Johnson stated at page 168 of the hearings:

> We come to you with a request for something under $5,000,000 additional appropriation for air-navigation facilities. That is all we can use for that purpose economically during the year. Part of it is to be expended during the year and part of it obligated. That gives us just as much as we can wisely spend, and we should not tie up more money in the rapid advancement of aeronautics. Any additional amount of money that would be included in this item would be merely to obligate it and we would only obligate it when we made up our minds how the work should proceed.
>
> As we come to you from the Budget, we are perfectly satisfied, and we feel that no more can be wisely and expeditiously spent.

I do not entirely agree with Assistant Secretary Johnson. I believe the $5,000,000 included in this bill—$3,000,000 to be spent during the next year, with permission to obligate $2,000,000 additional in the following year—will take care of but a small part of our existing air lines in making them safe for flying. I believe to complete the entire system of now-authorized airways in this country will require at least $10,000,000, and not $5,000,000. Therefore I think it is only fair to warn the committee it will be faced next year with additional appropriations to complete the job.

However, in view of the fact the Department of Commerce did not ask for any more money from the Budget, and in view of the fact the Budget gave them all they asked for, your committee, in spite of very extended hearings, where the need for greater amounts was pretty well shown, did not feel justified in increasing the Budget allowance.

I believe, however, the Committee on Appropriations in the Senate will ask the Budget to reconsider this proposal, in view of the reorganization which has recently taken place in the Bureau of Air Commerce. I may say the reorganization in the Bureau of Air Commerce has been made along the lines suggested by your committee in the hearings of last year and along the lines suggested by the Copeland committee in the special investigation in the Senate.

We believe a big step forward has been made in efficiency and in the efficient administration of this Bureau. In view of the fact the Bureau now has one head instead of three and is more efficiently organized, I believe we could well afford to spend more than the $5,000,000 indicated in this bill in order to complete the airways in this country so that all may be made safe for flying. I think we may possibly look forward to an increase in this amount when this bill reaches the Senate as a result of a new hearing before the Budget, for which I understand some of the members of the Committee on Appropriations of the Senate may ask for.

In any event I think it is only fair to warn the House that we must look forward to the expenditure eventually of an additional $5,000,000 over and above what is now included in this bill. If an increase in this item is adopted in the Senate, I think it would be wise if the House accepted such a Senate amendment. We must eventually complete the necessary air-navigation aids on our authorized and existing airways. If we do not do it this year, we will have to do it next year. By completing the job this year, or as much of it as is possible, we may be saving lives and preventing some future possible air crashes. The cost in the long run will be the same. I hope that the Senate committee will be able to develop some additional information that will permit the appropriation at this session of additional moneys to speed up the job of making our airways as safe as possible.

Mr. RANDOLPH. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: On page 59, line 4, after the word "grant", strike out the "$2,714,300" and insert in lieu thereof "$2,862,800."

Mr. RANDOLPH. Mr. Chairman, it was almost 100 years ago—to be exact, in 1841—that the poet, Tennyson, said:

> For I dipt into the future, far as human eye can see,
> Saw a vision of the world and the wonder that would be,
> Saw the heavens fill with commerce, argosies on magic sails,
> Pilots of the purple twilight, dropping down with costly bales.

Certainly, this poem, which I hope I quoted correctly, with almost a century behind it, was a prophetic vision.

We are concerned here today, however, not with a vision or with an expression in a poem but with this factual item of $5,000,000 for additional air navigation facilities. We are face to face with an immediate problem. I sympathize with the gentleman from Michigan [Mr. MAPES], who speaks about the need for an air navigation aid at Grand Rapids. I am certain it is needed there; but I remind him, and I remind the members of the Committee this afternoon, that where Grand Rapids as a city has no radio facilities such as he desires, the entire State of West Virginia, for which I speak at this time, has not a single air navigation aid at this hour. This is the reason I have asked the addition of $148,500 to be spent in West Virginia during the next 2 years, to give us just the beginning, as has already been set up by the Bureau of Air Commerce, of five radio stations to assist us in that Commonwealth to give the men and women who travel on the air transport lines of our State the safety and the security which should be theirs.

I impress upon the Congress this afternoon I do not speak for West Virginia in a sectional manner, but I must remind the Committee there are but three States in the entire Republic which are this afternoon without any air navigation aids whatever, the State of West Virginia, for which I speak, the State of South Dakota, and the State of Vermont.

There is a great air-transport line operating from Washington, D. C., across the State of West Virginia, stopping, first of all, at my home town of Elkins, W. Va., then stopping at Charleston, the capital of West Virginia and the center of a great chemical territory which is rapidly being developed. We go then to Huntington, another important West Virginia city, where this air line will stop within a few weeks, I am informed, upon the completion of certain improvements which the local authorities are making at that airport. Thence the air line proceeds across the Ohio River into Cincinnati, on to Indianapolis, and into Chicago.

On the eastern extremity of that great air line there are air-navigation aids. On the western extremity of that air line there are air-navigation aids, but in the State of West Virginia, a mountainous country, a rugged country, we find today that air-transport system, transporting men and women both east and west twice daily, stopping now in the State, at Elkins and Charleston, and soon at Huntington—and we find new lines soon opening up from north to south, as well as the line we now have operating from east to west—yet not a single item for air-navigation aids in the program for the next 2 years is brought before us by the Bureau of Air Commerce or by the committee.

Yesterday I spoke here upon the floor and asked some questions of the splendid chairman of the subcommittee, the gentleman from South Carolina [Mr. McMILLAN]. He is genial and usually helpful. He said, "I may say I think the gentleman may look forward to a brighter day so far as his territory is concerned." We in West Virginia do not see any brighter day resulting in our State from that fund in 1937 or 1938, because the entire expenditure of $5,000,000 gives not a penny to a State which today has not a single dollar spent by the Bureau of Air Commerce for an air-navigation aid. Our plight is paramount.

I speak to you just now not simply as Representatives of individual States but as Members of Congress of the entire United States, interested in seeing that fair play and right dealing is given to a State where air transportation is today a responsibility not alone of the air lines but of the Government of the United States.

In West Virginia, as I have said, there is not a single radio beacon, radio beam, or other United States navigation aid on this line.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Think of this, Mr. Chairman. In this item of $5,000,000, States which already have air-navigation aids are going to have their air-navigation aids added to. Old and out-moded navigation aids are going to be modernized and new States are to be brought into the picture, but I should like to impress upon you, with all the power within me, that the State of West Virginia has not a single air-navigation aid today, and under the $5,000,000 program provided in this bill, at the end of 2 years it will not have a single air-navigation aid as there are but 212 projects to be erected by the Bureau of Air Commerce under the program brought here by the committee.

I find we are 306 on the list of projects, and they are to be taken up in the order of their priority. The chairman so stated here yesterday. I ask the Members of the Committee if there is a State today that needs air-navigation aids more than the State of West Virginia. I ask you, as Members of the Committee, as men and women who are interested in the safety and security of those who travel upon their air-transport lines, to support this amendment.

We fly, in West Virginia, of course, in good weather, but we cannot fly at night in West Virginia as they do in other States. This Committee certainly cannot say, in the words of the old song, "Wait till the sun shines, Nellie." [Laughter.] We have to fly in all types of weather, including foggy and inclement times in the Allegheny Mountains.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to my friend from Georgia.

Mr. RAMSPECK. I may say to the gentleman and the Committee that I had the pleasure of visiting in West Virginia a couple of weeks ago in the gentleman's home town. It is a delightful State, but a very mountainous one. It does seem to me that this particular type of territory certainly needs this protection if any territory in the United States needs it, and I shall take pleasure in supporting the gentleman's amendment.

Mr. RANDOLPH. I thank the gentleman. The people of my home city greatly enjoyed his visit.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. May I ask the gentleman from West Virginia if it is not a fact that at least two of the transcontinental lines which cross the United States on commercial flights carrying passengers cross over some of the mountainous section of West Virginia?

Mr. RANDOLPH. The American Airlines, operating from New York to Chicago, passes directly over West Virginia and stops both at Elkins and Charleston, and within a few weeks will stop at Huntington.

Mr. NICHOLS. As I understand it, their night flights go over this mountainous country without the aid of beacons?

Mr. RANDOLPH. Absolutely; and it is a dangerous situation.

Mr. NICHOLS. May I ask the gentleman whether any of the flights of the American Airlines at night are over West Virginia?

Mr. RANDOLPH. Only the ones that fly northeast on the route near Pittsburgh.

Mr. Chairman, I cannot say anything more in support of the amendment. I deeply appreciate your patience in following my remarks. I know it is right, and I know the sum of $148,500 will give us these five radio stations which we need, and I hope and believe the committee will support the amendment that calls for this small amount of money, which insures large dividends to the safety and security of those whose use the airlines in West Virginia, which is now the State overlooked and unprovided for, but which I feel you will aid at this time. [Applause.]

Mr. MEAD. Mr. Chairman, I move to strike out the last two words.

Yesterday I explained my attitude in connection with this portion of the bill, and I desire to augment that statement today by saying I favor the work suggested by the gentleman from West Virginia.

I believe the money which has been provided for the Department by the Appropriations Committee can be used, and, in my judgment, should be used for the installation of aids to navigation on the line mentioned by my distinguished colleague from West Virginia.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I shall be pleased to yield to the gentleman.

Mr. CALDWELL. Would the gentleman suggest that the Committee on Appropriations designate the items of expenditure and locate them?

Mr. MEAD. Not necessarily; but I believe that earmarking by the committee, within certain limitations, would be helpful to the industry. If it had been done in the past, it would have saved millions of dollars and would have resulted in a safer airway system.

Mr. CALDWELL. If the gentleman will yield further, is it, then, the thought of the gentleman that the House is in better position to determine where and in what way these appropriations should be spent than the Bureau of Air Commerce?

Mr. MEAD. I may say to the gentleman that, within reasonable limits, allocation should be made and the money earmarked for experimental work, research, installation of aids to navigation, and for such other work as may be necessary, because in the past we learned that men came into this service and, believing that the development of certain features was more essential than that of others, utilized the appropriations afforded for all the work for their own particular hobby.

Mr. Chairman, there are other lines in need of aids besides the line mentioned by my colleague from West Virginia. For example, we have two lines out of the city of Buffalo operated by American Air Lines, one flying from Buffalo to Detroit and the other from Buffalo to Newark.

On both these lines the beacon lights have been installed by and are still owned and operated by the company, although they can be used by the Army, the Navy, or anyone.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I want to finish my statement first. In addition to that, we have a radio station at Elmira, but because of the mineral condition of the ground at that particular point, that radio range is almost useless. A base should be built, constructed on a platform, and that radio range beacon should be improved and perfected, but evidently the Department of Commerce has neglected to make that improvement up to date. So we have no Government-owned lights or radio system between Buffalo and Newark and between Buffalo and Detroit, except that provided by the companies.

To augment the statement made by the gentleman from West Virginia [Mr. RANDOLPH], the air-mail line known as AM-25, flying to Washington and Cincinnati by way of Elkins and Charleston, W. Va., is another illustration of the need of earmarking some of this money. There is a line on which there are no lights, no radio ranges, no emergency fields. All we have there is the pilot, the ship, the cargo, and a mountainous terrain. At times the fog banks make it dangerous to fly, and I think that is another illustration to prove that the committee should insist upon at least the minimum safety requirements' being carried out.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JOHNSON of West Virginia. Mr. Chairman, I move to strike out the last three words. It is, indeed, very embarrassing and somewhat humiliating to me to have to address you on this occasion. I am a member of the Committee on Appropriations and I know what efforts are put forward by the various committees to see that no amendments be placed on bills they report out, but feeling that such a great injustice has been done to my State, although I be a member of the Committee on Appropriations, I have no hesitation in taking this floor this afternoon and expressing my opinion

and views on the subject. West Virginia has been outraged in this effort to take from it that which it justly deserves. We have an east and west air line through West Virginia, passengers emanating from the Capital going West as far as Chicago and on, and flying through the most desperate section of the country imaginable, the Allegheny Mountains. We have three stations or stops in West Virginia, Elkins, Charleston, and Huntington, and within the past 10 days the Pennsylvania Central Air Lines has gotten permission from the Department of Commerce, and will about April 1 begin its air-line service through Charleston by way of Parkersburg, my home town, on to Pittsburgh and Buffalo and other points north and south, and therefore we have air lines running east and west and north and south. Every State in the Union has been taken care of in this appropriation bill except West Virginia and Vermont. I do not understand it; I cannot understand it. I do not know what it is all about, but I am here to protest such treatment as has been given by the subcommittee with reference to these appropriations, and I mean to stand here and fight to the very last moment to see that is done in this case—not particularly for West Virginia but for every passenger that gets on a plane in New York or Washington and goes west, and for every passenger who gets on a train in Chicago and the West and goes east. Each one is vitally interested in this movement to see that proper protection be given them. When you go north the same situation prevails.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of West Virginia. Yes.

Mr. CALDWELL. I wonder if the gentleman will tell the House just how enthusiastically he appeared in behalf of the amendment when the committee was holding hearings?

Mr. JOHNSON of West Virginia. If I had had the least suggestion that this subcommittee would act the way it did, I would have been there at all times and stayed there until hell froze over before I would have yielded. I have been on subcommittees, and I know how people appear, and when they do not appear. I had no notice of this thing until within the last few hours.

Mr. CALDWELL. Could the subcommittee have been expected to do any more than to grant the full appropriations requested by the Bureau of the Budget?

Mr. JOHNSON of West Virginia. Yes. We have done it in our subcommittees before, and the gentleman has done it in his subcommittee. The gentleman talks about the Budget. That is only a scapegoat for him. They pay no more attention to the Budget when it gets in their way to do something than they do to a dog that gets in their way or hinders their progress. The Budget is all right when it is with you, and it is all wrong when it is not with you. We might as well talk plain English. I know something about this business, as I have been on subcommittees, and so has the gentleman, and I am here to protest against this outrageous and unjust treatment that the committee has accorded my statement and those who are interested in safe travel by these air lines.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of West Virginia. Yes.

Mr. O'CONNOR of New York. Was any reason given for this discrimination against West Virginia?

Mr. JOHNSON of West Virginia. None in the world that I know of, and I know not now why we have been discriminated against in this way; and, for one, I resent it. [Applause.]

Mr. CALDWELL. Mr. Chairman, I rise in opposition to the pro-forma amendment. If the gentleman from West Virginia had been as diligent while the committee was in session for approximately 2 months in considering this item as he is today, I do not believe the charge of discrimination or neglect would have been made. The committee heard these matters carefully and at great length. We went into the question of aids to navigation. We heard everyone who requested the opportunity to appear on this or any other matter relating to the bill. We granted the full appropriation requested by the Bureau of Air Commerce.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. I yield.

Mr. RANDOLPH. I may say to the gentleman that 2 years ago this project for air-navigation aids in the State of West Virginia was set up by the Bureau of Air Commerce. The attitude by the Bureau in not listing it to be immediately undertaken, I cannot explain. I want to say to the gentleman, in fairness, the gentleman would not be in favor of allowing an entire State to be without any air-navigation aids, would he?

Mr. CALDWELL. I would answer the gentleman by saying that neither would I be in favor of charging discrimination on the part of a subcommittee if I had been negligent in presenting the case of my State.

Mr. RANDOLPH. The gentleman now speaking did not charge that.

Mr. CALDWELL. No. I did not refer to the gentleman from West Virginia now on the floor.

Mr. RANDOLPH. I want to say to the gentleman from Florida I have flown over Florida and I have seen your splendid airport system, built with W. P. A. money. I saw your navigation aids. Florida leads the Republic. I complement the gentleman. I trust he will compliment us for fighting for our State this afternoon.

Mr. JOHNSON of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. I yield.

Mr. JOHNSON of West Virginia. Does the gentleman mean to imply that I was not on the job when this matter was being considered?

Mr. CALDWELL. I mean to say that you were not before the committee at any time.

Mr. JOHNSON of West Virginia. Exactly. Was I supposed to do that? I am supposed to have at least some knowledge from the committee who hears these things when a member of the Appropriations Committee is part and parcel of it. There is some courtesy due here. I would like to know what the gentleman got for his State.

The CHAIRMAN. The time of the gentleman from Florida [Mr. CALDWELL] has expired.

Mr. McMILLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret that there is apparently some feeling manifested here this afternoon on this item. I want every Member of the House to know—and I am sincere about this—our committee sat for about 2 months, and at no time during this period, willing and anxious to hear any Member of this House on any question that he might have been interested in, have we had one single word about the treatment that has been accorded the State of West Virginia by the committee.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. BULWINKLE. Leaving aside the question of the subcommittee and its treatment of anybody else, is it necessary to have these lights in West Virginia?

Mr. McMILLAN. I was coming to that question later on, but, Mr. Chairman, I want you to know that there has certainly not been any discrimination on the part of our subcommittee. We are all colleagues here together. I regret very much that my friend, Mr. JOHNSON of West Virginia, feels there has been any discrimination on the part of the committee against his State.

Mr. JOHNSON of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes; I yield.

Mr. JOHNSON of West Virginia. Perhaps if you had not included Vermont I might have felt differently about it.

Mr. McMILLAN. We will not put West Virginia in the category of Maine and Vermont, I will say to the gentleman.

Now, Mr. Chairman, of course this is a big program. It is proposed here to expend $5,000,000 in the next fiscal year by this Bureau. It is a much bigger program than we have had heretofore for this work. I have every regard for our colleagues from West Virginia [Mr. RANDOLPH and Mr. JOHNSON], and they have been very much interested in this program, and they have made an appeal to you Members on this floor for this item. It is fine, and I congratulate the State for having such men here to look out for their interests; but let us look for a moment beyond this picture as we have it here today. You have a program of some $5,000,000 to be expended by experts, men charged with the responsibility of setting up over America a network of airway lights and other aids.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes; I yield.

Mr. RANDOLPH. I am certain the gentleman would not himself place any expert up against a State without a single air-navigation aid when air passengers are crossing that State and stopping within that State.

Mr. McMILLAN. That may be true; but I will read from the testimony of Colonel Johnson, who appeared before the committee, as to the amount of money we had proposed in this bill. This is what Colonel Johnson said:

As we come to you from the Budget we are perfectly satisfied, and we feel that no more can be wisely and expeditiously spent.

Those are the words of the man in charge of this air program for America. The bill carries $5,000,000 for this purpose, and I do not think it is proper, with due regard to my friend the gentleman from West Virginia, for us as Members of the House to undertake to designate and earmark certain particular items in an appropriation bill of this character. This should be a matter of administrative determination.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. As an illustration let us look at the matter of rivers and harbors. For years and years appropriations for rivers and harbors were handled directly by Congress. It became a national scandal, and it was referred to as "pork barrel" legislation.

A few years ago Congress decided that that policy was wrong, that it should be improved. We turned the program over to the Chief of Engineers of the Army. The Corps of Engineers now make these surveys and come in here as experts in their line and recommend the projects, and in accordance with the projects recommended by the Chief of Army Engineers we put through Congress appropriations for river and harbor improvements in lump sums.

By the same token, this air-transportation program, which is nothing more than the establishment of lanes of air travel throughout the length and breadth of the country must, of necessity, develop according to programs mapped and outlined by men who view the problem from a national standpoint. As much as I regret to oppose the wishes of individual Members, I am going to ask the House not to undertake to put in the bill items that may or may not be in conformity with a program mapped out by those in charge of the project.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. RANDOLPH. I want to say to the chairman of the committee, for whom I have the highest regard, that the Bureau of Air Commerce has never said that these air-navigation facilities were not needed in West Virginia for they have been set up but are not herein included, but for the next 2-year period with $5,000,000 to be spent, West Virginia, a mountainous country, with passenger planes stopping twice daily east and west, is denied a single dollar for air-navigation aids. I contend that is wrong.

Mr. McMILLAN. I cannot yield further to my friend. The Bureau of Air Commerce officials appeared before us. The gentleman complains of no aids to navigation on air lines in his State. I have an air line in my State, if the gentleman wants to know it, from my home city to Atlanta, Ga., on which there is not an aid, but I am not here quarreling because of that.

Mr. RANDOLPH. The gentleman does have aids in his State.

Mr. McMILLAN. I am standing by the program of the Bureau of Air Commerce. The head of the Bureau comes here and says that this amount of money is enough; that it is all they can use. So, Mr. Chairman, that is the picture. I am willing to leave it to the Members of the House as to whether they want to say that because, forsooth, in this State there is no airport or aid to navigation we must overturn the program.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. RANDOLPH. I recently passed through Charleston, S. C., and the plane on which I was a passenger landed there. It has fine aids. We have none at all.

Mr. McMILLAN. That may be true, but unless I am able to convince the Bureau officials of the need for my city or State for such facilities I should not expect Congress to do so.

[Here the gavel fell.]

Mr. KENNEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my only quarrel with the gentleman from West Virginia is that the amount designated for air-safety aids is entirely insufficient. I believe that the House ought to vote an increased amount of money. If it does not, I trust that the Senate will see to it that a sufficient amount of money is set aside when the bill goes to the Senate.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. KENNEY. I yield.

Mr. CALDWELL. Does the gentleman feel that way notwithstanding the fact that the Director of the Bureau of Air Commerce has said that he knows of no way that he could wisely or properly expend more than has been appropriated in this bill?

Mr. KENNEY. Yes; I do. I feel that way because at Newark, in my State, we have the busiest airport in the world. People fly in there from all over the United States. There is only one radio beam south of that airport. There is no radio beam to the north to take care of traffic from Buffalo and other points north, west, and east. A dangerous condition exists at Newark. On days when visibility is bad, when there is a storm of any character, these planes from the north, the west, or the east have to go to the south of Newark to get on the beam. This makes a bottleneck which is particularly dangerous to the people who use the air lines coming into the Newark airport.

There is in Bergen County in my district a thousand acres, just outside of the doorway of greater New York, that this Government should, in my opinion, have taken over and preserved for aviation purposes, because there is nothing around there that can compare with it in visibility or as an airfield generally. Our greatest aviators have used that airport, but the Government did not see fit to take it over. Instead, Bendix recently acquired a large portion of it for manufacturing and aviation purposes, and the port promises to be developed commercially and preserved for aviation to the great advantage of New Jersey and New York. The least that the Government ought to do is to put at that field a radio beam in order to secure safety for the traffic at Newark, the greatest and busiest of our airports.

Gil Robb Wilson, the head of aviation in our State, has sought from the Department of Commerce such an air beam for the longest while. Others have made similar requests. I joined with them in seeking this added safety valve for aviation in our State. The answer given by the Department of Commerce was there was no money available for that purpose. There has been no objection to furnishing that radio beam, but it was said there was no money for it. If there is still no money available for that purpose at the busiest airport in this Nation then certainly more funds are needed for safety devices there and elsewhere in this country.

The gentleman from West Virginia said the amount requested should take care of his State. But the money is not earmarked for West Virginia. The increase may be used where most needed. If we vote this additional amount called for by the amendment, it will be for the experts, including Mr. Johnson, to say where this money shall go. I dislike very much to oppose any measure fostered by the gentlemen in charge of this bill, but I honestly feel that the safety of aviation in my State and other States, including the State of West Virginia, justifies this increased appropriation, and I therefore ask the Members to vote for it.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RANDOLPH].

The question was taken; and on a division (demanded by Mr. McMILLAN) there were—ayes 51, noes 32.

So the amendment was agreed to.

The Clerk read as follows:

Customs statistics: For all expenses necessary for the operation of the section of customs statistics transferred to the Department of Commerce from the Treasury Department by the act approved January 5, 1923 (U. S. C., title 15, sec. 194), including personal services; rent of or purchase of tabulating, punching, sorting, and other mechanical labor-saving machinery or devices, including adding, typewriting, billing, computing, mimeographic, multigraphing, photostat, and other duplicating machines and devices, including their exchange and repair; telegraph and telephone service; freight, express, drayage; tabulating cards, stationery, and miscellaneous office supplies; books of reference and periodicals; furniture and equipment; ice, water, heat, light, and power; streetcar fare; and all other necessary and incidental expenses not included in the foregoing, $403,000.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Page 63, line 19, after the word "services", insert the following: "in the District of Columbia and elsewhere."

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

Page 64, line 4, after the figures "$403,000", insert the following language: "of which sum not to exceed $20,000 shall be available immediately."

The committee amendment was agreed to.

The Clerk read as follows:

The purchase of supplies and equipment or the procurement of services for the Bureau of Foreign and Domestic Commerce, in foreign countries, may be made in open market without compliance with section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5), in the manner common among businessmen, when the aggregate amount of the purchase or the service does not exceed $100 in any instance.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Page 67, line 9, strike out the paragraph.

Mr. McMILLAN. Mr. Chairman, I may say this amendment is offered to strike out the paragraph and is for the purpose of preventing duplication.

The CHAIRMAN. The question is on the adoption of the committee amendment offered by the gentleman from South Carolina [Mr. McMILLAN].

The committee amendment was agreed to.

The Clerk read as follows:

Salaries and general expenses: For salaries of shipping commissioners, inspectors, and other personal services; to enable the Secretary of Commerce to provide and operate such motor boats and employ such persons (including temporary employees) as may be necessary for the enforcement under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats to prevent overcrowding, and to secure uniformity in the admeasurement of vessels; fees to witnesses; materials, supplies, equipment, and services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services in the District of Columbia and elsewhere, $2,114,460, of which not to exceed $50,000 may be used for the purchase by the Bureau of the boat *Wakeda II: Provided*, That $90,000 of the amount hereon appropriated shall be available only for the payment of extra compensation for overtime services of local inspectors of steam vessels and their assistants, and United States shipping commissioners and their deputies and assistants, for which the United States receives reimbursement in accordance with the provisions of section 6 of the act of May 27, 1936 (49 Stat., p. 1380).

The CHAIRMAN. The Chair calls the attention of the gentleman from South Carolina to a word in line 13, page 70, which reads "hereon." It should read "herein."

Mr. McMILLAN. That is true. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Page 70, line 13, strike out "heron" and insert in lieu thereof "herein."

The amendment was agreed to.

The Clerk read as follows:

Investigation of building materials: For personal services in the District of Columbia and elsewhere and all other necessary expenses for the first year of a 2-year study of the properties and suitability of building materials, with particular reference to their use in low-cost housing, including the construction of such experimental structures as may be necessary for this purpose; and the publication and dissemination of the results thereof, $198,000.

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 74, line 6, strike out the colon and insert the following: "*Provided*, That no part of this sum shall be used to duplicate any work now being performed by the Forest Products Laboratory of the Department of Agriculture."

The committee amendment was agreed to.

The Clerk read as follows:

Office force: For personal services, $560,000.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Page 83, line 18, strike out "$560,000" and insert in lieu thereof "$572,000."

The committee amendment was agreed to.

The Clerk read as follows:

BUREAU OF FISHERIES

Commissioner's office: For the Commissioner and other personal services in the District of Columbia, $150,400.

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars and not to exceed $15,000 for purchase of trucks for fish distribution; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field; purchase of equipment (including rubber boots and oilskins) and apparatus; contingent expenses; pay of permanent employees not to exceed $287,050; temporary labor; not to exceed $10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, and not to exceed $10,000 for the purchase, collection, and transportation of specimens and other expenses incidental to the maintenance and operation of aquarium, of which not to exceed $5,000 may be expended for personal services in the District of Columbia, $929,000, including not to exceed $260,000 to establish or commence the establishment of those stations authorized by the act approved May 21, 1930 (46 Stat. 371), for which the need is most urgent, and for the further development of stations heretofore established pursuant to the provisions of said act, including the acquisition of necessary land, construction of buildings and ponds, water supply, improvements to grounds, purchase of equipment, and all other necessary expenses.

Mr. BLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLAND: On page 86, after line 7, insert a new paragraph, as follows:

"Fishery research vessel: For construction and equipment of the vessel authorized by Public, No. 447, Seventy-third Congress, approved June 21, 1934, for use in such research work with respect to ocean fisheries as the Secretary of Commerce finds will be useful to persons engaged in the fishing industry, preparation of plans and specifications for such vessel, and other necessary expenses incident to the construction and equipment of such vessel, the sum of $500,000."

Mr. BLAND. Mr. Chairman, I am not sufficiently sanguine to expect this amendment will be adopted at this time, but I may say I went before the Committee on Appropriations about it and called it to their attention. The authorization bill was passed in 1934. My purpose in appearing with this amendment now is to start the proceedings whereby we may get this necessary research vessel. Three years have passed, and nothing has been done.

The evidence before the committee at the time this bill was reported out showed clearly the necessity for a research vessel. Later there was a bill which was reported showing the necessity for a research vessel on the Pacific coast. I call your attention to the fact that Great Britain has five research vessels, Scotland three, Ireland one, Egypt one, South Africa one, Norway two, Sweden one, Denmark three, Russia three, Germany two, Belgium one, France three, Portugal one, and Japan one.

On the Atlantic coast the United States has one 85-foot Diesel ship, stationed at Boothbay Harbor, Maine, and used as a tender for the marine fish hatchery at that place.

On the Pacific coast we have a few small vessels up around Alaska which are used in connection with the fisheries there.

There has been demonstrated a great and crying need for these vessels in order to develop the fisheries, in order to have conservation, and in order that the movement of fish shall be shown. The mackerel industry on the Atlantic coast feels the need of it. It is needed to further conservation. America is getting far behind in its fisheries research work. One reason for this is that the fishermen of America have not been organized. They are organizing, and we propose to keep up this fight.

When the bill was reported in 1934, the report showed that such a vessel was much needed, and particularly along the Atlantic coast. It was shown that the broad continental shelf of the North Atlantic coast is the most productive area within reach of our fishermen, yielding more than one-third of the total fishery harvest. In 1929 the quantity from Maine to Virginia amounted to 1,105,000,000 pounds, valued at more than $52,000,000. These fisheries gave employment to many persons engaged on vessels and shore plants directly concerned with the preparation of marine products, as well as an unknown number of persons in supporting industries, such as shipbuilding, marine hardware and supplies, cordage, textile mills, and others.

Most of the ills of the fisheries may be traced to lack of knowledge concerning the fluctuations in abundance of fish. The affairs of the industry cannot be conducted in an orderly and economic manner if it cannot be told as to the reasonable probabilities in the kind and volume of produce. The situation at present makes for a huge economic waste, occasioned by unforeseen gluts and famines. Recent scientific work has proven that the gluts of some of our most important fisheries can be foreseen, for in many cases they have been proved due to unequal reproductive success and in others to changes in hydrographic conditions. In either case, suitable data collected by a research vessel would give the clue to the impending changes.

As an illustration, the primary course of the tremendous fluctuation in the abundance of mackerel is the relative success or failure of reproduction, producing unequal numbers of mackerel of each year's spawnings. By measuring the abundance of mackerel of each year's brood as soon as its members are old enough to be caught commercially, and by observing their subsequent decline in abundance, it is possible to estimate the relative number of mackerel present in the sea in any one year and the percentage decline that is likely to occur during the following year. By summing up the estimated abundance of each age group of mackerel the total yield for the coming year can be gaged with considerable accuracy, granting that the same number of vessels operate as were engaged in the fishery in the year on which the estimate was based.

The ability to predict the general trend years in advance is no longer a matter of theory. The Scottish Fisheries Board is able to predict years in advance the general trend of the haddock and cod fisheries. Denmark has done much the same kind of work in the plaice fisheries. In 1924 the French Government tackled the man-sized job of studying the codfish and its habitat. Today they are in a position to tell their fishermen where to go to find the codfish. They know months in advance whether or not the Grand Banks of Newfoundland are likely to be productive or whether Greenland or the Labrador coast bids fair to offer the greatest returns. A research boat accompanies the fleet.

Other nations engaged in the fishery industry are pursuing similar policies, even Egypt having a 148-foot vessel for this work, Ireland a 156-foot vessel, and other nations having vessels of varying lengths.

Vessels owned by other nations have been mentioned above. The United States has on the Atlantic coast one 85-foot Diesel ship, stationed at Boothbay Harbor, Maine, and used as a tender for the marine fish hatchery at that place. It collects fish eggs and spawning fish, brings them to the hatchery, and distributes the product. It is not suitable for offshore work. The Bureau of Fisheries needs a vessel that is capable of working on the offshore banks extending from North Carolina to the Grand Banks of Newfoundland and along the Atlantic coast. Such a vessel will be used at any place where it can be of the best service to the fisheries of the United States.

Last month I attended a fishery convention in Atlantic City. Frequently speakers urged the need of a research vessel to obtain scientific data on which to base satisfactory conclusions as to the depletion in fish. Particularly was this true in connection with the threatened extinction of the shad.

The need of such a vessel is just as great in the Pacific as in Atlantic waters. It is interesting to note that in the year 1932 the fisheries of the United States and Alaska provided 2,613,000,000 pounds of protein food, which modern researches have shown to be essential to the healthful diet of the Nation. The fisheries of the Pacific coast in that year yielded 1,038,802,000 pounds, or 45.8 percent of the total fish production, exclusive of shellfish, of the United States and Alaska.

The total sales value of the products of the salmon, pilchard, and tuna fisheries, excluding the sales of fresh, frozen, and mild-cured salmon, which would considerably augment the total, amounted to $47,825,000 in 1932, and this is considerably below the normal values of these products in previous years. The importance of those three great Pacific fisheries to the economic structure of the Nation is obvious.

The fisheries are exhaustible. The history of the Nation has shown the depletion of one species after another. The salmon fisheries are menaced, the pilchard and tuna fisheries have aroused great alarm, and the most valuable species of tuna, the albacore, has virtually disappeared. The next most valuable species of tuna, the blue-fin tuna, has declined from 15,000,000 pounds in 1919 to 1,000,000 pounds in 1932.

On the Atlantic coast the shad is so menaced that the greatest apprehension is felt in all shad-producing States, and in this bill provision is made for an investigation in the cause of its decline. The sturgeon has practically disappeared. The same may be said of many other species.

The experience of the International Halibut Commission has shown that fisheries such as these suffering depletion may be regulated to check the decline and maintain productivity. Governmental control can only be made effective through scientific knowledge, and scientific knowledge can only be secured through the use of scientifically planned and operated research vessels. No single State can solve the problems of these fisheries, for information as to the salmon ranges from California to Alaska, the pilchard from Mexico to British Columbia, the tuna from Puget Sound to the Equator, the cod in the North Atlantic waters, the shad along the entire Atlantic coast, the mackerel in similar areas, and so on with the various species which go to make up the fishery industry.

This great work has been neglected too long. It should begin at once, and it can only begin with suitable instrumentalities with which to secure the necessary data.

Mr. McMILLAN. Mr. Chairman, I rise in opposition to the amendment.

May I say in reply to the gentleman from Virginia that the committee shares the feeling he has expressed so far as this vessel is concerned. We realize it is important to the Bureau of Fisheries. I wish it were possible to provide for such a vessel.

The gentleman from Virginia appeared before the committee, as he has told you, and there stressed the need for this vessel. I wish it were possible, Mr. Chairman, to go along with him on this program; yet here is an expenditure of $500,000 for this vessel, for which no estimate has been submitted by the Budget. In view of this situation, as the gentleman is fully aware, I must reluctantly oppose the amendment the gentleman has offered.

The amendment was rejected.

The Clerk read as follows:

Fishery industries: For collection and compilation of statistics of the fisheries and the study of their methods and relations, and the methods of preservation and utilization of fishery products, and to enable the Secretary of Commerce to execute the functions imposed upon him by the act entitled "An act authorizing associations of producers of aquatic products", approved June 25, 1934 (48 Stat., p. 1213), including pay of permanent employees not to exceed $60,000 of which amount not exceeding $8,620 may be expended for personal services in the District of Columbia, compensation of temporary employees, preparation of reports, contract stenographic reporting services, temporary employees in the District of Columbia not to exceed $2,600, and all other necessary expenses in connection therewith, including the purchase (not to exceed $1,100), exchange, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles for official use in the field work of the Bureau of Fisheries, $73,600.

Mr. BLAND. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BLAND: On page 88, after line 7, insert a new paragraph to read as follows:

"FISHERY MARKET NEWS SERVICE

"For collecting, publishing, and distributing, by telegraph, mail, or otherwise, information on the fishery industry, information on market supply and demand, commercial movement, location, disposition, and market prices of fishery products, with or without cooperation of any department or agency of the United States or any State or Territory, or subdivision thereof, compensation of temporary employees, purchase of equipment and supplies, travel, and preparation of reports, printing and binding, and all other necessary expenses connected therewith, $75,000, including pay of permanent employees, of which not to exceed $8,000 may be expended for personal services in the District of Columbia."

Mr. BLAND. Mr. Chairman, last year there passed, almost by unanimous consent, a bill which provided for fishery extension service, statistical information, and a market news service for the fishery industry. After full investigation by the Committee on Merchant Marine and Fisheries it was found these services so essential to agriculture were not being extended to the fisheries, which were in dire need of them. The Congress passed the bill, but it met with a Presidential veto because it was alleged that there was ample power in legislative authority then existing in Congress. I have availed myself of the statement on the part of the President and now ask that this provision may be made.

Very recently a matter came up before the Committee on Appropriations, and I am satisfied some of the gentlemen there were astounded at the inability of the Bureau of Fisheries to give current statistics on the fishery industry. They have not been able to procure the information because they do not have the funds and the resources with which to procure it.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. BLAND. I yield.

Mr. BACON. How much money is the gentleman asking in his amendment?

Mr. BLAND. Seventy-five thousand dollars. This provides a market news service for the purpose of collecting, publishing, and distributing information on the market supply and demand, commercial movements, location, disposition, and market prices of fishery products.

This amendment is designed, Mr. Chairman, to help the man who catches the fish upon the seas. It is to help him by enabling him to have distributed by this Government information as to the places of glut, the places of famine, the markets to which he may ship his fish with a reasonable prospect of getting a return. He is dealing with a perishable commodity and unless he is able to place it in a market immediately he has a decided loss upon his hands. If the fisherman, when he returns from the catch of his fish, wants to dispose of them, he is at the mercy of the buy boat; he is at the mercy of the purchaser because he is unorganized. He has not sources of information to know whether he is getting a fair price for his product or not. With a market news service distributed to them, they will have the information and will be in a position to protect themselves.

Very recently, in my own section, there was what was facetiously called a sit-down strike because of the low price given the fishermen during the run of shad in the early season. They felt they would not be able to dispose of them at a profitable price.

This amendment is not so much for the benefit of the wholesaler as it is a protection for the fishermen.

Mr. BACON. Mr. Chairman, if the gentleman will permit, I may say that, as one member of the subcommittee, I am heartily in favor of the gentleman's amendment.

Mr. BLAND. I thank the gentleman.

The dealer in a consuming center must know prices and stocks available. At producing centers if he is to buy economically, the dealers must know prices and the condition of the demand if they are to sell to the best advantage. At the present time buyers in consuming centers usually purchase from a few known producers or distributors, and there is a loss on account of the absence of any considerable competitive buying.

[Here the gavel fell.]

Mr. BLAND. Mr. Chairman, I ask unanimous consent to proceed for 2 more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Producers usually sell to a few distributors who may be located in a few cities where fish and shellfish are accumulated for distribution. Such accumulation frequently results in low prices to the producer, high prices to the consumer, glutted markets, and wasted food. We believe this agency will be a means of putting an end to this sort of thing.

I ask the Committee to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 50, noes 22.

So the amendment was agreed to.

The Clerk read as follows:

Printing and binding: For printing the weekly issue of patents, designs, trade marks, prints, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly and annual indices, $890,000; for miscellaneous printing and binding, $75,000; in all, $965,000.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I should like to call the attention of the Members present to the inadequacy of the appropriation or the inadequacy of the allocation of the appropriation in the amount of $890,000 for the item for the Official Gazette, and so forth.

Lest some of the Members present may have forgotten what the Official Gazette is, may I remind them that the Official Gazette is a document about as large as the one I have in my hand, which has in it the pictures or diagrams giving a description of current patents which have been granted. As a matter of fact, every Member of the Congress is only entitled to one of these volumes. Therefore if various libraries in our districts wish other volumes we cannot get them, and hence if some would-be inventor or someone whose livelihood is drawn from inventions, or someone who may feel he has some invention he would like to perfect, would like to refer to a volume of this kind, he cannot do so unless he obtains such reference in some other fashion by going to a patent attorney, which costs him money.

Unfortunately, I have not had an opportunity to prepare an amendment to cover this situation, but I wish to take this opportunity to point out to the committee in charge of the bill and the Members of the Committee of the Whole the inadequacy of this appropriation or the allocation of this money.

The pro-forma amendment was withdrawn.

The Clerk read to the bottom of page 91.

Mr. McMILLAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes, had come to no resolution thereon.

NEUTRALITY

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 51, providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Chair appointed the following conferees: Mr. McREYNOLDS, Mr. BLOOM, Mr. JOHNSON of Texas, Mr. FISH, and Mr. MARTIN of Massachusetts.

EXTENSION OF REMARKS

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by a former Attorney General of Michigan at the Ford School at Highland Park, Mich.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, do I understand that this is a former State official?

Mr. HOOK. Yes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

LEAVE TO ADDRESS THE HOUSE

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that on Thursday next, after the disposition of other orders, I be allowed to address the House for 50 minutes.

The SPEAKER. Is there objection?

Mr. RAYBURN. Mr. Speaker, I reserve the right to object. Of course, the bill under consideration, H. R. 5779, will proceed on Thursday until it is concluded, and there will probably be two or three other little matters on the Speaker's desk at that time to take up under unanimous consent. Otherwise I have no objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent that after the disposition of all matters already arranged for and business to be recognized by the Speaker, he be permitted, at the conclusion of the other orders, to address the House for 50 minutes on Thursday next. Is there objection?

There was no objection.

INSECT PESTS

Mr. PIERCE. Mr. Speaker, by direction of the chairman of the Committee on Agriculture, I present a conference report on Senate Joint Resolution 75, making funds available for the control of incipient or emergency outbreaks of insect pests, for printing under the rule.

EXTENSION OF REMARKS

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by former Supreme Court Justice John H. Clarke, over the radio last night, concerning the Supreme Court.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I am sorry but that comes under the same classification as the request made by the gentleman from Michigan [Mr. HOOK], and I object.

Mr. MAVERICK. But this is the only living former Justice of the Supreme Court.

Mr. MARTIN of Massachusetts. Has it not already been ordered printed in the Senate?

Mr. MAVERICK. I do not think so.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

Mr. BERNARD. Mr. Speaker, I ask unanimous consent to address the House at this time for 15 minutes.

The SPEAKER. Is there objection?

Mr. RAYBURN. Mr. Speaker, I object.

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BIERMANN. Mr. Speaker, at various times in debates in the House we have heard the statement made that under title I of the Federal Housing Administration borrowers are charged 9.7 percent interest. That makes the act look as if it were a scheme for gouging borrowers instead of helping people. Title I is now out or will be in a little while, so the matter is of academic interest, but in order to bring the facts before the House I ask unanimous consent to extend my remarks in the RECORD and to include a letter from the Federal Housing Administrator setting out the facts and furnishing the proof that the act was designed to help and not to gouge borrowers.

The SPEAKER. Is there objection?

Mr. BOILEAU. I reserve the right to object, to ask the gentleman whether the letter discloses the fact that before the loan is made 5 percent is taken out of the amount contracted for, before it is turned over to the borrower?

Mr. BIERMANN. Yes. The letter shows that when a $100 loan is made $5 is taken out.

Mr. BOILEAU. And in addition to that he pays 5 percent interest?

Mr. BIERMANN. No, no. He amortizes the loan on the principal, but that $5 out of $100 is all the interest that he pays, but, of course, that provides also for credit investigation and for any investigation of title or anything of that kind; but technically at the end of the year it does amount to this 9.72 percent if you call it all interest.

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

Mr. BIERMANN. I do not know whether I have the floor.

Mr. TABER. He pays 5-percent interest on the full amount of the principal loaned until maturity, does he not, under these loans? The net result is that the interest on the amount unpaid is somewhere around 9½ percent. So that is the way it works.

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

There was no objection.

The letter referred to is as follows:

FEDERAL HOUSING ADMINISTRATION,
Washington, D. C., March 22, 1937.

The Honorable FRED BIERMANN,
House Office Building, Washington, D. C.

MY DEAR MR. BIERMANN: In the absence of the Administrator I have been requested to reply to your letter of March 18.

Title I of the National Housing Act authorizes the Federal Housing Administration to insure banks and other approved financial institutions against loss up to 10 percent on loans made for the repair or modernization of real property. Under the regulations issued by the Administrator the maximum amount which a borrower may be charged for a title I loan is definitely limited.

If a person wishes to borrow $100 for 1 year, the most that he can be charged is $5, payable at the time the loan is made, and this must cover the cost of the credit investigation, recording of the chattel or other mortgage, if any, and the cost of setting the loan up on the books, handling the routine collections, and all other charges.

Because of the fact, however, that the $100 is repaid in equal monthly installments of $8.34, the full amount of the loan is not outstanding for the full year. At the end of the first month only $86.66 is outstanding, at the end of the second month only $78.32 is outstanding, and so on. The average amount outstanding is $54.17. For this amount the bank receives $5. On a percentage basis this gives the bank a gross yield per annum, provided all payments are made on time, of 9.7166 percent.

This is the figure that has been the subject of recent comment in the Congress. To say, however, that this represents "interest", as the term "interest" is generally used, is, we believe, misleading.

It costs money to lend money in small amounts. It costs just as much, if not more, to make a $100 loan to the average small borrower who is unknown to the bank as it does to make the average $10,000 commercial loan. It is, therefore, impossible to make these loans at the same percentage rate charge.

It would not be correct to state that a merchant who buys an article for 50 cents and sells it for $1 has made a 100-percent profit on the transaction. Obviously, the sales costs, including overhead, must be deducted from the sales price to determine the true profit.

A banker, like a merchant, pays for the money he lends. From the charge he makes for the loan must be deducted the cost of the money to him plus the costs of making the loan, to determine his profit or true interest. To state that banks make 9.7 percent on F. H. A. loans gives the impression that this is profit, and it is this which is misleading.

Another fact to be borne in mind is that F. H. A. title I loans (with few exceptions) are repaid in monthly installments. It costs more to handle a monthly installment loan than a loan repayable annually or semiannually. The same is true in other lines. If, for example, you wish to pay your life insurance quarterly or monthly, the insurance company makes an extra charge for this privilege.

Lenders generally estimate that it costs them at least 30 cents per installment to handle a monthly payment loan. This means that it costs them $3.60 to handle a 1-year note. To secure a credit report on a borrower costs from $1 to $1.50. Other credit investigation and the cost of setting the loan up on the books probably amounts to another $3. Adding these together you will see that in the case of a $100 loan it usually costs the bank from $8 to $9 to make the loan, without allowing for any return or interest on the money invested. As a matter of fact, the average bank figures that it loses money on F. H. A. title I loans in amounts of less than $200.

You are no doubt familiar with the efforts made by the Russell Sage Foundation to stamp out the rackets in the small-loan field and to help the small borrower secure funds at low rates. In one of their recent reports the foundation states that unless State usury laws permit lenders to charge from 2½ percent to 3½ percent per month, or from 30 percent to 42 percent per annum for small loans, commercial capital will not enter the field or will enter it only in bootleg fashion at rates three or four times these rates. This report, in other words, recognizes that a distinction must be made between the interest on money loaned and the cost of lending the money, which in the case of small loans is high from a percentage standpoint.

As you know, the Federal Housing Administration has no money to lend. The money is all loaned by banks and other private financial institutions, who have a responsibility to their depositors to lend it safely and a responsibility to their stockholders to lend it profitably. Our problem under title I was to set a rate which would be fair and attractive to the borrower and which would at the same time enable a financial institution to realize a reasonable return. We feel our maximum rate of $5 discount per $100 per year is the fairest rate that could have been set. It is the lowest rate ever previously established for installment financing. It is about half the average rate used prior to the enactment of title I by concerns which had financed building repairs and modernization.

If we had set a lower maximum rate, we feel that the banks, had they made these loans at all, would have made them only to the preferred credit risks, thus eliminating the average small borrower who generally is most in need of credit. On the other hand, had we permitted a larger maximum rate there is no doubt that many loans which were rejected under the $5 maximum would have been made. Our effort was to strike a happy medium—to be fair both to borrower and lender.

Banks and other financial institutions are, of course, encouraged to lend at a rate less than our maximum wherever conditions permit. We estimate that approximately 25 percent of the total title I loans insured to date have been made at a rate less than the maximum permitted. In Washington, for example, all loans are made at a $4.15 discount rate, which gives a yield to the bank of about 2 percent less than the maximum permitted. Most of the large loans throughout the country generally are made at less than the maximum permitted, some of the larger loans having been made at as low as 3-percent simple interest.

The public itself, which is familiar with the rates which must be charged on small loans and to cover installment purchases, has had no complaint to make of the rates which we have established. We believe the fact that close to one million and a half separate properties have been modernized under the provisions of title I is evidence of the fact that the public has considered these rates to be eminently fair.

If there is any additional information which I can send you on this subject, please call on me. I have no objection to your making whatever use you care to of this statement.

Assuring you that we appreciate the interest you have taken in the Federal Housing Administration, I am,

Very respectfully yours,

L. R. GIGNILLIAT, JR.,
Deputy Administrator.

PERMISSION TO ADDRESS THE HOUSE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that on Thursday, after disposition of matters on the Speaker's desk and the special orders already granted, I be permitted to address the House for 30 minutes.

The SPEAKER. Is the gentleman aware of the fact that another special order has just been made for 60 minutes?

Mr. COOLEY. I am.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. ALLEN of Delaware. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CREAL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LUDLOW (at the request of Mr. GREENWOOD), for this week, on account of death in his family.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 328. An act for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield;

H. R. 1231. An act for the relief of John Munroe;

H. R. 3067. An act for the relief of John Edgar White, a minor;

H. R. 3201. An act for the relief of Bertha M. Harris;

H. R. 5487. An act to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); and

H. J. Res. 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 24, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:30 a. m., Wednesday, March 24, 1937, Business to be considered: Hearings on H. R. 3683, conveyance of portion of Oakland, Calif., post-office site for street-widening purposes, and H. R. 3135, for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will meet on Wednesday morning, March 24, 1937, at 10:30 to consider the following bills: H. R. 3424, for the relief of certain aliens illegally in the United States; H. R. 4291, to extend

further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, March 24, 1937. Business to be considered: Hearing on natural-gas bills. In view of the hearing which the committee held last year, it is hoped that the hearing this year will be limited to new matter as far as possible.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, March 24, 1937, at 10:30 a. m., to hold hearings on the project for the modification of the Calumet-Sag Channel, Ill.

COMMITTEE ON THE JUDICIARY

There will be a hearing before subcommittee no. 4 of the Committee on the Judiciary at 10:30 a. m., Saturday, March 27, 1937, on the bill H. R. 2271, to provide for trials and judgments upon the issue of good behavior in the case of certain Federal judges.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 o'clock a. m., Tuesday, March 30, 1937. Business to be considered: Aviation bills (hearing).

COMMITTEE ON THE JUDICIARY

There will be a hearing before subcommittee no. 2 of the Committee on the Judiciary at 10 a. m., Friday, April 2, 1937, on the bills H. R. 4894, to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff, and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

EXECUTIVE COMMUNICATIONS, ETC.

463. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting draft of a bill to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. FADDIS: Committee on Military Affairs. H. R. 3903. A bill to authorize an appropriation for improvement of ammunition storage facilities at Camp Stanley, Tex., and Savanna Ordnance Depot, Savanna, Ill.; without amendment (Rept. No. 461). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENDS: Committee on Military Affairs. H. R. 4859. A bill to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory; without amendment (Rept. No. 462). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLAUGHLIN: Committee on the Judiciary. House Joint Resolution 86. Joint resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; with amendment (Rept. No. 463). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5728) for the relief of Walter C. Blake; Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 5668) for the relief of Archibald Gibson; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GREENWOOD: A bill (H. R. 5848) to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAINES: A bill (H. R. 5849) reducing the rates of taxation on tobacco products; to the Committee on Ways and Means.

By Mr. KNUTSON: A bill (H. R. 5850) to amend the Social Security Act by providing for grants to States for furnishing aid to needy individuals who are physically handicapped; to the Committee on Ways and Means.

By Mr. LAMNECK: A bill (H. R. 5851) to authorize the attendance of the Marine Band at the Thirty-ninth National Encampment of the United Spanish War Veterans at Columbus, Ohio, August 22 to August 26, 1937, inclusive; to the Committee on Naval Affairs.

By Mr. MEAD: A bill (H. R. 5852) to provide longevity pay for certain classes of postal employees as a reward for long and continuous service; to the Committee on the Post Office and Post Roads.

By Mr. WHITE of Idaho: A bill (H. R. 5853) to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. LEA: A bill (H. R. 5854) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CROSSER: A bill (H. R. 5855) to establish a United States Court of Patent Appeals, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIAMS: A bill (H. R. 5856) to amend section 19 of the Federal Reserve Act, as amended, with respect to the payment of interest on certain demand deposits; to the Committee on Banking and Currency.

By Mr. PHILLIPS: A bill (H. R. 5857) establishing labor courts; to the Committee on the Judiciary.

By Mr. DEROUEN: A bill (H. R. 5858) relating to the revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon; to the Committee on the Public Lands.

By Mr. DIMOND (by request): A bill (H. R. 5859) authorizing the Territory of Alaska to transfer a certain tract of land to Sitka Cold Storage Co., a corporation; to the Committee on the Territories.

Also, a bill (H. R. 5860) making further provision for the fisheries of Alaska; to the Committee on Merchant Marine and Fisheries.

By Mr. VOORHIS: A bill (H. R. 5861) to amend the Banking Act of 1935; to the Committee on Banking and Currency.

By Mr. HILL of Alabama: A bill (H. R. 5862) to authorize the Secretary of War to sell, loan, or give samples of supplies and equipment to prospective manufacturers; to the Committee on Military Affairs.

By Mr. JOHNSON of Minnesota: A bill (H. R. 5863) making appropriations to provide supplemental funds for relief and work relief; to the Committee on Appropriations.

By Mr. BREWSTER: A bill (H. R. 5864) to provide for the establishment of the Katahdin National Park in the State of Maine, and for other purposes; to the Committee on the Public Lands.

By Mr. HARRINGTON: Resolution (H. Res. 161) to make H. R. 4269, a bill to provide for a useful and comprehensive system for the impounding, storing, conserving, and making use of the unappropriated waters falling or emanating within the United States, and for other purposes, a special order of business; to the Committee on Rules.

By Mr. DIES: Resolution (H. Res. 162) to authorize the appointment of a select committee of the House to investigate the various sit-down strikes; to the Committee on Rules.

By Mr. SIROVICH: Concurrent resolution (H. Con. Res. 6) authorizing the United States to cancel all debts of Great Britain and France to the United States; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States to enact the United States Housing Act of 1937, being S. 1685 and H. R. 5033; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of Illinois: A bill (H. R. 5865) for the relief of Edna M. Satterly; to the Committee on Claims.

By Mr. ANDRESEN of Minnesota: A bill (H. R. 5866) for the relief of August Wettern; to the Committee on Claims.

Also, a bill (H. R. 5867) for the relief of Peter Wettern; to the Committee on Claims.

By Mr. BARRY: A bill (H. R. 5868) for the relief of Carlo Resta; to the Committee on Immigration and Naturalization.

By Mr. CITRON: A bill (H. R. 5869) for the relief of Pethagoras Chios; to the Committee on Immigration and Naturalization.

By Mr. CURLEY: A bill (H. R. 5870) granting a pension to Elizabeth Agnes Axson; to the Committee on Pensions.

By Mr. DEEN: A bill (H. R. 5871) for the relief of Ralph B. Sessoms; to the Committee on War Claims.

Also, a bill (H. R. 5872) for the relief of J. H. Hall; to the Committee on Claims.

By Mr. DOCKWEILER: A bill (H. R. 5873) granting a pension to Alice Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5874) for the relief of Samuel E. Meroney; to the Committee on Naval Affairs.

By Mr. ECKERT: A bill (H. R. 5875) granting an increase of pension to Annie McClean; to the Committee on Invalid Pensions.

By Mr. GRAY of Pennsylvania: A bill (H. R. 5876) granting a pension to Margaret J. Wilson; to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 5877) for the relief of William W. Bickley; to the Committee on Naval Affairs.

By Mr. MILLARD: A bill (H. R. 5878) to authorize the payment of the adjusted-service credit of William Francis Powers to his sister; to the Committee on World War Veterans' Legislation.

By Mr. TRANSUE: A bill (H. R. 5879) granting a pension to Florence Christie; to the Committee on Invalid Pensions.

By Mr. WILCOX: A bill (H. R. 5880) to amend Private Act No. 210, approved August 13, 1935, by substituting as payee therein the Clark Dredging Co. in lieu of the Bowers Southern Dredging Co.; to the Committee on War Claims.

By Mr. WILLIAMS: A bill (H. R. 5881) for the relief of Louis F. Kestler; to the Committee on Claims.

By Mr. WHITE of Ohio: A bill (H. R. 5882) awarding a Medal of Honor to Henry G. Mehling; to the Committee on Naval Affairs.

By Mr. ZIMMERMAN: A bill (H. R. 5883) granting a pension to Nancy Ann Whitehead; to the Committee on Pensions.

PETITIONS, ETC.

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

1305. By Mr. ASHBROOK: Petition of Charles H. Cline and 23 other citizens of Fresno, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

1306. Also, petition of Mr. and Mrs. Harry C. Luce, of Roscoe, and Mr. and Mrs. G. J. Sigman, of Walhonding, Ohio; R. L. Cunningham and Hattie C. Finnell, urging that no law be passed that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1307. By Mr. ARNOLD: petition of Mrs. Mary Hampton and other citizens of Mount Vernon, Ill., favoring the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1308. Also, petition of John W. Morgan and other citizens of Mount Vernon, Ill., favoring the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1309. By Mr. BACON: Petition of sundry residents of Long Island, N. Y., urging enactment of the old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1310. By Mr. BIERMANN: Petition of the Iowa Legislature, regarding eradicating noxious weeds; to the Committee on Agriculture.

1311. By Mr. BOYLAN of New York: Letter from the Medical Society of the County of New York, New York, N. Y., opposing the enactment of Senate bill 1243 and House bill 4650; to the Committee on the Judiciary.

1312. By Mr. COFFEE of Washington: Resolution of many hundreds of citizens present at the Democratic victory banquet, Tacoma, Wash., endorsing the President's judiciary proposal and urging Members of Congress to vote in support thereof; to the Committee on the Judiciary.

1313. By Mr. CURLEY: Resolution of New York State Assembly, supporting antilynching legislation; to the Committee on the Judiciary.

1314. By Mr. KINZER: Petition of Mrs. William H. Rice and others, of West Grove, Pa., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1315. By Mr. KEOGH: Petition of the Douglaston Park Civic Association, Douglaston, Long Island, N. Y., concerning the proposed legislation to impose a tax of 1 cent per gallon on fuel oil; to the Committee on Ways and Means.

1316. By Mr. LEAVY: Resolution of the Okanogan County Livestock Association, referring to the Argentine Sanitary Convention, opposing any modification of existing Federal laws governing the movement of livestock, or livestock products, from any foreign country harboring foot-and-mouth or other communicable diseases of livestock; to the Committee on Agriculture.

1317. By Mr. MILLARD: Resolution memoralizing Congress to enact antilynching legislation passed by the Legislature of the State of New York; to the Committee on the Judiciary.

1318. By Mrs. NORTON: Resolution of the Democratic Women's National Council, of Washington, D. C., endorsing the President's judicial reorganization program; to the Committee on the Judiciary.

1319. By Mr. RICH: Petition of citizens of Cogan Station, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1320. Also, petition of citizens of Blossburg, Pa., protesting against the President's plan to change the Supreme Court of the United States; to the Committee on the Judiciary.

1321. By Mr. RUTHERFORD: Petition of 218 citizens of Bradford County, Pa., approving the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1322. By Mr. SADOWSKI: Petition of the Michigan Association of Creamery Owners and Managers opposing enactment of House bill 3905; to the Committee on Agriculture.

1323. By Mr. SANDERS: Petition of citizens of Panola County, Tex., urging enactment of House bill 2257, introduced by Representative WILL ROGERS of Oklahoma; to the Committee on Ways and Means.

1324. By Mr. THOMAS of New Jersey: Petition of Judge John G. Losey and 30 other citizens of Newton, N. J., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; also a letter from Frederick E. Pinkham, secretary, Rutherford Chapter, No. 17, the New Jersey Society Sons of the American Revolution, Rutherford, N. J., advising that the board of trustees of that chapter consider that the President's Supreme Court proposal represents an unwarranted, unconstitutional, unnecessary, and dangerous intrusion into the affairs of the judiciary; and a petition of E. Roberts and five citizens of Ridgewood, N. J., protesting against the President's bill; to the Committee on the Judiciary.

1325. By Mr. VOORHIS (by request): Petition of Parker H. Sercombe, Alhambra, Calif., proposing an "American legion of recovery spenders"; to the Committee on Ways and Means.

1326. By Mr. WHITE of Idaho: Senate Joint Memorial No. 3 of the State Legislature of Idaho, urging legislation granting an allocation of $150,000, or such allotment as may be necessary, to establish ways and means for commercializing organo-phosphates as quickly as possible, that our Nation may have the benefit of a cheaper and more efficient fertilizer, to the end of a greater social economic security for agriculture; to the Committee on Agriculture.

1327. By Mr. WOLCOTT: Petition of William Ferdig and 25 other citizens of Mount Clemens, Mich., protesting against the enactment of legislation which would prohibit the transportation of religious literature and periodicals through the United States mails; to the Committee on the Post Office and Post Roads.

1328. Also, petition of Mrs. Alfred Lemp and 23 other citizens of Mount Clemens, Mich., protesting against the proposed judiciary reorganization; to the Committee on the Judiciary.

1329. By the SPEAKER: Petition of the City of New York Board of Estimate and Apportionment, favoring Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, MARCH 24, 1937

The Reverend Russell J. Clinchy, D. D., minister of the Mount Pleasant Congregational Church, Washington, D. C., offered the following prayer:

Eternal God, our Father, who has watched over the thoughts and ways of man since time began, we would come before Thee to acknowledge that we are not straws blown in a wind of chance, but that we came from Thy mind and love and are moving toward some appointed destiny formed by Thy thought. Before all else that we are, we know that we are children of God and that Thou hast set not only the considerations of this life but eternity in our hearts. Therefore, we would shape the affairs of this life which we know on earth, not in the passing terms with which children build cities of blocks conscious that they are for a moment and will be tumbled down only to be built over again by another hand, but with the faith that, as we are of God and are going to God, we can build with enduring materials a life which will contain significance and be fraught with glory and power. For such adventure we shall need Thy touch and Thy love, which will give us heart to endure the long struggle without the loss of faith; the understanding to see afar off the shining city of God on earth even through the mists of our slothfulness, stupidity, and selfishness; the awareness of soul which will interpret suffering and frustration as gates which open unto life to those who are pure of mind and lowly of heart. Be with us and be our God, even as Thou hast been the God of our fathers, and as we pray Thou wilt be the God of our children in the ages to come. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 23, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting several nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House insisted upon its amendments to the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCREYNOLDS, Mr. BLOOM, Mr. JOHNSON of Texas, Mr. FISH, and Mr. MARTIN of Massachusetts were appointed managers on the part of the House at the conference.

CALL OF THE ROLL

Mr. LEWIS. In order to assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Clark	Johnson, Calif.	Pittman
Andrews	Connally	Johnson, Colo.	Pope
Ashurst	Copeland	King	Radcliffe
Austin	Davis	La Follette	Reynolds
Bachman	Dieterich	Lee	Robinson
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Schwellenbach
Bilbo	George	Lonergan	Sheppard
Black	Gerry	Lundeen	Steiwer
Bone	Gibson	McAdoo	Thomas, Okla.
Borah	Gillette	McGill	Thomas, Utah
Bridges	Green	McKellar	Townsend
Brown, N. H.	Guffey	McNary	Tydings
Bulow	Hale	Minton	Vandenberg
Burke	Harrison	Moore	Van Nuys
Byrd	Hatch	Murray	Wagner
Byrnes	Hayden	Neely	Walsh
Capper	Herring	Nye	Wheeler
Caraway	Holt	O'Mahoney	White
Chavez	Hughes	Overton	

Mr. LEWIS. I announce for the day and ask to have the RECORD show that the senior Senator from Ohio [Mr. BULKLEY], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from Connecticut [Mr. MALONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

Mr. AUSTIN. I again announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

Mr. BULOW. I announce that my colleague the junior Senator from South Dakota [Mr. HITCHCOCK] is detained because of illness in his family.

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

STABILIZATION OF DOLLAR VALUE—NOTICE OF ADDRESS BY SENATOR THOMAS OF OKLAHOMA

Mr. THOMAS of Oklahoma. Mr. President, in order that the Senate program may not become too monotonous, tomorrow, or on the next legislative day, after the morning hour shall have been concluded I shall address the Senate on the subject of the regulation and stabilization of the value of the dollar. At that time I shall introduce a bill and explain it.

SAFETY IN THE AIR—ARTICLE FROM FORTUNE MAGAZINE

Mr. COPELAND. Mr. President, I have in my hand a very remarkable article from the current Fortune Magazine on The Air Is How Safe? It is too long for printing in the RECORD, but it is such an interesting and convincing article, and in my opinion a very correct article, that I think this much attention should be given to it.

TITLE TO LAND AT GAITHERSBURG, MD.

The VICE PRESIDENT laid before the Senate a letter from the Assistant Secretary of Commerce, transmitting a draft of proposed legislation authorizing the Secretary of Commerce to accept title to a certain parcel of land at Gaithersburg, Md., which, with the accompanying paper, was referred to the Committee on Commerce.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS (S. DOC. NO. 41)

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Mediation Board, submitting the information requested by Senate Resolution 82 (agreed to Feb. 17, 1937), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which was referred to the Committee on the Judiciary and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following Senate resolution of the Legislature of the State of Ohio, which was referred to the Committee on Education and Labor:

Resolution to memorialize the Congress of the United States to enact the United States Housing Act of 1937, being S. 1685 and H. R. 5033

Whereas previous sessions of the General Assembly of Ohio have enacted legislation for the purpose of improving the housing conditions of the low-income group of the population of the State and for the purpose of encouraging and making possible the clearance of expensive and socially undesirable slum areas in the cities and towns of the State; and

Whereas, pursuant to said laws, housing authorities have been created in many Ohio cities, including Cincinnati, Cleveland, Columbus, Dayton, Toledo, Warren, and Youngstown, to administer said laws and carry out the purpose of the legislation; and

Whereas low-rent housing and slum-clearance programs have been undertaken in several cities with the aid of funds from the Federal Emergency Administration of Public Works; and

Whereas no further moneys are now available to continue this program unless a permanent Federal agency is created with power to make loans and grants for housing, and unless Congress makes the necessary appropriations for a continuation of the program; and

Whereas the Senate of Ohio, during the ninety-first general assembly, has memorialized Congress to enact this type of desirable housing legislation, as have many Ohio city councils, mayors, housing authorities, as well as many civic organizations and individuals; and

Whereas there has been introduced in the Congress of the United States the United States Housing Act of 1937, being S. 1685 and H. R. 5033, which, if enacted will make possible the continuation of the low-cost housing activities in this and other States, and embodies the major provisions of the Housing Act passed by the United States Senate last year and the passage of which was recommended by the Ohio Senate: Be it

Resolved by the General Assembly of the State of Ohio, That the United States Senate be, and it is hereby, memorialized to enact, at the earliest date possible, the United States Housing Act of 1937, being Senate bill No. 1685, and that the House of Representatives be, and it is hereby, memorialized to enact the identical measure, being H. R. 5033; be it further

Resolved, That the President of the United States be and is hereby requested to use the influence of his great office to further the enactment of this measure; and be it further

Resolved, That the Senators and Congressmen from the State of Ohio be, and they are hereby, requested to do everything within their power to carry out the purposes of this resolution; be it further

Resolved, That a copy of this resolution be sent to the President and to the Vice President of the United States, the Speaker of the House of Representatives, and to Senator HUGO BLACK, chairman of the Senate Committee on Education and Labor; to Representatives HENRY B. STEAGALL, chairman of the Committee on Banking and Currency of the House of Representatives; to Senators ROBERT J. BULKLEY, and VIC DONAHEY, of Ohio; and to the following Members of the House of Representatives from Ohio: JOSEPH A. DIXON, HERBERT S. BIGELOW, BYRON B. HARLAN, FRANK L. KLOEB, FRANK C. KNIFFIN, JAMES G. POLK, ARTHUR W. ALESHIRE, BROOKS FLETCHER, JOHN F. HUNTER, THOMAS A. JENKINS, HAROLD K. CLAYPOOL, ARTHUR P. LAMNECK, DUDLEY A. WHITE, DOW W. HARTER, ROBERT T. SECREST, WILLIAM R. THOM, WILLIAM A. ASHBROOK, LAWRENCE E. IMHOFF, MICHAEL J. KIRWAN, MARTIN L. SWEENEY, ROBERT CROSSER, ANTHONY A. PLEGER, JOHN MCSWEENEY, HAROLD G. MOSIER.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Vermont, which was referred to the Committee on Interstate Commerce:

Whereas a bill, no. 1369, providing that the transportation in interstate commerce of advertisements of alcoholic beverages be prohibited has been introduced in the Senate of the United States; and

Whereas the advertising of such beverages has assumed such proportions that its continuance threatens to defeat the purpose of the intelligent use of such beverages, for which purpose the eighteenth amendment to the Constitution of the United States was repealed: Now, therefore, be it

Resolved by the senate and house of representatives, That the Houses of Congress be urged to pass the said bill, and that the members of the Vermont delegation in Congress be requested to lend their favorable support to this measure; and be it further

Resolved, That copies of this resolution be sent by the secretary of state to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States, and to each member of the Vermont delegation in Congress.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of Michigan, favoring the enactment of legislation amending section 402 of the Naturalization Act, so as to reduce the $10 fee in subsection (a) thereof to $2 as applied to persons covered by the provisions of section 377 of said act, which was referred to the Committee on Immigration.

(See resolution printed in full when presented today by Mr. VANDENBERG.)

The VICE PRESIDENT also laid before the Senate a resolution of the House of Representatives of the State of Michigan, favoring the enactment of legislation to enlarge the membership of the Supreme Court in certain instances, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented today by Mr. VANDENBERG.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by a town meeting of citizens of Lexington, Mass., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Board of Estimate and Apportionment of New York City, favoring the prompt enactment of the so-called Wagner-Steagall low-cost housing bill, which was referred to the Committee on Education and Labor.

Mr. TYDINGS presented petitions of sundry citizens of the State of Maryland, praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which were referred to the Committee on Finance.

Mr. GIBSON presented a memorial of sundry citizens, being members of William French Chapter, Daughters of the American Revolution, of Bellows Falls, Vt., remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Rutland County, Vt., praying for the enactment of neutrality legislation laying mandatory embargoes on arms, munitions, and other essential war materials, which was ordered to lie on the table.

Mr. COPELAND. Mr. President, I present for notation in the RECORD a resolution adopted by members of the American Labor Party of Bronx County, N. Y., making a strong appeal for the passage of the President's proposed court reorganization bill, and likewise a largely signed memorial from citizens of Rome, N. Y., remonstrating against the adoption of the proposal. I ask that the resolution and

memorial may be referred to the Committee on the Judiciary.

Mr. McNARY. Mr. President, what is the nature of the request of the Senator from New York?

The VICE PRESIDENT. The Senator from New York presented a resolution and memorial and asked that they be referred to the proper committee.

Mr. McNARY. And noted in the RECORD?

The VICE PRESIDENT. And noted in the RECORD. That action will be taken.

(The resolution, presented by Mr. COPELAND, adopted by members of the American Labor Party of the third and fifth assembly districts of Bronx County, N. Y., favoring the enactment of legislation to enlarge the membership of the Supreme Court of the United States; and the memorial, numerously signed, of sundry citizens of Rome, N. Y., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any similar legislation, were referred to the Committee on the Judiciary.)

Mr. COPELAND also presented a resolution adopted by the Association of Heating Contractors of Greater New York, N. Y., favoring the enactment of legislation extending title I of the National Housing Act, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Mid-Town Tenants' Association, of New York City, N. Y., favoring the enactment of the so-called Wagner-Steagall low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the New York League for Speech Improvement, New York City, favoring the enactment of the bill (S. 1634) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Rochester (N. Y.) Society of Architects, favoring the allocation of additional funds to the Public Works Administration in aid of public works projects, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Westchester County Chapter of the New York State Society of Professional Engineers, Inc.; the Town Board of Greece, Monroe County; Local Union No. 13, United Association of Journeymen Plumbers and Steam Fitters; Local Union No. 27, International Union of Elevator Constructors, Operators, and Starters; Local Union No. 72, United Brotherhood of Carpenters and Joiners of America; and Local Union No. 86, International Brotherhood of Electrical Workers, of Rochester, N. Y., favoring the creation of a Federal Department of Public Works, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by a convention of the Queens County (N. Y.) Council, Veterans of Foreign Wars of the United States, endorsing the proposal for a 30-hour workweek, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by a convention of Queens County (N. Y.) Council, Veterans of Foreign Wars of the United States, favoring the enactment of legislation making it a treasonable offense for an American-born Communist to preach sedition and disrespect for the American flag or Government, and providing adequate punishment therefor, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Central Civic Association, of Hollis, N. Y., favoring the prompt enactment of House bill 5474, to amend section 1001 of the Revenue Act of 1932, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Women's International League for Peace and Freedom, New York City, N. Y., favoring the prompt ratification of treaties formulated at the recent Inter-American Conference at Buenos Aires, Argentina, which was referred to the Committee on Foreign Relations.

He also presented the petition of members of Peace Council No. 89, Daughters of America, of Schenectady, N. Y., praying for the enactment of the so-called Reynolds-Starnes bills, providing restriction of immigration and certain regulations relative to aliens, which was referred to the Committee on Immigration.

He also presented resolutions adopted by Eugene S. Smith Council, No. 189, of Syosset, Long Island, and Warren G. Harding Council, No. 118, of Mineola, both of the Junior Order United American Mechanics, in the State of New York, favoring the enactment of more stringent alien and immigration-restriction legislation, which were referred to the Committee on Immigration.

He also presented a resolution adopted by the New York (N. Y.) Board of Trade, protesting against the enactment of legislation materially increasing the cost of maintenance and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of the so-called Capper-Culkin bill, restricting liquor advertisements, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Westford, N. Y., praying for the enactment of the so-called Capper-Culkin bill, restricting liquor advertisements; and also the so-called Hatch-Fish bill, relative to the narcotic traffic, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Catskill, N. Y., praying for the enactment of legislation suspending permanently (if necessary) and restricting all immigration for a period of at least 10 years, so that the United States may be freed from the disloyal acts or utterances of persons attempting to overthrow the Government, which was referred to the Committee on Immigration.

He also presented a resolution of the Bronx (N. Y.) Council of the Emergency Peace Campaign, favoring the enactment of legislation providing for the appointment of a civilian commission to study and define national defense needs, and also legislation to unite the Army, the Navy, and the air forces in the interest of economy and efficiency, which was referred to the Committee on Military Affairs.

He also presented the petition of members of the Genesee Brotherhood of the Genesee Baptist Church, of Rochester, N. Y., praying for the placing of embargoes on shipments of basic war materials, including cotton and oil in addition to munitions, to belligerent nations, which was ordered to lie on the table.

Mr. PITTMAN. I present a joint resolution adopted by the Legislature of the State of Nevada, and, in accordance with the rule, ask that it be printed in the RECORD and appropriately referred.

The joint resolution, which was referred to the Committee on Agriculture and Forestry, is as follows:

Assembly joint resolution memorializing the Congress of the United States and the Resettlement Administration to provide adequate credit for restocking ranches in Nevada and other Western States, so as to restore their earning power and land values, with the rate of interest on such loans reduced to the minimum

Whereas the stock ranches in Nevada and other Western States, comprising the livestock area of the Western States, have suffered a decided depreciation in the livestock therein; and

Whereas farming in these States is largely incidental to the livestock business, requiring an adequate livestock population in order to maintain the farms, without which farming in this area is doomed to bankruptcy: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of Nevada, That the Congress of the United States be memorialized to provide, through the Resettlement Administration, adequate credit for restocking farms and ranches in Nevada and other Western States at a minimum rate of interest; and be it further

Resolved, That certified copies of these resolutions be transmitted to the President of the Senate of the United States and the Speaker of the House of Representatives, and that copies thereof be transmitted to each of our Senators in the United States Senate, to our Representatives in Congress, and to the Resettlement Administration at Washington, D. C.

Mr. VANDENBERG presented the following concurrent resolution of the Legislature of the State of Michigan, which was referred to the Committee on Immigration:

Concurrent resolution memorializing Congress to enact certain changes in the naturalization laws

Whereas section 377 of the laws governing naturalization proceedings provides as follows:

"Any person not an alien enemy who resided uninterruptedly within the United States during the period of 5 years next preceding July 1, 1914, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law"; and

Whereas under the interpretation of the phrase "upon complying in all respects with the other requirements of the naturalization law" such persons are required to pay a $10 fee under the following requirements of section 402 of the naturalization laws: "(2) For making, filing, and docketing a petition for citizenship, and issuing a certificate of citizenship if the issuance of such certificate is authorized by the court, and for the final hearing on the petition, $10"; and

Whereas such interpretation has resulted in hardship to many thousands of persons who would be good citizens: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Michigan Legislature hereby petitions the Congress of the United States to enact such changes in section 402 of the naturalization law so as to reduce the $10 fee in subsection (a) to $2 as applies to persons covered by the provisions of section 377 of the naturalization law; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of Congress, and to the Michigan Members in the Senate and House of Representatives of Congress.

Mr. VANDENBERG also presented the following resolution of the House of Representatives of the State of Michigan, which was referred to the Committee on the Judiciary:

Resolution urging Congress to authorize additional Justices of the Supreme Court in certain instances in accordance with the program of the Honorable Franklin D. Roosevelt

Whereas the President of the United States has requested the Congress to authorize additional Justices of the Supreme Court in certain instances; and

Whereas the purpose of this request is to provide assistance to the Supreme Court and prevent delay and obstruction in the administration of justice; and

Whereas the effect of this proposal will be to hasten those urgently needed governmental and economic reforms demanded by the people which have been obstructed by the political and economic opinions of certain present Supreme Court Justices; and

Whereas the public welfare has suffered almost irreparable harm as a result of decisions denying the protection of labor legislation to the worker, abolishing the assistance given farmers and otherwise placing legal technicality above the general welfare; and

Whereas the action proposed by the President of the United States would remedy this condition: Now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives of the Michigan Legislature respectfully urges the Congress of the United States, and in particular the Representatives of Michigan in the Congress, to vote in the affirmative upon this question of authorizing additional Justices of the Supreme Court in certain instances, to the end that justice may be served and the principles of democracy may prevail in the Union; and be it further

Resolved, That suitable copies of this resolution be sent to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of Congress, and to the Michigan Members in the Senate House of Congress.

LOW-COST HOUSING

Mr. WAGNER. Mr. President, I present for appropriate reference a resolution adopted by the Knoxville (Tenn.) Housing Authority, endorsing the pending low-cost housing bill. I ask unanimous consent that the resolution referred to may be printed in full in the RECORD.

There being no objection, the resolution was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

KNOXVILLE HOUSING AUTHORITY,
Knoxville, Tenn., March 22, 1937.

The Honorable ROBERT F. WAGNER,
The United States Senate, Washington, D. C.

DEAR SIR: As secretary of the Knoxville Housing Authority, I am instructed to forward to you a copy of the following resolution unanimously adopted at a meeting of the Knoxville Housing Authority on March 18, 1937:

"Whereas there exists in Knoxville and other cities throughout the country a great need for decent, safe, and sanitary housing within the means of families in the lower-income groups; and

"Whereas the continued existence of slum areas in American cities should on longer be tolerated,

"We urge the Congress and President of the United States to enact into law the Wagner-Steagall low-rent housing bill."

Respectfully submitted.

KNOXVILLE HOUSING AUTHORITY,
DAVID A. JOHNSTON, *Secretary.*

REPORTS OF COMMITTEES

Mr. WHITE, from the Committee on Claims, to which was referred the bill (H. R. 1088) for the relief of the Baker-Whiteley Coal Co., reported it without amendment and submitted a report (No. 236) thereon.

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (H. R. 3630) for the relief of E. C. Willis, father of the late Charles R. Willis, a minor, reported it with an amendment and submitted a report (No. 237) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 1094) for the relief of Clark F. Potts and Charles H. Barker, reported it without amendment and submitted a report (No. 238) thereon.

Mr. HUGHES, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 1089. A bill for the relief of Charles M. Perkins (Rept. No. 239); and

H. R. 1091. A bill for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy (Rept. No. 240).

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 590) for the relief of the estate of Grace M. Moore, deceased, reported it without amendment and submitted a report (No. 241) thereon.

He also, from the same committee to which was referred the bill (S. 1590) for the relief of Warren J. Fox, reported it with an amendment and submitted a report (No. 242) thereon.

He also, from the same committee to which was referred the bill (S. 420) for the relief of A. D. Hampton, reported it with amendments and submitted a report (No. 243) thereon.

Mr. ADAMS, from the Committee on Banking and Currency, to which was referred the bill (S. 102) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam, reported it without amendment and submitted a report (No. 244) thereon.

Mr. BARKLEY, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 56) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C., reported it without amendment.

He also, from the Committee on Interstate Commerce, reported certain amendments to the bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation, heretofore reported by him from that committee, and submitted a report(No. 245) thereon.

INVESTIGATION OF WOOL PRODUCTION, TRANSPORTATION, AND MARKETING—LIMIT OF EXPENDITURES

Mr. BYRNES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with an amendment, Senate Resolution 90, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 90) increasing the limit of

expenditures for the investigation of the production, transportation, and marketing of wool (submitted by Mr. ADAMS on Mar. 3, 1937).

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, in line 7, to strike out "$10,000" and insert "$5,000", so as to make the resolution read:

Resolved, That the limit of expenditures under Senate Resolution 160, Seventy-fourth Congress, first session, agreed to July 10, 1935, authorizing a special committee to investigate the production, transportation, and marketing of wool, as extended by Senate Resolution 315, Seventy-fourth Congress, second session, agreed to June 6, 1936, is hereby increased by $5,000.

The amendment was agreed to.

The resolution, as amended, was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. HARRISON:

A bill (S. 1970) for the relief of Victor O'Connor; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 1971) to provide for the recognition by the Government of the United States of the academic standing of military and naval schools under its jurisdiction;

A bill (S. 1972) to authorize the Secretary of War to sell, loan, or give samples of supplies and equipment to prospective manufacturers;

A bill (S. 1973) to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., and for other purposes; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 1974) granting a pension to Beulah E. Coleman; to the Committee on Pensions.

A bill (S. 1975) to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935; to the Committee on Territories and Insular Affairs.

By Mr. WHEELER:

A bill (S. 1976) to regulate interstate transportation of products of child labor in certain cases; to the Committee on Interstate Commerce.

By Mr. STEIWER:

A bill (S. 1977) for the relief of former members of the Student Army Nursing Corps; to the Committee on Finance.

By Mr. McGILL:

A bill (S. 1978) for the relief of Merle (Mearl) Arthur Lewis; to the Committee on Naval Affairs.

A bill (S. 1979) granting a pension to William H. Owen; to the Committee on Pensions.

By Mr. SCHWELLENBACH:

A bill (S. 1980) to promote air navigation in the Territory of Alaska and between the continental United States and the Territory of Alaska; and

A bill (S. 1981) to provide for the development of Alaska and authorizing an appropriation therefor, and for other purposes; to the Committee on Territories and Insular Affairs.

By Mr. WALSH:

A bill (S. 1982) for the relief of certain temporary warrant officers of the United States Coast Guard; to the Committee on Commerce.

By Mr. WAGNER (for himself and Mr. COPELAND):

A joint resolution (S. J. Res. 111) to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session; to the Committee on Foreign Relations.

By Mr. BORAH:

A joint resolution (S. J. Res. 112) proposing an amendment to the Constitution; to the Committee on the Judiciary.

SALMON FISHING PRIVILEGES IN ALASKAN WATERS

Mr. BONE. I submit a resolution requesting the Secretary of State to take steps to safeguard from the aggression of Japanese fishermen certain salmon fishing privileges in Alaskan extraterritorial waters. I desire to make some remarks concerning the matter a little later.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 98) was referred to the Committee on Foreign Relations, as follows:

Resolved, That the Secretary of State is requested to take all necessary steps as quickly as possible to safeguard from aggression by Japanese fishermen, and to secure recognition of, the special rights of the United States in the salmon fisheries in Alaskan extraterritorial waters.

That the Secretary of State is requested to enter into negotiations with the Imperial Japanese Government to this end.

TRANSFER OF CERTAIN SENATE RECORDS TO CUSTODY OF ARCHIVIST

Mr. BARKLEY submitted the following resolution (S. Res. 99), which was referred to the Committee on the Library:

Resolved, That the Secretary of the Senate is authorized and directed, upon the requisition of the Archivist of the United States, in accordance with sections 3 and 6 of the National Archives Act (48 Stat. 1122–24), to transfer to his custody for storage and preservation in The National Archives Building, any and all archives and records of the United States Senate which the Secretary of the Senate may deem not necessary for use in the current business of the Senate or which he may consider to be in such physical condition that they cannot be used without danger of damage to them, and for which, in his opinion, he is unable to provide adequate or safe storage.

Mr. BARKLEY. Mr. President, in connection with the resolution just submitted by me I ask that an explanatory statement in relation to the matter and also the regulations governing the temporary withdrawal by governmental agencies of material deposited in The National Archives Building, may be printed in the RECORD.

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

EXCERPT FROM STATEMENT MADE BY DEPUTY EXAMINER REGARDING SENATE RECORDS

None but the more recent records are in good condition. The older legislative papers need repair. They are folded in the original manner, they are dirty and brittle and cannot be handled without danger of serious damage. I have found documents dampened by the rain which had seeped through the skylight; although they are stored in metal containers, they are not free from danger, as they are accessible to the dust and soot that is blown through the roof. With few exceptions, no documents prior to the Fiftieth Congress are in envelopes. They are grouped by Congresses, but little numerical or alphabetical order within the Congresses is maintained, and many papers have been misplaced. Since the Fiftieth Congress many of the papers are in envelopes, but they are still folded and the proper sequence is not maintained. In view of the inadequate organization, and the conditions of storage, the collection is of little practical use.

The Chief of the Division of Repair and Preservation has pointed out the condition of the volumes stored in the basement.

From the standpoint of historical as well as intrinsic interest, this is perhaps the most valuable collection of records in the entire Government. It touches all phases of governmental activity and contains a vast amount of research material that has never been used. It is almost never used by the Senate, and there is little reason why it should be retained by that body, particularly in view of the absence of adequate facilities in the Capitol for its care. There is every reason why the entire collection should be removed, repaired, and reorganized into its proper order. I am recommending the transfer of all records prior to the Seventy-first Congress and certain records for the most recent Congresses. Papers accompanying private bills and matter submitted as evidence are often carried from one Congress to another as bills are reintroduced. It is believed that the Secretary's office would desire to keep that type of material for the last few Congresses.

There are 3,652 cubic feet and 6,486 linear feet of records in the entire collection.

JANUARY 26, 1937.

REGULATIONS GOVERNING THE TEMPORARY WITHDRAWAL BY AGENCIES OF THE UNITED STATES GOVERNMENT OF MATERIAL DEPOSITED IN THE NATIONAL ARCHIVES BUILDING

The following regulation has been made and promulgated by the Archivist of the United States pursuant to the authority vested in him by The National Archives Act, approved June 19, 1934 (48 Stat. 1122–1124):

Public records in the custody of the Archivist may, with his approval, be withdrawn from The National Archives Building temporarily, for official use, by any agency of the Government of the United States. All applications for permission to withdraw records from The National Archives Building shall be made in writing on forms furnished by the Archivist. Such forms shall be signed by the head of the agency making application or, in his name, by his representative, thereunto duly authorized.

R. D. W. CONNOR,
Archivist of the United States.

PROBLEMS OF FEDERAL TAXATION—ADDRESS BY SENATOR LA FOLLETTE

[Mr. NYE asked and obtained leave to have printed in the RECORD an address on the subject of Federal taxation, delivered by Senator LA FOLLETTE before the Federal tax committee of the American Bar Association on Mar. 20, 1937, which appears in the Appendix.]

THE AMERICAN MERCHANT MARINE—ADDRESS BY SENATOR COPELAND

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address on the subject of the American merchant marine, delivered by Senator COPELAND before the Boston Chamber of Commerce on Mar. 12, 1937, which appears in the Appendix.]

THE PRESIDENT'S COURT PROPOSAL—ARTICLE BY HAL H. HAYNES

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article by Hal H. Haynes entitled "Lawyers, Judges, and Written Constitution", published in the Bristol Herald-Courier, of Bristol, Va.-Tenn., in the issue of Mar. 21, 1937, which appears in the Appendix.]

ORDER OF BUSINESS

The VICE PRESIDENT. Morning business is closed, and the calendar under rule VIII is in order.

Mr. ROBINSON. Mr. President, the calendar was called yesterday. I do not know that there is occasion for calling it again today. I ask that that order be passed over.

The VICE PRESIDENT. Without objection, it is so ordered.

ELIGIBILITY OF JOSEPH P. KENNEDY FOR MARITIME COMMISSION

Mr. COPELAND. I move that the Senate proceed to the consideration of Senate Joint Resolution 110.

The VICE PRESIDENT. The clerk will report the resolution by title.

The CHIEF CLERK. A joint resolution (S. J. Res. 110) limiting the operation of section 201 (b) of the Merchant Marine Act, 1936, with respect to qualification of member of the United States Maritime Commission.

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

The motion was agreed to; and the Senate proceeded to consider the joint resolution (S. J. Res. 110), which was read, as follows:

Resolved, etc., That the appointment of Joseph P. Kennedy as a member of the United States Maritime Commission and his service on said Commission shall not be deemed to be in violation of the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, notwithstanding any pecuniary interest he may now have or may have had within 2 years prior to his appointment in any carrier by water, shipbuilder, contractor, or other firm or corporation or in any person who derives a substantial portion of his revenue from any business associated with ships or shipping.

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution.

Mr. MCNARY. Mr. President, I have always entertained the idea that the chairman of a committee should make a full and complete disclosure of what occurred before the committee before asking the Senate to act on a measure of which he has charge. It is very unusual for the chairman of a committee to ask that a measure be made the unfinished business and then sit down.

Mr. NYE. A sit-down strike!

Mr. MCNARY. Such a thing is not going to occur in the Senate if I have my way. [Laughter.]

I stated a few days ago my views on the subject. I may be compelled briefly to restate them today. Before the Commerce Committee certain evidence was produced to support this very unusual joint resolution, the first of its kind in the history of the United States. However, this is a day of unprecedented action, so I shall not further discuss that phase of the matter.

I ask the chairman of the Commerce Committee, who is in possession of the facts in the case, to make disclosure through a statement. There is nothing wrong in that request. Such disclosure will give Senators now present an opportunity to consider intelligently and to pass upon the joint resolution.

Mr. COPELAND. Mr. President, out of courtesy to my friend from Oregon I shall submit a few facts regarding the matter. I wish to say to him that I have no purpose to indulge in a sit-down strike, because I do not believe in that course of procedure.

Some days ago the President sent to the Senate the name of Joseph P. Kennedy, of New York, to be a member and Chairman of the Maritime Commission. Mr. Kennedy very reluctantly consented to this action on the part of the President. I say that he did it reluctantly. I speak advisedly in so saying. I have in my hand a personal letter from Mr. Kennedy under date of March 11, wherein he speaks about his great unwillingness to leave his private affairs to resume governmental activity.

There can be no question about the desirability of Mr. Kennedy's membership on the Martime Commission. I am frank to say for myself that the first glimmer of hope I have had for a long time came with the presentation to the Senate of the nominations for the Maritime Commission, and particularly the nomination of Mr. Kennedy.

Mr. Kennedy is a very well-to-do man. Never having been in that happy condition myself, I am able only to surmise that men in his circumstances do not know just exactly what their holdings and possessions may be. When the matter was presented to Mr. Kennedy by the President and the request was made by him, Mr. Kennedy said, "I am not sure about my eligibility. I hold 1,100 shares of Todd Shipbuilding Co. stock."

Following that disclosure, if I may call it such, the President submitted the matter to the Attorney General, who ruled that under the law that holding did not represent a substantial interest, and that the question might be waived. Later, however, Mr. Kennedy himself, a very manly gentleman, was worried about his eligibility and wrote me, giving a full list of his holdings in any corporations which might be considered connected with shipping. Among those holdings it was found that he had a $20,000 mortgage on a very small oil tanker belonging to no fleet but operated by Mr. Kennedy's brother-in-law. Under a literal interpretation of the law the ownership of this mortgage would represent a direct interest in shipping, that being another feature of the same paragraph of the bill. When this information came to me I forwarded it, as chairman of the Committee on Commerce, to the Attorney General who, apparently through one of his assistants, felt that it did raise a question of eligibility.

The proposal which is now before us and which the Senator from Oregon [Mr. MCNARY] has asked me to explain was presented day before yesterday by the Senator from Arkansas [Mr. ROBINSON]. The joint resolution seeks to make Mr. Kennedy eligible for this position in spite of the literal wording and provisions of the law.

I admit that it is an unusual procedure; it may be novel; but I do not think it is at all revolutionary. Here is a man who, in the opinion of the members of the Commerce Committee, and I dare say of all the Members of the Senate, is felt to possess unusual qualifications for a position requiring great ability to fill. I may say that unless we have the shipping situation dealt with intelligently and aggressively we are going to have no American merchant marine. Most of our shipping lines are just one jump ahead of the sheriff, and unless the Nation is afforded some relief in the building of new ships, in 10 years' time our flag will practically disappear from the seas, and at the end of that period we will have no ships, in my judgment, except the 20 or 30 ships which were built under the Jones-White Act.

We must have an informed, aggressive, capable Commission. I am sure it is not an unreasonable request, when we have an opportunity to vote for a man of the capabilities of Mr. Kennedy, if for no other reason than to placate his own

mind, to make him certain and relieve him of all question of his eligibility, we ought to do it. Further, for the protection of anything the Maritime Commission may do in the future, having in view the possibility of a taxpayer's suit or some other legal action, we should take this action.

Mr. President, I think I have given to the Senate a frank statement of the facts, and I close by simply expressing the hope that the Senate, without hesitation, will pass the joint resolution.

Mr. McNARY. Mr. President, I understood the statement to be made by the chairman of the committee, either from memory, orally, or by reading a letter, that Mr. Kennedy expressed a desire that his nomination not be brought up for confirmation until he had reasonable time to dispose of his holdings.

Mr. COPELAND. The Attorney General——

Mr. McNARY. I am not speaking about the Attorney General. I am asking about Mr. Kennedy's expression of desire.

Mr. COPELAND. I did have a letter from Mr. Kennedy, which I appear not to have before me, in which he expressed a desire to dispose of his stock in the Todd Shipbuilding Co. by placing it in the hands of certain brokers in New York. Let me read the language. I have it here:

> The procedure I should like to follow, if agreeable to your committee, is to turn this stock over to Mr. Elisha Walker, senior partner of Kuhn, Loeb & Co., with instructions to dispose of it within the next 60 days. The reason for my putting a time limit on it is because very rarely, if ever, is any of the stock sold; and, as the newspapers have already given notice that I propose to sell it, I feel there will be a thin market and it will take a little time to dispose of it. I shall put it beyond my control, however, before taking oath of office. I think an understanding of these facts will clear my position much more satisfactorily, at least in my own mind.

So, Mr. Kennedy, by this act, will place beyond his control any ownership of this stock. The other stock that he has is in an irrevocable trust created for the benefit of his children. The third matter in question is the one which brings this joint resolution to us—the fact that he has a $20,000 mortgage on a very small oil tanker.

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

Mr. COPELAND. I yield.

Mr. VANDENBERG. Would the Senator object to changing the form of the joint resolution in the interest of candor? Why not frankly say that section 201 (b) of the Merchant Marine Act, 1936, shall not apply to the appointment of Mr. Kennedy instead of the Senate undertaking to stultify itself by saying that a violation is not a violation?

Mr. COPELAND. If we were to change the language as suggested, would it then be in a form which would command the vote of the Senator from Michigan?

Mr. VANDENBERG. Yes, Mr. President. Personally, I am very anxious to have Mr. Kennedy confirmed.

Mr. COPELAND. Then let the Senator suggest the exact form of language he would prefer.

Mr. VANDENBERG. It seems to me the joint resolution might preferably read:

> *Resolved, etc.*, That the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, shall not apply to the apointment of Joseph P. Kennedy as a member of the United States Maritime Commission.

Mr. COPELAND. The Senator would not recite "notwithstanding any pecuniary interest that he has"?

Mr. VANDENBERG. No. By the use of this phraseology we would finish the matter; we would eliminate Mr. Kennedy from the provisions of this particular section.

Mr. COPELAND. Mr. President, so far as I am concerned, I have no objection to the form of the joint resolution. The action I am anxious to have taken, and the action the committee desires to have taken, is that the joint resolution may be in a form which will make clear that Mr. Kennedy himself may have a clear conscience, and that those of us who ultimately vote for his confirmation may be of the same state of mind.

Mr. VANDENBERG. Mr. President, my sole feeling about the matter is that there was a reason for including in the law a prohibition of this general nature, and technically I think Mr. Kennedy probably falls within the prohibition. I think, however, there are perfectly obvious reasons why the prohibition should not apply to Mr. Kennedy; and I think we ought frankly to say so, instead of setting a precedent for, perhaps, shadow boxing.

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

Mr. COPELAND. I yield.

Mr. ROBINSON. In my judgment, the amendment proposed by the Senator from Michigan would not change the effectiveness of the joint resolution, and I do not think it is objectionable; but in view of the record which has been made before the committee, adduced at the instance of the Senator from Oregon [Mr. McNARY], and in view of the facts which were conceded day before yesterday when the joint resolution was introduced, I believe it should take something like this form:

> That the provisions of the Merchant Marine Act, 1936, shall not apply to Mr. Joseph P. Kennedy, notwithstanding the fact that he may have some pecuniary interest in shipping.

Mr. VANDENBERG. I have no objection in the world to that language.

Mr. ROBINSON. In other words, while I have had no opportunity to consider the Senator's amendment, I think the idea underlying the change he suggests would perhaps improve the joint resolution; but I think, as suggested by the Senator from New York [Mr. COPELAND], that there ought to be a reference to the provisions of the statute from which we are exempting Mr. Kennedy.

Mr. VANDENBERG. I have no objection to that.

Mr. COPELAND. Then, would it read like this?—

> That, notwithstanding the provisions of section 201–b of the Merchant Marine Act, 1936, approved June 29, 1936, the appointment of Joseph P. Kennedy as a member of the United States Maritime Commission, and his service on said Commission shall not be—

What?

Mr. ROBINSON. "Shall not be deemed in disregard or violation of law."

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

Mr. COPELAND. Yes.

Mr. WHITE. I think the suggestions that have been made would improve the form of the joint resolution; but it seems to me the object could be accomplished simply by saying:

> That, notwithstanding the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, Joseph P. Kennedy is declared eligible for appointment under the terms of said act.

Mr. ROBINSON. That goes back to substantially the present form of the joint resolution; but it is entirely acceptable to me, so far as I am concerned.

Mr. VANDENBERG. Let the language submitted by the Senator from Maine be taken down as the proposed amendment.

Mr. COPELAND. Is this what the Senator proposes?

> That, notwithstanding the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, the appointment of Joseph P. Kennedy as a member of the United States Maritime Commission, and his service on said Commission, shall not be deemed in violation of law.

Mr. WHITE. That was not what I said.

Mr. WAGNER. Mr. President, may the other Senators know what the proposed amendment to the joint resolution is? I think we are entitled to know something about it.

Mr. WHITE. If I may repeat what I said a moment ago, if I were going to offer this amendment—and I am not offering it as an amendment, because I do not approve of it—if I were to do so, I should say something like this:

> That, notwithstanding the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, Joseph P. Kennedy is declared to be eligible for appointment as a member of the United States Maritime Commission.

Mr. COPELAND. Mr. President, may the proposed amendment be read?

The VICE PRESIDENT. Let it be read.

The Official Reporter (Percy E. Budlong) read the suggested amendment.

Mr. WAGNER. Mr. President, this may not be a very important inquiry; time may answer it; but, as I understand, under the proposed amendment the Senate recognizes the fact that Mr. Kennedy is not eligible for appointment unless the law is amended, and the effect of enacting the joint resolution will be to amend the law; and until the joint resolution is approved by both Houses and signed by the President we cannot consider the nomination of Mr. Kennedy. I understood the majority view of the committee to be that under the law Mr. Kennedy is nevertheless qualified to fill this important office. I do not know. I wish to ask more distinguished lawyers than myself whether I am right about that particular interpretation.

Mr. CLARK. Mr. President, so far as I am concerned, as one member of the committee, I believe that Mr. Kennedy is eligible at the present time. I believe that the opinion of the Attorney General was correct, to the effect that the ownership of 1,100 shares in the Todd Shipbuilding Co. was not such a substantial interest as to make Mr. Kennedy ineligible. I further believe that the possession of this irrevocable trust, which has been held by the Treasury Department to be such, does not make Mr. Kennedy ineligible; nor does the holding of a mortgage on a small tanker, not a part of any common carrier, as collateral security for a loan make him ineligible.

With all due respect for the great legal ability of the Senator from New York, however, I disagree with him on the proposition that the joint resolution as proposed to be amended declares the ineligibility of Mr. Kennedy. The joint resolution as proposed to be amended would simply provide that Mr. Kennedy shall be eligible, notwithstanding any ineligibility which may develop in the law. That is not because a majority of the members of the committee believe, I think, that Mr. Kennedy is ineligible at the present time, but the action is proposed in order that in entering upon this very important constructive work—one of the most arduous missions confided to any citizen of the United States in the recent past—Mr. Kennedy may do so without any possible embarrassment which might arise by reason of any question whatever of his eligibility.

It seems to me to be entirely consistent for Senators to believe that Mr. Kennedy is eligible at the present time; but for the purpose of relieving any possible embarrassment or preventing any possible impairment of his efficiency in the office to which he has been appointed, we should pass the joint resolution making his eligibility unquestionably clear.

Mr. WAGNER. Mr. President, I understand that the probability is that Senators will not be called upon to consider the nomination of Mr. Kennedy until the joint resolution shall have been approved by the President.

Mr. COPELAND. That is correct.

Mr. WAGNER. I still desire to insist that by amending the joint resolution as is proposed the Senate will recognize the fact that ineligibility exists at the present time; and I am speaking as one who is extremely interested in the confirmation of Mr. Kennedy, because I think the country is fortunate in having a man of such extraordinary ability to fill this very important office.

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

Mr. WAGNER. I yield.

Mr. WHITE. Does not the original joint resolution raise as much question, and recognize as having as much force the contention that Mr. Kennedy is not eligible, as the proposed amended form of resolution? Both of them are predicated upon a doubt as to eligibility, which the Senate is desirous of removing.

Mr. WAGNER. I have not carefully read the original resolution, but I thought it reflected the thought expressed by the senior Senator from Missouri [Mr. CLARK], namely, that the circumstances under which these stocks are held do not make Mr. Kennedy ineligible to hold the office to which he has been appointed. However, if the nomination is not to be considered for several days, it does not make any difference.

Mr. ROBINSON. Mr. President, I do not think there is sufficient difference between the joint resolution as presented and as it is proposed to amend it to justify the slightest controversy. The joint resolution as proposed declares that the appointment of Mr. Kennedy as a member of the Commission shall not be deemed to be in violation of the act limiting appointments, with certain qualifications, notwithstanding any pecuniary interest he may now have or may have had within 3 years in shipping interests. That unquestionably makes him eligible if there is a doubt as to his eligibility.

The amendment offered by the Senator from Michigan [Mr. VANDENBERG], as modified at the instance of the Senator from Maine [Mr. WHITE], would accomplish exactly the same thing by declaring that, notwithstanding the provisions of the act, Mr. Kennedy shall be considered eligible. So that, so far as the two propositions are concerned, the legal difference is very slight, if any exists. Both the original resolution and the amendment recognize the existence of a doubt as to the eligibility of Mr. Kennedy, and, so far as I am concerned, I admit that a doubt existed in my mind as to his eligibility when I introduced the joint resolution. My purpose in offering the resolution is to clear the matter of any doubt.

I can readily see that Mr. Kennedy might be held eligible even though he has these comparatively small holdings connected with shipping interests; but Mr. Kennedy is scrupulous about the matter. He would prefer to have that question settled before the matter of his confirmation is determined, and I think it is right and fair that that may be done.

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

Mr. ROBINSON. I yield.

Mr. VANDENBERG. I desire to point out to the Senator that when I have to vote on the resolution, the problem which confronts me is different under the two hypotheses. As the resolution is originally presented, I am required to vote that I do not deem Mr. Kennedy's infirmity to run counter to the law, whereas I think it probably does. Under the alternative form, I am permitted to vote that Mr. Kennedy shall be exempted from such ineligibility if it does exist, and I am not required to say something concerning which I have grave doubt. I am sure the Senator sees the distinction I am trying to make.

Mr. ROBINSON. Yes.

Mr. VANDENBERG. In other words, I wish to cooperate in establishing Mr. Kennedy's eligibility.

Mr. ROBINSON. The distinction is not quite as clear as daylight.

Mr. VANDENBERG. It is very clear to me.

Mr. ROBINSON. With the assurance of the Senator from Michigan that there is a distinction in his own mind, and with my own opinion that there is no material difference in the effect of the two propositions, I make no objection to the amendment, so far as I am concerned. There have been instances heretofore, though I cannot at the moment cite the precedents, where the Congress has taken some action relative to the eligibility of nominees under statutes. My attention was called to that matter by the Senator from Georgia [Mr. GEORGE], but, as already stated, my memory is not definite enough to recall the precedents accurately. But whether there be precedents or not, I think everyone in this Chamber has high regard for Mr. Kennedy as a conscientious, broadly experienced, capable officer, possessing great powers for decision and action; and under those circumstances, if there were no precedents, I should feel justified in asking the Senate to consider and pass favorably upon the joint resolution.

I do not believe it is necessary first to determine the question of Mr. Kennedy's eligibility as a court would determine it. Doubt has arisen in his own mind, doubt exists in the minds of some Senators, and, while the preponderance of

the argument might be to the effect that he is eligible, there is no reason why he should not be relieved of any question of doubt if the Congress wishes to have him serve.

As I stated the other day, Mr. Kennedy did not apply for this position; he did not seek it. After long consideration of the subject the appointing power asked Mr. Kennedy to take the place for a time, and he is willing to do so, and, frankly recognizing that a question of his eligibility may arise, he would like to have that question settled without further doubt, and it seems to me that if we wish to have him serve we should relieve him of the doubt.

Mr. COPELAND. Mr. President, I am sure it will be very gratifying to Mr. Kennedy to know that throughout the debate in the Senate and in the committee there has never been raised the slightest doubt as to the desirability of his appointment to the position for which he has been chosen. I am happy, in a way, that we had this discussion, because it will encourage him to undertake the tremendous job before him, and I am sure he will carry it through to success.

Now, Mr. President, I may say for the committee that the proposal of the Senator from Maine [Mr. WHITE] is entirely acceptable, and I hope it will take the place of the original joint resolution.

Mr. WHITE. Mr. President, I agree in large measure with everything the Senator from Arkansas has said as to the form of the joint resolution. There is no substantial difference in the effect of the resolution as presented by him and the amendment proposed by the Senator from Michigan [Mr. VANDENBERG]. However, I feel that the amendment a little more clearly recognizes precisely the problem before us, and that it is a little more direct and unequivocal in its statement of what we are actually doing, and for that reason alone I rather prefer it to the original joint resolution.

I think I am in complete agreement with what the Senator from Arkansas has said as to Mr. Kennedy himself. I think there is unanimity of view that he is a man of great ability, that he is a man of character, that he has rendered distinguished public service, and that in this new office he would make a great contribution to the public welfare.

The difficulty, as I see it, however, is that I am unwilling to say that a provision of a statute enacted by the Congress of the United States shall apply to 121,000,000 people and that it shall not apply to one citizen of these United States singled out for exemption by the Congress. I cannot give my assent to that proposition. In the committee I voted against reporting the joint resolution, and I shall be obliged, because of the very deep convictions I entertain, to vote against the passage of the joint resolution by the Senate.

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

Mr. WHITE. I yield.

Mr. NYE. The Senator makes the point of the singling out of one man to whom the law shall not apply. I share with him very largely his sympathies in connection with this entire matter.

If we adopt this joint resolution, are we not in effect saying that of 125,000,000 or 130,000,000 people there is really only one qualified for this position, and that we are obliged to waive the law to meet the situation created by his appointment?

Mr. WHITE. Of course that is pretty near what we are saying.

I desire to repeat that I do not believe anyone can question the qualifications, other than the legal qualifications, of Mr. Kennedy. We wrote into the Merchant Marine Act of 1936 a perfectly foolish provision with respect to the qualifications of the members. Now we confront our folly, and instead of amending the law we are proposing, by congressional action, to place one man beyond the reach of the law. I cannot give my approval to that, and I am not willing to give my approval to anything which brings about such a result.

Mr. WALSH. Mr. President, I am sure it is unnecessary to add anything to what has been said already with reference to Mr. Kennedy's character and exceptional fitness for the office for which he has been nominated. However, because I have known Mr. Kennedy longer than has any other Member of the Senate, I fear that my silence with reference to his qualifications for this appointment might be misunderstood by my constituents who regard Mr. Kennedy with special pride.

When I was Governor of the Commonwealth of Massachusetts in 1914, Mr. Kennedy was a humble clerk in the banking department at the State House. From that time to the present I have known him intimately. He was born in Massachusetts, and lived there all his life until a few years ago. His wife is a Massachusetts woman. He still spends his summers in Massachuetts. There is no young man within my acquaintanceship who has made such progress and achieved such deserved success in the commercial and business life of America as has Mr. Kennedy.

I wish to emphasize the fact that in addition to all the other excellent qualities he possesses, he is a self-made man. I knew him when we was without wealth. But success and wealth have not spoiled or changed him. What he has accomplished and achieved has been the result of his own efforts, his own industry, and his own ability. I desire to concur in all that has been said with reference to the admirable qualities he possesses with respect to this appointment.

Incidentally, Mr. Kennedy's father-in-law, ex-Mayor John F. Fitzgerald, of Boston, has been devotedly interested in maritime problems for many years. No one in Massachusetts has been more interested or has accomplished more for the development of the port of Boston than has Mr. Fitzgerald.

Mr. FRAZIER. Mr. President, from what has been said I think it is established that Mr. Kennedy is well qualified for this position; but it seems to me most unfortunate that he cannot comply with the provisions which were placed in the bill establishing the Maritime Commission when it was enacted. It seems to me rather strange that we should be called upon to set aside the provisions of that law when the first appointment comes up for confirmation by the Senate.

In speaking of the qualifications of Mr. Kennedy, I will say that this morning I looked in Who's Who to find out a little more about him than I had heard or knew. I ascertained that when he was 24 years of age he became the bank examiner of Massachusetts and acted as such from 1912 to 1914.

Mr. WALSH. Mr. President, I happened to be Governor of the Commonwealth of Massachusetts at the time spoken of by the Senator from North Dakota. At that time Mr. Kennedy was in the bank examiner's office, but was not acting as bank examiner or bank commissioner.

Mr. FRAZIER. I am quoting from Who's Who. That is my authority; but I thank the Senator from Massachusetts for the correction.

From 1914 to 1917 Mr. Kennedy was president of the Columbia Trust Co., of Boston. From 1917 to 1919 he was assistant general manager of the Fore River, Mass., plant of the Bethlehem Shipbuilding Corporation. He was manager of the Hayden-Stone Co., investment bankers of Boston, from 1919 to 1924. He was president and chairman of the board of directors of the Film Booking Offices of America from 1926 to 1929. He was chairman of the board of directors of the Keith-Albee-Orpheum Theaters Corporation from 1928 to 1929; president and chairman of the board of directors of the Pathe Exchange, Inc., from 1929 to 1930; and engaged in corporation finance from 1930 to 1934. Mr. Kennedy was appointed to the Securities and Exchange Commission in July 1934, elected Chairman in 1934, and resigned in 1935. Who's Who gives the list of clubs to which he belongs—eight clubs, all the way from New England to Palm Beach, Fla. Mr. Kennedy is well fitted for this job. There is no question about it.

Besides that, I understand he has other qualifications. He was a large contributor to the Democratic campaign fund in 1932, and was kind enough, I understand, to lend $50,000 to the Democratic National Committee. If those are not qualifications for a little job of this kind, I do not know what would be qualifications; and it seems to me that by all means the law should be set aside so as to let this eminently qualified gentleman have this appointment.

Mr. COPELAND. Mr. President, I am glad to hear that Mr. Kennedy is so well qualified for this position, because he is going to undertake the biggest job he ever had. His past experience will be beneficial to him.

Mr. President, I now move to amend the joint resolution by striking out all after the enacting clause and inserting the language which was suggested by the Senator from Maine [Mr. WHITE].

The PRESIDENT pro tempore. The amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert in lieu thereof the following:

That, notwithstanding the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, Joseph P. Kennedy is declared to be eligible for appointment as a member of the United States Maritime Commission.

Mr. WHEELER. Mr. President, I desire to say one word in reference to Mr. Kennedy. He has been a friend of mine for a great many years, but I do not want that to be held against him. When I was candidate for Vice President he furnished his automobile and his chauffeur for my use in traveling through New England. I think I was one of those who first got him interested in the present administration. Notwithstanding the fact that Mr. Kennedy is a rich man, a man who has made money, he was originally a poor boy in Massachusetts, my home State; and I am sure that if he is selected for this position he will discharge his duties in a very capable and efficient and honest manner.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass?

Mr. McNARY. Mr. President, I expressed my views a few days ago when the Senator from Arkansas [Mr. ROBINSON], the Democratic leader, attempted to bring about consideration of the joint resolution by unanimous consent. I have not altered my views. They do not relate to the fitness of Mr. Kennedy. I stated frankly that day, and I stated yesterday before the committee, that I think he is eminently qualified and will make an excellent Chairman of the Maritime Commission. I have opposed, and I now oppose, the form which this procedure takes. I say, with some knowledge of legislative procedure, that I do not recall during my service in the Senate any occasion when there has been an attempt to exempt one individual from the operation of the general provisions of a statute.

Mr. President, the change made by the amendment to the joint resolution suggested by the junior Senator from Maine is but a shadow. The substance is still there. The very act we are about to commit will come back to plague us at some time. It is that feature of the subject which I desire to discuss.

There has been a very great attempt to dodge the issue and present the question of the fitness of Mr. Kennedy for this position. This is an orderly body, and Congress should proceed in a way that is calculated to bring about the best results from the standpoint of legislation. The days of childishness have gone. I like direct legislation, logical legislation, and sensible legislation. We are doing something here today—for I know it will be done—which is without precedent in the history of this country. It is an attempt to say that, while we have a restrictive provision in an act, we are going to exempt a nominee from that restrictive provision, but we are not going to change the wording of the statute itself. The frank and honest way to handle this matter would be to amend the act by striking out the provisions regarding disqualification.

The other orderly procedure would be, as has been done in all cases, to bring Mr. Kennedy's nomination before the Senate for confirmation. I have stated that I should vote for his confirmation. I share the first opinion of the Attorney General that probably Mr. Kennedy's holdings are not of such an aggregate quantity and volume and substance as to make him ineligible. I desire to vote for his confirmation, and probably the confirmation of other nominees, without an attempt being made to exempt one individual from the provisions of the statute.

Mr. President, I recall that when this subject was before the Commerce Committee of the Senate it received careful consideration, and it was the judgment of the members of the committee that there should be some restrictive language with respect to a person having holdings or owning interests in the merchant marine of the country. After some considerable study, this language was placed in the act, which is found in section 201 (b):

No person shall hold office as a member of the Commission who, within 3 years prior to his employment, shall have been employed by, or have had any pecuniary interest in, any carrier by water or substantial pecuniary interest in any other person who derives a substantial portion of his revenues from any business associated with ships or shipping.

Experience had taught the Congress, Mr. President, that from a public standpoint the best results would come by having as members of the Board men wholly dissociated from the shipping business or any financial interest therein. I still believe in that concept. I think it is ethical and that the provision of the law ought to be carried out literally.

It is strange to me that a joint resolution should be introduced and that the Senate should proceed to its consideration in an attempt to qualify a candidate who thinks himself disqualified. This very joint resolution is an indictment against Mr. Kennedy; and, if I were he, I would take no comfort or pleasure from the fact that my friends are bringing this charge into the Senate through the medium of a measure designed to relieve him of the ethical and moral provisions of the statute. They are doing him a disservice. I think his friends should meet the situation in the logical and usual way of having his nomination reported to the Senate and asking for its confirmation.

If this practice is to be adhered to—and the gist of my opposition has to do with that aspect of the matter—if we are to follow this practice, and if in the future, as has frequently happened in the past, bills proposed for the consideration of Congress are to contain such a provision as is found in the Merchant Marine Act of 1936, all that need be done to circumvent it is, if there are sufficient votes and force behind the proposal, to introduce a resolution saying in effect, "While our man is disqualified, notwithstanding that circumstance, we want him on the board."

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

Mr. McNARY. I yield.

Mr. BARKLEY. Since this matter has been before the Senate, I have had a vague recollection, which has been somewhat refreshed today by the Senator from Georgia [Mr. GEORGE], that within the past 10 years at some time, either in the Coolidge or Hoover administration, a similar resolution was adopted with respect to the appointment of somebody whose name had been sent to the Senate. I am not able to give the instance, because I have not looked it up, but I do have the recollection that the Senate passed on a similar matter some years ago where there was a technical ineligibility or the fear of a technical ineligibility. Does the Senator have any recollection of such an instance?

Mr. McNARY. Mr. President, I have a very excellent recollection of what occurred legislatively during the occupancy of the White House by President Coolidge and President Hoover.

Mr. BARKLEY. I am not certain that it was in either of those administrations.

Mr. McNARY. I have been a very regular attendant on the sessions of the Senate, but I do not recall such an incident, and I now declare that there never was a resolution of this kind introduced in Congress during its history. I think the Senator should look into that very carefully.

Mr. BARKLEY. I am going to do so. I have not had a chance to do it; but I still have a vague recollection that something like this was done at a former session.

Mr. McNARY. Mr. President, I have said practically all I desire to say on this question. I repeat, it is not good practice to adopt a procedure of this kind. The position I take is not directed against Mr. Kennedy but against the vicious practice that is now proposed under this joint resolution. I have an interest in this body and in the entire Congress and the fashion in which legislative work is conducted, and I think, Mr. President, in the years to come, when we look back upon this resolution and contemplate its folly and its unfairness to the candidate, Mr. Kennedy himself, we will consider it to be a species of very deceptive, deceitful, and dissembling legislation.

Mr. BONE obtained the floor.

Mr. JOHNSON of California. Mr. President——

Mr. BONE. Mr. President, I have no desire to occupy the floor if a vote is about to be taken.

Mr. COPELAND. Mr. President, may I appeal to the Senator from Washington to defer for a few moments his address, which I wish to hear, in order that the Senate may pass the joint resolution? "Time is of the essence."

Mr. BONE. I yield to the Senator from California.

Mr. JOHNSON of California. Mr. President, I wish to express my hearty agreement with the Senator from Oregon [Mr. McNARY]. I do that in the same fashion that he has expressed himself, with full knowledge of the merits of Mr. Kennedy and with full approval of Mr. Kennedy's nomination. But, Mr. President, look at the situation in which we put ourselves. We question—or it may be said Mr. Kennedy questioned originally, but we question now—the eligibility of Mr. Kennedy; we consider the question of his eligibility of sufficient doubt to pass upon it here, and we pass a joint resolution that he is eligible, and does not come within the purview of the section of the law to which reference has been made. Where does that lead us? Ultimately we reach the conclusion as to Mr. Kennedy, of whose eligibility there was a doubt, that the doubt is removed by the Senate passing a joint resolution; but the doubt still remains. The proper way, I think, in which to deal with the subject is to dismiss the joint resolution, to withdraw it, and then, as the Senator from Oregon has said, when Mr. Kennedy's nomination comes before the Senate let him be confirmed, if that be proper.

Mr. BARKLEY. Mr. President, since I had the colloquy with the Senator from Oregon [Mr. McNARY], the Senator from Missouri [Mr. CLARK] has called my attention to the form of the resolution which the Senate has frequently passed exempting from the operation of certain criminal statutes lawyers whose services were desired by some department. It may be that that is the matter which engaged my attention at the moment. The Senator from Missouri has just handed me a bill which I suppose he intended to call to the attention of the Senate——

Mr. CLARK. Mr. President, let me say to the Senator from Kentucky that I happened to have that bill in my pocket because it is the form of a bill that has been very frequently passed with regard to specific cases where the Department of Justice desired to employ lawyers whose employment would be in contravention of the statute prohibiting lawyers who had been in Government employ from practicing before a department. I happened to have it in my pocket, because I was planning to introduce a bill of that sort in a particular case.

Mr. BARKLEY. In other words, except by virtue of the passage of measures of this sort, no lawyer who comes within the provisions of the Criminal Code would be eligible to such appointment?

Mr. CLARK. That is entirely correct.

Mr. BARKLEY. So we have at least a number of times passed resolutions exempting such lawyers from the operations of the code which otherwise would prohibit their employment for a period of 2 years at least, and in some cases more, because of their connection with a department at a previous time.

The PRESIDENT pro tempore. The joint resolution having been ordered engrossed and having been read a third time, the question is on its passage.

The joint resolution (S. J. Res. 110) was passed.

On motion of Mr. COPELAND the title was amended so as to read: "A joint resolution declaring Joseph P. Kennedy eligible for appointment as a member of the United States Maritime Commission."

The PRESIDENT pro tempore. The Senator from Washington [Mr. BONE] is entitled to the floor.

Mr. MINTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. BONE. I yield.

A FAIR PRESS FOR OPPONENTS OF PRESIDENT'S PLAN

Mr. MINTON. Mr. President, yesterday afternoon when I returned to my office from the session of the Senate I found upon my desk a package delivered there by the American Railway Express. Upon opening it I found it contained such scurrilous, scandalous, libelous matter against the Jewish race that, of course, I reached the conclusion that it came by express only because it could not be sent through the mails. I am sure that we all denounce that sort of thing, and probably all of us have consigned such matter to the wastebasket, where it ought to go; but my sense of fairness was appealed to by a sheet that accompanied this propaganda. I hold that sheet in my hand. It seems that the person who sent the propaganda and accompanied it with this sheet was making appeal to the free and powerful press of this country and complaining that the press was not giving to the opponents of the President's Court proposal a fair press.

I wish to appeal to the fair press and the powerful press of this country, by all means, to give the opponents of the President's proposal a fair press. Give them all the big headlines to which they are entitled, and play up their stories to as great an extent as they are entitled. In the name of fairness, I urge the free press, the powerful press, to do that thing.

How free the press is we may determine, of course, by reading its articles during the last campaign, and how powerful it is we may determine by reading the election returns. [Laughter.]

The leaflet which I hold in my hand, which makes an appeal to the free and powerful press, is as follows:

The people spoke at Carnegie Hall.

A historical political New York mass meeting developed into a patriotic pro-Christian conference grimly determined to preserve the Supreme Court and the Constitution.

The real news was not reported by the press control in its publication of the anti-Roosevelt Supreme Court "packing" mass meeting of 4,000 at Carnegie Hall March 12, when Senators WALSH, of Massachusetts; BURKE, of Nebraska; and COPELAND, of New York, scathingly denounced the President's proposal—branded as a "rendezvous with death" for the Constitution and the Republic.

The undersigned was present and makes the following report as an independent journalist.

(1) The meeting had practically no advance newspaper notice.

Think of that. Why, I even saw it in the New Albany (Ind.) Tribune.

Yet there was standing room only at 8:30 p. m. from orchestra floor to gallery.

I understand Carnegie Hall holds 4,000 people. In a city of 5,000,000 it could be packed without much effort with one-legged men.

(2) No Jewish "officials" were present, and there were few, if any, Jews in the audience; yet New York is nearly 50 percent Jewish. Are they in reality for "packing"?

(3) Senator COPELAND's incidental praise of Jews was heard in silence.

I am sure that those of us here who know the distinguished Senator from New York [Mr. COPELAND], the distinguished Senator from Massachusetts [Mr. WALSH], and the distinguished Senator from Nebraska [Mr. BURKE] know that they would not lend their names and presence to any meeting which was "packed" against any racial group or minority in this country; and I am sure, if they hear me or read my statement, they will be surprised to know that that meeting was "packed" against any racial group.

(4) It was a political meeting.

That is news to me. I thought it was to be a great nonpartisan Christian movement.

Yet, while awaiting the arrival of the speakers, Christian as well as patriotic songs were continually demanded by the audience from the orchestra, and Onward Christian Soldiers was sung with militant fervor in a 1776 crusading atmosphere.

(5) Roosevelt was repeatedly hissed and loudly booed; and sarcastic reference was made by one of the speakers to an "alleged mandate."

Of course, I could not possibly figure out which one of the speakers that was.

(6) The gallery was packed with high-class Americans.

Of course, I did not think anybody who was against the Court proposal would be a party to "packing" anything, even a meeting in Carnegie Hall, with "high-class American citizens." I can visualize that Carnegie Hall meeting. I imagine all who attended had on dress suits and tuxedoes, as they did in the Liberty League meetings held there during the campaign.

(7) The crowd permitted no frivolity—displaying intense earnestness, concern, and grim determination.

I can see those embattled patriots, just like Nathan Hale as he stood before the firing squad and said, "I am sorry I have only one life to give for my country." I can see the grim determination in that "packed" audience in New York.

(8) Under the spell of the deep emotion of the crowd, Senator WALSH delivered deadly anti-Roosevelt logic with great dramatic power and patriotic fervor.

I can believe that, because I sat before the radio and "emoted" a little myself. [Laughter.]

(9) The speakers were exceptionally heartened, Senator COPELAND publicly admitting that he had never seen so large an audience in Carnegie Hall.

Carnegie Hall holds 4,000 people and is located in a city of 5,000,000 people. I can get that many people out to hear me speak in Indiana, believe it or not.

(10) When the speakers finished, crowds stood around talking of the significance of the great patriotic demonstration for Court and Constitution, apparently reluctant to leave. Probably 90 percent left that meeting militant, patriotic missionaries.

And those who came to scoff remained to pray! [Laughter.]

(11) There were other important features which it would be impolitic to publicize at this time.

Perhaps a lot of people were measured for their white shirts or black shirts.

But the paramount consideration is:
The people spoke—

In a "packed" crowd—

The people spoke—and in no uncertain warning tones.

Patriotism still lives! Heed your hopes, not your fears—and work unceasingly to smash the alien "gag" of the press, without whose freedom the Republic falls.

I know a lot of people who have been "gagged" by some things that came from the press, but I never knew of the press being gagged.

"Let the people know the truth—and the country is safe."

ROBERT EDWARD EDMONDSON,
Publicist-Economist.

400 West One Hundred and Sixtieth Street, New York City.
Telephone Wadsworth 3-3431.
March 13, 1937.
(Free Press Defense Series.)

Mr. President, I know this appeal will not be lost on a free press. I am sure they will give the opposition the consideration they ought to have. I am so sure in my conviction on that point that, after reading in a newspaper the other day that the Governor of Massachusetts had appointed a Chinaman as justice of the peace in Massachusetts, I make the assertion that if that Chinaman should come to Washington and appear before the Judiciary Committee of the Senate and testify against the President's proposal he would get bigger headlines than Chief Justice Hughes. The press would probably trace his ancestry and finally discover that he was a great authority on the Chinese constitution and perhaps a direct descendant of the great Chinese lawgivers.

Mr. COPELAND. Mr. President, I have listened with great interest to the remarks of the Senator from Indiana [Mr. MINTON]. I do not know just what he is driving at, but I have a glimmer of hope that I may discover some time.

Referring to the meeting held in Carnegie Hall about a week ago, I say again what I said then, that during the many years I have been living in New York City I never saw such a crowd in Carnegie Hall. It could not hold the people who wanted to get in; it was packed to the top of the fourth gallery, and, according to the police, about 20,000 persons were turned away.

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

Mr. COPELAND. Certainly.

Mr. MINTON. Is there not in New York City a building called Madison Square Garden? Would not that have held them?

Mr. COPELAND. Mr. President, it so happens that this was a gathering of the common people. There were no dress suits, there were no tuxedos. Those who attended the meeting did not drive up in limousines. The citizens of New York who contributed the money to hire that hall contributed small amounts of $1, $2, $3, $4, or $5. They did not have the Liberty League or some similar great organization to furnish the money to hire Madison Square Garden. I assume the Senator from Indiana has been on Broadway enough to know that it costs money to hire that great hall.

Mr. President, I had not thought that I should at any time say anything on the floor regarding the great issue which is before the American people. But I want Senators to know there is a tremendous movement on in the country, a movement of the plain, ordinary people who have been taught from their youth to revere the flag and the Constitution and the courts.

I give great credit to Mr. Roosevelt for what he did at the beginning of his administration. I think what he did may have prevented some sort of a revolution in America. I give him credit for that. I was glad to help with my weak voice and vote in many of those early measures which had to do with pacifying the people and bettering their condition. But, Mr. President, let no man misunderstand the mood of the people today.

The Senator from Indiana, noted for his sarcasm, may seek to belittle what happened in Carnegie Hall and what is happening in the town halls and in the schoolhouses of every county and every State of the Union. Let him not try to pass off this great outpouring of people in New York City as a group of dress-suited, limousine-driving citizens. It was a group of Christian women and Christian men, and of Jewish men and women from all walks in life. It was an outpouring of people who feel that the very foundations of the Republic are in danger. Let not the Senator from Indiana think that by this sort of a speech he can change the fact that in the hearts of men and women all over this land there is great distress.

I wish I had with me, Mr. President, a letter I received only yesterday from the wife of a farmer in northern New York, a letter two pages long, written with pen and ink. She said, in effect:

I am not interested in the high taxes on our farm. I am not interested in the high price of cow feed. I am not interested in the low price of milk. I am not interested in the low price of farm products. My heart now is on the question of what will become of my boy if we have a break-down of American institutions. I stay awake nights worrying about my family and what may happen.

Let not the Senator from Indiana pat himself on the back, and, by a sarcastic speech, think he is conveying to the great Senate of the United States and to the people in the galleries, and through the RECORD to the country, a message which will bring a thrill of pleasure and delight to millions of our people. On the contrary, there will be millions of our people, in his State as well as others, who will be hurt by what he has said today.

previous time.

this country; and I am sure, if they hear me or read my

Mr. President, I have had thousands of letters since the Carnegie Hall gathering, as I have no doubt my colleagues have. I have taken pains to read many of them; and hundreds of them come from the State of Indiana, as well as from every other State of the Union. Let not the Senator from Indiana think he may stand on his feet and, by a sarcastic speech, change the attitude of those fathers and mothers of America who have been taught what Americanism means.

The meeting in Carnegie Hall was the most remarkable meeting I have ever seen outside of a church revival. It was an amazing meeting. The people did sing patriotic songs and hymns up to the time of the speaking, and when the speaking was over they stayed in their seats to sing them.

Mr. President, when the religious fervor of the country is aroused, let me say that we can ill afford to take any chances on what we are attempting to do.

There may be a revolution at some time, but it is likely to be a revolution which involves the very best thought of America—not the thought of Wall Street and of the Liberty League, but the thought of the plain, godly people of America, who are stirred as they never have been before in my lifetime.

Mr. President, I had no thought whatever of saying anything on this subject. But in response to the sarcasm of the Senator from Indiana I wish to say this much for the plain, simple people of Indiana, as well as the plain, simple people of the State of New York and the other States of the Union.

Mr. MINTON. Mr. President, I had not expected to arouse so much interest on the part of the Senator from New York. I had expected only to direct the attention of the free press to a complaint that had been lodged against it to the effect that the opponents of the judiciary proposal were not having a fair press in this country. I had not thought the Senator from New York would use this occasion to lecture me about patriotism and what the people of Indiana thought and would do.

I think I know what the people of Indiana want; and, if I know what they want, I think they want the program of Franklin D. Roosevelt carried out. I cannot believe that the people on the farms in Indiana from whom I hear have in mind any thought that they are tearing down the institutions of this country when they cry out that the program of the President of the United States shall be carried out, as three times in elections they have asked it to be done; and I do not want the Senator from New York to point his finger at me and say that I am unpatriotic, because I support the President of the United States in this proposal. I do not want him to say that I do not believe in constitutional government and the guarantees of freedom that the Constitution contains. I believed in it enough so that in May 1917 I offered my life in defense of my country, and I spent a year overseas on some of the battlefields of Europe; and I do not want the Senator from New York to lecture me about my patriotism.

So, Mr. President, I submit the little leaflet only for the purpose of directing the attention of the Senate to what everyone knows to be the fact—that certainly the opponents of this measure have no cause to complain about the kind of press they are getting. To show how the propaganda is proceeding, just this morning, in the hearings before the Judiciary Committee, the Senator from Nebraska [Mr. BURKE] made a little innocuous remark to the effect that it was expected that some distinguished constitutional lawyers would be brought down to testify before the committee; and all at once the audience broke into uproarious applause, which suggested the thought that perhaps the meeting over there, against "packing", was itself packed.

So, Mr. President, I submit for what it is worth this wholly ridiculous little leaflet about the freedom of the press.

Mr. WALSH. Mr. President, the recent meeting at Carnegie Hall, in New York City, and other meetings for and against the reorganization of the Federal courts have been treated by some persons outside this Chamber loosely, unfairly, and at times with ridicule and contempt. This is bound to follow all discussions of political questions.

I leave to our colleagues the propriety of any Senator bringing in circulars written by possibly unresponsible persons which comment favorably or unfavorably upon gatherings attended by Senators or upon comments made by Senators outside the Chamber.

I am not concerned about the circular presented by the Senator from Indiana [Mr. MINTON], except for one feature of it.

One feature of the pamphlet troubles me—its reference to the audience hissing the President. I do not care what exuberant or exaggerated language there is in the pamphlet about me or about the meeting or the cause in which I am interested; but there was practically no hissing of the President at that meeting. If any, it was inconsequential; and, if even by one or two persons, reprehensible. The enthusiast who wrote that circular should not be taken seriously, even to the extent of having it read, in view of the fact that he exaggerated what occurred at that meeting and referred to it as being somewhat uncomplimentary to the President. The fact is that there was some cheering of the President, as there ought to have been, for the President has rendered public service of an extraordinarily high character. One of the Senators in particular praised him and all were most respectful. With many of his objectives practically every man in this Chamber agrees and is in accord. It is inconceivable that a man could be President of the United States and leader of a great political party without there being differences of opinion between him and his fellow citizens, and even between him and members of his own party from time to time.

I plead with my fellow Senators that during this discussion we shall recognize the dignity, importance, and greatness of the Presidential office, and extend the utmost respect and esteem to the Chief Executive of the country. He is not only entitled to it by reason of his accomplishments and his office but he is deserving of it because of his own personality.

So far as I am concerned, I desire to emphasize once and for all the fact that this issue is going to be fought by me on principle and nothing else. This does not mean that the views of myself and of those who oppose will not be forcibly presented. But there is going to be no abuse or criticism of any living man, in or out of this Chamber, who differs with me. If my years in public life have not led me to raise issues of this magnitude and importance above personalities and above party, then I think I have been spending my years without profit to myself or credit to the men and women who honored me by electing me to service in this body. A great, tremendous principle is involved here; and I am sure even the Senators who are in favor of the proposal of the President must recognize, believe in, and agree with that statement. Now, some of us find ourselves differing with him. It, indeed, is not pleasant to differ with the President of the United States when he is of one's own political faith. In my opinion, one of the most generous compliments paid to my speech, to which reference has been made, was that it had in it a tone of sadness; and everything I shall say in the discussion of this momentous question will have a tone of sadness in it, in that I find myself differing with the leader of my party, that I cannot go along with him in what he believes to be for the best interests and the welfare of our country.

Mr. President, I desire to repeat that we should not get excited; let us not become disturbed over freak communications pro and con, tirades, irresponsible circulars, and documents which are coming to us from all sides. Let us be worthy of membership in the Senate of the United States and fight this great issue as Senators, fight it on principle, and only on the issue, and recognize that it is a great constitutional question, involving, as many people believe, the future welfare of a great institution of this country, namely, the Supreme Court.

I do not accuse those who do not agree with me of trying to destroy that institution. Many people, nevertheless, believe the contemplated action would take a prop from under the great institution which has been our safeguard and the

protector of our liberties, as many of us believe, for the last 150 years. I shall not say more.

Mr. President, I want my words in reply to the Senator from Indiana to be merely a plea for discussion of this great question on a high plane, on a plane worthy of this great body and its honored traditions. Let us fight it out on principle—not on party lines and not on personalities, least of all on the personality of the great man who is President of the United States.

AMERICAN NEUTRALITY

Mr. BONE. Mr. President, I desire to occupy the floor for a period to discuss one particular section of the so-called Neutrality Joint Resolution that was passed by the House on March 18. Preliminary to my statement I should like to have subsections (a) and (b) of section 4 of the joint resolution as it passed the House printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Is there objection?

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

SEC. 4. (a) Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 3, or to a state wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful, except under such limitations and exceptions as the President may prescribe, for any American vessel to carry such articles or materials overseas to any belligerent state, or any state wherein civil strife exists, named in said proclamation or proclamations issued under section 3 of this act, or to any other state for transshipment to, or for the use of, such belligerent states or within such state where civil strife exists. The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to transport.

(b) Whenever the President shall have issued a proclamation or proclamations under section 3 of this act, and he shall thereafter find that the placing of further restrictions on exportation of commodities from the United States to the belligerents, or to any state wherein civil strife exists, is necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives or commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful except under such limitations and exceptions as the President may prescribe to export or transport from the United States to any belligerent state or state wherein civil strife exists named in said proclamation or proclamations issued under section 3 of this act, or to any other state for transshipment to, or for the use of, such belligerent state or such state wherein civil strife exists, any articles or materials other than personal goods and effects whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which they are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials.

Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or airship contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

Mr. BONE. Mr. President, a few days ago the Senate of the United States passed Senate Joint Resolution 51, commonly known as the Pittman measure. That resolution represented a realistic and intelligent approach to the problem of neutrality, which in my judgment is the most important issue now confronting the American people. I say "most important" because if by some misadventure in war trade this country of ours becomes embroiled in another great international war, which seems to lurk just around the corner, it will be utterly impossible for us to bring about an orderly settlement of the vexatious and menacing economic problems that press so heavily for solution. Our entrance into a world war at this time would make impossible a sane and dispassionate consideration of these problems upon the solution of which so much depends.

I had hoped that the measure passed by the Senate, and which I am convinced in no small measure reflects the passionate desires of the overwhelming mass of American people, would pass the other branch of the Congress. My hopes in that direction have not come to fruition, for on the 18th day of March the House saw fit in its wisdom to adopt a wholly different measure which in all essential features is a complete departure from the principles enunciated in the so-called Pittman neutrality bill.

The country is too familiar with the provisions of the Pittman resolution to require a recital of them in these remarks, and my purpose here is to make clear precisely what is to be found in the House measure upon which the Senate must now act either by acceptance or rejection or by the adoption of some sort of compromise between House and Senate conferees. Others may and doubtless will speak on this substitute measure which comes to us from the House. I sincerely hope that they will and that other voices will be added to mine to protest against the hopeless and barren results which it achieves in the matter of neutrality and peace.

The House substitute is not a neutrality or peace bill, as I will endeavor to show, in that it opens wide the gateway to an untrammeled and unrestricted trade with belligerents in time of war, in this respect being the exact opposite of the Pittman resolution which was rejected in the House.

Let me digress for a moment to say that I would go far beyond the provisions of the Pittman measure. I share the belief that we ought to cut off trade with belligerent countries in time of war. I am impelled to accept the Pittman resolution because it is the best approach which Congress so far has seen fit to adopt.

It were well for those who are interested in this problem of peace, so far as it affects our country, to be fully informed of the fundamental difference of these two measures. By their express terms they represent philosophies as far apart as the poles.

I desire now to examine the House substitute for the Pittman joint resolution for a short time. It provides that whenever the President finds to exist a state of war between foreign states he is to proclaim the fact. I have no quarrel with this provision because it is a part of the Pittman bill and is a logical provision. Upon such proclamation, it shall thereafter be unlawful to export or attempt to export arms, ammunition, and implements of war to any belligerent power and the embargo is to be extended to other countries becoming embroiled in the controversy. I agree wholly with this provision.

By the proposed House amendment the President is required to enumerate the various kinds of war implements which may not be exported to belligerents. I disagree with this provision because every kind of war munitions should be denied export privileges and no discretion should be given to the President to permit export of such commodities by omission from any such enumeration.

The fatal weakness of the substitute offered by the House is made very apparent in section 4. I do not believe I have ever seen a more adroit interpolation of qualifying words in any piece of legislation. This particular section 4 destroys everything secured in all previous attempts at neutrality legislation adopted beginning in 1935, and while I disagree wholly and completely with the queer provisions of section 4, which junk and destroy all hope of neutrality and open wide the gateway to our entrance into another world war, the cleverness with which words have been used in this section would otherwise tempt me to express unstinted admiration for the wit and ability of those who drafted it.

The word "and" is one of the most harmless words in the English language, but its use in the third line of subdivision (a) of section 4 changes the whole meaning of that section. It is the beginning of a series of words, clauses, phrases, and grammatical subtleties that not only make the

measure a grant of complete discretionary power on the part of the President, but finally break down all barriers to trade and make it possible to ship any kind of personal property to belligerents in time of war, and such shipments can be transported in American bottoms. As far as war trade with belligerents is concerned, we would be in precisely the same legal position as we were immediately before we entered the World War—in fact, we would be in a worse position, because the American people will have been lulled into a sense of security by the passage of this kind of legislation, and if they do find themselves hopelessly involved when it will be too late to undo the evil encouraged by this House substitute.

Section 4, subdivision (a), provides that—

Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act and—

And again I call attention to this word "and"—

he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war to said belligerents is deemed necessary to promote security and preserve the peace and neutrality of the United States or to protect the lives or commerce of nationals of the United States, he shall so proclaim.

In other words, the whole matter rests in the hands of the President of the United States, whether he in his wisdom will see fit to bar the shipment of any item of commerce to a belligerent nation outside of arms and ammunition, and even in that case he may enumerate certain arms and ammunition which might or might not be restricted in shipment.

By interpolating the word "and" into this paragraph there is given to the President the unquestioned discretion as to whether or not he shall at any time issue a finding that the placing of restrictions on the export of "certain materials or articles" is necessary. The purpose of using words in this fashion will be obvious to anyone familiar with the drafting of legislation.

Let us go a step further in analyzing section 4, so that we may clearly perceive its purpose. By the use of the word "and", it is made apparent that the President may or may not, according to his impulses, make the finding referred to. He is only required to make such a finding if it "is deemed necessary" and, of course, the question of necessity is made wholly one of Presidential discretion. If the President in his wisdom cares to exercise this discretion, it shall thereafter be unlawful for American vessels to carry such articles or materials except—and at this point I again direct the attention of my brethren to the use of the word "except"—under such "limitations and exceptions" as the President may prescribe.

It will be obvious to everyone that this wide discretionary power would allow the President to except one article or one material or any number, or, if he chose, he could except all materials and let them all go to any belligerent state.

Subdivision (a) proceeds further down this pathway of complete Presidential discretion and vests the President with statutory authority definitely to enumerate the articles and materials which he will not permit to be shipped and to do this "from time to time." That is more loose grant of power.

Visualize the picture of the President of the United States sitting in the White House listening to committees of high-pressure politicians and representatives of big business who will tell him that the country will head hellward if he does not permit the commodities their business is producing to be shipped to a country torn by war—a country whose sons are dying by thousands every day on bloody fields. The number of boys who died in Europe averaged 5,000 every day, day after day and month after month.

I want Senators to visualize the crowds of businessmen who would come bowling into Washington to "put the heat" on the President of the United States and to do the very thing which they denounce so fervently when they declaim against so-called pressure groups. These business interests do not like veterans' blocs, farm blocs, labor blocs, or any kind of blocs, but this country will never see such a pressure group or groups as would be coming to Washington in time of European war for the purpose of securing the exceptions to any order preventing the shipment of "articles or materials" to warring nations which they want and which this bill permits.

Bad as it is, appallingly weak as it is, and as destructive to the principle of mandatory neutrality as it is—and I want to say parenthetically that I sincerely believe that 90 percent of Americans passionately want mandatory neutrality; they want this war business stopped—subdivision (a) of section 4 does not achieve the complete extinction of neutrality, but that felicity is reserved for the country in subdivision (b) of section 4, where the last vestige of control over wartime trade is swept away and utterly destroyed.

Let us examine this subdivision (b) of the substitute for the Pittman resolution and see how completely it destroys all hope of curbing or even mildly restricting trade with belligerents, the trade which, in my humble judgment, sucked us into the World War and left as its heritage the crucial problems we now confront. This subdivision goes on to say that if the President thereafter finds that the placing of further restrictions on exports of commodities to belligerents is necessary to promote security, preserve peace, and protect the lives of our people, he shall so proclaim, and it shall thereafter be unlawful except—and I call the Senate's attention to this word "except", which seems to possess so fatal a fascination for the drafters of this section—under such limitations and exceptions—more exceptions—as the President may prescribe, to export or transport from this country to belligerents any articles or materials—and here comes what seems to be the master joker of all congressional legislation that I have ever read—"any articles or materials other than personal goods and effects" until the title to these has been transferred to some alien.

Mr. President, just what does that sort of language mean when it is broken down and the surplusage and excess verbiage is removed, as any court of final resort would do when passing judgment? I shall now read to the Senate precisely what the language in section 4, subdivision (b), is, and it is exactly how a court would read it. It may be asserted and it may be suggested that this interpolation was made on the floor, a practice which everyone familiar with legislative matters knows results sometimes in very peculiar sort of language being put into a bill—language which looks ridiculous when contrasted with the context of the bill. But let me read to Senators exactly what this language is when the verbiage and the unnecessary language is removed from this subdivision; and as Senators hear me read this, I ask them to judge exactly what a court would do when it was called upon to pass on this language. I am going to refer to some court decisions and some statements from legal authorities that are worth while—at least for which I have been taught to have some respect in 25 years of law practice.

This, gentlemen of the Senate, is the way the language would appear in a court decision when a court broke it down and removed the surplusage and the excess verbiage:

SEC. 4. (b) Whenever the President shall have issued a proclamation or proclamations under section 3 of this act—

That is, that a state of war exists—

and he shall thereafter find that the placing of further restrictions on exportation of commodities from the United States to the belligerents, • • • is necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives or commerce of nationals of the United States, he shall so proclaim, and it shall thereafter be unlawful except under such limitations and exceptions as the President may prescribe to export or transport from the United States to any belligerent state • • • any articles or materials other than personal goods and effects • • • until all right, title, and interest therein shall have been transferred to some foreign government—

And so forth.

In other words, it forbids the exportation of property "other than personal goods and effects."

It is a fundamental rule of law with which every lawyer in this body is familiar, that a court will not read out of a statute plain, simple words that are there, that by the context are not limited in their meaning. That rule of evidence and that rule of statutory construction is hornbook law to the average lawyer. So when we find in this statute the words—

Other than personal goods or effects.

without any limiting clause and without any words in the statute limiting their meaning, what do we as lawyers confront? Suppose any of us were on the bench and this bill came before us and some person was asking the right to transport goods and personal effects to a belligerent country, and we found in the bill the language that the President may prohibit the delivery of—

Articles or materials other than personal goods and effects.

Then we would have to say, "Well, gentlemen, personal goods may be transported to a belligerent country." A court could do other than leave the language in the act unless it violated every rule of evidence with which every lawyer is familiar.

Let me refer to Sutherland on Statutory Construction, to read a few lines out of it which are familiar to every practicing attorney;

It is an elementary rule of construction that effect must be given, if possible, to every word, clause, and sentence of a statute. Statutes should be so construed that effect may be given to all of their provisions, so that no part will be inoperative or superfluous, void or insignificant.

I read another citation from Sutherland:

Where there are two provisions in a statute, one of which is general and designed to apply to cases generally, and the other is particular and relates to only one case or subject within the scope of the general provision, then the particular provision must prevail; and, if both cannot apply, the particular provision will be treated as an exception to the general provision.

Apply that provision of law to what is in this resolution, and, if this be a particular provision, obviously it must prevail. If it be merely an expression or clause or phrase, the Court will breathe the breath of life into it in interpreting the statute.

I read another citation from Sutherland:

Common or popular words are to be understood in a popular sense. • • • It is a familiar rule of construction, alike dictated by authority and common sense, that common words are to be extended to all the objects which, in their usual acceptance, they describe or denote.

I quote another reference from Sutherland:

General words should receive a general construction unless there is something in the statute to restrain them.

I read another citation:

The change is often found—

That is where there is some peculiar wording in the statute, as in this case—

The change is often found to be the result of carelessness or slovenliness of the draftsman.

I am advised, Mr. President, and I may say parenthetically, that this amendment was interpolated into the joint resolution on the floor of the House, which is probably the reason why it is here, but its legal significance is the challenging thing and not how it came to be placed in the measure.

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

Mr. BONE. I yield.

Mr. CLARK. In the opinion of the Senator, is there any difference between the term used in the amendment "personal goods" and the more familiar general legal term "personal property"?

Mr. BONE. No; and I am coming to that.

Mr. CLARK. "Personal property" means everything except real property. So if a 16-inch gun did not happen to be firmly anchored on a concrete emplacement in connection with real estate, but could be moved and placed on a transport or other vessel, that would be personal property, would it not?

Mr. BONE. There are so many forms of personal property that it is pretty difficult to draw an exact line, but I want to cite three or four authorities which are fundamental and with which every lawyer in this body is familiar, as it seems unnecessary to go beyond that.

Mr. BORAH. Mr. President, would the Senator mind reading that clause again? I could not hear it.

Mr. BONE. May I send it over to the Senator? I will send over to him the joint resolution itself.

Mr. BORAH. No; I merely wish to see the clause which the Senator was discussing.

Mr. BONE. I will read further a list of citations.

It is a cardinal rule that all statutes are to be so construed as to sustain rather than ignore or defeat them.

In reference to the matter to which the Senator from Missouri [Mr. CLARK] has referred, again I wish to say that there is nothing in the measure which qualifies the words "other than personal goods and effects"; there is no qualifying language in the context of the joint resolution so that any other meaning would be obvious to a court. That is to say, any attempt to limit the meaning would be obvious to any court. The words stand out and speak for themselves, and the rule of ejusdem generis cannot be followed in such a case, because the very nature of the language employed forbids the application of the rule.

I quote from another case:

The terms "personal goods" and "personal property" are convertible, and, in their general sense, mean the same thing.

That is from a decision of the Tennessee Supreme Court.

I cite just a few of these authorities. I had a ream of them, but I cannot bring here and burden the Senate with a long list of citations dealing with this matter.

In a case arising under a criminal statute involving larceny of goods the court had this to say in a case:

When any personal goods are wrongfully taken or wrongfully detained • • •.

The term "personal goods" is broad enough to cover title deeds, since the papers within themselves have no intrinsic value.

And as to the words "personal effects"—

The words "personal effects" in a will, when not restricted by the context, mean everything embraced within the description "personal property."

Citing a Wisconsin case.

Here is a citation from Corpus Juris, a volume with which every practicing attorney is very familiar:

As used in wills its meaning may be derived from descriptions of articles and specifications immediately preceding—

Even the rule of ejusdem generis might be invoked, but the Corpus Juris goes on to say—

but when not restricted by the context it may mean everything embraced within the description "personal property" (48 Corpus Juris, 1046).

Mr. President, I wish to suggest a most careful examination of this queer language. The words "other than personal goods and effects" constitute the most interesting and meaningful phrase in this substitute for the Pittman resolution. As it appears in this substitute for the Pittman measure the words mean, and they seem plainly intended to mean—and the courts have said that they are going to give effect to what the words obviously mean—that "personal goods and effects" could be shipped to belligerents without any restriction whatever imposed upon their shipment. And, what is worse and what is more provocative of war, all of these "personal goods and effects" can be lawfully shipped in American bottoms—in American ships with American crews, with the American flag flying from the masthead. And when such a cargo containing "personal goods and effects" goes out on the high seas bound for a belligerent country where millions of boys may be locked in a bloody and deadly struggle with an enemy, we can expect the gray wolves of the sea to make that vessel their immediate prey and sink it if they can. That is what happened in 1916, 1917, and 1918, and it will inevitably happen again.

We do not have to cudgel our brains in an effort to interpret the meaning of such plain and simple expressions.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. BONE. I yield.

Mr. BORAH. May I ask the Senator, in order that I may follow fully his logic, would the phrase "personal goods and effects" apply to a corporation? Could a corporation have personal goods and effects?

Mr. BONE. I think so. I have here a list of decisions——

Mr. BORAH. I am not informed myself, and I thought perhaps the Senator could give me the information.

Mr. BONE. There is no question of doubt about a corporation's right to own personality, because, if a corporation had no corporate or legal right to own personal property, practically every corporation in the United States might or would have to go out of business.

Mr. BORAH. The words "personal goods and effects" I supposed related probably to the goods and effects of an individual.

Mr. BONE. If that were true, then this sort of loose and careless language which a court must interpret, and which I think any careful lawyer would find immediately challenging, ought to be qualified and restricted by saying that it means that a man may have about his person a toothbrush and his pajamas and his shoes, and not leave the door so far open that not only one truck but a fleet of trucks may be driven through it. If that were to be the interpretation given it, then gentlemen are doing a distinct disservice to their own measure in not making that point very plain. For instance, they might add to the bill or make their expression read something like this, "other than personal goods or effects worn or carried about for his personal use by the person using and owning such goods and effects."

Such a clause would make the meaning very plain, too plain for cavil or dispute; but there is no such limitation in the measure, and we are dealing here with courts. I have heard some observations of late about the carelessness with which the courts construe statutes and the Constitution which make me feel that we ought not to trust ourselves to a court definition or a court construction, but should write into this measure exactly what Congress wants written into it. We would have no right to criticize a court for construing this expression exactly as it is written, because what could judges do when they confront such language and confront a ream of decisions a mile long holding that personal goods and effects are personal property? However, I am going to make some further reference to personal property a little further along in my remarks.

"Personal property", in law and in practical usage, is estate and property other than what we commonly know as real estate. It consists in general of things that are movable, such as chattels. Personal effects are defined to be effects of a personal character, and, of course, comprehend and include what we all know to be personal property. Every lawyer in this body, without any suggestion from me, knows that personal property includes, and would include, and would be so construed by any court, such commodities as wheat, flour, cotton, oil, gasoline, steel, copper, nickel, pig iron, rubber, trucks, corn, automobiles—in short, the very kind of personal property which is not only used and useful by any nation in time of war but is vital to the support of its civilian population and its army in the field. What seems to have been the clear and studied purpose of the author of this language was undoubtedly the exemption of such forms of personal property from the entire scope and operation of this measure. If that was not his purpose, he might very readily by interpolating a few more words have made his purpose very obvious and clear. But when a man merely contents himself with a reference to personal goods and effects, there is no limitation whatever in that sort of an expression.

I wish to point out what seems another unfortunate suggestion which lulls us into a false sense of security, for the remainder of this section contains a provision that the shipper of articles which do not come under the category of personal property must file a declaration stating that an American citizen has no title to such articles. Aside from arms and ammunition, about the only thing left to which such an affidavit could apply would be real estate; and if I were a bit cynical I might say that there must be great regret in certain quarters that we cannot sell and transport our real estate to a belligerent nation. It is a terrible visitation of congressional wrath on the poor real-estate operators that we deprive them of the privilege of shipping real estate to warring nations, but, unfortunately, the Almighty has made that impossible. Otherwise, the war traders would assuredly ask us, by some exception, to make possible a brisk trade in real estate as an adjunct to the delightful operations of modern warfare.

I withhold comment on other portions of the joint resolution because the matters I have adverted to completely strip the heart out of the assumed attempt to create a piece of neutrality legislation.

I do not believe that any Senator has ever seen a more all-embracing set of exceptions in any piece of legislation than are to be found in the House joint resolution which I have been discussing. It contains so many exceptions that it practically excepts from the operation of the measure everything that goes to constitute war trade, aside from actual combat munitions of war. The presence of these exceptions in this proposed law truly stamps it as a complete abandonment of an effective program of neutrality and peace, which I think is one of the highest aspirations of 90 percent of the American people at this moment. If this resolution becomes law—and it will if the Senate does not reject it—it will be a patent, open bid to every business institution in the United States to go into war trade up to the hilt. Mr. President, even if the President of the United States wanted to stop war trade in the commodities I have mentioned he could not do it under this measure. He is tied hand and foot as completely as though he had a ton of baling wire wrapped around him by a baling machine. He is stuffed into a veritable legal mummy case by this kind of legislation. The hands of the courts would be tied as well. It is misstatement of terms to call the sort of thing laid out in this bill by the designation of "Presidential discretion."

There can be no discretion when the resolution itself says that personal goods and effects are not brought within the scope of the commodities the shipment of which the President can under any circumstances check or stop. But even if it were a measure granting full discretion—which it does not—I would still be opposed to it, and I think the overwhelming mass of Americans will be opposed to it. I certainly feel that Congress should be opposed to it, because such a discretion would both force and authorize the President of the United States to create conditions which might inevitably lead to war. The joint resolution would create such an intolerable condition that Congress, under the whip and lash of public opinion aroused over the sinkings of American ships, might feel impelled to declare war.

Congress alone has the constitutional right to declare war; and, regardless of my admiration for the President, I would not place in his hands the power to produce conditions or be forced into a position which would produce an inflamed public opinion and compel Congress to declare war even against its will. Having the sole power to declare war, Congress should not only have but should exercise the power to prescribe the conditions which might or might not lead to war—and no amount of sophistry will divorce us from that cold, hard fact. If by some awful mischance I should be called upon in my capacity as a Senator to vote for or against a declaration of war, I want to be certain that I would have something to say about the creation of the conditions which our experience has taught us may be one of the outstanding factors leading to war. If there is any logical answer to that philosophy, I am not aware of it.

I want to write into the RECORD my most earnest protest against such an abandonment of the hopes and aspirations of the American people as is to be found in this joint resolution. The time may soon come when the sons of American mothers will be dying on foreign battlefields and their bodies rotting in foreign soil because we deliberately elected to sustain the sordid trade of war hucksters—a trade which we will call into existence by the wording of this joint resolution. We do not permit it to come into existence by mere negative action. We actually send forth a clarion call for the war traders to get ready for the financial killing.

This measure is worse than no neutrality legislation. If we wiped out every line of our neutrality legislation, we might at least cherish the hope that we could appeal later to the sound judgment of Americans to put something worth while on the books. It were a million times better that we should not lead the people of the United States to believe, in the passage of this resolution, that we have enacted legislation which in any wise restricts war trade. If, God forbid, the time should again come when we hear the voices of the bugles in our streets, the roll of drums, and the rustle of the war flags—and their very rustle will whisper of things too horrible to describe—it should be known, even though it be too late, that a protest was registered against this open bid to the doing of a thing which may drag us into war.

We know from bitter experience that the nations who bought from us in the World War so manipulated this crazy picture of war finance that they made Americans pay their war debts, which are now represented in the form of Liberty bonds which we are retiring in our income taxes. These debts represent war trade. It must give all of us a wonderful thrill to know that the profits of war that went to the powder and steel outfits and to the copper crowd and all the rest of the war hucksters are being paid year by year in our income-tax bills. We are a patient people, a people familiar with sorrow and acquainted with grief, but this sort of financial operation ought to make our cup of misery overflow.

There is and can be no profit in war. Europe borrowed $12,000,000,000 from us, and our Government is sweating it out of us right now. We loaned the money to European nations to buy the kind of personal goods and effects which this substitute allows to be freely sold to belligerent nations. Of course, the war hucksters made a lot of money out of it, but all the rest of us are paying this money back year by year. We had to do more—we also paid for this trade in an army of dead, an army of insane, an army of fine young fellows whose bodies had been battered and broken. We paid for it with an army of Gold Star Mothers. We paid for it with pension rolls and debts that may stretch ahead for generations. These things constitute a panorama of misery and wretchedness too sad for words. They are the price, the heritage of war. They represent the immolation of people on the altar of war profits. They are an exemplification of man's inhumanity to man. They are the legitimate offspring of that savage, uncouth, and antisocial doctrine commonly designated as "freedom of the seas", which no longer exists except in legal literature.

If this joint resolution becomes law and another war starts in Europe, American ships will again start across the ocean filled with these personal goods and effects which this measure says may be shipped without interference. I say this with full knowledge that I may not convince some Americans that they ought not make profit out of that hell called war. But Americans should engage in that traffic only with full knowledge on the part of the people of the terrible price they will have to pay to sustain it. If the ships again start across the ocean filled with high-priced and profitable commodities—the "personal goods and effects", such as wheat, oil, gasoline, coal, cotton, corn, copper, steel, trucks, flour, pig iron, rubber, tin, nickel, tires, automobiles—in short, the personal property the traffic in which this joint resolution invites—just so sure will an army of American boys be following soon after with the uniform of their country on their backs and rifles on their shoulders to sustain this glorious but bloody doctrine of freedom of the seas. That is exactly what Admiral Sims, commander in chief of our Navy during the World War, said this sort of traffic meant. Today the very men who defend this doctrine admit that its basis is the right of Americans to indulge in war traffic with belligerent nations, and their reason for defending it is that such a right is worth fighting for. I admire their candor and frankness, and if we are now misled let it be recorded that it was in their own vote.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER (Mr. ANDREWS in the chair). Does the Senator from Washington yield to the Senator from Arkansas?

Mr. BONE. Certainly.

Mr. ROBINSON. Will the Senator be kind enough to yield to me to mention certain phases of this matter? I am sure he will be interested with reference to the use of the term "personal goods and effects" as incorporated in the House bill. It is my impression that the body at the other end of the Capitol intended to limit the commodities excepted to goods which affect persons, such as clothing and goods of that sort. In other words, in my opinion, the intention of the language was not to exempt the articles to which he refers—articles in the nature of contraband—but to limit the exemption to a very narrow field, to such articles as pertain to the person.

Of course, the term "personal goods and effects" has been variously defined by the courts. Some of them have given it a very broad definition to include personal property of all kinds. However, it is my belief that the intention was to limit it to the character of articles I have just stated. I thought I ought to call the Senator's attention to it.

Mr. BONE. Mr. President, if I could search the heart and know the exact purpose of the man who wrote the expression, I would not be making this speech, but I am putting myself in the position of a court which would have to pass judgment on the words themselves. I believe the Senator from Arkansas was not in the Chamber when I read a number of citations holding that where language is in an act the court must give that language effect. Where there is nothing in the context which limits the effect in the application of the words, or the clause, or the phrase, the courts must give effect to the words.

It may be true that the gentleman who suggested this language had locked in his breast some entirely different idea, but I have just sent to the Senator from Arkansas, by a page boy, a suggestion as to a change of wording which, if the joint resolution were now before the Senate, I should offer as an amendment. If it be the clear purpose of the author of this clause to restrict it in the manner the Senator from Arkansas has suggested, then he might have done it by the language I have suggested.

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

Mr. BONE. Certainly.

Mr. ROBINSON. I think the proposed amendment which the Senator has been kind enough to send to me, an amendment which relates to the House bill, carries out the purpose of the House as I understand it. I think it is a proper amendment.

Mr. BONE. Mr. President, I am greatly concerned only because, in the first place, the almost universal rule of statutory construction would compel a court to read the words of this act in their normal, ordinary meaning; and therefore a court, if it were a good court, would not attempt to construe that language in such a way as to write out the obvious meaning of plain, simple words. Second, the joint resolution in itself is a patent bid to enter into war trade; and if this additional loose language is left in, the sky is not even the limit. We shall have very casually removed the sky, if I may employ that metaphor.

Mr. ROBINSON. Mr. President, in this connection I call the Senator's attention to an opinion of the Supreme Court of Minnesota in the case of *Barney* v. *May* (160 N. W. Reporter 790). I do not know that it contravenes the position taken by the Senator as to the meaning of the words "personal goods and effects", but it is stated in the syllabus that—

> The term "personal effects" commonly means such tangible property as attends the person.

Manifestly, if the words "personal goods and effects", as used in the House joint resolution, are to be given the construction which the Senator is suggesting, the measure would need modification.

Mr. BONE. I suggest to the Senator that in order that I might not be charged by some persons with having lightly raised an issue which was a futile and useless one, I called into consultation some able lawyers in this city very highly connected with the Government and I presented my problem to them. I said, "I am going to challenge this

language on the floor of the Senate, and I do not want to be asserting a danger which may not exist." I may say to the Senator that they agreed with me that the language was clearly open to the interpretation I have given it, and their judgment was that the courts would so construe it.

If the words "personal effects" were used alone, they might raise a doubt in the mind of the Court; but "personal goods and effects" is about as sweeping and inclusive an expression as one could find, and it certainly ought to be a challenge to every lawyer on this floor. Why use that sort of general language in the joint resolution when the author of the language could have made his intended purpose very plain by some qualification?

I read today some statements from Sutherland to the effect that if a man wants to limit the application of a thing he should employ limiting words; otherwise the Court must give the language its normal meaning. We ought not to expect the Court to defend us against our own ineptitude in drawing legislation. It probably is fair and due to the men who handled the joint resolution on the floor of the House to say that when amendments are put into a measure on the floor, of course, everyone knows that frequently unhappy results follow; but it is not for me to decide whether it is or is not good grammar.

The fact is that these words in the joint resolution, in my judgment, would permit not one truck but all the trucks ever made by General Motors and Chrysler to be driven right through the joint resolution, and the courts would be handcuffed. I will say frankly to the Senator that if I were on the bench and the joint resolution allowed personal goods to be shipped abroad, I should be constrained to give the language the interpretation which the average man would give it.

Besides, we are going to have men coming down to Washington saying, "Except my things from the effects of this bill. I want to ship my stuff. The country is going to hell if I do not get an order authorizing me to ship, and giving me one of these beautiful exceptions." If we ever saw pressure groups, and political manipulation, and maneuvering, we are going to see them when this joint resolution becomes law, if it ever does, and a war breaks out in Europe. Every fellow who sees wheat going to three or four dollars a bushel, and copper to 30 cents a pound, will be down here getting his beneficent exception.

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

Mr. BONE. I yield.

Mr. ROBINSON. In support of the suggestion I made a few moments ago that the language was not intended to embrace personal property generally, such as might be used for war purposes, I call the attention of the Senator to the fact that the language of the House joint resolution is:

> It shall thereafter be unlawful except under such limitations and exceptions as the President may prescribe to export or transport from the United States to any belligerent states or state wherein civil strife exists named in said proclamation or proclamations issued under section 3 of this act, or to any other state for transshipment to, or for the use of, such belligerent state or such state wherein civil strife exists, any articles or materials other than personal goods and effects whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national.

In view of that context the meaning of the language used by the House is that the exception, "personal goods and effects", is not to be given the broad construction which ordinarily would be applied, but is to be given a narrow construction; and, as has been suggested to me by a Senator near me, it is perhaps inaptitude of expression which may be corrected by some such language as the Senator from Washington has proposed. In other words, I should like to say that I do not think there was any thought or purpose on the part of the proponents of the House substitute for the Senate joint resolution to broaden the exemptions from a possible embargo to the extent the Senator is suggesting. I merely make that statement in order to be, as I conceive it, entirely just to the House committee and to the House itself.

Mr. BONE. I realize the Senator's position. I desire to be just and fair to them; but, on the other hand, I also desire to be just and fair to the country, which will be placed in a position of jeopardy if the courts should construe this language as I think they would.

Three terms are employed here. At the top of the page we find the word "commodities." Farther down we find the words "articles or materials." The third expression is "personal goods and effects." There is no restriction anywhere in the context on any of them, and no definition. This looseness of expression may lead to trouble.

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

Mr. BONE. I yield.

Mr. ROBINSON. I think the language the Senator has proposed—namely, "other than personal goods and effects worn or carried about for his personal use by the person owning such goods and effects"—would accomplish the purpose which the framers of the measure had in mind. I do not think they had in mind opening up the proposition to every commodity which might be considered personal property.

Mr. BONE. Mr. President, the bill itself is so liberal in allowing shipments of war materials that in my judgment it comes neither within the classification of a neutrality measure nor that of a peace measure. There is not a single line in it which, in my judgment, is going seriously to interrupt the flow of materials to Europe in wartime; and if this joint resolution becomes law we are going to find ourselves in a war boom and upward spiral, until we head the other way into an abyss. That occurred and will occur again. I am opposed to the fundamental provisions of the McReynolds resolution, but I call attention to this one particular thing as an evidence of how legislation may inevitably lead us right down to the edge of the abyss of war.

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

Mr. BONE. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I should like to ask the Senator what, in his opinion, would happen to the McReynolds resolution or the Pittman resolution if Europe were tomorrow to find itself in a state of war, and wanting our cotton at 28 cents a pound, or our tobacco at 50 cents a pound, or our copper, or other commodities which we produce here in America.

Mr. BONE. Does the Senator wish to know what we would do?

Mr. REYNOLDS. Yes; I wish to know what we would do if we should find at that time—and we should—all of our cotton farmers from North Carolina coming up here and clamoring for the right to export their cotton. They are now getting about 15 cents a pound for cotton. If war should be declared in Europe, and we should find Brazil and Egypt and India and China and all the rest of our 48 competitors in the production of cotton selling cotton to the warring nations of Europe at a tremendously high price, I know, and I believe the Senator will agree, that all of those engaged in the production of cotton in North Carolina and South Carolina and Georgia and Alabama and Mississippi and Texas and Louisiana would be up here clamoring for the privilege of sending their cotton to Europe.

Mr. BONE. I quite agree with the Senator. In fact, I agree with him so thoroughly that I went out to Denver not long ago and made a speech before the national convention of the Veterans of Foreign Wars, in which I stated exactly what the Senator has just said. I said that if we attempted to embargo the exportation of this stuff, which is very profitable, we might have all the labor unions and the farmers and all the others concerned coming down here and proclaiming against such embargo laws, and we might have another Theodore Roosevelt indulging in another outburst of flaming Americanism and talking about a "yellow" Congress. But let me further tell the Senator what would happen. We might as well have this all out in the open.

Of course, I do not do myself the honor to think that posterity is going to read my humble and rather inept expressions here; but it is just as well to write my position into the RECORD right now, and I prefer to go on record now, before any war starts, for I know how I shall vote when it does come, if I am here. The very farmers who would want $3 a bushel for their wheat, and the very cotton farmers down in the Senator's part of the country who sought to get 20 cents a pound for cotton would have to make up their minds to one thing. This is what would happen:

The 20-cent cotton would start across the ocean to a belligerent nation, and the nation fighting the one to which the cotton was consigned would naturally blow the ships out of the water if they could. The Senator will agree with that, will he not? It would not be long after that until the son of a farmer who was getting $3 a bushel for wheat, and the son of the cotton grower who was getting 20 cents a pound for his cotton, would have a uniform on his back following that cotton and that wheat across the ocean to vindicate the right of his countrymen to engage in that traffic. That is the exact picture presented; and I may say to the Senator that I believed that the Veterans of Foreign Wars agreed with my views expressed at their convention.

Mr. REYNOLDS. I cannot agree with the Senator. I am of the opinion that if the farmers of North Carolina had an opportunity to sell cotton at 20 or 25 cents a pound in case of war in Europe, if the farmers of the State of Tennessee had that opportunity, they would sell it, and they would bring such pressure on us here, as pressure would be brought on us by those who engage in the raising of wheat in the West, that the treaties we are making in the form of neutrality laws would be torn up. But we are not going to send any of our boys to war, because, as the Senator has repeatedly stated, the American people are against war.

If the Senator will permit me, I wish to say that we are enacting neutrality laws—and the probability is that I am going to vote for the measure we are now considering—but I do wish to avail myself of this opportunity to express my opinion about the whole matter, which I have not done heretofore.

Mr. BONE. Mr. President, I will not yield for the Senator from North Carolina to make a speech in my time. He can take the floor after I conclude and I will be happy to listen to him.

Mr. REYNOLDS. It is in line with what the Senator is saying.

Mr. BONE. I know, but I am not yielding for that purpose.

Mr. REYNOLDS. If the Senator will spare me just a moment—he made mention of the fact that the ships to which he referred would be blown up. I desire to make a statement in regard to that.

When we are prohibiting the American marine from carrying goods from this country to any other country we are absolutely destroying the American marine. We are prohibiting the American people from riding on foreign ships in war zones. I say, and I say it unhesitatingly, that if an American citizen has no more sense than to ride on a ship through a war zone, or on a foreign ship, he ought to be blown to hell. That is my statement about it. I will not interfere further with the Senator.

Mr. BONE. That is precisely what the Pittman resolution provides, and that is why I said in the beginning that the Pittman resolution is, in my judgment, a realistic approach to a proper solution of this problem.

I am just as well aware as is the Senator from North Carolina that if an attempt is made to embargo shipments, we will have the men who want to make profit out of shipping goods coming here and raising a rumpus about it. I do not believe there is any question about that. I think we are all aware of that simple, elemental fact. But the assumption-of-risk doctrine, which involves a man carrying goods at his own risk, is an entirely different thing from underwriting that sort of traffic with the guns of the Navy and the bayonets of the Army. When we tell an American by law that he rides on a ship of a belligerent nation at his own peril that is a plain, simple statement which even the dumbest person can understand. The Pittman resolution provided for carrying this trade at the risk of the man who carries such goods. The shipper has to separate himself from the title to the goods if they go overseas to a belligerent. The Senator will recall that I offered an amendment, which was agreed to, which provided that the ship which was carrying the dangerous stuff must carry such cargo at its own risk, because the American Government would not make a claim in behalf of the owners of the ship if it went into a dangerous business and was sunk.

I am sure the Senator does not feel that his boy, if he has one, ought to die to sustain this kind of war trade. Later in my remarks I shall have something to say about what this may cost, but let me digress a moment now to say that the people of this country are beginning to understand this matter, but if they do not, it will be too late when war comes and we get embroiled. It would not make any difference then whether they understood it or not.

If this world of ours becomes embroiled in another great international war and we get into it, it is my judgment that the result will be so terrible, the impact will be so terrifying, that we may not survive it as a nation, and it seems to me utterly futile for any of us to stand on the floor of the Senate and talk about our "rights" in war trade; about our depriving a cotton farmer of the opportunity to make 20 cents a pound for his cotton, when the result of our getting into a war to sustain that kind of trade may be to drag our civilization down to utter ruin. That is about all there is to this. If we have so much reverence for trade, in the uncertain state of international law, when nobody knows what it means; if we are willing to pay the price which will be exacted from underwriting that trade with our Navy and our Army, gentlemen of the Senate, that price would terrify us if we could see it now. It might easily mean the end of our civilization.

The strange thing is that people talk about our "rights." What were our rights during the World War? We loaned Europe $12,000,000,000 so they could buy something from us—and if I am in error in this, someone should correct me. We loaned them $12,000,000,000 so that they could buy from us; so that we could give full play to the huckster impulse that stirs in our breasts. We felt so good over war trade that we loaned Europe money so they could make business good in the United States. They spent that money here, and the farmers got 20 cents a pound for their cotton, $2.50 for their wheat, and 30 cents was paid for copper; and the trade was fine while it lasted.

Then a peculiar thing happened. It makes this freedom-of-the-seas business stand out for exactly what it is. The countries of Europe told us, in effect, they would never pay back the twelve billions. They do not even make a token payment now; they do not even so much as give us a lead nickel on account.

Who is paying for all this war trade, this 20-cent cotton about which the Senator speaks, the $2.50 wheat, and the 30-cent copper? The Senator is paying for it, I am paying for it, every Member of this body is paying for it, every American is paying for it every time he pays his income tax, because the $12,000,000,000 for all this wonderful war trade finally became translated into Liberty bonds. And what are Liberty bonds? They are debts and obligations of the good old United States of America. Who pays them? American citizens. Who put up the money for the "powder" crowd and the "copper" crowd, and all the rest of them? American citizens.

Of all the funny hocus-pocus, of all the crazy things on earth, that picture of war trade is the craziest and, as I have indicated—and probably it does not rest heavily on the conscience of some—we paid for it in an Army of boys who died, and an Army of boys who came back with battered and broken bodies and diseased minds. The Gold Star Mothers paid for it. It is the saddest picture ever presented to this country. We paid for it with pensions and debts and with problems so great that they are a deadly menace to us as we grapple with the economic depression which confronts us. That is a true picture of war trade; yet, gentlemen, we talk about our having rights for which we are going to fight. But who is to do all this fighting?

If we sold the countries in Europe 20-cent cotton they would never pay for it. They would again borrow from us to pay for it. The Senator from North Carolina would pay for it, I would pay for it, the American people would

pay for it. How could Europe, broke as it is now and spending the last nickel in a mad armament race, ever pay 20 cents a pound for cotton with any hope on our part that they will ever pay for it? It is flirting with the nether regions to talk about trade now when the countries in Europe, on their backs, are almost ready, like another desperate Samson, to throw their brawny arms around the pillars of the social temple and pull it down around our ears. Yet gentlemen stand in the Senate and talk earnestly about our rights and about international law, when there is no such thing in wartime, except it be found in books.

Mr. REYNOLDS. Mr. President, let me remind the Senator that we are trading today with every country in the world that is at war. Not only that but we are trading today with every country in the world that is preparing to go to war. We are sending war materials into Spain. We were sending them into Ethiopia. The Senator will not deny that.

Mr. BONE. The Senator knows, as I know, and as everyone knows, that when war comes on, the tempo of expenditures goes up inordinately. It is like putting a thermometer in a bucket of boiling water. The expenditures will step up so inordinately that to compare our present-day trade with war trade would be like contrasting a summer's zephyr with a cyclone.

Warring nations could only hope to get the necessary funds with which to buy from us, either through the sale of securities which they own, American securities—and England has many—or from some other source, and that traffic would inordinately step up production in our American factories.

Mr. REYNOLDS. Mr. President, let me ask the Senator, How is it that the European countries are going to become indebted to us, under this measure or any other, if we require them to pay us in cash, in gold, before materials of any sort or description leave our shores?

Mr. BONE. The Senator has not done me the honor to listen to all of my statement, and it is not my fault that he has not been in the Chamber. Under the Pittman resolution they would be required to buy the stuff before it left American shores, and it would have to be paid for in American coin. There is no such provision in the measure as it passed the House, including in the text, the phrase I have described.

Mr. REYNOLDS. I have not read the McReynolds bill, which was substituted for the Pittman resolution in the House, but it is my understanding that under the McReynolds bill—and I see Representative MCREYNOLDS in the Senate Chamber at this time—the foreign countries are required to pay cash before the materials leave our shores. They are not permitted to use bonds.

Mr. BONE. The thing to which I object in the resolution is that it is full of exceptions and limitations. Under the measure as it passed the House anything could be sold if the President decreed it.

Mr. REYNOLDS. I will ask the Senator whether he does not really think that as a matter of fact we ought to begin now to look out for the American people instead of giving so much thought and shedding so many tears over whether or not the countries of continental Europe and Asia are going to become involved in war.

Mr. BONE. The Senator from North Carolina may cherish any opinion he pleases about this question of war, and the people of his State and history will have to pass judgment on the accuracy of his conclusions, as they will pass on the accuracy of my conclusions. Our feet may be guided only by the lamp of experience, and I know what we did during the last war, and I know what we will do in the event of another war.

Mr. President, I do not want to yield any further because I do not wish to take up too much time. I desire to finish my remarks, which I have almost completed.

So far as my feeble voice can make this fact known, I want the mothers and fathers of America, whose boys may die in foreign lands and whose bodies will molder in trenches in an alien land, to know that we deliberately elected to put war trade above the lives of these boys. I want these fathers and mothers whose boys have no stake in this horrible game except the stake of death to know that not a single belligerent country that participated in the great World War paid any attention to the rules of international law which we are assured protect us in such a war trade. I want these mothers and fathers to know that when some of us assert that the rules of international law are entirely abandoned in wartime because of the impelling necessities of these nations that fight for self-preservation, that the apologists for this condition tell us that while it be true that the rules are suspended during wartime and will not keep us from getting into such a bloody holocaust, it is a happy and pleasant duty to return to the standards of international law after the conflict is over. The fact that this law allows us later to assert a claim for damages is little consolation to a wrecked nation.

The whole picture of war trade, as exemplified by our experience in the last war proves beyond a shadow of a doubt that international law will not protect us in a war trade; that it is futile to invoke the principles of international law in wartime against a belligerent nation fighting for its life; that if international law will not protect us and keep us out of war, it is stupidity and folly to invoke it to protect traffic to which it affords no protection. If there is any one duty on the Congress of the United States, it is to be practical. What is the use of invoking the canons of international law to get damages from some country after the war is over? The horrible part of this business is that international law does not and will not keep us out of war, and will not prevent an orgy of blood-letting and the creation of another national debt that would hopelessly wreck this Republic. International law has certainly not imposed upon debtor countries any very deep sense of obligation to meet their solemn contracts and commitments to us; and yet we are asked to lean on the frail support of international law at a time when men have become mad and the world is in such a frenzy of rage and hatred that the very foundations of organized society are shaking.

I had hoped that our experience in the World War would impress upon us a sobering sense of social responsibility. All about us empires are crumbling under the impact of economic forces generated by bitterness growing out of the last war. Another world war will, in my judgment, unleash forces that may liquidate our civilization and there will be nothing left to quarrel over. There will be nothing but the bare bones—the remnants of a magnificent civilization. The greed of men may exact that terrible price.

Even assuming that there is nothing inherently immoral in the impulse to trade and to make profits, that conclusion is open to direct challenge by every normal man when the exercise of the privilege of trade carries with it the certain and deadly threat of being thrust into the bloody maw of war.

To rely upon the resolution that is now before us is the most futile hope ever indulged in by a people. The flames of war may engulf Europe at any moment, and to employ this proposed piece of legislation as a barrier to our entrance into war is equivalent to spitting into Vesuvius to put out the fire.

I ask every student of the English language to read this resolution in its present form and see if he can find anything but a series of exceptions that will permit the freest sort of commercial intercourse with belligerent nations. The resolution says it shall be unlawful to transport any articles or materials named by the President "other than personal goods and effects." Never forget this queer language. The President can stop everything except "personal goods and effects." That is all war traders want. It is all they need. The permissive goods include practically every commodity that belligerent nations would want. As I have previously indicated, we could not ship our real estate. I have more than a lurking suspicion that if the world again becomes embroiled in another international conflict and that hellish orgy of death and destruction lasts long enough, even the real estate of the United States may be forcibly detached from its owners by forces engendered by the very wretchedness and despair of the people.

We face so many serious issues in this country that it is a national tragedy that we do the thing that may superimpose upon these issues the supreme tragedy—war. It is no answer to my argument to say that I am overstating the case, and yet that will be the answer that will spring to the lips of those who would justify war trade even though it be at the price of war. If war comes, and I am right, as I feel I am, it will be forever too late to undo the terrible blunder of judgment of which I think we will be guilty if we enact this legislation. The world cannot stand the impact of another great international conflict without wrecking our present-day civilization. All that is beautiful—everything about us that represents a conservation of 60 centuries of human progress—may go down and out in a veritable welter of blood. The next war, if of any great magnitude, will be as much more destructive in its effects upon society as the World War was destructive, by comparison, with the Revolutionary War. Another world war in which we participated would involve not only our financial structure and the lives of our boys, but it would hopelessly involve our civilian population and the whole social fabric. The only reason advanced for taking this ghastly chance—for indulging in this dalliance with the hell-born evil of war with all that it implies—is the desire to permit trade for profit with belligerents. That is all there is in this resolution. And to preserve that thing we may hurl our civilization into the vortex of chaos as though it were a worthless bauble.

The hands of Congress should be clean of any responsibility for enthroning any such monstrous doctrine in these tragic times. Read this resolution; read it carefully, and even prayerfully, for lurking in its language Senators and Representatives will find the seeds of national and international disorder and death. Of what avail to settle the other momentous issues that confront us if we juggle with our civilization in such a careless fashion? I would much rather pass a law in which we announce to the whole world that we intend to trade freely with whoever we please during war and that we will support that traffic with the guns of our Navy and the bayonets of our Army. That would not only be the forthright but the honorable thing to do. But in this resolution we go nine-tenths of the way down that route toward the fierce fires of war, but we couch our abject surrender in language that will deceive those who look to us with such passionate yearning in their hearts for protection against war.

How much better to be brave and bold and forthright and tell the world that we want to trade so badly that we are willing to defy everybody and anybody to carry on war traffic? Such a statement would be more in keeping with the assertion that we have rights "worth fighting for." If these rights are worth fighting for, let us boldly tell the world that we intend to assert them, because even though international law is said to protect such rights within certain spheres, everyone in this body knows that international law remains in abeyance in war. If this resolution becomes law, practically all that has been accomplished heretofore in the fight for neutrality is lost. In these uncertain times, when the very future of the human race seems to be uncertain and humanity cries for bread, we offer them this stone. If American mothers whose boys will die in such cruel fashion in the next war could only realize how serious this is—how much more important it is than all else we now contemplate in the way of legislation—I have a feeling in my heart that they would make their passionate desires known to us.

I would not have felt tempted to speak as I have were it not for the fact that enacting this resolution will be a blunder from which there will be no retreat if great nations should become involved in war before the Congress can meet again.

I merely want to call attention to one more brief matter, and then I am through.

Mr. President, the rules of international law go back to the time when Grotius undertook to formulate these rules in some orderly fashion. The advent of such things as the submarine and the airplane created an entirely new problem in the realm and field of international law. One might have suspected that when the airplane, which can destroy a vessel from the air, and the submarine, which can surreptitiously destroy a vessel from beneath the surface of the sea, came into existence that nations whose very fate may depend upon how those instrumentalities of war are used would undertake to write into the fabric of international law some rule dealing with the use of the submarine and the airplane.

This country of ours entered into two wars in which the freedom of the seas was the chief item, the chief element, the very heart, the soul, and the essence of the war and the cause of the war. We went through those two wars—the War of 1812, ending with the Treaty of Ghent, and the World War, ending with the Treaty of Versailles—both of them involved and meshed into and hopelessly tied into this problem of the freedom of the seas the right freely to trade with belligerent nations or any other nation during wartime.

Yet those treaties of peace, Mr. President, are silent, they contain not a word, not a phrase, not a clause, about freedom of the seas; not a line is written in there by the brilliant gentlemen who wrote those treaties of peace; not a word, not a flicker, not a murmur about this thing that stands like Banquo's ghost in sea lanes shaking its gory locks at this country.

The Declaration of London, I think it was in 1908, when the nations came together and tried to come to some common understanding about what would be contraband of war, ended in a fiasco. These great, civilized, Christian nations of ours refused to sign it. Not one of them, as I recall, signed the Declaration of London. And when the war came on, with the question of freedom of the seas and contraband of war, and what was contraband of war unsettled from the time of Grotius, we found Great Britain arbitrarily putting hundreds of things on the contraband list, and notifying us that if we attempted to ship them to any nation with which Britain was at war, or even to a neutral, where she could seize them, she would regard them as contraband of war, and our vessels were seized on the high seas and taken into British ports under prize crews.

Then there was a conditional contraband list gotten up by the gentlemen who were running the war in Europe. Representative LUCKEY was kind enough to put one of these lists into the CONGRESSIONAL RECORD the other day.

With respect to the rules formulated by the Italian Government, Representative LUCKEY said:

> The Italian Official Gazette publication of prize rules shows the sweeping character of contraband goods in modern warfare. Those rules defined only two kinds of noncontraband: Medical supplies and the stores designated solely for the use of the ship and its passengers.

We have gotten to a point in war, Mr. President, where practically everything is contraband; and if anything leaves our shores going to a neutral nation or a belligerent that one of the belligerents wants to seize, that belligerent nation will seize it. If one of our ships carrying a cargo that is authorized under this resolution starts across the Atlantic Ocean and is blown up by a submarine belonging to a nation whose boys might be killed by what is in that vessel, our national honor will again be outraged, although there is not a boy under the American flag that has any real stake in that cargo; only the stake of possible death. But, Mr. President, our national honor will be outraged, and all the newspapers will point with horror to the fact that the American flag went down, and all these little fellows sitting in front of me, these Senate pages, and boys older than they—good cannon fodder—will again go out and die in a war which is the outgrowth of that incident. They will support freedom of the seas with their lives, so that some may make fortunes out of war traffic.

What real stake have the boys in America in any shipload of cotton? Perhaps it comes from South Carolina, and it is of importance to the Senator from South Carolina, but why should little boys in the State of Washington die because a cargo of cotton went to the bottom? What stake do they have in it? What stake has my boy in a cargo of powder? My boy has this stake—the stake to which the Senator from

Massachusetts referred a while ago, as I recall—a well-ordered civilization. Our job here, Mr. President, is to keep our boys out of war, but our whole argument—and I call upon Senators to bear witness to the correctness of my statement—as this question is discussed the argument in the Senate, the burden of our argument, will not be the lives of boys or the sanctity and security of American homes or what is going to happen to the boys who are going to die so horribly in case of war, but what will we do with and for our trade. Merciful God! Cannot we get the huckster instinct out of our breasts just once? Cannot we quit being hucksters just once and think a little about the boys who are to die?

Mr. President, I saw a shell described in some interesting literature put out by a munitions outfit. They guaranteed that shell would burst into hundreds of little fragments and that the metal of the shell was impregnated with so deadly a poison that if a tiny sliver of that metal entered a boy's body he would die in horrible agony in 4 or 5 hours. That was one of the guaranties. Another guaranty that accompanied the shell was that there was no known medical antidote for the poison. I wonder how American mothers would like to have their boys die in horrible agony, after 4 or 5 hours' suffering, with no known medical antidote available? It would be so much more merciful if the "buddy" of that boy put a gun to his head and let his spirit return to his God rather than have the poor boy die after hours of horrible agony. But the hucksters we have enthroned must have their way. We have plastered the dollar sign over practicaly everything, and now we want to plaster it over the American flag. Is that the heritage of 150 years of noble American traditions? The Congress should now spend its time discussing homes and boys who have to die and who may rot on foreign soil; discuss a new group of gold-star mothers, and not whether we are going to interfere with the trade of war profiteers.

Mr. President, I do not wonder that we have forces in America that men call subversive; I do not wonder that there is a growing and deep cynicism in America; that there is a feeling that we who stand in this legislative body have somehow lost the proper perspective on life; that we are not thinking about the sort of things we should. That is a dangerous attitude of mind for millions of Americans. The time has come to quit quibbling about profits and whether or not we are going to make a little money out of cotton. The time has arrived when we must do sober, serious thinking about whether we are going to protect the boys and girls coming on from the horrors of a social break-down, which would be the inevitable heritage of another war.

Mr. President, I hope I have not trespassed too long on the time and patience of the Senate, and I thank Senators for listening.

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

Mr. BONE. I yield.

Mr. PITTMAN. I was unavoidably prevented from hearing all the Senator's speech. However, I had some idea in advance of what he would have to say.

In speaking of international law, I think it is well to quote from Prof. John Bassett Moore. He has been quoted in the debate against the neutrality measure possibly more than any other writer on so-called international law, and he probably has written more on that subject than has any other living man. He has taken to task Members of the Senate and of the House of Representatives because they have stated that there is no such thing as international law. In his last work, which is entitled "Fifty Years of International Law", printed by the Harvard Law Review, volume 1, no. 3, 1937, he states that because law is not obeyed does not mean that there is no law. Of course, the so-called international law has not any of the factors that a lawyer understands to be essential to the definition of law. It is not made by any power that is authority to make it. It is not binding upon anyone who does not voluntarily agree to it. There are no courts to which questions arising may be submitted. There is no remedy that may be enforced. But I wish to read just what Professor Moore has to say with regard to that. I quote him as follows:

> We are gravely told that governments may now frame whatever "neutrality" laws they like, because in the late war international law was "shot to pieces." This is a great boon to those who entered upon the study of international law after the war, as, having nothing to learn, they may freely indulge their creative propensities. But the theory will not bear examination. The ancient maxim "inter arma leges silent" merely states a fundamental legal principle, which was happily expressed by Shakespeare in the line "The law hath not been dead, though it hath slept."

Professor Moore freely admits there is no international law in existence during war; that during war it is silent; that during war it sleeps. The only time that we really need law, whether it be municipal law or so-called international law, is when there are grave violations of the principle involved, when rights are being destroyed, when customs of humanity are being violated. Yet during such a period of time the distinguished professor says that international law is silent, that international law sleeps. I do not know what we would need with an Army or a Navy if it were just as ineffective as the great professor says is international law. If our Army officers and naval officers and our soldiers and sailors and marines slept when we were threatened with war or were in war, I do not know what advantage having them would be. I think the statement by Prof. John Bassett Moore should be taken to heart by those who quote his opinion so often when he says that during war international law is silent, and quotes Shakespeare, who says:

> The law hath not been dead, though it hath slept.

Again I wish to say to some of the distinguished opponents of this measure that I did not desire to interrupt at the time of the debate, because I though it was better to obtain a vote. I have referred time and time again to the so-called Alabama case for the purpose of showing that international law was effective. It will be remembered very well that the Alabama case was the case of a privateer fitted out in British waters during the Civil War and put in command of Admiral Semmes, a Confederate naval officer, to prey upon the commerce of the Federal Government.

After the war was over our Government contended that the British Government had violated international law; that Great Britain had permitted that ship to be constructed and armed in British waters for the purpose and intention of attacking the commerce of a friendly government, to wit, the United States, and that they should have prevented the vessel leaving the harbor. As a matter of fact, there were steps taken by the British Government to prevent its leaving the harbor in Great Britain, but by reason of what they claimed to be unavoidable circumstances, the illness of one of their officers, one night the ship got out of the harbor. That was their moral defense against the claim. However, let me call to the attention of those Senators who cite the Alabama case as indicating that at one time international law was effective that the case was not settled on the principles of international law; Great Britain constantly denied until 1871 that the case came within international law; and then, in the treaty of 1871, which provided for the trial and determination of the Alabama case, in the very first section of that treaty is recited the incident and there are laid down three rules of law that shall govern the board of arbitration in considering the facts and determining whether or not damages were due from Great Britain to the United States, and, if so, how much. In that very section, however, there is a reservation by Great Britain in which it is asserted that the rules laid down are not the rules of international law, that Great Britain is not liable under international law, and that she simply adopted those three rules of law to govern the trial by reason of the then friendliness between the two governments and the desire to continue that friendliness. I refer to that because the Alabama case has been cited so often. The case was expressly tried on stipulations of law and on express assertions that it was not within the purview of so-called international law. I hope now we will drop that question.

But if there were international law, it would have to be by treaty, and, as the Senator from Washington [Mr. BONE] said, going back for hundreds of years no considerable number of governments have ever agreed together as to the fundamental principles of freedom of the seas. They never have agreed on what constitutes contraband. They came very near to agreeing once on what constitutes blockade. At one time neutrals gathered together with Russia and decided on what were neutral rights. They asked our Government to join with them. They were going to enforce those neutral rights against Great Britain and France by naval force. There is no question that when the neutrals in combination are more powerful than the belligerents they can name what constitutes contraband and they can prescribe what constitutes freedom of the seas. If, on the other hand, the belligerents are stronger than the neutrals, then the belligerents will, as they always have in the past, designate what constitutes contraband, and that is the very natural thing to do.

Even Grotius is quoted several times as having divided contraband into three classes—absolute contraband, noncontraband, and conditional contraband. All he can think of to place in the noncontraband list are those things which are simply used for luxury, for pleasure, for amusement. As to conditional contraband articles, he said they have a right to move freely on the seas to the enemy unless—unless, mind you—it is essential for one of the belligerent powers to take them for itself. That applies all the way through.

Mr. REYNOLDS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. PITTMAN. I yield.

Mr. REYNOLDS. Under the Senator's joint resolution we are not permitted to ship any arms, ammunition, or munitions of war into Spain, are we?

Mr. PITTMAN. We are not.

Mr. REYNOLDS. But we are permitted to ship them to Italy, are we not?

Mr. PITTMAN. We are.

Mr. REYNOLDS. Mussolini stated publicly, according to the press of yesterday, that at the present time he has 50,000 armed men in the field and that he proposes to keep them there until they have won the war. May I ask the Senator if it is not just the same to sell those things to Italy to be shipped into Spain in favor of those who are fighting there as it is to ship them directly to Spain?

Mr. PITTMAN. The United States Government will be in endless trouble if it is called upon to determine what governments are helping other governments in time of war. I do not know whether the Italian Government is shipping arms and munitions to Spain, and I know of no way of proving it. I know, however, that 20 or 30 governments are now blockading Spain for the very purpose of preventing any arms and munitions from going in there from any place.

However, I feel that whenever we allow our sentiment or our feelings with regard to war somewhere else, with regard to who is suffering somewhere else, with regard to the cause of a war, to enter into our own personal case here we are involving ourselves in disputes and in the attempted determination of facts which cannot be determined, and it is a dangerous thing for us to attempt to do.

The law provides that any shipment to a neutral country for transshipment—for transshipment, mind you—to a belligerent country or now to a country engaged in civil war, is subject to capture and seizure and destruction as contraband of war, just as if it were shipped to Spain or any other belligerent country directly.

So we come down to the necessity of establishing laws to regulate reasonably our own people and our own commerce, and when we cannot do it by treaty we go to international law. We might as well face the fact that there is a tremendous number of statesmen, of lawyers, of professors, and others in this country who believe that in time of war there should be an absolute embargo on all commerce to belligerents. I believe the Senator from Washington favors that principle. He would rather have all our commerce with a belligerent stopped than to have us again be placed in the danger of being dragged into war as we were into the World War, and we all know the history of that conflict. A strong argument can be made for that position, but, on the other hand, as was stated at one time by the able senior Senator from Virginia [Mr. GLASS] on the floor of the Senate, we are not responsible for a foreign war not of our own making; we should not be required to destroy our entire economic system by reason of a futile, useless war somewhere else with which we have nothing to do.

So the committee of the Senate have attempted to compromise the differences between those who hold, as does the Senator from Washington, that we had better cut off all commerce with belligerents than to be dragged into a foreign war not of our own making, and, on the other hand, those relying on the freedom of the seas who do not believe that we should have any of our commerce with belligerents interfered with. Let it be remembered that this has reference only to commerce with belligerents and not with any of the other powers of the world. So we compromised that matter. We provided there should be no exports from the United States, or its Territories or possessions, of arms, ammunition, or muntions of war to a belligerent. As to everything else we said our citizens should not take the responsibility of delivering other merchandise to a belligerent. There is no reason why they should take the responsibility. Such responsibility should be taken by the belligerents themselves or by any other neutrals with whom the belligerents may be able to arrange to carry the merchandise.

The only difference is that the belligerent, for instance, France or Germany or Italy, will determine that question, and determine it on the high seas. That is where it will be determined. If Great Britain, who has one of the powerful navies blockading Spain against the admission of arms and munitions to that country, finds one of our ships going to Italy, and if Great Britain should be satisfied with the proof that the cargo is intended for transshipment to Spain, it would be stopped. If they find arms and munitions going to Italy for transshipment to Spain, under their convention now with twenty-odd nations, it would be their duty to stop it.

Mr. REYNOLDS. Would not they stop it regardless of any law Congress might enact? They would not care whether or not Congress had enacted a law to that effect. If a ship were leaving an American port for Italy and a nation now opposed to Italy in the civil war taking place in Spain knew the cargo was going to be transshipped to Spain, they would certainly stop it, regardless of any enactment Congress might make, would they not?

Mr. PITTMAN. Undoubtedly; and for that very reason I do not wish to have enacted any law stating that we will not permit the shipment of anything to a neutral country, and Italy is a neutral country. That question must be determined by the people over there who are fighting, and not by us.

Mr. REYNOLDS. Along that line, may I ask the Senator another question? Does his joint resolution provide that nothing shall be shipped to Ethiopia, where war now is actually in progress?

Mr. PITTMAN. I have not been informed that there is war there at the present time.

Mr. REYNOLDS. I assume that the Senator is thoroughly familiar with the reports which are daily coming out of Ethiopia to the effect that war is now being waged there; and no longer than 2 weeks ago the press dispatches, which I am disposed to believe, stated that some six or seven hundred Ethiopians had been killed.

Mr. PITTMAN. As a matter of fact, we have had to allow someone to determine when war exists. So far we have not left the determination of that question to the newspapers. We have left it to the President of the United States. If the Senator has in his possession evidence which convinces him that a war is now going on between Italy and

Ethiopia, I should say that the matter should be presented to the President; but we cannot determine merely from newspaper articles that a war is going on.

Mr. REYNOLDS. I am sure the Senator will agree with me that a war has taken place in Ethiopia.

Mr. PITTMAN. And the war has been declared by the President of the United States to be over.

Mr. REYNOLDS. I am sure the Senator will also agree with me that war is still going on in Ethiopia.

Mr. PITTMAN. I will not agree with that, because I may disagree with the Senator as to what constitutes war. As a matter of fact, practically every country in the world today has recognized the conquest by Italy of Ethiopia; and not only have the various countries recognized it but they have commenced to remove their former diplomatic officers. The attempt by a nation to preserve order in a country over which it has sovereignty is a different thing from war. It may constitute civil strife but not war.

Mr. REYNOLDS. But in Ethiopia there never has been a surrender.

Mr. PITTMAN. There has, however, been a recognition of a conquest.

Mr. REYNOLDS. A recognition of a conquest by Italy.

Mr. PITTMAN. Would the Senator desire us to declare at this time that war still exists between Ethiopia and Italy?

Mr. REYNOLDS. It is my personal opinion that war today exists in Ethiopia, because the Ethiopians have never surrendered. Italy only has declared that she was all-powerful, and that she has won the war, and that the conquest was hers.

Along the same line, I desire to ask the Senator another question. Would the joint resolution prevent the Japanese from buying from us any munitions of war which they might use in Mongolia, or in Manchukuo, or in Jehol, which they are now endeavoring to conquer?

As the Senator knows, all the scrap iron in this country is being bought up by the Japanese. I read just yesterday, in a small weekly newspaper published in North Carolina, an editorial in which mention was made of the fact that every single ounce of scrap iron that can be found anywhere in Halifax County has been gathered up, and unusually high prices are being secured for it. Of course, that scrap iron is being sold to the Japanese, is going to Japan, and probably will find its way into outer Mongolia, or into Manchukuo, or perhaps into some of the other provinces of China that the Japanese are now engaged in conquering.

I am asking the Senator these questions merely for my information.

Mr. PITTMAN. If I understand the Senator, I should like to have him introduce a joint resolution to carry out his theory.

Mr. REYNOLDS. If I were permitted to offer a suggestion, I should say that before we enact any neutrality legislation which we expect to be of any benefit to the children of whom my distinguished friend from the State of Washington [Mr. BONE] spoke, or of any benefit to the American people in keeping them out of war, we should get all the neutral powers of the earth to agree with us that neither we nor they should sell to any country which was at war with another country. I voted for this proposed legislation, and I commend the Senator upon his noble effort; but I recognize the fact that, after all, if the Senator will pardon me, it will be a mere scrap of paper when the countries across the sea become involved in war. When all the other countries of the world are selling to belligerents and the United States Government is not selling to them, we then are truly going to begin to think about our children, not in terms of keeping them out of war—because this country will not become involved in war for a half century, so far as that is concerned—but we should begin to think about our children from the standpoint of keeping them employed and keeping our factories open.

I am going to be perfectly frank, if the Senator will permit this interruption, as he has most graciously done, and say that I think we in America have always thought too much about our brethren across the sea. We are constantly worrying about them. We do not want them to get into trouble. We do not want them to fight; and we are preparing to stop our commerce, and destroy our merchant marine, and close our factories, and add to the millions of unemployed—and there are about 10,000,000 unemployed persons in the United States today—despite the fact that we know that approximately 3,500,000 boys and girls are annually arriving at employable age.

I thank the Senator for permitting me to interrupt him.

Mr. PITTMAN. Let me take up the Senator's speech in detail. I will take up the last part of it first, if I may.

Again the Senator says that this joint resolution proposes to look after foreigners instead of ourselves, and that it would close up our factories. If the Senator could find anything like that in the joint resolution, he should have offered an amendment to it on the floor.

Mr. REYNOLDS. I may say to the Senator——

Mr. PITTMAN. I ask the Senator to wait until I get through, please. I wish to answer one statement at a time. I do not wish to engage in another discussion until I answer what has already been said.

There is nothing of that kind in the joint resolution; and, as a matter of fact, it was strongly contended that there should be an embargo on the shipment of anything to belligerents. We did not do that. We said a belligerent could buy anything on earth he desired to buy in this country provided he took it across the dangerous water himself, or got someone other than an American citizen to do so. That is all there is to that. Does the Senator favor that or not?

Mr. REYNOLDS. I do favor that.

Mr. PITTMAN. Very well. That is what the joint resolution provides.

Now the other proposition: The Senator speaks of taking scrap iron from the State of North Carolina.

Mr. REYNOLDS. Pardon me if I interrupt the Senator again. As I understand, that provision is in the substitute introduced by Mr. MCREYNOLDS.

Mr. PITTMAN. No; it is in our joint resolution.

Mr. REYNOLDS. But the cash-and-carry feature is likewise in the McReynolds resolution, is it not?

Mr. PITTMAN. It is in both of them.

Now let me refer to the scrap iron from North Carolina going to Japan and being made by Japan into arms for use in China.

Mr. REYNOLDS. Or perhaps to be sent to Italy in order that she may use them in Spain or Ethiopia.

Mr. PITTMAN. Every country of any importance is at the present time either attempting conquest on some other country or is preparing to do so, and we know it. Therefore, the Senator's only remedy is to introduce a joint resolution directing the President of the United States to place an embargo upon the exportation of scrap iron to Japan, to China, and to any other country which the Senator thinks is going to use it to make weapons with which to fight innocent people.

Mr. REYNOLDS. I do not think that should be done.

Mr. PITTMAN. If the Senator does not think that should be done, then I say to him that there is nothing in this joint resolution which deals with anything except belligerents and countries that have civil war. If the Senator wishes to deal with other countries, neutral countries, he must suggest his own law on the subject. We do not know how to frame a law of that kind.

Mr. REYNOLDS. May I ask the Senator whether we should be permitted, under this joint resolution, to ship scrap iron to the loyalists in Spain?

Mr. PITTMAN. Oh, to be sure; all the scrap iron that anyone wishes to export may be shipped to Spain.

Mr. REYNOLDS. To either faction?

Mr. PITTMAN. To anybody. As a matter of fact, when shipment is made to one faction, the other faction generally gets the commodity.

Mr. REYNOLDS. Very well. May we ship all the powder and the guns we desire to ship to them?

Mr. PITTMAN. No; we do not allow arms and ammunition to be shipped to any belligerent, nor to any country where there is internal strife of sufficient magnitude, or conducted in such a way that the shipment of arms and ammunition and implements of war would endanger the peace of this country. The President of the United States has found that the internal strife in Spain is conducted with such magnitude and under such conditions that our attempt to ship arms and ammunition and implements of war to any faction in Spain, to any part of it, or to any port, would involve us in danger of getting into the war. Therefore, he stopped it.

Mr. REYNOLDS. I thank the Senator.

Mr. PITTMAN. I had about concluded my remarks. I rose simply to add to what the Senator from Washington [Mr. BONE] said with regard to the so-called international law on the subject.

Mr. BONE. Mr. President, will the Senator permit a statement by me before he takes his seat?

Mr. PITTMAN. Certainly.

Mr. BONE. I very heartily agree with what the Senator says about the doctrine of freedom of the seas. He has correctly stated the problem and has given a correct historical picture of it. I have repeatedly asserted on this floor that international law remains in abeyance during hostilities. That was the assertion of a conclusion, but it was based on a great deal of reading. I have previously indulged in research work, and I am now doing a great deal of it, dealing with the question of freedom of the seas, and it is a very illuminating history which may be dug out of the books. There has not been any clear statement of the principle, and the Senator from Nevada stated the matter absolutely accurately when he said that there is no application of this law during hostilities. The only consolation we have, and I think all that will be asserted on the floor, is that after hostilities are over we can go into some tribunal and assert our rights under the doctrine of the Alabama claims case; but that, of course, is poor consolation when civilization is imperiled and vast debts are created, such as were created in the last war; and I am very happy that the Senator has made that point plain.

Mr. PITTMAN. Mr. President, I ask unanimous consent for the adoption of the following order:

Ordered, That a comparative print of Senate Joint Resolution 51, the Neutrality Act, 1937, and the House substitute therefor be made and printed as a Senate document.

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

STATE CONSTITUTIONS RESTRICTING SUPREME COURTS

Mr. O'MAHONEY. Mr. President, earlier in the month I introduced a joint resolution, Senate Joint Resolution 98, which provides for an amendment of the Federal Constitution, as follows:

No law of the United States or of any State shall be held to be unconstitutional by any inferior court, and not by the Supreme Court unless two-thirds of the members thereof shall specifically and by separate opinion find it so beyond a reasonable doubt.

At this time I desire to insert in the RECORD, in connection with that proposal, and for the purpose of eliciting information from the States I am about to mention, provisions of the constitutions of certain States.

First. Section 2 of article 4 of the Constitution of the State of Nebraska contains the following provision:

The supreme court shall consist of seven judges, one of whom shall be the chief justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges.

Second. Section 89 of the Constitution of North Dakota contains the following provision:

The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain: *Provided, however*, That in no case shall any legislative enactment or law of the State of North Dakota be declared unconstitutional unless at least four of the judges shall so decide.

Third. Section 2 of article IV of the Constitution of Ohio provides:

No law shall be held unconstitutional and void by the supreme court without the concurrence of at least all but one of the judges, except in the affirmance of a judgment of the court of appeals declaring a law unconstitutional and void.

Members of Congress from the three States which I have just mentioned advise me that no difficulty has ever arisen, to their knowledge, in the enforcement of these provisions of the several State constitutions, and that they have not resulted in the validation of laws that should have been held unconstitutional.

I make this statement because I know that the CONGRESSIONAL RECORD is very widely read, and that there is a great deal of popular interest in this subject at the present time, so I hope that, as a result of this statement, if the residents of any of these States have knowledge of any serious criticism or difficulty in connection with these provisions of the several State constitutions they will notify me.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ANDREWS in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of George E. Callaghan to be postmaster at Medina, N. Y., in place of A. L. Waters. (Incumbent's commission expired Feb. 17, 1936.)

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of Erle R. Dickover, of California, now a Foreign Service officer of class 2 and a secretary in the Diplomatic Service, to be also a consul general.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the calendar is in order.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

COAST GUARD

The legislative clerk proceeded to read sundry nominations in the Coast Guard.

Mr. ROBINSON. I ask unanimous consent that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

COAST AND GEODETIC SURVEY

The legislative clerk read the nomination of Joseph Warren Stirni, of Delaware, to be aide.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Paul Albert Smith, of Michigan, to be hydrographic and geodetic engineer.

The PRESIDING OFFICER. Without objection, the nomination is confirmed. That concludes the Executive Calendar.

ADJOURNMENT

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until tomorrow, Thursday, March 25, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 24, 1937

UNITED STATES DISTRICT JUDGE

J. Leroy Adair, of Quincy, Ill., to be United States district judge for the southern district of Illinois to fill the vacancy created by the elevation of Hon. J. Earl Major to the Circuit Court of Appeals for the Seventh Circuit.

PUBLIC HEALTH SERVICE

Dr. Robert D. Mansfield to be assistant surgeon in the United States Public Health Service, to take effect from date of oath.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 1937

PROMOTIONS IN THE COAST AND GEODETIC SURVEY

Joseph Warren Stirni to be aide (with relative rank of ensign in the Navy).

Paul Albert Smith to be hydrographic and geodetic engineer (with relative rank of lieutenant in the Navy).

PROMOTIONS IN THE COAST GUARD

Webb C. Maglathlin to be captain (engineering).

Stewart P. Mehlman to be lieutenant commander.

Victor F. Tydlacka to be lieutenant.

Aden C. Unger to be lieutenant.

George I. Holt to be lieutenant.

POSTMASTERS

ILLINOIS

Arthur T. Ellis, Neoga.

LOUISIANA

Minnie Jewel Perry, Ringgold.

NEW JERSEY

Carlton S. Giberson, Absecon.
Delbert Bush, Browns Mills.
Oscar P. Jacobus, Cedar Grove.
William R. Carr, Chatham.
Emma H. Wheatley, Elmer.
Thomas F. Dix, Jr., Linwood.

NEW YORK

Joseph J. Reilly, Irvington.

NORTH DAKOTA

Fred G. Carman, Northwood.
Carl H. Larson, Wildrose.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 24, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Infinite Spirit, creator of immortal souls, bear with us and hear our supplication in the name of our Lord and Master. Not unto us, O Lord, not unto us, but unto Thy name give glory and honor. O Divine One, let those influences which purify the world and give luster to human life mercifully flow from Thee. Our land, such a gracious providence, is so full of music, yet stifled and unexpressed. Almighty God, may it sound and resound in the hearts of our fellow citizens. The eternal harmony has never been broken nor has the rainbow ever ceased to span Thy throne. O may life's throng and press touch the hem of Thy garment; how much the pangs of hate and the wounds of paralyzing fear would be lessened. Arise, O Lord, in our Nation's sky with healing in Thy wings. Amid its crossroads hold all men to high purposes, lift our standards, and raise our ambitions. We beseech Thee, our Father, to clothe us with that faith which sanctifies the home, the common pathways of life, and that secures the perpetuity of our Republic. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 448. An act for the relief of C. C. Young;

H. R. 3898. An act to amend section 318 of the Communications Act of 1934;

H. J. Res. 43. Joint resolution to amend Public Law No. 760, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein; and

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 2291. An act to amend the act of May 25, 1933 (48 Stat. 73).

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 784. An act for the relief of Amelia Corr;

S. 1038. An act for the relief of Victor M. Ruiz C and Luz Elena Robles;

S. 1170. An act to provide for the extension and completion of the United States Capitol;

S. 1212. An act authorizing the conveyance to the State of Virginia, for highway purposes only, of portions of the Fort Myer Military Reservation, Va., and for other purposes;

S. 1320. An act to provide for the reimbursement of certain civilians employed at the Naval Operating Base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on pier 7, at the naval operating base, on that date;

S. 1330. An act to authorize the attendance of the Marine Band at the United Confederate Veterans' 1937 Reunion at Jackson, Miss., June 9, 10, 11, and 12, 1937;

S. 1402. An act for the relief of P. S. Everest;

S. 1414. An act for the relief of Jack J. Wick;

S. 1471. An act for the relief of Jordan Roberts;

S. 1473. An act to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports;

S. 1507. An act authorizing the return of the commission of John Baptiste Ashe as a major in the Continental Army to Martha B. Rogers, nee Ashe;

S. 1589. An act for the relief of Mr. and Mrs. Robert O. Brown;

S. 1753. An act for the relief of James A. Fox;

S. 1905. An act to amend the National Firearms Act, approved June 26, 1934; and

S. J. Res. 102. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that on Tuesday next after the reading of the Journal and the disposition of matters on the Speaker's desk that I may be permitted to address the House for 30 minutes on the subject of the costs of government.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THOMAS JEFFERSON MEMORIAL

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WEARIN. Mr. Speaker, I want to take just a few minutes' time this morning to call attention to the situation that exists with reference to the Thomas Jefferson Memorial Commission. It will be recalled that at the last session of Congress we enacted legislation with reference to authorizing that Commission to proceed toward the selection of a memorial for Thomas Jefferson. It was my thought at that time, and I expressed it by the introduction of a resolution, that the design for the memorial should be selected as the result of an architectural competition. It would have been in line with the spirit of the founder of the Democratic Party, and certainly in line with the thoughts and acts of his lifetime; and I regret very much that that resolution was not carried to its ultimate conclusion in the Congress.

I also regret the fact that the Thomas Jefferson Memorial Commission has not seen fit, to date, to hold a competition for the selection of a proper and appropriate design. They have proceeded without any policy as a guiding force and have named a design at the present time which, I understand, is subject to the approval of the Planning Commission. I sincerely hope that influence will be brought to bear emphasizing to that body of our own creation the importance of reconsidering their action and submitting the matter to architectural competition for the selection of an appropriate design.

That competition should be made under the supervision of the American Institute of Architects, and the latter body should be requested to select a committee of experts to decide upon the most appropriate design submitted. Through the aid of this appropriately democratic procedure young architects throughout the entire Nation would have an opportunity not otherwise afforded to rise in their profession. The very best thought would be brought out, as has been the case in the past. The principal portion of our memorials in Washington and the designs for the earlier buildings were all results of competitions. I discussed this particular angle of the situation at the time I introduced my resolution in the second session of the Seventy-third Congress. If the procedure I suggested at that time, and again urge upon those in authority today, had been followed, there would be no just grounds for criticism either of the type of the design for the Thomas Jefferson Memorial or the advisability of its construction at this time. With reference to the latter proposition I want to make it definitely clear that I am strongly in favor of erecting an appropriate memorial to the author of the Declaration of Independence in the city of Washington, but I believe we should proceed toward that end in such a democratic manner that the very best of the new and the old in architectural design will be brought out prior to the final selection of the memorial itself.

I have received letters and correspondence from all over the United States expressing opposition to the manner in which the present design has been selected. I would that I had the time and the space to insert in the RECORD letters from important architects and sculptors throughout the country from coast to coast and from Canada to Mexico who have been voicing this protest, many of them unofficially, because they do not care to step out in the open against other members of their profession.

Mr. Speaker, this is an all-important matter which means much to the members not only of the Democratic Party but to the members of all parties who are interested in appropriate memorials to men of importance in the United States. I urge upon the Memorial Commission the reconsideration of their action and ask them to take these facts into consideration.

Even at this late hour the members of that Commission and the architect of the proposed design should join hands in the face of the widespread criticism of the procedure that has been followed in this matter and cooperate in opening up the matter for a Nation-wide architectural competition. Again, I would remind the Commissioners that they should solicit the cooperation of the American Institute of Architects, asking that the latter organization supervise the said contest in accordance with the rules and regulations of the profession and select a committee of experts to make the award.

[Here the gavel fell.]

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may sit during the sessions of the House today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PURCHASE AND DISTRIBUTION OF PRODUCTS OF THE FISHING INDUSTRY

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent, if the bill is not sooner considered, for the consideration of House Joint Resolution No. 278, to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry, under the rules of the House, tomorrow, immediately after the reading of the Journal and the disposition of the special orders heretofore entered.

Mr. TABER. Mr. Speaker, reserving the right to object, it seems to me that before this request is granted arrangements should be made for the manner in which the resolution shall be considered, the amount of debate, and so forth. I would suggest that the gentleman modify his request to include an hour of debate, to be equally divided between the two sides.

Mr. CANNON of Missouri. Mr. Speaker, I have already asked that it be considered under the rules of the House. I will further supplement my request, first, upon the suggestion of the gentleman from Texas [Mr. RAYBURN] that we take it up immediately after the reading of the Journal.

Mr. RAYBURN. If the gentleman from New York will yield, that was not my suggestion.

We should like to go on and complete consideration of the pending appropriation bill the first thing tomorrow and before the special orders in reference to speeches have been disposed of. If the gentleman desires to come in immediately after that, I certainly would have no objection, but we do want to complete consideration of the appropriation bill that we had up yesterday the first thing tomorrow.

Mr. CANNON of Missouri. Mr. Speaker, that is my request. I was under the impression the appropriation bill had been completed. My request is that immediately after the disposition of the appropriation bill now under consideration tomorrow I may call up the resolution referred to, and in response to the suggestion from the gentleman from New York, that debate be limited to 1 hour, one-half to be controlled by the gentleman from New York and one-half by myself.

The SPEAKER. Does the gentleman's request cover the proposition that the bill may be considered in the House as in Committee of the Whole?

Mr. CANNON of Missouri. Mr. Speaker, I ask for consideration of this bill under the general rules of the House.

The SPEAKER. The gentleman from Missouri [Mr. CANNON] modifies his request and now asks unanimous consent

that on tomorrow at the conclusion of the consideration of the appropriation bill now pending he may have permission to call up the resolution indicated by him, to be considered under the general rules of the House and coupled with the request that general debate on the bill may be limited to 1 hour, one-half to be controlled by himself and one-half by the gentleman from New York [Mr. TABER]. Is there objection to the request?

Mr. RICH. Mr. Speaker, reserving the right to object, is that after the special orders for the day have been disposed of?

The SPEAKER. The request is that the resolution shall be taken up at the conclusion of the consideration of the appropriation bill now pending before the committee. Is there objection to the request?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 110. Joint resolution declaring Joseph P. Kennedy eligible for appointment as a member of the United States Maritime Commission.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. GRISWOLD (when the Committee on Expenditures in the Executive Departments was called). Mr. Speaker, by direction of the committee, I call up the bill (H. R. 146) to require contractors on public-building projects to name their subcontractors, materialmen, and supplymen, and for other purposes.

The Clerk read the title of the bill.

Mr. GRISWOLD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER. Under the rule, the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 146, with Mr. RANKIN in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. GRISWOLD. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, this bill was introduced 8 or 10 years ago and has been reported favorably by the committee with a unanimous report in each Congress. I may say that the bill originated through a former Member of the House, Mr. Goss, of Connecticut.

This is the first Congress in 10 years that the committee, of which I am chairman at the present time, has received a call on Calendar Wednesday, which explains why the bill has not been called up prior to this time. On one occasion it was called up under suspension of the rules, but lacked 6 votes of receiving the necessary number of votes to pass it under suspension of the rules.

Mr. Chairman, this bill is offered to defeat a very vicious practice that has grown up among general contractors bidding on Government work. The general contractor bases his bid upon figures received from various subcontractors. Naturally it requires expense and time for the subcontractor to prepare his figures. After the general contractor receives the various bids from the subcontractors he takes the lowest bids, adds a certain amount for overhead expenses and profit, then files his bid with the proper Government official.

After the contract is awarded, many of the general contractors then resort to what is commonly called bid peddling and chiseling. For example, they go from one to another engaged in the plumbing business, for instance, and offer the job to them at a figure below that which the subcontractor gave the general contractor in the original instance. In the end the man who was the original low bidder as subcontractor in many instances does not get the job. This practice prevails among the largest contractors in the country.

At the first hearing that we held on this bill, we were sitting down in the office of the Committee on Accounts just below this Chamber, and a man who had been low bidder for the woodwork on the Supreme Court Building, a responsible contractor from Cincinnati, appeared before that committee and said the general contractor was not going to give them the work, but was peddling the bid, trying to get someone to do the work cheaper than their bid, which was used by the general contractor.

There has grown up in this country a system whereby men are now becoming building brokers. They are financially able to finance a big job.

They have an office with estimators. They bid on big jobs. They have absolutely no other organization.

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I yield 5 additional minutes to the gentleman from Missouri.

Mr. COCHRAN. The broker uses the bids of the low subcontractors in submitting his own bid. Many of the so-called bid brokers do not as much as drive one nail in the construction of a building. They are using these vicious methods I refer to.

What is the danger? The danger is that when the subcontractor takes the job at a low figure he will, if he has the opportunity, to use the term the contractors use, "skin the job." He will not use the material he should use, if he can get away with it. The Government loses in the end in that it does not, on some of the jobs, receive the proper workmanship and materials which it should receive.

It is hoped this law will set an example for the States and municipalities. We feel, after careful consideration, this measure will eliminate the vicious practice to which I have referred.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman.

Mr. JOHNSON of Texas. This is a matter about which I have not thought very much, though I remember hearing it discussed before. However, it occurs to me a bill of this kind, requiring the contractor to specify in his bid the names of the subcontractors and the amounts, with the terms of the contract restricting him to such parties, has a tendency to create a feeling of caution on the part of the contractors which might lead them to make their bids for a higher amount than would be the case if this were not the requirement.

Mr. COCHRAN. That is the argument which has always been used; but I may say to the gentleman a contractor looking for a job is going to bid just as low as he possibly can where he knows he can make a profit. There is no chance for him to lose, because he requires the subcontractors to file bonds. They are protected. Competition will exist as it does today.

Mr. JOHNSON of Texas. Contractors lose a lot of times, whether they expect to or not.

Is it not true that where there are certain requirements imposed upon them they will tend to make the bid higher because of those requirements?

Mr. COCHRAN. Probably some will, but others will not. In the end the low bidder gets the job; that is, the general contractor.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman.

Mr. BEITER. I realize what the committee has been trying to do in connection with this bill. I think it is a very good bill, and I am going to support it. However, I think the Government in trying to protect the third party is apt to destroy the second party. When the proper time comes I expect to offer an amendment, which I hope the Committee will accept. I know P. W. A. is now requiring that 25 percent of the work be done by the general contractor, and P. W. A. is the only Government agency which is doing it. It is a fine practice, and I hope all the other agencies will follow the same practice. I realize, too, that you are trying to get rid of the so-called "brief-case contractor", of whom there are a great many throughout the country.

Mr. COCHRAN. May I say to the gentleman if our committee had jurisdiction we would bring in tomorrow a bill requiring every contractor doing construction work for the Government to do at least 25 percent of the work. I think he should be required to do so.

Mr. BEITER. I hope the committee will report a bill of that nature. I shall be pleased to support a measure of that kind.

Mr. COCHRAN. Mr. Chairman, I yield back the balance of my time.

Mr. TABER. Mr. Chairman, I rise in opposition to the bill.

The CHAIRMAN. Is there any member of the committee opposed to the bill who desires recognition?

I presume the gentleman from New York is opposed to the bill?

Mr. TABER. Yes.

The CHAIRMAN. The gentleman from New York is recognized for 1 hour.

Mr. TABER. Mr. Chairman, this bill provides every man who submits a bid for a Government contract amounting to more than $5,000 shall name all of his subcontractors and materialmen at the time he submits the bid. It means he could not buy a pound of nails at a hardware store, he could not buy a pick, a shovel, or anything else of that nature, which might become necessary, as it frequently does, in connection with the construction of a building, unless he had named in advance the materialman from whom he expected to purchase the articles. I do not believe it is possible to put through this kind of a bill and escape increasing from 10 to 15 percent the cost which the Government of the United States will have to pay on every contract it lets for construction purposes.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. COCHRAN. The gentleman goes far beyond the wording of this bill when he says the contractor could not buy a nail from other than the named materialman.

Mr. TABER. It is not beyond the wording of the act.

Mr. COCHRAN. When you use the word "material" it does not mean a nail.

Mr. TABER. It does.

Mr. COCHRAN. It means the man who is going to furnish the sand and the gravel, the plumbing fixtures, the woodwork, and so forth, which is named in the bid of the subcontractor. The gentleman is going away beyond the wording of the bill. He can buy and use what he wants if it meets the specifications.

Mr. TABER. Not beyond the wording of the bill.

Mr. COCHRAN. The gentleman is going away beyond that.

Mr. TABER. No.

Mr. COCHRAN. He is making a misleading statement.

Mr. TABER. All right; I am just going to read the bill for the gentleman's benefit, and I hope he will listen while I read it, because evidently he does not understand the bill he has brought before the House.

Mr. BOLAND of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BOLAND of Pennsylvania. I speak from the standpoint of a contractor, having had 27 years in the contracting business. When we receive a plan we naturally send out word to different sub-bidders, and they in turn send bids in to us. We take the bid of the lowest responsible sub-bidder on the particular item and use it in our bid. This is the crux of the whole thing here. This bill calls for us contractors to name the bidder whose bid we use in making up our bid to the Government. Therefore there is no way of increasing the cost to the Government at all in naming the sub-bidder whose bid we use in our general bid. There cannot be any added cost at all. It is a question of protecting the sub-bidder from the contractor's peddling his bid after the contract is awarded.

Mr. TABER. Mr. Chairman, this might, perhaps, protect a subcontractor who submitted a bid. On the other hand, it would tie the general contractor down so close that if he did any work himself he would have no chance to operate. If a general contractor is simply a broker who gets a bunch of bids in and relies on somebody else to do all the work, the statement the gentleman from Pennsylvania made might be so. However, if the general contractor does a big portion of the work himself—and I understand the requirement of several of the Government departments now is that a large portion of the work shall be carried on by the contractor himself—he is tying himself up into a knot from which he cannot extricate himself, and he cannot operate intelligently, effectively, and efficiently in putting across his job.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. TREADWAY. Is it not a fact that the general contractor would undoubtedly be under bond to carry out the conditions of the contract, and what reason would there be for requiring him to state who is to do the work under him, as long as the contractor assumes the responsibility with the Government?

Mr. TABER. I can see no reason whatever. There has been agitation on the part of the subcontractors that they are being harmed in that after a contractor receives the contract he peddles his bids around and tries to break down the subcontractor; but there is also the feature that very generally these contractors can take a chance on saving a little money by efficient operation of their work and by doing a lot of things themselves on which some of the subcontractors have submitted high bids, and unless we are going to rely for Government contracting entirely upon bid brokers and not at all upon the contractors doing a large part of the work themselves, I cannot see how we can hamstring contractors and expect them to put in a decent, low bid from the standpoint of the Government.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. DOWELL. I do not read in this bill any provision that prevents a contractor from performing work.

Mr. TABER. There is none.

Mr. DOWELL. As I understand the bill, the only requirement is that he shall submit all the names of the subcontractors he intends to use.

Mr. TABER. That is true.

Mr. DOWELL. He may use only one subcontractor if he desires and he can perform all the rest of the work himself.

Mr. TABER. No; he must submit a statement containing the names and addresses of the subcontractors, materialmen, and supply men whose services he intends to utilize, and then there is a penalty assessed under the bill unless the services of these subcontractors are utilized.

The evident intention of the law and the committee is that he shall make a definite statement as to the names of those he really intends to use rather than to give a group of names of those who would do a particular kind of work.

Mr. DOWELL. That is the way I read the bill; and may I suggest that, if the gentleman's construction of the bill is correct, that the measure requires that all the work be submitted to subcontractors, then, of course, there should be some change made with reference to that feature.

Mr. TABER. I have not made any statement that this bill required the general contractors to let it all out in subcontracts. I have not made any such statement; but I did say that unless the contractor was simply a bid broker, who did none of the work himself, he would be decidedly hamstrung on every single operation he carried on himself, and that we would not be able to get contractors who were real operators themselves to go out and bid on anything of this

kind, with the chance that they could go ahead and, by efficient management, put across savings and submit low bids. Everyone would have his bid based entirely on absolute submission by subcontractors.

Mr. DOWELL. If I may ask the gentleman one further question—assuming that the contractor, under this bill, intends to perform all of the work and does not have any subcontract at all, what is there in the bill to prevent his proceeding by naming the materialmen from whom he expects to buy his material and then proceeding to do the entire work himself?

Mr. TABER. Oh, there is not anything, and I never said there was.

Mr. DOWELL. Then I should like to find out, as I only know a little about this bill, if there is anything in here that will in any manner affect the contractor, so far as the construction of the work is concerned.

Mr. TABER. Yes; he must name the material and supply men from whom he is going to buy his supplies and materials.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield once more?

Mr. TABER. Yes.

Mr. TREADWAY. It seems to me, from what little I know about contracting, and I admit it is not very much, that the proponents of this bill are endeavoring to require of Government jobs an entirely different method of making contracts from what is ordinarily followed in private business. If you want to construct an addition to your factory or build a new home, you offer an opportunity to contractors to bid. After a contract has been entered into, it is my understanding that the man who has the contract then goes out and uses his own methods of securing subcontractors. For instance, in respect to plumbing, a carpenter is not a plumber, but the contractor may have used some plumber's figure in making up his estimates to submit to you, but that need not be the final figure he is to use after he has himself secured the contract. Why should the Government require a different method of business procedure from that which is ordinarily followed?

Mr. TABER. Of course, the gentleman is aware of the fact that this sort of thing is being attempted very generally with reference to Government work in order to make it cost more.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. REED of New York. Would the contractors, under this bill, come under the provisions of the so-called Walsh-Healey bill?

Mr. TABER. I presume so.

Mr. REED of New York. Then they would have both of these complications, and, as a matter of fact, as I understand, under the Walsh-Healey bill they have to give a bond that they will comply with the provisions of that act, which means there is a small N. R. A. as applied to those men.

Mr. TABER. Yes.

Mr. REED of New York. And now they come along with another bill, and it seems to me that this is perfectly useless in view of the strait jacket they have put these contractors in under the Walsh-Healey bill.

Mr. TABER. Here is the situation the way it would work out, as I understand it. A bids for this Goverment contract. Previously he had received a bid from B, a plumbing contractor. The plumbing contractor we assume goes into bankruptcy. A cannot go ahead under this bill and let the contract to another without incurring a penalty.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield. The gentleman should be fair.

Mr. TABER. That is the way this bill hamstrings that contractor.

Mr. COCHRAN. I cannot agree with what the gentleman says. A moment ago the gentleman said that he would show by the wording of this bill where a man could not buy a shovel or a nail without giving the name of the man from whom he bought them. I want him to show me anything in this bill other than that which says the contractor must name the subcontractor and the material and supply men. It does not specify the material that is to be used. Any material that comes up to the specifications can be used.

Mr. TABER. The bill says that he must name those materialmen and supplymen who are going to do the job.

Mr. COCHRAN. Yes; the material and supply men, but the bill does not say what brand of material they shall use. They can buy this man's or that man's paint if it meets the specifications.

Mr. TABER. If that is the gentleman's idea, it will not have the effect of doing what the gentleman said it would with reference to protecting the subcontractors who submit bids under the general contractor. No paint can be bought except from the specified materialman.

Mr. COCHRAN. I say to the gentleman that every small contractor in the United States is in favor of this bill, and the only ones that oppose it are the big fellow and the bid brokers.

Mr. TABER. Yes; but the small contractor does not understand what is being put over on him.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. EBERHARTER. I wonder whether the gentleman's interpretation of this phraseology on line 11 is the same as mine. The bill says that—

> The supply men whose services the bidder intends to utilize in the performance of the work.

I take it that that means that the general contractor would not be permitted to buy any material whatsoever from any person, in the construction of this building, unless that particular supply man had been named previous to the awarding of the contract. Is that correct?

Mr. TABER. That is my understanding.

Mr. EBERHARTER. It seems to me that that is a correct interpretation—that you must name the supply men—and that means any person who furnishes any material of any sort. It could not be bought in the open market.

Mr. TABER. That is what I understand.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. COCHRAN. Let me answer the gentleman from Pennsylvania. The gentleman is a paint manufacturer, and he bids on the paint job. He has 10 different kinds of paint. Every one of those 10 varieties come within the specifications. He can use any 1 of the 10 he desires, and there is nothing in the bill to prevent him from doing it, nor does the bill require him to specify what brand of material he must use.

Mr. EBERHARTER. But the bill says, on line 11——

Mr. COCHRAN. The gentleman from New York has the floor.

Mr. EBERHARTER. It says here on line 11:

> Supplymen whose services the bidder intends to utilize in the performance of the work.

That means every man who supplies any material of any sort to this general contractor must be named or else the general contractor is subject to a penalty. "Supplymen" means any person who would supply any material of any sort.

Mr. COCHRAN. "Supplymen" means the supplymen who have bid with the general contractor on the job, not what he supplies.

Mr. EBERHARTER. I take it that it means that the general contractor could not buy any material from any supplyman unless he had named that supplyman previous to the awarding of the contract.

Mr. COCHRAN. I am sure that the gentleman does not interpret it properly.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. GRISWOLD. Does the gentleman know that the general contractors' association carried on negotiations with the Secretary of the Treasury, Mr. Mellon, in an endeavor to

have this very proposition naming subcontractors and material men covered by contract in the contracts of the Treasury Department?

Mr. TABER. No; I do not understand it, but it might be so.

Mr. GRISWOLD. I suggest that the gentleman read the letter of Mr. Mellon.

Mr. TABER. If the gentleman makes that statement, I accept it, of course. Let me ask this question: Is the effect of this bill that if a general contractor receives 10 bids from plumbing contractors, he may submit all those 10 names as the names of the contractors who are to do the plumbing job?

Mr. GRISWOLD. No; that is not the intent of the bill.

Mr. TABER. He must submit the actual one who is going to do the job.

Mr. GRISWOLD. Who is going to do the job.

Mr. TABER. That is the way the gentleman construes it?

Mr. GRISWOLD. Yes.

Mr. TABER. If it is to be construed the way the gentleman from Missouri [Mr. COCHRAN] indicated a little while ago, and the general contractor could name a group of men from whom he was going to buy his supplies and have his subcontracting done, the general contractor could submit the names of all 10 plumbing contractors.

There seems to be rather a disagreement between the gentleman from Indiana [Mr. GRISWOLD] and the gentleman from Missouri [Mr. COCHRAN] as to what this bill means. I should like to have that ironed out.

Mr. GRISWOLD. I think the gentleman from New York misunderstood the gentleman from Missouri.

Mr. TABER. I do not think so.

Mr. GRISWOLD. As a matter of fact, they bid only on the specifications. For every Government contract there is a specification that particularly stipulates the material to be used. When the contractor bids he knows what kind of material he is going to have to bid on, because that is covered by the specifications. He bids according to the specifications. I do not think there is any disagreement, even with the Department, about that.

Mr. TABER. Then the gentleman's idea is that he is hide-bound; that he must name the specific person from whom he is to buy or with whom he contracts for any particular portion of the job that he lets out?

Mr. GRISWOLD. Yes.

Mr. TABER. That is the way I understood the bill to start with, but I understood the gentleman from Missouri [Mr. COCHRAN] to explain it differently.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. HOUSTON. I am very much in favor of this bill, and I think if the gentleman understood it correctly, he would be in favor of it. I know the gentleman from New York is not in favor of a general contractor making a bid on a building and using the bids of the subcontractor or materialmen and being successful in getting the general contract, and then turning around and chiseling on those fellows that helped him to get the job.

Mr. TABER. Oh, no; but this ties him up in every other way. If the gentleman had thoroughly read the bill, as I have for 8 or 10 years since it has been in the House, I think he would feel just as I do.

Mr. HOUSTON. Well, why should he not be tied up if he used these other bids to get the job?

Mr. TABER. If you tie up a contractor so that he cannot make a move, you are fixing him so that he is absolutely unable to manage his job effectively and run the job the way it should be run.

Mr. HOUSTON. If those men were good enough to use their bids in the first place, they ought to be good enough to give the job to.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MICHENER. As far as outlawing the "bid broker" is concerned, this bill is admirable. That is something we all want to do. The "bid broker" has no place in economic society today, as far as Government contracts are concerned. However, this bill has been here ever since I can remember, and I think the real delay in passing the bill is the fact that it does hamper and tie up legitimate contractors. We do not want to do that. We do want to get rid of the "bid broker." This thing was discussed when the hearings were held on the Walsh-Healey bill. I think everybody agreed we wanted to get rid of the "bid broker", but I think we should be careful about tying up the legitimate, honest contractor.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. BEITER. In connection with the question that has been propounded by the gentleman from Pennsylvania [Mr. EBERHARTER] with reference to supply men, on page 1, line 11, I am wondering what will take place in the event the Federal Government has another contract such as Boulder Dam, running over a period of from 6 to 8 years. How is he going to name his supply men and his subcontractors in that event? I am not a contractor, and I do not know anything about it, but I would think it would be almost impossible to name the subcontractors where a contract extends over a period of from 6 to 8 years.

Mr. TABER. I can see there is a very great deal to what the gentleman has said.

Mr. BEITER. Then there is the further question: What is to prevent a general contractor from naming the superintendent on the job as a subcontractor? There is nothing in this bill to prohibit that. That could be very easily done.

Mr. TABER. The subterfuges that might be used to get around it I shall not go into, but, of course, they would be tremendous.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. WADSWORTH. It would seem to me, from a reading of this bill, that perhaps its authors and supporters have in mind the construction of buildings about which there is not much technical difficulty, buildings of modest dimensions and of moderate price; but supposing this bill were passed and under its terms the Government were compelled to proceed in the erection of the new National Gallery of Art donated by Mr. Mellon. The first thought that strikes me is that the bidders on that enormous project, which is special in character—the Government of the United States has never attempted to build a building anything like it before—the first thought that strikes me is that under this law every bidder on that contract would have to put in his bid within 30 days after the invitation. It is humanly impossible for any general contractor to make up his estimates on a new type of building, specialized in thousands of instances in its construction, within 30 days and do it with any degree of reliability. Would not his tendency be to put the bid so high as to compensate him for unexpected difficulties which he might encounter? Will it not add greatly to the cost of construction?

Mr. TABER. I think the gentleman has correctly stated the situation. At the present time, as I understand it, the general contractor is not given a great deal more time than necessary in which to get together the bids of his subcontractors and materialmen; as a matter of fact, very few of them have enough time in which to do it decently. A lot of things they must estimate at the present time on the basis of their previous experience. If they are obliged to have definite bids from everybody, even the fellow from whom they are going to buy a pound of nails, they are going to be hamstrung in such a way and there will be so much detail to it that the Government is going to have to pay for it. The contractors will have to increase their prices in order to break even on it.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield further?

Mr. TABER. Yes.

Mr. WADSWORTH. It certainly is not important, and it may not be interesting, but I have had only one experience

in all my life in connection with the letting of a contract for a public building. Years ago the trustees of public buildings of the State of New York, of which I happened to be a member ex officio, asked for bids for the construction of the State department of education building. This building contained not only the offices of the department of education but the entire State library. The construction of the library was a special job. We could not possibly have gotten a reliable bid within 1 month from any reliable contractor. They had to study it for weeks, and then a series of bids came in, and they had to be revised, taken back, and gone all over again. It was a tremenously complicated thing; and the New York law would not for one moment have provided that on a job of that kind any bid to be valid must be submitted within 30 days. The State would have lost.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. COLDEN. The gentleman from New York [Mr. BEITER] referred to a 68-year contract on Boulder Dam. The contract was from 6 to 8 years.

Mr. TABER. I think some Members may have misunderstood the gentleman when he first spoke, but he corrected it later.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CASE of South Dakota. Does the gentleman know whether the Procurement Division and the general contract section of various Government departments have reported as to whether it would be possible to have bids prepared within 30 days?

Mr. TABER. There is nothing in the report that indicates that that is the situation. I do not know, of course. I do know from what little experience I have had in connection with Government contracts being let in my territory that it is absolutely impossible on a big job, for instance, such as the building of a veterans' hospital, or something of that character, for the contractors within 30 days to get together any such detailed statement as seems to be required in this bill.

Mr. CASE of South Dakota. It is my impression that some departments of the Government allow as much as 5 weeks on bids. This bill, if passed, would probably affect the practice of a great many departments in the letting of contracts, would it not?

Mr. TABER. I should say that it would affect the practice of every department.

Mr. CASE of South Dakota. And many of the bids advertised necessitate trips to see the plans and specifications before a preliminary bid can be made, do they not?

Mr. TABER. They do.

Mr. CASE of South Dakota. Is ample time allowed thereafter for bidders to contact all the supplymen, materialmen, and possible subcontractors they might have to see?

Mr. TABER. I would not think so with any such provision as this in the law.

Mr. CASE of South Dakota. The bill carries a penalty for not naming these subcontractors after the contract is awarded. Am I not correct?

Mr. TABER. There is such a penalty. If the general contractors do not utilize them, then the penalties are withheld which are fixed in the contract.

Mr. CASE of South Dakota. As I read the first part of the bill, it definitely provides that a contract cannot be awarded unless these names are actually specified in the bid.

Mr. TABER. That is true.

Mr. CASE of South Dakota. Then, after they are specified there are penalties if the general contractor fails to use them?

Mr. TABER. The gentleman is correct.

Mr. CASE of South Dakota. The bids will be incomplete unless all these parties are named.

Mr. TABER. And they must be named within 30 days from the date of the invitation.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. PLUMLEY. I notice a statement in the report to the effect that this bill is designed to eliminate or curb a vicious practice variously known as bid shopping, or bid peddling, which witnesses testify now flourishes in connection with Government contracts. In the opinion of the gentleman, will this bill, if passed, either curb or eliminate the practice referred to?

Mr. TABER. I am afraid it will result in more vicious practices than we have had before. I do not believe it will prevent the doing of just the things which the proponents of the bill have said they were trying to prevent.

Mr. REED of New York. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. REED of New York. The general tendency of legislation of this character and of the Walsh-Healey bill is to place penalties and restrictions upon men who will not bid for Government contracts and inevitably leads to this situation: If the private contractor will not bid on these contracts because of these penalties and restrictions placed upon him by the Government, then the Government turns around and says: "Well, we have advertised for bids. We cannot get them. People will not bid, so we will go into the business ourselves and do our own work."

Mr. TABER. That is just what it leads to, as well as more inefficiency and more expense to the Federal Treasury on every Government operation.

Mr. Chairman, I reserve the balance of my time and yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, as a member of this committee I must say I was not present at the hearings held on this bill, which has been before us for several years. As a matter of fact, I do not think I was a member of the committee at the time hearings were held. However, I was informed this bill would be brought up this morning.

I recognize clearly the reasons for this bill, and I have a very sympathetic attitude toward it. There is a trail of frauds, failures, bankruptcies, and impositions on the part of some contractors and subcontractors. Failure to pay local bills as well as bills owed to those in the material and supply business, brought about especially by subcontractors who are not properly equipped financially to fulfill their agreements. Many of our supply houses do not wish to do business with many contractors now engaged in Government work. Failure to pay workmen leaves a train of bills such as for board and lodging, and affects many citizens. The situation as it now exists is a disgrace. There is no doubt about that. However, we do not want to flee to evils that may be worse than what we now have.

The contrast is made with reference to Government contractors as against private contractors. When we ask for a bid from private contractors we can accept the one we want, whether his bid is low or high; but when a contractor makes a bid on Government work and can furnish a bond therefor, the Government authorities have to accept the low bid. It is inconceivable to me that a bureau or department that has the authority in connection with the erection of a public building cannot use proper discretion at least contemplated in this bill. Even with the 30-day limitation the actual invitation for bids should not be issued until proper information had previously been given. If 30 days is not enough, let us amend the bill, giving more time. The intention is to get a prompt bid and to save the delay that we now experience. It is hoped that the 30 days will prevent the peddling around of the work and the coming into my community and yours and forcing the men in business to meet a supposed or a claimed figure which they tell our people they have from some foreign supply house, for instance, which may or may not be true. But our local supply people cannot prove it is not true. Our local contractors and supply houses are so often compelled to bid too low under misrepresentation and their desire to keep the business in the local community and to help local business.

What I am trying to effect in my own conscience is, What can we do to prevent the fraud that is being carried on to such a great extent without making matters worse? I cannot believe that the authorities who have charge of these contracts cannot use common sense. I cannot believe that if a fine is imposed it cannot be remitted, if necessary, by the department having charge of the undertaking. Some of these objections may be trifling. Some of them may be very important. I am like the rest of the Members; I want to learn more about the probable effects of the bill. This is the proper time, during the debate in Committee of the Whole, to bring out these things and see if the bill cannot be amended to properly cover the matter. The general features of the bill I certainly do favor.

Mr. REED of New York. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from New York.

Mr. REED of New York. May I ask the gentleman if he favors this bill as it stands?

Mr. GIFFORD. Since the debate has started, and not having the opportunity heretofore, I confess to the gentleman I am troubled about the 30-day proposition. I am always troubled about the departments having control over these men who may have made honest errors, and that has been well brought out by the gentleman from New York. It may be we can draw a bill which will actually protect these contractors from unforeseen things that are bound to occur.

Mr. REED of New York. Do I understand the gentleman is a member of the committee?

Mr. GIFFORD. I am the ranking member on the minority side, but I was not a member of the committee when the bill was presented to the committee or hearings had by the committee.

Mr. REED of New York. When were the hearings held?

Mr. GIFFORD. I think a hearing was held some 8 or 10 years ago. The gentleman from Connecticut, Mr. Goss, presented this bill at that time. It has been referred to on the floor of the House several times since, but I do not know of any hearings having been held lately.

Mr. REED of New York. No hearings have been held so far as the gentleman knows within the last 7 or 8 years?

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GIFFORD. Mr. Chairman, I do not want to place any responsibility for the lack of recent hearings. This probably was thoroughly discussed before I had the opportunity of listening in.

Mr. REED of New York. I am not criticizing anybody, but this is an important bill and the very things that have been brought out on the floor which tend to weaken our convictions, so far as the soundness of the bill is concerned, might have been ironed out and a bill brought in here under conditions which would lead us to support the bill.

Mr. GIFFORD. There may be frivolous objections. There may be serious objections. We want to bring about action within the 30 days, of course, on some contracts. But shall we kill the bill because 30 days is not sufficient? Can we not believe that the Department could see to it if 30 days is not sufficient that more than a 30-day investigation will not be given? To me the great responsibility of the bill and the success of it lies in the common sense that may be used by the authorities involved.

If, Mr. Chairman, the expense would be greater to the Government in the end, that is another consideration; but the gentleman from New York did not bring out this point, which I thought he might.

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. CROWE].

Mr. CROWE. Mr. Chairman, in awarding general contracts, bids are opened at a certain time and the low bidder if responsible is awarded the contract. He has obtained in advance subbids from subcontractors. He does not take these bids from irresponsible subcontractors. He accepts bids only from subcontractors who are responsible. The subcontractors have had sufficient time in advance of this to compute their bids and submit them.

When the general contractor is awarded the contract he knows what he is going to have to pay every subcontractor in the entire job. Then he goes back to the men on whom he has depended for his bids to find out what they will actually do the work for. I have known men in my community to make a bid on which they could live, yet, after the general contractor came back to them, having gone from one contractor to another, they have cut their bids as much as 20 percent, and have lost money every time.

The general contractor is the man who gets the profit and puts it in his pocket. The money which is saved by the general contractor does not benefit the Federal Government. It benefits only the general contractor. He makes that much additional money to stick down in his own pocket, and the Government loses.

Therefore, I favor this bill. It would be just as fair for the Government, after the general contractor has secured his contract, to go to other contractors and say, "What will you do the job for, and how much will you cut down this figure?"

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON of Texas. Mr. Chairman, I am inclined to agree with what the gentleman from Massachusetts [Mr. GIFFORD] had to say, that this bill probably needs some amending, yet the principle back of this bill is absolutely sound. I do not understand how any honest general contractor can object to legislation along this line.

As has just been said by the gentleman from Indiana [Mr. CROWE] the practical situation is this, and I know something about it, because some of my intimate friends have had experience in the matter.

The Government asks for bids to erect a public building. The general contractor solicits bids from all the subcontractors for the electrical work, the plumbing work, the stone work, the brick work, and what not. Based on these bids the Government awards the contract to the lowest and best bidder.

Immediately after the general contractor has obtained the contract he calls in the subcontractors. He refuses to give the subcontractor who was the lowest bidder to him the contract for the particular part of the work for which he bid. He then begins to chisel. He gets the subcontractors into hot competition for the work. After he gets them as low as possible he will say to one of them, "Reduce your bid $5,000 and I will give you this subcontract."

As has just been said by the gentleman from Indiana [Mr. CROWE], such a practice does not help the Government one penny. Every cent of the saving resulting from the lowering of the bid goes into the pocket of the general contractor. The gentleman from Georgia [Mr. PACE] just now stated that if there is any saving in that kind of a practice it should go to the Government, which is all well and good; but when the general contractor submits his bid to the Government for the entire contract he knows exactly what he is going to get.

It is nothing in the world except chiseling and unfair dealing when the man who has obtained the general contract goes out to the subcontractors and says, "If you boys do not kick in 10 percent, or some other amount, under the bid you submitted to me when I made the bid on the general contract, you will not get the subcontract." It is the worst form of peddling.

There may be some subcontractors, with perhaps a lot of men out of work, who are eager for the job. If it is a big job they may spend a month doing the figuring; and in order to get the contract and keep their men busy they will reduce their bid and gamble on results. The result is the contractor gets a profit of probably 10 percent on every

subcontractor. Something ought to be done to correct that situation. Such a practice is not right or fair, and has forced a lot of honest men and firms into bankruptcy.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. GREEVER. On page 2, from lines 5 to 16, occurs the method by which the sums assessed and paid as penalties for failure may be remitted or refunded. In lines 13 and 14 it is stated—

Was justified by reason of the inability or unwillingness of such subcontractor, materialman, or supplyman to furnish the material or supplies or properly to perform the work.

Does not the gentleman feel that this ought to be amended by adding at the end of the sentence the words "in accordance with previous agreement"?

Mr. THOMASON of Texas. I am inclined to think so, and I am also in agreement with the suggestion made by the gentleman from New York [Mr. WADSWORTH] that perhaps, especially in certain cases like the Mellon Art Gallery, which is going to be of unusual type and construction, 30 days would not be sufficient time, but, nevertheless, I repeat that the principle back of this measure is right and just and equitable.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. GIFFORD. I think we ought to be able to save this bill; and I would like consideration of two amendments, that "contracts in excess of $5,000 and less than $500,000" or some suitable amount, be included as an amendment.

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I yield the gentleman from Texas 2 additional minutes.

Mr. THOMASON of Texas. I cannot answer the gentleman because I am not on the committee and do not speak for the committee.

Mr. GIFFORD. May I ask if that suggestion does not appeal to the gentleman?

Mr. THOMASON of Texas. I think the $500,000 amount is too low, because almost any of the better Government buildings cost from $1,000,000 to $3,000,000; but there might be some special instance like the Mellon Art Gallery, that is going to be of unusual type and construction, where certainly there ought to be more time.

Mr. GIFFORD. If the gentleman will permit one further suggestion, I do not care about the $500,000 limitation. I would be willing to accept any amount that may appeal to the House. However, in line 11, would it not be very easy to insert "and addresses of the subcontractors, materialmen, and supplymen who have presented bids"?

Mr. THOMASON of Texas. Yes; and if they have presented bids, and based on such bids the general contractor gets the job, if he then goes out and chisels on the subcontractors, any reduction in the price that the subcontractors bid ought to be for the benefit of the Government. When the general contractor is awarded the contract he knows exactly what he will get for the completed job. His bid is based at least in part upon the bids of the subcontractors.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. HOUSTON. It was intimated awhile ago on the Republican side that in the event this bill were passed and became law, it would tie the hands of the general contractor, thereby resulting in additional cost to the Government. I do not subscribe to this view.

Mr. THOMASON of Texas. The general contractor knows what his bid is based on when he submits it. This bill will not result in the general contractor getting less but may reduce his profits.

Mr. HOUSTON. How can he change his bid after it has been accepted?

Mr. THOMASON of Texas. He cannot, and he does not change his bid, but goes to the subcontractors and gets them to change their bids. For instance, I have a letter from a friend and reliable subcontractor containing positive evidence that a general contractor went to him and said, "If you do not reduce your bid $5,000, you cannot get it." The result was that the man had to accept the reduction or not get the job. This bill ought to pass and put a stop to this unfair practice.

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. THOMPSON].

Mr. THOMPSON of Illinois. Mr. Chairman, this bill merely proposes to give the subcontractors and materialmen of the United States on Government contracts exactly the same consideration and the same protection that principal or general contractors have received ever since the Government started a public-building program.

I have heard considerable interesting discussion here today about the effect of legislation of this kind upon the cost of new Government buildings. I fail to see how there would be any increase whatever, if this law became effective and operative, upon contracts with respect to buildings constructed by the Federal Government. A general contractor, when he submits bids to the Procurement Division or the Veterans' Administration or any other agency of the Government of the United States, knows the day the bids are opened whether or not he is to be awarded the contract. Why are not the subcontractors and the materialmen who furnish approximately 75 percent of every such Government contract entitled to exactly the same protection.

We had for a period of years, beginning in 1928 and 1929, when the general contractors who built most of the Government buildings, whether they were small or large, owned no equipment. They brokered out every dollar's worth of work that was done. They made their profits entirely by chiseling upon the bids of the material dealer, the lumber dealer, the supply man, and the subcontractors, with the result that the general contractors filed a bid with the Government at actual cost and realized a very handsome profit by having their contractors and materialmen do the work and furnish the material upon a brokerage basis, and at prices that resulted in bankruptcy to literally thousands in the building-construction business.

This bill affects every community in the United States. We will take a small place where the Government is going to erect a $75,000 or $80,000 post-office building. Buildings of that class are usually constructed in cities of about 12,000 or 15,000 population. Perhaps some contractor with an office in Washington, or New York, or Chicago, or some other city, goes out and solicits bids from the plumbers, roofers, tile-floor men, electrical contractors, painters, and plasterers, and he sets up a bid, which he files down here in Washington, and he is awarded the work. Then he goes out and calls on these contractors and says, "Now, we want to patronize you local fellows, you are part of the community; we want to give you these jobs, we want you to do this work"—and we will say that the building is to be constructed in Indiana—then he will say, "We have a fellow from New Hampshire or New York who is willing to do this job for $1,000 less, and to show you what a good fellow I am and how anxious I am to have you do this work, if you will cut your figure $500, I will pay half the difference, and you can go ahead and do the work and receive the subcontract."

That is the condition that this bill seeks to remedy. Why are not the businessmen who operate as subcontractors entitled to the same protection from their Government as these "brief case" contractors who operate throughout the United States and who, generally speaking, have more or less a monopoly on the Government work, because of their practices? The gentleman from Massachusetts [Mr. GIFFORD] said that the extent of this bill should be limited to contracts of $500,000. The bigger the contract, the larger amount of chiseling that has been and is possible. These large contractors are the most serious offenders as far as legitimate subcontractors and materialmen in the United States are concerned, and I venture the assertion that during the vast building program that the United States Government has had under way in the last 6 or 7 years, taking it all in all, in the aggregate there is not a subcontractor in the United States who made a dime out of Government work.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRISWOLD. Mr. Chairman, I yield the gentleman 3 minutes more.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Illinois. Yes.

Mr. HOUSTON. Does the gentleman know of any general contractor who went out and had a Government contract, got it on certain sub-bids that he had, and then went out and chiseled down the subcontractor and made a lot of gravy, who has ever gone back to the Government and handed it a certain portion of that gravy?

Mr. THOMPSON of Illinois. No; that is profit. Practically all the profit that has been made in the large public-building program of recent years has been made by the general contractors at the expense of the subcontractors and materialmen.

Also there is a labor angle to this as I see it. I have been in this business all of my life. I have "tasted of the apple" and I have "felt the lash" of certain general contractors, and when the subcontractor is obliged to cut his price in order to get the job in his home town, or any other town for that matter, is it not the most natural thing that he will go to his employees, to his bricklayers, plumbers, and carpenters, and say, "Here, boys, I had to cut my price in order to get this job, and you fellows better work a little cheaper", and the general contractor, who receives the benefit of this chiseling and who gets his work done at a much lower price than he used in the computing of his bid to secure the general contract, cares not how the subcontractor or materialmen pick up the difference that he was obliged to cut, he does not care whether they go into bankruptcy, just so he, the general contractor, gets a profit, and I say the Government of the United States is too big to tolerate practices of that kind on the part of a comparative handful of general contractors.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Illinois. Yes.

Mr. COLDEN. Is it not a fact that in Government projects that have been awarded to sections where they needed employment of labor to take them off relief, the subcontractors would bring in outside labor and deprive these local men of the job.

Mr. THOMPSON of Illinois. They might if they were the victims of chiseling on the part of the general contractor.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. GRISWOLD. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I am supporting this bill because of the experience that I have had while deputy commissioner of labor in the State of Connecticut. I know of Government buildings that have been constructed, and the experience that has been related here this morning was the experience that I have had in Connecticut, where general contractors secured the contracts and then went out and worked one subcontractor against another until the job was chiseled down to a point where there was no profit at all in the job for the subcontractor. Next, then, who was the one that suffered? It is the laborer. Labor is the one that suffers under these subcontractors. I know from practical experience in the department of labor in Connecticut where the department was called on to go out and try to collect wages for some of these workingmen on some of these Government buildings, and found it impossible in a great many respects. I think the bill is a good bill, and I hope it will be amended to make it stronger, so that there will be a protection in the bill for the workingman who gives his all, his labor, and especially that there will be some guaranty of his wages.

Mr. THOMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. THOMPSON of Illinois. The gentleman from Connecticut realizes, of course, that the Bacon-Davis Act is in effect, and that that is supposed to protect labor from the unscrupulous practices of both contractors and subcontractors?

Mr. FITZGERALD. Yes; and we have State laws that are in force.

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. JOHNSON].

Mr. JOHNSON of Minnesota. Mr. Chairman, to a person who has written thousands of dollars in premiums on surety contracts this seems an attempt to write an N. R. A. for the subcontractor. You are trying to make the contractors good by law and you are going to have a tough time, because the history of the surety companies shows that when the "subbers" lose money they do so because of the chiseling of the general contractor. The general contractor who wants to beat the game is going to beat this bill. He will write in a 10-percent mark-up to take care of this angle that he would have chiseled out of the "subber." It is going to cost the Government more money, but if it will work justice to the subcontractor, then it is all right. There is one angle that the committee has forgotten in the bill, and that is the one who is chiseled the most in these sharp-pencil cases, labor; and labor is left out of the bill. When you chisel the "subber", the "subber" has to chisel labor, and the worst chiseler of all is the "subber" who chisels labor. The gentlemen who want to help labor can help labor tomorrow afternoon by putting back that appropriation for the Walsh-Healey bill in the Labor Department appropriation bill that the Appropriations Committee cut out.

I yield back the balance of my time.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

THIRTY-DAY TIME LIMIT UNWORKABLE

Mr. CASE of South Dakota. Mr. Chairman, the 30-day limitation in this bill makes it unworkable for a great part of the country. During the time the debate has been going on this afternoon I talked with the Procurement Division of the Treasury Department and they were surprised that such a bill as this was on the floor without their having a chance to be heard.

They said that at the present time it is customary to let bids on public buildings in 30 days for what they call the eastern section, but in the midwest section they give 5 weeks, and on the Pacific coast and in the Southwest they give 6 weeks. It would be impossible for the contractors to get the specifications, get them out, go over them, and get the information necessary from the subcontractors and file the names of those people inside of 30 days.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I will yield in just a minute. The suggestion that this is for the protection of the subcontractor and the laborers is a fine point, but the provision of the 30-day restriction on all bids on public buildings is absolutely unworkable because of the fact that the Procurement Division, because of the fact that the Veterans' Administration, with its construction department, has not had an opportunity to be heard. This bill ought to go back to the committee and an opportunity given to work it out so that a proper time limit will be placed in the bill.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. COCHRAN. The committee will offer an amendment to change that to 60 days to meet the objection the gentleman raises.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. GRISWOLD. Does the gentleman know that the Procurement Division representative appeared before the committee and testified that 4 weeks was the normal time for the bid? That was Mr. Wetmore.

Mr. CASE of South Dakota. I understood someone to say that hearings had not been held on this bill at this time.

Mr. GRISWOLD. The bill now reads, word for word, as it did when reported out by the committee at the time of the hearing.

Mr. CASE of South Dakota. Was that 10 years ago?

Mr. GRISWOLD. No, sir. That was in the Seventy-fourth Congress. I claim no pride of authorship of this bill. It was a bill of Mr. Goss, of Connecticut, a Member on your side, who made a valiant fight for the bill and almost succeeded in having it passed.

Mr. CASE of South Dakota. This afternoon the Procurement Division says that under present practices 4 weeks for the eastern division, 5 weeks for the Midwest and Southwest, and 6 weeks for the west coast are required.

Mr. GRISWOLD. I regret that they did not see fit to put that in the record when they testified before the committee.

Mr. CASE of South Dakota. When did Mr. Wetmore leave the service?

Mr. TABER. Some 4 years ago, I understand.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. CASE] has expired.

Mr. TABER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill has been on the calendar ever since I have been here. If it had been a good bill which would have helped the orderly processes of doing business with the Government, it would have been passed 10 years ago. It is so mixed up, it is so involved that it cannot possibly be a success and help the situation of the Government. It will increase the cost of contracts at least 10 percent and it will involve the Government in all sorts of pulling and hauling, which will delay jobs. It will tend to prevent the orderly processes of Government contracts, and I hope that the bill will not pass.

Mr. GRISWOLD. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, I have an announcement to make to the House which I know will be very good news. I understand, from what I believe to be reliable authority, that the Chrysler strike in Detroit is in the actual stage of settlement. The terms of settlement will be made known after a later conference.

Tomorrow morning when the press carries the headline that the efforts of Gov. Frank Murphy, of Michigan, have been successful in his handling of the great auto strike, then maybe it will become apparent to those who would have acted otherwise and would have thrown the fair city of Detroit into a state of grim reality of civil warfare that he has chosen the proper course to pursue. Tomorrow morning, I predict, the Chrysler employees will peacefully evacuate the plants orderly, without bloodshed, as a result of the conference and the leadership of the humanitarian Governor of the State of Michigan, the Honorable Frank Murphy. [Applause.]

Mr. GRISWOLD. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, some 8 or 10 years ago a bill very similar to this was introduced by the gentleman from Connecticut, Mr. Goss. I have always supported the bill, although it may not have been in the exact terms of the pending bill. The principle involved, however, was the same. It deals with fair practices, covering everybody from the general contractor down to the subcontractor and even down to the contractor. The principle involved is that the contractor obtains bids on a competitive basis from subcontractors and upon the figures and estimates thus obtained the general contractor makes up his bid. This fair competition exists among the general contractors where the Government gets the full benefit of competition. There is full competition also between various subcontractors under the general contractor. If the Government recognizes the right of the general contractor submitting the low bid to receive the bid, why is it not fair, on the same principle, that the general contractor use the subcontractors on whose estimates he based his bid? It goes on down to the laborer of the subcontractor. The subcontractor bids with the idea in mind of paying the prevailing wage, and the Bacon-Davis Act requires that they shall pay the prevailing wage. The general contractor who is awarded the bid ought to be fair with the subcontractors and give the subcontractors the same rights he has had, so that the laborer may likewise be treated fairly.

I think the bill makes for fair-trade practices all the way through; and the Government is interested in that feature of competition, of treating all alike. Labor ought not to be chiseled or have their wages reduced by a subcontractor going to them and saying that he intended to bid the prevailing wage but the general contractor had asked him to reduce and therefore he, the subcontractor, was asking the laborer to reduce his wages or to make some unfair arrangement as to hours or working conditions. So the Government is interested in having this on a full competitive basis from top to bottom.

As to the question of time allowed for the submitting of bids, I am willing to vote for an amendment changing the time if it is shown that 4 weeks or 30 days is not sufficient; but we do not want the time to be so long that a general contractor can receive estimates from subcontractors and then go around and peddle these estimates to others and try to chisel his subcontractors down before the contract is let. If the Procurement Division says that 4 weeks is sufficient, that ought to satisfy the Members. If that is the prevailing time that is now used, then I think the bill is written correctly. As I understand, those in charge of these contracts testified in the hearings that 4 weeks was the ordinary time that was used in letting these contracts.

I have supported the principle of this bill for 10 years. I think it ought to have been written into the law long ago. I am glad again to give my support to a bill that I think provides for fair-trade practices and honest competition from the general contractor clear down to the laborer. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. I have sought this time merely to add to my former statement this: That the Department suggested to me that the subcontractors in the far West and the Middle West would be the ones most penalized by a 30-day restriction. They said that at the present time the subcontractors need all the time they can get to make the proper bids so that they can be protected in the changing prices of material. I simply want the RECORD to show this additional information and want the House to have it for consideration at the time the amendment changing the time is offered. As I understand such an amendment will be offered.

Mr. MAHON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. MAHON of Texas. Will the gentleman tell the House who in the Procurement Division gave him the information?

Mr. CASE of South Dakota. I am sorry I cannot do that. I was switched to two or three telephones, and I did not get the name of the last party with whom I talked. I know that is so, however, because when contracts for public buildings are let in my district they allow 5 weeks' time in which to submit bids. In the far West it is 6 weeks.

[Here the gavel fell.]

The CHAIRMAN. If there is no further debate, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That contracts in excess of $5,000 in amount for the construction, alteration, or repair of any public building of the United States or of the District of Columbia within the geographical limits of the States of the Union or the District of Columbia shall be awarded only to bidders whose bids are submitted within 30 days after the date of the invitation for bids, and are accompanied by a statement containing the names and addresses of the subcontractors, materialmen, and supplymen whose services the bidder intends to utilize in the performance of the work. Such contracts shall also contain provisions for withholding from, or payment by, the contractor of such penalties as may be fixed in the contract for failure to utilize such subcontractors, materialmen, and supplymen in the performance of the work. Sums assessed or paid as penalties for such failure may be remitted or refunded, in whole or in part, by the head of the department, bureau, agency, or independent establishment of the Government or the District of Columbia which has made the contract on behalf of the United States or the District of Columbia, but only in case it is shown to his satisfaction that substitution for a subcontractor, materialman, or supplyman, as the case may be, was justified by reason of the inability or unwillingness of such subcontractor, materialman, or supplyman to furnish the materials or supplies, or properly to perform the work, as the case may be.

Mr. GRISWOLD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRISWOLD: Page 1, line 8, after the word "within" strike out the word "thirty" and insert the word "sixty."

Mr. GRISWOLD. Mr. Chairman, this is the amendment which seemed to be the cause of the controversy on this bill. There is no disposition on the part of the committee to tie this thing down hard and fast, except that the committee used the figures of the representative of the procurement division in fixing the 30-day period. That office stated that most bids were received in 4 weeks. This amendment would double that time. The intent, of course, is not to allow too long a time to intervene, which would permit the contractor further to chisel these bids, as happened in the case of the post office at Waterbury, where they were 3 months going around peddling one bid on marble after the excavation for the basement had been completed.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. PACE. Will the gentleman inform us why the matter of time has to be fixed, why it cannot be left to the discretion of those asking for the bids?

Mr. GRISWOLD. It should be a matter of legislation, because they should all be on an equal basis in submitting these bids. As a matter of fact, most of the States and large municipalities have statutes and ordinances requiring bids on public work to be submitted within 30 days after advertisement. Further than that, the architects' association in practically all States and cities so require under their code of fair practice.

Mr. PACE. Does not the invitation to bid specify the time within which the bid must be submitted?

Mr. GRISWOLD. It does in some instances.

Mr. PACE. Different kinds of buildings and work require different lengths of time, anywhere from 15 days to 3 months for the submission of bids. Why will it not be sufficient to allow the department asking for the bids to specify the time within which they must be submitted?

Mr. GRISWOLD. I may say to the gentleman the reason we need this law is because we have left so much to the discretion of the departments and department heads.

Mr. PACE. I am not referring to the law.

Mr. GRISWOLD. I am talking about this act here. The department heads have gone clear out of their way to cause trouble and to allow such practices as this to continue, which they themselves say in letters to the committee and in testifying before the committee are vicious, obnoxious, contrary to all good ethics and despicable and yet they do nothing to prevent the situation from arising. They state that they cannot cure the evil by their own contracts. We are therefore endeavoring to do it by legislation.

[Here the gavel fell.]

Mr. KITCHENS. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question.

Would the provision of 60 days prevent a department from fixing a less time than 60 days? In other words, would any bidder or contractor have 60 days, regardless of any desire on the part of the department to have bids submitted within a less time? If the law gives the contractor 60 days within which to submit his bids, can that be varied?

Mr. GRISWOLD. I would say from a reading of the act it could be varied by circumstances, because it is stated they will not consider bids that are not submitted within 60 days. If the gentleman from Arkansas will notice the language, it says: "The contract will be awarded only to bidders whose bids are submitted within 30 days", as the bill reads now.

It puts a limit beyond which they cannot go. I do not think it would tend to prevent them from fixing in the specifications a less time. This is merely permissive and states a definite limit beyond which they cannot go.

Mr. KITCHENS. What I am trying to get at is this: Would a bidder have 60 days in every event within which to submit his bid and be able to force the Government to accept it?

Mr. GRISWOLD. No; I do not think it is so intended. I do not think he could submit a bid after 60 days and have a contract awarded to him. I do think that the department could fix a lesser time in the advertisement for bids and let the contract in less than 60 days, but it could not fix a longer time than 60 days. We merely fix a limit in this legislation and say, beyond this time you cannot go.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. GRISWOLD].

The amendment was agreed to.

Mr. BEITER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BEITER: Page 2, line 5, after the word "work", insert the following: "*Provided*, That no penalty may be assessed except where it can be demonstrated that the subcontractor, materialman, or supplyman has furnished to the contractor previous to the date on which the contractor filed his bid with the United States or the District of Columbia, security guaranteeing to the contractor the performance of the work bid upon at the price and under the conditions upon which the bid is made to the contractor."

Mr. BEITER. Mr. Chairman, certain scientists have frequently propounded the question, "Which came first, the chicken or the egg?" In this particular case I am just wondering whether the contractor, the subcontractor, the supplyman, or materialman is going to come first.

This bill is a good bill, and I am going to support it, but I believe it should be amended so as not to destroy the party of the second part, to protect the parties of the third, fourth, and fifth parts, the supplyman and materialman. You may realize what is going to happen to the subcontractor now that he has to mention or name the materialman and the supplyman when he accepts the subcontract. As I mentioned before, suppose he accepts a large job, such as the one involved in the building of Boulder Dam—and a majority of the governmental contracts are major—how is he going to name his materialman and his supplyman at that time? It is simply impossible.

Mr. Chairman, the amendment which I have submitted is offered at the suggestion of the Associated General Contractors.

Mr. Chairman, I ask unanimous consent to read at this time a letter in which the reasons for offering this amendment are given.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. Mr. Chairman, this letter is addressed to me and is signed by Mr. Edward J. Harding, managing director of the Associated General Contractors of America. It reads as follows:

H. R. 146, a bill to require contractors on public-building projects to name their subcontractors, materialmen, and supplymen, and for other purposes, is on the Union Calendar, No. 57, and may be expected to be reached on March 17.

This bill is designed to give protection to subcontractors placing bids with general contractors on public-building projects. However, it places no requirement upon the subcontractor, materialman, or supply man to protect the general contractor when the general contractor, in good faith, uses his proposal in submitting his bid to the Government. It seems entirely just that if such subcontractor, materialman, or supplyman is to be provided with such protection, he should likewise be required to submit a guaranty in the form of adequate security to the contractor that he will perform in accordance with his proposal just the same as the general contractor is required to guarantee his bid with bid security when placing it with the United States.

It is, therefore, urged that H. R. 146 be amended by adding, in line 5 of page 2, after the word "work", the following:

"*Provided*, That no penalty may be assessed except where it can be demonstrated that the subcontractor, materialman, or supplyman has furnished to the contractor, previous to the date on which the contractor files his bid with the United States or the District of Columbia, security guaranteeing to the contractor the performance of the work bid upon at the price and under the conditions upon which the bid is made to the contractor."

The operation of this amendment would be to extend the protection of the measure only to such subcontractors who bid in

good faith and have guaranteed this good faith. It does not seem that the proponents of the bill should object to such a reasonable proposal.

This proposed amendment is entirely germane to the issue, as the bill as drawn provides for penalties against a second party for the protection of a third party to a contract with the United States. The proposed amendment would apply these penalties only when the third party has made a condition precedent of protecting the second party. Unless such an amendment is added, the third party is privileged to withdraw his offer without penalty to the financial loss of the second party.

It is strongly urged that this proposed amendment be adopted.

Public hearings were not held on this measure, and therefore there was no opportunity to present this amendment for committee consideration.

Mr. Chairman, I trust the Committee will accept my amendment. This in turn will protect the general contractor and will not destroy the second party in order to protect the third party.

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. BEITER].

Mr. Chairman, this amendment, if adopted, would kill the whole bill and its effects. It is the same as the suggestion made by the Associated General Contractors when they appeared before the committee. They offer this amendment with the idea in mind of defeating the bill, just as they appeared before the Labor Committee and fought to the end to try to beat the Davis-Bacon Act and the Prevailing Rate of Wage Act.

This amendment, if adopted, would bring the third party into contact with the Government. We have no right to go back of this contract with the general contractor other than stipulate what he shall say in his contract or agreement which he enters into with the Government.

However, under this amendment the gentleman tries to make us go beyond that and not only enter into a contract with the general contractor, but go back of him and enter into a contract with third parties, consisting of subcontractors and material men, who are not directly interested with the Government in this contract. They are interested with the general contractor only. If you pass this amendment you will defeat the object and intent of this bill.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. BEITER. Does not the gentleman believe as the bill is drawn it is going to work a hardship upon the subcontractor too, who will be required to name the material men and the supply men at the time he accepts the contract from the general contractor? Is it not going to work a hardship upon the subcontractor? I am for the subcontractor.

Mr. GRISWOLD. May I say to the gentleman the subcontractors so carefully investigated this bill that they sent a committee to appear before our committee, representing 10,000 contractors who endorsed this bill as subcontractors. At the same time there appeared as the president of this association of subcontractors a man who represented an organization with which the general contractors were affiliated, and they at that time endorsed this bill without dotting an "i" or crossing a "t." They were for the bill as it was written, and they were for it insofar as the materialmen were concerned, for this reason—and I will give you a specific instance.

Over here at No. 1 First Street NE. we have an imposing white stone building, and carved upon it are the words, "Equal justice under the law." When Fuller & Co. had the contract for this building they went out to Moline, Ill., to get the furniture for it. They had the general contract. This was a building that required a lot of special furniture, cabinet work, and so forth, which had to be figured out over a long period of time. The Moline Furniture Co. put their people to work on it and submitted a bid to Fuller. This was the lowest and best bid and was acceptable. However, when Fuller & Co. were awarded the general contract, they went out and chiseled down prices until Fuller & Co. and some other contractor profited from the work of the Moline Furniture Co. in making the estimate. This is why the materialmen are interested.

[Here the gavel fell.]

Mr. BEITER. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may proceed for 5 additional minutes to answer several questions I wish to ask him.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. The gentleman has stated that 10,000 subcontractors favor this bill. I have read the report very carefully, and I fail to find where the Procurement Division of the Treasury Department, or any one of the 54 Government agencies has endorsed it. Can the gentleman tell me whether any one of these bureaus has endorsed this bill?

Mr. GRISWOLD. The War Department has not endorsed it and the Treasury Department has not endorsed it, although Mr. Mellon in his letter to the committee stated the Association of General Contractors, whose proposed amendment the gentleman presents, had endeavored over a long period of time to get the Treasury Department to write into its contracts the requirement to name subcontractors.

The Architect of the Capitol in testifying before the committee stated the same thing, and said they would like to cure this despicable practice—that is the word he used—of bid peddling, but they could not do it under the law by writing it into contracts, because the Comptroller General's office had ruled they could not do it.

Mr. BEITER. I realize what the committee has been trying to do to protect the subcontractor. In fact, I have a concrete example in my own district in connection with two buildings erected by the Federal Government. One was the building of a veterans' hospital. The general contractor received his pay from the Federal Government and the subcontractor never received his pay. He did the work, did a good job, the work was approved, but he was left holding the bag. I should like to see something done to protect subcontractors in cases of this kind.

On the other hand, I do believe this bill is going to harm the subcontractor. I do not want to do that. I want to help him just as much as I want to help the party of the second part. I think requiring the general contractor to name the supply men and materialmen at this time without requiring the subcontractor to place a bond with the general contractor to assure the general contractor he is going to supply the material at the specified price or do the work at a given price is going to work a hardship upon the subcontractor. As for the legitimate man, well and good. This does not harm the legitimate man. This bill does not help him in any way.

Mr. GRISWOLD. I am pleased to hear the gentleman say this does not harm the legitimate contractor.

Mr. BEITER. That is right, it does not harm him. It is aimed to go after the so-called "brief case" general contractor and the chiseling subcontractor.

Mr. GRISWOLD. If the gentleman admits this bill cannot harm the legitimate contractor, who is ethical, that the only person it can harm is the "brief case" contractor, then why not pass the bill and get through with it?

Mr. THOMPSON of Illinois and Mr. GIFFORD rose.

Mr. GRISWOLD. I yield first to the gentleman from Illinois.

Mr. THOMPSON of Illinois. I would call the attention of the gentleman from Indiana to the fact the gentleman from New York did not say it did not affect the general contractor. He said it did not affect the legitimate subcontractor. I should like to call the attention of the gentleman further to the fact some subcontractors under our system of awarding contracts in the United States are much larger financially, physically, and in every other way, than some general contractors.

Mr. GRISWOLD. In many cases. I might further say to the gentleman, in connection with that, that it is true most of the material subcontractors are much larger than the general contractor.

I now yield to the gentleman from Massachusetts.

Mr. GIFFORD. My question is simply this: Cannot a general contractor require a bond of a subcontractor if he wishes to, and does he not do so?

Mr. GRISWOLD. He can require a bond of the subcontractor if he wishes to. That is a matter of contract. When a general contractor submits a bid to the Government and the bid is opened, that bid is final. It may not be reopened for bids again after all the bids, including the cheapest, is known. If they could be reopened again for a second bid, the Government might get its building cheaper. But after the bid is let to the general contractor he reopens the bids of the subcontractors and, all knowing the cheapest bid, he proceeds to peddle the bid around and chisel some other subcontractor. He can require any kind of bond he wants from the subcontractor and as a result of his bid scalping he often makes an additional profit of 20 to 30 percent.

Mr. THOMPSON of Illinois. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I thoroughly agree with the gentleman from Indiana [Mr. GRISWOLD] that adoption of the Beiter amendment would absolutely kill this bill.

I do not see what right any of the contracting agencies of the Government has to tell subcontractors or materialmen, in effect, that they must submit bidders' bonds while a certain project is being prepared for estimates of construction. Most certainly in the bill as it is before the Committee, and without amendment, there is absolutely no restriction that prevents a general or principal contractor from requiring any subcontractor or building materialman whose bid or price he proposes to use from submitting to him some sort of evidence of his ability to go through with the contract or carry out the purchase orders that may be issued to him later on. Certainly it would be a mistake, in my opinion, to require these subcontractors and materialmen to submit a bidder's bond in the form of surety or a certified check and have this requirement come from the contracting officers of the Federal Government.

The gentleman from Pennsylvania [Mr. BOLAND] has well pointed out that no legitimate general contractor, no ethical general contractor, has anything to fear from the operation of this bill. This bill is not directed at the very substantial number of legitimate general contractors in the United States, but it is directed at the chiseling general contractor, the contractor who attempts to make all of his money by beating down the prices of the materialmen in every city of this country where a Government contract or a Government project is under way and where this type of contractor has been successful in securing the award of a contract. I do not believe we should hamstring this very fine piece of legislation by the adoption of the amendment offered by the gentleman from New York [Mr. BEITER], who, I know, offers the amendment in very good faith. However, I believe his conception of the entire proposition of sub-bids is in error, and I therefore hope the Committee will defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BEITER].

The amendment was rejected.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 2, line 1, strike out the period, insert a comma and the following language: "But no contractor or materialman or supplyman shall be required to be named where the total amount involved of the individual subcontract or the amount required to be furnished by any materialman or supplyman does not exceed $500."

Mr. TABER. Mr. Chairman, this amendment is offered with the idea that the bill would not be so burdensome on the Government or so burdensome on the general contractor as it would otherwise.

The amendment provides that where the subcontract or the material to be furnished or the supplies from any one individual shall be less than $500, the subcontractor, the supplyman, or the materialman need not be named. This would give the general contractor a little opportunity to take care of himself on the small things, so he would not need to go out on every little thing that he required and get a bid. This would also give him a chance to get his materials together without such great expense or such great burden as he would be put to with the bill as it now stands.

Frankly, I think the figure I have put in the amendment of $500 is low, but I thought I would put that in because I wanted to get something in the measure that would give the Government a little break under its terms.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. COCHRAN. I think the gentleman's amendment is a reasonable one. I cannot speak for the committee as a whole, but so far as I am personally concerned, I would be willing to accept it.

Mr. TABER. I thank the gentleman.

Mr. GREENWOOD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. GREENWOOD. Does the amendment refer just to material men or subcontractors?

Mr. TABER. Subcontractors and materialmen, because in case there is $200 or $300 worth of plumbing or $200 or $300 or $400 worth of lighting fixtures, you should not expect your general contractor to go out and get definite bids from all subcontractors and name them. You have got to give him some range or he is going to have a tremendous job in getting up his detail work.

Mr. GREENWOOD. I may say to the gentleman I am inclined to agree to the amendment.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. GRISWOLD. I am also inclined to agree with the gentleman's amendment from the standpoint of the material men, but from the standpoint of the subcontractor, we might get into considerable difficulty.

Mr. TABER. If there is any subcontractor who is below $500 on any of these Government buildings, it is the kind of job where your general contractor ought to be allowed to go ahead and submit his bid without being required to go through all the rigamarole of getting bids from subcontractors.

Mr. GRISWOLD. It is not my intention to oppose the gentleman's amendment, but the thought came to my mind of instances of painting and things of that kind.

Mr. TABER. I think your general contractor ought to be allowed that much range if the amount involved is as low a figure as $500.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was agreed to.

Mr. GREEVER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GREEVER: Page 2, line 16, after the word "be", strike out the period, insert a comma and the words "in accordance with previous agreements."

Mr. GREEVER. Mr. Chairman, I offer this amendment for the purpose of clarifying any dispute that would come up over the question of the repayment or the remission of penalties under this bill. My colleague from New Mexico [Mr. DEMPSEY] is unable to be here today on account of illness, and has asked me to present this amendment. The amendment simply clarifies the issues in case of dispute as to whether or not these penalties should be remitted. It requires each party to have something definite as to contractual obligations between them. It certainly could not hurt the contractor or the subcontractor if they should be required to present their agreement for the information of the department, which would show whether or not the contractor was entitled to have a remission of this penalty for failure of a subcontractor or materialman to comply with the terms of his contract and in case of the protest of the subcontractor he, too, would be compelled to show a violation of the agreement between him and the contractor.

Mr. Chairman, I urge the adoption of the amendment.

Mr. GRISWOLD. Mr. Chairman, I have no disposition to oppose this amendment. I think probably there is merit in it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. HOBBS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOBBS: Page 2, line 5, after the word "work", strike out the period, insert a comma and the following language: "as well as for failure to pay such subcontractors, material men, and supply men (in proportion to the amount due them respectively in relation to the amount due the contractor on any payment date) as the contractor is paid by the United States."

Mr. HOBBS. Mr. Chairman, this is not a pro-forma amendment. I am heartily in favor of the object of this bill, and simply wish to make it go far enough to reach the very serious condition and practice in the building industry whereby, under existing law, the contractors in many instances are enabled to finance themselves in the completion of their contracts, at the expense of the subcontractors. For instance, take a man engaged in the quarrying of marble, limestone, or any other natural stone. He furnishes $1,000 worth of the stone, delivered on the ground, accepted by the general contractor and actually used in the building. The contractor, after the first estimate by the Architect, will receive $850 for that stone, and yet he may never pay the man who furnished it.

I could give you illustration after illustration. Take the Terre Haute, Ind., post-office building in the State of the gentleman who is handling this bill, where $41,000 worth of Alabama marble went into its completion, was accepted and is now in use, yet not one dime of the money paid the general contractor for that marble, under the Architect's estimate, has ever found its way back to the man who went into the bowels of the earth to dig that marble, and cut, finished, polished, delivered, put it in place. Through the fault of this iniquitous system under which we are operating, the subcontractor furnishing this beautiful and everlasting marble is unpaid and will never be paid.

Mrs. JENCKES of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Gladly.

Mrs. JENCKES of Indiana. Terre Haute is my home town, and the gentleman is talking about one of the biggest jobs I ever had since I came to Congress, which was to help the subcontractors collect the money from the contractor.

Mr. HOBBS. I know the gentlewoman has been very active and helpful in that, and we may be able eventually to get a part of this honest debt paid by a bonding company. All this amendment asks is fair play; that as and when the general contractor collects money for materials furnished by subcontractors, he shall pay to each of them a sum in proportion to the amount he receives—their fair share.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Certainly.

Mr. GRISWOLD. The gentleman is aware of the fact that on these Government contracts they are broken down four ways.

Mr. HOBBS. Yes.

Mr. GRISWOLD. Would the gentleman's amendment affect it in this way? Possibly the excavation has been done and the stone work has not. The man doing the excavation would receive his pro-rata share of the amount that was allowed under the contract for the excavation.

Mr. HOBBS. That is correct. In other words, this amendment says that the amount due each subcontractor, material man, or supply man, as it relates to the amount due the general contractor on any payment date shall be paid as the Government pays the general contractor. We should no longer permit the contractors to compel subcontractors to wait for their money until the contractors see fit to pay them. I know of one instance in which a subcontractor had to wait for 8 years, and but for the Heard Act and the Miller amendment thereto he would be waiting yet. This is a bona-fide, honest-to-God amendment that really will strengthen the bill. I am heartily in favor of the bill as it is written, but it does not go far enough. While it protects the subcontractors against chiseling, it does not say a word about payment to them of their honest dues, as the general contractor gets his money from the Government. I respectfully submit to the committee in charge of the bill that the amendment should be accepted.

I sincerely hope that every Member of the House will vote in favor of this meritorious amendment.

[Here the gavel fell.]

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the gentleman may have 1 additional minute in order that I may ask him a question.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MILLER. The amendment proposed by the gentleman from Alabama appears to me to work exactly in harmony with the present law governing contractors' bonds, and it covers the same subject that could well be covered in that statute, which the Congress considered and passed last year. I believe the amendment ought to be adopted. I do not think it could hurt this act, and I think it will render equitable justice to all of them and tend to prevent litigation between subcontractors and contractors.

Mr. HOBBS. That was exactly the purpose of this amendment as I drew it. It was to further the purport of your amendment to the Heard Act—exactly "down the alley" that is sought to be traveled by the committee.

Mr. THOMPSON of Illinois. Will the gentleman yield?

Mr. HOBBS. I yield.

Mr. THOMPSON of Illinois. I believe the amendment offered by the gentleman is very constructive and will help the bill, and I hope by all means the Committee will adopt it.

Mr. HOBBS. I thank the gentleman.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HOBBS].

The amendment was agreed to.

Mr. SEGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SEGER: On page 1, line 8, strike out all of line 8 and part of line 9, down to the word "and", so that the bill will read: "shall be awarded to bidders whose bids are accompanied", etc.

Mr. SEGER. Mr. Chairman, I have been connected with the building business for a great many years, and I know the Government has always stipulated the time within which a bid shall be rendered.

Here we are dealing not with a large amount or a small amount, five or ten thousand dollars. A man who is bidding on a $5,000,000 job may need more than 60 days. Some of the contractors might require 90 days or longer. The Department's Architect is more qualified to fix the time than we are here. I would like to bring that to the attention of the Committee. We should eliminate the time within which these bids are to be awarded, and have the bill simply read that it shall be awarded to bidders whose bids are accompanied, and so forth, eliminating the time feature. I do not think we can fix 30 days or 60 days as the proper time within which to submit a bid. We are inviting trouble for the architects if we attempt to fix the time.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SEGER. I yield.

Mr. MARTIN of Massachusetts. As I understand the gentleman's amendment, it permits the Department to specify how much time is required?

Mr. SEGER. Yes. I think they are better qualified to say than we are.

Mr. MARTIN of Massachusetts. It leaves it to the discretion of the Department entirely?

Mr. SEGER. Yes, sir.

I ask for favorable consideration of the amendment.

[Here the gavel fell.]

Mr. GRISWOLD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, originally this bill provided for 30 days, because of the facts testified to before the committee, that practically all of these contracts were taken care of in 4 weeks. Now, we have more than doubled that time. First, there are the notices, then there is the invitation to bid, and then there is an opportunity to look over all the specifications. A man who has an organization of architects and engineers, a man who has something else besides a wheelbarrow and a brief case, a man who is in business legitimately with an organization, is in shape to go over the specifications and decide on his bid certainly within 60 days. If you strike out the time limit entirely and leave it to the discretion of the officer who lets the contract, there will be all kinds of delay. I called attention to the case at Waterbury, where they were months peddling around a bid for marble before they finally made a bid for that Federal building.

Mr. SEGER. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. SEGER. Of course, if there was a time set within which these bids should be rendered, they could not spend months peddling around a bid for marble.

Mr. GRISWOLD. But when you leave it to the discretion of the contracting officer, that is the way it is now. That is one of the evils that we hope to clear up at this time by this bill.

Mr. SEGER. Does the gentleman believe that he, or I, or Members of Congress, who are not builders, are better qualified to pass on the length of time required than the Supervising Architect?

Mr. GRISWOLD. Does the gentleman think that when the Building Trades Employers Association, comprising some 15 different organizations of contractors, an association that takes in all the contractors in the United States, not merely the general contractors' associations, does the gentleman think that if those gentleman are agreeable to fixing a time limit of 30 days, that we should leave it out entirely? They are the interested men. They are the men who have to bid. If they are agreeable to 30 days, certainly nobody else ought to kick. He is the man who must present the figure. He says the bill is agreeable. We have doubled it and made it 60 days. I think the amendment should be voted down, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. No claim for the remission or refund of any penalty shall be granted under this act unless application therefor is filed within 1 year after the liability of the contractor accrues. If any such application for refund of any sum paid as a penalty is denied, or if no application for such refund is filed within the period provided for filing application under this section, such sum shall be covered into the Treasury as miscellaneous receipts.

SEC. 3. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may hereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act.

Mr. GRISWOLD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. RANKIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 146, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. GRISWOLD. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider the vote whereby the bill was passed was, on motion of Mr. GRISWOLD, laid on the table.

Mr. GRISWOLD. Mr. Speaker, the Committee on Expenditures in the Executive Departments has no further business today.

EXTENSION OF REMARKS

Mr. BULWINKLE, Mr. WOODRUFF, Mr. GREEVER, Mr. THOMPSON of Illinois, and Mr. FITZGERALD asked and were given permission to revise and extend their remarks in the RECORD.

CALL OF COMMITTEES

The Clerk called the roll of the committees.

Mr. RANKIN (when the Committee on World War Veterans' Legislation was called). Mr. Speaker, by direction of the Committee on World War Veterans' Legislation, I call up the bill (H. R. 5331) to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, is this the bill that was reported unanimously out of our committee, everyone agreeing to it and approving of it?

Mr. RANKIN. That is right.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the title of the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the date of enactment of this act any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden, as the result of any disability, may be awarded compensation under the laws and interpretations governing this class of cases prior to the enactment of Public Law No. 2, Seventy-third Congress, March 20, 1933, subject, however, to the limitations, except as to misconduct or willful misconduct, contained in sections 27 and 28 of Public Law No. 141, Seventy-third Congress, March 28, 1934: *Provided*, That the language herein contained shall not be construed to reduce or discontinue compensation authorized under the provisions of section 26 of Public Law No. 141, Seventy-third Congress: *Provided further*, That where a World War veteran dies or has died from disease or injury, and service connection for such disease or injury is established under the provisions of this act, the surviving widow, child, or children, and/or dependent parents shall be entitled to receive compensation at the rates prescribed in Veterans' Regulation No. 1 (a), part I, paragraph IV, and amendments thereto: *Provided further*, That for the purposes of awarding compensation under this act, service connection of disability may be determined or redetermined in any cases where claim has been or is filed by the veteran, widow, child, or children, and/or dependent parent or parents.

Mr. GRISWOLD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRISWOLD: Page 1, line 6, after the comma, insert "or who is otherwise totally disabled."

Mr. GRISWOLD. Mr. Speaker, the object of this amendment is simply to take in some other cases that I do not think the language of the bill as it now reads will cover, for as reported the bill provides only for paralysis, paresis, or blindness, thereby fixing these three disabilities.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mrs. ROGERS of Massachusetts. Those are the three disabilities that were taken care of before the Economy Act went into effect.

Mr. GRISWOLD. I understand that, but I think the gentlewoman from Massachusetts will agree with me after she hears my statement. The bill further provides for care of those helpless or bedridden. We have very many cases, as the gentlewoman knows, which are not helpless or bedridden yet are totally disabled. They walk around. We have these heart cases that come from the same causes as

the others; they walk around, but they cannot work; they cannot do anything. To all intents and purposes they are unable to earn a livelihood. They require medical aid, but they are not bedridden, yet they are not helpless because they can walk around. I do not think it would harm the bill to include these cases and I think it might serve to protect them. I understand there are quite a few such cases.

Mrs. ROGERS of Massachusetts. Does the gentleman know how many such cases there would be?

Mr. GRISWOLD. I do not. In reading the bill I noticed this particular feature. I discussed this amendment with the chairman of the committee. He thought it would do no harm, but he said he could not accept it because the committee had acted on the bill without the amendment.

Mr. RANKIN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I am willing to accept the amendment offered by the gentleman from Indiana [Mr. GRISWOLD]. I think it is a good amendment, and I trust it will be agreed to.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. What is the idea of using the term "misconduct" as well as "willful misconduct"? What is the differentiation between those two terms?

Mr. RANKIN. To what line does the gentleman refer?

Mr. MARTIN of Colorado. Page 1, line 10. It looks to me like the term "misconduct" would embrace all of it.

Mr. RANKIN. I may say to the gentleman from Colorado that we were merely following the verbiage of the old law, in which most of those expressions were used, in order that there would be no doubt about the matter.

Mr. MARTIN of Colorado. I may say to the gentleman I would like to see the first one stricken out, and I would like to see both of them stricken out, because I have long since come to the conclusion, when we consider how these millions of young men, many of them mere boys, were taken out of their home surroundings and subjected to the dangers and conditions that they were at that time, and incurred these diseases, that they were service-connected, and they are just as much entitled to compensation as any other veterans.

Mr. RANKIN. May I say to the gentleman from Colorado and to the Members of this House that this bill corrects to some extent what I have considered one of the most inhuman provisions of the law, whereby they undertook, back 12 or 15 years ago, to exclude from the benefits of veterans' legislation men whose disabilities were alleged to be attributable to their own misconduct. In that way they have penalized many of the best soldiers we had in the service and have encouraged the medical staff of the Veterans' Administration to attribute to that misconduct various and sundry disabilities that were not caused by that misconduct.

In addition to that, they have permitted many of these men to go on from year to year with this humiliation upon them, and have denied them compensation at the hands of the Government they served. As I stated, this class included many of the best soldiers we had. When they passed away, this stigma was visited upon their children so long as they lived. I have tried for years to get this provision removed entirely from the law, and I will go just as far as any Member of the House to that end.

The amendment offered by the gentleman from Indiana [Mr. GRISWOLD] improves the bill in this respect, and I hope it will be adopted.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. How many veterans are affected by this bill?

Mr. RANKIN. Under the bill as originally written there would probably be about 1,000 veterans affected. With the adoption of this amendment there will probably be more, but over 2,000, I should say. May I say to the gentleman from Mississippi there is more in this bill than merely the number of men affected. Some of these blind men have been put back on the roll; but under the law as now written if those men should pass away their widows and orphans would not be taken care of. So if the bill is passed with this amendment, then when the ones falling within the provisions of this bill die, their widows and orphans will be cared for.

Mr. MARTIN of Colorado. Has the gentleman any idea of the total number of these so-called willful-misconduct cases?

Mr. RANKIN. I do not have the figures before me. A great many of those men are blind and have been put back on the roll under another provision of the law. Many of them are insane and many of them, of course, have already passed away. As I said to the gentleman from Mississippi [Mr. WHITTINGTON] a moment ago, some of those men have been placed back on the roll. The blind veterans, for instance, are taken care of so long as they live, but when they die, unless this bill is passed or a similar measure, their widows and orphans will not be cared for.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. RANKIN. Mr. Speaker, unless this bill is passed the widows and orphans of these men will not be taken care of.

Mr. MARTIN of Colorado. As I understand the bill, it includes for compensation veterans suffering from paralysis, paresis, or blindness, except where it may be attributable to misconduct or willful misconduct. In other words, it is subject to these limitations?

Mr. RANKIN. If the amendment offered by the gentleman from Indiana is agreed to, those suffering from paralysis, paresis, or blindness, and are helpless or bedridden, or otherwise totally disabled, will be taken care of under this bill.

Mr. BOILEAU. Mr. Speaker, I move to strike out the last two words. May I ask the gentleman from Mississippi [Mr. RANKIN] if this bill is adopted and the amendment offered by the gentleman from Indiana is agreed to whether it will remove entirely this prohibition that we put into the law some time ago denying relief to those who were suffering as the result of their own misconduct?

Mr. RANKIN. It may not take care of every single case, but it will take care of the ones who are totally disabled, and also those who are suffering from paralysis, paresis, or blindness. It will also take care of the widows and orphans of those men when they pass away.

Mr. BOILEAU. The gentleman states it will not take care of all of them. Can the gentleman give us any information as to what class of veterans this will not take care of?

Mr. RANKIN. Without going into medical terms, suppose a man had heart trouble. Of course, invariably those cases are not attributable to misconduct. Suppose he is affected with heart trouble that does not result in paresis, paralysis, or blindness, and he is not totally disabled; then he would not fall within the provisions of this bill, if it was held that his disability was caused by his own misconduct. I may say to the gentleman from Wisconsin cases of that kind are rather rare; but this bill will take care of practically the entire number.

Mr. BOILEAU. I admire the gentleman's attitude toward veterans, and I appreciate his bringing this bill before the House at the present time to correct a gross error committed some years ago.

However, I do want to say to the gentleman, I am hopeful he will prepare an amendment—I am not capable of doing it, as I do not know the legislation well enough—to remove all of the unfair restrictions from our legislation.

Mr. RANKIN. May I say to the gentleman from Wisconsin that I have been working on this proposition for years. We took this up before the full committee and called in witnesses. Under the circumstances, I am afraid this is about as good as we can do at the present time.

Mr. BOILEAU. I have had an opportunity the last couple of years to discuss this subject with many Members of the House of Representatives, particularly the men who were in the service. I have yet to find a single Member of the House who is not willing to go all the way with the gentleman in correcting this error. There may be some Members here who would not support legislation to remove this injustice entirely, but I have not come across any Members who were not willing to do so. I submit to the gentleman that if he does prepare such legislation and brings it before the House, I am satisfied the House will overwhelmingly support him in this proposition. We should not go about this legislation piecemeal; we should not pass legislation which does not entirely do justice to these men.

Mr. RANKIN. Let me say to the gentleman from Wisconsin that I think this bill will cover practically every person he has in mind.

Mr. BOILEAU. The "practically" part is what bothers me. I am very happy to be able to go along with the gentleman as far as this bill goes, but the word "practically" is the thing which bothers me.

Mr. RANKIN. We cannot tell, of course, how it will be construed. Suppose we go ahead and pass this bill and try it out. Then, if it does not take care of all the cases involved, I shall be glad to try to amend it at the next session of Congress, or later in this session, to take care of the cases he has in mind.

Mr. BOILEAU. Feeling as I do in this matter, I could not stand here and in any way assist in blocking the enactment of this legislation, for if it does justice to a group of men—it helps some, at least.

I am very happy to have the gentleman assure us he will go into this matter and let the Veterans' Administration know the Members of Congress really want such legislation adopted. I feel satisfied that if the gentleman brings up a bill he will get the almost unanimous support of the Members of the House and will be able to remove entirely this blot upon our legislative record.

Mr. RANKIN. Let me say again to the gentleman from Wisconsin, if I had my way the word "misconduct" would have been stricken from the veterans' legislation long ago.

Mr. BOILEAU. It should be stricken, and I am sure many Members of the House will support the gentleman's arm in that respect.

Mr. RANKIN. In 1930 we passed what was called the Rankin bill, which entirely eliminated the misconduct provision, but it was vetoed by the then President of the United States and the veto was sustained. Since that time we have been unable to get this far with legislation to correct what I think was a gross error in the beginning.

Mr. BOILEAU. The justice of the cause is such the Congress should again attempt to pass it, even over a Presidential veto, if necessary.

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

Mr. BOILEAU. I yield to the gentleman.

Mr. MAY. I want to propound a question to the Chairman of the Committee.

Mr. RANKIN. All right.

Mr. MAY. What I want to know is whether this bill relates only to service-connected disabilities or whether it has to be a total or partial disability.

Mr. RANKIN. This relates to service-connected cases.

Mr. MAY. In other words, unless a man is service connected he is not covered by this bill?

Mr. RANKIN. It applies to service-connected cases generally, but I think it will also apply to non-service-connected cases that are totally and permanently disabled and that come under the disability allowance statute.

Mr. PACE. Mr. Speaker, I rise in opposition to the amendment. Will the chairman of the committee explain the meaning of section 2 of the bill?

Mr. RANKIN. It simply means that where a man was supposed to have contracted this disability prior to the war, went into the service and came out of the service in a worse condition than when he went in, it is to be supposed the war increased or exaggerated his disability.

Mr. O'NEAL of Kentucky. If the gentleman will permit, may I ask the chairman of the committee a question?

Mr. PACE. I yield.

Mr. O'NEAL of Kentucky. I ask this question in order to enlarge my information about this misconduct provision.

Is it the attitude of the chairman of the committee that if two men went into the service and went through the same sort of experience, and one behaved himself and came back unmarred while the other misbehaved and came back diseased because of his misbehavior, we should give the latter more than we gave the man who went through the same service and did not come back so diseased?

Mr. RANKIN. No; that is not the attitude of the chairman of the committee.

Mr. O'NEAL of Kentucky. I am asking just for information.

Mr. RANKIN. I notice all the medical profession and the enlightened American people are now turning their attention to these diseases. I noticed in the Washington Post the Surgeon General of the Public Health Service said the other day 50 percent, I believe it was, of these diseases are innocently contracted.

These men, let me say to the gentleman from Kentucky, were among the best soldiers we had. There has never been any question about these men who were sent to the front going over the top and doing their duty. However, if a man had had some venereal disease prior to his war service, and after he came back, because of the strenuous life through which he had passed, broke down, and his record or a Wassermann test showed a trace of this disease in his blood, then he was denied compensation on the ground that his disability resulted from his own misconduct.

May I say also to the gentleman from Kentucky that this misconduct provision is not in any other veterans' law. The veterans of the Civil War never had such a provision in their pension laws. The veterans of the Spanish-American War do not have it. But for some reason it was inserted in World War veterans' legislation shortly after the war closed. It not only penalized many of the best soldiers we had, men who did not "gold brick", men who asked for no quarter, men who went over the top and did their duty at all times, but it has visited this disgrace upon their wives and children and their widows and orphans when they have passed away. I am for wiping it out. It does not take a dollar from another man suffering from a disability which is service-connected.

Mr. O'NEAL of Kentucky. What about the man who was willfully guilty of misconduct and did contract a disease through his own willful misconduct?

Mr. RANKIN. I will let the gentleman from North Carolina [Mr. BULWINKLE], a major who fought in the front line, answer that question.

[Here the gavel fell.]

Mr. BULWINKLE. Mr. Speaker, I move to strike out the last three words.

The Members must realize that in 1924, when we passed the World War Veterans' Act, this question came up. It was a question about which none of us liked to talk, but conditions in the Army, as the gentleman from Kentucky recalls from his service, were that these men were sent to camp and were told by the doctors to go along just so long as they came back to a prophylactic station. In many instances the prophylactic station would not be there when they got back.

Now, is such a man to be dragged down and degraded for the rest of his life by saying this was willful misconduct? These were mere boys, some of them children, who were so advised. Of course, it was wrong, but the hospitals and the insane asylums of the United States are filled with men suffering from this cause, and 50 percent of them probably never indulged in any misconduct morally, immorally, or in any other way, and yet they contracted the disease. It is not fair or just to these men to leave them helpless upon the communities in which they live with no one to care for them. Oh, they can go to a veterans' hospital, perhaps, but the straight and the kind thing to do for these men who served

their country in time of war is to prevent them from being cut off as they were under the Economy Act.

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

Mr. BULWINKLE. I yield.

Mr. RANKIN. It is true that the veteran himself can go to a veterans' hospital, but when he dies the punishment is visited upon his widow and orphans, and this disgrace is upon his children.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. CASE of South Dakota. Is it not also true that even if the veteran is taken care of in a hospital, if he has children or a family, they are not cared for?

Mr. BULWINKLE. They are not cared for at all, and therefore I ask the Members of the House, for the sake of these men, to support the bill and the pending amendment.

Mr. DOWELL. Mr. Speaker, will the gentleman yield for a question?

Mr. BULWINKLE. Yes.

Mr. DOWELL. Will this bill take care of the family of one of these men in case he is in the hospital?

Mr. BULWINKLE. When he passes away; yes.

Mr. DOWELL. As was the case prior to the enactment of the Economy Act?

Mr. BULWINKLE. Yes.

Mr. CASE of South Dakota. Will it also take care of his family while he is still living if he is bedridden?

Mr. RANKIN. It puts him on a par with other service-connected cases.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana [Mr. GRISWOLD].

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. In the administration of the laws granting benefits for service-connected disabilities or deaths, any increase of disability during World War service shall be deemed aggravation in the application of the rules, regulations, and interpretations of the Veterans' Administration.

SEC. 3. Payments under the provisions of this act shall be effective the date of enactment of this act or the date of filing claim therefor, whichever is the later.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIVE-YEAR LEVEL-PREMIUM TERM POLICIES

Mr. RANKIN. Mr. Speaker, by direction of the Committee on World War Veterans' Legislation, I call up the bill (H. R. 5478) to amend existing law to provide privilege of renewing expiring 5-year level-premium term policies for another 5-year period.

The SPEAKER. This bill is on the Union Calendar.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of the first paragraph of section 301, World War Veterans' Act, 1924, as amended (47 Stat. 364; U. S. C., title 38, sec. 512) is hereby amended to read as follows: "*Provided further*, That at the expiration of any 5-year period a 5-year level-premium term policy may be renewed for a second or third 5-year period at the premium rate for the attained age without medical examination; and in case the 5-year period of any such policy has expired prior to and within 3 months of the date of the enactment of this amendatory proviso and the policy has not been continued in another form of Government insurance, such policy may be renewed as of the date of its expiration on the same conditions upon payment of the back premiums within 3 months after such date of enactment; and the Administrator of Veterans' Affairs shall cause notice to be mailed to the holder of any such policy of the provisions of this amendatory proviso."

Mr. RANKIN. Mr. Speaker, I move to strike out the last word and yield to the gentleman from Indiana, the chairman of the subcommittee that reported the bill, and will ask him to make a brief statement.

Mr. GRISWOLD. Mr. Speaker, this bill simply continues the original act providing for level-premium war-risk insurance, which was passed on June 2, 1936, and expired in the Seventy-second Congress and was then renewed for a 5-year term. It has again expired and unless this legislation is enacted before the first of June, there will be some 48,000 veterans who will be without this insurance. Some of these policies have already expired, and for that reason the bill is worded in an endeavor to take care of such situations by reinstating insurance that has expired since last January.

Of course, the intention of the Veterans' Administration, as well as most veterans, is that this insurance should be converted, and we have passed laws with that in view, but many men are not in position, especially in view of the present economic situation, to convert their insurance, for the reason that a man of the age of 45, if he were forced to convert his $10,000 policy which he holds as term insurance, could only acquire in converted insurance, ordinary life insurance amounting to between $4,000 and $4,500, which means practically a $6,000 reduction in the amount of insurance he could carry for the same premium he is now paying.

This bill does not increase the cost of the Government one cent. It merely continues the insurance now in effect at the premium prices established by the Department.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. GRISWOLD. Yes.

Mr. HANCOCK of New York. The premium under term insurance is half or one-third of what it is on straight life.

Mr. GRISWOLD. Yes.

Mr. HANCOCK of New York. So that if you continue extending the term insurance indefinitely, it means that these men who have not converted will protect themselves for one-half or one-third of what it costs soldiers who have converted.

Mr. GRISWOLD. No; the gentleman has made one error there. The rates of the term insurance keep increasing each year. In other words, this is the one trouble with the term insurance of these veterans who now carry it—that they will reach a place eventually where it will cost them more to carry the term insurance than if they had converted into other insurance.

Mr. HANCOCK of New York. Take the situation today. We are renewing the 5-year term-policy premium. On that will be paid half or less what the premium would be on a straight-life policy, would it not?

Mr. GRISWOLD. I do not know the actual figures. All we know is what the Veterans' Administration officer in charge of insurance reports to us, and that is all I am giving the gentleman, namely, that eventually, if they keep on carrying this term insurance, it will, in the long run, cost them much more than converted insurance.

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

Mr. GRISWOLD. Yes.

Mr. HALLECK. Is it not true that the rate for term insurance is less than if they converted to a regular policy, but that the rate for the term insurance corresponds with the rate given for that same kind of insurance by the old-line companies, and as each renewal period comes along following the others, the rate for the 5 years is increased?

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. GRISWOLD. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes more.

The SPEAKER. Is there objection?

There was no objection.

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

Mr. GRISWOLD. Yes.

Mr. McLAUGHLIN. Mr. Speaker, in connection with the question asked by my distinguished colleague the gentleman from New York [Mr. HANCOCK], the fact is, is it not, that those who carry term insurance do not have the advantage of the cash-surrender value which those who carry the other types of insurance have?

Mr. GRISWOLD. It is true that they do not have the advantage of a cash-surrender value and they do not have any loan value to their insurance. They cannot borrow on it, and there is no reserve. When the 5-year limit expires they are done.

Mr. McLAUGHLIN. In other words, the premium is lower in the case of term insurance, but the holder of the term insurance does not get as much for his money as the other man who carries a different type of insurance.

Mr. GRISWOLD. Yes; and the Veterans' Administration has conducted a campaign, and the war veterans' organizations have conducted a campaign in an endeavor to get the veterans to convert their insurance, but you can readily see how some are in a condition where they cannot.

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

Mr. GRISWOLD. Yes.

Mr. PATMAN. About how many veterans are involved in this?

Mr. GRISWOLD. There will be 48,000, as I recall it, whose insurance will expire prior to the last of June.

Mr. PATMAN. And this will give them 5 years more in which to convert their policy?

Mr. GRISWOLD. Yes.

Mr. PATMAN. Suppose they are permanently and totally disabled now, will they be allowed to go ahead for 5 more years and then take advantage of converting?

Mr. RANKIN. Oh, they can collect their insurance now if they are totally disabled.

Mr. PATMAN. I had overlooked that. Suppose they have a 90-percent disability?

Mr. GRISWOLD. They cannot get anything with any disability less than total disability.

Mr. PATMAN. Suppose they have 90-percent disability, they could continue their insurance under this?

Mr. GRISWOLD. If this act passes. They cannot renew this term insurance without a physical examination.

Mr. PATMAN. Is not the gentleman mistaken about that?

Mr. GRISWOLD. No; I am not. You cannot take out term insurance now without a physical examination. If you are up to date, you can renew this insurance without a physical examination; but if you have allowed it to lapse, allowed it to go back, then you must take a physical examination.

Mr. PATMAN. The 48,000 we refer to will not have to take that examination?

Mr. GRISWOLD. If this bill passes.

Mr. PATMAN. If they are 90 percent disabled, they can continue insurance and convert it before the end of the 5-year period?

Mr. GRISWOLD. Yes.

Mr. PATMAN. If there is any liability in connection with that, it would not be on the Government, but it would be on the 500,000 veterans who have carried this insurance all of the time?

Mr. GRISWOLD. Yes.

Mr. PATMAN. The burden will be on the 500,000 who have carried this insurance and not upon the Government or anyone else.

Mr. GRISWOLD. That is correct.

[Here the gavel fell.]

Mr. LANHAM. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker, I wish to commend the committee for reporting this bill to the House for consideration. It is a matter in which I have been very much interested because of the fact that I have come in contact with some of the cases affected by this measure. I think the enactment of this bill is a matter of simple justice. Many of these veterans are very seriously disabled. They cannot get employment either with the Government or with private commercial concerns, and this is their one hope of relief.

I have here a letter from a veteran very seriously disabled. He is a man of high character. I should like to read into the RECORD a statement that he has made with reference to such legislation.

He says:

> One who is so disabled in the service of his country that he is unable to get insurance from private companies, because he is not an insurable risk, and who is unable to convert his present low-term policy to one of higher rate because he is so handicapped by disabilities that he is unable to earn a livelihood, much less pay the rate required for the now attained age which most of the veterans find they have reached.
>
> I predict that if this act does not become a law, many of the ill veterans will take their own lives rather than have their families deprived of the last ray of hope.
>
> They are now nearing total and permanent disability, and that policy that they took out nearly 20 years ago is the last shred of hope that they have to provide sustenance for their families, through the disability clause therein.
>
> I know this first hand because I happen to be one of the many. Many are too ill to take much interest in what is going on about them. Many do not know how or to whom they may appeal.
>
> I am very conscious of the many needs of these men who gave their all (many died in 1917 and 1918, and many more have been dying a thousand deaths daily for 10 these many years), but I am unable to take as active part in their affairs as I did in former years, for my own physical condition will not permit of more than a very small time devoted to the efforts of sustaining the actual need of my wife and three small sons.

That is typical of many cases that will be affected by this measure. It is for them the last ray of hope. They cannot get employment. They cannot get insurance with private companies. They have kept up this insurance in the hope of being able to protect their families. Being unable to work they are unable to pay higher rates than those that are now imposed, and I trust this bill will be passed without opposition.

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

Mr. LANHAM. Gladly.

Mr. RANKIN. Let me say to the gentleman from Texas, and to the Members of the House, that we are working now on legislation to take care of the gold-star mothers and dependent parents whose insurance payments begin to expire in the spring. The gentleman referred to those. I think the House ought to know that before these insurance payments begin to expire we expect to have legislation before the House to take care of those aged parents.

Mr. LANHAM. I am glad to have that gratifying information from the chairman of the committee.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I move to strike out the last three words.

Mr. RANKIN. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. RANKIN. It is not our intention to shut off any Members who desire to speak on this proposition.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I believe everyone will vote for this measure. The gentleman from Michigan [Mr. ENGEL] and the gentleman from Indiana [Mr. HALLECK] were members of the subcommittee. The bill was reported unanimously by the subcommittee and also by the full committee.

The gentleman from Texas [Mr. LANHAM] said it is a matter of simple justice. I believe it is a business proposition. The Government is not giving anything to the veterans. It seems to me it is clearly their right. Because of economic conditions many of the veterans will be unable to carry their insurance if their extension is not granted, as they will be unable to pay the higher premium rates. That will be a distinct hardship upon their families.

Mr. PATMAN. Mr. Speaker, I rise in opposition to the pro-forma amendment.

Mr. Speaker, this war-risk insurance caused about 3,000,000 veterans during the World War to accept policies from the Government. When the war was over they were paying the term rate, the wartime rate. It averaged about $6.80 a month for $10,000 insurance. All except about 500,000 veterans dropped that insurance. Only 500,000 have carried it on. Practically all of them converted their policies, according to the law, from term insurance to 20-payment life, endowment policies, or one of the other different forms of policies that were permitted under the law. So that 500,000

have been carrying on this insurance provision for the Veterans' Administration for all these years. I have no objection to this bill. It is all right with me, but we might just as well understand who is going to bear the burden. It is not going to be the Government. It is going to be the 500,000 who have contributed to the carrying on of this insurance since the World War.

You have received many letters, I am sure, from veterans in which they state that they have borrowed on their insurance policies and they had to pay 6-percent interest and they desired a reduction in the interest rate.

The Veterans' Administration at one time considered the effect of reducing the interest rate. If the interest rate were reduced it would only encourage more loans; so, the Government should not encourage anyone to borrow on his insurance. The Government should discourage such loans. The rate, therefore, has remained 6 percent. The 6-percent interest that is paid goes into the insurance fund and is divided among all the policyholders, all the 500,000. While they are, therefore, paying 6 percent, yet at the end of the year they get the benefit of the interest paid in the form of dividends. I do not know what effect there will be on the dividends if these 48,000 happen to be bad insurance risks, risks that life-insurance companies would not accept; but notwithstanding the objections that I have raised I am perfectly willing for the 48,000 to be given an opportunity to convert their insurance within 5 years and expect to support this bill.

Mr. RANKIN. Mr. Speaker, I move to strike out the paragraph in order to say to the gentleman from Texas that the passage of this bill will not impair in any way the insurance policies of those men who have converted. I also call attention to the fact that those 4,000,000 men who took out insurance in the beginning, who paid their premiums to the Government and finally dropped their insurance, that that money is also in this fund and these men who have not felt able to convert are just as much entitled to it as are the others. Another thing—this is an obligation on the part of the Government, and if and when these men pass away it is found necessary for the Government to supplement this fund in order to meet these demands, that will be done.

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

Mr. RANKIN. I yield.

Mr. PATMAN. Is it not a fact that $400,000,000 was paid into this fund during the war? But that $400,000,000 was absorbed by payments made by the Government from this fund to those men, many of whom did not have insurance, but only on the presumption that they were entitled to at least $5,000 insurance if they had not applied within 120 days. Was not that money absolutely taken up in that way and there was none left to turn over to the fund at the end of the war?

Mr. RANKIN. I am not sure as to the figures, but let me say that, in the first place, a great many of those men who were automatically insured did not die until after this insurance law was passed and they were required to pay for their insurance.

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

Mr. RANKIN. I yield.

Mr. GRISWOLD. The fact is that now this money goes into the insurance fund.

Mr. RANKIN. Yes.

Mr. GRISWOLD. And the insurance fund on the other policies is paying dividends; so, from the standpoint of actual dollars and cents the only way it is costing them is in a slight reduction in the profits that they would have by way of dividends on their policies. That is true, is it not?

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

Mr. RANKIN. I yield.

Mr. PATMAN. I ask the chairman of the committee, suppose these are bad risks, they can be offset by the new risks that are coming in every day. Men in the Army, Navy, Marine Corps, those who enlist today, those young men, are taking insurance subject, of course, to any change in the law that Congress may make. They are entitled to insurance just like soldiers of the World War; and while we have some risks that might be considered bad risks, they are offset by good risks coming in every day.

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

Mr. RANKIN. I yield.

Mr. VOORHIS. Mr. Speaker, passage of this bill, H. R. 5478, is only a matter of simple justice to one of the hardest pressed groups of veterans of the World War.

One need only recall that these policies expire in 5 years to get a very accurate idea of the motives which have from the beginning prompted American veterans to take out this insurance at all. Clearly, the men who have these policies today and who are today appealing to this House to enable them to renew their policies are men whose expectation of life is short. They are men in many cases who, as a result of the sacrifice they made, are disabled in some manner or another and who can at best look forward to only a few years more here on earth with those whom they hold near and dear. They are, of course, all men with dependents. Their children today are on the average about 20 years of age. Five years from now their need for insurance will be very much less than it is now. Their children will be adults, making their own way.

It may be argued that most of the men who still retain these 5-year level-premium term policies are poor risks and therefore will contitute a drain on the insurance fund, upon which others, more fortunate, also depend. I frankly admit that they are what our insurance agents would term a poor risk. But I believe that is the very strongest argument for the passage of this bill.

For consider the alternative. Suppose we do not pass this bill. One of two things will happen in the case of every one of the 48,000 men who are waiting to see what we do here today. Either they will convert their present policies into some other type of insurance, in which case they will be to just the same extent a potential drain on insurance funds, or else they will be without any insurance at all. Now, if they do convert into another type of insurance, they must pay, on the average, premiums a good deal more than twice as high for the same amount of insurance. On a $10,000 five-year-term policy the premium is $116.90. On a $10,000 ordinary life policy it is $287.10. And if they cannot afford any larger premiums than they now are paying, they would be able to carry only about $4,000 of coverage for every $10,000 they now have of the 5-year-term insurance.

The obvious disadvantages of term insurance would naturally lead any man who could do so to take out another type of insurance. As the veteran grows older the premiums on term insurance would increase to such a point that eventually he would be getting hardly any insurance at all. So I believe we can fairly assume that the veterans who will want to renew their 5-year-term insurance for another 5 years are mostly veterans who just cannot afford to convert their insurance. They are paying every cent they can for their families' future protection, and they would therefore only be able to provide a fraction of the protection for their families which they are now giving them if we did not pass this bill and, by our failure to do so, forced them to convert into another type of insurance. Moreover, almost any veteran who can look forward to long life will convert his insurance. Those who do not do so, as I said at first, are bound to be largely the ones who do not expect very many more years here and who want to do everything they can for their families to that end. I think we ought to make this possible.

Finally, I think we should remember that all we will be doing is extending a privilege of renewal to these men. They can still convert to a better type of insurance if they want to do so, or if they are able to do so. What we will be saying if we pass the bill is that if they desire this protection for another 5 years, the Government is glad to extend to them that privilege.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes in order to answer questions.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MAPES. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. RANKIN. I yield.

Mr. MAPES. I was interested in the reference the gentleman made to the fact that his committee is considering legislation affecting the gold-star mothers. In the last few days I have received several communications from gold-star mothers in my district in regard to legislation for their relief; and I should like to ask the gentleman to tell us a little more fully just what the status of it is before his committee.

Mr. RANKIN. I am glad indeed to answer the gentleman's question. We realize that beginning in April these insurance payments to World War mothers are going to begin to expire, and we are now working on legislation to take care of them. No matter what else happens, I will say to the gentleman from Michigan [Mr. MAPES], so far as the chairman and members of this committee are concerned, these gold-star mothers are going to be cared for. We are not going to let these mothers who sent their sons to the war—sons who never came back—we are not going to turn them out in their old age and let them suffer for want of reasonable compensation if we can help it.

Mr. MAPES. Then we can answer our correspondents assuring them that some legislation will be enacted in their behalf?

Mr. RANKIN. Yes.

[Here the gavel fell.]

Mr. HALLECK. Mr. Speaker, I move to strike out the last paragraph.

Mr. Speaker, I was a member of the subcommittee which had this bill under consideration. It seems to me that we should first bear in mind this insurance is carried under the war-risk insurance and any losses are paid out of that fund.

It was developed in the course of the hearings that term insurance has been carried at a loss as far as the Bureau is concerned. It follows that this loss in a measure is detrimental to the interests of the veterans who have converted their insurance into a life policy, endowment policy, 20-payment life, or whatever they choose to convert it to. But in considering that fact we also had to bear in mind that the economic situation of a lot of these men is such that they are unable to convert their insurance at this time to one of the regular forms of insurance and carry the protection they feel they have a right to carry. It seemed to us, after careful consideration, that the balance of justice was in favor of a further extension of the term insurance.

However, Mr. Speaker, it might be well though to suggest now that we are rapidly coming to the time when further extension of the term insurance will not be feasible and that fact should be suggested to the veterans whenever possible, and whenever the opportunity is presented. They should with all haste convert their term policies, if they see fit to do so, to one of the regular policies provided by the Bureau, to the end that every one having an interest in the insurance fund will be given the same consideration and the same protection.

The pro-forma amendment was withdrawn.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken and the bill was passed, and a motion to reconsider was laid on the table.

Mr. RANKIN. Mr. Speaker, the Committee on World War Veterans' Legislation has no further bills to offer.

EXTENSION OF REMARKS

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the purchase of Florida grapefruit by the Surplus Commodities Corporation.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CALENDAR WEDNESDAY

Mr. CANNON of Missouri (when the Committee on Appropriations was called). Mr. Speaker, by direction of the Committee on Appropriations I call up House Joint Resolution 278, to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry.

The Clerk read the title of the joint resolution.

The SPEAKER. Automatically the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the resolution.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 278, with Mr. THOMPSON of Illinois in the chair.

The Clerk read the title of the resolution.

The first reading of the resolution was dispensed with.

Mr. CANNON of Missouri. Mr. Chairman, in keeping with our policy of removing troublesome surpluses of food by purchase and distribution through the Federal Commodities Surplus Corporation, we present this bill providing for the fishing industry the same relief we have been providing under the Agricultural Act for the farm industry. Under the A. A. A. we have purchased and distributed through relief agencies vast quantities of all classes of agricultural products. We have distributed $3,000,000 worth of eggs, $3,000,000 worth of vegetables, $4,000,000 worth of citrus fruits, and in the same way the Corporation has purchased and removed from the market troublesome surpluses in practically all food products produced by the American farmer.

Mr. Chairman, the fishing industry is at this time in great distress. We have on hand in storage the greatest surplus of fish ever accumulated in the history of the industry. The amount of frozen fish alone, not taking into consideration salt fish, dried fish, canned fish products, and the unprecedented amount of fresh fish on the market, on the 15th day of January last was 30 percent in excess of the previous January and 50 percent in excess of the 5-year average. And it is a progressive and growing surplus. On the 15th of February, the month following, and the last month for which statistics are available, we had on hand 50 percent more than the previous year and 60 percent more than the 5-year average. We have in storage between two and two and one-half million pounds of surplus frozen fish alone, which exceeds any surplus ever previously accumulated.

The effect upon the fishing industry is demoralizing. The market is glutted. There is no further room for the fish which the fishermen are daily bringing in. Unless this top-heavy surplus can be moved, an industry involving half a million people will be paralyzed. This surplus is brought about by a number of factors. We have had an unusually open winter. The fishermen have been able to reach the Great Banks, the most prolific fishing ground on the Atlantic, which ground under ordinary circumstances is closed during the winter months. We have had open water on the Great Lakes, which ordinarily are ice-bound during the winter season. As a result the surplus is constantly accumulating and this is the only feasible remedy available.

In this resolution, we are providing for this stricken industry the same relief we have provided for the farmer under similar circumstances when his market was demoralized by excessive surpluses clogging his markets and reducing prices below the cost of production.

Like the amendment to the Agricultural Adjustment Act, this resolution is merely an emergency measure. It is not proposed to enact permanent legislation or adopt a long-time program. Under the provisions of the act the period during which the surplus may be taken up is limited to 90 days.

In this 90-day period we are authorizing the Federal Surplus Commodities Corporation, the same agency which has handled all agricultural surpluses, to buy the excess on the market and distribute it through State relief agencies wherever it is most needed.

May I say in conclusion, Mr. Chairman, the appropriation carried in the resolution is the last step in the program?

The proposition has been presented to the standing committees of both the House and the Senate. The Committee on the Merchant Marine and Fisheries reported out the act of March 5 under which we are authorized to make the appropriation. Both the House and the Senate passed it, and it was approved by the President. The authorization then went to the Budget Bureau, where it was approved and an estimate transmitted to the House. As a matter of fact, the Budget Bureau recommended twice the amount the committee has recommended in its report on the resolution. The Budget Bureau recommended $2,000,000, which was the amount of the original bill, but the committee amended it, reducing the amount to $1,000,000. It is expected with this $1,000,000 sufficient fish will be bought to relieve the situation and rehabilitate the industry.

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

Mr. CANNON of Missouri. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. This $1,000,000 is not a new authorization. It is an authorization of a sum of money which has already been appropriated, which is already in the possession of the Federal Surplus Commodities Corporation.

Mr. CANNON of Missouri. I am glad the gentleman calls attention to that. I was just coming to it. This is, in fact, not an appropriation. It does not take a dollar out of the Treasury. The money is to be provided from funds already in the hands of the Federal Surplus Commodities Corporation, money which has been placed to its credit by the States for such purposes in connection with the retirement of surplus agricultural products, and which we now propose to use for an identical purpose in relief of the excess surpluses in the fishing industry.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. With pleasure.

Mr. MARTIN of Massachusetts. Will the gentleman tell us why the amount was reduced?

Mr. CANNON of Missouri. The committee, after considering the evidence submitted by the representative from the Bureau of Fisheries and the industry, reached the conclusion that, in view of the amount of surplus on hand and the surprisingly low price at which the fish can be bought because of the demoralization of the price of all fish products just at this time, we could with a million dollars buy enough fish to bring the market back to normal.

Mr. MARTIN of Massachusetts. Do you think this will adequately take care of the situation?

Mr. CANNON of Missouri. The committee thought it would.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield for a question?

Mr. CANNON of Missouri. I yield to my friend the gentleman from Colorado.

Mr. MARTIN of Colorado. May I say to the gentleman from Missouri that, in view of the fact the Cape Codders here have animadverted so often on the evils of crop control and plowing under and have had so much fun about birth control—the slaughter of little pigs—and things like that, it might properly be stated to them that the way for them to handle this situation is just to leave the fish in the ocean. They did not even have to go to the trouble of planting them.

Mr. DIRKSEN. You cannot plow them under.

Mr. CANNON of Missouri. The gentleman appreciates the situation. It is not a question of a long-time program, such as soil conservation or adjustment of hours and wages of labor. It is an emergency. If this relief is not forthcoming, half a million people will be left without adequate support. We cannot jest with human suffering.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Mississippi.

Mr. COLMER. Will the gentleman enlighten us on the question of whether or not the language of the authorization in the appropriation is sufficient to cover canned fish?

Mr. CANNON of Missouri. I may say, in response to the inquiry of the gentleman from Mississippi, this corporation is authorized to go into the markets and buy fish of any classification, including shellfish where the buying of fish will relieve the congestion of the market. The corporation will be authorized to buy dried, salted, canned, fresh, or shell fish.

Mr. COLMER. Would the corporation be authorized to pay the prevailing market rate?

Mr. CANNON of Missouri. It would have to pay the prevailing rate. It could not secure the fish unless it did. The corporation is authorized to buy such fish as may be deemed necessary at such price as it finds the fish can be secured for.

Mr. COLMER. Who will finally determine what grades of fish and what products in the fishing industry should be purchased, and where?

Mr. CANNON of Missouri. The Federal Surplus Commodities Corporation in connection with the Federal Bureau of Fisheries is authorized, as the gentleman will see by reading the report, to determine what class of fish shall be bought and what price shall be paid, and from what market the fish shall be removed.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to my friend from New York.

Mr. FITZPATRICK. We are doing this today with farm products. We are taking the surplus from the farms. We simply want to relieve the fishing industry the same as we relieve other industries throughout the country.

Mr. CANNON of Missouri. Precisely. This proposal is in pursuance of a well-established policy which we have been following for years; namely, to remove surplus food products where they are demoralizing the market, and distribute them to relief agencies or where they will provide wholesome fare for the needy and suffering.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I am glad to yield to the gentleman from California.

Mr. COLDEN. Is it not really more important to furnish these food supplies to those on relief than it is to relieve the fishermen themselves?

Mr. CANNON of Missouri. That is one feature which particularly recommended the measure to the committee. We, in effect, kill two birds with one stone. We not only relieve a congested industry, but we provide relief where sadly needed, especially in the flooded areas where the communities have not yet been brought back to normal, and where it is necessary to provide food for a large population, temporarily decreased by the flood.

Mr. WHITE of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Ohio.

Mr. WHITE of Ohio. I am interested in the fishing industry as we find it along the Great Lakes. Will the gentleman please explain to me just how that portion of the industry would be affected by this bill? It is included, is it not, the same as any other area?

Mr. CANNON of Missouri. There are large quantities of frozen fish in the freezers both in Chicago and along the Atlantic seaboard which supplies Chicago by truck. Large quantities of fish are daily sent from the New England fisheries to Chicago by truck. In addition, these communities have in their own freezers a surplus supply of frozen fish, now a drug on the market. They are so low in price the fishermen can no longer go out and bring in their usual catch because there is no market. The Corporation's buying these surplus supplies will bring prices back where it will again pay the fishermen to go out and resume operations.

Mr. WHITE of Ohio. That procedure would be a benefit to the lake fishermen by stabilizing their market?

Mr. CANNON of Missouri. Exactly; it would restore normal conditions.

Mr. WIGGLESWORTH. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Is it not fair to state that all this proposal amounts to is to add one food item to the list of items in respect of which the Federal Sulplus Commodities Corporation is already authorized to deal?

Mr. CANNON of Missouri. The gentleman expresses it very accurately. As a matter of fact, the industry, in the first place, appealed to the A. A. A. and requested them to give the relief given with respect to other surpluses. The only thing which prevented was the decision by the A. A. A.—very well taken, of course—that fish is not an agricultural product. The enabling act, the act of March 5, merely places products of the fishing industry on the same footing with those of the farm. It provides the same relief we have been giving agricultural products.

Mr. Chairman, I reserve the balance of my time.

Mr. TABER. Mr. Chairman, I ask recognition in opposition to the bill, and yield 10 minutes to the gentleman from Maine [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I appreciate the courtesy of my colleague who is taking time in opposition in permitting me to advocate this measure as I propose to do.

Coming from a region of this country where the fisheries are one of our chief industries, I deeply appreciate the consideration which has been given this matter by the Committee on Appropriations and, particularly, by our colleague from Missouri, who has just spoken, where fish products may not be one of their major matters of concern. I want them to know we are profoundly appreciative up in the State of Maine, which is still a part of the United States. [Laughter.] The gentleman cited the quantities of fish, but I presume as a result of his experience inland, he was too much impressed with his poundage, as I understood him to say there were two or three million pounds of surplus. As a matter of fact, there are 85,000,000 pounds of frozen fish at the present time in storage, of which 30 to 50 percent is surplus; that is, the best estimates are there are 20,000,000 to 30,000,000 pounds of surplus frozen fish at the present time.

This bill does not confine the Surplus Commodity Corporation to the purchase of any character or quality of fish or to any particular location. We simply feel in conformity with what now seems to be a well-established policy that surplus products of this character may be properly removed from the market and distributed to people who otherwise would be undernourished and underfed. We are not merely doing a Christian charity to these people who are in need in giving them a good quality of food product but we are removing a surplus which threatens with disaster a great industry of our land. I happen to be one of those who has collaborated also in agricultural relief, so I am not subject to the suggestion which our friend from Colorado has made.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman permit an interruption?

Mr. BREWSTER. I yield.

Mr. MARTIN of Colorado. I did not mean at all to indicate I was not in hearty sympathy with the bill. I intend to support the measure, but when I glanced across to the other side and saw my Cape Cod friend sitting there, I could not resist the temptation to try to say something smart. I am sorry.

Mr. BREWSTER. I am sure our Cape Cod friend will be able to look out for himself and will appreciate none the less the gentleman's collaboration.

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

Mr. BREWSTER. I yield.

Mr. McCORMACK. May I suggest to the gentleman from Colorado [Mr. MARTIN], who is now conferring with the gentleman from Cape Cod, that Cape Cod produces some very fine scallops.

Mr. BREWSTER. This is by no means a sectional matter. While it is true we have some 30,000,000 pounds of fish up in New England, it is also true there are 40,000,000 or 50,000,000 pounds in other sections, and it is also true that the removal of this surplus of fish will redound to the advantage, as we believe, not only of fishery products in every part of the country, including Alaska, which was also represented in asking the relief here afforded, but will also ameliorate the economic situation for everyone alike. We have between 500,000 and 600,000 pounds of frozen fish in Maine, and we believe this is a sound and constructive measure and well warranted.

We would have wished that the $2,000,000 recommended by the Budget and by the President might have been accorded by the committee, but we recognize their conclusion that the $1,000,000 may be adequate to relieve the temporary crisis which we now face. We shall hope that if this does not prove correct that in the course of time we may come again and ask for the additional assistance which has been recognized as warranted by the committee which passed the original authorization and by the by no means easily influenced Bureau of the Budget.

I want, in closing, to say a word about what this means. As we wander about here in the more or less congenial air of Washington, we little realize what it is up in these northern waters, where men go fishing in the winter. Today it was 10 degrees above zero up there, and those men are going out into snowstorms that resulted last Sunday in a foot of snow. When you go out into the North Atlantic in midwinter and strike a northeast blizzard with a temperature of 10 or 12 degrees above zero, one realizes why the communities affected are peopled with memories of the lives that have been lost. We ask no special consideration. We have gone down to the sea in ships for generations. It is the life we love. It is the life to which we have dedicated our energies and our talents. We ask simply to be put on a parity with the great agricultural enterprises of the country in getting this recognition that is so sorely needed by the fishing industry of the United States. [Applause.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain tables, prepared by myself, with regard to the importation of fish.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ENGEL. Mr. Chairman, the bill under consideration reads, in part, as follows:

That not to exceed $1,000,000 of the funds available to the Federal Surplus Commodities Corporation may be used by such Corporation for the purpose of diverting surplus fish (including shellfish)—

And so forth. The gentleman from Missouri [Mr. CANNON] told us of the tremendous amount of surplus fish—not only frozen but other fish—now on the American market. We have here a beautiful illustration as to how the reciprocal-trade agreement with Canada, which reduced the tariff on fish, is working out. In 1935 the total importations of all fish and fish products into the United States amounted to 324,731,532 pounds. During that year the Canadian reciprocal-trade agreement was passed and the agreement was effective as of January 1, 1936. During the year 1936, January 1 to December 31, there were imported 371,205,567 pounds of fish products, or an increase of 46,474,034 pounds over 1935, or nearly twice the amount of surplus frozen fish. During the year 1935 there were imported in fresh and frozen fish, including lake trout, white fish, pike, yellow pike, 127,623,862 pounds. During the year 1936, the first year the reciprocal trade agreement with Canada was in force and effect, we increased that amount to 155,229,330 pounds, or an increase of over 28,000,000 pounds during the first year. This increase

is approximately 4,000,000 pounds more than the total surplus of frozen fish.

During the month of January 1935 and prior to the effective date of the reciprocal-trade agreement we shipped into the United States 10,045,000 pounds. In January 1937 there was shipped in 12,918,013 pounds, or an increase of almost 3,000,000 pounds. We are permitting the importation of millions of pounds of fish, creating a surplus, and now we are asked to buy that surplus which we created under the reciprocal-trade agreement and under a reduced tariff. Ninety-eight percent of these fish come from Canada. In the old days when we called a State hospital an insane asylum and before we used modern methods of treating insanity we used certain tests. An insane person would be placed in a room in which there was a water faucet. He was then given a mop and the faucet was turned on. If that insane person shut the faucet off before he began to mop up the floor, it was an indication that he had some sense; but if he let the faucet run and mopped up the floor at the same time, they knew he was crazy. That is exactly what we are doing in this case. We are trying to mop up the floor with a million-dollar mop and letting the Canadian fish faucet run. The reciprocal-trade policy of this administration has ruined the fish market, and now we are told that we have no alternative but to purchase the surplus we created if we would save some 500,000 fishermen from complete economic ruin. I want to help these folks. I want to save them from the ruin that this policy is bringing on them. It is for this reason that I am not opposing this bill. However, I do sincerely hope that some time, some day, the present administration will see the light and shut off the faucet before we are asked to buy any more million-dollar mops.

Mr. MICHENER. As a matter of fact, the real effect of this bill is that we are buying foreign fish to feed our people who are on relief. In other words, we are buying our own surplus and shipping in under this agreement foreign fish, the result of which is that we are buying fish to feed our people on relief.

Mr. ENGEL. Mr. Chairman, I yield back the remainder of my time.

Importation of fish for 1935 and 1936[1]

	1935	Value	1936	Value
	Pounds		*Pounds*	
Total importations	324,731,532	$27,535,119	371,205,567	$30,356,430

[1] Increase, 1936 over 1935, 46,474,034 pounds valued at $2,821,320.

Importation of fresh-water fish, fresh and frozen, for years 1935 and 1936

	1935	1936	Tariff reduction effective Jan. 1, 1936, under reciprocal trade agreement with Canada
Fresh and frozen fish only:	*Pounds*	*Pounds*	
Fresh water fish and eels, including white fish, yellow pike, grass pike, lake trout, tullibees, mullet, chubs, and taugers	49,170,262	50,342,939	From 1 cent a pound to ¾ cent a pound. Eels to ½ cent a pound.
Salmon	6,398,525	10,506,190	From 2 cents to 1½ cents a pound.
Cod, haddock, etc	2,386,531	3,436,552	
Halibut	2,791,089	5,674,431	From 2 cents to 1 cent a pound.
Mackerel	123,367	451,291	
Swordfish and sturgeon	4,875,322	7,135,227	From 2 cents to 1½ cents a pound.
Other fresh fish	4,068,935	5,070,918	
Smelts, free	7,098,162	8,611,950	Reduced.
Tuna fish, free	6,282,640	5,454,597	
Sea herring, free	30,438,048	49,866,932	
Fish, filleted, skinned, boned, etc	4,100,761	9,255,903	
Total	127,623,862	155,229,330	

88 percent of above importations came from Canada.

Importation of fish for January 1935 and January 1937

	January 1935	Value	January 1937	Value
	Pounds		*Pounds*	
Total importations	24,620,417	$2,087,902	30,618,940	$2,411,580

Importation of fresh-water fish, fresh and frozen, for January 1935 and January 1937

	January 1935	January 1937
Fresh and frozen fish only:		
Fresh water fish and eels, including white fish, yellow pike, grass pike, lake trout, tullibees, mullet, chubs, and taugers	*Pounds* 5,202,163	*Pounds* 7,062,214
Salmon	18,975	263,233
Cod, haddock, etc	249,696	426,264
Halibut	7,572	22,976
Mackerel	11,880	123,710
Swordfish and sturgeon	557,137	553,549
Other fresh fish	458,414	482,791
Smelts, free	2,026,702	1,916,280
Tuna fish, free	656,536	
Sea herring, free	386,773	755,850
Fish, filleted, skinned, boned, etc	409,344	1,000,046
Total	10,045,197	12,918,013

Mr. CANNON of Missouri. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman, the bill on which this appropriation is based came before the Committee on Merchant Marine and Fisheries. The situation which has been depicted here by the gentleman from Missouri was even more graphically portrayed before that committee. One objection now interposed is the importation of some foreign fish. So far as I am concerned, I would stop all fish coming into our country if I could. I went with a Member of the opposite party before the Committee on Ways and Means when the tariff bill was being considered and tried to get larger tariffs on fish coming into this country, but we were unable to get them. I remember that one of the gentlemen of that party and I appeared before that committee in an effort to secure a larger tariff on fish and fish products. Many fish products are admitted into the country free under the Republican tariff that now is upon the statute books of the country. It may be that some of them come into the country under the reciprocal agreement, but if a mistake has been made—and I think if they are coming in it is a mistake—for Heaven's sake do not punish the fishermen who are now at the end of their rope. We found it was necessary, in order to protect the fishing industry of the country, that this surplus should be taken off the market. The purchase will take in, in large part, frozen fish and canned fish. My people deal principally with fresh fish, but the presence of this surplus on the market has a depressing effect upon the price of fresh fish to such an extent that in some cases they are not able to receive a reasonable price.

This condition has been brought about, as has been testified to before my committee, not by reason of importations but by reason of conditions that have been explained, such as the mild winter. As a result the lakes and inland waters have been open and fresh fish have been caught. As the public have been able to buy fresh fish they have not bought canned or frozen products. The result is that there is an accumulation of the canned or frozen products. This surplus is having a depressing effect on the fresh fish that are being caught and also upon canned products. The committee was so thoroughly impressed with the evidence before it that it seriously doubted that an appropriation of $2,000,000 would be sufficient. Amendments were offered to authorize an even greater amount. We concluded that under the circumstances it would be better to keep within reasonable limits, and so reported $2,000,000.

Another cause of this surplus may be found in the floods throughout the country. The evidence showed that under normal conditions 20 or 30 cars would have gone each week

to the city of Cincinnati alone; 20 or 30 cars to the city of Louisville; a large number to other points in the flood area. The mild winter, plus the floods in the Mississippi Valley, have been largely responsible for this surplus.

A surplus exists, and as a matter of simple justice and as a matter of everyday right and fair dealing between man and man, I ask why the fish industry should not be given the same benefit that is given to agriculture? I am perfectly willing to go along with all relief that can be afforded to agriculture. We find that the Federal agencies are willing to buy the fish, to buy this food of large protein value for distribution in the flood areas of the country, and yet they cannot buy this food, for the officials of the A. A. A. have ruled that purchases are limited to agricultural products. This is not an agricultural product. The decision of the officials of the A. A. A. in that respect was right. It is not an agricultural product and could not be included in the purchase; but this Congress can do the right thing. This Congress can do the just thing. This Congress can say to these people who are needing relief, "We are going to extend to you the same benefits that are extended to the farmers of this country."

I want to call your attention to the fact that the evidence before that committee some years ago demonstrated the fact that the average income of a fisherman some years past was $1,000, and it had been reduced a few years later to $600, and is now practically down to nothing or a very small income. I do not believe that the sense of fairness and justice on the part of the House would permit this House to reject this reasonable appropriation, which is limited to 90 days. The purchases can only be made in that time. What I want is to see a measure ultimately that will put these fish products on a parity with agriculture, and I do not believe there is any man representing the farming interests who would oppose any such proposal.

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

Mr. BLAND. I yield.

Mr. McCORMACK. In connection with the 90-day limitation within which to purchase the fish, nearly 3 weeks of it is already gone.

Mr. BLAND. Nearly 3 weeks has already gone. I see no use taking any further time. We have not prescribed canned fish, frozen fish, fresh fish, or any particular kind of fish. We have left it to the Federal Surplus Commodities Corporation to determine where that surplus is and to handle this fund to the best interests of the fishing industry.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. BLAND. I yield.

Mr. MOTT. Could the gentleman inform us how much of the surplus the $1,000,000 would purchase? How much would it take care of?

Mr. BLAND. Well, I do not know. The gentleman can figure it out. If we get it as low as 4 cents a pound, we have one thing. If it is 8 cents a pound, it is another thing. The evidence before the Appropriations Committee and before our committee was that it would be bought at a reasonable price, and certainly not above the cost of the commodity. When the matter was before my committee it was estimated there was a surplus of something like 30,000,000 pounds. There was a very considerable interest in carrying the appropriation up to at least $2,400,000, based on the price of 8 cents a pound. It can be bought for less than that. If it is half of that. I should say half of that amount. But the statement was made before my committee as coming from Mr. Hopkins, that with the expenditure of $1,500,000 the price could probably be kept up.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, as the gentleman from Colorado indicated, I come from a section of the country that produces a very large amount of this product, but I want the gentleman from Colorado to know that I have probably voted for every item in every agricultural bill brought here from the Appropriations Committee in the last 15 years. The only time I am recorded as voting against farm legislation is the matter of the processing tax, and then not because I did not wish to help the farmer. I have recently said that Secretary Wallace, in doing what he had done in killing off the pigs, fostering other such ideas, and then advocating an "ever normal" granary, was going in both directions, and we were in constant trouble trying to follow him.

We have an hour today to discuss this matter, and as I understand it we are to have this time to bring to your attention not only the present plight of the fishermen but to discuss the fishing industry at some length.

It is very seldom that we have an opportunity to speak for the fishermen. As compared to the fishermen the farmer is in a fortunate position. We are glad that he is, and we glory with him that he is in that more favorable situation. But I want to take you for a moment to a fishing village on the tip end of Cape Cod. I might take you to the islands of Martha's Vineyard and to Nantucket where there are possibly even more fishermen. You rise at about 3:30 in the morning. There is much activity in the town at 3:30, even in the early spring. Many restaurants are open and business is quite well started for the day. Why? Because those fishermen are getting ready to go out in their dories and other boats on what may sometimes be a very precarious mission. It is not only that they may not make any catch, but they are riding the waves. Often they are in very real danger; that is, I think so whenever I take a trip with them. So their occupation is, I feel, much more precarious than that of the farmer, alike as to the harvest and the type of work.

I would like to introduce you to a fisherman, if I may. He is usually of a very ruddy complexion. He has to fight the wind and wave and, in the summer season, the hot sun. I call your attention to his hands. Did you ever see a fisherman's hands? If you have not, you should see them sometime. He goes out daily and pulls his trawls and his nets. See those breaks and creases in his hands, often bleeding. It shows you what kind of a job he has to do. He is indeed a very courageous man or he would not be in that business. To stay in that locality he is forced to carry on that type of work. The gentleman from Maine says we are willing to carry on, and do so proudly. Our forefathers did it and, by following the sea, materially helped to build this great Nation of ours.

Yet often you are taking away from us who live there even the privilege of killing the migratory fowl for our own sustenance. In former days we procured some of our food there by shooting the wild fowl; but now the outsiders, through the adoption of their conservation ideas, say to us: "You may shoot for a month or two, but do not shoot more until we come back next year." That is what is happening with relation to some of our natural resources.

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

Mr. GIFFORD. I yield.

Mr. McCORMACK. The ancestors of those fishermen manned the Continental Navy.

Mr. GIFFORD. Oh, how proudly we could boast about that ancestry if we desired; but I am going to assume that there is not a man in this House but who knows about that ancestry and is as proud of it as we are. [Applause.] We are here today, however, pleading for an industry; not for this $1,000,000 alone, but for the support of this industry for many years to come. We hope to secure acknowledgement of its rightful place in the economy of the country and the consideration which should be given it by the Congress. It has not received such proper consideration heretofore.

The question was raised: "Are some of these wealthy men who own freezers to unload on the Government?" Do not worry on that score. The Commodities Credit Corporation will decide how much they will take and what price they will pay. We need not be concerned about their making any overpayments. I represent a section where there are many large freezers, at the present moment filled with

what we call "whiting", a very cheap kind of fish often carried by large trucks to St. Louis particularly, but also to other western points where poor people have the chance to purchase good wholesome fish at very low prices. But let that whiting remain in those freezers more than a month or two longer and it will be sold for fertilizer only.

And I am pleading for the fishermen themselves. With the freezers full of fish, why should they catch more, and to whom would they sell? By taking this fish from the freezers we are really helping the fishermen themselves and not primarily those who now own the fish. I am pleading that the fish be not sold simply for fertilizer, but that it be sold and consumed as excellent food.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. BACON. The gentleman mentions whiting. As a matter of fact, the testimony before our committee showed that one of the largest surpluses existing today was in whiting. The testimony showed further—and I call particular attention to this fact—that no whiting is imported from Canada or any source outside the country. It is all caught by American fishermen.

Mr. GIFFORD. I thank the gentleman for his contribution.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. COLDEN. Had the lady to whom the gentleman from Massachusetts referred a few weeks ago bought whiting instead of beefsteak the delivery boy would not have been able to push it through the keyhole.

Mr. GIFFORD. No. And the gentleman has touched upon a very important point. If that little illustration had not been given, few would have paid particular attention to that whole speech, would they? [Laughter.]

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Certainly.

Mr. COLDEN. What reminded me of the lady was the gentleman's attitude today. The other day he was railing against the Democrats because of high prices. Today he is talking cheap prices.

Mr. GIFFORD. I am at this moment trying not to say a word against the Democrats. [Laughter and applause.]

I am glad to see that a happy spirit prevails among the Democrats and to note that you feel so pleased with your recent success. I want to tell you how sometimes the Republicans do sympathize with the Democrats. The other day a Democrat was having trouble getting into his shoes, and a Republican very sympathetically looked at him and said, "Feet swelled, too?" [Laughter.]

I have been very much disturbed about reciprocity agreements affecting our fishing industry. The gentleman from Michigan, of course, laid it to you on this side of the House for having so much of this fish brought in from Canada. We pleaded with you then, but we could get little consideration. The fishermen were seriously injured by reciprocity with Canada. I do not desire to enlarge upon that, as I could, because today I know you are all perfectly willing that this little appropriation be granted. May I say to the gentleman from California that ninety times out of one hundred when I speak the way I so often do I am speaking for the Democrats who dare not speak but wish they might. [Laughter and applause.]

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Chairman, I yield one-half minute to the gentleman from California [Mr. COLDEN].

Mr. COLDEN. Mr. Chairman, may I say to the gentleman from Massachusetts I am in hearty accord with him and approve the remarks he made, because my district produces fish and I really appreciate his assistance.

Mr. GIFFORD. And the gentleman is one of the very best friends I have in the House.

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Chairman, I yield 10 minutes to the Delegate from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, on this bill we find the geographical extremes of the country in harmony. Maine and Alaska, as well as California and Massachusetts and Mississippi and Virginia, have joined hands because they are all in the same distressful condition. Alaska produces a great deal of fish. Probably five-eighths of the salmon pack of the world is secured in Alaska. A great deal of halibut comes from Alaskan waters, but neither the salmon industry nor halibut industry are in any such unhappy position as that in which the herring industry finds itself today. Practically all of the mild-cured domestic herring consumed in the United States comes from the waters of Alaska.

The report from the Tariff Commission shows that there is at present on hand in Scotch-cured herring, which is a mild-cured herring, something in excess of 18,000,000 pounds, and of that 18,000,000 pounds my estimate is that at least 9,000,000 pounds is surplus. The surplus almost equals the total Alaska production of Scotch-cured herring during the past year.

This herring is an admirable food product. In nutritive value, it can hardly be surpassed among the fish foods or other food products. Herring, as anyone familiar with it knows, is a fat fish and contains plenty of the different kinds of vitamins, the names of which I never could remember. It is said by some physicians that the use of herring, as is the case with some other food products, is almost a certain preventative of goiter.

The herring come in immense quantities into the waters of Alaska, sometimes in numbers reaching not only in the millions, but probably in the billions. Not all that could be taken are taken. Some are converted into oil and meal; a little, but not much, into fertilizer. But the most valuable product of all is the Scotch-cured, or mild-cured, herring. It is salted just enough so that it will keep well when it is retained in cold storage.

This Scotch-cured herring, of which we have about 18,000,000 pounds on hand in the United States at the present time, is in some respects entitled to the same consideration that the frozen fish is, because it is necessary to keep the herring in cold storage. Otherwise it spoils. Of course, the longer we keep it in cold storage the more the cold-storage costs pile up, and eventually if it is kept too long the fish must be sold for storage charges, and the packer gets nothing.

Mr. Chairman, the condition surrounding the surplus of herring is so serious that unless some disposition, through the passage of a bill of this kind, is made of the surplus product, in my judgment, we will not be able to pack any herring at all next year. The herring fishermen will all be out of jobs, because nobody is going to put up herring with this enormous surplus on hand, and we will have hundreds and hundreds of people normally employed in the herring-packing industry out of work during the coming year unless something is done to dispose of the present surplus. Let no one labor under the misapprehension that any herring packer or fisherman is going to make any money if this appropriation bill passes. The only thing wrong with the bill is that it does not carry half enough money to do the job that ought to be done. It may be that we cannot do anything about that, because we are probably confined to the million dollars now carried in the bill in the form of a committee amendment. We ought to be, and are, grateful for that; but the amount should be at least $2,000,000.

I stated a moment ago that nobody is going to make a cent out of this appropriation. All concerned are going to lose money. Everybody interested is bound to take a loss upon the herring that has already been packed, because the Surplus Commodities Corporation is not likely to pay the cost of packing.

In the case of the herring packers, as in the case of the frozen-fish merchants on the Atlantic coast in Maine and Massachusetts and Virginia and everywhere else, it is only a question of how much they are going to lose. If this bill is passed, they will not lose quite as much as they will lose if it does not pass. If the bill fails of passage, there is nothing but disaster confronting them. I know that the herring packers under all the indicia of the market at the present time cannot sell their packs, and as a consequence

the only market that they can get is the Commodities Surplus Corporation. Of course, they are willing to make a sacrifice now and take a chance that next year there will not be such a surplus and that they may be able to make some money.

Let no man say that the enactment of this measure will not benefit the fisherman. The fisherman is bound to benefit. The logic of the situation is simple. While the present surpluses overhang the market, no one will pack any of the kinds of fish in which the surpluses exist. And if no one will pack these types of fish, either in freezing them, as is done with the whitefish and other fish on the Atlantic coast, or by Scotch curing them, as is done with the herring in Alaska, then the fisherman is entirely out of a job. If the product cannot be sold, the fisherman is unemployed, and he is the principal actual sufferer on account of his relatively low economic condition—his lack of this world's goods. The packer and the fish merchant will survive without physical suffering, but if the fisherman is unable to sell the fish that he catches, or to sell his labor if he is ordinarily employed for wages in fishing, he is likely to go hungry or to go on relief. It may well be that the money which we seek to secure through the passage of the bill now under consideration will not be paid directly to any fisherman, but will be paid instead to the packers of herring as in Alaska, or to the merchants who own the frozen fish held on the Atlantic or Gulf coasts or in the Great Lakes region, but the fisherman will be the principal beneficiary just the same, for, as I said a moment ago, until the present surplus stocks are sold no more fish will be bought, and unless fish may be bought, the fisherman is without income.

It would be a desirable thing, of course, if the money so appropriated could be paid directly to the fisherman for his fish, but under our complex economic system, which cannot be changed overnight, that is impossible. Legislation must fit actual conditions, otherwise it is inept, frivolous, and foolish in the sight of men. We are confronted with a condition, not a theory. The condition is that in many parts of the country large surpluses of fish exist for which no market can now be found. It is obvious that even under favorable conditions, and with the aid of special legislation, these surpluses must be sold below the cost of production, entailing losses on the present owners. But if the surpluses are disposed of, new stocks will be laid in, and thus the fisherman will be able to find a market for his catch. But until the surpluses are disposed of fishing of the kinds of fish in which there are surpluses stops dead. The only possible relief lies in the enactment of this bill. It is either that or nothing. No one has yet been ingenious enough to think up any other plan that will work.

We know that this fish product is nutritious and altogether excellent. In carrying on its relief work the Government can advantageously use such nutritious food. This particular food can be obtained below the cost of production, and even that primary cost is certainly not higher than that of other food products of equal nutritive value. There is thus afforded an opportunity to provide relief to those who need it for less money than would otherwise be required. And there is afforded the further opportunity to give relief more adequately and amply than would otherwise be possible. Every possible consideration of logic and economy and humanity calls for the enactment of this bill, and I have not yet heard any sound or even plausible reason why it should not be passed.

As has been pointed out, this is not a sectional bill. It covers the whole Nation. If the bill passes, I confidently anticipate that the amount appropriated will be used fairly and justly in harmony with the requirements and the real needs of all of the citizens of the United States who may be eligible for assistance under the law, no matter where they may reside. I confidently anticipate that relief will be given where there is greatest need of it. It is plain from the debate here and from the testimony given before the subcommittee of the Committee on Appropriations yesterday that, if the committee amendment is adopted and thus the appropriation limited to $1,000,000, some who ought to be helped will not secure any aid by reason of lack of funds. But we may, I think, be assured that careful consideration will be given to all parts of the country and to all of the branches of the industry which come within the scope of the bill.

We all know the fishing industry is highly hazardous from a financial standpoint as well as from a physical standpoint. God knows how many Alaska fishermen in the last 30 years have been lost at sea. It is just the same in Alaska as it is in Maine or off the coast of Massachusetts or of Newfoundland. It is a highly dangerous occupation physically and it is a highly hazardous business financially. I do not know a single person who has been in the herring packing business for as long as 20 years who has not gone broke at least once and sometimes oftener, and most of them are just on the verge of bankruptcy now. Unless they get some relief through the sale of their surplus commodity, I prophecy not a single herring packer in Alaska will be able to avoid insolvency.

Mr. Chairman, I was brought up on a farm and I have just as much sympathy with the hard condition of the farmers and just as much desire to aid them as anyone could possibly have. But for many years past I have come into daily intimate contact with fishermen and have become acquainted with all of the branches of the fishing industry carried on in the Territory which I have the honor to represent here. While the Congress has been solicitous for the welfare of the farmer and has enacted many laws for his aid, and properly so, my memory fails to recall a single enactment for the benefit of the fisherman, or for the fishing industry. All that we have asked now amounts to no more figuratively than two crumbs, and it seems highly probable that we shall obtain only one of those. I sincerely hope that one will not be denied us.

Before concluding, Mr. Chairman, may I not, for myself and for the people whom I have the honor to represent, pay deserved tribute of respect to the able and courteous chairman of the subcommittee of the Appropriations Committee, Mr. CANNON, who so lucidly developed the testimony before the committee yesterday and who has charge of the bill on the floor here today, to the distinguished gentleman from Massachusetts, Mr. MCCORMACK, the author of the bill, who has so vigorously urged its passage, and to the great chairman of the Committee on Merchant Marine and Fisheries, Mr. BLAND, whose powerful argument in support of the measure has just been concluded. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Chairman, I am for this appropriation for two very good reasons: First, I believe the unfortunate situation in which the fishing industry finds itself is due in a great measure to the failure of the administration to give adequate tariff protection. There is no question but what if the Canadian competition had been properly regulated the industry would not be in the plight in which it is today. The administration having failed to give protection, has made it possible for large quantities of Canadian fish to come into the United States and deprive American fishermen of their markets. The result has been the creation of a large surplus which, of course, is a threat to the industry.

Second, I believe the Government, having adopted a policy of giving meat, cabbages, and even grapefruit to the poor, has every reason to add fish to the commodities which are available. I recall very well several months ago observing the Government give to the unfortunate poor the splendid grapefruit of Florida. Of course, I am happy to see the poor people get grapefruit, but I cannot but believe that if they had had 2 or 3 pounds of good, wholesome fish it would have been a greater contribution to their contentment, nourishment, and well-being.

May I also bring out this fact: This is not an extra appropriation. It is not additional money. It is simply permitting the fishing industry to have its products made available for the poor, a privilege granted to agricultural products. I am pleased to support the bill.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Massachusetts. I am pleased to yield.

Mr. MICHENER. This bill really should be entitled "A bill for the relief of the fishing industry" rather than the title which is given here; is not that true?

Mr. MARTIN of Massachusetts. I do not know what title is given there.

Mr. MICHENER. "To make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry."

Mr. MARTIN of Massachusetts. I may say to the gentleman that through the failure to provide adequate tariff protection the fishermen have been relieved of their markets. Now we must give them some relief.

Mr. Chairman, I yield back the balance of my time.

Mr. CANNON of Missouri. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, I am happy there is such unanimity of opinion on both sides of the aisle, apparently, upon the passage of this bill. I had understood when I first asked for time there was to be some opposition to the bill.

Mr. TABER. Mr. Chairman, if the gentleman will yield, it is generally customary to let the Members in favor of the bill make out their case first. I expect to oppose the bill when the time comes.

Mr. COLMER. It is indeed gratifying to know there will be some opposition, and the debate will be livened up a bit. However, I am sure that in the end the bill will pass.

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

Mr. COLMER. I yield to my friend from Massachusetts.

Mr. McCORMACK. The gentleman said, "apparent unanimity", and I think the gentleman stated the fact correctly.

Mr. COLMER. I thank the gentleman for his assistance; at any rate, I am satisfied after the opposition has been expressed the bill will be passed and this industry will receive this much-needed benefit.

I am aware that the gentleman has some on his side of the aisle who do not agree with him on his position in the matter.

Mr. Chairman, we have heard from the frozen coast of Alaska——

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I was just about to make a great oratorical effort, but I yield to the gentleman. [Applause.]

Mr. BREWSTER. I certainly do not want to interrupt any flights.

Mr. COLMER. I shall be pleased to postpone it.

Mr. BREWSTER. But I wanted the gentleman, for the purpose of the RECORD, to make it clear that unless we have one Member over on this side who would oppose the bill we could not get the extra hour of debate. I say that in justice to my friend. [Laughter.]

Mr. COLMER. I am glad to have the explanation and thank the gentleman. [Laughter.]

Now, that oration——

Mr. COLDEN rose.

Mr. COLMER. Does the gentleman want me to yield? I am pleased to yield to the gentleman from California.

Mr. COLDEN. Is it not a fact that the gentleman who promises opposition to the bill is the champion of the "red herring", so famous in politics and in Congress?

Mr. COLMER. I am pleased to have that contribution of the gentleman's views. And now, Mr. Chairman, I was just about to talk on a very beautiful subject when I was "thus rudely" interrupted, and I am afraid I am going to have to forego that; but I have the honor of representing in this body that beautiful, as I started to say, Gulf-kissed coast section of Mississippi, the place where Iberville landed, and there the fishing industry is quite an industry in itself.

I was impressed by the contribution the able gentleman from Massachusetts made to this debate with his discussion of that early morning scene in a fishing village up in Massachusetts. I should like for him to go with me down to this aforesaid beautiful, Gulf-kissed coast of Mississippi and see these fishermen as they rise early in the morning, mighty in their preparations as they go forth before daybreak and sail upon the high seas to catch the fish in order that they may in this way contribute to their means of livelihood. The fishing industry down there is quite an industry. These men toil long hours, they toil hard, because this is no easy business; and I think it is only just and fair that the lowly fisherman, if you please, should be recognized in this program of the New Deal that is being assisted so ably by the other side of the aisle today. [Laughter and applause.]

Mr. Chairman, in conclusion, I wish to compliment the distinguished gentleman from Massachusetts [Mr. MCCORMACK], who, I believe, is sponsoring this bill. I also want to compliment the gentleman from Virginia [Mr. BLAND], by whose committee this bill was considered. I wish to compliment also the House—if I am not speaking too far in advance—upon the early passage of this bill, thereby placing the lowly fisherman on a parity with the laborer and the farmer and the others who earn their living by the sweat of their brow. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, the only fault that I find with this bill is the fault that was put in by my Committee on Appropriations when they reduced the amount from $2,000,000 to $1,000,000. The Bureau of the Budget approved an amount of $2,000,000. I shall be very glad to support an amendment to increase this amount by at least $500,000. I do not think that $1,000,000 is enough. I hope that such an amendment will be offered either here or in the Senate. This is not a new appropriation. There is a surplus today out of money already appropriated of $6,557,000 in the Surplus Commodities Corporation which is absolutely unobligated. I do not think that any damage will be done or harm caused if we increase this amount by half a million dollars and take a million and a half dollars instead of $1,000,000 out of that unobligated balance. We are approaching spring when the fishermen are about to go out for their spring season catch with every warehouse and processor glutted with fish. It must be obvious that when they return with their catch after their hazardous trips, they will not be able to find a good market for their fish. It is a real emergency, a real necessity, that this bill be passed, and I hope I shall be able to have the pleasure of supporting someone's amendment to increase the amount to be made available. I cannot offer the amendment myself, being a member of the Committee on Appropriations, but I would be glad to support and vote for an amendment to increase the amount.

After all, the House has already approved of the proposal to spend $2,000,000 for this purpose when it passed the bill authorizing this project. The Bureau of the Budget has approved this amount. The President, the Bureau of Fisheries, and the Commodity Credit Corporation have approved the amount of $2,000,000. Therefore, I think that the Appropriations Committee was ill-advised when it cut the amount to $1,000,000, especially when it involved merely the reallocation of money already appropriated. [Applause.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman and gentlemen of the Committee, being privileged to represent, as part of my district, a city that is noted for its fishing industry, namely, the city of Gloucester, Mass., I am impelled because of the serious threat that today hangs over at least a year's operation of that industry, to say a few words today in the hope that some relief may be found for the existing conditions.

This situation was brought about by the open winter that permitted fishing in the lakes and rivers of this country and which made available an unusual amount of fresh-water fish for distribution in the Midwest areas, which were formerly the winter market for much of our frozen fish held in the freezers of the New England fisheries. Aggravating that situation still more was the flood condition of the Ohio and Mississippi Valleys, which practically closed the markets of Cincinnati and St. Louis and other large Midwestern communities that formerly utilized from 20 to 25 carloads of frozen fillets each week, because during the flood period, and for some periods thereafter, these areas have not utilized this product. The result has been that large inventories, that were specifically in the freezers for winter sale, lost their market and have, in fact, brought about a glutted condition.

I am informed by the representatives of the fishing industry that at the present time they are face to face with one of the most serious conditions with which they have ever had to contend in the history of the industry. If the winter had been normal, and no flood conditions existed in the Midwest, the present surplus held in the freezers in all probability would not exist. It has been a good year for the fisheries of our lakes and rivers, but at the expense of the fisheries on the eastern coast which anticipated the market that the fresh-water fish industry occupied during the winter months.

According to the Bureau of Fisheries, there were approximately 69,000,000 pounds of all types of fish in cold storage on February 15, 1937, which is an increase of 30 percent over that of a year ago, and 50 percent more than the average of the last 5 years. Unless some way is found to move these cold-storage supplies, the fishermen eventually will be the sufferers, for when they arrive in the spring with their catches for cold storage, there will be no room to store them.

In my own particular district, in the city of Gloucester, practically one-half of the industrial wages paid out came from the fishing industry and practically half of the people engaged in industrial activities find employment in the fisheries. You can appreciate that a serious situation is existing in that community, and will continue for some time to come, unless relief is found for the present unusual situation.

The fishing industry in the country as a whole has been denominated as a billion-dollar industry and one which employs over one-half million people. It therefore should have proper recognition by the Federal Government when surplus commodities are being purchased for relief purposes. Under the existing law the Federal Surplus Commodities Corporation may purchase agricultural products of every description, thereby assisting food; and fish, though being a substantial food, has had apparently no consideration under the present regulation. This, to me, seems illogical and unfair, and it appears that the fishing industry, being a great source of supply, is being discriminated against in that respect. These so-called agricultural surplus commodities are purchased with funds which are derived from tariffs, and though the fishing industry contributes more than $4,000,000 annually in tariff duties to this fund, there are no benefits accruing to the fish industry, as in the case of the agricultural industry. The Surplus Commodities Corporation has no authority to buy fish as a food for distribution, and the purpose of this bill is to give the Corporation that authority. In view of the fact that thousands of fishermen, as well as those employed in the fisheries, will suffer throughout the entire season as a result of the present conditions unless this remedy is available, I fervently hope that this proposed legislation will be favorably acted upon.

Mr. CANNON of Missouri. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Chairman, as the author of the authorization bill, I will make only a few remarks. Several weeks ago a friend of mine who lives next door to me and whom I have known for a number of years came into my office shortly after the recent floods to find out whether or not there was any governmental agency that purchased fish for the purpose of distribution in the flood area. I made inquiry and I found there was no Government agency that was purchasing fish. The W. P. A. had stopped the purchase of food of any kind a little less than 2 years ago, and there was some doubt as to whether they had authority under the law to do so. In any event, whether or not they did have the authority, it was not their policy to do so. I contacted the Federal Surplus Commodities Corporation and, of course, I found that they had no authority under the law to do so. The Red Cross was the only agency making purchases, so I obtained the names of those in charge of the different districts, and I told him he would have to contact them.

In my talk with him I inquired as to the condition of the fish business. I was naturally interested. Probably one of the largest piers in the world is located in my district. It was built by and is owned by the State. It is leased to probably 60 or 70 men who are in the fish business. The fish come in from the North Atlantic and other fishing areas to this pier.

Of course, there are other cities, Gloucester, Newburyport, and other fishing villages and cities in Massachusetts. I doubt if there is a fisherman who lives in my district. The pier is located there. He told me about twenty-three or twenty-four million pounds of surplus fish in Massachusetts alone and the fact that it was much larger than in past years and that the price was down and the market was glutted. As a result of the information obtained, I introduced a bill making a permanent amendment to the Agricultural Adjustment Act authorizing the Federal Surplus Commodities Corporation to make purchases of fish. Then, because of difficulties in committee, I introduced an emergency bill, a temporary bill, calling for the appropriation of $250,000, based upon evidence given to me with reference to Massachusetts. After that I received evidence about the condition throughout the country; that the condition in New England and Massachusetts was the same in Virginia, Florida, along the Gulf, so ably and eloquently expressed by the gentleman from Mississippi [Mr. COLMER]; also the Great Lakes and out in California and up in Alaska they had a similar condition. Of course, $250,000 was inadequate. I introduced another resolution providing for $2,000,000, which was heard by the committee over which the able gentleman from Virginia [Mr. BLAND] so admirably presides. The committee held a hearing and reported out the bill. The bill was passed by unanimous consent. Then came a message from the President, that in view of the fact that it was a 90-day proposition, there were only 90 days within which to make the purchases, recommending an appropriation of $2,000,000 of money already in possession of the Federal Surplus Commodities Corporation. That is the history back of the bill. That is the history in support of the bill.

You have heard the arguments of the Members on both sides of the aisle as to the condition of the fishing industry, men more thoroughly conversant with them than I am, because I do not represent a fishing district as far as fishermen are concerned. The fish pier is in my district, and naturally I am very much interested in its success there and throughout the Nation. My interest is not only from the angle of Massachusetts and New England but from a national angle, because I always try to look at all questions from a distinctly national angle.

Some arguments have been made about the Canadian importations. It is true there has been an increase, but the increase is not in the type of fish that will be purchased. The increase is a normal increase. The country is coming back. I do not say this for controversial purposes, but the simple fact is that last year the importations were no larger than the importations of past normal years. The increase has not been due so much to the reciprocal-trade agreements, because there are very few changes made in the reciprocal-trade agreements on fish coming into the country from Canada. It is due to the open winter, as several of the gentlemen who have preceded me have so ably stated. If it were not for the open winter, we would not have had a glutted condition of the market. The open winter has been the main cause of the condition that exists at present. The surplus that in all probability will be purchased is fish that American fishermen obtained and brought into the United States. Not only in New England but the Virginias, the South, the Great Lakes, California, and Alaska.

So far as the administration of the bill is concerned, I want to see it equitably administered. It will be when the bill passes and becomes a law. It is then in the hands of

the executive branch of Government, and I know they will administer it equitably and without discrimination.

Mr. HAINES. Mr. Chairman, will the gentleman yield for an observation?

Mr. McCORMACK. I yield.

Mr. HAINES. Last year the Surplus Commodities Corporation came to the rescue of the fruit growers in my district, and it was a godsend to my people. I am very, very much in favor of this bill and I do hope there will be no objection to it, but I should like to ask the gentleman's opinion as to whether he does not believe we ought to increase the amount authorized under this proposal? It seems to me from the debate, from the amount of fish and the need throughout the country, that it would not be out of place for us to give them more money than is asked for here, so we can do a better job.

Mr. McCORMACK. I thoroughly agree with the gentleman, but if the amount is not enough we have remaining a little over 60 days in which to come and ask for more. Furthermore, I feel confident that the present bill providing for $1,000,000 will go through without a roll-call vote, but any effort to increase the amount might change the situation.

This debate has been illuminating. It has been shown that there is a fishing industry in America, one of the basic industries. While I should like to see $2,000,000 reported, nevertheless we have to enter into legislation in the spirit of compromise. While I stand for $2,000,000, nevertheless I stand behind the committee in its present recommendation, feeling confident that if it is not enough we can come in again. We have made a fine case.

If it is before this 90 days has transpired, the Appropriations Committee will give consideration to further allocation or appropriations; and in any event if it is after the 90 days we have laid before the Committee of the Whole a case which will be the foundation for the passage of future legislation. Does my friend understand my position? I do not want anything to happen that might interfere with the passage of this bill.

Mr. HAINES. I think the gentleman has been very generous in his statement.

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Chairman, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. COLDEN. The gentleman from Massachusetts is aware that the Committee on Merchant Marine and Fisheries reported unanimously the bill for $2,000,000. I believe as a matter of fact the majority of the members of the committee voted for $2,400,000 and some for as much as $3,000,000.

Mr. McCORMACK. Between $3,000,000 and $4,000,000.

Mr. COLDEN. But in order to get a unanimous report we finally decided to support the gentleman's bill of $2,000,000.

Mr. McCORMACK. The gentleman from California is absolutely correct, and I think an answer to his inquiry and the very fine and constructive contribution of the gentleman from Pennsylvania is, as I tried to show, that I am personally for the $2,000,000, but we are faced with a practical situation. We have got to look at these problems from a practical angle. In other words, there are Members who would vote for $1,000,000 who probably would not vote for $2,000,000 or for $1,500,000; and so far as today is concerned, I do not want to see this bill get caught between those who are supporting it at $1,000,000 and who are opposed to increasing it, but who, if this $1,000,000 is not enough they will gladly support an increased appropriation if before the 90 days have expired more money becomes necessary and who will support an extension of time if it is necessary after the 90 days have expired. I do not want those who will support this bill, but oppose an increase, placed in a position where they might feel constrained to oppose the bill in its entirety if an amendment were adopted.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, it was to be expected that the distinguished gentleman from Massachusetts who has just concluded his remarks would try to offer some excuse or defense for the reciprocal-trade agreements. As a member of the Committee on Ways and Means and, of course, as a member of the majority side of the House, he very naturally feels that whenever any indictment is laid against this policy of reciprocal-trade agreements that he must come to the defense of this monstrosity. In spite of his declarations, however, I think if he would examine the records, he would find that a considerable increase has taken place over last year in the importations of fish since the adoption of the agreement with Canada. In spite of all that he says about the abnormally warm winter and the other factors to which he ascribes the present condition, a very considerable part of the difficulty the fishermen face today is due to this policy sponsored by the distinguished gentleman from Massachusetts and his committee and championed by the Under Secretary of State, that we should make agreements by which we barter away the rights of our own people, pursue a good-neighbor policy, give them all the benefits, and we take the detriments and the losses.

The gentleman from Michigan said that this measure should be called a relief measure for fishermen. I agree with him. No one who has sponsored this measure has spoken in favor of it, with the exception of those who come from fishing districts, my friend from Massachusetts being probably the only exception. I cannot indulge in that beautiful flight of fancy that my friend from Mississippi indulged in, nor the gentleman from Massachusetts, about the hardship of the fishermen. My fishing is confined to going off one of the Atlantic summer resorts or down the Delaware and enjoying rather than enduring a day's fishing. But I am concerned about somebody else than just the fishermen as we are thinking about this bill. I am thinking about the people who are the consumers here in America.

This bill is for the purpose of keeping up the price of fish. It is a stabilization measure. This report definitely says that they are afraid of the demoralization of the price scale. That means one thing; that means that the bill is intended to provide an artificial stimulus by the appropriation of the fund requested here to keep the fish cost, so far as the consumer is concerned, up to a level greater than it otherwise would command; and I am wondering whether we have not a greater obligation to the people who can use fish as a part of their food than we have an obligation to either the fishermen down in Mississippi or the fishermen over in Massachusetts.

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Chairman, will the gentleman from New York yield 1 minute to the gentleman from Pennsylvania, that I may ask him a question?

Mr. TABER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. DITTER].

Mr. CANNON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. DITTER. If the gentleman will yield me 1 minute of his time.

Mr. CANNON of Missouri. I am certain the gentleman's constituents would not want to take the product of a people's labor without paying for them; that they would not be willing to enjoy the fruit of an honest people's toil without giving an honest price in exchange. They would not permit anyone else to live at their expense and would not themselves be willing to take advantage of other men's necessity by living at their expense. If they did, it would be a fleeting prosperity. Appropriating the products of other men's toil without just compensation destroys the buying power which provides a market for their own wares, and eventually completes a vicious circle which leaves them as destitute as their victims. Prosperity is reciprocal, and only through mutual exchange of services at a mutually honest wage can men

survive—much less practice the Golden Rule. The purpose of this bill is to pay a man an honest day's wage for an honest day's work. I am certain that is one of many fundamental principles on which my good friend the gentleman from Pennsylvania and I are in complete accord.

[Here the gavel fell.]

Mr. DITTER. Now, Mr. Chairman, will the gentleman from Missouri yield me a minute of his time that I may answer his inquiry?

Mr. CANNON of Missouri. I much regret that my time has been consumed with the exception of 9 minutes, which I have promised to three gentlemen who have not yet had opportunity to speak. I would be glad to give the gentleman additional time if I had it. Doubtless the gentleman from New York [Mr. TABER] will yield another minute.

Mr. TABER. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. DITTER. Mr. Chairman, answering the gentleman from Missouri, I believe that the entire policy that has been pursued by the present administration with reference to artificial stimulation lies at the base of the difficulty that we presently face.

We had it with pigs; we had it with cotton; we had it with corn; and we had it with wheat. Now, we have come to fish. The gentleman knows as well as I do we had it with peanuts, and we would have had it with potatoes if complaints had not arisen. This program is simply a part of the present administration's policy which can well be styled a "shot in the arm"; in other words, an artificial stimulant to produce an exhilaration which is unnatural and which has no substantiality about it other than the supply of money from the public coffers.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, the gentleman from Pennsylvania [Mr. DITTER] has remarked that the debate on this bill has been engaged in for the most part by those coming from States interested in the fishing industry and he seemed to think that was peculiar. I do not think so. I think that is quite natural and also quite proper.

The Federal Surplus Commodities Corporation is already authorized by law to buy surplus commodities of nearly every kind and furnish the products to those in need. The Corporation is not permitted under existing law to buy fish for that purpose. This bill simply provides that that Corporation may use $1,000,000 to buy surplus fish and to distribute that product also to those on relief. It is quite natural that those who come from fish-producing territories should take particular interest in this bill. Entirely aside from the humanitarian features of the proposal, I, for one, am interested in a measure of this kind because the fishing industry happens to be the third largest industry in my own State of Oregon. The fishing industry in that State employs 10,000 people and it is worth to the people of Oregon about $10,000,000 a year. The maintenance and prosperity of the fishing industry is vital to the interests of the people I represent.

Under this particular bill our fishermen in Oregon may not benefit this year to any great extent, because our 1937 surplus of canned salmon, which is our most valuable fishery product, is, fortunately, not very great. But there have been years in which we have had a tremendous surplus in canned salmon. The surplus is likely to occur again, and that surplus sometimes means the difference between prosperity and adversity in this great industry.

And so I am interested in this bill also because of the fact I think it will set a precedent. It should set a precedent. It is good, sound legislation, and I think it should be made the permanent policy of the Congress to continue to do the things that are proposed to be done by this bill.

The debate on this measure, I think, has opened up a valuable field for research and investigation. It has been interesting in that it has shown to the Members of the House that here is a subject that ought to be investigated from several important angles. The question of the importation of fish into this country, for example, is one that ought to be thoroughly looked into by the Congress of the United States and acted upon immediately. When the people of our country are producing a surplus of fish, I cannot see any sound reason why our Government should allow the importation from foreign countries of the precise kind of fish that we catch and process in this country, and which we cannot sell because the supply is greater than the demand. I believe it ought to be the permanent policy of our country to keep foreign fish out of the United States which compete directly with fish caught here.

The Japanese importation of fish into our country is harmful in the extreme. It is making great inroads upon the salmon industry in Oregon. If we had the domestic salmon market to ourselves we could supply the demand at a reasonable price and make a reasonable profit. But when we have to compete as we do with the Japanese fishermen, who work for a mere fraction of the compensation paid our fishermen, and who catch their fish off our own coast, just beyond the territorial limit, we are put in a very difficult position, indeed in an impossible position. Our remedy, in my opinion, is an absolute ban against such importations.

Mr. Chairman, I want to add my testimony to that which has already been given by gentlemen from other parts of the country. Although probably this bill will not very directly affect the industry in Oregon this year, similar legislation will benefit us in the future when we have a surplus. It is good legislation and legislation which ought to be adopted as a permanent policy. I am happy to have the opportunity to support it.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. OLIVER].

Mr. OLIVER. Mr. Chairman, I listened with interest to the very enlightening remarks of my good colleague the gentleman from Pennsylvania, who made the statement that we had finally gone through all commodities and gotten down to fish. May I take issue with him, because I think he should have said we have finally gotten up to fish and not down to fish?

As a member of the Committee on Merchant Marine and Fisheries, which unanimously reported this bill, I wish to compliment the distinguished chairman of that committee, the gentleman from Virginia [Mr. BLAND], upon the very able presentation this afternoon. I feel I would be very remiss, however, coming from a district which is intensely interested in the fishing industry, if I did not stand up here and clarify one point that I think has been more or less confused. I do not believe there will be one single dime of this money used to buy Canadian fish products, because in the State of Maine and in the Portland district, where the port of Portland exists, we have fish dealers who are buying large quantities of fish every day during the season, and it is my opinion there are no Canadian fishermen bringing fish into the city of Portland to those fish dealers; therefore, I wish to state quite unequivocally this money, in my opinion, will be used to buy American fish from American fish dealers caught by American fishermen.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, when a measure of this character is before the House we naturally localize it, and our interest perhaps centers around our own home activities. I live in a fishing community. For years and years the fishermen have gone out of my city in tugs and have caught fish by the ton.

Those fishermen are brave men and serve two purposes. They not only catch fish to supply food, but in times of great storm and stress, when Lake Erie is boiling and ships are in distress, time and again they have gone out into the raging sea to save human life. Many of the fishermen are characterized as heroes.

I have several other fishing communities in my district and I am interested in them. I refer to Dunkirk, Irving, and Barcelona. Just how much this bill is going to help the

fishermen in the localities I do not know, but I am perfectly willing to go along with the bill for what good it may do.

May I say if we should adopt a custom that was followed by the ancient Lochrians, it might be very helpful in the matter of legislation. In that ancient country they had a legislative rule that whenever any member came on the floor of the house to sponsor a bill, it was required that he should wear a long rope, with one end tied around his neck with a slip noose, and his colleagues held the other end. He presented his case and if his colleagues were satisfied that his proposal was for the general welfare of the public, the bill was passed. But if his colleagues disagreed with him, they strangled him on the spot. This ancient rule, if it had been in operation, the reciprocal trade agreement legislation might have been prevented.

Now, this trade-agreement proposition is inconsistent with what you are trying to do today. It is well enough to make light of the importation of fish, if you are far removed from the real danger; but we are located on the Canadian border. We are on the south shore of Lake Erie and Canada is on the northern side, and the fishermen on the Canadian side compete with the fishermen on our side.

The cost of operating and manning the tugs on the other side is much cheaper than it is on our own side. Buffalo is a great fish market. The result is the fish caught by Canadians are poured into our markets, breaking the market price of fish, which injures our fishermen.

I am no stranger to this problem. I have appeared before the Tariff Commission time and again to see if we could get relief under the flexible tariff provision. Many of our fishermen have not only been driven from the Lakes as fishermen, but have been forced on relief. We should consider the amount of importations of fish into this country and prevent this destruction of our market to the injury of our own industry. The increase in importations of fresh fish in 1936 over 1935 amounts to 1,172,000 pounds, and much of that has gone into the markets in direct competition with my fishermen up home.

This bill will help some. I would vote to increase the amount, because I would be happy to help the fishermen in my locality, who are in desperate straits and need such help. I shall support the bill, and I stand for an increase in the amount. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the balance of the time to myself.

Mr. Chairman, in view of the large number of people who have spoken this afternoon in behalf of this bill, perhaps it ill becomes one to oppose it. I would not do so except the facts and the merits of the situation seem to require it.

Let me state just the kind of situation this bill is intended to relieve. The so-called surplus of fish consists of about 9,000,000 pounds of whiting, a fish which is caught only in the summer months, and which is held to the tune of about 13,000,000 pounds by a group of speculators along the coast, who piled themselves up with the fish before the season closed on the 1st of October.

Another portion of it is 4,000,000 pounds of pollack and 2,500,000 pounds of redfish. The redfish is in the same class as the whiting. The whiting, which constitutes nearly half of this alleged surplus, costs the speculators from 3 to 4 cents per pound, which is borne out by the testimony before the committee yesterday. This price includes storage and everything else. If all of this surplus were taken off the market at 3 or 4 cents a pound it would not take anywhere near the $1,000,000 which is sought to be appropriated here.

However, worse than that, as to the fish which are being caught today, cod sold last March for 2.7 cents average, and yesterday the price was 2.5 cents, which is a drop of two-tenths of a cent. Haddock, which sold last March for 3.2 cents, sold yesterday for 2.6 cents, and the April average a year ago was 2.3 cents. Therefore, day for day, the price is about the same as it was a year ago. I cannot say anything whatever with reference to the prices of the other fish which are being brought in.

Simply stated, there is a group of speculators who have on hand a large volume of pollack, whiting, and redfish, which they will have an opportunity to unload upon the Government. This surplus commodity proposition has been operated in such a way that much of the supply has been given away, and wasted, to people who were not subjects for relief.

The fact of the matter is we are getting into a spread-out on a proposition which the facts do not justify. I cannot conscientiously go along with it.

On top of this there is another picture. There has been an increase in importations in 1936 over 1935 of 46,000,000 pounds. The gross amount of alleged surplus is 24,000,000 pounds. The domestic consumption has absorbed a large increase in the domestic catch and 22,000,000 pounds of additional importations.

This is another emergency, an emergency which we are attempting to solve by a bit of legislation which will create further demoralization. The administration has failed to do what it could to stop importations, and now it brings forward this bill in an attempt to solve a situation brought about by the holdings of speculators. I frankly cannot go along with that, and I cannot vote for this bill. I hope the House will take these things into consideration when it votes upon the measure.

Mr. CANNON of Missouri. Mr. Chairman, I yield myself 1 minute in which to reply to the suggestion made by the gentleman from New York (Mr. TABER) that these fish were in the hands of speculators. The evidence before our committee showed that fish were acquired by the present holders at between 5.95 cents and 7.58 cents, and that they would be glad to take 3 cents for them. Therefore, it is evident no one is going to make money. The holders who sell under the resolution will lose money instead of making it. Only the fishermen and their families will profit.

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

Mr. CANNON of Missouri. Yes.

Mr. McCORMACK. May I say it is easy to make charges, but it is another thing to have evidence to support them. The evidence clearly shows the frozen fish in the various refrigerators are owned by the individuals who buy them. They are not owned by the refrigerators. The refrigerators are owned by individuals, and they sell service. There are hundreds and hundreds and hundreds of persons in the fishing industry who are going to benefit by this and who will be entitled to consideration, so there is nothing to this talk about a few speculators.

Mr. CANNON of Missouri. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, we have a large number of people in our State, and three or four towns in my district in particular, that are deeply interested in the provisions in this bill in the degree to which they affect fishermen. Before the Federal purchase of surplus commodities began some of our fishermen were not receiving more than $3 or $4 a week for their labor.

Some of the Members spoke about the consumers having a great burden on them. May I say in reply to that statement, How can we expect our people to maintain families on $3 or $4 a week? Prices have advanced somewhat, largely because of the small amount of surplus fish which has been taken off the market, through the purchases by the Government for W. P. A. clients.

We must accord to the fishermen every possible benefit. They deserve it. No one employed in America is entitled to consideration above them. I regret to see any Member raise objection to this small benefit the fishermen are receiving.

Now, Mr. Chairman, I would like to briefly discuss another product of my State which has shared in the surplus commodity program.

FLORIDA GRAPEFRUIT MARKETING PROGRAM

During the present marketing season the grapefruit growers of the Nation were confronted with a most critical situation. It was estimated that the grapefruit production in this country would be about 28,000,000 boxes. The largest previous crop in the 1934–35 season was twenty-one and one-half million boxes, while the average production between the years 1928–32 was about fourteen and one-half million boxes.

This increase was not confined to Florida alone, but also spread to Texas and California-Arizona producing areas.

The citrus growers in Florida quickly realized that with this vastly greater supply and with the potential increase of production because new trees would be coming into bearing the grapefruit problem was not just a problem for the 1936–37 season. Realizing the dangers of this situation, the industry, in conjunction with the Florida Citrus Commission, requested the Agricultural Adjustment Administration to work out a marketing program to save the Florida citrus industry from the disastrous effects of large surplus and low prices.

As a first step, a marketing agreement was entered into which represented the type of a program requested by a substantial majority of the citrus industry. It is set up in such a manner as to attain a maximum coordination between the efforts of the State and Federal Governments, and at the same time it enables the growers and shippers to cooperate among themselves and with their State and Federal agencies to market their citrus crop in such a manner as to improve the returns to the growers.

Supplementing the marketing agreement, as it was necessary to do in view of the unusually heavy surplus of grapefruit, by utilizing the provision of section 32 of the bill amending the Agricultural Adjustment Act, which appropriates 30 percent of the customs revenues for the removal of agricultural commodities from the normal channels of trade and commerce, the Agricultural Adjustment Administration offered to purchase surplus grapefruit, not only in Florida but in all grapefruit-producing areas, for relief distribution to the needy and unemployed throughout the country.

Surplus grapefruit thus bought by the Agricultural Adjustment Administration is turned over to the Federal Surplus Commodities Corporation for distribution to the various States and is carried on in such a manner that it will not interfere with the commercial trade.

Purchases of the surplus grapefruit are being made on the basis of 46 cents per standard box, with a guaranty that 31 cents must go to the growers. Starting in February, purchases were also made to include canned grapefruit.

It is understood that the total Florida purchases so far this season have been 925,000 boxes of fresh fruit, for a value of approximately $425,000, and 36,000 cases of grapefruit juice, purchased at a cost of $43,000.

Opinion generally in the State of Florida has been very favorable to the purchasing program of the Agricultural Adjustment Administration, and, of course, everyone realizes the direct benefits of the marketing program as a whole.

A recent issue of the Lakeland Ledger carried a statement by Chairman L. P. Kirkland, of the Florida Citrus Commission, who declared before a conference of growers, shippers, and canners that the Government's decision to purchase grapefruit would stabilize market prices and greatly benefit the industry. He further said that the Agricultural Adjustment Administration's purchases supplement the orderly movement of fruit under the Federal marketing agreement and the purchases by the canners, and Kirkland also said that now growers can hold their crops without fear that they will be unable to sell them later.

Likewise, in a statement appearing in the Agricultural News Service, Mr. D. E. Timmons, of Gainesville, Fla., said that the purchase of canned grapefruit juice by the Federal Government for distribution to relief clients has a salutary effect on the grapefruit market of this season.

The citrus growers in the State of Florida are behind the present program of the administration. Without the purchases the growers would have been at the mercy of certain distributing elements with no compensating benefit to consumers.

Grape-fruit is probably the most beneficial, from a health standpoint, of all surplus commodities purchased by the Government and distributed to W. P. A. clients. "A grapefruit a day will keep the doctor away." It would be unwise to refuse to appropriate money for this purpose. [Applause.]

Under permission to extend my remarks I include the following:

[Agricultural News Service, College of Agriculture, University of Florida, Gainesville, Fla., Jan. 28, 1937]

GOVERNMENT PURCHASE OF GRAPEFRUIT JUICE TO AID SMALL GROWER

The purchase of canned grapefruit juice by the Federal Government for distribution to relief clients, a program to begin probably February 1, should have a salutary effect on the grapefruit market this season, says D. E. Timmons, economist with the State agricultural extension service.

Recent announcements by the Agricultural Adjustment Administration indicate an intention to purchase around 1,100,000 cases of canned grapefruit juice for the Federal Surplus Commodities Corporation by the middle of March. Juice bought for this purpose will be that canned from fruit bought from growers subsequent to January 18. No juice from fruit purchased prior to that time will be accepted.

It is intended that the minimum price which canners will pay for this fruit will be 31 cents per standard Florida field box on the tree. Similar purchases of grapefruit juice are to be made in Texas.

The grapefruit surplus problem constitutes the largest agricultural surplus problem in the United States today, in the opinion of Jesse W. Tapp, executive vice president of the Federal Surplus Commodities Corporation and also an official of the A. A. A. He has stated that if, before the end of the grapefruit marketing season, additional measures are necessary to protect the interests of the growers, the Federal Government will be ready to work them out with representatives of the industry.

Grapefruit juice canning at first relieved the market of some low-grade surplus grapefruit, but it has attained sufficient volume to become itself a competitor with fresh fruit on the market.

Timmons calls attention to the fact that the present program has been designed to help the grower, especially the one with small acreage. The outlook is for continued increase in production of grapefruit during the next several years, and stabilization of the market is imperative.

[From the Lakeland (Fla.) Ledger]

GOVERNMENT BUYING ACTION HAILED IN CITRUS CIRCLES HERE

With the country's grapefruit production placed at 27,003,000 boxes—16,500,000 of it in Florida—the announcement that the Agricultural Adjustment Administration would pay 46 cents a box for surplus grapefruit was received cheerfully in official and grower circles. The 46 cents will include the 3-cent tax, cost of picking and packing, and will net the grower 31 cents, it was explained.

Florida's production of citrus was estimated by the Division of Crop and Livestock Estimates, Bureau of Agricultural Economics, at 37,500,000 boxes. Of these, 21,000,000 are oranges and tangerines, and the remainder grapefruit.

The estimate gave California 14,976,000 boxes of navels and miscellaneous. Last year the State produced 18,882,000 boxes of Valencias. California will produce 2,275,000 boxes of grapefruit.

Texas will have 6,730,000 boxes of grapefruit and 1,435,000 boxes of oranges, according to the estimate.

Arizona will produce 2,030,000 boxes of grapefruit and 260,000 boxes of oranges.

Mr. CANNON of Missouri. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Florida [Mr. HENDRICKS].

Mr. HENDRICKS. Mr. Chairman, may I say in reply to the suggestion of the gentleman from New York [Mr. TABER] that the fish supply is stored up by speculators, I represent the east and west coasts along the central part of the State of Florida, and I have a good many fishermen there, and I know they are not speculators. They certainly have some fish stored away, but they are not speculating on the fish. I am for this bill 100 percent.

May I also reply to the gentleman who suggested we ought to substitute fish for grapefruit? Grapefruit has about as much food value as fish, and is a food which people on relief need today. I hope the Surplus Commodities Corporation will continue to buy grapefruit in the State of Florida.

Last winter the Florida citrus industry was farsighted enough to take steps in preparation for meeting the marketing problems which confronted grapefruit growers and shippers. An industry-wide program was developed in which the Federal Government is cooperating with the State of Florida and with its growers and shippers. This program was put into operation through a marketing agreement to enable the industry to ship fruit to out-of-State markets on a more orderly basis. Under the marketing agreement the industry is in position to control the interstate movement of fruit more nearly in keeping with market requirements.

As a means of supplementing the efforts which the Florida grapefruit industry is making under the marketing agreement to adjust shipments of fruit more nearly in line with market requirements, the Federal Government has provided an additional measure. The Agricultural Adjustment Administration is buying surplus grapefruit for distribution to the needy and unemployed who do not have the money with which to buy this health-giving fruit.

The main purpose the Government has in buying surplus grapefruit is to supplement what the industry itself is doing under the Federal marketing agreement. It seeks to prevent prices to grapefruit growers from hitting unprecedented low levels in view of the big crop. It acts as a stabilizing influence on the grapefruit market.

The Government is paying for the fruit on the basis of 46 cents per standard field box loaded bulk in cars, of which growers must get 31 cents. Growers have said that this price has put a plank under the grapefruit market and is enabling them to get more for their crop than they otherwise would. It also prevents a lot of fruit from going to waste, which probably would be the case if very low prices prevailed.

Grapefruit is also being bought in Texas and, I believe, some from the California-Arizona area.

These surplus-removal activities are made possible through funds made available to the Secretary of Agriculture under the provisions of section 32 of the 1935 amendments to the Agricultural Adjustment Act.

All of the surplus grapefruit being bought by the Agricultural Adjustment Administration is turned over to the Federal Surplus Commodities Corporation for distribution to the States for relief use.

State welfare agencies are cooperating in seeing that the fruit goes into the hands of those actually on relief and without funds to buy grapefruit. The Government has been very careful in seeing that relief distribution does not compete with the commercial trade. The regulations governing relief distribution are very strict and they are enforced.

With the marketing agreement and a surplus-removal program in effect, Florida citrus growers and shippers are in a good position to perfect their marketing machinery for the future. Government forecasts indicate that bigger problems will confront the industry in years to come. Continuance of positive action will be necessary if the industry is to work out long-time programs which can be effective in the marketing of bigger crops. The Federal Government should continue to assist in improving marketing conditions and increasing returns to growers. With the continued cooperation of the Florida citrus industry, this will be accomplished.

I would like to further point out to the House that the Agricultural Adjustment Administration has purchased during this season over 950,000 boxes of this fruit for relief distribution at 46 cents per box. I do not believe any commodity with the same food value could be purchased at a correspondingly low cost, and I sincerely hope that the Administrator will be permitted to continue to purchase this surplus fruit.

Mr. CANNON of Missouri. Mr. Chairman, I yield the remainder of my time to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Chairman, I realize the fact the House is probably in the mood to pass this legislation today, and I appreciate the apparent universal interest of all people in the welfare of what my distinguished and genial friend from Mississippi has so ably entitled "the lowly fisherman." I myself am very vitally interested in the fishing industry, and I feel that if there is anything that needs to be done for the fishermen of the United States the Congress should take action in their behalf, and not necessarily in behalf of fish wholesalers.

I am inclined to agree with the statement of the gentleman from New York [Mr. TABER] to the extent that I think the proponents of the legislation pending did not make a very good case for the necessity of the action from the standpoint of comparative prices of fish of the same variety during similar months in 1936 and 1937.

I would remind you that we had some experience once upon a time in attempting to lift the agricultural industry out of the dregs with the aid of a Farm Board that went on the market and bought products of the American farm and attempted to bolster the market in this way with disastrous results. Now, if this bill is passed, there is no assurance whatever that the fish bought from the wholesaler will result in better prices to the so-called lowly fishermen who bring these fish to the piers that they do not own themselves and sell them to the packers who in turn expect to market the fish to the Government corporation now under consideration.

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

Mr. WEARIN. I only have 5 minutes, but I yield to the gentleman for a brief question.

Mr. McCORMACK. How did the Federal Surplus Commodities Corporation buy the eggs and other farm products which they handled; from the farmers?

Mr. WEARIN. I may say to the gentleman that so far as I am concerned, I have no objection to amending the law with reference to the authority of the Surplus Commodities Corporation to purchase food commodities in general, but I say this legislation certainly does not have any earmarks of assisting the lowly fisherman, and we have no assurance that he will receive any more for his fish next year than he received this year; neither do we have any information that there is going to be a limitation upon the take in order to initiate a constructive program for the benefit of the fishing industry as a whole. That is the point I am making with reference to this particular proposition.

I may say to the Members of the House that so far as I am concerned I want the gentlemen who are interested in this legislation to know that as one who represents an interior district, I wish to be of any service possible to the lowly fisherman about whom we have heard so much today, and if he is in the condition which he has been portrayed as being in, then I think we ought to have constructive legislation introduced in the House along the lines of the Soil Conservation Act of the Seventy-fourth Congress, which I supported, for the benefit of agriculture and which I will support, if it is introduced in the House, for the benefit of the fishing industry, on condition, of course, that a meritorious case can be made in behalf of the fishermen, and I accept the opinion of many of my distinguished colleagues, such as the distinguished gentlemen from Massachusetts, Virginia, and Mississippi, who believe this should be done, but let us go about it in an orderly and constructive manner.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. WEARIN. I want to be genial and I yield briefly to the gentleman.

Mr. COLMER. I do not want to take up the gentleman's time unnecessarily, but I would like to know whether the gentleman, representing an interior district, would be opposed to the fisherman who lives on the coast line sharing in the benefits and plans of the Government by being placed upon a parity with the farmer——

Mr. WEARIN. Certainly not.

Mr. COLMER. Let me finish, please—by giving him an opportunity to sell his products?

Mr. WEARIN. Certainly; I have no objection to that, but I have no assurance that the benefit of this bill of my distinguished and genial friend from Massachusetts is going to reach that fisherman. I understand this is for the purpose of buying frozen fish that have already been bought from the fishermen and is now in the hands of the wholesaler.

[Here the gavel fell.]

The Clerk read as follows:

Resolved, etc., That not to exceed $2,000,000 of the funds available to the Federal Surplus Commodities Corporation may be used by such Corporation for the purpose of diverting surplus fish (including shellfish) and the products thereof from the normal channels of trade and commerce by the acquisition and distribution thereof in accordance with the provisions of the act entitled "An act to authorize the purchase and distribution of products of the fishing industry", approved March 5, 1937.

With the following committee amendment:

Page 1, line 3, strike out "$2,000,000" and insert "$1,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BREWSTER. Mr. Chairman, I move to strike out the last two words.

In reference to what the last two speakers have said regarding this question of who is going to get relief, we quite agree that in the complicated situation which every industry presents, you cannot always be sure as to the effect of our actions. Speaking now solely from the standpoint of fishermen who have sold their fish at from 2 to 4 or 5 cents a pound or more to these dealers, who have frozen them in this last year, and who now have their freezers full of fish—we are not able to sell them again. Whether we consider them suckers or speculators, we have loaded them to the brim.

Unless the fish get out of those freezers, as we enter this new fishing season when the fishermen are going out and bringing in fish in quantities that will glut the market, we cannot expect any more fish will be put in cold storage. The testimony before the committee was that the present holders would sell these fish for probably one-half of what they cost. The Surplus Commodities Corporation, which I am sure is operated to the satisfaction of my friend from Iowa [Mr. WEARIN], in purchasing agricultural commodities, and in which we have confidence, testified that they would follow the same process in purchasing fish. They would try not to gouge these fellows, but would buy the necessary surplus at a good, fair, business bargain, and it would probably approximate one-half of what they cost.

Mr. WEARIN. Does not the gentleman agree with me that it is highly problematical that any of this million dollars is ever going to reach the fishermen; and if we want to help the men running the boats we should really have a little constructive legislation to pay the benefit to the fishermen?

Mr. BREWSTER. I think it is altogether probable, from my knowledge of the fish-freezing business, if these surpluses are removed, they will go on and stock up for another year. That is the only way that we can get relief.

Mr. WEARIN rose.

Mr. BREWSTER. Just a moment. A year or two ago I brought in a potato bill, and I found my friends from Iowa were leading the opposition to that legislation for the relief of the potato farmer. I find now the same situation with fish. Some of my Iowa friends are again down here in the Well fighting this proposal. Iowa received $50,000,000 from the Triple A for the relief of corn and hogs. We ask a measly million here today for the relief of fish. When I see the attitude displayed by some of my Iowa colleagues, I no longer wonder that they raise the biggest hogs in the world in Iowa. [Laughter.]

Mr. WEARIN. Does not the gentleman think that the matter of raising potatoes and catching fish are two entirely different things? Gentlemen on this side of the aisle have already said that the fishing industry is the third most important in the United States, and the gentleman surely would not rank potatoes with the fishing industry from the standpoint of importance?

Mr. BREWSTER. I think that all industries are entitled to equitable consideration underneath our equal laws.

Mr. McCORMACK. Potatoes are an agricultural product just the same.

Mr. BREWSTER. We have always thought they were.

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with an amendment, with the recommendation that the amendment be agreed to, and the resolution as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Illinois, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration House Joint Resolution 278, directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the House joint resolution as amended do pass.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question on the House joint resolution and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The House joint resolution was passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. GREEN. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I made this afternoon and to include therein a few words taken from the writing of Professor Timmons, a constituent of mine.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent Mrs. ROGERS of Massachusetts, Mr. RABAUT, Mr. BREWSTER, Mr. REED of New York, Mr. MOTT, and Mr. BATES were granted permission to revise and extend their own remarks in the RECORD.)

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I want to call attention to the statement made by the gentleman from Michigan [Mr. RABAUT] about 1:30 this afternoon that the strike in Michigan had been settled. Has the gentleman any further information on that? Thousands of workers in Michigan, hundreds of thousands elsewhere, are calling upon the President and the Secretary of Labor to repudiate with firmness and in unequivocal language the illegal, communistic instrument of the sit-down strike.

The so-called settlement of the strike at Flint, a truce at Detroit, may bring temporary relief to the people of the State and aid in rolling up a Democratic victory at the election on April 5, but will not settle the issue, which is: Shall Lewis, Martin, Mortimer, and Frankensteen be permitted to rule Detroit, to supersede, you might say, the law?

This epidemic of lawlessness has spread for 4 months from State to State, always with the obvious moral support of the President and his public advisers and official administrators. This support often has been by way of failure to act; sometimes by instructions to subordinate officials, as exemplified by the long-distance telephone communications between Governor Murphy and Washington, which resulted in the Governor withholding the aid of the troops when it was sought to remove the strikers from the Flint plants. At other times the administration's support has been open and direct, as in the two recent statements of Miss Frances Perkins, the Secretary of Labor, that the sit-down strike is exactly like any other cessation of work.

The people of the United States have not forgotten that Mr. John L. Lewis declared, here in the city of Washington less than 2 months ago, during the General Motors sit-down at Flint, that he and his organization had bent every

effort in behalf of the President during the Democratic national campaign last year, and that they now expect to gather their reward.

Does this mean that the President has undertaken to deliver the entire United States into the direction of the C. I. O.? American public opinion emphatically repudiates and rejects this crippling lawlessness by a minority of the workers. Public opinion is aroused and demands that the President and his responsible administrators cease temporizing and compromising with lawlessness.

The issue at stake today is the integrity of the law. Does the President of the United States intend to uphold the laws? If he does, when will he instruct his subordinates in the Labor Department to give some public evidence of that policy?

The President and his advisers have lighted these fires of disorder. Upon the President and his advisers now rests the full responsibility for restoring the supremacy and upholding the integrity of the law.

There is no longer any contention in Detroit that the issue is a question of wages, hours, or working conditions. Throughout the entire State of Michigan the issue is clearly recognized—shall lawless dictatorship prevail?

The extent to which the officials of my State and the city of Detroit have surrendered is indicated by a statement in the newspapers of March 23 to the effect that John L. Lewis' men have agreed "that the police force will be permitted to direct traffic" during the union demonstrations in downtown Detroit.

Martin and others of Lewis' henchman have presumed to suspend the operation of the law in Michigan and to substitute in lieu thereof their own edicts.

It becomes important to inquire as to the standing of some of these men. I will not impose upon you with a long statement as to who they are or as to the records which they have made. Suffice it to say that of three of these—Brophy, Hapgood, and Germer—John L. Lewis himself, in 1930, said:

> They are "fakers, repudiated leaders, traitors to the unions, opportunists, and purveyors of every falsehood, slander, and deception."

When a man so far forgets his obligations to society and to his country as to employ men whom he has thus described to carry out his orders, he loses whatever claim he may have had to sincerity.

When the officials of a city and a State take orders from a man who is without lawful authority, they acknowledge a temporary break-down of law and order.

Yesterday afternoon I received a telegram from Detroit, which stated that the police commissioner of the city was—

> Requesting business interests to vacate downtown Detroit, middle of the afternoon, to permit strikers holding undisputed possession thereof.

This is proof sufficient, if proof were needed, that there is rebellion against legal authority in the city of Detroit.

Do not forget that, prior to the November election, strikes were postponed. Remember that when President Roosevelt needed support for his proposal to change the membership of the Supreme Court of the United States we had a series of sit-down strikes at Flint and Detroit, which since have spread to some 15 States from coast to coast.

Note that at the mass meeting at Detroit, speaking to more than 50,000 people, Martin said:

> The Supreme Court of the United States is the greatest threat to democracy in the United States, outside of fascism.

No more untrue statement could possibly be made. The fact is that labor has failed to even request that the provisions of the Wagner Act be invoked in any of their disputes. It is a matter of record that in the Flint strike the strikers refused to join in a request for a vote. Everyone knows, or should know, the employers cannot invoke the provisions of that act.

If we accept Martin's statements, these strikes are called, in part at least, to further the President's attack on the Supreme Court.

After the settlement with General Motors, five separate and distinct strikes were called in its plants. Then they called the one on Chrysler, although they had no complaint against that company. In yesterday's mass meeting in Detroit they named the next intended victim. It was Henry Ford.

General Motors yielded to their demand; steel yielded. Other companies—many of them—surrendered to the demands, and still the strikes continue; and they will continue, unless the President or some other lawful authority intervenes, until the supremacy of Lewis is acknowledged.

But from the day this lawlessness started, the President of the United States, whose duty it is to enforce the laws and protect all citizens equally, has remained silent. By his silence he has given encouragement and moral support to all who would destroy the law.

The President announces today that he will call a conference to deal with the situation. He has had much to say about the failure of the Supreme Court to meet the needs of the hour. Well might that Court ask, Has the executive department functioned since January 1? Why has the President neglected to enforce the law, as it is his duty to do?

Governor Murphy, while stating that the law should be obeyed, has taken no active steps to enforce compliance with his verbal demands. As the President so well said, a man should be judged by his acts, his deeds; not by what he says.

Perhaps the President and Murphy as well have in mind that there is an election in Michigan on the 5th day of April next. If Murphy, the President's man, can be hailed as the man who settled the strike, who brought industrial peace, it may be forgotten that it was other Presidential supporters who started these strikes and have kept them going.

It may be, too, that if these strikers can remain in Detroit while negotiations are proceeding, they may be enabled to take possession of the polling places, as they have of the factories, and that they may, by illegally exercising the right to vote, add several hundred thousand to the Democratic total in the county of Wayne.

Illegal voting would be nothing new to the citizens of Michigan, for they recall what happened in an election held there not so long ago.

Perhaps this coming election on April 5 will be similar to those held in Germany, where the votes cast are all in the end counted for one party.

AMENDING SECTION 704 OF THE MERCHANT MARINE ACT

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4951) to amend section 704 of the Merchant Marine Act of 1936 (49 Stat. L. 2008–2009), with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 2, lines 2 and 3, after "advantageous", insert "but the Commission shall arrange as soon as practicable to offer all such lines of vessels for charter as hereinafter provided."
>
> Page 2, lines 5 and 6, strike out "as soon as practicable after December 31, 1937" and insert "within 1 year after the passage of this act."
>
> Page 2, line 6, after "*Provided*", insert: "That nothing herein contained shall prevent private operators, under such operating agreements, commencing voyages prior to said expiration date and completing them thereafter: *Provided further.*"

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

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendment that has been made in the Senate?

Mr. BLAND. The bill as it left the House provided that lines of vessels that are now being operated by the Government should continue until December 31, 1937, and that thereafter, as soon as practicable, the lines should be chartered. The Senate bill goes back, in part, to the original subsidy bill that was passed and requires discontinuance by June 25 or June 27, whatever the date may be—1 year after the passage of the subsidy bill—so that it shortens that period. But the Comptroller General has ruled that no money could be paid after June 25, 1937, on voyages commenced before that time. The Senate, in order to give these ships the right to operate up to June 25, provided that they might continue their operations until the expiration date. That is contained in the last amendment—

> That nothing herein contained shall prevent private operators, under such operating agreements, commencing voyages prior to said expiration date and completing them thereafter.

Mr. WEARIN. Mr. Speaker and Members of the House, I was interested to note the fact that the gentleman from Virginia [Mr. BLAND] called up a bill today having to do with the extension of time for the negotiation charters for the operators of certain Government-owned shipping lines that I opposed in its original form when it appeared here in this body, and that he recommended the acceptance of a Senate amendment, which bears out my contention at the time that the proposal should be so revised that the original language of the act would be preserved and also the right of the new maritime authority to establish the merchant-marine policy of this country. I feel it is entirely fitting and proper to call this matter to the attention of the House, because I want the body to know that I am vitally interested in merchant-marine matters and that my acts in connection therewith are intended to be in the interest of that important part of our Nation's business.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendments were agreed to.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a table of my own compilation.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RUTHERFORD, for Thursday and Friday, on account of important business.

To Mr. ALLEN of Louisiana (at the request of Mr. DEROUEN), for 10 days, on account of important business.

To Mr. HILL of Washington (at the request of Mr. WALLGREN), for 1 week, on account of important business.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill just passed by the House.

The SPEAKER. Without objection it is so ordered.

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, there are two special orders for tomorrow, one of 15 minutes to the gentleman from Pennsylvania [Mr. RICH] and one of 30 minutes to the gentleman from Missouri [Mr. SHANNON]——

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentleman will yield, is there not another order to the gentleman from Illinois?

Mr. RAYBURN. There are two other special orders, but they were for permission to address the House after the conclusion of consideration of the appropriation bill which we were considering yesterday.

I may say for the benefit of the Members that after the disposition of the two special orders I first mentioned it is the intention to take up for further consideration the State, Justice, Commerce, and Labor appropriation bill.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 784. An act for the relief of Amelia Corr; to the Committee on Claims.

S. 1038. An act for the relief of Victor M. Ruiz C. and Luz Elena Robles; to the Committee on Claims.

S. 1170. An act to provide for the extension and completion of the United States Capitol; to the Committee on Public Buildings and Grounds.

S. 1212. An act authorizing the conveyance to the State of Virginia, for highway purposes only, of portions of the Fort Myer Military Reservation, Va., and for other purposes; to the Committee on Military Affairs.

S. 1330. An act to authorize the attendance of the Marine Band at the United Confederate Veterans' 1937 Reunion at Jackson, Miss., June 9, 10, 11, and 12, 1937; to the Committee on Naval Affairs.

S. 1402. An act for the relief of P. S. Everest; to the Committee on Claims.

S. 1414. An act for the relief of Jack J. Wick; to the Committee on Claims.

S. 1471. An act for the relief of Jordon Roberts; to the Committee on Claims.

S. 1473. An act to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports; to the Committee on Military Affairs.

S. 1507. An act authorizing the return of the commission of John Baptiste Ashe as a major in the Continental Army to Martha B. Rogers, nee Ashe; to the Committee on Military Affairs.

S. 1589. An act for the relief of Mr. and Mrs. Robert O. Brown; to the Committee on Claims.

S. 1753. An act for the relief of James A. Fox; to the Committee on Claims.

S. J. Res. 102. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 448. An act for the relief of C. C. Young;

H. R. 3898. An act to amend section 318 of the Communications Act of 1934;

H. J. Res. 43. Joint resolution to amend Public Law No. 790, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein; and

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until tomorrow, Thursday, March 25, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. on Thursday morning, March 25, 1937, to continue hearings on natural-gas bills.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. IV of the Committee on the Judiciary at 10:30 a. m., Saturday, March 27, 1937, on the bill H. R. 2271, to provide for trials and judgments upon the issue of good behavior in the case of certain Federal judges.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, March 30, 1937. Business to be considered: Aviation bills (hearing).

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary at 10 a. m., Friday, April 2, 1937, on the bills H. R. 4894, to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff, and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

EXECUTIVE COMMUNICATIONS, ETC.

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

464. A letter from the Assistant Secretary of Commerce, transmitting a draft of a proposed bill to authorize the Secretary of Commerce to accept title to a certain parcel of land at Gaithersburg, Md.; to the Committee on Merchant Marine and Fisheries.

465. A letter from the Acting Secretary of Agriculture, transmitting draft of a proposed joint resolution to provide for the observance of the seventy-fifth anniversary of the establishment of the Federal Department of Agriculture and the State agricultural and mechanical college and the fiftieth anniversary of the establishment of the State agricultural experiment stations; to the Committee on Foreign Affairs.

466. A letter from the Administrator, Veterans' Administration, transmitting draft of a proposed bill for the relief of certain disbursing officers of the Veterans' Administration; to the Committee on Claims.

467. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of St. Jeromes Creek, St. Marys County, Md., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 174); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

468. A letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of, and review of reports on, Providence River and Harbor, R. I., authorized by the River and Harbor Act approved August 30, 1935, and requested by resolution of the Committee on Commerce, United States Senate, adopted July 31, 1935 (H. Doc. No. 173); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CLASON: Committee on Military Affairs. H. R. 4403. A bill to authorize the Secretary of War to release a certain right-of-way no longer needed for military purposes at the Springfield Armory, Mass.; without amendment (Rept. No. 466). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. H. R. 5722. A bill to reenact and amend provisions of the Agricultural Adjustment Act, as amended, relating to marketing agreements and orders; without amendment (Rept. No. 468). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 5897. A bill for the relief of sundry aliens; without amendment (Rept. No. 465). Referred to the Committee of the Whole House.

Mr. CLASON: Committee on Military Affairs. H. R. 4892. A bill to authorize the Secretary of War to convey to the International Young Men's Christian Association College and to the trustees of the Gunn Realty Trust all right, title, and interest of the United States in and to certain lands in Hampden County, Mass.; without amendment (Rept. No. 467). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MAAS: A bill (H. R. 5884) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the original establishment and founding of the city of St. Paul, Minn., as a settlement following treaties with the Sioux Indians; to the Committee on Coinage, Weights, and Measures.

By Mr. TERRY: A bill (H. R. 5885) to amend Public Act No. 325 of the Seventy-fourth Congress, approved August 24, 1935; to the Committee on Banking and Currency.

By Mr. MAAS: A bill (H. R. 5886) providing permanent rank for chiefs of staff bureaus; to the Committee on Naval Affairs.

By Mr. ATKINSON: A bill (H. R. 5887) to provide for the prevention and control of floodwaters, for the improvement of navigability of the Cumberland River and its tributaries, and for other purposes; to the Committee on Flood Control.

Also, a bill (H. R. 5888) to authorize the submission to Congress of a comprehensive plan to provide local flood protection for the city of Nashville, Tenn.; to the Committee on Flood Control.

Also, a bill (H. R. 5889) to authorize the submission to Congress of a comprehensive plan to provide local flood protection for the city of Clarksville, Tenn.; to the Committee on Flood Control.

By Mr. JOHNSON of West Virginia: A bill (H. R. 5890) to amend the act entitled "An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State", approved March 3, 1931, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: A bill (H. R. 5891) to authorize the construction of a levee or levees for the protection of the town of Caryville, Fla.; to the Committee on Flood Control.

By Mr. RANDOLPH (by request): A bill (H. R. 5892) to provide domiciliary or hospital care, including medical treatment, or temporary domicile, for certain employees in the civil service of the United States, and for retired employees and their dependents; to the Committee on the Civil Service.

By Mr. LUDLOW: A bill (H. R. 5893) for the better assurance of the protection of persons from mob violence and lynching; to the Committee on the Judiciary.

By Mr. DIMOND: A bill (H. R. 5894) to authorize the Territory of Alaska to incur bonded indebtedness, and for other purposes; to the Committee on the Territories.

By Mr. WALTER: A bill (H. R. 5895) for the relief of the State of Pennsylvania; to the Committee on the Judiciary.

By Mrs. NORTON: A bill (H. R. 5896) to provide for the prevention of blindness in infants born in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DICKSTEIN: A bill (H. R. 5897) for the relief of sundry aliens; to the Committee on Immigration and Naturalization.

By Mr. ENGLEBRIGHT: A bill (H. R. 5898) to authorize the establishment and maintenance of an experimental range in California for conducting research in the management of range lands for sheep grazing; to the Committee on Agriculture.

By Mr. IGLESIAS: A bill (H. R. 5899) to extend the Irrigation Act approved June 17, 1902, to Puerto Rico; to the Committee on Irrigation and Reclamation.

By Mr. SUMNERS of Texas: A bill (H. R. 5900) to amend the bank-robbery statute to include burglary and larceny; to the Committee on the Judiciary.

Also, a bill (H. R. 5901) to amend the National Stolen Property Act; to the Committee on the Judiciary.

By Mr. LAMNECK: Resolution (H. Res. 163) to investigate the status of debts of foreign countries to the United States; to the Committee on Rules.

Also, resolution (H. Res. 164) to provide for the expenses of the select committee to investigate debts of foreign countries to the United States; to the Committee on Accounts.

By Mr. LUDLOW: Resolution (H. Res. 165) to make House Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war, a special order of business; to the Committee on Rules.

By Mr. WELCH: Joint resolution (H. J. Res. 290) providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 291) providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition to be held at San Francisco, Calif., in 1939, and for other purposes; to the Committee on Ways and Means.

Also, joint resolution (H. J. Res. 292) to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1939; to the Committee on Patents.

By Mr. BULWINKLE: Joint resolution (H. J. Res. 293) to amend the Constitution to fix the membership of the Supreme Court, to provide for the retirement of judges of the supreme and inferior courts, and to prescribe the vote by which the Supreme Court may hold a law unconstitutional; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Michigan House of Representatives, urging Congress to authorize additional Justices of the Supreme Court in certain instances in accordance with the program of the Honorable Franklin D. Roosevelt; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Vermont, urging passage of Senate bill 1369; to the Committee on the Judiciary.

Also, memorial of the Michigan House of Representatives, memorializing Congress to enact certain changes in the naturalization laws; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDRESEN of Minnesota: A bill (H. R. 5902) granting an increase of pension to Caroline A. Morgan; to the Committee on Invalid Pensions.

By Mr. ALLEN of Pennsylvania: A bill (H. R. 5903) granting a pension to Effie Maud Anderson; to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 5904) for the relief of L. P. McGown; to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 5905) for the relief of the widow of Marshall H. Reese; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 5906) granting a pension to Claribel Deans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5907) granting an increase of pension to Annie Kelly; to the Committee on Invalid Pensions.

By Mr. EBERHARTER: A bill (H. R. 5908) for the relief of the Allegheny Forging Co.; to the Committee on Claims.

Also, a bill (H. R. 5909) for the relief of the Allegheny Forging Co.; to the Committee on Claims.

Also, a bill (H. R. 5910) for the relief of the Allegheny Forging Co.; to the Committee on Claims.

Also, a bill (H. R. 5911) for the relief of the Allegheny Forging Co.; to the Committee on Claims.

By Mr. FREY of Pennsylvania: A bill (H. R. 5912) for the relief of Judd & Detweiler, Inc.; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 5913) granting a pension to Carrie M. Kelley; to the Committee on Invalid Pensions.

By Mr. FLANNERY: A bill (H. R. 5914) granting a pension to Minnie Loch Durshimer; to the Committee on Pensions.

Also, a bill (H. R. 5915) granting a pension to Gwilym T. Lewis; to the Committee on Pensions.

By Mr. GAMBRILL: A bill (H. R. 5916) to authorize the Commissioners of the District of Columbia to reappoint Davis B. Cole in the police department of said District; to the Committee on the District of Columbia.

By Mr. GWYNNE: A bill (H. R. 5917) granting an increase of pension to Elizabeth Cretzmeyer; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 5918) for the relief of Thomas E. Connors; to the Committee on Naval Affairs.

Also, a bill (H. R. 5919) for the relief of Velma Gregory; to the Committee on Claims.

Also, a bill (H. R. 5920) for the relief of James H. Martell; to the Committee on Military Affairs.

By Mr. HENDRICKS: A bill (H. R. 5921) for the relief of the County Commission of St. Johns County, State of Florida; to the Committee on Claims.

By Mr. HOBBS: A bill (H. R. 5922) for the relief of the estate of S. J. Dean; to the Committee on Claims.

By Mr. JOHNSON of West Virginia: A bill (H. R. 5923) granting a pension to Harold A. Staats; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 5924) for the relief of Albertina Bruder Lange; to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 5925) granting a pension to Mary Alice Pease; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5926) granting a pension to Mary E. Allen; to the Committee on Invalid Pensions.

By Mr. WOLCOTT: A bill (H. R. 5927) for the relief of Walter G. Anderson; to the Committee on Claims.

By Mr. ZIMMERMAN: A bill (H. R. 5928) for the relief of A. H. Marshall; to the Committee on Claims.

By Mr. COLE of Maryland: Joint resolution (H. J. Res. 294) for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground; to the Committee on Claims.

PETITIONS, ETC.

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

1330. By Mr. ASHBROOK: Petition of Mr. and Mrs. F. H. Patterson, of Killbuck; Mr. and Mrs. John Donaldson, of Walhonding; and C. L. Holser, of Nellie, all of the State of Ohio, urging that no law be passed that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1331. By Mr. CONNERY: Petition of citizens of the town of Andover, Mass., opposing the enactment by the Congress of the United States of any legislation which would give the President authority to appoint additional judges to the Supreme Court; to the Committee on the Judiciary.

1332. By Mr. CULKIN: Petition of Edith V. Mereand and others, of Watertown, N. Y., protesting against any increase of the membership of the Supreme Court; to the Committee on the Judiciary.

1333. Also, petition of the Society of American Foresters, protesting against the transfer of national forests from the Department of Agriculture; to the Committee on Agriculture.

1334. Also, petition of the United Association of Railroad Veterans, endorsing and urging the passage of the Pettengill bill (H. R. 1668); to the Committee on Interstate and Foreign Commerce.

1335. Also, petition of the Watertown Chamber of Commerce, Inc., Watertown, N. Y., opposing the President's proposal for reorganization of the Supreme Court; to the Committee on the Judiciary.

1336. Also, petition of William B. Sloat and other citizens of Jefferson County, N. Y., protesting against any changes in the Supreme Court; to the Committee on the Judiciary.

1337. Also, petition of Gertrude White and other citizens of Richland, Oswego County, N. Y., opposing any legislation for a change in the membership of the United States Supreme Court; to the Committee on the Judiciary.

1338. Also, petition of the Oswego County (N. Y.) Pomona Grange, opposing the President's proposal for reorganization of the United States Supreme Court; to the Committee on the Judiciary.

1339. Also, petition of the Sullivan County Bar Association, New York, opposing any legislation affecting the membership of the Supreme Court of the United States; to the Committee on the Judiciary.

1340. Also, petition of Catharine Ketchum Blake and other citizens of Clayton, N. Y., opposing the proposal of the President for increasing the membership of the Supreme Court; to the Committee on the Judiciary.

1341. By Mr. CURLEY: Resolution of the third and fifth assembly districts of the American Labor Party, on behalf of 12,000 voters and their families, endorsing the recommendations of the President to reorganize the judiciary; to the Committee on the Judiciary.

1342. Also, petition of sundry citizens of New York City, supporting the President's proposal to reorganize the judiciary; to the Committee on the Judiciary.

1343. By Mr. DIXON: Petition of the Ohio Senate, Ninety-second General Assembly, memorializing the Congress of the United States to enact the United States Housing Act of 1937, being Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

1344. By Mr. FITZPATRICK: Petition of the American Labor Party of New York State, endorsing the spirit and content of the recommendations made by the President in relation to the Supreme Court; to the Committee on the Judiciary.

1345. Also, petition signed by a number of residents of Mount Vernon, N. Y., urging the restoration of the Mount Olympus Park boundaries; to the Committee on the Public Lands.

1346. By Mr. HOOK: Resolution of the Michigan Association of Creamery Owners and Managers, which was adopted by that organization, protesting against the enactment of the Kleberg bill (H. R. 3905) or any other measure which would change the present oleomargarine law and open the door to fraud or substitution of oleomargarine for butter, or the unwatched or unlicensed sale of oleomargarine to the public; to the Committee on Agriculture.

1347. By Mr. LANZETTA: Resolution of the New York State Assembly, memorializing Congress to enact anti-lynching legislation; to the Committee on the Judiciary.

1348. By Mr. LORD: Petition of A. L. Vail Norton and 25 residents, of Margaretville, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1349. Also, petition of John C. Becker and 57 residents, of Otego, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1350. Also, petition of Walton Grange, Walton, N. Y., protesting against President Roosevelt's proposal to change the personnel of the Supreme Court; to the Committee on the Judiciary.

1351. By Mr. MERRITT: Resolution of the Douglaston Park Civic Association, stating that the members of this association believe this proposed tax of 1 cent per gallon on fuel oil when used for the generation of heat to be discriminatory and that it would impose such a serious hardship on them as to necessitate their abandoning oil-burning heating systems and thus discouraging the ownership of small homes; to the Committee on Interstate and Foreign Commerce.

1352. Also, resolution of the Central Civic Association of Hollis, Long Island, urging the early enactment of House bill 5474, which provides for a 2-cent rate on first-class mail matter for local delivery or for delivery wholly within a county, the population of which exceeds 1,000,000; to the Committee on the Post Office and Post Roads.

1353. By Mr. SWOPE: Petition of Lillie Miller and six other citizens of Cumberland County, Pa., favoring the enactment of House bill No. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1354. Also, petition of Carrie E. Noon and 11 other citizens of Dauphin County, Pa., favoring the enactment of House bill No. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1355. Also, petition of Harry D. Long and 24 other citizens of Dauphin County, Pa., favoring the enactment of House bill No. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1356. Br. Mr. O'MALLEY: Joint Resolution No. 17–A of the Wisconsin Legislature, memorializing the Congress of the United States to enact more simplified and stringent regulatory measures for aircraft and other legislation tending to lessen the hazards of aviation; to the Committee on Military Affairs.

1357. Also, Joint Resolution No. 12–S of the Wisconsin State Legislature urging the Congress of the United States to include the production of agricultural lime in all work programs carried out by the Federal Government, and Joint Resolution No. 21–S of the Wisconsin State Legislature, requesting that each Wisconsin Member of both Houses of Congress make every effort to obtain passage of legislation by the Congress of the United States providing necessary funds for continued Federal aid for control of Bang's disease in Wisconsin for the coming fiscal year; to the Committee on Agriculture.

1358. Also, Joint Resolution No. 49–A of the Wisconsin Legislature memorializing the Congress of the United States to apply available Federal aid to the salvation of the American farmer and the restoration and stabilization of American agriculture as of more vital national concern than the eradication of noxious weeds; also Joint Resolution No. 55–A of the Wisconsin State Legislature memorializing the Congress of the United States to provide relief for farmers in drought-stricken areas in the State of Wisconsin; and Joint Resolution No. 58–A of the Wisconsin State Legislature memorializing the Congress of the United States to enact legislation to relieve financial difficulties developing in northern Wisconsin due to Federal purchases of land; to the Committee on Agriculture.

1359. Also, resolution of the Board of Harbor Commissioners of Milwaukee, Wis., opposing any legislation or order which will relieve the Corps of Engineers, United States Army, of its present administration of river and harbor improvements; to the Committee on Rivers and Harbors.

1360. Also, Joint Resolution No. 20–A of the Wisconsin Legislature urging the Congress of the United States to allocate to the several States the whole appropriation authorized by the George-Deen Act for vocational education; to the Committee on Education.

1361. Also, Joint Resolution No. 14–A of the Wisconsin State Legislature, memorializing the Congress of the United States to authorize the construction of the Kickapoo Valley project and to make an appropriation therefor; also Joint Resolution No. 21–A of the Wisconsin State Legislature, memorializing the Congress of the United States to provide a moratorium on foreclosure of mortgages held by the Home Owners' Loan Corporation; also Joint Resolution No. 23–A of the Wisconsin State Legislature, memorializing the Congress of the United States to reduce the payments for interest and principal on farm and home loans; and Joint Resolution No. 34–A of the Wisconsin State Legislature, memorializing Congress to modify the Works Progress Administration regulations so as to provide needy taxpayers preferred employment on works projects; to the Committee on Appropriations.

1362. Also, Joint Resolution No. 16–A of the Wisconsin Legislature, memorializing the Congress of the United States to amend the Federal Social Security Act to include other classes of labor; to the Committee on Ways and Means.

1363. Also, Joint Resolution No. 13–A of the Wisconsin Legislature, memorializing Congress to provide for the repayment of Wisconsin Emergency Relief Administration loans made to farmers in drought-stricken areas by working on county, township, or village municipal work projects; to the Committee on Agriculture.

1364. By the SPEAKER: Petition of the Clover City Farm, Knox City, Mo., favoring irrigation project in behalf of farm homes; to the Committee on Irrigation and Reclamation.

SENATE

THURSDAY, MARCH 25, 1937

Rev. W. L. Darby, D. D., executive secretary of the Washington Federation of Churches, of Washington, D. C., offered the following prayer:

Almighty God, whose sovereign sway encompasses the people of every tribe and tongue, we, who dwell in this favored land, are thankful to be the objects of Thy constant care. Make us, in life and deed, more worthy of the multitude of Thy mercies.

Amid the suffering and need of these trying times may we who have abundance be willing to share with the undernourished and underprivileged. In our human relations, industrial and international, may the spirit of justice and good will prevail. As the dread of strife and the fear of war grip the hearts of men at home and abroad, help us to seek peace and pursue it in righteousness and the spirit of fraternity.

Grant Thy blessing today upon this company of devoted men, chosen by the suffrage of their fellows to their positions of honor and great responsibility. In these sacred days, which remind us of the love and sacrifice of our Lord, purify our motives and guide our thoughts, so that we all, high and low, may work harmoniously together for the welfare of America and the betterment of all mankind. In Christ's name. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 24, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a judicial nomination, was communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4951) to amend section 704 of the Merchant Marine Act of 1936 (49 Stat. L. 2008–2009).

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 146. An act to require contractors on public-building projects to name their subcontractors, materialmen, and supplymen, and for other purposes;

H. R. 5331. An act to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes;

H. R. 5478. An act to amend existing law to provide privilege of renewing expiring 5-year level-premium term policies for another 5-year period; and

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 448. An act for the relief of C. C. Young;

H. R. 3898. An act to amend section 318 of the Communications Act of 1934;

H. R. 4951. An act to amend section 704 of the Merchant Marine Act of 1936 (49 Stat. L. 2008–2009);

H. J. Res. 43. Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein; and

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937.

REORGANIZATION OF THE FEDERAL JUDICIARY—NOTICE OF SPEECH BY SENATOR M'KELLAR

Mr. McKELLAR. Mr. President, I wish to give notice to the Senate that on Monday next, as soon as I can obtain the floor, I shall make some further remarks on the President's Court proposal.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS—(S. DOC. NO. 42)

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, transmitting in response to Senate Resolution 82 (agreed to Feb. 17, 1937), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, a report of the Department of Justice thereon, together with a report of the Treasury Department; and stating that the National Bituminous Coal Commission has not submitted a report but the Attorney General is advised that all cases in which injunctions were sought against the enforcement of any provisions of the Bituminous Coal Conservation Act of 1935 are covered in the report of the Department of Justice, and that consequently the Commission will not submit a separate report, and also stating that the report of the Securities and Exchange Commission will be forwarded within a few days; which, with the accompanying reports, was referred to the Committee on the Judiciary and ordered to be printed.

LANDS WITHIN GREAT SMOKY MOUNTAINS NATIONAL PARK

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the exchange of certain lands within the Great Smoky Mountains National Park for lands within the Cherokee Indian Reservation, N. C., and for other purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Appropriations:

Joint resolution urging the national administration to take immediate action providing relief for the drought-stricken rural areas of Wisconsin

Whereas about 40 counties of Wisconsin, covering more than one-half of the area of this State, have been seriously affected by the drought in 1936 and previous years; and

Whereas thousands of dairy farmers in this drought-stricken area of Wisconsin have fed what little grain and roughage they were able to produce last year; and

Whereas the savings and resources of these farmers have become completely exhausted because of 5 years of drought and unfavorable conditions resulting from the depression; and

Whereas the silos, haymows, and granaries in the drought-stricken area of this State are empty and the farmers have no funds nor credit with which to buy feed for their dairy herds until pastures are ready in the spring; and

Whereas the farmers of this area respectfully urge the Federal Government to make available jobs under the Works Progress Administration or other Federal agencies in these rural areas in order that the drought-stricken farmers may have an opportunity to earn money to buy the necessary feed to maintain their valuable dairy herds: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature urges the national administration and the State and Federal officials charged with the duty of administering the Works Progress Administration to take immediate action to make available an allotment of funds for the drought-stricken rural areas of Wisconsin and to put into effect forthwith a work program under the Works Progress Administration or other Federal agency to meet this serious emergency; be it further

Resolved, That a special joint committee be created consisting of three senators and four assemblymen, to be appointed as are standing committees in the respective houses, said committee to keep in close contact with the proper State and Federal officials with a view to securing prompt action to carry out the intent of this resolution; be it further

Resolved, That properly attested copies of this resolution be sent to President Roosevelt, Harry L. Hopkins, Federal Administrator of W. P. A., M. W. Torkelson, State administrator of W. P. A., to both Houses of the Congress, and to each Wisconsin Member thereof.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the executive committee of the Missouri State Legislative Board, Brotherhood of Locomotive Engineers, favoring the enactment of legislation to reorganize the judicial branch of the Government, and also the adoption of a proposed amendment to the Constitution known as the "human rights amendment" sponsored by Representative AMLIE, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Democratic City Convention, St. Ignace, Mich., favoring the enactment of legislation to enlarge the membership of the Supreme Court in certain instances, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Common Council of the City of Milwaukee, Wis., urging Congress to include Milwaukee's Federal housing projects in House bill no. 40, providing for the placing of Federal housing institutions on a taxpaying basis, which was referred to the Committee on Public Buildings and Grounds.

Mr. TYDINGS presented a petition of several citizens of Baltimore, Md., praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which was referred to the Committee on Finance.

Mr. GIBSON presented a telegram in the nature of a petition from the organized electrical workers of Brattleboro, Bellows Falls, and Bennington, Vt., praying for the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a petition of 158 members of the Dallas, Tex., bar, praying for the adoption of the President's judiciary proposal, which was referred to the Committee on the Judiciary.

He also presented a petition of 240 citizens of Galveston County, Tex., praying for the adoption of the President's court and judiciary proposal, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a resolution adopted by a meeting of the town of Dover, Mass., protesting against the enactment of legislation to increase the membership of the Supreme Court, or any measure which might tend to impair the independence of that Court or subject it to political influence, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by annual meetings of the towns of Andover and Methuen, Mass., protesting against the enactment of legislation to increase the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition of sundry citizens of Parsons, Kans., praying that Congress exercise the power granted it by the Constitution "to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures", which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Phillips County, Kans., praying for the enactment of the so-called Neely-Pettengill bill to abolish compulsory block booking and blind selling of motion pictures, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND. Mr. President, I present a joint memorial of the Legislature of the Territory of Alaska relating to air navigation in that Territory. I ask that it be printed in the RECORD and appropriately referred.

The memorial, which was referred to the Committee on Territories and Insular Affairs, is as follows:

To the honorable the President of the United States, the Congress of the United States, the Secretary of the Interior, the Secretary of Commerce, the Delegate to Congress from Alaska, and the Alaska Road Commission:

Your memorialist, the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents that—

Whereas the vast Territory of Alaska, comprising some 590,000 square miles of land, has less than 2,500 miles of road; and

Whereas the waterways are frozen over and inoperative for several months each year; and

Whereas the airplane is our only mode of transportation to many points in the summer, and to practically all points in the winter, excepting along the southeastern coast and the railroad belt; and

Whereas the commercial and economic development of Alaska under modern transportation conditions involves an extended airport program, costing at least $2,900,000 in primary construction and equipment; and

Whereas the Bureau of Air Commerce has made a complete survey of the situation in Alaska, outlining a program of work which is deemed essential, and an interdepartmental committee composed of representatives of the various branches of the Government interested in Alaska, has agreed not only to the details of the program but also to its essential character in the national program; and

Whereas the Territory of Alaska is represented in Congress by the Honorable ANTHONY J. DIMOND, who has a voice but no vote in that body, and must rely upon Congress for support of any Alaskan cause in voting action:

Now, therefore, we, your memorialist, the Legislature of the Territory of Alaska, respectfully represent that this body go on record strongly supporting the development program involving the selection and improvement of at least 100 airports at an estimated cost of $2,900,000, pursuant to the survey made under order of the Bureau of Air Commerce and approved by the interdepartmental committee; and

We respectfully request that at least one Congressman from each of the States call upon the President urging presentation of the Alaska airport program, and strongly recommend that the finances required to carry the same through be provided from emergency funds or regular appropriations, and if it is found that the task is too great to be accomplished in 1 year, that a start be made the coming fiscal year and be completed as soon as practicable thereafter.

And your memorialist will ever pray.

Approved by the Governor February 20, 1937.

JOHN W. TROY,
Governor of Alaska.

THE PRESIDENT'S COURT PROPOSAL—PAPERS IN THE NATURE OF PETITIONS

Mr. BILBO. Mr. President, I present a statement of the position of the executive committee of the Mississippi Farm Bureau Federation, supported by officers and members of the Mississippi Cotton Cooperative Association and the Mississippi Federated Cooperatives, and also a resolution adopted by the Mississippi State Bar, in special meeting assembled, relative to the President's proposal for court reform, which I ask may be printed in full in the RECORD and appropriately referred.

There being no objection, the statement and resolution were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATEMENT OF POSITION OF EXECUTIVE COMMITTEE OF THE MISSISSIPPI FARM BUREAU FEDERATION REGARDING THE PRESIDENT'S PROPOSAL OF THE SUPREME COURT REFORM

JACKSON, MISS., *March 12, 1937.*

Since the farm population of America constitutes, normally, the greatest purchasing class of our economic and industrial system and there cannot be, therefore, a sustained prosperity unless farmers receive prices for their products which will enable them to make expenditures out of earnings rather than from impairment of capital or further indebtedness; and

Since constitutional objections in the light of the interpretation by the Supreme Court as it is now constituted prevent the administration of adequate farm legislation guaranteeing agricultural security; and

Since experience with actualities makes it clear that Federal laws supplementing State laws are needed to help solve the problems which result from modern inventions applied in an industrialized nation which conducts its business with scant regard to State lines; and

Believing that there is little fault to be found with the Constitution of the United States as it stands today to promote the general welfare and secure the blessings of liberty to ourselves and our posterity; and

Believing that, rightly considered and interpreted, the Constitution can be used as an instrument of progress and not as a device for prevention of action, and that the process of our democracy must not be imperiled by the denial of essential powers of free government; and

Being supported by the majority of 68 organized county farm bureaus with telegrams and resolutions, endorsed by a large majority of the 14,000 members of the Mississippi Farm Bureau Federation; and

Being further supported by the officers and members of the Mississippi Cotton Cooperative Association and the Mississippi Federated Cooperatives,

The executive officers of the Mississippi Farm Bureau Federation, the Mississippi Cotton Cooperative Association, and the Mississippi Federated Cooperatives, representing the members of farmers' organizations in Mississippi, do hereby go on record as supporting President Franklin Delano Roosevelt in his proposal to reorganize the Federal judiciary system and do earnestly solicit the cooperation of all classes of people in the State and our representatives in Congress to join with us in this endorsement of the President's proposal to the end that our governmental machinery may be so reorganized as to speedily function in such manner as to insure the economic and social security of the people of our Nation.

Mississippi Farm Bureau Federation, by executive committee: D. E. Wilson, president; J. M. Robertshaw, vice president; C. E. Beauchamp, vice president; C. B. Smith, vice president; J. W. Haynes, vice president; H. S. Johnson, secretary-treasurer; J. G. Prichard, executive committeeman; A. D. Stewart, executive committeeman; C. L. McNeil, executive committeeman.

RESOLUTION ADOPTED BY THE MISSISSIPPI STATE BAR IN SPECIAL MEETING ASSEMBLED BY A VOTE OF 165 TO 101

Be it resolved by the Mississippi State Bar in special meeting assembled, That the proposed plan of the illustrious President of the United States, Franklin Delano Roosevelt, for the reorganization of the Federal judiciary, as submitted by him to the Congress, has the hearty approval and support of this body;

Resolved further, That copies hereof be transmitted forthwith to the President of the United States, each member of the Mississippi delegation in Congress, and to the press.

REPORTS OF COMMITTEES

Mr. CONNALLY, from the Committee on Finance, to which was referred the bill (S. 790) to repeal section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935, reported it without amendment and submitted a report (No. 246) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1081) for the relief of H. G. Carriere, Charles E. Livingston, and John Latham, reported it with an amendment and submitted a report (No. 247) thereon.

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (S. 673) for the relief of S. T. Dickinson, reported it with an amendment and submitted a report (No. 248) thereon.

Mr. WHITE, from the Committee on Claims, to which was referred the bill (S. 893) for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor, reported it without amendment and submitted a report (No. 249) thereon.

He also, from the same committee, to which was referred the bill (S. 451) for the relief of Farley J. Holloman, reported it with an amendment and submitted a report (No. 250) thereon.

He also, from the same committee, to which was referred the bill (S. 812) for the relief of E. P. Conroy and Graham Conroy, reported it with amendments and submitted a report (No. 251) thereon.

Mr. NEELY, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 4965) to regulate interstate commerce in bituminous coal, and for other purposes, reported it with amendments and submitted a report (No. 252) thereon.

TRANSFER OF CERTAIN SENATE RECORDS TO CUSTODY OF ARCHIVIST

Mr. BARKLEY. From the Committee on the Library, I report back favorably, without amendment, the resolution (S. Res. 99) authorizing the Secretary of the Senate to transfer certain records to the custody of the Archivist of the United States, submitted by me yesterday.

In connection with the matter I ask that copy of a letter addressed to the President of the Senate by the Archivist, together with the accompanying rules and regulations of The National Archives for the use of records, may be printed in the RECORD.

There being no objection, the letter and the accompanying rules and regulations were ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 1937.

Hon. JOHN N. GARNER,
President of the Senate, Washington, D. C.

DEAR SIR: On May 18, 1936, Procurement Division, Treasury Department, let a contract for the manufacture and installation of steel filing equipment for The National Archives Building, which, when completed, will be available for the permanent storage of 233,525 cubic feet of records. This contract will be completed in three separate stages. The first, to be completed about the middle of March, will take care of 73,465 cubic feet of records; the second, to be completed some time during the summer of 1937, will take care of 68,930 cubic feet of records; and the third, to be completed some time next fall, will take care of 91,130 cubic feet of records.

From time to time reports have been made that the accumulation of noncurrent records that are of permanent value or historical interest has raised serious space problems in Government buildings. To meet these problems and to provide for the preservation and administration of these records were the primary purposes of Congress in authorizing the erection of The National Archives Building and the creation of The National Archives establishment.

The building will soon be completed and the first installment of stack equipment is going forward satisfactorily. It is now possible, therefore, to make plans for a steady and orderly transfer of records to The National Archives Building. In order for this to be done it is necessary for me to have, as soon as possible, an estimate of the approximate volume of records that may be transferred in accordance with the resolutions of The National Archives Council of February 10, 1936, a copy of which is enclosed herewith. The information requested will enable me to make the identification inventories required by the resolutions of the council, to apportion the space in the stack areas according to the requirements of the several departments, to arrange for the handling of these records at The National Archives Building, and to work out a satisfactory schedule for their transfer from their present depositories.

Enclosed is a copy of a report made by one of the deputy[1] examiners of The National Archives on the accumulation of old, noncurrent records of the Senate, which, it seems to me, come within the classes of materials which, under the terms of The National Archives Act, should be transferred to The National Archives. These records, I am told, while not necessary to the conduct of the business of the Senate, are of great historical value.

Enclosed is a copy of the Rules and Regulations for the Use of Records in custody of The National Archives, designed to facilitate the use of this material by students.

In order to facilitate the official use by Government agencies of records that have been transferred to The National Archives Building I have made a special regulation governing the temporary withdrawal of records for that purpose, a copy of which is herewith enclosed.[1]

In this connection may I call to your attention an act approved June 22, 1936 (49 Stat. 1821), amending section 8 of The National Archives Act, authorizing the Archivist to furnish authenticated copies of records in his custody and providing that an authenticated copy of any such record "shall be admitted in evidence equally with the original from which it was made"?

Very truly yours,

R. D. W. CONNOR,
Archivist of the United States.

THE NATIONAL ARCHIVES RULES AND REGULATIONS FOR THE USE OF RECORDS

These rules and regulations are designed for the purpose of protecting, preserving, and furthering the efficient use of the public records in the custody of the Archivist of the United States.

[1] The report or statement made by a deputy examiner regarding Senate records and the regulations governing the temporary withdrawal by agencies of the U. S. Government of material deposited in The National Archives Building are printed at p. 2670 of the CONGRESSIONAL RECORD of Mar. 24, 1937.

Members of the staff will gladly assist searchers in every possible way. Searchers are requested to cooperate in all measures deemed necessary to preserve and safeguard the records, and to promote their orderly use.

R. D. W. CONNOR,
Archivist of the United States.

DECEMBER 18, 1936.

RULES AND REGULATIONS FOR THE USE OF RECORDS

The following rules and regulations have been made, promulgated, and published as Document 3876 in the Federal Register, vol. I, no. 199, December 19, 1936, pursuant to the authority vested in the Archivist of the United States by The National Archives Act, approved June 19, 1934 (48 Stat. 1122–1124):

1. Persons desiring to use records in the custody of the Archivist of the United States must apply to the Archivist for admission to the search rooms, using the form provided for that purpose, and may be required to submit an acceptable letter of introduction. If the applicant is a minor, his application must be approved by his parent or guardian. An applicant who is not a citizen of the United States may be required to present a letter of introduction from the embassy or legation of his country. A group of persons desiring to view motion pictures or hear sound recordings must be represented by an authorized spokesman, who in making application for admission must give the identity of the group he represents.

2. If the application is approved, a card of admission will be issued. An admission card is not transferable and must be produced when required. It is valid for 6 months from date of issue and may be renewed upon application.

3. The search rooms and the auditorium are open from 9 a. m. to 4:30 p. m., except on Saturdays, when they are open from 9 a. m. to 1 p. m. They are not open on Sundays and legal holidays.

4. Requisitions for records must be made on the forms provided for that purpose, signed by the searcher, and presented to the attendant in charge of the control desk in the central search room.

5. Persons desiring to view motion pictures must fill out the form provided for that purpose at least 1 day in advance of the time service is desired. On receipt and approval of this application, a time will be fixed for the screening and the applicant will be notified thereof.

6. When the searcher has completed his use of records, he must notify an attendant. The searcher is responsible for all records turned over to him until an attendant returns the canceled requisition.

7. The greatest care must be exercised in the use of all records and books. They must not be leaned upon, written upon, or in any way damaged. No tracing is permitted, and ink must not be used in the search rooms.

8. The use of records of exceptional value or in fragile condition shall be subject to such special regulations as the Archivist may deem necessary for their protection.

9. No records, books, or other property of The National Archives may be taken from the search rooms except by members of the staff.

10. Requests for reproduction of records must be presented to the Chief of the Division of Reference on forms provided for the purpose.

11. No overcoats, umbrellas, canes, cameras, or traveling bags may be taken into the search rooms or the auditorium.

12. The use of tobacco, the lighting of matches, and eating in the search rooms, the auditorium, or any other areas in which archival materials are in use or in temporary or permanent storage are strictly prohibited.

13. The privilege of admission to the search rooms may be withdrawn for any violation of these rules and regulations, for disregarding the authority of the attendants in charge, or for offensive conduct.

14. Any case of incivility on the part of an attendant or of unsatisfactory service should be reported in writing to the chief of the division concerned.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. KING, from the Committee on Finance, reported favorably the following nominations:

Dr. John N. Bowden to be assistant surgeon in the United States Public Health Service, to take effect from date of oath; and

Dr. Robert D. Mansfield to be assistant surgeon in the United States Public Health Service, to take effect from date of oath.

The VICE PRESIDENT. Without objection, the reports will be received and placed on the Executive Calendar.

MARITIME COMMISSION—REPORT OF NOMINATIONS

Mr. COPELAND. I ask unanimous consent, as in executive session, to report favorably from the Committee on Commerce for the Executive Calendar the nominations of the five gentleman who have been appointed to membership on the United States Maritime Commission. In view of the fact that the joint resolution now pending in the House will need to pass before we consider these nominations, I assume no action will be taken until sometime next week.

The VICE PRESIDENT. The Senator from New York asks unanimous consent, as in executive session, to submit reports on certain nominations from the Committee on Commerce. Is there objection?

Mr. BLACK. I object at this time.

The VICE PRESIDENT. Objection is heard. The reports may be submitted in executive session.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. McNARY:

A bill (S. 1983) for the relief of Max C. Shigley; to the Committee on Commerce.

By Mr. SCHWELLENBACH:

A bill (S. 1984) for the protection of the northern Pacific halibut fishery; to the Committee on Commerce.

By Mr. LEE:

A bill (S. 1985) for the relief of J. G. Cansler; to the Committee on Civil Service.

By Mr. LOGAN:

A bill (S. 1986) to amend section 42 of title 7 of the Canal Zone Code; to the Committee on the Judiciary.

By Mr. REYNOLDS:

A bill (S. 1987) for the relief of George J. Leatherwood; and

A bill (S. 1988) for the relief of Mrs. Charles R. Yopp; to the Committee on Claims.

By Mr. BACHMAN:

A bill (S. 1989) granting an increase of pension to Elizabeth Painter Menoher; to the Committee on Pensions.

(Mr. THOMAS of Oklahoma introduced Senate bill 1990, which was referred to the Committee on Agriculture and Forestry, and appears under a separate heading.)

By Mr. COPELAND:

A bill (S. 1991) for the relief of the owners of the steam barge *Genessee* and the barge *J. Mooney;*

A bill (S. 1992) for the relief of the estate of Alexis Romm; and

A bill (S. 1993) for the relief of the estate of Cornelius P. Young; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 1994) for the relief of the county of Shelby in the State of Tennessee (with accompanying papers); to the Committee on Claims.

By Mr. GUFFEY:

A joint resolution (S. J. Res. 113) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States; to the Committee on Banking and Currency.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 114) for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground; to the Committee on Claims.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 146. An act to require contractors on public building projects to name their subcontractors, material men, and supply men, and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 5331. An act to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes; and

H. R. 5478. An act to amend existing law to provide privilege of renewing expiring 5-year level premium term policies for another 5-year period; to the Committee on Finance.

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry; to the Committee on Appropriations.

FEDERAL CROP INSURANCE CORPORATION—AMENDMENT

Mr. NEELY submitted an amendment intended to be proposed by him to the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes, which was ordered to lie on the table and to be printed.

BRIDGES ACROSS RECLAMATION "A" CANAL, KLAMATH FALLS, OREG.—AMENDMENT

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (S. 1815) to provide for the construction of four bridges across the United States Reclamation "A" Canal in Klamath Falls, Oreg., which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

EMBARGOES AGAINST NATIONS AIDING OTHER NATIONS IN CIVIL STRIFE

Mr. NYE. Mr. President, I submit a resolution for information from the Department of State. I shall ask for its present consideration, but first should like to have it read from the desk.

The VICE PRESIDENT. Without objection, the resolution will be read.

The legislative clerk read the resolution (S. Res. 100), as follows:

Resolved, That the Secretary of State is hereby requested, if not incompatible with the public interest, to advise the Senate through its Committee on Foreign Relations whether the existing neutrality laws of the United States are sufficient to provide an embargo against nations whose armed forces are engaged in active warfare in a nation where a state of civil war exists, which state of civil war has caused our Government to declare embargoes against exportation of arms, ammunition, and implements of war to that nation.

Mr. ROBINSON. I ask that the resolution go over.

The VICE PRESIDENT. Objection is heard, and the resolution will go over under the rule.

CHICAGO GREAT WESTERN RAILROAD

Mr. BORAH. Mr. President, I submit a resolution for reference to the Committee on Interstate Commerce, and I will take just a moment to explain it.

The resolution proposes an investigation of the action of the Chicago Great Western Railroad in its refusal to abide by the award made by the National Labor Board under the Railway Labor Act. The award has been assessed by the Board in an amount of about $50,000. The railway, thus far, has refused to abide by the award. A vote has been taken upon the part of the employees of the railway company, which looks to a strike. The situation may become serious. I am offering the resolution to request the Interstate Commerce Committee to make an inquiry as to the facts concerning the refusal of the railway to abide by the award. I ask that the resolution be referred to the Committee on Interstate Commerce.

There being no objection, the resolution (S. Res. 101) was referred to the Committee on Interstate Commerce, as follows:

Whereas the National Railway Labor Act and amendments thereto were enacted by Congress and approved by the President for the express purpose of supplying machinery for the peaceful adjustment of controversies concerning wages, working conditions, or other matters, which might arise between the railroads and their employees; and

Whereas an essential part of this machinery is the National Railroad Adjustment Board with headquarters in Chicago, and made up of an equal number of representatives of the carriers and of the recognized unions of the employees; such Board constituting what might be described as a supreme court for the settlement of all disputes between the railroads and their employees; and

Whereas said Board, after extended hearings and full consideration of the facts, recently decided that the Chicago Great Western Railroad had violated its wage agreement with certain organizations of its employees, and thereupon made awards to individual employees totaling approximately $50,000; and

Whereas the trustees of the Chicago Great Western have refused to pay said awards, thus setting a precedent which, if it is followed by other railroads, may destroy the machinery set up by Congress for the peaceful adjustment of railroad labor disputes; and

Whereas an emergency commission selected by the President of the United States, by authority of the Railroad Labor Act, has failed in its effort to persuade the trustees to recognize the validity of awards made by the National Railroad Adjustment Board; and

Whereas because of the trustee's refusal to pay such awards the railroad labor organizations involved have polled their members and have been authorized by a substantially unanimous vote to withdraw all their members from service on the Chicago Great Western, thus threatening a serious interruption of interstate commerce: Therefore be it

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make and to report to the Senate the results of a thorough and complete investigation of all facts relating to the failure of the Chicago Great Western Railroad to adjust and settle the awards of the National Railroad Adjustment Board, and to make any recommendations necessary to carry into effect the awards of said Board; and any other facts or circumstances surrounding the failure of the said railroad to abide by the decision of the Board.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such experts, and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. LEWIS. Mr. President, I should like to say a word to the distinguished Senator from Idaho. The subject matter which he has just advanced came up incidentally last week in a conference at which I happened to be; it was not the subject for which the conference was held. When the matter was referred to, the general counsel, Mr. Ralph Shaw, stated that the company had offered to abide, was desirous of abiding—I do not know sufficient about the details to apply the appropriate words—by the arrangement, and that the matter had come to peace between the company and the representatives of the employees, except as to one element of them that could not concur with either. I know none of the facts. I am only desirous of having the able Senator know that the general counsel has stated that the main purposes had been agreed upon by both the company and the men, but that there was a division of sentiment on the part of a branch of the men against the other set of men. These facts reveal, I fancy, the truth.

Mr. BORAH. Mr. President, I think the facts will come out in the investigation, but my information as late as this morning is to the effect that the matter is still unadjusted.

Mr. LEWIS. I must assume that the investigation sought by the Senator will probably reveal all the facts and eliminate any possible confusion; and so we will leave it as it stands.

The VICE PRESIDENT. The resolution has been referred to the Committee on Interstate Commerce.

INVESTIGATION OF UNEMPLOYMENT AND RELIEF PROBLEMS

Mr. DAVIS submitted the following resolution (S. Res. 102), which was referred to the Committee on Education and Labor:

Whereas there is need of a thoroughgoing study of all phases of the unemployment and relief problems; and

Whereas it is essential that the Congress obtain information necessary for the formation of a legislative policy with respect to such problems: Therefore be it

Resolved, That the Committee on Education and Labor, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study and investigation of the problems of unemployment and relief with a view to determining (1) the extent and nature of unemployment and relief needs, (2) the relative merits of work relief and direct relief, (3) the proper apportionment of financial and administrative responsibilities

among the Federal, State, and local governments, (4) the best method of coordinating the unemployment and relief programs of all governmental agencies, (5) the number of persons unemployed by reason of the use of labor-saving devices or machinery, and (6) methods by which private reemployment may be encouraged. The committee shall report to the Senate as soon as practicable the results of its study and investigation, together with its recommendations for legislation.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to take, or have taken, a census of unemployed persons in the United States, classifying them by locality, race, sex, age, customary occupation, and cause and duration of unemployment, together with any other information the committee may deem pertinent, and to make use of the facilities and aid of any agencies, governmental or private, which may be available. Each department and agency of the Government is hereby requested to assist the committee, or any duly authorized subcommittee thereof, upon its request, in any manner which may be authorized by law.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per one hundred words. The expenses of the committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ADMINISTRATION OF THE TAYLOR GRAZING ACT

Mr. CHAVEZ presented copy of a letter from the Director of Grazing, Department of the Interior, addressed to Senator HATCH, relative to the administration of the so-called Taylor Grazing Act, which was ordered to lie on the table and to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
DIVISION OF GRAZING,
Washington, March 23, 1937.

Hon. CARL A. HATCH,
United States Senate.

MY DEAR SENATOR HATCH: I have received your letter of March 19 attaching a condensed summary of some of the complaints against the administration of the Taylor Grazing Act, and I am very appreciative of your attitude relative to this matter.

I am not acquainted with all of the facts except in a few of the cases which you mentioned, but I am taking a copy of your memorandum with me to New Mexico, where I expect to be within the next week or so to make a personal investigation on the ground. I will try to hold a meeting at a time convenient to those people so as to meet with and listen to them.

More dissatisfaction has come to the surface in New Mexico than in any other State, and nearly 90 percent of that has come from one particular spot around Roswell, so there is every reason to believe that something is wrong at least in that locality. Under any system of administering public range there are bound to be many dissatisfied people. However, it is our concern to see that they are as few as possible and that those few are necessary under the rules which have been made to regulate the situation.

Most of the complaints may be classified under three groups:

(1) Those who are dissatisfied with the Taylor Grazing Act itself. There are many who would prefer to have an act similar to the Stock Raising Homestead Act by making a grant of four or five sections to each citizen—to retain title in the United States, but to give the use of the land to the applicant. This would take care of many people at the present time who are unable to get the use of that much public land under the act as it exists, but, of course, it is a matter of legislation and for Congress and one which is not for the consideration of an administrative agency.

(2) Those who believe the rules for administering the act are wrong. The rules, in brief, require a person to have property, land, or water, which will take care of livestock for the time when the public range is inadequate, and such property shall have been used for that purpose prior to January 1, 1934. In selecting that date to freeze the picture the rules are merely extending the date which Congress itself provided in section 3 of the act, "except that until July 1, 1935, no preference shall be given in the issuance of such permits to any owner, occupant, or settler whose rights were acquired between January 1, 1934, and December 31, 1934, both dates inclusive." Many people who want, and undoubtedly would be helped by having public grazing privileges are unable to comply with these requirements and feel that the rules should be changed.

(3) Those who are satisfied with the law and the rules, but who think the method of administration is wrong. In the year 1936, 2,555 grazing licenses were issued in the State of New Mexico in the five established grazing districts for 936,855 head of livestock. A classification of these licenses and the numbers of stock for which they were licensed are as follows:

Class	Number of licenses	Number of stock
Cattle:		
1 to 50	408	9,886
50 to 150	292	28,453
150 to 300	199	46,960
300 to 500	104	43,684
500 to 1,000	108	69,756
Over 1,000	50	140,375
Total	1,161	339,114
Horses:		
1 to 50	964	12,678
50 to 150	53	3,460
150 to 300	4	985
300 to 500	2	760
500 to 1,000	2	1,450
Total	1,025	19,333
Sheep:		
1 to 200	46	2,390
200 to 500	32	10,732
500 to 1,000	38	25,626
1,000 to 2,000	51	73,039
2,000 to 3,000	15	38,101
3,000 to 5,000	31	128,735
Over 5,000	23	199,581
Total	236	478,204
Goats:		
1 to 200	60	3,913
200 to 500	17	6,586
500 to 1,000	23	20,400
1,000 to 2,000	25	39,840
2,000 to 3,000	5	14,275
3,000 to 5,000	1	4,000
Over 5,000	2	11,190
Total	133	100,204

The first consideration of all applicants is by the local advisory board. You may recall that at the time such boards were established and when it was determined that they should be elected by all who might be entitled to a license, on the basis of one man one vote regardless of the size of his operations, a delegation from New Mexico came to Washington to protest that method of selection and requested that the positions on the board be filled by appointment by a committee of various interests then established at Albuquerque, N. Mex. The Secretary, however, did not make any exception to the general rule of one man one vote for New Mexico, so that the board members there were elected in the same manner as in other States.

By assembling such representatives of the local industry at one point and having available their intimate knowledge of practically all of the applicants and their respective set-ups, the division was enabled to issue licenses in a comparatively short time to that which would have elapsed had a larger number of Federal full-time employees been used to gather the information which the board members already possessed.

An appeal from the board's action to the regional grazier and from him to the Director and then to the Secretary was provided for. In practice, the appeal procedure has proved rather slow and changes to rectify this are now under consideration.

The policy of the Department is now, and always has been, to protect adequately the small operator as well as the larger one and to use particular care to see that encroachments are not made by the latter upon the rights of the former.

Two outstanding cases in New Mexico have received notoriety and consideration—the Gresham & Brown case and the Arthur V. Pue case.

They have both been satisfactorily disposed of under our existing rules and hearings procedure according to the latest information I have received, although there is an appeal pending on a minor point in the Pue case.

I appreciate very keenly the fact that any local board is subject to dominance by one or more of its members or by local outside influence. The regional grazier's complete veto of any of its recommendations is the best check we have on such a state of affairs. The duties of regional graziers are new, and we have been training personnel at the same time we have been administering the Taylor Act.

I was pleased to learn from Mr. James Cullender, an attorney from Roswell, N. Mex., that in spite of differences of opinion he and others may have had with the staff of the Division of Grazing he thinks they are endeavoring to do the fair thing without fear or favor. I was in Roswell myself last September and held an open meeting in the courthouse. At that time the dissatisfaction crystallized into a desire for a new law, and the comparatively few cases which came up were disposed of by making some adjustments and in some cases correcting some obviously clerical errors.

At the very beginning of this matter I realized that it would take several years to get enough accurate information and knowledge of the subject to issue term permits with fairness, and for that reason the division has functioned on a temporary yearly basis and has issued licenses only. This has enabled us to correct our rules as we go along. We are now approaching the point where term permits can be given, and all the criticism and suggestions that we can get are of great help.

I shall be very pleased to give you a more detailed report relative to the people listed in your memorandum as soon as I have been on the ground and made an investigation; or if I am unable to do so myself, I will have someone else make an investigation.

With kindest regards, I remain,

Cordially yours,

F. R. CARPENTER, *Director.*

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR BLACK

[Mr. MINTON asked and obtained leave to have printed in the RECORD an address delivered by Senator BLACK in New York City on Wednesday, Mar. 24, 1937, concerning the proposal to reorganize the judiciary, which appears in the Appendix.]

THE VOTELESS DISTRICT OF COLUMBIA—ADDRESS BY SENATOR COPELAND

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address on the subject of The Voteless District of Columbia, delivered by Senator COPELAND before the Columbia Historical Society, Washington, D. C., Apr. 17, 1935, which appears in the Appendix.]

CONSIDERATION OF UNOBJECTED BILLS

Mr. ROBINSON. Mr. President, I ask unanimous consent that the calendar be called for the consideration of unobjected bills.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will call the calendar for the consideration of unobjected bills.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

DOROTHY WHITE, MRS. CAROL M. WHITE, AND CHARLES A. WHITE

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. VANDENBERG. Mr. President, it is my impression that the author of this bill himself, the Senator from Arizona (Mr. HAYDEN), has asked that it go over each time it has been called. The Senator from Arizona is not present, and I suggest that the bill go over for the time being.

The VICE PRESIDENT. The bill will be passed over.

GOVERNMENT OF AMERICAN SAMOA

The bill (S. 1095) to provide a government for American Samoa was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. TYDINGS subsequently said: Mr. President, referring for a moment to Calendar No. 140, Senate bill 1095, to provide a government for American Samoa, I ask unanimous consent that the bill be taken from the calendar and recommitted to the Committee on Territories and Insular Affairs, in order that the committee may give the Treasury Department a hearing upon it.

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

BILLS PASSED OVER

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. ROBINSON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. ROBINSON. I also ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. SCHWELLENBACH. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION UNDER FEDERAL RECLAMATION LAWS

The bill (S. 48) to authorize an appropriation for investigation under the Federal reclamation laws was announced as next in order.

Mr. VANDENBERG. I ask that that bill go over.

Mr. O'MAHONEY. Mr. President, may I request the Senator from Michigan to state the basis of his objection to the consideration of this measure at this time?

Mr. VANDENBERG. Mr. President, I do not think the bill should be considered under the present rule of procedure. I shall be glad to have it disposed of very promptly when there is an opportunity to debate it.

The VICE PRESIDENT. The Senate is proceeding under unanimous consent. Objection being made, the bill will be passed over.

GENERAL PULASKI MEMORIAL DAY

The joint resolution (S. J. Res. 23) authorizing the President of the United States to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski was announced as next in order. The joint resolution had been reported adversely.

Mr. ROBINSON. I ask that the joint resolution go over.

The joint resolution (S. J. Res. 24) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski was announced as next in order.

Mr. ROBINSON. Mr. President, I see that there are four joint resolutions on the Calendar relative to the General Pulaski Memorial Day and that each is reported adversely. I have no objection to the consideration of the reports on Calendar Nos. 182, 183, 184, and 185, being respectively Senate Joint Resolutions 23, 24, 33, and 74, relating to the same subject matter, and I suggest that they be taken up one at a time.

Mr. COPELAND. Mr. President, may I ask if the original joint resolution having to do with the same subject and which was favorably reported by the committee has been passed on?

Mr. ROBINSON. Yes; the joint resolution which authorizes the recognition of the 11th of October as a holiday for the present year only has been passed.

Mr. COPELAND. Then, I ask unanimous consent that all the other joint resolutions on the subject may be recommitted to the Committee on the Judiciary.

Mr. ROBINSON. Very well.

The VICE PRESIDENT. Is there objection? The Chair hears none, and Senate Joint Resolutions 23, 24, 33, and 74 are recommitted to the Committee on the Judiciary.

BILLS PASSED OVER

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The bill will be passed over.

SAFETY OF RAIL TRANSPORTATION

The bill (S. 532) to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train-dispatching offices and train-dispatching service and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers, was announced as next in order.

Mr. ROBINSON. Mr. President, at the request of several Senators who are absent, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, was announced as next in order.

Mr. McNARY. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. BARKLEY subsequently said: Mr. President, referring to order of business 226, the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes I understood the Senator from Maine [Mr. WHITE], who on a previous occasion had asked that the bill go over, does not intend to interpose any objection at this time. Am I correct about that?

Mr. WHITE. Mr. President, I have not interposed any objection, but I shall want to offer an amendment when the bill is considered.

The VICE PRESIDENT. Objection was heard, and the bill went over.

BILL PASSED OVER

The bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation, was announced as next in order.

Mr. McNARY. Over.

Mr. ROBINSON. Mr. President, this bill is in the same status as Calendar 225, Senate bill 532. A number of Senators who are absent have asked that the bill go over. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM I. CAUSEY AND EARL LEROY BAILEY

The bill (S. 1631) for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Commander William I. Causey, United States Navy, the sum of $50.78, representing excess cost of travel checked against the accounts of this officer for travel performed in June 1935 and January 1936, under orders which authorized the use of a compartment for the purpose of transporting in his personal custody certain secret documents of the Navy.

SEC. 2. The Comptroller General of the United States is hereby authorized and directed to credit the accounts of Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy, in the sum of $80.95, representing the cost of extra half-fare railway ticket plus difference between cost of lower standard berth and compartment furnished Commander Cary W. Magruder, United States Navy, in April 1935, under orders which authorized the use of a compartment for the purpose of transporting in his personal custody certain secret documents of the Navy, which sum has been disallowed by the General Accounting Office in the accounts of Lieutenant Commander Bailey, Supply Corps.

BENJAMIN DUTTON, JR., AND OTHERS

The bill (S. 1632) for the relief of Capt. Benjamin Dutton, Jr., Capt. C. H. J. Keppler, Commander Leo H. Thebaud, and Lt. Comdr. Gordon S. Bower, Supply Corps, United States Navy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of Capt. Benjamin Dutton, Jr., United States Navy, in the amount of $401.43; Capt. C. H. J. Keppler, United States Navy, in the amount of $1,078.76; Commander Leo H. Thebaud, United States Navy, in the amount of $540.08; and Lt. Comdr. Gordon S. Bower, Supply Corps, United States Navy, in the amount of $150.74, which sums represent payments of exchange relief made by these four officers to Capt. Joseph J. A. McMullin, Medical Corps, United States Navy, in the amount of $1,119.61; to Lt. Comdr. Lloyd E. Clifford, United States Navy, in the amount of $540.08; and to Lt. (Jr. Gr.) F. P. Kreus, Medical Corps, United States Navy, in the amount of $511.32, and disallowed in their accounts by the Comptroller General of the United States.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 64) defining the jurisdiction of the Court of Claims under the act approved April 25, 1932 (47 Stat. L. 137), and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, I ask that the joint resolution go over for the present. I wish to have an opportunity to study it further.

The VICE PRESIDENT. The joint resolution will be passed over.

PROPERTY DAMAGE BY HIGH WATERS IN BLACKFOOT RESERVOIR

The bill (S. 436) for the relief of the owners of property damaged by high waters in the Blackfoot Reservoir was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to cause an investigation to be made promptly of all pending damage claims on the Fort Hall Indian irrigation project, Idaho, covering damages to crops, real estate, or any other legal or beneficial interest in real or personal property, with a view to determining the validity and proper amounts thereof: *Provided*, That upon completion of such investigation a report shall be submitted to Congress, together with recommendations.

SEC. 2. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $2,000 to effect the purpose of this act.

BILLS PASSED OVER

The bill (S. 1902) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, was announced as next in order.

Mr. ROBINSON. Over.

The VICE PRESIDENT. The bill will be passed over.

RAILROAD LANDS IN ARIZONA, NEW MEXICO, AND CALIFORNIA

The bill (S. 323) to extend the provisions of the act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, and California", approved March 4, 1913, as extended by the act of April 11, 1916, June 30, 1919, and March 10, 1928, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That all of the provisions of the act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California", approved March 4, 1913, as extended by the acts of April 11, 1916, June 30, 1919, and March 10, 1928, are extended for a period of 3 years from the date of the enactment of this act.

SAC AND FOX INDIANS, OKLAHOMA

The bill (S. 1721) authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $40,000, or so much thereof as may be necessary, to reimburse the Sac and Fox Tribe of Indians in Oklahoma for the amount of tribal funds expended for general administrative purposes of the Indian Service. The amount finally to be appropriated, as certified to the Secretary of the Interior by the Comptroller General of the United States, shall be placed in the Treasury to the credit of the Sac and Fox Indians of Oklahoma as a trust fund to draw interest in accordance with existing law and shall be available for expenditure in such manner as Congress may direct.

PAYMENT OF ATTORNEYS' FEES FROM OSAGE TRIBAL FUNDS

The bill (S. 1831) to provide for the payment of attorneys' fees from Osage tribal funds was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That pursuant to the terms of a contract approved by the First Assistant Secretary of the Interior July 3, 1933, between Fred Lookout, principal chief of the Osage Tribe of Indians, and certain attorneys therein named, and modified pursuant to Osage Council Resolution No. 21, dated June 24, 1935, there is hereby authorized to be expended from any funds collected as a result of any suit or suits brought under said contract such sum as may be necessary to pay the fee provided for the attorneys so employed, not to exceed 12½ percent of such amount as may be recovered and collected for the Osage Tribe, as provided in the terms of the contract.

PRODUCTION TAX ON LEAD AND ZINC

The bill (S. 1901) to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last two provisos in section 26 of the act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248), be, and the same are hereby, amended to read as follows: "That the State of Oklahoma is authorized, from and after the passage of this amendment, to levy and collect a gross production tax upon all lead and zinc produced on said lands in an amount not to exceed the present rate of three-fourths of 1 percent on the gross value thereof. In accordance with the uniform policy of the United States Government to hold the lands of the Quapaw Indians while restricted and the income therefrom free from State taxation of whatsoever nature, except as said immunity is expressly waived, and, in pursuance of said fixed policy, it is herein expressly provided that the waiver of tax immunity herein provided shall be in lieu of all other State taxes of whatsoever nature on said restricted lands or the income therefrom, and the Secretary of the Interior is hereby authorized and directed to cause to be paid out of the individual Indian funds held under his supervision, belonging to the Indian owner of the land, the gross production tax so assessed against the royalty interest of the respective Indian owner in an amount not to exceed the rate hereinabove set forth: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or other property of said Indian owner."

BILL PASSED OVER

The bill (S. 1631) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works was announced as next in order.

Mr. ROBINSON. Mr. President, I think the bill is of sufficient importance to require explanation and discussion. I ask that it go over for the present.

The VICE PRESIDENT. The bill will be passed over.

BAKER-WHITELEY COAL CO.

The bill (H. R. 1068) for the relief of the Baker-Whiteley Coal Co., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to extend to the Baker-Whiteley Coal Co., of Baltimore, Md., the provisions and benefits of the act entitled "An act to provide relief to Government contractors whose costs of performance were increased as a result of compliance with the act approved June 16, 1933, and for other purposes", approved June 16, 1934, with respect to its contract no. Tpc-40, entered into on August 10, 1933, for the furnishing of coal to the Government fuel yards at Washington, D. C., to the same extent and in the same manner as if said contract had been entered into prior to August 10, 1933.

E. C. WILLIS

The Senate proceeded to consider the bill (H. R. 3630) for the relief of E. C. Willis, father of the late Charles R. Willis, a minor, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to E. C. Willis, father of the late Charles R. Willis, a minor, the sum of $3,000 in full settlement of all claims against the Government of the United States for fatal injuries suffered by the said Charles R. Willis as a result of a Government-owned truck operated by an employee of the Civilian Conservation Corps striking an automobile operated by the said Charles R. Willis near Sikes, La., November 18, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLARK F. POTTS AND CHARLES H. BARKER

The bill (H. R. 1094) for the relief of Clark F. Potts and Charles H. Barker was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clark F. Potts, chief boatswain's mate (L), United States Coast Guard, the sum of $150.26, and to Charles H. Barker, surfman, United States Coast Guard, the sum of $125.73, in all $275.99, in full settlement of their claims against the United States for loss or destruction of, or damage to, personal property and effects as a result of the fire which occurred at the Big Sandy Coast Guard Station, Woodville, N. Y., on November 3, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COINS IN COMMEMORATION OF BATTLE OF ANTIETAM

The bill (S. 102) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam was announced as next in order.

Mr. McNARY. Mr. President, from personal contact with the Treasury Department I am not certain that the plan proposed by the bill is altogether in conformity to their regulations. Such measures sometimes present elements of discrimination. I should like to have an explanation.

Mr. TYDINGS. Mr. President, at the last session of Congress a similar bill, treating with this general subject matter, passed both the House and the Senate. Unfortunately the House bill contained an appropriation of $25,000, while the Senate bill contained a provision for $45,000. Although an effort was made by amendment to reconcile the difference in the two bills, in the last days of the session the matter became involved in a legislative jam and it was found afterward that two different bills had passed rather than the same bill. Accordingly the President had no option except to veto the bills. The bill now pending corrects that situation and reaffirms the action taken by both branches at the last session of Congress.

Mr. McNARY. Mr. President, I did not understand what the Senator said because of the confusion in the Chamber. Recently by chance I read a letter from the Treasury Department to the effect that the Department is discouraging bills of this character and suggesting that in the future commemorative articles should take the form of tokens. If we are going to have tokens, let us have tokens. I do not favor both tokens and coins. I want everyone treated alike in the way of legislation of this character, and I shall endeavor to see to it that we have either one or the other.

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

Mr. McNARY. Certainly.

Mr. TYDINGS. I should like to point out to the Senator the particular basis of this bill. Similar bills passed both Houses at the last session of Congress. Unfortunately the Committee on Banking and Currency amended the bill in the Senate increasing the amount, and although it was supposed the amendment was concurred in in the House of Representatives it was later learned that the same bill had not passed both Houses, and the President therefore had to veto the bills because of that clerical imperfection. This bill, therefore, is not properly in the status of a "this session" bill, because both Houses passed a similar bill at the last session. I am advised the administration and the Secretary of the Treasury, by virtue of the fact that only because of a clerical error it failed in the last session, are not interposing any objection to the enactment of the pending bill at this time.

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

Mr. McNARY. I yield.

Mr. BARKLEY. I will say to the Senator from Maryland, and also to the Senator from Oregon, that this matter was thoroughly discussed by the Banking and Currency Committee. Various kinds of bills are now pending before that committee to strike off 50-cent coins in commemoration of the celebration of every sort of conceivable event that has transpired almost since the beginning of the human race—to celebrate the anniversary of the birth of various men, of the founding of various towns, and so forth, and so forth. The committee has undertaken to formulate a definite policy with respect to all such measures. It made an exception to this bill because of the circumstances to which the Senator from Maryland has referred.

A similar bill passed both Houses at the last session and would have been the law now except for a technical jam into which it unfortunately fell, as explained by the Senator from Maryland. The Committee on Banking and Currency is devoting itself to a study of this matter through one of its subcommittees, to see if some uniform method can be worked out by which recognition may be accorded to certain classes of events by the coinage of coins or tokens.

Mr. BORAH. Mr. President, may I ask the Senator from Maryland a question?

Mr. TYDINGS. Certainly.

Mr. BORAH. Has it been the practice to mint coins to commemorate battles of the Civil War?

Mr. TYDINGS. It has been. I have not the information at hand, but the policy contained in this bill was the policy of the last Congress when a similar bill passed both branches. Had it not been for a clerical imperfection in the bill then passed, it would now be the law. That is the reason why the Committee on Banking and Currency permitted it to be reported at the present session, notwithstanding it may be without the committee rule. It is simply to provide something which we thought had been provided at the last session.

Mr. BORAH. What I desire to ask is, What is the idea in commemorating battles of the Civil War?

Mr. TYDINGS. I believe the first policy of that kind was adopted in connection with the Battle of Gettysburg. It so happens that at the Battle of Antietam there were more men killed, for the length of time they were engaged in battle, than in any other battle of the Civil War.

Mr. BORAH. It is true it was one of the great battles; but my question is, Why commemorate at this time the struggle between the North and the South? What good to the country comes from such a policy?

Mr. TYDINGS. By the issuance of coins it is possible to provide the money without an appropriation from the Federal Government to commemorate the anniversary of this battle. A large committee has been appointed by the President on behalf of the United States, and another committee has been appointed from the State of Maryland as well as one from Vermont and one from a State in the South. This year it is planned to have a very large celebration at the site of the Battle of Antietam.

This being a sort of national event, we did not want to come to Congress or to the Legislature and ask for an appropriation; so the policy adopted in the case of the Battle of Gettysburg was applied to this battle, because that was the precedent.

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

Mr. TYDINGS. I yield.

Mr. BARKLEY. I understand that the money made from the sale of the coins is derived by reason of the fact that they sell at a premium.

Mr. TYDINGS. Yes; that is true.

Mr. BARKLEY. The profit from the sale of the coins will be used to bring about a celebration worthy of the name of the great battle that occurred at Antietam. The transaction involves no cost to the Government. The committee furnish the silver, pay 50 cents for the coins, and sell them for whatever they can get. That is true of all coins minted under similar circumstances.

Mr. BORAH. Mr. President, have any similar coins been used to commemorate the Battle of Bull Run? [Laughter.]

Mr. TYDINGS. I do not know as to that.

Mr. McNARY. Mr. President, I do not wish to be an obstructionist in this matter. I simply ask for fair treatment.

Last year, as I recall, a very large celebration was held at Walla Walla, Wash., to commemorate the final settlement of the so-called Inland Empire, having much to do with an early pioneer, Reverend Mr. Whitman. In the case of that celebration the Committee on the Library reported adversely on a similar bill. It was not my own bill, but was introduced by my colleague from Washington. That must have occurred about the time the bill now under discussion was favorably reported. I think a bill is now pending seeking the issuance of a coin commemorative of a very great event in the Northwest after the full development of what is called the Bonneville project on the Columbia River. I understand that, according to the report which has been made, only tokens are to be coined in that case. So we are to have tokens in the Bonneville case and coins in the case of Antietam.

I am for the Antietam coins, but I am for the others also. I think I may get quicker action and more thorough consideration if I take advantage of my rights and ask that the bill go over today.

Mr. TYDINGS. Mr. President, will the Senator withhold his objection for just a moment?

Mr. McNARY. Certainly.

Mr. TYDINGS. Of course, I appreciate the position of the Senator from Oregon, and I think he has been very fair in asking that the bill go over until a general policy can be formulated. I should like to point out to him, however, that the committees having charge of the celebration are already in being; the celebration is expected to take place in the not far-distant future; and it would be kinder to kill the bill and notify the persons concerned of that fact than to have them go ahead in the hope that the bill may be passed eventually and then not have it pass.

Mr. McNARY. No: I shall not kill the bill. I do not practice ugly things. I promise to make my decision within a few days.

Mr. TYDINGS. That is all right.

Mr. McNARY. I think I shall have no objection; but, inasmuch as the Senator from Kentucky said the committee are formulating a policy, I wish to ascertain whether it is going to be a policy in favor of the issuance of coins or the issuance of tokens.

Mr. BARKLEY. Mr. President, if the Senator will yield there, I recall that there is before the committee a bill to provide for the issuance of a coin in connection with the celebration of the completion of the Bonneville Dam. The dam has not as yet been finished. That is merely one of probably a dozen bills that are before the committee. There has been no report, either favorable or adverse, upon it; and I do not see just what connection Bonneville has with Antietam.

Mr. McNARY. It has not any connection, except in principle and in policy. I repeat, I wish to know what the policy of the committee is to be before this or any other bill of the kind goes through.

Mr. BARKLEY. It will be impossible for the committee to report to the Senator within the next few days what its policy is to be.

Mr. McNARY. Then it will be impossible during that time to pass any legislation on the subject.

Mr. TYDINGS. Mr. President, will the Senator yield for a moment?

Mr. McNARY. Yes.

Mr. TYDINGS. I shall be glad to help the Senator secure the passage of the bill to which he refers; but I should like to point out to him that I think the bill now under discussion is entitled to a little more consideration than a bill originally introduced at the present session of Congress. I remind the Senator that a bill similar to this one passed both branches of Congress at the last session. If it were a new matter coming in at this session, I should think one policy ought to cover all; but, in view of the fact that the bill failed in the last Congress only because of a clerical imperfection, I hope the Senator will not object to the consideration of the bill at this time, but will look at it as a measure to clear up imperfections of the last session rather than a new matter at this session. Therefore I hope his good nature will cause him to let the bill go through at this time.

Mr. McNARY. Mr. President, I recognize the equities involved in the statement of the able Senator from Maryland, but for the present I must ask that the bill be passed over.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

CHARLES M. PERKINS

The bill (H. R. 1089) for the relief of Charles M. Perkins was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Charles M. Perkins, former postmaster at Seattle, Wash., with the sum of $14,987.66, representing the amount of postal funds lost in the robbery of said post office on December 23, 1931, and now charged to the account of the former postmaster.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed further to credit the account of Charles M. Perkins, former postmaster at Seattle, Wash., with the sum of $1,100, representing the amount of postal funds embezzled by Edgar A. Chitwood, former assistant postal cashier of said post office, between June 6, and June 10, 1932, and now charged to the account of the former postmaster.

CAPT. J. H. MERRIAM, U. S. N.

The bill (H. R. 1091) for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Capt. J. H. Merriam, Supply Corps, United States Navy, with the sum of $734.42, representing payments made by him to Thomas Cook & Son, Ltd., of Shanghai, China, for the cost of transportation furnished Lt. (Jr. Gr.) Malcolm A. Hufty, United States Navy, and Lt. (Jr. Gr.) Lewis R. Miller, United States Navy, in accordance with orders issued to these two officers by the commander in chief, United States Asiatic Fleet, which payments were disallowed by the Comptroller General.

GRACE M. MOORE, DECEASED

The bill (S. 590) for the relief of the estate of Grace M. Moore, deceased, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for services rendered at third- and fourth-class post offices, be, and he is hereby, authorized and directed to credit the account of Grace M. Moore, deceased, former postmaster at Fostoria, Mich., with $750.92, being the amount paid from postal receipts to Andy A. Moore for his voluntary services as acting postmaster at that office from January 5, 1933, to October 12, 1933, inclusive.

WARREN J. FOX

The Senate proceeded to consider the bill (S. 1590) for the relief of Warren J. Fox, which had been reported from the Committee on Claims with an amendment, at the end of the bill, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $107.75 to Warren J. Fox, of Amity, Ark., in full satisfaction of all his claims against the United States for reimbursement for time, money, and effort expended by him in improving the tract of land (the north one-half of the southwest quarter of section 5, township 6 south, range 24 west, fifth principal meridian of Arkansas) which he was erroneously allowed by the General Land Office to enter as a homestead when it was in fact already privately owned: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. D. HAMPTON

The Senate proceeded to consider the bill (S. 420) for the relief of A. D. Hampton, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated, to A. D. Hampton, father of Adam D. Hampton, Jr., the sum of $5,000 for personal injuries resulting in death sustained by the said" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to A. D. Hampton, of Russellville, Ark., the sum of $5,000, in full settlement of all claims against the United States for the death of his minor son", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to A. D. Hampton, of Russellville, Ark., the sum of $5,000, in full settlement of all claims against the United States for the death of his minor son, Adam D. Hampton, Jr., when the car in which he was a passenger was struck by a Government vehicle operated in connection with the Civilian Conservation Corps, while said vehicle was on official business, on October 7, 1934, on United States Highway No. 64, near London, Ark.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE TO ALBERT GALLATIN

The joint resolution (S. J. Res. 56) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That authority is hereby granted to any association organized within 2 years from date of the approval of this resolution for that purpose to erect a statue of Albert Gallatin, Secretary of the Treasury from May 14, 1801, to February 9, 1814, opposite the west entrance of the Treasury Building in the city of Washington within the grounds occupied by such building, or at such other place within such grounds as may be designated by the Fine Arts Commission, subject to the approval of the Joint Committee on the Library, the model of the statue so to be erected and the pedestal thereof to be first approved by the said Commission and by the Joint Committee on the Library, the same to be presented by such association to the people of the United States.

SEC. 2. That for the preparation of the site and the erection of a pedestal upon which to place the said statue, under the direction of the Director of Public Buildings and Public Parks of the National Capital, the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated.

The PRESIDENT pro tempore. That completes the calendar.

CROP INSURANCE

Mr. POPE. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1397, the crop-insurance bill, in order to make it the unfinished business.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Idaho.

Mr. McNARY. Mr. President, I am wholeheartedly in favor of the philosophy of a crop-insurance program, and hope it may be in some wise plan. Some years ago, as chairman of a special committee, I made an investigation which I think was the original investigation on the subject, and which I shall discuss next week at some favorable opportunity. I have no objection to the bill's being made the unfinished business, provided the Senate does not enter upon its consideration before Monday. I say that for the reason that a few moments ago I ascertained that the hearings of the subcommittee have not as yet been printed. This matter was discussed and hearings were held by a subcommittee of the Senate Committee on Agriculture and Forestry. Day before yesterday the subcommittee reported to the general committee, which did not hold hearings. I have no objection to that. Day before yesterday the bill was favorably reported to the Senate and printed. The hearings have not been printed.

The subject is a new one and an important one, and the Members of the Senate ought to have the record available during the consideration of the measure. Therefore, I shall object to proceeding with any matters involved in the measure today, though I have no objection to its being made the unfinished business.

The PRESIDENT pro tempore. The Chair suggests that the parliamentary situation is that a motion has been made to proceed to the consideration of the bill, which is not subject to debate.

Mr. McNARY. I shall indicate my attitude in a few moments.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. McNARY. Yes.

Mr. ROBINSON. I agree with the Senator that no effort should be made to dispose of the bill until next week, for many reasons. When the bill is made the unfinished business, however, I wonder if the Senator from Oregon would have any objection to an explanation by the Senator from Idaho [Mr. POPE] of the provisions of the bill, with the understanding that no further proceedings shall be had on the bill until Monday.

Mr. McNARY. That would entirely conform to my wishes and views.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with amendments.

Mr. POPE obtained the floor.

Mr. THOMAS of Oklahoma. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. POPE. I yield to the Senator. I realize that he gave notice a few days ago that he would speak today. I desire to proceed with my explanation of the bill at some time today.

Mr. ROBINSON. In view of the notice which was given by the Senator from Oklahoma, I suggest to the Senator from Idaho that he withhold his discussion in order that the Senator from Oklahoma may now have an opportunity to present his views.

Mr. POPE. That is entirely agreeable to me.

NATIONAL RULE FOR NATIONAL COMMERCE

Mr. O'MAHONEY. Mr. President, there has just come from the Government Printing Office the first part of the hearings on Senate bill 10, which was introduced on January 6 last and referred to the Committee on the Judiciary. It is a bill to establish a national rule for the government of corporations engaged in national commerce. I am asking that a copy of these hearings be placed upon the desk of every Senator, because the subject matter of the measure is of such paramount importance that I venture to express the hope that all Members of the Senate may find the opportunity of at least glancing through the hearings.

Subsequent volumes will be ready for attention in the very near future. The bill deals with the most important economic subject now before the people of the United States. As the Senator from Idaho [Mr. BORAH] said a few days ago, there is not a monopoly in the United States that is not operating by virtue either of a grant by some State government or by virtue of the failure of the National Government to assert its power.

The strikes which threaten to paralyze the commerce of the Nation and to destroy the economic recovery we have been enjoying have been declared chiefly in the plants of huge interstate corporations which derive their existence from State charters.

A sit-down strike here or a sit-down strike there may be terminated by conference and agreement, but there can be no assurance of permanent economic peace unless we adopt a sound national policy.

Our trouble arises from the fact that, although it has full power, the Congress of the United States has not seen fit to exercise it to protect the public interest. State authority is inadequate to the task, because the business with which we are concerned overflows State lines.

We shall not even begin to solve this question until we recognize the very simple fact that a corporation is a creature of law. If the people, acting through Congress, will only write the charters of these great corporations which carry on the business of the country, thereby limiting and defining the powers which the corporations may exercise, we shall lay the foundation for permanent settlement. Until the Congress does enact such a law we shall not escape the evils of the present situation.

The measure which I have introduced to provide a Federal system of charters and licenses for corporations engaged in commerce among the States, and a similar measure which has been introduced by the Senator from Idaho, furnish, I believe, the formula upon which public authority may be satisfactorily asserted in the present economic crisis.

The volume to which I am now calling attention contains information which I am confident is of importance to the Members of this body.

REGULATION AND STABILIZATION OF DOLLAR VALUE

Mr. THOMAS of Oklahoma. Mr. President, yesterday I announced that immediately upon the conclusion of the morning hour today I would ask permission to introduce a bill and then to make some explanation of the reasons for introducing the bill. At this time I ask permission to introduce a bill having for its title "A bill for the regulation and stabilization of agricultural and commodity prices through the regulation and stabilization of the value of the dollar, pursuant to the power conferred on the Congress by paragraph 5 of section 8 of article I of the Constitution, and for other purposes."

The PRESIDENT pro tempore. Without objection, the bill will be received.

Mr. THOMAS of Oklahoma. I ask permission that a copy of the bill just introduced be referred to the Committee on Agriculture and Forestry and be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 1990) for the regulation and stabilization of agricultural and commodity prices through the regulation and stabilization of the value of the dollar, pursuant to the power conferred on the Congress by paragraph 5 of section 8 of article I of the Constitution, and for other purposes, was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc.—

SECTION 1. Monetary policy: Pursuant to the authority conferred in paragraph 5 of section 8 of article I of the Constitution, wherein the Congress is authorized to coin money and to regulate the value thereof, the Congress does hereby declare that the monetary policy of the United States shall embrace, among others, the following principles:

(a) To coin and keep constantly available an adequate supply of sound money;

(b) To regulate the value of the dollar so as to best serve the domestic economy of the people; and

(c) To place and keep in circulation a sufficient amount of properly valued currency to adequately supply the demands and needs of the people of the United States: *Provided*, That the regulation and stabilization of the value of the dollar shall be a fixed policy of the Government of the United States, and, in order to promote and give stability to agriculture, industry, commerce, manufacturing, mining, forestry, fisheries, employment, and other human activities, the regional Federal Reserve banks and the member banks of the Federal Reserve System, under the supervision and direction of the Monetary Authority, shall cooperate in carrying out the policy and principles herein set forth and as provided in this act.

SEC. 2. Creation of monetary authority: The Congress, in order to vitalize the provisions of the Constitution and to carry into effect the monetary principles and financial policy set forth in section 1 hereof deems it necessary to, and does hereby, create the Board of Governors of the Federal Reserve System into a governmental agency to be designated as a Monetary Authority (herein referred to as the Monetary Authority) for the express purpose of regulating the value of money: *Provided*, That the constitutional clause—regulating the value of money—shall be construed to mean adjusting the value of the dollar to that point which will serve the best interests and best promote the domestic economy of the people of the United States: *And provided further*, That said clause—regulating the value of money—shall be construed to mean not only the adjustment of the value of money but also the stabilization of such regulated and adjusted value as hereinafter provided.

SEC. 3. Dollar-value control items: The Monetary Authority, in regulating, adjusting, and stabilizing the value of the dollar as herein provided, shall take into account and give consideration to, among other things, the following:

(a) The amount of the annual total tax bills necessary to support the several units of Government;

(b) The amount of the annual total public and private interest items;

(c) The amount of consolidated or massed debts, public and private, owned by the several units of Government, corporations, and the people jointly and severally;

(d) The general price level and the relation of such price level to the tax, interest, and debt burdens resting upon the people.

(e) The interests of taxpayers, mortgagors, debtors, producers, consumers, wage earners, holders of fixed investments, and those who live on fixed incomes;

(f) The relation of the general domestic price level to the general world price level; and

(g) The relation of the value of the dollar to the values of the monetary units of the other governments of the world.

SEC. 4. Standards and limitations: Immediately upon the passage and approval of this act, the said monetary authority shall assume and exercise the powers herein delegated and conferred according to the standards and within the limitations herein set forth: *Provided*, That the said monetary authority is hereby authorized and directed to proceed without delay and as provided herein to so regulate the value of the dollar as to raise the general price level to a point equal to the average of the general price level for the year 1926, as shown by the Bureau of Labor Statistics: *And provided further*, That, pending the regulation and adjustment of the value of the dollar to the 1926 level as provided herein, the said monetary authority shall proceed to investigate, consider, and determine the proper value of the dollar as provided in section 3 of this act: *And provided further*, That the adjusted, regulated, and stabilized value of the dollar, as may be determined by the said monetary authority, as provided herein, shall not be at a point of value in excess of the average value of the dollar during the year of 1926, as shown by the said Bureau of Labor Statistics.

SEC. 5. Equilibrium price level: The monetary authority, in carrying into effect the principle of monetary policy stated in (b) of section 1 hereof, and after full consideration of said items (a), (b), (c), (d), (e), (f), and (g) in section 3 hereof, shall regulate and adjust the value of the dollar, as provided herein, so as to effectuate, produce, and bring about as nearly as possible, an equilibrium price level designed to serve the best interests of the people of the United States as mentioned in (c) of section 3 hereof.

SEC. 6. Stabilization: Immediately upon the completion of the regulation and adjustment of the value of the dollar, as provided herein, the monetary authority shall proceed to stabilize and thereafter keep stable as nearly as possible, the value of said dollar at the point of value so determined as provided in section 4 hereof: *Provided*, That in the regulation, adjustment, and stabilization of such value at such point, the said monetary authority shall have all the authority herein delegated and conferred and, in addition, shall have all the authority heretofore delegated and conferred upon the Board of Governors of the Federal Reserve System.

SEC. 7. Specific powers: In order to carry into effect the principles of the monetary policy set forth in this act, the monetary authority, acting under the powers conferred herein and acting as the Board of Governors of the Federal Reserve System, shall have the following specific powers:

(a) Full and complete control over reserve requirements of member banks of the Federal Reserve System;

(b) Full and complete control over the discount rate at each of the regional Federal Reserve banks;

(c) Full and complete control over the eligibility of all kinds and classes of collateral to be accepted by the several regional Federal Reserve banks, their branches, and other member banks of the Federal Reserve System; and

(d) Full and complete control over all open-market operations in all regional Federal Reserve banks, both in the buying and selling of securities at home and abroad.

SEC. 8. Monetary authority statistics: For the purpose of assisting in the regulation, adjustment, and stabilization of the value of the dollar the said monetary authority is hereby authorized to investigate, prepare and officially adopt, subject to the approval by the Congress, a system of statistics to be known as the monetary authority statistics: *Provided*, That in preparing such statistics the monetary authority shall have authority to call upon other departments of the Government for such statistics, data, and information as may be desired and requisitioned: *And provided further*, That pending the adoption of such monetary authority statistics the said monetary authority shall make use of, and be governed by, the Bureau of Labor Statistics as provided herein.

SEC. 9. Officers and employees: In carrying into effect the provisions of this act the monetary authority shall have power to appoint officers and employees, to define their duties, fix their compensation, require bonds of them, and fix the penalty thereof, and to dismiss at pleasure such officers and employees. The said monetary authority is hereby empowered to adopt and promulgate such rules and regulations as it may deem necessary to carry out the provisions of this act.

SEC. 10. Interpretation of delegated powers: The powers conferred upon and delegated to the Monetary Authority herein created shall be construed to be a delegation of legislative powers conferred upon the Congress by paragraph 5 of section 8 of article I of the Constitution to regulate the value of money: *Provided*, That such powers so delegated shall be further interpreted and construed to be a delegation of such legislative powers to a governmental agency to carry out a fixed policy of the Congress according to definite and fixed standards, and within definite and fixed limitations, as set forth herein and as provided by this act.

SEC. 11. All provisions of the Federal Reserve Act of 1913, with amendments, including title 3 of Public, No. 10, Seventy-third Congress, and amendments thereof, and other public acts of the Seventy-third, Seventy-fourth, and Seventy-fifth Congresses, when not in conflict and not inconsistent with the provisions of this act, shall be, and are hereby, continued in full force and effect.

SEC. 12. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, annually such sums as may be necessary for carrying into effect the purposes of this act.

SEC. 13. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 14. The Monetary Authority shall report to the Congress annually such data, report of activities, and statement of policy as may be deemed in the public interest, and shall make recommendations to the Congress at its discretion relative to amendments of this act.

SEC. 15. The short title of this act shall be the "Monetary Authority Act."

Mr. THOMAS of Oklahoma. Mr. President, I have chosen an hour when the Senate would be least inconvenienced, and the time I shall consume will be devoted to establishing the background for the suggested legislation.

Conditions are somewhat unsettled in the United States and throughout the world. With a nation of 130,000,000 people, the strongest and the richest and the most influential nation on the earth, it is presumed that conditions from time to time might be unsettled.

It is my judgment that the unsettlement and the trouble we are now having throughout the United States, and largely throughout the world, are due, either directly or indirectly, to the value of the monetary unit in this country, and likewise the value of the monetary units in the other nations of the world. Take, for example, the sit-down strikes occurring throughout this country. What is the reason for those strikes? A few years ago millions of the wage earners of this country were out of employment. Now many millions of those formerly unemployed have secured employment. Formerly prices were very low and living was very cheap. Because the dollar has become cheaper, prices have risen. When prices rise the cost of living goes up, and while many of the men who were formerly unemployed now have jobs, they find that their living costs are going up but wages are still "sitting down", and these "sit-down" wages refuse to rise. To me the explanation is simple. The wage earners are sitting down with the wages, and they are refusing to rise until wages are willing to rise with them.

Let me call attention very briefly to a few news stories appearing in the press of today and perhaps of yesterday. I have before me a copy of the American Banker, the issue of only 1 or 2 days ago. The editorial in this publication is under the following caption:

Gold clause—no more. Responsibility now rests with Federal authorities for price level.

The heading of this editorial merely states that the price level of today is the result of the management of Federal authorities. From this editorial we may deduce the conclusion that the price level of tomorrow and the price level of next week and of next year will be that which may be dictated and brought about by the Federal authorities representing the Government of the United States.

I call attention to other news stories. For instance, I find in the public press of a recent date an article under very heavy headlines, which read as follows:

Rising prices new worry of administration. Advance in commodities seen as peril like that of 1929.

In the story is an attempt to broadcast a scare that prices are about to run away with themselves, and that because prices are about to run away with themselves conditions in the United States are likely to get out of control.

Another news story I find under this heading:

Inflation—How near is it?

Another news story appears under the following caption:

Eccles points boldly to danger. Federal Reserve head warns of price and wage inflation.

I find another news story in another publication under the following heading:

Rising price levels threat to recovery? A boom in prices. Effect on living costs. Aims of the administration. Money controls.

Another news story appears quoting the chairman of the Finance Committee of the United States Senate to the effect that prices are not now too high.

I find another news story under this heading:

Rising commodity prices pinch District of Columbia wage earners' stable pay. But while his dollar has fallen in purchasing power, it is still far above 1929.

If this story is to be credited, and if it is based upon the facts, while the dollar has fallen in value, causing prices to rise, yet prices have not risen to the point where they were in 1929, and in 1929 prices were not as high as they were in 1926. So we must first reach the 1929 level before we can reach the 1926 level. The 1926 level has been the goal of many persons who have been interested in the management and control of the value of the dollar.

Another news story I find under the heading:

Lack of policy.

The article states that the Congress has no policy, that the Federal Reserve Board has no policy, and that the administration has no policy. In other words, no one seems to know to what point the dollar is to be cheapened before the cheapening process will stop.

Mr. President, I have had prepared a graph, or chart, which is suspended on the wall of the Senate. Across the center of the chart will be found a straight, heavy black line designated by the figure "100."

I call attention to the second line, a very crooked black line which is designated as "dollar value." It will be noted that the black, crooked line is sometimes above the center or medial line and sometimes below. That is the line which represents the rise and fall in the value of the dollar from 1800 to the present hour. This line is about as straight as a lightning flash. We have heard it said that we now have a rubber dollar. During these 137 years we have had a dollar as unstable as that line is crooked. If we have ever had a rubber dollar, a bouncing dollar, we have had it from 1800 up to the present time, save through two short periods of emergency, one from 1800 to 1810, when the dollar value was rather stable, the other from 1921 to 1928, when again the dollar value was rather stable.

We have a system for measuring values, including the value of the dollar. This system is a set of statistics and is compiled by what is known as the Bureau of Labor Statistics. This system embraces 784 separate items or commodities and is sometimes designated as the wholesale price list.

It is now generally admitted that the dollar value controls prices and that prices control income and prosperity; hence, at all times the price of any given item or commodity embraced within the 784 items making up such index is controlled by the value of the dollar. The value of the dollar, as measured by commodities, is controlled by various elements, such elements including the size or the weight of the gold content of the dollar, the amount of the dollars or units in circulation, the amount of credit or deposit money in circulation, and the velocity with which such dollars circulate.

Under the formula just stated, we find that during the past 137 years the value of the dollar has bounced up and down something like the bouncing of a rubber ball. According to the Bureau of Labor Statistics, the dollar had the value or purchasing power of 99 cents in the year 1800. From 1800 to 1810 the dollar value was rather uniform, and when the dollar value is uniform the price level is likewise uniform.

From 1810 to 1820 we had the national disturbance known as the War of 1812. During that period money became plentiful, and thereby cheaper; hence, commodity prices rose accordingly.

About 1820 the dollar value started upon an upward, irregular course, reaching 152 cents in 1830, dropping to 119 cents in 1837, going up to 160 cents in 1850, and to 164 cents in 1860. As the value of the dollar during the years from 1820 to 1860 remained above the medial line of 100, we find that the value of commodities remained uniformly below the 100 medial line.

In 1860, when the disturbance between the States started to develop, the dollar value began to fall, and as the dollar went down the purchasing power or commodity price went up, until in 1865 the dollar had a value of 60 cents, and commodity prices had a correspondingly high value of 132 cents. In other words, about 1865, when we had no gold or silver in circulation, but only greenbacks, because of the amount of greenbacks in circulation and because the greenbacks were not at that time redeemable in either gold or silver, the dollar value fell to 60 cents as measured by this commodity index; and when the dollar value fell, commodity prices rose accordingly.

In 1865 the dollar again started on an upward, irregular course, until in 1878 the dollar had a buying or purchasing power of 162 cents, and in 1896 the dollar reached its greatest value, as measured in terms of commodities, and, according to the graph and the Bureau of Labor Statistics, such dollar had a value or buying power of 215 cents. It was at this period that the general price level was at its lowest period in history.

In passing I may call attention to the fact that it was this high-valued dollar and correspondingly low price level which brought on the campaign for cheaper money and higher prices as led by William Jennings Bryan in the so-called "free silver" campaign of 1896.

That is in the period, as shown on the graph, from 1890 to 1900. At that time the dollar, in measure of commodities, was worth 215 cents; and because the value of the dollar was so high, and commodity prices were so low, Bryan led a party in an effort to secure a cheaper dollar, and likewise higher prices for the things people produced. That, as I have said, is known as the Bryan campaign for free silver in 1896.

In 1897, because of the discovery of vast deposits of gold, money became more plentiful, and thereby the value of the dollar again began to fall; and as the dollar fell, we find commodity prices starting upon an upward trend.

In 1914 the World War brought about another flurry in the value not only of the dollar but of the other currencies of the world; and as the dollar started on its downward trend in 1914 we find the wholesale price level starting upward again.

In 1920 the dollar had a buying or purchasing power of 64 cents; and at that time commodities, as shown by the price level, had purchasing power to the value, on the average, of 154 cents. In the national campaign of 1920 the question of the price level developed into a national issue. The Democrats had been in power for 8 years, hence the high prices of that year were blamed upon the Democratic Party.

The Republican National Convention met in Chicago on June 8 to 12, 1920, and in the platform declaration of such convention we find the following planks:

Under the heading The High Cost of Living we find the following language:

> The prime cause of the high cost of living has been, first and foremost, a 50-percent depreciation in the purchasing power of the dollar, due to a gross expansion of our currency and credit.

Also, in the same platform declaration, the Republican Party made the following promise to the people of the country. I quote:

> We pledge ourselves to earnest and consistent attack upon the high cost of living by rigorous avoidance of further inflation in our Government borrowing, by courageous and intelligent deflation of overexpanded credit and currency.

The Republican Party was successful in the November election of 1920, and immediately a program of deflation, as promised in the Republican platform, was initiated.

Mr. Harding was inaugurated on March 4, 1921, and during the following 18 months the sum of $100,000,000 per month was taken out of circulation, and the money thereby canceled. When Mr. Harding was inaugurated President we had $6,207,000,000 of money in circulation, and on September 1, 1922, 18 months thereafter, such circulation had been reduced to the sum of $4,383,000,000.

During the 18 months from March 4, 1921, the policy of deflation took out of circulation $100,000,000 per month, or $1,800,000,000 in that brief period. That is deflation.

Mr. LEWIS. Mr. President, will the able Senator please explain what is meant by his expression of vast millions being canceled? I confess not to understand it, and I shall be pleased to have enlightenment from him.

Mr. THOMAS of Oklahoma. Mr. President, I have just stated that when Mr. Harding became President there was in circulation the sum of $6,207,000,000. At that time there were that many gold dollars and silver dollars and paper dollars actually outside the Treasury of the United States.

Some of this money was in bank vaults; some of it was in the tills and safety-deposit boxes of people; some of it was in hiding; some of it was in the cash registers of the merchandising establishments of the Nation; and some of it was in the pockets of the people. But on that date there was in circulation, as we define the term "circulation", the sum of $6,207,000,000.

During the next 18 months there was taken out of circulation $100,000,000 per month. That was done in this manner: The Federal Reserve Board, in obedience to a resolution passed by the Senate, submitted a report to the Senate stating that it proposed to adopt a policy of deflation. In that report the Federal Reserve Board stated that the Board had advised the banks of the country not to be so liberal in making loans in the future as they had been in the past, and that not only should they not be so liberal in making loans as they had been, but they should serve notice on their borrowers that good policy dictated that the borrowers should not borrow in the future, but should begin to pay, should begin to reduce the amount of their loans at the banks.

Pursuant to that policy, and under the influence of the banks upon their customers, the customers and borrowers began to pay. The borrowers from the banks throughout the Nation sold what they had or what they could, raised money, and applied the money on their loans at the several member banks throughout the Nation. As the member banks received the money on their loans the member banks sent this money to the Federal Reserve banks, because the facts show that during these years of activity the member banks, in order to finance the business of their customers, had to borrow vast sums from the Federal Reserve System. So the member banks had loans, or had money borrowed from the Federal Reserve banks. As the member banks collected money they sent it to the Federal Reserve banks and had it applied upon their indebtedness; and that is when the money went out of circulation.

I hope I have in a limited way or in a partial manner answered the question of the Senator from Illinois.

Mr. LEWIS. Mr. President, I appreciate the reply of the able Senator, but I should like to ask him a further question. In using the term, as used a moment ago, that these vast millions were canceled, did my able friend mean, by the word "canceled", the definition he has now given of the retirement of this money?

Mr. THOMAS of Oklahoma. For the time being, the money went into hiding. It went where it could not be had except through another series of loans by the Federal Reserve System to member banks, so that in turn the member banks could, if they desired, make loans to their customers. When I used the word "canceled", I meant canceled for the time being. The money was not destroyed. The money went to the Federal Reserve banks, went into their vaults, and remained there until some future years when they should see fit to loan it again to member banks. But for the time being, at least, the money was taken out of circulation; it was returned to the several Reserve banks, and remained there until called for again at some future period.

Mr. LEWIS. Then, its uses were canceled.

Mr. THOMAS of Oklahoma. Exactly so. The money was not in a place where it could do any work; it was in prison, so to speak.

The platform declaration of the Republican Party in 1920 contained, in condensed form, the economic principles relating to and controlling the value of the dollar. The action of the Republican administration from March 4, 1921, demonstrates the possibility of regulating the value of the dollar and, by such regulation, the control of the general price level of the Nation.

At this point I might call attention to the fluctuation of prices caused by the deliberate deflation of currency and credit by the Republican administration under President Harding. By referring to the graph on the wall—and in order to make the graph understandable I have indicated under each period the name of the President—it will be seen that at this point [indicating] Mr. Harding came upon the scene. That was in 1920. He was elected in November 1920 and was sworn in as President on March 4, 1921. When Mr. Harding was elected President the dollar had a value of 64 cents and commodity prices had an average value of 154 cents. That meant that commodity prices had an unusually high price level. At the same time it meant that the dollar had an unusually low price level. After Mr. Harding became President money was taken out of circulation, and money became scarcer and thereby dearer. The chart or graph shows the zigzag line going upward. From March 4, 1921, to September 1, 1922, the value of the dollar was increased from 64 cents to 100 cents, and as the dollar went up in buying power commodity prices fell. The chart shows that the average price of commodities fell from 154 cents on March 4, 1921, to 100 cents by September 1, 1922.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

Mr. THOMAS of Oklahoma. I am glad to yield.

Mr. VANDENBERG. Is it the Senator's statement that that was entirely due to the reflex in the volume of currency?

Mr. THOMAS of Oklahoma. As stated a moment ago, there are different conditions that control the value of money: One is the amount of currency in circulation; another is the amount of credit or deposit money in circulation; and the third is the volume at which all classes of money circulate. But when the Harding administration decided to deflate, as they did, as announced in the Republican platform of 1920, when the party came into power and began to do the things they promised to do everything began to slow down; money went out of circulation; deposit and credit money ceased to expand and began to contract; and, as money went out of circulation and deposit money began to contract, the velocity began to be retarded, and within 3 years, according to my viewpoint, caused the dollar value to go up and commodity prices to fall.

At this point I might call attention briefly to the fluctuation of prices caused by the deflation program of President Harding. When the Republican convention met in June 1920 cotton was selling for 42 cents a pound, and after 18 months of deflation, as promised by the Republican platform, cotton was selling for 22 cents a pound. When the convention met wheat was selling for $2.50 a bushel, and, within 18 months, the price of wheat had dropped below $1 per bushel. The same percentage of reduction was reflected in the several items making up the wholesale price list. In the brief space of 2 years it was conclusively demonstrated that the value of the buying power of the dollar could be changed and regulated by the control of money and credit permitted to be in circulation.

By referring to the graph, it will be noted that the heavy black line, indicating the dollar value of 64 cents in 1920, took an upward trend until in 1922 the dollar value, as measured by commodities, had reached the medial line designated by 100. As the dollar-value line reached the 100 medial line, we find the commodity price level likewise meeting the same 100 medial line.

From 1922 to 1928 the value of the dollar was adjusted, regulated, and stabilized at approximately 100. In 1926, at the middle of this period—that is, the period from 1922 to 1929—we had a stabilized price level and a stabilized dollar; and it is impossible to have a stabilized price level without having a stabilized dollar. In that year—1926—every group of commodities represented in the Bureau of Labor system of statistics showed that the buying power of the dollar was 100, which means, of course, 100 cents.

It is because of the regulation and stabilization of the value of the dollar at 100 cents in 1926 that that year has been designated as the most satisfactory to consider as the norm or standard. During the period from 1922 to 1928 we had a general era of prosperity. Wage earners were generally employed at fair wages; commodity prices were adjusted to a level which enabled producers to receive the cost of production plus a degree of profit. It was during this period that the national income increased perceptibly; it was during this period that the income of the Treasury derived from taxation was sufficient not only to meet the expenses

of the Government but at the same time to reduce the national debt approximately $1,000,000,000 a year.

I might also suggest that this temporary regulation and stabilization of the value of the dollar, and consequently the temporary regulation and stabilization of the value of commodities, was due entirely to the ability and courage of Benjamin Strong, the governor of the Federal Reserve bank located in New York City.

In 1921 Governor Strong, without a mandate from the Congress, obviously exercised the power conferred upon the Federal Reserve Board, and thereby, through monetary and credit control, adjusted the value of the dollar to a hundred cents and kept such adjusted value stabilized during the remainder of his brief lifetime. In 1928 Mr. Strong passed on, and at the moment of his death, there being no one left who assumed to carry out his policy, the dollar began to seek its former haunts; it started upward; in a very few years the dollar had advanced from 100 cents to 167 cents; and as the value of the dollar rose the price of commodities fell.

It cannot be doubted, Mr. President, that the high-valued dollar in 1932, as shown by this graph, it being then 167 cents, was responsible for the defeat of President Hoover and the election of Franklin D. Roosevelt.

This point [indicating] shown on the graph is supposed to represent March 4, 1933, with the dollar at its highest value in recent years, such value being 167 cents. At that time, when the dollar was at its highest value, commodity prices were as low as they were back in 1896. So immediately upon the election of President Roosevelt the power of the administration was directed to the cheapening of the dollar and the consequent raising of commodity prices. As hereinbefore stated, the value of the dollar has fallen from 167 cents in February 1933 to a value, or purchasing power, of 114 cents on March 13, 1937. As the value of the dollar has fallen commodity prices have increased.

By glancing at the graph it will be noted that the value of the dollar started to fall on March 4, 1933, and it has been on a downward trend from that day until this. The dollar has lost value from 167 cents in 1933 until today its value is 114 cents. So the dollar value now, after 4 years of effort, is still higher than it was in 1929, and much higher than it was in 1926. The graphic trend shows that commodity prices have not reached the level of 1926.

The bill which I am proposing, and which I have introduced this afternoon, provides a plan for the still further cheapening of the dollar until the value or buying power of the dollar shall be reduced to the 1926 level of 100 cents.

If the dollar value is still further reduced to the level mentioned, we will find the price level of commodities restabilized again at approximately the 1926 level.

It is my contention that the value or purchasing power of the dollar can be absolutely and safely controlled, and that, through regulation and control of the value of the dollar, we can likewise absolutely and safely regulate and stabilize the price level for commodities.

From the point where the dollar value of 114 cents is shown on the graph it is my contention and my purpose and my plan, so far as I can effectuate them, to see that the dollar is still further cheapened until this black line [indicating] shall reach the medial line of 100, which will bring the dollar value down to 100 cents in terms of commodities. If and when this black line [indicating] is brought down to this 100 medial line [indicating] it will be found that the red or commodity line will be raised to the same line, exactly as it was from the period of 1922 to 1928, and as it was away back from 1800 to 1810. The fluctuation from 1800 to 1810 was greater than the fluctuation from 1922 to 1929.

Under Governor Strong the dollar varied only as follows: He brought the dollar to a hundred cents; it then fluctuated down to 97 cents; then up to a hundred cents; then to 101 cents; then up to 103 cents; then down to 96 cents; then up to 104 cents, a fluctuation above or below the line of 3 or 4 cents a year.

I do not hope to have the medial line from this time henceforth as straight as an arrow. That is too much to be expected or too much to be hoped for. But if Governor Strong, without a mandate from Congress and without the powers that may be conferred by congressional enactment, could adjust and regulate the value of the dollar from 64 cents to 100 cents and thereafter keep such value regulated and stabilized at approximately 100 cents for a period of almost a decade, then I contend that with a mandate from Congress and with additional powers conferred, an agency of the Government may again adjust and regulate the value of such dollar to 100 cents and thereafter keep such regulated value stabilized in terms of commodities.

My bill if enacted into law would bring the black line down to meet the medial line on the one hand. If my bill will do what I think it will do, it will bring the red commodity line up to meet the same medial line, and then when the dollar has been adjusted or regulated in value as the Constitution provides, from that time henceforth the dollar will be possible of stabilization, and with the stabilization of the dollar it will be possible, in my opinion, at the same time, to stabilize the value of commodities.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDENBERG. Referring to the period which the Senator describes as Governor Strong's era of stabilization, does the Senator think Governor Strong would have done what he says was done during that period if the Government itself had been running at a constant deficit and financing its deficits by borrowing?

Mr. THOMAS of Oklahoma. It would have made it harder for him, I will admit. Is the Senator from Michigan worried about increasing the amount of the national debt and increasing prices?

Mr. VANDENBERG. What I am trying to find out is the Senator's philosophy in respect to control, and I am wondering, and asking only for information, whether the factor to which I now allude would not have embarrassed Governor Strong if such had been the situation at that time.

Mr. THOMAS of Oklahoma. No doubt it would have been harder for Governor Strong to do all that he did, but the fact is that he was in charge of the Federal Reserve Bank of New York City from 1913. He served as governor of the Federal Reserve bank in New York from 1913 until 1928, but during the war period others had control of finances. The bill was not passed until 1913. It took a good while to get the law in operation. Governor Strong was a young man. No doubt he went along carefully and cautiously.

Governor Strong took charge immediately after the war closed. The war closed in 1918. Governor Strong was then governor of the Federal Reserve Bank of New York City. He began to exercise his power and his genius shortly after the close of the war, but he actually took charge March 4, 1921. From then on what was done, as I believe, was done by Governor Strong through his ability, his foresight, his knowledge of money, and his knowledge of what the country needed and demanded in order to get back on its feet again. I wish to state for the public record that I approve of what Governor Strong did. I am hoping that what he did may be done again. I believe it can be done again.

With reference to the bill which I have introduced, I do not expect it to pass tomorrow. It may never pass. But the question of the regulation of the value of money is now uppermost. I realize that few, perhaps, understand the mechanism of money. It is difficult to get people to listen to one talk about money. Some people seem to think that money is an Einstein proposition. They never did understand it; they never can understand it; they will never try to understand it. But from my viewpoint it is the most important question that confronts the Congress.

The Constitution provides that Congress shall regulate the value of money. That provision has stood in the Constitution for 148 years. During those 148 years the Congress has made no effort or little effort, if any, to regulate the value of money. There was a time when the people thought that a little piece of gold of a fixed weight and fineness was an unvarying measure of value just as the yardstick is an unvarying measure of length. But it has been demonstrated now, and I think admitted by the nations of the world, that gold is not stable in value.

For a long time we had the gold dollar as the basis of our money. We had what is called the single gold standard. That simply meant the currency we had, our checks or money, upon our own motion could be taken to a bank and redeemed in gold. The last word in money was the gold dollar. That is the reason why we said we were on the gold standard.

Many people seem to think that the gold dollar was an unvarying, unchanging, and unchangeable measure of value. Look at the graph which I have placed on the wall of the Senate Chamber. We had the gold dollar for one-hundred-and-thirty-odd years and, as shown by the graph, the value of the gold dollar has bounced up and down, as I said a moment ago, exactly like a rubber ball. As the dollar bounced up and down the prices of commodities likewise bounced up and down. The Congress in all those years has never made a serious effort, so far as I know, to regulate or stabilize the value of our money.

The Constitution provides that the Congress shall have that power. No one else has the power to regulate the value of money. Some have assumed to use some power to do the job. Governor Strong had the power of the Federal Reserve System at his command. He was the head of the largest bank in the Federal Reserve System. That bank had charge of the open-market operations. No doubt he was the best qualified man to advise the Federal Reserve officials as to what they should and should not do.

I have read the book prepared by Dr. Burgess on the Strong plan, and it is my viewpoint that the officials of the Federal Reserve System deferred to Governor Strong and let him outline what should be done. Then the whole Federal Reserve System fell in behind Governor Strong and did what he recommended.

At the present time this power is not centralized. Some power is vested in the Federal Reserve Board, called now the Board of Governors of the Federal Reserve System; some power is vested in the President; and some power is vested in the Secretary of the Treasury. Today there are three boards or three agencies which might assume to control and regulate the value of the dollar, but the Congress has never tried to do this directly. It is obvious, as I shall explain in a few moments, that Congress cannot do this, and I shall give the reasons why.

Mr. President, 4 years ago, when the dollar value was high and prices were low, I introduced in the Senate a bill providing a plan for the cheapening of the dollar and thereby raising prices. The bill was passed by the Congress. The law was held to be constitutional by a 5-to-4 decision of the Supreme Court.

During these 4 years the dollar has been cheapened and prices have been raised. Today the value of the dollar is still falling and, consequently, prices are still rising.

Because of this 4-year trend, the following questions have arisen: How cheap shall the dollar be made, and how high shall prices be raised? Who is able, competent, and qualified to answer such questions?

In all the land there is but one tribunal legally qualified to make reply, and that tribunal is the Congress of the United States. Section 8 of article I of the Constitution confers upon Congress the exclusive power to regulate the value of money. Save the power delegated and conferred upon the President by the act of 4 years ago, no person, board, or department has any mandate to presume to say how cheap the dollar shall be made, or how high prices shall be raised.

The Federal Reserve System, a private banking organization, has power to alter, change, and, to a degree, regulate the value of the dollar, but has no legal mandate from the Congress to act in such capacity.

The President and the Department of the Treasury have power to alter, change, and, likewise, to a degree, regulate the value of our money.

While full and complete power rests in the Congress to adjust and regulate the value of the dollar, no mandate other than the one mentioned has ever been given any person, board, commission, or department of the Government.

Our Government is now almost 150 years of age. The Congress has had full constitutional power to adjust and regulate the value of the dollar during all this time, but has failed to act.

During all these years just what has the Congress done to vitalize this constitutional provision?

When the Constitution was adopted we had practically no monetary system. Alexander Hamilton, the first Secretary of the Treasury, in 1791 recommended that a mint should be established and that both silver and gold should be used as money.

The Congress in 1792 enacted a law making silver and gold dollars the basic units of currency for the States.

The silver dollar was to contain 371¼ grains of pure silver, and the gold dollar was to contain 24¾ grains of pure gold, and each such weighted dollar was to answer to a dollar in the money of account. From the first the content of pure silver in the dollar has never been changed.

During the administration of Andrew Jackson the weight of the gold dollar was twice reduced.

In 1873 the Congress demonetized silver. In 1900 the Congress, for the first time, made the gold dollar the single standard and basis of our monetary system.

Then, in 1933, the Congress conferred upon the President power still further to reduce the weight of the gold dollar. The power delegated was exercised, and the weight of the gold dollar was reduced from 25.8 grains of gold 0.9 fine to a weight of 15 5/21 grains of gold 0.9 fine.

Until recently all our money, consisting of currency and subidiary coins, was based upon and redeemable in gold.

Today all dollars outside of the boundaries of the United States are, in effect, based upon gold, and each such dollar is worth exactly what 15 5/21 grains of gold 0.9 fine are worth in the markets of the world.

Our domestic dollars are neither based upon nor redeemable in gold; hence the value of such dollars has little, if any, relation to the value of the foreign dollar.

Under present law, rules, and regulations, the United States is on a pseudo-gold standard abroad and on a managed currency at home.

Formerly the public was led to believe that fixing the weight or size of the silver and gold dollar regulated and stabilized the value of such dollar. This was on the principle that a large nugget of silver or gold would be worth more than a smaller nugget of either of such metals.

Both gold and silver, while held to be monetary metals, are now and have always been commodities with values subject to the law of supply and demand.

When the dollar is given a fixed weight in gold, such action stabilizes the value of but the one commodity of gold. If the law of supply and demand operates on the value of gold in the same way that that law operates on the value of other commodities, then it is obvious that the value of the gold dollar fluctuates exactly as the value of other commodities fluctuates.

In 1920 we were on the gold standard, and our basic monetary unit was the gold dollar. In that year 1 bale of cotton would exchange for 10 ounces of gold.

In 1932 1 bale of cotton would exchange for only 1 ounce of gold.

In 1920, 1 ounce of gold would exchange for 8½ bushels of wheat, while in 1932 the same ounce of gold would exchange for 80 bushels of wheat.

In 1920, 1 ounce of gold would exchange for 8 barrels of oil, while in 1933 the same ounce of gold would exchange for 100 barrels of oil.

At the times mentioned the same approximate ratio which obtained between the value of gold and the value of cotton, wheat, and oil also obtained between the value of gold and

corn, gold and livestock, and gold and property, real and personal, of every kind and character.

Heretofore we have been taught that the value of gold was stable, and that it was the value of commodities and property that fluctuated in the market places. Since the close of the World War public opinion has crystallized into an axiom that the value of gold fluctuates with the supply and demand therefor. Because of this belief and development practically all nations are today off gold insofar as concerns having their currency tied to and redeemable in a fixed weight of such metal.

For 4 years the American domestic dollar has been a managed dollar. The value of the dollar is exactly what its managers have prescribed and dictated. For 4 years our dollar has lost value constantly.

Today the consumers and creditors complain that the dollar is becoming too cheap and that prices are already too high.

The producers and debtors deny that the dollar is too cheap or that prices are too high.

Thus this ancient issue—consumers against producers, creditors against debtors, and bulls against bears—is to the fore again.

What are the facts?

Consumers and creditors call rising prices inflation, and condemn the policy. Producers and debtors know that falling prices constitute deflation, and that deflation produces panics, depression, and bankruptcy.

As stated, our Government is almost 150 years old. From the beginning these groups have engaged in constant economic warfare.

During our national existence, in all periods save three, the producer and debtor groups, because of high-valued dollars and low prices, have been at a distinct disadvantage.

I am not arguing that the producer and debtor groups should have an advantage; but it must now be obvious to all that these groups, embracing by far the larger percentage of our population, should not—and I prophesy that they will not—continue to feed the few on the fat of the land, and clothe the privileged class in fine raiment, while they themselves, undernourished, scantily clothed and improperly housed, toil and slave on a price level below cost of production, and on wages too low to permit a decent or humane standard of existence.

Mr. President, the monetary system of any government is one of the most important problems with which any such government has to deal.

Our own monetary system is no exception to this rule.

The all-important item in all financial systems, at all times, is the value of the monetary unit.

The value of the dollar controls prices, and prices control income and prosperity.

When money is too plentiful, the dollar is too cheap, prices are too high, and we have inflation.

When money is too scarce, the dollar is too high, prices are too low, and we have depression.

Too cheap money produces inflation and consequent booms, while too scarce money produces deflation and the inevitable depressions and panics.

The Constitution confers upon the Congress the power to regulate the value of the dollar; hence, the power to minimise, if not prevent, both inflation and deflation, and the resultant booms and depressions.

To this date this constitutional power conferred upon the Congress has never been formally or legally vitalized.

During most of the life of our Nation the dollar has been either a fixed quantity of gold or silver of a certain degree of fineness and minted into coins forming the basis of our monetary system, or paper currency based upon and presumably redeemable in such monetary metals.

Today the dollar is neither based upon nor redeemable in either gold or silver. Gold is out of circulation; hence, no form of currency is redeemable in such metal.

Formerly silver certificates were redeemable in silver dollars, but now such certificates are redeemable not in silver dollars but in so many dollars' worth of silver. Literally, this means that the amount of silver needed for the redemption of silver certificates varies from day to day as the value of silver bullion varies in the markets of our country.

A few years ago our silver certificates contained on one side, in substance, the words "redeemable in one silver dollar." Those certificates have been withdrawn from circulation, and the present certificates contain the wording, "So many dollars, redeemable in silver." Mr. President, if you should take a $1 silver certificate to the Treasury and ask for its redemption, they probably would give you a silver dollar; but that would not conform to the contract. The contract on the silver certificate would require the Treasury to weigh out to you $1 worth of silver and tender to you or redeem for you your bill in either $1 worth of silver or $2 worth of silver or $10 worth of silver, as the case may be. Since the value of silver bullion changes daily, the amount of silver you would receive for your dollar is subject to change daily. So the contract as now printed on the paper silver certificate is impracticable of operation. Nevertheless, that is what it states on its face.

Today we are on neither a gold nor a silver standard.

As stated, the dollar is a managed money unit. We now have a commodity dollar. The value of the dollar in terms of commodities and services changes from day to day.

In February 1933 the dollar, then on the orthodox gold standard, was valued in commodities at 167 cents.

One year ago the managed dollar, in buying power, was worth 127 cents.

Today such dollar is worth 114 cents.

The dollar is constantly changing in value.

Under the old gold standard it likewise changed in value.

In the past the dollar, when based on gold or silver, or both, has been a dollar of varying values.

Who is responsible for the kind or value of the dollar provided for the people of the country?

The Constitution answers:

> The Congress shall have power • • • to coin money, regulate the value thereof, and of foreign coin.

No other tribunal has the constitutional or legal right or power to regulate the value of the dollar.

Important as this question is, the Congress has never exercised this power in a formal, practical, or legal manner.

It is obvious that the Congress could not, through its committees or otherwise, exercise this constitutional power directly. The exercise of such power makes mandatory adequate and proper legislation.

If Congress is unable to act directly in regulating the value of the dollar, then such power must be delegated.

The delegation of legislative power is surrounded with difficulties.

Under the Constitution the coinage of money and the regulation of the value thereof was intended to be a complete governmental monopoly.

In practice at times this monopoly has been farmed out to private interests.

At this time there is no congressional mandate relative to the regulation of the value of the dollar to any definite point.

As I have stated, the dollar is constantly losing its value. It is going down day by day; and as the dollar goes down in value, as it is doing today, as it did yesterday, as it will do tomorrow, prices are constantly rising.

The question now is, How far will the Congress permit the value of the dollar to fall, and, consequently, how high will Congress permit the prices of commodities to rise?

I desire to place in the RECORD at this point plans and specifications of the new dollar as outlined by the President. On May 6, 1933, over a Nation-wide radio hook-up, President Roosevelt said:

> The administration has the definite objective of raising commodity prices to such an extent that those who have borrowed money will, on the average, be able to repay that money in the same kind of dollar which they borrowed.

Again, on July 3, 1933, in a message to the London Economic Conference, the President said:

> Let me be frank in saying that the United States seeks the kind of dollar which a generation hence will have the same purchasing and debt-paying power as the dollar value we hope to attain in the near future.

He was frank to admit at that time that the dollar did not then have the value which he wanted the dollar to have, but he said that in the near future we hope to so regulate the value of the dollar that it will have the value at which we hope it may be stabilized.

On July 5, 1933, in a second message to the World Economic Conference, President Roosevelt said:

> The revaluation of the dollar in terms of American commodities is an end from which the Government and the people of the United States cannot be diverted. We wish to make this perfectly clear: We are interested in American commodity prices.

On October 22, 1933, in a Nation-wide radio address, the President said:

> It is the Government's policy to restore the price level first.

In the same address, at another point, he said:

> When we have restored the price level we shall seek to establish and maintain a dollar which will not change its purchasing and debt-paying power during the succeeding generation. I said that in my message to the American delegation in London last July. And I say it now once more.

Mr. President, there we have the plans and specifications of the President of the United States, if I may so term them. But the President does not have the complete power to adjust and regulate the value of the dollar perhaps to the point where he thinks it should be fixed. The only power the President has directly over money is the power to still further reduce the gold content of the dollar. Under present law he can take from the gold dollar 10 percent, approximately, of its present weight, thereby reducing the weight, and consequently the value, of the gold dollar.

Under existing law the President has the power to reduce the old gold dollar to one-half its former size. He has taken 40 percent from the value of the dollar, leaving 60 percent in the dollar, and the only power the President has is as to the remainder, between the 40 percent and the 50 percent. Whether or not he will exercise that power further remains to be seen. At the present time I see no occasion for him to reduce the content of the gold dollar any further, for the very obvious reason that the domestic dollar, the commodity dollar, is a much higher valued dollar than the foreign gold dollar. Every dollar in American money, when it gets outside of the United States, becomes a foreign dollar, and the moment it becomes a foreign dollar it becomes of the value exactly of 15 5/21 grains of gold, because the foreign dollar can be converted into gold.

We have set aside a $2,000,000,000 stabilization fund in gold to see to it that our foreign dollar is held stable at the value of 15 5/21 grains of gold. But that rule does not apply in the United States. The value of the dollar in the United States is controlled entirely by the number of dollars in circulation, not by the amount of gold in the foreign dollar, and not by the amount of silver in the domestic dollar, because the value of the silver in the domestic dollar is worth about 30 cents, so that is out of the question.

The question now is, Can we regulate the value of the dollar down to the point where we think it should be?

The Attorney General of the United States, in discussing the gold clause issue before the Supreme Court, made some reference to this question, and I desire to place in the RECORD at this joint just what the Attorney General said, and inasmuch as Senators are not very busy, I think it might not be out of place to read what he said. In arguing the gold-clause cases before the Supreme Court, Attorney General Cummings used the following language:

> It is my belief that the word "regulate" as used in the Constitution has never been completely and carefully analyzed in all of its implications. How far does the term "regulate" carry us? Manifestly, it reaches to the regulation of value, and value itself is a relative thing. Value appears only in relation to the value of other things.
>
> And, moreover, the word "regulate" implies a continuing power, and is the same term that is used with reference to commerce, and connotes the power of adjustment. It implies the power of making the condition accord more fully with reality and with justice.
>
> But when you come to the power "to fix the standard of weights and measures", the Constitution abandons the word "regulate" and uses the word "fix."

All these things, philosophically or semiphilosophically considered, have some relationship to these sudden and violent fluctuations in commodity prices which so completely disarrange important equities; and to the proposition that, as a matter of essential justice, the dollar we borrow should be, in purchasing power, substantially the dollar we are expected to repay. What that relationship is I do not assume to suggest, what the future may develop with regard to this aspect of the constitutional question I do not know. These things will follow in due course.

Only a few months ago the Governor of the Federal Reserve Board, Mr. Marriner S. Eccles, delivered an address in Cincinnati. After discussing some elements of the money question at some length, in summarizing what he intended to leave as definite suggestions, he used the following language:

> The Government fiscal policy and the central-bank policy, credit expansion and contraction should be coordinated. I think that within the Treasury and the Reserve System there is a real possibility of money management.

Mr. President, my construction of Mr. Eccles' statement is that he thinks that if the power now vested in the President and the power now vested in the Treasury Department were vested in his board, with the power which he now has plus these two additional powers, he could satisfactorily manage money. Governor Strong did it without the powers which Governor Eccles has. If Governor Strong was able to do it, Governor Eccles could do it. But he has no mandate.

Who is there anywhere who can tell Governor Eccles at what point of value the dollar should be stabilized? No one can do that save the Congress. Anyone else who undertakes to do it assumes that power and speaks only for himself. That is what has happened for 148 years, and when that has happened in these 148 years the holders of fixed investments have had control and the producer, as shown by this graph, for 149 years, save in three short periods, have been at a distinct disadvantage.

Mr. Winthrop W. Aldrich, the chairman of the board of directors of the Chase National Bank, in a recent address before the Illinois Manufacturers' Association, described some of the methods of control of the value of the dollar. In this address he referred to the following powers:

(a) Raising the reserve requirements of member banks of the Federal Reserve System.

(b) Control, through Federal Reserve, open-market operations.

(c) Control of the discount rate.

Mr. President, before I overlook it, I ask unanimous consent to print in connection with my remarks, and after I shall have concluded, some data in the form of quotations from Supreme Court decisions as to how the Congress can delegate its power.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Is there objection? The Chair hears none, and it is so ordered.

(See exhibit A.)

Mr. THOMAS of Oklahoma. Mr. President, the Senator from Michigan [Mr. VANDENBERG] asked me a question awhile ago about one phase of this subject, and in return I asked him whether he was alarmed because of the amount of the public debt which now rests upon the people of the United States. I do not remember that he gave me a definite answer. I will not insist that he shall give me a definite answer.

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

Mr. THOMAS of Oklahoma. I yield.

Mr. VANDENBERG. I shall be very happy to answer the Senator if he desires to have my opinion. The subject was injected solely because I was endeavoring to determine what the Senator's interpretation of the Strong episode was. It is my feeling that a continuous operating deficit in the Government inevitably leads to an inflation which is dangerous.

Mr. THOMAS of Oklahoma. I agree entirely with the statement of the Senator, and I wish to suggest at this point that there is no chance ever to balance the Budget until the dollar has been stabilized, and there is no chance ever to get rid of ever-recurring strikes until the dollar is stabilized.

The dollar tomorrow will have a different value from what it has today.

Not long ago strikes broke out in one of the States of the Union. For the time being, those strikes were temporarily settled; but shortly, with a mounting price level, unless wages are increased accordingly, the wage earners who went on strike only a few weeks ago will be forced to face a higher price level, so they will perhaps go on a second strike. If that is settled, shortly afterward there will come a third strike. There is no chance to avert strikes, there is no chance to balance the Budget until the dollar shall be stabilized. With the stable valued dollar we shall have stable valued commodities. Rents will become stabilized. All the things the wage earners and all our people have to buy will become more or less stabilized.

Of course, I do not say that the farmers will receive a dollar and a half per bushel for wheat every year. Under the system I am advocating, we might have $2 wheat one year and 50-cent wheat the next year. In other words, if wheat became unusually scarce because of drought or rust or the chinch bug it would rise in value even with the stabilized price level. On the other hand, if we should raise a double crop of wheat it would go down in value, although at the same time we might have a stabilized price level. However, the theory of a stabilized price level is that as a rule the commodities will be stabilized. In stabilizing seven or eight hundred commodities it will be necessary to stabilize some that are going up while others are going down.

Getting back to the question of the amount of the national debt, I wish to place this statement in the RECORD for what it is worth. It is my contention that the increased debt resting upon the people of the United States today is less in value than the smaller debt which rested upon them when Mr. Roosevelt became President of the United States. If that statement be true, no one has a just ground for complaint because of the increase of the debt in terms of dollars. It has not increased in terms of gold; it has decreased in terms of gold. The debt has not increased in terms of wheat; it has decreased in terms of wheat. It has not increased in terms of cotton, or oil, or oats, or of commodity prices generally. The debt has decreased during the past 4 years in terms of the things I have just mentioned.

In order that an answer shall be available to those who may wish to question my reasoning, I desire to give in the RECORD the reasons for my statement.

Under this program the country is working out of the worst depression in history. Some of our people are complaining that the dollar is already too cheap and that prices are now too high. Also we hear fear expressed that the public debt is becoming so large as to be dangerous, yet the facts are that such debt today, in terms of gold and commodities, is not nearly so large, burdensome, or dangerous as the debt inherited by the present administration.

On March 3, 1933, the total national debt was $20,934,729,209. Since 1933 the public debt has increased to $34,753,467,389, yet the debt today, in terms of gold, is $1,000,000,000 less than the debt of 4 years ago.

The truthfulness of this statement is easily demonstrated. On March 3, 1933, we were on the single gold standard and all our bonds were payable in gold at the rate of 25.8 grains of gold 0.9 fine to the dollar. By multiplying the amount of the debt by the number of grains of gold in each dollar, we find that, on March 3, 1933, we owed 540,116,013,592 grains of gold.

Since March 3, 1933, we have reduced the gold content of the dollar from 25.8 grains to 15 5/21 grains, so that the present debt, multiplied by the number of grains of gold in the present dollar, shows that, at the present time, we owe only 529,576,950,685 grains of gold.

By subtracting the value of the present debt, in terms of gold, from the value of the 1933 debt, likewise in terms of gold, we find that the present debt is almost $1,000,000,000 less than the debt of 4 years ago.

In terms of commodities the value of the present debt is far less than the value of the debt of March 3, 1933. The truthfulness of this statement is likewise easily demonstrated.

On March 3, 1933, cash wheat was selling for approximately 25 cents per bushel or 4 bushels to the dollar. The national debt at that time, measured in terms of wheat, was equal to the value of approximately 84,000,000,000 bushels of wheat. Today cash wheat is selling for approximately $1.35 per bushel, so that the present debt, valued in wheat, is equal to only approximately 26,000,000,000 bushels; and 26,000,000,000 subtracted from 84,000,000,000 leaves 58,000,000,000, so that the present national debt, valued in wheat, is approximately 58,000,000,000 bushels less than the total national debt of March 4, 1933.

Certainly the man who raises wheat has no right to complain, because so far as he is concerned the debt resting on his shoulders, or his portion of it, is 58,000,000,000 bushels of wheat less than the smaller debt which rested on his shoulders on March 4, 1933.

So far as prices are concerned, wheat and oil are Siamese twins. When wheat sold for 25 cents a bushel, oil was selling for 25 cents a barrel. Today, when wheat is selling for $1.35 per bushel, oil is selling for about the same amount per barrel, so that the national debt, in terms of oil, is approximately 58,000,000,000 barrels less than the national debt of March 3, 1933.

In terms of cotton the national debt during the past 4 years has been decreased rather than increased. On March 3, 1933, the total national debt, in terms of cotton, equaled approximately 837,000,000 bales. Today the total national debt could be liquidated with approximately 496,000,000 bales, or the sum of 341,000,000 bales less than the value of the debt 4 years ago.

In terms of corn the same conclusion is reached. Four years ago the value of the national debt in terms of corn equaled approximately 105,000,000,000 bushels. At that time corn was selling for less than 20 cents per bushel. Today corn is selling for over $1 per bushel; hence the present debt in terms of corn is equal to approximately 34,500,000,000 bushels; so that in terms of corn the national debt is approximately 70,000,000,000 bushels less today than on the day Mr. Roosevelt became President of the United States.

Mr. President, let me recapitulate briefly. During the past 4 years the Congress has passed laws cheapening the dollar and raising prices. The first law reduced the weight of the gold dollar by 40 percent. The second law has expanded the currency by some $700,000,000 through a wider use of silver. These laws have worked. The dollar is cheaper and prices are higher.

As stated, the Constitution provides that Congress shall regulate the value of our money. The laws enacted to date form the first step in the program for the regulation and stabilization of the value of the dollar. The next step is to determine the proper point of value at which the dollar should be stabilized. That is the purpose of the bill introduced by me today.

The bill just introduced suggests a formula for determining such point of value, suggests the means by which the dollar shall be adjusted, regulated, and stabilized, and also provides a governmental agency to carry out the policies to be adopted by the Congress.

The bill proposes that the Board of Governors of the Federal Reserve System shall be converted into an agency of the Government, designated as a "monetary authority", for the expressed purpose of supervising the operations of the law.

The bill provides for the kind of a dollar favored by President Roosevelt.

At this time many reasons suggest, if not demand, that the dollar value be decided upon, and thereafter that such adjusted and regulated value should be stabilized. The end sought to be attained is in the public interest. The plan suggested to bring about the desired results is possible, practical, and constitutional. If the bill becomes a law, the value of the dollar will be adjusted, regulated, and thereafter stabilized.

The practical effect of this program will be substantially as follows:

First. The value of the dollar will be agreed upon and thereafter adjusted to such value.

Second. The adjusted value will be stabilized, thereby tending to stabilize the price level of commodities and services.

Third. Under the plan suggested the threats of inflation, likewise deflation, will be eliminated.

Fourth. This program is absolutely necessary and, when adopted, will give the country a breathing spell, insofar as monetary legislation is concerned.

EXHIBIT A

United States Reports, volume 293, October term, 1934, page 421 (*Panama Refining Co. v. Ryan*):

"Undoubtedly legislation must often be adapted to complex conditions involving a host of details with which the National Legislature cannot deal directly. The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply. Without capacity to give authorizations of that sort we should have the anomaly of a legislative power which in many circumstances calling for its exertion would be but a futility."

United States Reports, volume 293, October term, 1934, paragraph 8, page 390 (*Panama Refining Co. v. Ryan*):

"Congress may lay down its policies and establish its standards and leave to selected instrumentalities the making of subordinate rules, within prescribed limits, and the determination of facts to which the policy, as declared by Congress, shall apply."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 110) declaring Joseph P. Kennedy eligible for appointment as a member of the United States Maritime Commission.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

PROFIT SHARING AND SIT-DOWN STRIKES

Mr. VANDENBERG. Mr. President, a few days ago, when discussing the labor situation, I made this statement:

I think that appropriate and definite profit sharing is the essential key to the appropriate American labor relationship.

I believe that firmly although I do not pretend to present a standard formula by which it can be done. I believe the part the Government can play in such a prospectus may be to offer tax exemptions to encourage the diversion of employer funds for profit-sharing purposes. I welcome every evidence I see of encouragement for the profit-sharing idea. There was a very interesting dispatch in the newspapers this morning from Jersey City indicating a very significant development in this connection, and I ask that it be printed in the RECORD. I should like to see an official legislative study of the whole profit-sharing subject.

The PRESIDING OFFICER. Is there objection?

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

JERSEY FIRM'S 200 EMPLOYEES NOW PARTNERS—WORKERS ARE JUBILANT AT 15 PERCENT SHARE IN MONTHLY PROFITS

JERSEY CITY, N. J., March 24.—Recognized now as partners, the 200 employees of the Union Packing Co. set out today to increase business and the profits they will share in.

A promise of monthly dividends to the extent of 15 percent of the profits came in a surprise announcement by Joseph Gross, president of the meat-store chain, and Louis A. Falk, secretary-treasurer.

Employees, jubilant at the news, estimated their monthly cut would range from $5 to $20 each for butchers and $18 to $75 for managers of the 50 stores in New Jersey and New York.

SEVENTY-FIVE DOLLARS A MONTH MORE

"I stand to make $75 a month more under this system", said Stanley Tarack, manager of the largest in the chain.

"It is one of the best things that ever happened. It is going to make every man step out now and see that more sales and more profits are made."

Tarack also predicted employees would be anxious to cut down operating expenses.

Joseph Coppola, who has been behind a meat counter 3 years, commented:

"I would rather work under this system than to get a flat raise of so many dollars a week. It is a very fine thing the company is doing and they will benefit by it in the end."

MAY SOLVE UNITED STATES' PROBLEM

As for the bosses, Falk says the company has never had any labor difficulties, and the partnership idea "might prove a way out for the rest of the country if it follows suit."

"We may be altruists", Falk said, "but we can't see why one person should earn $1,000,000 and another $20."

In business 16 years, the company has stores in Manhattan, Long Island, and Westchester County, N. Y., and in five north Jersey counties—Hudson, Passaic, Bergen, Union, and Essex. In 1935 it gave employees $14,000 in cash bonuses.

Mr. VANDENBERG. Mr. President, while I am briefly referring to the labor situation, may I add the statement of my great satisfaction to see in the newspapers that a White House conference apparently is contemplated this week end, out of which may come some expression from the President respecting sit-down strikes. I know of nothing which would be more important to the welfare of a harassed Nation than an explicit statement from the Chief Executive upon this subject. Government should speak upon this matter without further delay and through its highest and most authoritative mouthpiece.

CROP INSURANCE

The Senate resumed the consideration of the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes.

Mr. POPE. Mr. President, it will be recalled that today Senate bill 1397 was made the unfinished business. That bill has to do with the creation of a crop-insurance program to be effective for the year 1938. It is my purpose to discuss generally the arguments for a crop-insurance program in its relation to other agricultural programs that are in effect, and perhaps at a later time I will discuss in detail the specific provisions of the bill.

Mr. President, the Federal Trade Commission has just submitted a report to Congress in response to a resolution passed last year requesting an investigation of conditions of agriculture. This report contains some very interesting information. It is pointed out that in the last 25 years, while the Nation's population has grown nearly 40 percent, farm population has actually declined. In 1910, population on farms was about 32,000,000. In 1929, it had fallen to 30,257,000. In 1935 it was back to 31,800,000, but about 200,000 less than in 1910. This decline took place in spite of the fact that the annual excess of births over deaths on the farm is from 400,000 to 500,000 a year. If those who were born on the farm since 1910 had remained, farm population would have increased more than 10,000,000. Instead of that, it has decreased some 200,000. It is estimated by the Bureau of Agricultural Economics that over 6,000,000 persons left the farm between 1920 and 1929; yet this period is regarded as one of general prosperity in business. Between 1930 and 1935, about 1,000,000 more people left the farm than went to it, notwithstanding the fact that during the depression a considerable number did move onto farms in order to exist.

Interestingly enough, during the past 25 years the national land area included in farms rose from 46 to 55 percent. This leads the Federal Trade Commission to conclude that the survival of independent farming by home owners is in jeopardy.

Into this picture comes the specter of tenancy. In 1900, 35.3 percent of farmers were tenants; in 1910, 37 percent; in 1920, 38.1 percent; in 1930, 42.4 percent; and in 1935, 42.1 percent. The actual number of tenants in 1935 was estimated at 2,865,000. It is estimated that tenancy is increasing at the rate of 40,000 a year. The depression, of course, greatly accelerated tenancy. During the 4 years before the depression the number of foreclosures per 1,000 farms varied from 19 to 23 percent. In 1932 it was about 42 percent, and in 1933, 50 percent. In 1936 it had been reduced to 26 percent.

Hardships among farmers are reflected in various ways. It is found that in rural areas about 13 percent of those who

are sick receive no medical care, while in large towns and cities only about 7 percent receive no such care. Due to the inadequacy of school facilities, rural illiteracy runs about 7 percent of those 10 years old and over, as compared with a little over 3 percent in cities and towns. Of course, rural disadvantage applies to the use of telephones, electric lights, running water, and all other modern conveniences.

The Federal Trade Commission points out a number of causes for these conditions—such as monopolistic tendencies among handlers, manufacturers, and processors of agricultural products, unbalanced relations between industry and agriculture, lack of fully effective organization among farmers, disadvantages in marketing, and other causes.

The farmer's share of the consumer's dollar is still too low. For instance, the average price of bread to the consumer for 1935 was 8.3 cents per pound. The retailer got 19 percent of this amount, the bakeries about 56 percent, the flour millers about 7 percent, the middlemen and transporters about 5 percent, and the farmer about 13 percent. The tobacco grower gets about 12 percent of the price paid by the consumer for cigarettes. The average price of cigarettes sold in 1934 was 12.8 cents per package. Forty-six and seven-tenths percent went for taxes, 20.4 percent went to the manufacturer, 21 percent went to middlemen, leaving 12 percent for the farmer. I may say that these were figures obtained by the Federal Trade Commission and are set out in its report. With reference to beef products, distributors received 42 percent of the consumer's dollar, processing companies 13 percent, transportation companies 5 percent, and the farmer received 40 percent.

During the past few years farm conditions, of course, have improved. The combined effects of recovery measures and droughts have moved average farm prices up from about 50 percent of parity in March 1933, to nearly 100 percent today. It will be recalled that parity, as here used, means the relation of prices of the things the farmer sells and the things he buys during the period of 1910 to 1914. It must be concluded, however, that parity is only one factor in the whole farm problem.

The time was, not so long ago, when the slogan was "Equality for Agriculture." That was and is a good slogan, but parity in prices is only one element in determining equality. It has been suggested that the slogan "Security for Agriculture" is a more accurate expression of the hopes of the farmers of this country. The tenancy system and natural hazards, such as droughts, floods, insect pests, and hail, come into the picture under any consideration of equality or security.

Since a high degree of organization exists in nearly every other field of industry, it is certainly desirable that farmers have an opportunity to organize effectively. Much progress has been made during the last few years in this direction, under the Agricultural Adjustment Act, under the Soil Conservation Law, and in other ways. Organization among the farmers should press on. Fair and stable farm prices on a parity with the prices of other industries should be thoroughly established and maintained. The supply of farm products should be kept in line with domestic and foreign demand. Foreign markets should be expanded for American farm products in every practical way. The soil, which is a precious heritage of all our people, should be restored and conserved. Submarginal land, more suitable for grazing, forestry, and other purposes, should be removed from cultivation, and good farming land made available.

Much has been and is being done to carry these policies forward. During the last few years, the people of this country have become conscious, as never before, of the necessity of a thoroughgoing governmental program to assist the farmer to solve these problems. He cannot do these things alone. He must have the help of the Government. So this work must go on with ever-increasing vigor. It must be clear to all who have studied the problems of agriculture that no one measure, no one method of approach, will meet the needs of the American farmer. There is no one panacea for his ills.

There are many avenues of approach that must be occupied if the farmer is ever to have a fair degree of security. As one of these approaches, crop insurance takes its place.

During the last year or two a widespread interest has been manifested in this form of protection for the farmer. The subject is not new. As far back as 1868 a German economist made a rather complete study and report to the Japanese Government on crop insurance. He pointed out many of the factors that would enter into a successful plan and called attention to the difficulties inherent in it. Since that time efforts have been made in a limited way by private insurance companies in this country to furnish such protection. It seems quite well demonstrated, however, that the undertaking is too great for private efforts. Too much capital is required, the area of operation is too limited, and the spread of the risk is too small. This is freely conceded by representatives of those insurance companies that have undertaken in one way or another to insure farm crops.

I may say that before our subcommittee appeared representatives of the various companies which have attempted private crop insurance, and it is their conclusion that a power greater than is possessed by any company must be had in order successfully to write crop-insurance policies.

It is recognized, of course, that industry other than agriculture is fairly well protected by insurance. There are nearly all kinds of insurance—life, fire, marine, fidelity, health, sickness, liability, surety, accident, credit, burglary, boiler explosion, forgery, rent, and many others. Insurance may even be obtained against the little incidents of life, such as baldness, triplets, injury to arms, legs, and to preserve shapely figures and beautiful faces. Paderewski's fingers are insured. Fred Astaire's feet could be the subject of a policy, and Lloyds of London, 6 months before the United States went off the gold standard, issued policies insuring importers against such a contingency. Incidentally, Lloyds paid out a very large sum of money on account of that insurance.

So far as the farmer is concerned, however, there is no way for him to protect his growing crops in any comprehensive or effective way. Outside of hail insurance, he can obtain no effective coverage for other natural hazards that may at any time destroy his entire source of income for himself and family. Every reason for insurance that may exist in any case would apply to the farmers' crops.

The enterprise of farming is about the most speculative in the world. The prices of farm products are, of course, highly speculative. I think it can be said that the producers of no other goods are subjected to such a high degree of speculation in the matter of prices. Certainly the clothing manufacturer, the shoe manufacturer, the maker of steel goods, the processor of farm products, and other manufacturers of finished goods, need not face so much uncertainty in the prices of their goods. In addition to that, I know of no other industry that can remotely approach the uncertainty of the farmer in the production of crops. He is haunted by drought, frost, floods, tornadoes, blight, insects, lightning, and other unavoidable hazards. This uncertainty, this disadvantage, this inequality, this lack of security, should be removed insofar as it is possible for him and his government to remove it.

It is the purpose of S. 1397 to deal with this problem so far as wheat farmers are concerned. At once the question is raised as to why such insurance should be limited to wheat. There is no reason in principle why insurance should not apply to all staple crops. They are all subject to natural hazards. But there is good reason in practice for the limitation at this time. In the first place, sufficient data have not been obtained upon which to base a sound program as to crops other than wheat. One important reason why private attempts at crop insurance have failed is the lack of dependable agricultural data—data on yields and losses, and their variation in different sections of the country. It would be unwise for any program to be put in operation without having obtained the most accurate data possible as a basis for the insurance. Under the Agricultural Adjustment Act production records of individual farms were kept, and other reliable information is at hand. By a careful and detailed study as to wheat, a basis for determining average yields in the various sections has been reached. On this basis, insurance coverage and premiums can be fixed with a fairly sound actuarial basis.

It will be noted that in arriving at the average yield of a farm, upon which is based a percentage of coverage and the insurance premiums, the history of the individual farm is not the only data considered. The average yield of farms in the locality or region is also considered. It has been suggested that the actual average yield of the individual farm be given 50 percent weight and the actual average yield of neighboring farms be given 50 percent weight, but the corporation has discretion on this point. It has also been suggested that a third element be considered—the probable future yield of the farm. A good argument can be made for including it.

The farmer's efficiency, his industry, his preparation of the soil, and other considerations would certainly affect the probable yield. The fact that a good farmer might take the place of a poor one on a particular farm would be likely substantially to influence the yield. The committee is of the opinion, however, that this factor brings into consideration personal elements to such an extent as would make it difficult in practical application. It would open the way for charges of discrimination on personal or political grounds. It seemed best to us to avoid this element that might create considerable embarrassment in the administration of the law.

These studies have not been completed as to corn, cotton, tobacco, and other basic crops. As soon as this work has been done as to the other crops and sound bases arrived at, then this law should be amended to include other commodities.

Some other reasons also exist for limiting the bill to wheat. The wheat farmers generally have shown more interest in such a program. At the hearings before the committee representative farmers from 12 wheat States appeared and testified. It is thought to be the part of wisdom to begin with one commodity, for such a program contains a large element of the experimental and it may be well to try it out in this limited way.

The plan for crop insurance as provided in this bill includes the creation of an agency in the form of a corporation, under the supervision of the Secretary of Agriculture, for putting the program into operation. It has seemed to the committee that the corporate form possesses some distinct advantages over a bureau within the Department of Agriculture. It seems clear that the prompt and expeditious handling of the business of this organization is of vital importance to the success of the program. The adjustment of claims and the prompt payment of indemnities is highly desirable. The elimination of just as much red tape as possible in the administration of the law is necessary.

The committee had in mind the organization of the Agricultural Adjustment Administration, which resulted in many cases in long-delayed payments of benefits.

If the premiums, when paid, become the property of the United States Government and if the claims for indemnities are considered as ordinary claims against the Government, it is not hard to understand that the regulations and requirements might unreasonably delay the administration of the program.

The corporation is clearly within the strict supervision of the Secretary of Agriculture. He appoints the three directors who constitute the board. They are to be appointed from employees within the Department of Agriculture. They are to hold office at the pleasure of the Secretary of Agriculture, and the manager of the corporation will be appointed by the board with the approval of the Secretary of Agriculture. All employees will be appointed by the Secretary of Agriculture. The bill provides that the directors shall receive no additional salary, but will receive expenses for traveling and subsistence outside the District of Columbia.

Among the powers given to the corporation is that of utilizing the committees and associations of producers which have been set up under the administration of the Agricultural Adjustment Act and the Soil Conservation Act. The experience which these committees have had in dealing with the farmers in the various communities will be valuable in the administration of this act. They may receive from the corporation expenses in doing their work, but all or a part of these expenses may be included in the insurance premiums.

I mean the expenses of the local committees may be included in the insurance premium. It is thought that this provision will tend to insure care and economy in incurring expense by the local committees.

Probably the most interesting feature in the plan provided by the bill is the provision that premiums and indemnities must be paid in bushels of wheat or in cash equivalent at the time of payment at the option of the insured farmer. This premium wheat will be stored in warehouses to form a reserve for payment of indemnities. The idea of the ever-normal granary is thus, in a measure, to be realized.

It is clear, of course, that during years of large yield, premiums will exceed indemnities, and during years of general crop failure indemnities will exceed premiums. Thus, in fat years a portion of the surplus will be stored, and during lean years such stored carry-over will be paid out to the farmer. In this way supplies of wheat will be stabilized and made available to consumers.

It is interesting to note how this will work out according to studies of the Bureau of Agricultural Economics. A chart has been prepared showing that if this law had been in effect from 1930 to 1936 the excess of premiums over indemnities during the first 3 years would have made an accumulation of about 72,000,000 bushels in the Great Plains States. These were years of good yield. The chart shows that during the last 3 years, which were years of unusual drought in those States, the 72,000,000 bushels in storage would have been paid out in indemnities.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

Mr. POPE. I yield to the Senator from Michigan.

Mr. VANDENBERG. Of course, those figures depend for their validity upon the rate of premium that is figured in their preparation. Can the Senator indicate what that rate of premium is?

Mr. POPE. It varies in different sections. For the purposes of this table, those compiling it have taken the yield of the individual farm over a period of 6 years, and have averaged it up with the average yield of the farms in that locality, and have worked out first the average yield, and then a premium that varies all the way from half a bushel per acre up to 3 or 3½ bushels per acre, depending upon the particular region or section that is considered.

Mr. VANDENBERG. What is the average? Am I anticipating the Senator? Is he planning to discuss the question of premiums later?

Mr. POPE. I shall discuss it later. I am not sure whether or not I shall cover what the Senator has in mind. If not, I shall be glad to answer any questions he may propound.

Mr. VANDENBERG. I am interested in knowing what, in the prospectus, the average premium will be.

Mr. POPE. The average premiums will vary according to the locality. For instance, in the West, where we have irrigated farms, there is a fairly uniform average yield. The individual farmer may lose his crop by reason of lightning, or fires started by railroad trains, or by reason of frost, or something else; or the same thing may happen to a group of farmers in a certain region, as in the West or in the East. Those losses would be taken care of, but it would mean a very low premium. I think in the calculations the premiums have gone as low as one-tenth of a bushel per acre in some sections, and they have gone as high as 3 or 4 bushels per acre in other sections; and, of course, those sections are the places where serious droughts have occurred within the past few years.

Mr. VANDENBERG. Does the spread in premium bear any relationship to the productivity of the land?

Mr. POPE. Not so much to the productivity as to the uniformity of yield.

Mr. VANDENBERG. Perhaps the Senator can answer my question by giving me a typical example of a wheat field and its yield, and its probable premium as related to that yield.

Mr. POPE. There is in the record a showing of a number of cases of that kind in various counties—counties in North Dakota, counties in Oregon, counties in Ohio, and counties in Maryland. Let us take, for instance, a county in Maryland, where we will say the yield is 10 bushels per acre. Then let us assume that the coverage would be 75 percent of that, which would be 7½ bushels per acre. Then the premium, as I recall—depending, of course, upon all the circumstances—would be perhaps one-tenth to one-fourth of a bushel per acre, which would be sufficient to pay the loss which it may be expected would occur as shown by the history during the past 10 years, or whatever period the board may take. As I recall, in Maryland and in the other sections where there is a fairly uniform yield, the premiums are very low—one-tenth to one-fourth of a bushel per acre.

Mr. VANDENBERG. Did the Senator say the premium goes as high as 3 bushels per acre?

Mr. POPE. In some places—North Dakota, western Kansas, and so forth—according to some of the studies, it will go as high as 3 or 4 bushels per acre.

Mr. VANDENBERG. Against what yield?

Mr. POPE. As I recall, the average yields there were 8 bushels per acre. I may say that it at once appears obvious that the insurance premium in those sections would be prohibitive, and therefore it would not be desirable either for the Government or for the individual farmer to insure his crops in those cases where the yields do not average up fairly well. That brings up the whole question of submarginal lands. Undoubtedly it would be the desire of the administration, judging from statements which have been made by those who probably will administer the act—the Secretary of Agriculture and others—to discourage the further cultivation of land where the yield is not sufficient to make a living for the man who cultivates it.

Mr. VANDENBERG. I think it is manifest that the farmer would not pay a 3-bushel premium on an 8-bushel yield.

Mr. POPE. Yes.

Mr. VANDENBERG. Now, let me ask the Senator another question. In figuring out the actuarial results of this operation, has it been anticipated that all farmers will take advantage of it, or that only a portion of them will do so?

Mr. POPE. In these calculations it is estimated that about 50 percent of the farmers will take advantage of this insurance.

As I was saying a few minutes ago with reference to the yields in the Great Plains area, during the years from 1930 to 1936, when some 72,000,000 bushels accumulated as a result of excess of premiums during the first 3 years, the 72,000,000 bushels would have been paid back to the farmers, under the calculation that has been made, during the last 3 years.

What would have been the result of this process upon the farmer? At the prevailing price of wheat during the first 3 years, the value of the 72,000,000 bushels was about $60,000,000. During the last 3 years, at the then prevailing price, the value of the same wheat was about $95,000,000. The farmers would have received a profit of $35,000,000. As it was, since the farmer could not store and hold much of this wheat, the speculators who were able to do so received that profit. It would be a novel and delightful experience for the farmer to be in a position to receive such profits as this. Thirty-five million dollars distributed among the farmers of the Great Plains region during the recent drought years would have gone a long way to keep them off the relief rolls, and it would have saved the Government a great deal of money which was expended for drought relief.

Since in bumper-crop years the price of wheat is likely to be lower, and in years of widespread crop failure the price is likely to be higher, wheat producers under a system of crop insurance would get the benefit of such price variations. It also seems reasonable that with this method of draining off a portion of the surplus in fat years, the price of wheat would not reach levels as low as it otherwise would; and in lean years, with the stored surplus thrown on the market, the price would not go quite as high as it otherwise would. This, of course, would limit the profits that would be received by the farmer, but it would tend toward a stabilization of prices, which is a most desirable thing both for producers and for consumers.

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

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Idaho yield to the Senator from Oregon?

Mr. POPE. I yield to the Senator from Oregon.

Mr. McNARY. I think I was absent from the Chamber when the Senator discussed the question of premiums and losses. Do the losses against which the farmer insures include prospective profits, or are they based on cost of production?

Mr. POPE. On neither. They are based upon the average yield over a period of years; and, as I pointed out a few minutes ago, "average yield" does not mean merely the average yield of the individual farm. It means that and the average yield of the farms in the community. I may say, in that connection, that good records of yield are available during the past 6 years, and only partial records are available for the other 4 years; but it is thought advisable that a 10-year period be taken. In some States, like North Dakota and Kansas, good records have been kept over the entire 10-year period, and for even a longer time; but upon the basis of the average yield determined over a period of, say, 10 years, the premium is fixed. Not the whole average yield is covered by insurance, but it is provided that a percentage of coverage, say 75 percent, will be determined by the board; or it is thought that two forms of policies may be provided—a 75-percent coverage policy, upon which the premiums would be higher, and a 50-percent coverage policy, upon which the premiums would be very much lower.

In the drought sections—where, as I said a few minutes ago, the premiums would be high—perhaps a coverage of 50 percent—the premium for which would be considerably less than for a 75-percent coverage—might be used by many of the farmers; and it would be advantageous to the Government as well to encourage farmers to use the 50-percent coverage policies instead of the higher coverage policies.

Mr. McNARY. Mr. President, is the farmer permitted to elect whether he shall pay the premium in cash or in wheat?

Mr. POPE. Yes; the bill provides that the premium will be paid in wheat or in the cash equivalent at the option of the farmer, and in the event it is paid in cash, there is a requirement upon the board of directors immediately to invest the cash in wheat and place the wheat in storage.

Mr. McNARY. I have not had opportunity to read the bill, it has been so recently supplied to us, and the hearings have not been printed, but I understand it contemplates the storage of vast quantities of wheat during the fat years which will take us over into the lean?

Mr. POPE. As to the probable amount of storage I can only say that in the studies which have been made covering the past years it is estimated that during the years from 1930 to 1936 in the Great Plains area the total amount of 72,000,000 bushels would have been stored at one time, which represented the excess of premiums over indemnities that were paid. As I said a few minutes ago, during the first 3 years, from 1930 to 1933, under the calculations, 72,000,000 bushels would have been accumulated. During the last 3 years, which were drought years, they would have been paid out as indemnities to the farmers.

Mr. McNARY. I am not speaking of that feature, but is it in the mind of the administrator of the measure we are to pass that he will acquire and store large quantities of wheat when there is a surplus?

Mr. POPE. Yes. Of course, the only way they can acquire wheat is through the receipt of premiums, and as I have indicated to the Senator, on the basis of the premiums, which are now thought to be fair and actuarially sound, the amount I have indicated would have been accumulated over the past 6 years, and would have been paid out.

Mr. McNARY. What was the total?

Mr. POPE. Seventy-two million bushels would have been accumulated during the first 3 years, from 1930 to 1933, and during the last 3 years, by reason of the drought, that amount would have been paid out, so that it would be about even at the end of 6 years, on the basis of the premiums, which are thought to be actuarially sound.

Mr. McNARY. Suppose we should return to a normal yield, such as that we had, say, between 1915 and 1928, which was about 800,000,000 bushels, exporting, as we did, about 600,000,000. We had a surplus of about 100,000,000 bushels.

Mr. POPE. Yes.

Mr. McNARY. Then you also add to that surplus the premiums paid?

Mr. POPE. No; they are not added to the surplus. They would take care of the part of the surplus in this form.

Mr. McNARY. If these large quantities are to be paid, not in cash, but in a commodity, that figure must be added to the surplus in order to find out the amount of wheat we would have on hand at a given time.

Mr. POPE. No. If 800,000,000 bushels were produced and 600,000,000 were consumed, leaving 200,000,000 surplus, and there were 72,000,000 bushels in storage, that would be deducted from the 200,000,000. We assume this does not increase the production of wheat. I will go into that in a few moments.

Mr. McNARY. It does, in this respect. I am assuming that we still have foreign markets for the major part of our surplus production.

Mr. POPE. Yes.

Mr. McNARY. What was paid in premiums would not go to the foreign markets; it would be domestically held.

Mr. POPE. Yes.

Mr. McNARY. The aggregate volume on hand would be due, probably, not to the A. A. A. or to any legislation, but would be due to the drought, of course.

Mr. POPE. To both the A. A. A. and the drought.

Mr. McNARY. We have not had a surplus to bother us.

Mr. POPE. I think it is due both to the A. A. A. and to the drought.

The philosophy of the ever-normal granary is not new. It was applied by Joseph in the land of the Pharaohs a long time ago. The idea of storing grain during the 7 fat years for use during the 7 lean years was sound then, and it is sound now. It is often suggested that if the individual farmer could store his surplus during years of heavy production to be used by him during seasons of crop failure, the desired result would be accomplished. It is plain, of course, that it is not practical for him to do so. He is not in a position financially to hold his crops, and he usually does not have any storage facilities for that purpose. It is the purpose of this proposal to do in a comprehensive way what he cannot do himself. The same principle is, of course, true as to any other kind of insurance.

In this connection, may I point out another value of the storage reserve feature of this program. In time of war or threatened war, prices invariably soar. This is because of unusual demand for wheat. The foreign demand is always great and wheat reserves are consumed. This is well illustrated by conditions that prevailed both before and after our entrance into the World War. Not only were all reserves drained off but thousands of additional acres were planted to wheat. Under these circumstances, suppose there occurred a widespread and disastrous crop failure. There might well be a distressing shortage of wheat for our domestic consumers. Substantial reserves of wheat in the insurance fund, which would be paid out in indemnities during deficit years, would be a welcome addition to our available wheat supply. This was pointed out in 1914 by Prof. Josiah Royce, of Harvard University, in his essay on War and Insurance. He saw then, when the essay was written, that a disastrous crop failure in wartime might create serious economic disturbance. While this may be regarded as a rather remote benefit, it is nevertheless one which should be considered in the discussion of this subject.

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

Mr. POPE. I yield.

Mr. BRIDGES. I think the Senator perhaps may have discussed a point in which I have been interested, namely, the ascertainment by the committee of the amount of premium which will probably be charged to the insurance.

Mr. POPE. I have attempted to explain that. I may say that the question of the determination of the premium is one of the most difficult matters in connection with this subject, as one can readily see. In addition to the data which I have indicated are now in the possession of the Department of Agriculture, the Department has drawn upon the experience of those private insurance companies which have made some effort to write crop insurance. The tentative premium rates which have been arrived at have been the result of the data obtained and calculated in the manner I have already indicated, plus the experience of those actuaries with the private insurance companies which have been engaged to a limited extent in writing such insurance during the past 10 or 15 years.

It is realized, of course, that with reference to these matters a good deal of experience will be necessary in order to arrive at thoroughly accurate actuarial rates for the insurance premiums. But it is an object to be accomplished, and it seems that the data are procurable, and even the representatives of the insurance companies who did fail in their private efforts agree that a great deal of data have now been obtained upon which it may be fairly said that a sound actuarial basis can be arrived at. That is about all that can be said about the matter of premiums.

Mr. McNARY. Mr. President, I think that when I entered the Chamber a moment ago the Senator was saying that the net cost, measured in terms of wheat, would be about one-quarter or one-half of a bushel per acre.

Mr. POPE. I will say to the Senator that it depends upon the number of factors. In the charts which have been prepared from studies of all the available data the premium rates have ranged from one-tenth of a bushel per acre to as high as 3 or 4 bushels, depending upon the section of the country.

It is the mature judgment of the Secretary of Agriculture that the reserve feature of this plan is equal in importance to the insurance protective feature. And in a recent critical analysis of the plan by the Brookings Institution in a book just off the press, the same conclusion is reached. This language is used in that book:

> The feature of having the Government accumulate large stocks of farm products over years of normal or heavy production, so that they could be released in seasons of crop failure, constitutes the most essential element of this proposal.

A guaranty to the Nation against wheat shortage is a vital thing, and any method of using carry-overs to accomplish this purpose is worthy of most serious consideration.

In the Northwestern States there is surplus production of wheat every year. It is estimated that about 50 percent of the production is surplus. There is no likelihood of a general crop failure, but there are many instances of individual crop failures due to storms, lightning, forest fires, insect pests, and plant diseases. There are crop failures in entire communities due to these causes. Insurance would give much-needed protection to these individuals and communities. This is true of other sections of the country where extended droughts do not occur; and since there are no extended droughts in the Northwestern States, naturally the premium there would be very low, and would give important protection to the comparatively small number that may be in a community and suffer from those hazards.

Mr. BRIDGES. Mr. President, in the report of the Committee on Agriculture and Forestry the following statement is made:

> The Board may require a minimum amount of participation in a community before issuing insurance.

I wonder why that statement is made. I am extremely interested in the problem of crop insurance, and think it is a sound approach to the problem; but to me that sentence,

if I gather the meaning which would naturally be inferred from it, is exactly contradictory to good principles of the mutual plan of insurance, based upon my past experience along that line. For example, the soundest plan to be followed by a mutual insurance company would be to have the risk widely scattered, and it would seem that the same principle should apply to farm insurance.

Mr. POPE. Mr. President, I am glad the Senator asked that question, because I do not deal with that feature in my prepared address. The reason for that is that since this insurance is purely voluntary, it may be that in a certain county or in a certain section no one will want to take the insurance, or perhaps only half a dozen or a dozen farmers, and the number who were interested in the insurance would be so small that it would not be economical for the Government to undertake it. So it seemed advisable to give the Board power to insist upon a certain amount of participation before they would undertake to write insurance in a certain section.

For instance, in the Senator's own county, if by reason of the premium rate or for any other reason the farmers did not desire to take the insurance, or if only a few desired to take it, it might be advisable that the whole machinery of the Government in the form of county committees, appraisals in case of losses, inspections, and that sort of thing, not be used where only one or two or half a dozen persons wanted the insurance.

Under the provisions of the bill, premiums would be fixed according to counties or other small regions and individual premiums would be fixed in the manner already indicated. A county in Idaho, because it is free from drought, would have a very low premium. A county in Maryland or Ohio which is not subject to severe drought would also have very light premiums. On the other hand, a county in North Dakota or in western Kansas may have much higher premiums. In the studies that have been made it has been found that these premiums will vary all the way from one-tenth of a bushel per acre to 3 or 4 bushels. Because of this regional application of the law it would seem that the plan should appeal to all wheat farmers, although it is expected that the greater appeal would naturally be to the farmers in drought areas.

The bill provides for the authorization of an appropriation of $100,000,000 for the capital stock of the corporation. The reason for this appropriation is to cover possible excess of indemnities during the first few years of operation. In case one or more short crop seasons should occur immediately after the proposed law goes into effect, it would be necessary to have a fund with which to pay indemnities. If normal production throughout the country should prevail during these years, no part of the fund would be used; and if surplus years should exist, of course there would be an accumulation of wheat reserves. It is not likely, according to the Bureau of Crop Estimates, that a series of drought years will occur following the recent years of drought; but in case short years should follow the enactment of the law, a portion or all of this fund would be used. When good years do come, the reserves could be used to replace the funds used.

It may be interesting at this point to recall the experience of the United States Government with its war-risk insurance during the World War. Fifty thousand dollars was appropriated for a reserve in connection with that program. Cargoes and hulls of American ships were insured. From the first, premiums exceeded indemnities; and during the 4 years of operation the Government received $46,000,000 in premiums and paid out $29,000,000 in indemnities, leaving a profit of $17,000,000. The cost of administering this Bureau was $165,000, or less than one-tenth of 1 percent of the premiums collected. When one remembers that about 60 percent of the premiums in ordinary private insurance is used for operating expenses, it is seen that Government insurance in the war-risk experiment could not be charged with excessive costs of operation or with inefficiency.

I may say at that point that during the war the Government did obtain the services of very valuable actuaries and men experienced in insurance without paying them any compensation, and that this $165,000 is perhaps low for ordinary peacetime operations.

The bill also provides for an appropriation of $10,000,000 for administrative costs. It was the opinion of the committee appointed by the President to investigate crop insurance that these costs should be borne by the Government. They include the expense of storing the wheat. The premiums to be paid by the farmers will take care of the indemnities they receive. At once the question arises as to whether the Government should pay operating costs. It may be contended that the insurance program should carry itself, and that the premiums should be loaded with administrative expenses. In theory, this would certainly be a desirable condition; but the committees which have studied this insurance question are of the opinion that it is fair and reasonable to require the Government to assume this burden.

There are several reasons for this conclusion. In the first place, a service is rendered to the public in such a program. It gives the consumer some assurance of an adequate supply of wheat and of reasonable retail prices. It benefits not only the farmer but business generally. With the additional purchasing power of the farmer, it is clear that all lines of industry will benefit.

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

Mr. POPE. I yield.

Mr. COPELAND. There is not any doubt in the Senator's mind that this plan would somewhat increase the cost of bread, is there?

Mr. POPE. I will say to the Senator that I do not see how it would.

Mr. COPELAND. I have always taken the position in the Senate of enthusiastically supporting the McNary-Haugen bill through all its vicissitudes, but I always did it in full consciousness that any plan of crop conservation is sure to add to the cost of the product to the consumer. I do not resent that. I do not want the Senator to think I do. I have found my people, who are consumers, quite willing to bear their share of the expense of making it possible for people upon the farms to prosper. We are not wholly unselfish in the matter, because we know that we do not prosper unless they do. But, with full candor, I mean to say that in my opinion the plan, able as it is, would add somewhat to the cost of the product to the consumer.

Mr. POPE. That objection never has been raised upon any careful analysis of this plan. In the Brookings Institution analysis, which I regard as very critical and very careful, that objection was never suggested. It had not been suggested by anyone, and personally I can see no reason why it should be true. The mere fact that a certain amount of wheat is stored during surplus years and paid out during deficit years does not seem to me likely to affect the price of bread or affect the consumer substantially. If it did, the effect it might have on the price at one time might be offset by the effect on the price at another time. At any rate, that effect has not been suggested by anyone considering this matter.

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

Mr. POPE. I yield.

Mr. McNARY. In the studies I have made of this subject I have realized that a plan of this kind—of crop insurance—is not calculated to elevate price levels. It prevents violent fluctuations, and thereby stabilizes income.

Mr. POPE. Exactly.

Mr. McNARY. Therefore, it would have no effect upon the consumers of the country.

Mr. POPE. The conclusion stated by the Senator from Oregon is exactly the conclusion that has been reached by those who have carefully studied the matter and analyzed it. It will not have any effect upon either raising or lowering the prices permanently, but it will prevent such violent fluctuation in prices as would otherwise exist, for the reason that I have already indicated.

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

Mr. POPE. I yield to the Senator from Kentucky.

Mr. BARKLEY. I understand the plan does not contemplate any reduction in the production of the commodities insured but simply reimbursement or compensation in the event of loss?

Mr. POPE. Exactly.

Mr. BARKLEY. And that under the plan such insurance would not increase the cost of the product itself any more than fire insurance increases the cost of building a house if subsequently the house should burn down. It is simply a form of insurance against loss.

Mr. POPE. I think that is a perfectly sound statement. In this measure we have sought to establish a plan upon a more nearly business basis than any other measure I know of during the time I have been in the Senate, and I have studied carefully the Agricultural Adjustment Act and the soil-conservation program. This measure really involves no element of charity. It is true that operating expenses are to be paid by the Government to begin with; but I wish to point out what I think is a very good reason for that, at least for the first few years of operation. The farmer pays his premium; he receives his indemnity; he pays for what he gets just as he does in any other insurance program.

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

Mr. POPE. I yield to the Senator from New Hampshire.

Mr. BRIDGES. In the Senator's explanation he referred, for example, in the drought area of North Dakota to the risk being considerably greater and stated that the premiums paid might vary from a tenth of a bushel to probably 3 bushels an acre. Is it the general purpose of this bill so to aggregate the districts as to make them stand "on their own", so to speak, or to sort of level them off, distributing the risk over a larger area? I was interested in that particular phase of the bill, which I do not understand.

Mr. POPE. So far as the payment of premiums is concerned, as I have indicated, they will stand upon their own feet, based upon the average year over a period of years. So far as the actual payment of indemnity is concerned, it will be from a reserve, just as in the case of any insurance company. Those who are entitled to the indemnities will receive their wheat or their money equivalent. But what interests the farmer particularly is, first, the amount of his premium; and, second, will he receive his indemnity when he suffers loss? Both those questions have been considered and, I think, fairly worked out in this porgram.

Another reason exists for requiring the Government to appropriate $10,000,000 for the operating expenses of this program. For the past 10 years the United States Government has appropriated about $615,000,000 for necessary loans and grants to farmers. Seed loans, feed loans, drought relief, expenditures for insect pests and plant diseases, and flood-relief loans are all in this category. An average of more than $60,000,000 per annum has been appropriated for these purposes during the 10-year period.

It does not seem unreasonable that $10,000,000 be appropriated for accomplishing this program, when it is clear that a substantial portion of the relief appropriations will be eliminated by such a program. Almost every witness who testified before the subcommittee—and they constituted a considerable number—made the point that undoubtedly during deficit years, during dry years, the receipt of these indemnities will enable the farmer to take care of himself, where without such a program he would have to look to the Government for relief. It will be far better to appropriate money for the creation of a program which will enable the farmer to meet his own obligations and not subject him to some form of charity.

I think this point cannot be too strongly emphasized. In the other programs for agriculture there has been an element of charity involved. The payment of benefits under those programs may seem to many to be an outright gift or a bonus, but there is no element of that kind involved in this crop-insurance program.

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

Mr. POPE. I yield to the Senator from North Dakota.

Mr. NYE. The Senator makes the point that this program will perhaps do away with a large number of the annual requests which are made for aid to agriculture. Assuming that the crop-insurance plan were to become the law of the land, there would remain little justification, would there not, for a request each year, as we have encountered it in the past, for seed loans for farmers? This plan would be expected in the future to wipe out the necessity for seed loans, would it not?

Mr. POPE. To a very large extent, if not entirely. Let me again refer to the point I made a few moments ago with reference to what under this plan would have been the situation in the Great Plains area, which includes North Dakota, for the years 1930 to 1936. During the years 1930 to 1933 there would have been accumulated some 72,000,000 bushels of wheat, which would have represented the excess of premiums over the indemnities paid. During the last 3 years, or from 1933 to 1936, those 72,000,000 bushels of wheat would have been distributed to the farmers, because the indemnities would have been that much greater than the premiums. Considering the price of the wheat paid in premiums from 1930 to 1933 and the value of the wheat from 1933 to 1936, there would have been a difference in the value of that wheat of around $35,000,000. The farmers in that region would have received that $35,000,000 during those 3 years. Therefore, considering the amount of money that has been actually appropriated for drought relief, one can see that perhaps the entire amount which has been so expended for drought relief would have been eliminated.

The most insistent question perhaps that has been raised about this plan——

Mr. McNARY. Mr. President——

Mr. POPE. Is the Senator from Oregon desirous of interrupting me?

Mr. McNARY. I do not want to ask the Senator any question which will in any way destroy the continuity of his argument.

Mr. POPE. The Senator will not do so by asking questions.

Mr. McNARY. Has the Senator discussed the causes and reasons for which insurance contracts may be made?

Mr. POPE. I have not discussed them.

Mr. McNARY. They are found in section 7. If the Senator is going to discuss them, I shall wait until he reaches that point in his remarks.

Mr. POPE. No; I have not planned a detailed discussion of that provision in my prepared address, but I will be glad to answer any questions about it, so far as I can.

Mr. McNARY. I am very much interested in that phase of the bill because it seems to cover a wide field of causes, and yet, at the same time, appears to be restrictive and would give rise, I think, to differences of opinion.

Let me read from the bill. As originally drafted it provided for insuring against loss from "drought, flood, hail, wind, tornado, insect infestation, plant disease, and such other causes as may be determined by the board." The committee has inserted the words "unavoidable causes, including" and retained the words which I have read.

There is a rule of statutory construction, I think, that specific words following general words are related wholly to those similar in character and type, which raises the point in my mind that, outside the legalistic proposition, does the inclusion of the phrase "unavoidable causes" give any discretion to the board to insure against everything; and why were those words inserted at that point?

Mr. POPE. They were inserted for the reason that we felt we could not name specifically all the hazards that ought to be insured against. Therefore those specifically named, such as tornadoes, floods, hail, winter-kill, and the like, are included in the "unavoidable causes", but we found, upon consideration of the matter, there were some causes which ought to be insured against, perhaps, in one section of the country and not in another. Take the matter of forest fires, take the matter of fires from railroad engines, the matter of animals, cattle, or sheep getting into a field and damaging the crops. They may be matters which ought not in all cases to be insured against; the board ought to have some discretion, it seems, to cover such cases. The insured might have a perfectly good remedy, for instance,

ment did obtain the services of very valuable actuaries and

Mr. POPE. I yield to the Senator from Kentucky.

against a railroad company whose engines had destroyed his crop by fire; or a farmer might have a remedy in a case where, through the negligence of someone else, sheep or cattle got into his field and damaged his crop. So there are certain causes which involve the element of being avoidable or not avoidable, and therefore it seemed that with reference to some of those cases the board should have discretion as to covering them with insurance.

Mr. McNARY. Then, the specific enumerations are simply there for examples, and not as limitations?

Mr. POPE. The Senator is correct.

Mr. McNARY. And the words "unavoidable causes" are designed to include everything that might be coverable, in the opinion of the board? Is that the Senator's interpretation?

Mr. POPE. Yes; that is exactly the reason the amendment was adopted; the amendment was adopted in order to cover all unavoidable causes, including certain well-defined and well-recognized unavoidable causes, such as lightning and tornadoes and hail.

Mr. McNARY. When the committee were including specific causes, I wonder why they did not include grasshoppers, a subject which comes before us every year?

Mr. POPE. Grasshoppers are included in the provision with reference to insect pests.

Mr. McNARY. I assume they are, but I should like to have the name specifically used in the bill.

Mr. POPE. It is our intention to cover in the general term all insect pests such as grasshoppers, Mormon crickets, and various other kinds.

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

Mr. POPE. Certainly.

Mr. SCHWELLENBACH. In view of the question submitted by the Senator from Oregon [Mr. McNARY], I call attention to the fact that it was the testimony of Mr. Shumway, with whom the Senator from Oregon is acquainted, as to conditions in eastern Oregon, eastern Washington, and Idaho, that influenced the committee to act on the bill in this way. The testimony of Mr. Shumway showed that insofar as fire is concerned, the possibility of fire in our territory affecting wheat is much greater than it would be in other parts of the country because of the dryness of the wheat. It was, as a matter of fact, as a direct result of that testimony that the committee handled the matter in the way it did.

Mr. POPE. It must be recognized that certain hazards exist in certain sections of the country that do not exist in other sections. It was thought advisable to give the board some discretion in determining what policies should be written and what hazards covered in the different sections of the country. We sought to include in this specification those hazards which are recognized by everybody as being unavoidable. Some may be avoidable and others may be unavoidable.

Mr. McNARY. Mr. President——

Mr. POPE. I yield to the Senator from Oregon.

Mr. McNARY. Did the Senator and his subcommittee give any consideration to the practical maximum of his product that a farmer should pay for this insurance?

Mr. POPE. No.

Mr. McNARY. For instance, I heard the Senator state a little while ago that the range ran from one-tenth of a bushel to 5 or 6 bushels per acre.

Mr. POPE. I said 3 or 4.

Mr. McNARY. Very well, 3 or 4. In some counties and in some sections of a State the average production would be only 8 or 10 bushels. It would be impossible for a farmer to try to protect himself by giving up one-third or one-half of his crop each year for fear he might suffer a loss. Has the Senator any statistics which indicate, considering the yield, what would be the limit to which a farmer could part with his crop in order to buy insurance and come within the provisions of a measure of this kind?

Mr. POPE. No; we have no information of that character. As I recall, there was nothing in the testimony to show how much a farmer could pay. The Senator will recall that a few moments ago I referred to the fact that two forms of policies might be written. The figure I gave the Senator for premiums was based on 75-percent coverage. A 50-percent coverage might be less than one-half the cost of a 75-percent coverage, so that a farmer might be able to buy a 50-percent coverage within his means whereas he would not be able to buy a 75-percent coverage within his means. That is a matter of administration, but I think perhaps it can be worked out.

The most insistent question, perhaps, that has been raised about this plan is whether the storage of substantial quantities of wheat, such as is contemplated in this bill, will be a constant threat to wheat prices on the market. The experience of the Farm Board is in everybody's mind. The effect of the acts of that Board in purchasing large quantities of farm commodities and placing them in storage is generally regarded as one of the reasons for the tobogganing of market prices.

Those who have devised this plan and drafted this bill have had that experience constantly in mind. It must be clear, however, that the principal reason why the Farm Board surpluses played havoc with prices was that they might be thrown upon the market at any time. The Farm Board had the power to do so. The very uncertainty of what might be done in this respect had a strong bearish effect.

With reference to the reserves to be created under this bill it is expressly provided that stored wheat cannot be placed on the market except by the payment of indemnities and, to a limited extent, by sale to prevent deterioration. In case wheat is sold to prevent deterioration, however, it is provided that it shall be promptly replaced with other wheat. There is no power in any body, in the Secretary of Agriculture, or the board of directors, or anybody else, to dump this wheat upon the market. It may be that the very existence of substantial quantities of wheat in storage may have a slight bearish effect, but it is believed that no such result as the Farm Board experienced will occur as a result of this law.

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

Mr. POPE. I yield.

Mr. McNARY. I do not know that it is always appropriate for one to speak of a personal experience, but as long as the Senator is referring to the Farm Board I may say that I was chairman of the Senate Committee on Agriculture and Forestry in 1929 when that bill was passed under the Hoover administration. During the period of its operations, particularly through the stabilization corporation, somewhere between 250,000,000 and 300,000,000 bushels of wheat were acquired by the corporation. There was a constant threat from that fact. It did depress the market. During that period the Board spent large sums of money to peg the price at 70 cents a bushel.

Following that unfortunate event in our history I wrote a report on the Farm Board which I should be glad to have the Senator read, because it covers the very subject the Senator is now discussing. I am wholly in accord with him that that is not a fair comparison and a fair example.

Mr. POPE. I shall be glad to read the report to which the Senator refers. Some very helpful information that we had during the consideration of the bill was that which resulted from a hearing under the chairmanship of the Senator from Oregon in 1923. We had two or three of the same witnesses who testified at that time before his committee. One of the principal witnesses who so testified was a Mr. Vallgren. He testified before the Senator's committee and also before our committee. He has made a continuous study of the subject since that time and he approved of this program. In fact, he has been advising closely with the Department of Agriculture officials who had worked out the specific plan here. He thinks that such a plan will work.

It will be recalled that the Government has made cotton and corn loans, and these commodities were stored in large quantities. The Government in those cases had the power to

place these commodities on the market. There were no limitations on their sale such as are contained in this bill. The policy pursued, however, was generally known, and sales were made in such a way as to damage market prices as little as possible. It is difficult to determine what effect the disposition of these surpluses actually had upon prices, but it is certain that prices generally rose during the period of these operations.

With the limitations contained in this bill it seems safe to say there will be no serious effect upon the market.

This plan will not be a substitute for any other agricultural measure now in operation. It will not conflict with the Soil Conservation Act, the resettlement program, or any tenancy legislation that may be enacted. It will supplement those measures. It will be integrated with them. It is the purpose to administer this law in conjunction with the soil conservation and domestic allotment program. It will probably be quite closely related to crop curtailment. The participation in crop insurance will be generally limited to those participating in the soil-conservation program. However, I may say that such a limitation has not been placed in the bill itself.

At first thought, it might appear that such an insurance program would tend to increase production and would be in contradiction to a policy of curtailment. It seems practical, however, that these programs be worked together.

When one considers other features of the bill, it appears that any tendency to increase production would be met by the provision that the average yield is not insured. Only a percentage—50 to 75 percent, it is estimated—of the crop will be insured. The farmer would have nothing to gain by unduly increasing his production. This situation would be like insuring an automobile for 50 or 75 percent of its value. There is no incentive, because of such insurance, to acquire other automobiles.

The plan contained in this bill has received a great deal of careful consideration. About a year ago I introduced a bill providing for insurance against unusual and extraordinary natural hazards to crops. About that time the Bureau of Agricultural Economics began a study of the subject. They began the collection of data from all possible sources. During the entire year since that time a group of competent men in that Bureau have continuously pursued this work.

In the latter part of September 1936 President Roosevelt appointed a committee composed of representatives of the Department of Agriculture, the Treasury Department, and the Department of Commerce to study the problem in its fiscal and commercial as well as agricultural aspects, and to prepare recommendations for crop-insurance legislation. Three conferences to explore the problem were held by this committee on November 5, 6, and 7. One conference was held with a group of actuaries, another with warehousemen, and the third with representative farm leaders. In the conference with representatives of insurance companies, which have had experience with private crop insurance efforts, much valuable information and data were obtained and analyzed. In the conference with warehousemen it was learned that it will not be necessary to create additional warehouse facilities, and that in all probability substantially reduced rates may be obtained for the continuous storage necessary in carrying out the law. I may say that the warehousemen say it is thought that the Government may receive storage for one-half the commercial rate for the reason that there will be continuous storage, and it would be to the benefit of the warehousemen to grant reduced rates. Farm leaders expressed a deep interest in such a proposal, and explained that their organizations throughout the country have been studying the subject of crop insurance for some time.

On December 23 the President's committee reported, recommending a system of all-risk crop insurance, applying it first to wheat. The President has sent a message to the Congress urging the importance of this program. The recommendations of the President's committee and of the President himself have been substantially followed in this bill.

At the hearings held by the subcommittee, farmers from 12 wheat States appeared and unanimously supported the bill. They stated that of all the farm measures that have been presented to the Congress during this administration, this one has met with the most general and enthusiastic support. In fact, they said there is no division of opinion among the farmers on this bill, and they further said that that is a very unusual thing. Representatives of several insurance companies were heard by the subcommittee, and they also supported the measure. They stated quite frankly that they feel this is an undertaking for the Government; that it is too large for private capital. Even in the case of certain companies writing hail insurance, their attitude was one of cooperation.

Businessmen, bankers, warehousemen, and those engaged in other lines of industry generally support this bill. I am advised that even the secretary of the Chicago Board of Trade, in a statement to the press the other day, said he favored this measure.

Just yesterday I read that the United States Chamber of Commerce favors this measure. It is not difficult to understand why bankers and businessmen generally would be favorable. Undoubtedly, as expressed to me by the president of a large bank in my State, it would improve the credit of the insured farmer and furnish additional security to those who lend the farmer money. It would increase the purchasing power of the farmer who had suffered crop loss, which would be of benefit to all other lines of business.

Let me call attention to another very practical reason for urging this program. During the past 3 years the continued droughts of unprecedented severity in several Middle Western States have resulted in complete destitution and bankruptcy for a large percentage of the farmers in the area affected. Agencies of the Federal Government have extended various forms of relief to prevent actual suffering and starvation.

It is not the nature of American citizens to remain year after year in a place where they are unable to make a living. The same pioneering spirit which originally settled the country west of the Alleghenies impels those who have lost their incomes to move on to a new home and seek a new start in life. Last year the highways of the Western States were crowded with families moving west seeking new homes. In the State of Idaho alone there are more than 4,000 such families at the present time. Many other thousands have gone to Oregon, Washington, California, and other Western States.

These people stayed on their farms in the drought area until all hope was gone. They exhausted their financial resources, and gave up the battle only when faced with destitution and stark privation. These families are not of the ne'er-do-well type. They are solid, substantial citizens, willing and anxious to work, seeking only an opportunity to make a living. The free land in the West is gone, and they have no money with which to purchase farms; yet they cannot be permitted to starve. Something must be done for them. At the same time, the Government cannot go on supporting them year after year. The logical solution is to provide new tracts of farm land on which they may settle and prosper in the future.

The task of caring for transients from drought States who have migrated to the Pacific coast, however it is handled, will require the outlay of large sums by the Federal Government. In such cities as Twin Falls and Boise, in the State of Idaho, I have seen hundreds of destitute families who have migrated westward seeking homes. Many of them are living in hovels and shacks of their own construction, and suffering privations and inconveniences such as the United States Government never should permit any of its citizens to experience. Sooner or later public demand will force action in these Western States to provide homes for their increasing population.

If a program of Federal crop insurance had been in effect during the past 4 years, this condition would have been greatly alleviated. Families in the drought area whose insured crops were destroyed would have been reimbursed in indemnities from the insurance fund, requiring no outlay of

taxpayers' money. If such families decided, as they have now determined, that they could not look forward to anything better, they then could move westward. If their crops had been insured, they would have had funds with which to move. They would have money with which to purchase new farms and to establish themselves in the communities of their choice in the West. Simply because these families had no protection against the droughts, for which they were in no way responsible, they were permitted to become destitute.

Finally, is this bill constitutional? The answer is, of course, that nobody knows.

If the language of the Supreme Court in the A. A. A. case that agriculture is a local matter, and its regulation is not within the constitutional powers of the Federal Government, were strictly followed, the authority conferred upon the Secretary of Agriculture and the corporation created by this bill would be subject to grave doubt. It will be recalled that when the Soil Conservation Act was before the Senate, many Members of this body were of the opinion that the act was unconstitutional under the ruling in the Butler case. In fact, doubt was cast upon the constitutionality of the Department of Agriculture and all the acts of Congress which appropriated money for agricultural relief.

There are, of course, numerous examples of appropriations for relief of distress caused by such catastrophes as fires, famines, tornadoes, cyclones, floods, droughts, and the like. No tests have been made in the Supreme Court involving such statutes, for the reason that it is almost impossible for the taxpayer to question the expenditure of public funds for such purposes under the doctrine of *Massachusetts* v. *Mellon* (262 U. S. 447).

The character of spending under this bill does not seem to be different from that under many other acts of Congress. As before indicated, a vast amount of money has been spent for agricultural relief over a long period of years. If those acts could be upheld, it would seem clear that this bill is constitutional.

It is also believed that the power of Congress to enact this bill may be sustained under the fiscal power of the Federal Government. In the case of *Smith* v. *Kansas Title & Trust* Co. (255 U. S. 180), the Supreme Court upheld the Federal Farm Loan Act, which set up a rural credit system. In that case Chief Justice Hughes, then of counsel, wrote a very elaborate brief upholding the power of Congress to spend money for the benefit of agriculture in the interest of the national welfare. The Court refused to pass upon the scope of the general-welfare clause, but the law was sustained on the very narrow ground that the corporation making the loans was authorized to act as a depository of Federal funds. Very frankly, section 11 of the present bill, which provides that the crop insurance corporation is authorized to act as a depository of Federal funds, was inserted for the purpose of conforming to that decision of the Supreme Court.

It is interesting to note that in that case it was urged that such a provision was nothing but a pretext. The Court held, however, that—

> Nothing is better settled by the decisions of this Court than that when Congress acts within the limitation of its constitutional authority, it is not the province of the judicial branch of the Government to question its motives.

This decision was rendered some 15 years ago, and recent decisions of the Court have cast doubt upon the principle of constitutional construction as to the province of the Court as laid down in that case.

It can be further argued that this bill is a proper exercise of the power to regulate interstate commerce. The testimony at the hearings showed that in good years wheat will sometimes flow across State lines into warehouses in payment of premiums, and in bad years it will flow from the warehouses back to the producers in payment of indemnities. It may be said that wheat thus transported is in the current of interstate commerce. In view of recent decisions of the Supreme Court, however, this would certainly be weak ground upon which to attempt to uphold the constitutionality of this measure. It is firmly believed, however, by myself and others who have drafted the proposed legislation, that it is constitutional, and it is our hope that the Supreme Court will uphold it.

Certainly, we feel justified in continuing our efforts for legislation that will be of benefit to agriculture even though we are harassed with doubt as to what the Supreme Court will do with it.

I have referred to a most careful and critical analysis of this plan by the Brookings Institution. The difficulties of administration have been pointed out, the principles involved carefully analyzed, and a conclusion reached which is expressed in this language:

> Owing to peculiarities in the nature of the farming business, it has not been possible to put crop insurance on a commercial basis in spite of several experiments in this direction by our largest insurance companies. This leaves the farmer exposed to hazards which other businessmen have been able to mitigate. We believe that the possibilities of crop insurance under Government auspices should be fully explored and vigorously experimented with.

Mr. President, I have attempted to discuss fully and frankly the essential provisions of the measure now before the Senate. To my mind crop insurance carries a strong humanitarian appeal as one of the means of improving the condition of the farmer, which means the improvement of our whole economic life. It means the making of life more abundant, and consistent with the abundancy of the national resources with which our Nation has been endowed.

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

Mr. POPE. I yield.

Mr. SCHWELLENBACH. There has been considerable discussion in the latter part of the Senator's argument concerning the constitutionality of the bill. In view of the fact that we this week received from the Chief Justice an advisory opinion on a matter not before the Congress, I was wondering whether it would not be proper for us now to ask for an advisory opinion on a matter which we actually have before us.

Mr. POPE. It would be a source of very great relief to those who are preparing legislation if an advisory opinion could be obtained before the legislation goes into effect, and not put the taxpayers to the expense of paying for elaborate machinery to put into operation a law such as this measure and then find, 2 or 3 or 4 or 5 years later, that it was invalid and unconstitutional. I know everyone feels that if it were possible to obtain an advisory opinion upon this legislation, it would be very helpful.

I might suggest to the Senator that in spite of the fact that an advisory opinion has been given by the Chief Justice on a question not before the Congress or the Court, there is a long line of decisions holding invalid the practice of rendering advisory opinions. Even if we were successful in obtaining the advisory opinion now suggested, the opinion itself would probably be unconstitutional.

NOMINATIONS OF MEMBERS OF MARITIME COMMISSION

Mr. BARKLEY. Mr. President, I am sure that those who have heard and those who will read the address of the Senator from Idaho [Mr. POPE] will be grateful to him for the very able, comprehensive, and constructive explanation he has given of the measure pending before the Senate.

At the request of the senior Senator from New York [Mr. COPELAND], I wish to make a very brief statement for the RECORD. Earlier in the day, during legislative session, he sought to submit reports from the Committee on Commerce on the nominations to the Maritime Commission. The reports were objected to by the senior Senator from Alabama [Mr. BLACK].

It had been thought there would be an executive session later in the day for the purpose of considering any business on the Executive Calendar. Such a session will not be held.

The Senator from New York asked me to state that, in view of the objection of the Senator from Alabama, and in view of his opposition to the confirmation of certain of the nominations to the Maritime Commission upon which the Senator from New York had been instructed to make a favorable report, he is willing that the nominations be held in the Committee on Commerce until next week in order to give the Senator from Alabama an opportunity to appear before the committee if he desires so to do.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair), as in executive session, laid before the Senate a message from the President of the United States submitting the nomination of Robert Lee Williams, of Oklahoma, to be judge of the United States Circuit Court of Appeals for the Tenth Circuit, vice George T. McDermott, deceased, which was referred to the Committee on the Judiciary.

ADJOURNMENT TO MONDAY

Mr. BARKLEY. I move that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 29, 1937, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 25, 1937

JUDGE OF THE UNITED STATES CIRCUIT COURT OF APPEALS

Robert Lee Williams, of Oklahoma, to be judge of the United States Circuit Court of Appeals for the Tenth Circuit, vice George T. McDermott, deceased.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 25, 1937

The House met at 12 o'clock noon.

Rev. Edward A. Duff, captain, Chaplain Corps, United States Navy, Chief of Chaplains, offered the following prayer:

I read Washington's prayer for the United States of America. In the name of the Father and of the Son and of the Holy Ghost. Amen.

"Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection. That Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large.

"And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the divine Author of our blessed religion, and without a humble imitation of whose example, in these things, we can never hope to be a happy nation.

"Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

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

EXTENSION OF REMARKS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the bill (H. R. 6) to authorize the construction and use of underground pneumatic-tube service.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and include therein a speech delivered by a very distinguished judge from my State.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes on Monday next after the reading of the Journal and disposition of business on the Speaker's desk.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ADJOURNMENT OVER

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

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INCOME-TAX RETURNS

The SPEAKER. Under a special order of the House heretofore entered, the gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. RICH. Mr. Speaker, this morning we received a special invitation to come over and hear the prayer that was offered, and I think it was a very fine one. May I say that each day a prayer is offered in the House, and I believe it would do every Member of the House some good if they attended at the appointed hour of prayer. And the Speaker might do a good turn to all Members if he would invite them to be present at the opening of each session of the House to hear our dear Chaplain pray to Almighty God for the Congress; they need this inspiration.

I have been trying to secure time to address the House for the past week or more and it has been rather difficult for me to secure it. After I was granted the time many newspaper reporters asked me what I was going to talk about and I could not make up my mind because there are so many things we ought to discuss here in the House of Representatives for the good of America. It has therefore been quite difficult for me to come to a decision in reference to that matter.

CONGRESSIONAL ETIQUETTE

You know there is a custom prevailing today insofar as what we call medical etiquette is concerned. If you employ one doctor to attend you, and then have another doctor come in to see you without giving the first physician formal notice, he becomes quite vexed and does not like it at all. The same etiquette prevails in connection with the legal profession. If you employ one lawyer in a case and then consult another one, which should be your right, you are chastised and criticized by the former lawyer because you have secured information from another lawyer without talking to the first one. Then there is what I have learned about the last 5 or 6 years, congressional etiquette.

Mr. Speaker, this congressional etiquette is something that has me somewhat perplexed and I am embarrassed many times when I say things that naturally reflect on the Members of Congress. I do not endeavor to say anything that reflects on individual Members of Congress nor their integrity, but I do say things that some of the Members do not like about the poor laws we pass and the unbusinesslike things we do. I am a good bit like the man who says: "I do not agree with what the other man says, but I agree that he ought to have the right to say it", and I shall defend that right. That is American liberty, so long as he does obey our laws.

I think that is our right and privilege as a Member of the House of Representatives. The other day I criticized the laws that were enacted and put on the statute books last year, especially the one that caused the Treasury Department to get up a rather complicated income-tax return. I think it is the responsibility of Congress, because they passed the laws which require the Treasury Department to formulate these complicated returns. However, certain Members of Congress came to me afterward and said, "You must not criticize the Congress in that regard. Criticize the Treasury Department. They are responsible for these returns."

Mr. Speaker, I must differ with other Members of Congress on that score, because the Treasury Department is charged with the duty of formulating returns that are in accordance with the law. If we enact laws that are difficult to administer, then it is not the fault of the Treasury Department. It is the fault of Congress. Therefore it is my pleasure to protect Mr. Morgenthau and the Treasury Department in this respect. I have received many complaints.

SIMPLIFIED TAX RETURNS

Mr. Speaker, it is the duty of the Members of Congress to enact laws that the ordinary, average citizen back home may understand. It is our duty to enact laws so that when the Treasury Department makes up an income-tax return in accordance therewith the people back home may understand how to make out the return without being surrounded by a lot of Government officials to assist in doing something that the average intelligent citizen should be able to do himself, or being compelled to hire tax experts to report to the Government what his income was for a certain year. I have received many complaints about the complicated returns, and I hope the Ways and Means Committee will simplify the law so the returns can be understandable by the average intelligent citizen. I quote from a citizen from West Virginia regarding the tax returns, and can supply many more just about the same sentiment:

Personally I pay a good amount of Federal taxes. I have paid money and spent time in trying to get my reports correct. Notwithstanding all of this, revenue inspectors also spend considerable time in rechecking, all of which cause the taxpayer trouble, time, and expense. The ordinary businessman (personally speaking) wants to do business and continue in business but he is unable to keep up with the revenue laws governing his business. He is discouraged and prefers to quit business rather than to continue under present conditions, especially so when there are so many complicated, misunderstood reports, laws, rulings, and taxes governing his business.

This is all I am going to say about congressional etiquette. But I claim the right to criticize when criticism is justified.

I might talk about the sit-down strike. Thank goodness, the President of the United States is coming back here on Monday from his rest and sit-down and meet the leaders of the House of Representatives and the Senate. Mr. Speaker, the President will no doubt call you into this conference on Monday to talk about the sit-down strikes, and he will call in the majority leader. When you get together you can make up your minds to one thing, remembering you have taken an oath to support the laws of the United States, that the laws of the United States do not permit sit-down strikes and the confiscation of another's property, whether it be his factory, his farm, or his home, without due process of law. I congratulate the President of the United States, and I hope when he calls you together you will do your duty. We wish him every success in preventing any more unlawful sit-down strikes.

SPEND LESS—TAX MORE—OR BUST

However, this was not the object of my speech today. On last Tuesday I addressed the House on "spend less, tax more, or bust." I talked on the "spend less" on all the time I was allowed. It seems to have awakened some of the Members of Congress on the Democratic side of the House. It is one of our serious questions of government today. The gentleman from North Carolina [Mr. BULWINKLE] took the floor Tuesday and told you about the enormous expenditure of Government funds; and my good and genial friend, the gentleman from Virginia [Mr. WOODRUM] has asked for time to speak to the Members of the House next Tuesday. The gentleman from Virginia [Mr. WOODRUM] is the administration spokesman for the Appropriations Committee, and there is no finer speaker or finer gentleman in the House of Representatives. [Applause.] I know if the Members of the House of Representatives listen to Mr. WOODRUM Tuesday they will hear him talk about economy in government. And it is about time some great Democrat realizes it.

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

Mr. RICH. I shall be pleased to yield to any Member on the floor if he will get me additional time after my 15 minutes has expired; but I cannot yield now.

We must not continue the present extravagance in Government, as we are heading for ruin. We will wreck the financial structure of the Government. The stability of our Government is being shaken. Why, five issues of Government bonds sold below par in one day last week.

Last Tuesday I gave considerable data with reference to our spending. I want to recite some things which have happened in the last few years in regard to our taxation. In 1933 the income of this Government from taxation was $1,855,000,000. In 1934 it was $2,954,000,000. In 1935 it was $3,621,000,000. In 1936 it was $3,899,600,000. You will note that in 1936 it increased over 100 percent above what it was in 1933, a great increase. The reason for the increase is we have put so many tax laws into effect the people of this country had to pay this additional amount. One of the great tax burdens we placed on the people of this country last year in one of the most iniquitous tax bills the country has ever seen was the tax on the undistributed incomes of corporations.

We all know the income the Government was supposed to receive from the income-tax returns as of March 15 fell short of the anticipated amount by about $150,000,000. It has not measured up to the expectations of the authors of the bill. Not only are the taxes falling short of what was expected, but the greatest damage lies in the fact many, many corporations in this country have been put in jeopardy of financial disaster by not increasing surplus out of earnings; if for any reason we ever go into another depression, it will be just too bad, for the corporations cannot pay dividends then unless they have earnings; the dividends they paid during the depression was a godsend to America and to those who owned the stock of corporations who paid dividends. If you cut the corporation out of surpluses, you will not only lose the dividends in time of depression but you will wreck the corporations. Much could be said on this subject alone. This danger of tearing down the structure of American business enterprises is the greatest damage resulting from the tax on undistributed surplus, and if there is one thing above all else this Congress should do it is to reconstruct the tax bill of 1936.

I believe firmly in the income tax. I think the more a man earns the more he ought to pay. I think with the income tax and the inheritance taxes which we can impose and have imposed we ought to regulate pretty well how much a man should earn and how much of this world's goods he should accumulate during his lifetime.

There is nothing which will do the people of this country more good than to work and save. This has been the theory I have always been taught by my father, and thank God, I had a father who taught me to work hard, work long hours, and then save a part of what I earned. This theory was good when I was a boy, and I am firmly convinced it is good today more than ever in the history of our Nation.

In the past 4 or 5 years we in Congress have been trying to make people believe they ought to get all the world's goods, they ought to have everything they need, and yet have to do nothing to get it. We must stop that kind of preaching. That will wreck any government or any nation, and surely it will wreck the people in it and make them a nation of dependents on their government rather than a nation of people who support and maintain their government.

NEW TAXES YOU HAVE IMPOSED

We had the A. A. A. tax of 1933, the N. I. R. A. tax of 1933, the non-intoxicating-liquor tax of 1933, the Railroad Retirement Act tax of 1934, the Bankhead Cotton Act tax of 1934, the Revenue Act tax of 1934, the liquor tax of 1934, the Revenue Act tax of 1935, the Social Security Act tax of 1935, the Railroad Retirement Act tax of 1935, the Kerr-Smith Tobacco Act tax of 1935, the Potato Control Act tax of 1935, and the Revenue Act tax of 1936.

I have spoken of the Revenue Act tax of 1936, and if I thought I had sufficient time I should like to dwell on that further, but I am afraid my time will not permit.

Let us see what the corporation had in the way of payment of income tax.

They have the capital-stock tax imposed by the Federal Government, the corporate-loan tax imposed by the Federal Government, and they have the social-security tax. Then they have their State income tax, and in the State of Pennsylvania this amounts to 10 percent on the income.

They also have their State capital-stock tax and local taxes, such as county, borough, and city taxes, as well as State social-security taxes and others. When you think of the taxes imposed on corporations, you realize that we have left the wrong impression with the people of this country as to the effect of taxes on corporations. Claiming the corporations pay the tax—do not think you can fool the public long on that. Those who do not pay income taxes must pay outgo taxes, and the outgo taxes of this country are 10 times the amount of the income taxes. Outgo taxes are concealed taxes—you pay by proxy. Thus, the taxes assessed on corporations are reflected in every item you buy; the corporations must and do pass them on in the price of the commodities they sell in increased cost. Do not anyone be fooled on that. All corporation taxes except income are passed on to the consumer by increasing the cost of your bread and butter; the increased cost of gasoline, oil, and automobiles; shoes and shirts; the increased cost of your dresses, neckties, face powder, clothes, and so forth—everything you buy to eat and wear and use.

I am not advocating increased taxes, Mr. Speaker, but I am trying to show how the small-salaried man pays more in proportion when you compare his small $1,200 income to the income of the man who makes $25,000. The smaller the income a man has, the greater proportionate share he pays to support our extravagant Government. I am advocating, however, the reduction of our spending spree in Government. What the President has said about taxes, I agree to these quotations 100 percent; and when he is right I like to give him credit, but when he is wrong I am just as glad to criticize him or any other individual.

Here is the President's tax statement—and I quote:

PRESIDENT ABOUT TAXES

Taxes are paid in the sweat of every man who labors. * * * If excessive, they are reflected in idle factories, tax-sold farms, and hence, in hordes of the hungry tramping the streets and seeking jobs in vain. Our workers may never see a tax bill, but they pay in deductions from wages, in increased cost of what they buy, or (as now) in broad cessation of employment. * * * Our people and our business cannot carry its excessive burdens of taxation * * *. (Franklin D. Roosevelt, Pittsburgh, Oct. 19, 1932.)

I shall use this position of high responsibility to discuss up and down the country, at all seasons, at all times, the duty of reducing taxes, of increasing the efficiency of Government, of cutting out the underbrush around our governmental structure, of getting the most public service for every dollar paid by taxation. This I pledge you; and nothing I have said in the campaign transcends in importance this covenant with the taxpayers of this country. (Franklin D. Roosevelt, Sioux City, Sept. 30, 1932.)

Now, Mr. President, why do you not help the poor man, stop the enormous spending of government; consolidate the departments, thus cut down Government overhead; and, Mr. President, do one more thing:

PAYMENT OF FOREIGN DEBTS

Mr. President, ask the foreign countries, who owe us over $22,000,000,000, to start payment of their honest debts to us rather than spending so much for war. Great Britain owes us over $11,000,000,000; France over $6,000,000,000; Italy over $2,000,000,000; Poland over $435,000,000; Belgium over seven hundred and twenty-seven million, and other countries are included in our list of debtors; and the interest rate varies from four-tenths of 1 percent in the case of Italy, to 3.3 percent in the case of Great Britain.

Mr. President, collect our debts, spend less, and you can reduce instead of increase taxes, which bear heaviest on the poor. And, in closing, let me quote to you from that great Democrat, because this is the most extravagant administration in our Nation's history:

ECONOMY IN GOVERNMENT

I am for a government rigorously frugal and simple, applying all the possible savings of the public revenue to the discharge of the national debt; and not for a multiplication of offices and salaries merely to make partisans, and for increasing, by every device, the public debt, on the principle of its being a public blessing. (Thomas Jefferson, in a letter to Eldridge Gerry, Jan. 26, 1799.)

Mr. Speaker, again I say, spend less, tax more, or bust.

[Here the gavel fell.]

ANTILYNCHING BILLS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to make a very brief statement on a matter which I think is of interest to the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I wish to announce that beginning on next Wednesday the Committee on the Judiciary will conduct hearings on the antilynching bills that are pending before the committee.

EXTENSION OF REMARKS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a memorial resolution and a radio address which I delivered.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. Under the previous order of the House, the Chair recognizes the gentleman from Missouri [Mr. SHANNON] for 30 minutes.

THE SUPREME COURT

Mr. SHANNON. Mr. Speaker, a great deal is being said about the Supreme Court and the pending bill for judicial reform. Members of the House and of the Senate have been deluged with communications, ranging from the temperate to the torrid zone of propaganda, against the judiciary bill.

I am free to say that I have not been able to get greatly excited over the commotion that has been raised in certain quarters over the President's plan to enable the Supreme Court Judges to retire on full pay at a certain age, and to give some of the superannuated Judges some assistance in the way of fresher blood—call it a transfusion if you will—in their laborious researches and in the study of the cases that come before them.

I am filled with wonder and amazement at the hysterical lengths to which public men—men of reason and common sense—have allowed themselves to be led in the discussion of this subject.

SUPREME COURT AN ISSUE IN THE CAMPAIGN

It is being repeatedly stated—on the floor of this House, in editorials in the newspaper chains, over the radio, and in the flood of propaganda letters that are now cluttering up the mail boxes—that the people have given no verdict on this Supreme Court question; that it was not made an issue in the last Presidential campaign. That argument is on a par with the other stock argument that we are trying to destroy the Constitution, and is just about as silly and inane. I say it was an issue in the campaign. It was the paramount issue. The people themselves, who had been made the victims of the Court's adverse decisions, made it an issue. The opposition challenged the issue, and made it a subject of public debate. From the town halls of the great agricultural sections to the gilded palaces of the Liberty Leaguers, we never heard a political speech made by a representative of the old guard of monopoly and special privileges, nor read a political editorial in the partisan press, that did not point with pride to the decisions of the Supreme Court against the recovery measures.

DEMOCRATIC PLATFORM IN ALTERNATIVE

Let me read you the plank of the Democratic platform of 1936 that the opposition are trying to twist into a mandate for amendment to the Constitution. Here it is:

The Republican platform proposes to meet any pressing national problems solely by action of the separate States. We know that drought, dust storms, floods, minimum wages, maximum hours, child labor, and working conditions in industry, monopolistic and unfair business practices cannot be adequately handled exclusively by 48 separate State legislatures, 48 separate State administrations, and 48 separate State courts. Transactions and activities which inevitably overflow State boundaries call for both State and Federal treatment.

Now, listen to this. The Democratic plank continues:

We have sought and will continue to seek to meet these problems through legislation within the Constitution.

If these problems cannot be effectively solved by legislation within the Constitution we shall seek such clarifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws which the State and Federal

1933 the income of this Government from taxation was | left the wrong impression with the people of this country as

legislatures, within their respective spheres, shall find necessary in order adequately to regulate commerce, protect public health and safety, and safeguard economic security. Thus we propose to maintain the letter and spirit of the Constitution.

Here we have an alternative question upon which that campaign was fought, an issue that was widely discussed. First, the Democratic platform pledged itself to meet the situation created by the adverse Supreme Court decisions through measures within the Constitution as it stands and to maintain the letter and the spirit of the Constitution. We believed, and so stated, that we had been at all times within the letter and the spirit of the Constitution. One decisive member of the Supreme Court thought and wrote otherwise in three of the most vital pieces of legislation enacted to carry into effect the needed reforms. Minority members of that Court believed that we were right and that the majority of the Court was wrong in those decisions.

We had a right to assume and to pledge the people that we would seek, first and foremost, to remedy the situation without recourse to amendments. We placed that issue before the people. But, the platform continued, if that way should not be open, then we pledged that we would, as a last resort, seek to amend the Constitution to prevent nullification of the reform laws in the future.

That whole question was argued out in every State of this Union. The decisions of the Supreme Court were talked about and deplored and attacked as unfair interpretations of the law. The issue, in its alternative form, to proceed within the Constitution, if possible, or by amendment, if necessary, was fairly and fully presented to the electorate, and the 27,000,000 votes and the 46 States that returned President Roosevelt to the Presidency was a warrant and a mandate from the people to deal with the problem by their platform alternatives.

PRESIDENT WITHIN CONSTITUTIONAL RIGHTS

The President chose the direct route of reforming the source of all the trouble—the Supreme Court—and there is not one opponent of his plan who can constitutionally challenge his right to do so. They may impugn his motives, as they are doing, but they cannot question that he is within his constitutional rights and that he is acting in accordance with the overwhelming mandate of the people who approved his course and elected him to carry on his recovery program along the same lines.

It would have been just the same, as far as the opposition are concerned, if the President had decided to submit an amendment to the Constitution. I am satisfied they would have raised the usual cry that he was seeking to undermine the Constitution, to destroy our civil liberties. In fact, they did say those very things during the campaign when an amendment was talked about; and now they are shouting themselves hoarse for the amendment route.

THE VOICE OF HAMILTON

Here we have a recurrence of the old Hamiltonian doctrine that the people are not to be trusted. Time and again, in the deliberations of the Constitutional Convention, Hamilton voiced his distrust of the people. In one of his speeches before that body he stated:

I frankly acknowledge that I do not think favorably of a republican form of government, but I am addressing my remarks to those who do think favorably of it, in order to prevail on them to tone their government as high as possible.

In fact, if it had been left to Hamilton, we would have had a government toned so high that the people would have had very little to say about it; it would have been a government as autocratic, as arbitrary, and as far removed from the approval or disapproval of the people as the judicial branch of it is today. And it is Hamilton's voice we are hearing when we hear the opponents of the judicial program saying that we must shut our ears to the verdict rendered so overwhelmingly in the late election.

LANGUAGE OF CONSTITUTION UNEQUIVOCAL

Now, I want to say a few things in my own way about this Supreme Court question. I will begin by saying that I have great respect for the Constitution. I think the men who wrote it wrote a great document of human liberty, a great charter of free government. Yes; I will go that far and farther; I will say that the framers of the Constitution meant every word they wrote into it. They meant that "public welfare" meant public welfare, and not private welfare. They meant that this Government should be composed of three separate and distinct branches—the executive, the legislative, and the judicial. They meant what they said when they outlined the duties and the prerogatives of each of those branches. They jealously and exactly defined the powers of each branch. They gave no hint that the American people were to give ordinary respect to the legislative and the executive branches, but to the Supreme Court some extraordinary species of respect amounting almost to religious worship.

The framers of the Constitution knew that the men who were to function in the three departments of government were ordinary human beings, none of them infallible, all of them subject to human faults and human prejudices. And there was not a word in that Constitution, nor an utterance from those Constitution makers, that could be construed into an intention to set the Supreme Court in a niche aside, as in a sort of Buddha temple, where one must kowtow before entering, with reverent awe. It was to be an American court, made up of American citizens, to administer justice in accordance with American principles of government and American traditions of liberty, freedom, and public welfare.

I prefer to take my stand on this age-long question of the judiciary with the man who wrote the declaration of our independence, with the man who visioned the great development of this country from ocean to ocean, with that great statesman whose devotion to American freedom and civil liberty was never questioned. Needless to say, I refer to Thomas Jefferson, whose principles of democracy were grounded in the very bedrock of the revolution that shook the Old World traditions from our shoulders.

JUDICIAL DICTATORSHIP FORESEEN

As far back as 1810 Jefferson foresaw the danger of a judicial dictatorship. When the power of the judiciary to annul the will of the people was assumed and used by Chief Justice Marshall, Jefferson wrote to President Madison:

His (John Marshall's) twistifications in the case of Marbury, in that of Burr, and the Yazoo case show how dexterously he can reconcile law to his personal biases.

Let me quote a few more utterances of Jefferson's on the subject of the Federal judiciary.

In 1819 he wrote to Judge Spencer Roane:

The Constitution * * * is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please.

In the course of his debates with Stephen A. Douglas, Abraham Lincoln quoted from Jefferson as follows:

Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is, "boni judicis est ampliare jurisdictionem" (it is the part of a good judge to amplify jurisdiction); and their power is the more dangerous, as they are in office for life, and not responsible, as the other functionaries are, to the elective control.

In 1820, referring to opinions of the Federal judiciary, Jefferson wrote to Thomas Ritchie:

An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind, by the turn of his own reasoning.

Thus we see that opinions by a majority of one are not new. They were rendered in Jefferson's time, and he foresaw and warned us of the dangers of such opinions "huddled up in conclave."

In 1823 he wrote to A. Coray:

At the establishment of our Constitutions the judiciary bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping, by little and little, the foundations of the Constitution, and working its change by construction, before anyone has perceived that that invisible and helpless worm has been busily employed in consuming its substance.

Then in 1825 Jefferson wrote to Edward Livingston:

One single object, if your provision attains it, will entitle you to the endless gratitude of society, that of restraining judges from usurping legislation. And with no body of men is this restraining more wanting than with the judges of what is commonly called our general government, but what I call our foreign department. They are practicing on the Constitution by inference, analogies, and sophisms as they would on an ordinary law.

Of course, what Jefferson implied, when he referred to the judiciary as the "foreign" department of our Government, was that it was foreign to the rights of the people.

THE DRED SCOTT DECISION

We must not forget that it was a Supreme Court decision—in the Dred Scott case—which in reality precipitated the War between the States. That decision, delivered by Chief Justice Roger Brooke Taney in 1857, with the majority of the Court concurring, declared the Missouri Compromise Act of March 1820 unconstitutional and void. Thus an act of Congress was invalidated by the Supreme Court 37 years after its enactment, and as a result thereof this country was plunged into the bloodiest conflict it has ever known. It was in connection with this decision that Abraham Lincoln made the statement that it would be better that we destroy the Supreme Court than to permit that Court to destroy this Republic.

The opponents of the program for judicial reform are not overlooking any opportunity to present to the public their side of the controversy. Anyone who is known at all, or who has ever held public office, is called into service and is given wide publicity if he will just raise his voice against the plan.

THE ELECTORAL COMMISSION OF 1877

A few days ago I read in a local paper an account of a speech made in Philadelphia by former United States Senator George Wharton Pepper. The former Senator was quoted as having referred to the decision of the Electoral Commission which declared Hayes elected President as an argument in favor of close judicial decisions.

To my mind, the decision of that commission illustrates perfectly another instance when a Supreme Court Judge was called upon to defeat the will of the people.

I do not think many of us have forgotten Samuel J. Tilden, that great New York Democrat who defeated Rutherford B. Hayes for the Presidency in 1876. The Electoral Commission threw out the votes of Democratic precincts in Louisiana, South Carolina, Oregon, and Florida and gave the electoral votes of those States to Hayes.

Let us recall our history for a moment.

When Congress met after the disputed election of 1876, it passed (January 1877) the Electoral Commission Act "to provide for and regulate the counting of votes for President and Vice President, and the decision of questions arising thereon."

As was said by James Ford Rhodes in his History of the United States:

The paramount motive of the members of the Senate and House committees and of the Senators and Representatives who voted for the bill was patriotism and the desire to quiet the passions in the country. * * * The Democrats felt so sure of the rightfulness of their cause, especially in Louisiana, that they were ready to submit it to any fair tribunal of arbitration.

Under the act the Electoral Commission was to be constituted of five Members of the Senate, five Members of the House, and five Associate Justices of the Supreme Court of the United States. The act specified that the Associate Justices assigned to the first, third, eighth, and ninth circuits should serve on the Commission, and that those four should select another of the Associate Justices of the Supreme Court for the fifteenth member of the Commission.

The Senate chose as its members of the Electoral Commission George F. Edmunds, of Vermont; Oliver P. Morton, of Indiana; and Frederick T. Frelinghuysen, of New Jersey, Republicans, and Allen G. Thurman, of Ohio, and Thomas F. Bayard, of Delaware, Democrats.

The House appointed as its members Henry B. Payne, of Ohio; Eppa Hunton, of Virginia; and Josiah G. Abbott, of Massachusetts, Democrats; and George F. Hoar, of Massachusetts, and James A. Garfield, of Ohio, Republicans.

BRADLEY NAMED "IMPARTIAL ARBITER"

The four Associate Justices of the circuits specified in the act were Nathan Clifford (Democrat), William Strong (Republican), Samuel F. Miller (Republican), and Stephen J. Field (Democrat). These four Justices selected as the fifteenth member of the Commission—the decisive umpire—Joseph P. Bradley. This Supreme Court Justice, Bradley, "was expected to sink all political bias and be an impartial arbiter while his brothers on the bench had been chosen because of their political predilections."

Now, let us see what happened.

By uniform votes of 8 to 7, Bradley casting the decisive vote, the Electoral Commission decided all objections to the electoral votes of Florida, Louisiana, South Carolina, and Oregon, in favor of the Republicans, and the final result was declared to be 185 electors for Hayes and Wheeler to 184 for Tilden and Hendricks.

Bradley failed entirely in his role as an "impartial arbiter." Instead, it might well be said that he became the most partisan member of that Commission.

The following quotations, taken from Rhodes' History of the United States, indicate the reaction to the Commission's decision:

The Democrats were grievously disappointed at the decision of the Commission in the case of Florida, and after Louisiana had been counted for Hayes, they were sore and angry. They felt that they were being cheated out of the fairly won presidency; but the Democratic Senators and two-thirds of the Democratic Members of the House made it evident that they would abide loyally by the award.

Further, Mr. Rhodes said:

Of all those connected with the great lawsuit, Bradley occupied the most responsible position; and owing to the "deep-seated feeling of injury" and "keen sense of wrong" on the part of the Democrats has not escaped calumny. One charge was that "after preparing a written opinion in favor of the Tilden electors in the Florida case" he changed his views "during the night preceding the vote in consequence of pressure brought to bear upon him by Republican politicians and Pacific Railroad men, whose carriages it was said surrounded his house during the evening." * * * Another story was that when Bradley was wavering, Miller with partisan argument and overbearing disposition brought him to his (Miller's) own view by urging that he was the trustee for 4,000,000 Republican voters and must prove worthy of the trust.

SWAYED BY POLITICAL PASSIONS

The man who made the charge of vacillation against Bradley was his Associate Justice, Stephen J. Field. I am not unaware of the fact that after the trouble was all over and Tilden robbed of the election by the vote of Justice Bradley, Justice Field said that, in stating that Justice Bradley had changed his mind, he did not mean to infer anything derogatory to Justice Bradley's "honor or integrity."

That was a fine piece of judicial courtesy; but you will take notice that Justice Field did not take back the charge that Bradley had changed his mind overnight. And you can further read in the history of those times just what occurred during that night of Bradley indecision. Hundreds of carriages, we are told, surrounded his house that night, and a swarm of visiting statesmen of his party rang his door bell, and every big railroad attorney and railroad president in the country, and even some of his Republican associates on the bench, were warning him that he held the fate of the Republican Party and 4,000,000 Republicans in his hand.

Bradley should have realized that in addition to the 4,000,000 Republicans there were 4,300,000 Democrats—constituting a majority of all the votes cast at that election—who were depending upon him to serve as their trustee. As a Supreme Court Justice selected as a nonpartisan, it was believed he would be absolutely fair, and that he would cast aside his "passions for party" and decide according to the evidence, but he failed utterly. His party, not his conscience, was his guide.

In the light of that historic event, well may we talk of a body "toned high above party clamor" and clothed with the vested right to "make the Constitution what the Supreme Court says it is." No wonder we seem to hear again the voice of Jefferson warning us across the years that:

It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an

irrepressible body, working like gravity by night and day, gaining a little today and a little tomorrow, and advancing its noiseless steps over the fields of jurisdiction until all shall be usurped from the State and Government and all be consolidated into one. * * * There is no danger I apprehend so much as the consolidation of our Government by the noiseless and therefore unalarming instrumentality of the Supreme Court.

"IMPLIED POWERS" ASSUMED BY COURT

What has that citadel of infallibility, the Supreme Court, ever done to help carry out the ideals of the founders of our Government? I have said that a Chief Justice—John Marshall—was the first to write an opinion declaring that the Constitution did not mean exactly what it said; that "implied powers" could be read into it.

And you know, and I know, that that decision opened wide the gates in this country for corporation control of industry. The big business combinations grew and expanded; they became the privileged industries; they controlled elections; they grew more and more powerful under protective legislation, and soon the country passed into that era of the trusts and big combinations, when the big banks and the big railroads and the big industries were linked together in their interests and manipulating the powers of government to subserve those interests.

THE SHERMAN ANTITRUST LAW

So great was the menace of those sinister influences that at last, in 1889, John Sherman, a fearless statesman, framed his antitrust bill. It was entitled, "A bill to declare unlawful trusts and combinations in restraint of trade and production." That bill was debated in the Senate of the United States and in the House of Representatives for a period of some 5 months. Finally it was passed by both Houses of Congress and was approved by President Harrison on July 2, 1890.

Let us look briefly into the character of men who were in the Congress of the United States when this measure was debated and passed. In the Senate there were such men as John Sherman, of Ohio; George Frisbie Hoar, of Massachusetts; George Franklin Edmunds, of Vermont; George Graham Vest and Francis Marion Cockrell, of Missouri; John James Ingalls and Preston B. Plumb, of Kansas; John H. Reagan, of Texas; James Z. George, of Mississippi; and many other great men of that period.

In the House there were Thomas B. Reed, of Maine, Speaker; Richard P. "Silver Dick" Bland and William J. Stone, of Missouri; John H. Bankhead and Joseph Wheeler, of Alabama; Charles F. Crisp, of Georgia, who later became Speaker of the House; Henry Cabot Lodge, of Massachusetts; John Dalzell, of Pennsylvania; William McKinley, Jr., of Ohio, later President of the United States; Robert M. La Follette, of Wisconsin; David B. Henderson, of Iowa; and many other eminent statesmen.

In discussing the trust evil in the Senate on March 21, 1890, Senator John Sherman said:

Sir, now the people of the United States, as well as of other countries, are feeling the power and grasp of these combinations, and are demanding of every legislature and of Congress a remedy for this evil, only grown into huge proportions in recent times. They had monopolies and mortmains of old, but never before such giants as in our day. You must heed their appeal or be ready for the Socialist, the Communist, and the Nihilist. Society is now disturbed by forces never felt before.

The popular mind is agitated with problems that may disturb social order, and among them all none is more threatening than the inequality of condition, of wealth, and opportunity that has grown within a single generation out of the concentration of capital into vast combinations to control production and trade and to break down competition. These combinations already defy or control powerful transportation corporations and reach State authorities. They reach out their Briarean arms to every part of our country. They are imported from abroad. Congress alone can deal with them, and if we are unwilling or unable there will soon be a trust for every production and a master to fix the prices for every necessity of life.

True to John Sherman's prediction, we have today "a trust for every production and a master to fix the price for every necessity of life."

The Sherman Antitrust Act passed the Senate with but a single negative vote, and in the House every vote present was cast for the act. The men voting for it knew no sectional bounds; they knew no line of party distinction in that contest. They stood together to pass a law which they hoped would protect the American citizen in the future from the encroachments of great organizations of wealth.

For a time the act held the big business pirates in abeyance. Congress, under great pressure, refused to repeal the law. For more than 21 years there was no judicial interference with its provisions. Repeatedly the act was attacked in the courts and upheld.

GREED OF CONCENTRATED WEALTH PREVAILS

Finally, however, the greed of concentrated wealth prevailed. In 1911, 21 years after its enactment, the interpretation of the law came before the Supreme Court of the United States in two cases upon appeal. One was from the United States Circuit Court of Appeals, Second Circuit, New York, and the other from the United States Circuit Court of Appeals, Eighth Circuit, Missouri. The case from New York involved the American Tobacco Co., and the one from Missouri involved that hoary old trust known as the Standard Oil Co.

The United States Circuit Court of Appeals for the Eighth Circuit, in the Standard Oil Co. case, by a unanimous decision, upheld the Sherman Antitrust Act in every particular. A most courageous opinion was written by Judge Walter H. Sanborn, of that court, and an equally strong concurring opinion was written by Judge William C. Hook.

Judge Sanborn, in his opinion, said:

If the necessary effect of a contract, combination, or conspiracy is to stifle or directly and substantially to restrict free competition in commerce among the States or with foreign nations, it is a contract, combination, or conspiracy in restraint of that trade, and it violates this law. The parties to it are presumed to intend the inevitable result of their acts, and neither their actual intent nor the reasonableness of the restraint imposed may withdraw it from the denunciation of the statute.

Judge Hook, in his concurring opinion, said:

The construction of the act should not be so narrow or technical as to belittle the work of Congress; but, on the contrary, it should accord with the great importance of the subject of the legislation and the broad lines upon which the act was framed. The language employed in the act is as comprehensive as the power of Congress in the premises, and the purpose was * * * adequately to promote the common interest in freedom of competition and to remove improper obstacles from the channels of commerce that all may enter and enjoy them.

But the Supreme Court of the United States saw fit to overrule the most vital part of the decision of these great judges in the Standard Oil case, as well as the decision of the United States Circuit Court of Appeals for the Second Circuit in the American Tobacco Co. case. It was that autocratic power—the Supreme Court—that killed the antitrust law and turned the predatory monopolies loose upon the Nation. With a little turn of legislative diction the supersacred Supreme Court did the trick. By a single word adroitly written into a judicial decision the great fabric of the Sherman antitrust law was toppled to the ground to become a ruin and a memory.

JUDICIAL AMENDMENT OF SHERMAN LAW

Here is how that law was nullified. The Supreme Court handed down a decision that was not an interpretation of the law but a bold assumption of legislative power. The writer of the decision, Mr. Chief Justice Edward Douglass White, simply took his pen in hand and amended that Sherman antitrust law by writing into the act the word "undue"; and that decision was concurred in by a majority of the Court. It was held that what Congress meant to say was that every combination in "undue" restraint of trade was illegal. The word "undue" became a magic word, and it shattered the whole fabric of the antitrust law. Yet the Chief Justice writing the opinion had the temerity to say:

Our conclusion is that the decree below was right and should be affirmed, except as to the minor matters concerning which we have indicated the decree should be modified.

And that "minor" modification, if you please, was the insertion into the act of that word "undue", which, in effect, nullified the law.

JUSTICE HARLAN DISSENTS

Associate Justice Harlan dissented to this part of the Court's opinion. He pointed out that if the act—

Ought to read as contended for by defendants, Congress is the body to amend it, and not this Court, by a process of judicial legislation wholly unjustifiable.

He said further:

The Court by its decision, when interpreted by the language of its opinion, has not only upset the long-settled interpretation of the act, but has usurped the constitutional functions of the legislative branch of the Government. With all due respect for the opinions of others, I feel bound to say that what the Court has said may well cause some alarm for the integrity of our institutions.

The new legislation thus enacted by the Supreme Court was given the sweet-sounding name "the rule of reason."

It comes to mind, in recalling the wreckage of small business that followed in the wake of the emasculation of the Sherman Antitrust Act, that the Irish poet Oliver Goldsmith once deplored, in poetic language, a similar catastrophe in the life of his deserted village. He wrote:

A time there was, ere England's griefs began,
When every rood of ground maintained its man.

And then he went on to recite what the griefs of England were. They were the "rise of unwieldy wealth and cumbrous pomp", when every human want was "to opulence allied", and the crowding out of the little man on his rood of ground before the insatiate greed of the big landlords and the rage for speculation and concentrated wealth that rang the death knell to that "loveliest village of the plain", and many another home town in his country.

It seems to me that we might well paraphrase that couplet of Goldsmith's to fit the business situation in our own country since the Supreme Court wrote the death knell of the antitrust law. I can remember the time when there was not a village, not a town, not a city in the country that did not boast its independent prosperous business man and business community. Men of the home towns were doing a thriving business in manufacture or trade, in hardware, in groceries, in furniture, in drugs, in the butcher shops—in fact, in every line of business that catered to the wants of the townsfolk. These men were free and independent, proud of their home towns and institutions, respected by their neighbors, building their homes in their communities, and depositing their money in the home-town banks.

Where are they now? Some of them are working, when they can get work, for concerns whose headquarters are far removed from the home town. Many of them were driven to a worse fate—that of despair and death. Where once their business houses stood are now branches of the great chain stores, with imported clerks and managers, and as few of these as possible. And all the home-town banker knows of their profits is as a temporary 48-hour custodian until they can get a draft to forward the money out of the town to headquarters. The day is gone when the "rood of ground", representing the site of an independent business, "maintained its man." The site of his ancient activities is now a temple of concentrated wealth, before which the little man in business has to kowtow as he passes by, according to the law of the land.

BRYAN CHARGED "PACKING" OF COURT

And all of this is because of the rendition of that famous "rule of reason" decision of the Supreme Court. When this decision was rendered William Jennings Bryan charged that Mr. Taft, who was then President, had "packed" the Court in the interests of the trusts. Of course, what Mr. Bryan meant, and had the courage to say, was that Mr. Taft, a Hamiltonian, had appointed a Hamiltonian Court, and that his Hamiltonian Court had handed down a Hamiltonian decision; and a Hamiltonian decision always was and always will be that property—especially big property—has rights that the common man does not possess.

The great disadvantage I find of courts appointed by trust-minded Presidents is that they function so long. Two of the Supreme Court Judges appointed by Mr. Taft in 1910—Charles Evans Hughes and Willis Van Devanter—are still on the bench.

The decision of the Supreme Court nullifying the Sherman antitrust law was unexpected by a majority of the people of that period, who still regarded the Court as a judicial and not a legislative body. I have a most interesting compendium by Alexander H. Walker entitled "History of the Sherman Law." This book was published in 1910, and it was closed by the author in the firm belief that the Sherman law was on the statute books to stay. The author was confident that the Supreme Court would follow the precedents established on the subject and would uphold the law. In his book Mr. Walker referred to the Sherman antitrust law as a "magna carta" of the United States. Yet just 1 year after the publication of this book the Supreme Court found it had another weapon with which to defeat the will of the people; it found that in addition to interpreting the law it could assume legislative powers, and thus this magnificent "magna carta" was relegated to the ash heap.

Let me inject another thought that has been uppermost in my mind. Why is it that opponents of this administration's reform measures deem it within their constitutional privileges to libel, scandalize, and belittle the legislative branch of this Government, and to pour out abuse and misrepresentation upon the head of the executive branch, without limit or decency, and yet demand that when we approach the question of the Supreme Court we must kotow at the doors and advance in hushed whispers?

When did any one branch of this Government become more worthy of respect and fair treatment than any other branch? We are hearing a great deal of talk about dictatorships. Are we not more in the way of creating a dictatorship while we are engaged in fostering an unreasoning worship of one branch of the Government and encouraging a disrespect for the other branches? What, let me ask, is a greater menace to our liberties than the creation of a tradition that one branch of the Government is vested with powers to nullify the actions of the other two branches, and to do that in the name of the Constitution? And the menace is greater when the favored branch, clothed with this high authority, is not to be questioned, never to be changed, never to be reformed, never to be made to keep pace with changing conditions.

SUPREME COURT AGAINST POPULAR RIGHTS

Edward Payson Powell, in his book, Nullification and Secession in the United States, published in 1898, summarized the history of the Supreme Court up to that time as follows:

Holding to a division of American history into the periods of a struggle of factions from 1779 to 1816, a struggle of sections from 1820 to 1860, and a struggle of classes since 1870, we shall see that the Supreme Court has in every instance thrown its influence against popular rights.

In the first era the Supreme Court was so violently Federal and partisan that two of the Judges were impeached for packing juries and delivering political harangues while charging juries.

In the second era the Supreme Court decided that the black man had no rights as a citizen that a white man was bound to consider.

In the third era the Supreme Court has already cast its wavering voice in the social struggle for the wealthy as a class.

* * * * * * * *

That the Executive will find at some future time good cause to again check or resist the Court is probable. * * * Contingencies will arise to show that the judiciary is not in any way above the other departments.

All human beings make mistakes. Government officials make mistakes in judgment and in actions. But how easily those mistakes on the part of the executive and legislative branches of our Government can be remedied by the electorate. As pointed out by Jefferson:

The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights.

But the errors of the judiciary may go on forever. "The Constitution is what we make of it", a distinguished member of the Supreme Court is reported as having said. If that is true, then that bogey of dictatorship may be looked for, not in the executive or the legislative branch of the Government but in that unchanging and autocratic body, the Supreme Court.

I do not think our country has come to any such pass that we need become alarmed over all this noisy clamor about dictatorship. Viewing the situation calmly, it seems to me that the President is proceeding in everything that he does

within the Constitution and that it is the present opposition to the judiciary bill who are trying to amend that Constitution. But I cannot see that anything is in danger unless the Supreme Court's "rule of reason" becomes so fixed as a judicial dogma that in the end the Constitution will become a mere parchment for that Court to amend at will without recourse to the electorate.

HUMANITIES OF ADMINISTRATION'S PROGRAM

Let me add that I have not favored all the men nor all the methods employed by this administration to carry its programs into effect. I know that mistakes have been made both in men and in measures. But I have yet to find one single critic who doubts the sincerity, the earnestness, and the humanities of the administration's program.

In every law that the Congress has passed and that has received the present Executive's approval I find some humanitarian motive—some provision for equalizing opportunities in this country; some plan for taking care of the unemployed; some measures designed to take the children out of the death-dealing factories; some relief afforded to the farmer; some protection designed for the small-business man; some effort to increase the earning power of laborers and to provide them higher standards of living.

If to promote these things is treason, if we have come to such a state of national mind that laws designed to better the conditions of our citizens cannot be enforced, if we are never to question the right of any body of our Government to nullify such laws, then, indeed, I am afraid that our form of government is really undergoing a change, and a change in the wrong direction.

I fear no revolution, I fear no dictatorships, and I fear no military rule in this country, that was founded in the ideals of democracy and freedom; but I do fear the reactionary movement that seems now to be attempting to bear us back to the uncontrolled domination of the barons of industry, to those one-sided times when "wealth accumulated and men decayed." [Applause.]

DEPARTMENTS OF STATE, JUSTICE, THE JUDICIARY, COMMERCE, AND LABOR APPROPRIATION BILL, FISCAL YEAR 1938

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5779, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Traveling expenses: For all traveling expenses under the Department of Labor, including all bureaus and divisions thereunder, $1,193,000.

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment: On page 94, line 7, after the word "expenses", insert the following: "except travel expenses incident to the deportation of aliens."

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

Committee amendment: On page 94, line 9, strike out "$1,193,000" and insert in lieu thereof "$661,400."

Mr. McCORMACK. Mr. Chairman, will the gentleman from South Carolina explain the reason for this reduction?

Mr. McMILLAN. I may say to my friend the gentleman from Massachusetts that these two committee amendments are simply perfecting amendments and the amount will be placed back in the bill in another paragraph.

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment: Page 94, line 9, strike out "$661,400" and insert in lieu thereof "$666,900."

The committee amendment was agreed to.

The Clerk read as follows:

Division of Public Contracts, salaries and expenses: For personal services in the District of Columbia and elsewhere, in performing the duties imposed by the "Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036), including supplies, stationery, printing and binding, telephone service, telegrams, furniture, office equipment, contract stenographic reporting services, and other necessary expenses, $265,000.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: Page 96, line 6, strike out "$265,000" and insert in lieu thereof "$315,000."

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, there is another amendment which I offer as a committee amendment.

The Clerk read as follows:

Page 96, line 6, strike out the figures "$265,000" and insert in lieu thereof "$315,000."

Mr. McMILLAN. Mr. Chairman, this amendment seeks to restore to the bill the amount of the appropriation that was reduced by the committee for the enforcement of the Walsh-Healey Act, appropriations for which are carried in this bill for the first time. Originally there was recommended by the Bureau of the Budget $350,000 for this purpose. The committee reduced that to approximately $295,000, primarily, I would say, as a result of the doubt that the committee entertained as to the question of the purchase of goods in the open market. During the course of the hearings this question was gone into at some length, and it was felt, at least on the part of the committee, that a ruling or decision should be had from the Comptroller General as to that point in that it affected the question of the validity of a contract that may be entered into between the Government or the manufacturer or concern that produced the article. Further than that, if the question were decided in one way but a small amount of administrative expense would be required, whereas if it were decided in another way a much larger administrative expense would be essential. As a result of that feeling, I called on the Comptroller General by letter under date of March 23, directing his attention to this question and asking that he give us an opinion as to the correct interpretation of the section of the act that exempts from the operations of the act goods purchasable in the open market. I have a reply from the Comptroller General on that question. The effect of his decision is to considerably expand the activities of this division over what would have been required had the interpretation favored by our subcommittee been placed on the law. In the light of these facts, I am moving to restore the amount that the committee cut from the estimates for the Division of Public Contracts.

I ask unanimous consent at this point in the RECORD to insert a copy of my letter to the Comptroller General and the Comptroller General's reply.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. WALTER. Mr. Chairman, I reserve the right to object, and, of course, I shall not object, but I take this opportunity of expressing to the gentlemen of the Appropriations Committee the sincere thanks and appreciation of those of us who realize that splendid work has been done in the enforcement of the Walsh-Healey Act and the accomplishments that mean so much to labor. We thank the gentlemen sincerely for their cooperation. The passage of the Walsh-Healey Act has been a great stride toward the elimination of child labor, convict labor, and those practices that

are generally frowned upon by reputable employers of labor. For many months the Committee on the Judiciary labored assiduously to perfect a bill that would meet with the approval of those interested in this type of legislation. The action just taken by the distinguished gentleman from South Carolina [Mr. McMILLAN] insures the enforcement of the law.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The letters referred to are as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, March 24, 1937.

HON. THOMAS S. MCMILLAN,
Chairman, Subcommittee of the
Committee on Appropriations,
House of Representatives.

MY DEAR MR. CHAIRMAN: I have your letter of March 23, 1937, as follows:

"The attached report on the bill making appropriations for the Departments of State, Justice, Commerce, and Labor for the fiscal year 1938 indicates the necessity, in the mind of the Appropriations Subcommittee, of a ruling being made by your office in connection with appropriations to carry out the terms of the so-called Walsh-Healey Act passed by the last Congress. I refer you specifically to page 25 of the report, which clearly defines the problem.

"Inasmuch as your office must ultimately determine the question raised in connection with the legality of contracts entered into by the Government under the terms of the law, and that the decision so rendered in the matter of such contracts will essentially affect the amount of funds required to administer the act, I deem it of the utmost importance that an immediate decision be had on the following question:

"Does the exception in the Walsh-Healey Act contained in paragraph 43, title 41, United States Code, affect only contracts for supplies, materials, etc., as may be bought by the Government in the open market under the restrictions imposed by law upon such purchases by the Government or does it pertain to any purchases by the Government of supplies, materials, etc., which are ready and available in the open market for purchase by anyone under established custom?

"May I have your decision on this point at the earliest possible time?"

The statement in the report (No. 433) referred to is as follows:

"By the terms of the Walsh-Healey Act, purchases that may be made in the open market are exempted from the operation of the act. In construing this exception in the law the Solicitor of the Department of Labor has ruled that the limitation runs to all commodities or materials for which the purchase contract must by law be negotiated as a result of competitive bidding. The effect of this decision is to give a narrow construction to the terms of the exception by limiting the operation thereof to purchases that may be made by the Government under the terms of existing law in the open market, rather than extending the operation of the exception to purchases that may be bought by anyone under established custom in the open market. If the latter construction had been placed upon the words of the act, the field in which the statute would operate would be considerably narrowed. (It was testified that whereas between 3,500 and 4,000 contracts are now covered by the act, such a construction of the law would reduce the number of contracts to be considered to about 500.)

"It is the feeling of the committee that the legislative intent has not been properly defined in the construction that has been placed by the Solicitor of the Labor Department on that section of the law excepting goods purchasable in the open market, and before any of the money appropriated in this act is expended a ruling of the Comptroller General should be had on this point."

The Walsh-Healey Act, approved June 30, 1936 (49 Stat. 2036), provides in part:

"That in any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States * * * for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000, there shall be included the following representations and stipulations:"

[(a) That contractor is the manufacturer of or regular dealer in the materials.
(b) Minimum-wage stipulation.
(c) Maximum-hour stipulation.
(d) Minimum age of employees stipulation.
(e) Safe and sanitary working conditions stipulation.]

* * * * * * *

"SEC. 4. The Secretary of Labor is hereby authorized and directed to administer the provisions of this act * * * and to prescribe rules and regulations with respect thereto. * * * The Secretary of Labor shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act."

* * * * * * *

"SEC. 9. This act shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market; nor shall this act apply to perishables, including dairy, livestock, and nursery products, or to agricultural or farm products, processed for first sale by the original producers; * * *."

The point raised in your letter and in the committee report—that is, as to whether the exception in section 9 of the act of such materials, etc., "as may usually be bought in the open market" comprehends all such particular classes of materials or equipment as are usually available for purchase by the general public in the open market, or is restricted to materials, etc., which Government agencies are authorized by law to purchase in the open market—has not been made the subject of any formal decision by this office. However, the point was carefully considered in connection with other questions presented here for decision involving the operation of the Walsh-Healey Act, and, in disposing of those matters, I found no proper basis upon which to disagree with the interpretation placed on this provision in the opinion of the Solicitor of the Department of Labor, on which the regulations of the Secretary of Labor in this respect appear to have been based. See, for example, decisions of December 15 and December 16, 1936 (16 Comp. Gen. 883; id. 890), holding that the act applied and that the stipulations were required to be included in contracts in excess of $10,000 for automobiles and for tractors, both of which classes of articles are available for purchase by the public in the open market but which generally may not be procured by Government activities by open-market purchase. In the consideration of those cases there was not overlooked the fact that a similar provision in the 8-hour law of June 19, 1912 (37 Stat. 137–138), had been consistently construed to exempt all articles and commodities which might be purchased by the public in the open market. But, considering the difference in purpose between the two acts and the broad powers conferred on the Secretary of Labor to administer the provisions of the present act and to make, amend, and rescind such regulations as might be necessary to carry out such provisions, together with the cogency of the interpretation on which the regulations prescribed by the Secretary of Labor were based, I concluded that the administrative interpretation was not contrary to law.

The Walsh-Healey Act applies only to contracts for the "manufacture or furnishing of materials, supplies, articles, and equipment"—that is, to supply contracts as distinguished from construction contracts, and to give the open-market exemption provision of section 9 the wide application adopted under the 8-hour law provision would appear in practical effect to defeat the apparent purpose of the act. Under the construction of the 8-hour law provision there were exempted all classes and characters of supplies from twine and paper boxes to dynamos and locomotives (30 Op. Atty. Gen. 24; id. 31; id. 49). To permit such exemptions under the present act, which relates only to supply contracts, would so restrict its operation as practically to nullify its other provisions. Consequently, as between that interpretation and the one adopted by the Secretary of Labor, I felt compelled to accept the latter—the plain terms of the provision being such as to admit of only one or the other of those two interpretations.

Accordingly I have to advise that unless and until the matter be clarified by further legislation, I am constrained to concur in the interpretation placed on the provision by the Department of Labor.

Sincerely yours,

R. N. ELLIOTT,
Acting Comptroller General of the United States.

Mr. HEALEY. Mr. Chairman, I move to strike out the last word. I also desire to express my thanks to the able and distinguished chairman of the subcommittee who is in charge of this bill on the floor for his generous act in offering this amendment. I had intended to offer a like amendment and had sent the same to the Clerk's desk. This amendment restores the original appropriation recommended by the Budget to the new organization, Government Contracts Division of the Department of Labor. If adopted, it is believed that an effective working organization to enforce and administer the provisions of the Walsh-Healey Act may be established. From the date of its enactment this division has operated without proper personnel and with very little money. Yet its achievements, even under these handicaps, indicate clearly the possibilities of this legislation to promote sound industrial practices throughout the Nation if provision is made for an adequate administration of the terms of the act.

The wage, hours, and labor provisions of this act were, as we all know, designed to take Government business out of the sweatshop and away from the bid peddler. Passed at the last session of the Seventy-fourth Congress primarily as an offset to the subsidization of sweatshops, homework, and bid-peddling resulting from rigid adherence to the low-bid statutes, the Government Contracts Act has now had an opportunity to prove itself.

The steel industry, the largest concentration of private enterprise in this country, recently reversed its traditional

policy of long working hours and promulgated wage and hour standards which have won the acclaim of progressive leaders of labor and industry alike. It is significant that, in its commendable industrial statesmanship, the steel industry had its eyes fixed on compliance with the terms of the Walsh-Healey Act. Statements of the Bethlehem Steel Corporation and the Carnegie-Illinois Steel Corporation at the time of the announcement of the industry's new policy so testify. The Walsh-Healey Act has established the 40-hour week as government policy. Its adoption by industry generally will fix it as the American standard.

It is estimated that because of the adoption of the terms of the Walsh-Healey Act by the steel industry, some seventy or eighty thousand additional men will be put to work in that industry alone, with an increased pay roll for the industry of $200,000,000. The extent of the indirect benefits which will result, it is impossible to predict.

It is further estimated that, if industry generally followed the example of steel, over 2,000,000 jobs would be furnished for men who are unemployed today. It is my prediction that the principle of the 40-hour week will soon be recognized as an economic necessity. It is generally recognized today that it is the most effective answer to technological unemployment.

After all if, as has been so well demonstrated by the accomplishments of this legislation to date, the Walsh-Healey Act can promote the adoption of the 40-hour week generally and the consequent reemployment of men in private industry, is not this one of the best answers to the problems which have so seriously beset us. Is not this the fervent wish and hope, not only of all Members of Congress but of Americans throughout the Nation—to take men off relief and welfare rolls and restore to them real honest-to-goodness jobs.

The act also prohibits the employment of child labor and convict labor and provides that a decent prevailing minimum wage shall be paid on Government contract work. The Board set up under the terms of this act to determine the minimum wage that might be paid to workers on Government contract work recently rendered a decision in the men's work-garment industry—an industry which perhaps more than any other has felt the heavy hand of labor exploitation, sweatshop conditions, child labor, and unconscionable wages. The Board determined that in this industry the wage throughout the country should be a minimum of $15 for a 40-hour week. The fact that this wage represented the union wage in plants which had been unionized indicates the deplorable level to which wages had fallen in that industry. And I do not believe that there is any man here who would say that such a wage is excessive.

These are some of the great objectives which have been advanced by this legislation—objectives toward which we have all striven. With these ends in view we have passed some legislation which has been declared unconstitutional. Perhaps we have passed some legislation which may prove ineffective. But this act has proven its effectiveness and its constitutionality has never been questioned.

I am very happy, indeed, that the doubts of the subcommittee on appropriations concerning the proper interpretation of section 9 of this act have been cleared by the ruling of the Comptroller General which the committee has secured and which has been made part of this record. The interpretation of the Comptroller General is in accord with that previously rendered by the Solicitor of the Labor Department. Both of these opinions, in my judgment, clearly reflect the intent and purpose of Congress in the passage of this act. This removes all doubt of the propriety of restoring this appropriation to the figure approved by the Bureau of the Budget, and I wish to pay tribute to my genial friend and the other members of the committee who have been so vitally interested in this question for their conscientious performance of duty in determining the proper appropriation for the administration of this act and the proper construction to be placed on the meaning of section 9 of the act. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

Mr. CITRON. Mr. Chairman, I move to strike out the last two words. I also commend the authors of the bill, and I particularly congratulate the gentleman from Massachusetts [Mr. HEALEY], the gentleman from Pennsylvania [Mr. WALTER], and the gentleman from Tennessee [Mr. CHANDLER], the members of the Judiciary Subcommittee, who worked strenuously upon this bill. I believe this is one of the best bills that has been passed by this House in the last 4 years. I also believe this bill will materially help to do away with child labor and sweatshop conditions. The success of a law often depends on its administration and in this case the successful administration of this bill is due to the energetic work of all those connected with the Department of Labor and the Bureau of Public Contracts, which is enforcing the Walsh-Healey bill. [Applause.]

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

Mr. CITRON. Yes.

Mr. McCORMACK. As a matter of fact, the real credit is due to the gentleman from Massachusetts [Mr. HEALEY] and the subcommittee, Mr. HEALEY, Massachusetts; Mr. CHANDLER, Tennessee; and Mr. WALTER, Pennsylvania, who drafted the bill.

Mr. CITRON. They have worked hard for a long time, and, as I said, they certainly are to be commended. [Applause.]

Mr. McCORMACK. And I hope that the Secretary of Labor will administer this law with sounder discretion than she has shown in making some of her public expressions in recent days. [Applause.]

Mr. CITRON. I have certain detailed facts pertaining to the administration of this act that I have received from the Department, and I hope I will be permitted to put them in the RECORD, showing that she has fairly, honestly, and equitably performed in every way the purposes of this act. She has done equity to everyone concerned.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CITRON. I yield.

Mr. WALTER. To what extent has the distinguished Secretary of Labor interested herself in the enforcement of the provisions of this bill?

Mr. CITRON. The bureau under which this act is being enforced comes under her Department. Let me explain now about the bill and its enforcement.

Mr. Chairman, at the last Congress we enacted a bill known as the Walsh-Healey Act based upon the simple principle that the business of the Government should be awarded only to firms which were complying with reasonable labor standards to prevent the Government from being placed in the paradoxical position of urging the maintenance of enlightened working conditions in industry and yet awarding its own contracts to firms which were flouting the principles which the Government was advocating. We therefore provided in the Walsh-Healey Act that bidders on Government contracts should stipulate that they were paying certain minimum wages, were refraining from employing child labor and convict labor, and were not permitting employees to work for more than 40 hours in any one week or 8 hours in any one day. The administration of the act was vested in the Secretary of Labor.

Mr. WALTER. Will the gentleman yield?

Mr. CITRON. Yes.

Mr. WALTER. I am very much interested in what the gentleman says and will he kindly explain further.

Mr. CITRON. We have recently heard the administration of this act assailed on the floor of this House on the ground that the Secretary of Labor has been refusing to grant exemptions from its provisions and therefore jeopardizing our program of national defense. It is true that under the act the Secretary of Labor does have authority to grant exemptions. There is a provision under section 6 reading as follows:

> Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations of stipulations set forth in section 1 will seriously impair the conduct of Government business, the Secretary of Labor shall make exceptions in specific cases or otherwise when justice and the public interest will be served thereby.

Several days ago the eminent chairman of the Committee on Naval Affairs, whom I respect and deeply honor, told the House that it was the intent of Congress where the head of the contracting department made such a finding the Secretary of Labor "was, it was assumed, compelled to grant an exemption to the stipulations of the act." It is true that this language places considerable responsibility upon the contracting agency of a department in regard to the inclusion of these labor stipulations but it is quite clear from the final clause in this sentence that regardless of what the finding of the head of the contracting agency might be the Secretary of Labor is to make exceptions only "when justice and the public interest will be served thereby." It is true also that the Secretary of Labor has repeatedly denied exemptions requested by the Navy Department, but there seems little ground for saying that these refusals were not in the public interest.

It is no secret that the Navy Department was hostile to the Walsh-Healey bill from the start. It opposed it throughout the 1935 session and even on the day of its passage by this House it sought to block action on the bill. Scarcely a month after the Public Contracts Act became law, a request was made by the Secretary of the Navy for a blanket exemption of all contracts relating to naval and aircraft construction. In accordance with the terms of the law, the Navy Department was advised that the request could not be granted, since there was no showing that the application of the act would "seriously impair conduct of Government business" and since contracts for construction are not covered by the act as it was finally passed.

Of 19 requests for exception or exemption made by contracting agencies between the effective date of the law, September 28, 1936, and February 1, 1937, 12 have come from the Navy Department alone. It has been the experience of the other contracting agencies that only a small portion of bids have been qualified on account of the stipulations required by the act. Failure to understand the law and misinformation as to its effect which has been circulated by bidders alarmed at the prospect of vigilant inspection by the Government were responsible for most of the difficulties encountered. The patience and cooperation of contracting officers in explaining the act to the prospective bidders, upon which the initial success of the act depends, has disposed of most of these difficulties. The Department of Labor, recognizing the necessity of educating contractors, has in each instance where exemption has been requested on the ground that no bids were received held conferences, and through explanation of the operation of the law been able in each instance to find qualified bidders. At my request the Department of Labor has furnished me a summary of its docket of exemption cases.

The record of Navy requests for exemption and the reasons for their denial are as follows:

(1) November 4, 1936. All bids on a proposal for three boring, drilling, and milling machines contained qualifications with respect to the Walsh-Healey Act. By personal contact with bidders and explanation of the Department's regulations applicable to this contract, the reservations of one bidder were withdrawn and the contract awarded to it.

(2) November 5, 1936. All bids on invitation for 157,000 pounds of flax twine took exception to the Public Contracts Act. Pending an investigation of the circumstances in which these reservations were made and of conference with bidders, the request for exemption was denied. The denial was without prejudice and renewal of the application may be made at any time, but no new request has reached the Department of Labor, for the Bureau of Supplies and Accounts of the Navy requested the local purchasing officer to buy a substitute.

(3) November 16, 1936: On a proposal for the purchase of one of its airplanes, the Beech Aircraft Co. took exception to the stipulations required by the Public Contracts Act. Investigation revealed that the manufacturer was already complying with the standards required by the law, and no exception was therefore required.

(4) December 1, 1936: No bids were received on an invitation for hydraulic shaper planers. Conference with a manufacturer with whom the production of these machines is standard resulted in the award of the contract to a firm complying fully with the requirements of the act.

(5) December 3, 1936: The two bids on a proposal for one boring, drilling, and milling machine contained qualifications with respect to the act. Reservations of one bidder were withdrawn after conference, and the award of the contract to him was recommended.

(6) December 12, 1936: The same bidder took exception to an invitation for horizontal boring machines. Interpretation of the law by the Department of Labor resulted in the withdrawal of the exceptions.

(7) December 4, 1936: All bids on a request for three ratio heavy duty drills were qualified on account of the Walsh-Healey stipulations. After a conference one manufacturer withdrew its exceptions, and is now bidding in full compliance with the act.

(8) December 4, 1936: Qualifications were made by both bidders on invitation for gun directing power plants. A conference having disclosed that one of the bidders is in a position to comply with the act in full, the impasse is now removed.

(9) December 30, 1936: Exemption was requested on an entire lot of 25,000,000 pounds of steel for ship construction upon which no proper bids were received. On March 1, 1937, all principal bidders announced new wage and hour schedules which make it possible for them to comply fully with the Public Contracts Act.

(10) January 4, 1937: Conferences promised to remove the objections of bidders on an invitation for three heavy-duty lathes. The request for exemption has not been denied.

(11) January 7, 1937: An invitation for reinforced steel bars was supended pending settlement of the impasse over the principal steel contract.

(12) January 11, 1937: No bids were received on invitations for a large quantity of copper ingots. Conferences with prospective bidders have made possible the award of two contracts on February 3. Navy Department officials have expressed themselves as satisfied at present and as believing that future proposals will bring out additional eligible bids.

It therefore cannot be claimed that every request for exemption by the Navy Department has been denied or that the Walsh-Healey Act has jeopardized the national defense. In no instance has the delay between the date of request and the time when eligible bidders have been found been such as to delay the Navy Department in the construction of a single ship or to cause the lay-off of any employee.

The Secretary of Labor, in denying the request of the Navy Department for the exemption of steel contracts, recognized that the public interest by which she must be guided in determining her action demanded that the Government stand firm until stable labor relations had been evolved in the steel industry. Since the firm stand against an exemption hastened the settlement in steel, the administration of the Walsh-Healey Act may well have avoided a costly strike in the steel industry which would have delayed indefinitely all branches of Government construction. I did not suppose that anyone believed it to be the intention of Congress in passing this act that the exceptions and exemptions would be made wherever bidders found it inconvenient to comply with the required stipulations. The provision in section 6 authorizing the Secretary of Labor to grant relief in the interests of justice and the public interest was, of course, included in order to meet circumstances of an extraordinary character. It was thought necessary to provide sufficient leeway in the act for emergency purchases in case of national disasters such as floods, or where a Government vessel is in port only long enough to pick up supplies. Were the law to be suspended every time bidders declined to submit to its conditions, it would soon become an empty collection of words whose meaning depends upon the graciousness of Government contractors. In conclusion, Mr. Chairman, it is my belief that this Department is performing a great service and is effectively carrying out the intentions and purposes of Congress in enacting this legislation. [Applause.]

Mr. Chairman, I withdraw the pro-forma amendment.

The CHAIRMAN. Without objection, the pro-forma amendment is withdrawn.

The question is on the amendment offered by the gentleman from South Carolina [Mr. McMILLAN].

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF LABOR STATISTICS

Salaries and expenses: For personal services, including temporary statistical clerks, stenographers, and typewriters in the District of Columbia, and including also experts and temporary assistants for field service outside of the District of Columbia; the appropriation for traveling expenses in Title IV shall be available, in an amount not to exceed $, for expenses of

attendance at meetings concerned with the Bureau of Labor Statistics when incurred on the written authority of the Secretary of Labor; purchase of periodicals, documents, envelopes, price quotations, and reports and materials for reports and bulletins of said Bureau, $784,000, of which amount not to exceed $658,000 may be expended for the salary of the Commissioner and other personal services in the District of Columbia.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 96, line 12, strike out all after the semicolon, down to and including the semicolon in line 19, and insert a new paragraph, beginning on line 22, as follows:

"The appropriation for traveling expenses in title IV shall be available in an amount not to exceed $2,000 for expenses of attendance at meetings concerned with the work of the Bureau of Labor Statistics, when incurred on the written authority of the Secretary of Labor."

Mr. McMILLAN. Mr. Chairman, that is merely a clarifying amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Connecticut [Mr. CITRON] was addressing the Committee a few moments ago and I made an observation, and I had a deliberate reason for making the observation. It is reported in the New York Times this morning, a reliable newspaper, that the Secretary of Labor, from its economic aspect, undertakes to place sit-down strikes in the category of picketing. That comes from the Secretary of Labor, as reported in the morning press. I do not know whether the newspaper quoted her correctly or not; but if it did, someone in Congress should call to the lady's attention the fact that there is a difference between what is lawful and what is a violation of the law.

It is perfectly proper for labor to picket. It is perfectly proper for labor to organize to obtain improved conditions. I think I can say without any contradiction that I have been one of the best friends of labor. In the Massachusetts Legislature 16 years ago, when an attempt was made to enact a law to incorporate labor unions, I led the successful fight against it. I also refer to my recent action in support of the bituminous-coal legislation, as indicating the support that I have always given labor in its efforts to improve working conditions. Labor legislation has constantly received my support. However, I do not recognize the right of any group in the United States, no matter who they are, to undertake to substitute themselves for the constituted authority of our Nation, State, or city. [Applause.]

I am just making a few observations on her reported remarks. The best friends of labor are those who caution its members at the proper time. The sit-down strike is the result of a state of mind which is in defiance of the law. Picketing is the result of a state of mind which is in conformity with the law. The Secretary of Labor should be careful in her public utterances. She can say things as an individual which have very little effect, but as a member of the President's Cabinet, any statement she might make has tremendous effect. I differ with the lady if she made that statement. If she did not make the statement, she should immediately repudiate it. There is a difference between a state of mind in defiance of law and a state of mind which prompts actions in compliance and in conformity with the law.

I am absolutely in favor of the Walsh-Healey bill. I came here today especially to help the amendment, if a fight occurred, and if my voice could assist its adoption by participating in the debate. I am glad that the gentleman from South Carolina [Mr. McMILLAN] offered the amendment, recognizing the necessity for the increased amount.

The observation I made to the gentleman [Mr. CITRON] had no relation at all to the Walsh-Healey bill. In the final analysis Senator WALSH and the gentleman from Massachusetts [Mr. HEALEY] and the members of the subcommittee are the ones who worked hard and are entitled to credit. I know, because the gentleman from Massachusetts [Mr. HEALEY] worked for approximately 3 months, together with his subcommittee, to correct the bill as it came from the Senate. He has done a great job. He is entitled to the commendation of labor. He is entitled to the commendation and respect of all persons who believes in progressive legislation, for the great work that he and his subcommittee did in connection with this matter. I also want to compliment the gentleman from Connecticut [Mr. CITRON] for the excellent work that he did in the full Committee on the Judiciary in seeing the report and recommendations of the subcommittee were adopted by the full committee. I cannot, however, resist the feeling that it is the duty of someone to recognize the statement that appeared in the papers this morning and also the statement the Secretary made a few weeks ago.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. McMILLAN. Mr. Chairman, reserving the right to object, I call the attention of the Members to the fact that we are interested in trying to finish this bill as quickly as possible. I hope that after the gentleman has concluded his remarks there will be no further requests for extended debate in connection with these items and that the debate will be confined to the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. A few weeks ago the Secretary of Labor expressed doubt as to whether the sit-down strike was legal or illegal. Cognizance must be taken of that statement. Members of Cabinets, whether Republican or Democratic, should be careful in their expressions. This is a matter involving the welfare of our country. I take the floor reluctantly, hesitatingly, after waiting for 4 years for some evidence that would warrant me in forming an opinion of confidence in the Secretary. The Labor Department, under her leadership, has not as yet earned my confidence. I exclude from that statement the Immigration and Naturalization Bureau, and also Edward F. McGrady, who is entitled to the confidence of everyone for the great work he has done.

If in the past the Secretary of Labor has been merely careless in her statements, I hope that in the future she will be more careful not to make inciting remarks. [Applause.]

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, here are three questions which have been asked me this morning. I am going to ask them of the membership and I hope somebody will answer them.

Mr. McMILLAN. Mr. Chairman, I am sorry, but I am forced to make the point of order the gentleman is not confining his remarks to the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PLUMLEY. These, under permission to revise and extend my remarks, Mr. Chairman, are the three questions I was undertaking to ask when the point of order was sustained against my proceeding further in the Committee. I have been asked—I have answered—let somebody else answer them also:

Has the Labor Department, through its Secretary, taken any action denouncing the sit-down strikes as an open challenge to law and order and a bold threat to that stability without which no nation can long survive? Is it not true that the Secretary has said that the legality of sit-down strikes has not been determined?

Is it not true that the man who with impunity may enter your plant or industry and hold it against your will may do the same with your dwelling house, your home, your farm, or your office? Is not the principle identical?

Is it not true that as between the right to strike and the right to continue a so-called sit-down strike there is a chasm as wide as the ocean itself which never can be spanned by constitutional and democratic methods and never be legalized?

The Clerk read as follows:

IMMIGRATION AND NATURALIZATION SERVICE

Salaries and expenses: For enforcement of the laws regulating the immigration to, the residence in, and the exclusion and deportation from the United States of aliens and persons subject to the Chinese exclusion laws; for enforcement of the laws authorizing a uniform rule for the naturalization of aliens; salaries, transportation, and other expenses of officers, clerks, and other employees appointed to enforce said laws; care, detention, maintenance, and transportation expenses incident to the deportation and exclusion of aliens and persons subject to the Chinese exclusion laws, as authorized by law, in the United States and to, through, or in foreign countries; purchase of supplies and equipment, including alterations and repairs; purchase, exchange, operation, maintenance, and repair of motor-propelled vehicles, including passenger-carrying vehicles for official use in field work; arms, ammunition, and accessories; cost of reports of decisions of the Federal courts and digests thereof for official use; certifications of legal papers; refunding of head tax, maintenance bills, and immigration fines, upon presentation of evidence showing conclusively that collection and deposit was made through error; mileage and fees to witnesses subpenaed on behalf of the United States, and for all other expenses necessary to enforce said laws; $9,055,000, all to be expended under the direction of the Secretary of Labor, of which amount not to exceed $555,000 may be expended for the salary of the Commissioner of Immigration and Naturalization and other personal services in the District of Columbia, including services of persons authorized by law to be detailed there for duty: *Provided*, That not to exceed $45,000 of the sum herein appropriated shall be available for the purchase, including exchange, of motor-propelled passenger-carrying vehicles: *Provided further*, That the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, may contract with officers and employees stationed outside of the District of Columbia, whose salaries are payable from this appropriation, for the use, on official business outside of the District of Columbia, of privately owned horses, and the consideration agreed upon shall be payable from the funds herein appropriated: *Provided further*, That not to exceed $35,000 of the total amount herein appropriated shall be available for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., title 5, sec. 118a), not to exceed $1,700 for any person: *Provided further*, That $125,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of inspectors and employees of the Immigration and Naturalization Service for which the United States receives reimbursement in accordance with the provisions of the act of March 2, 1931 (U. S. C., title 8, secs. 109a and 109b): *Provided further*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts: *Provided further*, That not to exceed $10,000 of the sum herein appropriated may be expended for payment of rewards, when specifically authorized by the Secretary of Labor, for information leading to the detection, arrest, or conviction of persons violating the immigration or naturalization laws: *Provided further*, That notwithstanding the provisions of the act of February 5, 1917 (U. S. C., title 8, sec. 109), authorizing the Secretary of Labor to draw annually from the appropriations for the enforcement of the laws regulating the immigration of aliens into the United States, $200,000, or so much thereof as may be necessary to enforce the law excluding contract laborers and induced and assisted immigrants, not to exceed $95,000 of the sum herein appropriated may be expended for such purposes, and such expenditure shall be made in strict compliance with the provisions of the act of July 11, 1919 (U. S. C., title 16, sec. 201).

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment: Page 97, line 2, strike out the word "transportation"; and in line 5, strike out the word "and"; also in line 5, after the word "transportation", insert the words "and traveling."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I offer a further committee amendment.

The Clerk read as follows:

Committee amendment: Page 97, line 20, strike out the figures "$9,055,000" and insert in lieu thereof the figures "$9,586,600."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

The appropriation under title IV for traveling expenses shall be available in an amount not to exceed $8,000 for expenses of attendance at meetings concerned with the work of the Children's Bureau when incurred on the written authority of the Secretary of Labor.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 103, strike out the paragraph beginning on line 3 and insert in lieu thereof a new paragraph, as follows:

"The appropriation under title IV for traveling expenses shall be available for expenses of attendance of cooperating officials and consultants at conferences concerned with the administration of title V, parts 1, 2, and 3, of the Social Security Act when called by the Children's Bureau, with the written approval of the Secretary of Labor, and shall be available also in an amount not to exceed $5,000 for expenses of attendance at meetings related to the work of the Children's Bureau when incurred on the written authority of the Secretary of Labor."

Mr. McMILLAN. Mr. Chairman, this, I may say, is merely a clarifying amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GIFFORD. Mr. Chairman, I move to strike out the last word. I do this to make a brief comment.

Mr. Chairman, some little time ago I stood in this Well and talked about sit-down strikes and quoted the Secretary of Labor. The Secretary of Labor has declared, as every one of you probably know, that it had not yet been determined whether the sit-down strike had a legalistic status.

Mr. McMILLAN. Mr. Chairman, I am sorry to make the point of order against my friend, but I must make the point of order that the gentleman from Massachusetts is not confining his remarks to the paragraph.

Mr. SNELL. Mr. Chairman, inasmuch as the gentleman from Massachusetts, Mr. McCORMACK, on the other side of the aisle, spoke out of order for 7 minutes without a point of order being made against him, it would seem only just that a Member on this side should be allowed to speak for a few minutes out of order.

Mr. McMILLAN. Mr. Chairman, I cannot overlook the fact that others want to make remarks out of order. I objected in the case of the gentleman from Vermont and gave warning that these remarks would have to be confined to the bill.

Mr. SNELL. That would be all right had the gentleman started out in that way, but as long as he allowed the gentleman from Massachusetts, Mr. McCORMACK, to talk out of order for 7 minutes, he ought not to object to a few minutes on this side.

Mr. McMILLAN. We are going to have a field day here after this bill is finished, and anyone who wants to talk will have that opportunity this afternoon.

Mr. SNELL. I think the gentleman is all right, so far as that is concerned, but he should have started it earlier in the afternoon.

Mr. GIFFORD. Mr. Chairman, my remarks will be directed properly under the item of traveling expenses.

The CHAIRMAN. The gentleman will proceed in order.

Mr. GIFFORD. I think everybody understands perfectly well exactly what I meant, as far as I was permitted to proceed. [Laughter.]

I want to speak of these traveling items where they may or may not under this or these paragraphs be used for trips to Europe. In order to overcome our ignorance and broaden our vision, we are to be reconstructed from Europe, although the status of labor is so utterly different there than it is in America. We have been transplanting from Europe many new ideas. The Secretary of Labor went to Europe last summer to study the international problems of labor and perhaps import their ideas to the United States. It is said that someone else also traveled over there last autumn and imported the sit-down strike idea from France. I think everyone knows to whom I have reference.

Mr. Chairman, I wanted to comment on these various expenses of travel, and I have done so. I congratulate the Members of the Democratic side of the House on the fact that after a long month, and when the fire seems to be out of control, you have finally waked up and dared to make use of some of the expressions concerning respect for law that you are now making. [Applause.]

Mr. MEAD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 106, line 8, after the word "labor", insert "to enable the Division of Labor Standards in the Department of Labor to engage in a program to formulate and promote the furtherance of standards of apprenticeship and apprentice training, $50,000."

Mr. BACON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from New York [Mr. MEAD] desire to be heard?

Mr. MEAD. Yes.

Mr. BACON. Mr. Chairman, I reserve the point of order.

Mr. MEAD. Mr. Chairman, I submit this amendment in order to clear up a parliamentary question which, in my judgment, merits the consideration of the House and the Chair. I believe it will be helpful in the further consideration of this bill in the Senate, in conference, and later when the bill returns to the House.

My distinguished colleague from New York makes a point of order. I presume it is based on the assumption that this would be legislation in an appropriation bill and that there may be no authorization in support of an appropriation of this character.

Mr. Chairman, I submit my amendment is merely a direction, coupled with an appropriation, to carry out what is already the intent and purpose of the organic act creating the Department of Labor. In the RECORD my distinguished colleague explains that it also involves a transfer from a temporary agency of Government to a permanent department of Government, and that there is no authorization for a transfer of that kind.

I find there is ample law for this transfer, because it is now a function of the Department of the Interior. There is an appropriation for this work, and it has been agreed upon and approved by this House for a number of years in the past.

I say it is not only justified by the organic law creating the Department of Labor, which was quoted in the RECORD by my colleague from New York, but it is also authorized by the act of February 23, 1917, as amended by Executive Order No. 6166, issued on June 10, 1933. That order transferred the functions of the Vocational Board for Education to the Department of the Interior, and in that there is ample authority for the work involved in the amendment which I have offered.

Mr. Chairman, the preface to the organic law creating the Department of Labor reads as follows:

The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States and to improve their working conditions and to advance their opportunities for profitable employment.

In addition, section 9 of the same act authorizes the Secretary of Labor to make such special investigations as he may deem necessary.

It is felt that the work of the Division of Labor Standards, as an agency of the Department of Labor, clearly falls within the scope of the statutory provision and is designated to carry out the very purposes herein enumerated. It does not appear that the activity under the appropriation now requested in my amendment is subject to a point of order, not only by reason of the act of February 23, 1917, as amended by the Executive order of June 10, 1933, but by reason of the fact, Mr. Chairman, that the Department of the Interior under the law now has the power to cooperate with State boards in carrying out the provisions contained in this amendment.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEAD. Mr. Chairman, in addition to that, the Interior Department is authorized to cause investigations to be made and to make reports, and so forth. It is further stated in that law:

When the Interior Department deems it advisable, such studies, investigations, and reports for the purposes of trade and industry and industrial education—

That is what this amendment applies to—

may be accomplished in cooperation with or through the Department of Labor.

I submit, Mr. Chairman, in that function already in operation, as well as in the law creating the Department of Labor, there is ample authority for what I propose. It is not a new function of government. It is not requesting an appropriation that has not yet been made. It is not delving into a new field of enterprise. My amendment merely gives the Department of Labor that prerogative intended by Congress in passing the special acts to which I have referred.

The point was made in the debate that the statement of the purpose for which the Department is established, as set forth in the organic act creating it, is not to be construed as authorization for appropriations not specifically provided for in succeeding sections of the act, which provided for bureaus and designated these bureaus to carry out the intent and purpose of the Congress. There were cited to the House cases of appropriations to the Secretary of Labor to advance the opportunities for profitable employment of wage earners in the United States and to establish employment services. It was held the general authority of the Department of Labor under its organic act did not permit such appropriations.

These precedents are not applicable to the present circumstances, however. The power and authority contained in the act of February 23, 1917—and this has not been brought out in the debate, or in the precedents, insofar as pertains to this amendment or what it attempts to put into operation—dispose of the objections already made and, in my judgment, make this amendment in order.

In addition, the language in question is not open to the objection that it is legislation which may not appear on an appropriation bill. It is an established precedent of this House that mere directions as to the expenditure of funds, even though they involve the transfer of authority and money from one agency to another, are not contrary to the rules of the House, neither do they come under the prohibition mentioned by my colleague the gentleman from New York.

As I have said, this is not a new function. It is a going concern of the Government. It was recommended by the President of the United States in a letter addressed to the Secretary of Labor on September 19, 1936, in which he said:

MY DEAR MME. SECRETARY: I am much interested in the progress made in apprentice training in recent months, and I firmly believe that the Federal program of promotion should be continued.

It is my thought that the Federal Committee on Apprentice Training should function in an advisory capacity to the National Youth Administration during this fiscal year. In the meantime I wish you would include in your regular budget a request for small funds to support the committee's activities for the year 1937–38.

This is what I am doing.

I submit, Mr. Chairman, the amendment is in order.

Mr. BACON. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from New York is not germane to this paragraph and place in the bill at which he has offered it, and that it is also legislation on an appropriation bill.

As to the first point, the gentleman from New York offers his amendment to the paragraph which has to do with grants to States for child-welfare services. In his argument the gentleman admitted this activity pertained to the Division of Labor Standards, which is on page 92, and which we have already passed. The gentleman also relies for authority for this amendment on the so-called Smith-Hughes Act, which permitted a somewhat similar activity to be conducted by the Office of Education in the Department of the Interior. Again I raise the point of germaneness that, conceding for purposes of argument it may be germane to the Department of Interior bill, it is certainly not germane to the Department of Labor bill.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield to the gentleman.

Mr. MEAD. I may say to the gentleman I intended to offer the amendment at the end of the section pertaining to the Division of Labor Standards, but was called from the Chamber. If the amendment is germane, insofar as the main objections offered by the gentleman from New York are concerned, I would be pleased to ask it be considered at the proper point in the bill. However, I understand from the objections made by my colleague the gentleman from New York that he objects on the ground it is legislation in an appropriation bill. I desired to clear this point up if I could.

Mr. BACON. I will pass on to my second point of order.

This activity of apprentice training was started under the National Recovery Act. Lately it has been carried out under the so-called National Youth Administration, to which it was transferred by Executive Order No. 7086. It is now sought to transfer this agency, which has been created under the emergency powers as a temporary proposition, to a permanent department of the Government as a permanent proposition. The Congress has never authorized this activity by law.

I may say, parenthetically, I am sympathetic with the purposes of this activity, and if the Committee on Labor will bring out a bill to authorize this activity, I, as one member of the subcommittee, will gladly lend my aid in seeing that the necessary appropriation is made in the bill. However, there has been growing up a tendency in the last few years, Mr. Chairman, to arbitrarily force new matters into appropriation bills which legislative committees of the House have never discussed and never considered. I think the House has always been very jealous of the authority granted to its committees. When the Committee on Appropriations was created the House specifically decreed that the Committee on Appropriations could not consider legislative matters.

This is legislation in an appropriation bill that has never been considered by one of the legislative committees of the House, has never been passed upon by the House, but has simply resulted from an Executive order of the President under temporary emergency powers. I want to cite a decision rendered by the Honorable John N. Garner, of Texas, Chairman of the Committee of the Whole House on the state of the Union, on February 28, 1919. At that time the gentleman from Massachusetts, Mr. Gallivan, offered an amendment to the Labor Department appropriation bill which would create the United States Employment Service. The gentleman from New York, Mr. Gould, and the gentleman from Texas, Mr. Blanton, made the point of order that it was legislation on an appropriation bill and that such a bureau of employment had never been authorized by law. The subject was ably discussed by the gentleman from South Carolina, Mr. JAMES F. BYRNES, who made the principal argument in favor of the point of order.

After extended debate the Chair ruled:

The gentleman from Massachusetts offers an amendment to insert a new section, as follows:

"To enable the Secretary of Labor to advance the opportunities for profitable employment of the wage earners of the United States there is hereby appropriated out of available moneys in the Treasury $10,023,000."

To that amendment the gentleman from Texas and the gentleman from New York make the point of order. Arguing the point of order, gentlemen who have discussed it cited certain language in the organic act which created the Department of Labor. That language is:

"The duties of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

That language is relied upon, as the Chair understands, to make this amendment in order. The House has always been extremely careful in conferring the legislative power upon committees; at least it has been so for 50 years. It has withheld from the Committee on Appropriations any power of legislation, and naturally, having withheld that power, it has provided that no amendment to an appropriation bill if it carried legislation should be in order if offered on the floor of the House. This is very peculiar language as contained in this organic act. If the Committee on Appropriations could have rightfully brought in a proposition such as is contained in the amendment of the gentleman from Massachusetts, and, of course, if it could not, an amendment from the floor of the House would be subject to the point of order. The Chair is unable to see where the limit on the Committee on Appropriations would end. If this—like the whereas of a resolution—should be held to authorize appropriations by the Committee on Appropriations, there is absolutely no limitation that you could put upon your Committee on Appropriations.

And, of course, if the Appropriations Committee could bring in a proposition, any amendment from the floor would be in order. The Chair thinks this amendment, that is offered by the gentleman from Massachusetts makes new legislation, not authorized by any existing law, and that therefore it is obnoxious to the rule of the House. Therefore, the Chair sustains the point of order.

Therefore it was definitely decided that an appropriation to enable the Secretary of Labor to advance opportunities for profitable employment of wage earners was not in order on a bill making appropriations for the Department of Labor.

This ruling held that "the general statement of purpose for which a department is established, as set forth in the organic act creating it, is not to be construed as authorization for appropriations not specifically provided for in succeeding sections of the act providing for bureaus designated to carry out the declaration of purpose."

Two years later a similar question arose, and the Honorable Joseph Walsh, of Massachusetts, Chairman of the Committee of the Whole House, reaffirmed the decision of Mr. Garner and established the principle that statements of purpose embodied in the organic act creating the Department of Labor did not authorize appropriations for establishment of an employment service.

It is interesting to note that after these rulings the proper committee of the House brought in enabling legislation to create the United States Employment Service, and, having made it legal, having authorized it by law, your committee has for some years carried the necessary appropriations in this bill to provide for the Employment Service. The present amendment, now offered, providing for a new activity of apprentice training is in every way similar to the case and decision I have just cited. I think the Secretary of Labor should have gone to the Committee on Labor and requested enabling legislation. If the enabling legislation had been reported from the committee, it seems to me it could easily have passed the House, probably, on the Consent Calendar. In line with previous decisions and precedents special authorizing legislation is necessary to make this proposed amendment in order on an appropriation bill. The general language of the organic act, creating the Department of Labor, is not sufficient authorization.

I make this point of order not because I am opposed to the activity suggested, but because I am completely opposed in principle to an executive department ignoring the regular legislative committees of the House and trying to run in its new projects through the Committee on Appropriations. I believe the Committee on Appropriations has to keep faith with the House and do its best to keep legislative matters out of its appropriation bills. This amendment proposes a new activity in the Labor Department that has never been authorized by law. It has never even been considered by a legislative committee of the House. It is, therefore, clearly new legislation and is not in order on an appropriation bill.

The CHAIRMAN (Mr. BUCK). The Chair is ready to rule.

The gentleman from New York [Mr. MEAD] has offered an amendment to insert a new paragraph, as follows:

To enable the Division of Labor Standards in the Department of Labor to engage in a program to formulate and promote the furtherance of standards of apprenticeship and apprentice training, $50,000.

To this amendment the gentleman from New York [Mr. BACON] has made the point of order that the amendment is not germane to the paragraph to which it is offered, and the further point of order that it is legislation on an appropriation bill.

Unquestionably the amendment is not germane to the paragraph to which it is offered, and on that ground the Chair could sustain the point of order. It is the understanding of the Chair, however, that the gentleman from New York [Mr. MEAD] under these circumstances would desire to return to the appropriate paragraph by unanimous consent of the Committee and again offer the amendment,

and for this reason the Chair desires to state that, after an examination of the authorities and the precedents existing and of the act of February 23, 1917, which the gentleman from New York has cited, the Chair feels that the rules and precedents of the House have well established that a general statement of the purpose for which a department is established, as the Department of Labor, as set forth in its organic act, is not to be construed as an authorization for an appropriation which is not definitely and specifically provided for either in that act or in subsequent legislation creating bureaus within such Department. No authority has been cited to the Chair, other than the new suggestion made by the gentleman from New York with reference to the Vocational Education Act, which would take this particular amendment out of the ruling cited by the gentleman from New York [Mr. BACON] made by Chairman Garner in the Committee of the Whole House some years ago. The Vocational Education Act, insofar as it applies to the point raised by the gentleman from New York, reads as follows:

When the Interior Department deems it advisable, such studies, investigations, and reports concerning trades and industries for purposes of trade and industrial education may be made in cooperation with or through the Department of Labor.

The act, however, makes such investigations, studies, and so forth, dependent upon the determination of the Department of Interior for which the pending bill does not purport to make any appropriation.

Without desiring to bind any future occupant of the chair who may preside over the Interior Department appropriation bill as to the germaneness of such an amendment as the gentleman from New York offers today, the Chair feels it is entirely beyond the scope of the present bill and that it would be definite legislation on an appropriation bill, transferring from the Interior Department to the Department of Labor these particular activities which would be obnoxious to the rules of the House. For this reason the Chair sustains the point of order.

The Clerk concluded the reading of the bill.

Mr. McMILLAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill and amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. McMILLAN. Mr. Speaker, a separate vote is demanded on the so-called Celler amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the Celler amendment.

The Clerk read as follows:

Page 47, after line 19, insert a new paragraph, as follows:
"Salaries of law clerks to district judges: For salaries of law clerks to district judges, as authorized by Public Law No. 449, Seventy-fourth Congress, $78,750."

The SPEAKER. The question is on the adoption of the amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. CELLER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McMILLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point, and to include therein a brief quotation from a Government report.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEARIN. Mr. Speaker and Members of the House, next week the House will take up for consideration the appropriation bill providing for the District of Columbia. I have been very much interested in that particular matter for some time and, in fact, went so far in 1935 as to introduce a resolution authorizing the Secretary of the Treasury to adequately compensate property owners of the District of Columbia because of the handicaps under which they live in the District until such time as we could relieve them by moving the National Capital out to the Middle West, where it should be located. At that particular time many people in the city of Washington were complaining bitterly about a proposal to reduce the appropriation for the District of Columbia. The same people, of course, are now emphasizing the vital necessity of making that appropriation as large as possible.

In my judgment no increases are necessary, and in fact the circumstances would justify not only the reduction but the complete discontinuation of the Federal Government's contributions to the District government. In the light of the above circumstances, I want to point out a few significant things for the consideration of the Congress. I want to remind you that according to the Bureau of the Census of the United States Department of Commerce, gross sales in the District of Columbia in 1935 amounted to $331,000,000. That amount was greater than the gross sales in the entire four States of Wyoming, Nevada, Delaware, and New Mexico. In fact, it was greater than the gross sales in any one of the following 18 States of the Union: Montana ($139,000,000), Idaho ($140,000,000), Wyoming ($83,000,000), Nevada ($44,000,000), Arizona ($121,000,000), New Mexico ($89,000,000), Utah ($132,000,000), Colorado ($303,000,000), North Dakota ($150,000,000), South Dakota ($148,000,000), Mississippi ($178,000,000), Arkansas ($241,000,000), South Carolina ($248,000,000), Delaware ($77,000,000), Rhode Island ($220,000,000), New Hampshire ($153,000,000), Vermont ($99,000,000), and Maine ($233,000,000). Such a condition can mean only one thing; namely, that the businessmen and the property owners of the District of Columbia have one of the greatest, steadiest, and most profitable sources of income of any city in the world. The reason for it is, of course, manifold, not the least of which is the fact that very close to 100,000 Federal employees who, with Army officers, congressional people, and others, draw approximately $200,000,000 yearly in salaries, much of which is spent of necessity for high rents, food, and other commodities, while the people's tax money collected from all over the United States and so paid to such employees flows into the bank accounts of Washington, D. C., businessmen and property owners. This condition is further emphasized by the fact that in 1935 I found the spendable income of Washington, D. C., to be approximately $918 per capita as compared to $680 in Mid-Atlantic States, its nearest competitors in the way of such spendable income, while the national average of spendable income was $486, and that for the State of Iowa, in which I live, $464.

One might readily conclude from the above facts that the District of Columbia could, therefore, very appropriately shoulder the cost of operating this Federal city by virtue of the fact that property owners and businessmen receive the benefit of the pay checks of thousands of Federal employees that come regularly every 30 days and the profits from one of the most extensive tourist trades on the continent, resulting, of course, from the spending of taxpayers' money to erect Federal buildings and attractions that draw the crowds.

The fact of the matter is that the tax rates in the District of Columbia are extremely low. It has been brought to my attention that in 1930 a certain $10,000 property was forced to pay $153 in taxes, think of that, while residents of Jersey City, not so far away, got out with such properties for $303; Cleveland for $231, and in my country are only required to pay twice or three times that amount with a far less comprehensive source of incomes and profits. I understand that the tax rate in Washington is now $1.50 per $100 of actual value, and emphasis is laid upon the fact that the tax is levied against the actual value; but I would suggest that you attempt to buy some of the properties so listed at the taxable valuation given in. For that matter let the Government try to buy them, understand I emphasize the word "try."

It is a most unfortunate thing that rentals in Washington are obviously based upon supposed sale values of property which have been enhanced by the fact that the seat of the Federal Government is located at this point. It is obvious to any thinking citizen that the erection of such buildings as the Federal triangle, the Washington and Lincoln Memorials, the United States Capitol, the Congressional Library, accessible to all citizens for research purposes in the building, the Federal museums and the long lists of other like structures, serve as a tremendous attraction to people of the United States. Whenever they come here to see those sights that have been built with their money they pay the high rents that are being charged, the high costs of food and other expenses of a like character. It should seem a bit unfair to use the expenditures of tax money as justification for enhancing rentals and extracting them from the people who have either paid the taxes or people who have relatives and permanent homes in other sections of the United States to which they would and should be sending their profits. Reasonable salaries of Federal employees are absorbed almost entirely in Washington by virtue of high costs.

When we read some of the articles in Washington newspapers we are almost prompted to think that the existence of the Federal City in the midst of the businessmen of the city of Washington is an actual handicap. As far back as 1892 I find the following statement from a report of a select committee of the House appointed to inquire into the assessment and taxation of real estate in the District of Columbia:

Already the effect of the growth and improvement of the Federal District has been, by the increase of land values, to give hundreds of millions to the fortunate few but to increase the cost of living to such a degree as to make it a serious question with many of the officers and employees of the National Government who are called on to live here, and if this tendency continues not only will the salaries paid to employees of the United States soon become entirely inadequate to the scale of living for which they were intended but the Capital of the American Republic must ere long present such a contrast between luxurious idleness and poverty-stricken workers as can be exceeded in no capital of confessedly aristocratic countries.

Let us remember that advertisements have appeared in newspapers during the past few years indicating properties for sale with a net income of over 20 percent on investment. Let us remember to take note of the fact that the probate court records indicate a tremendous percentage of estates amounting to $200,000 or more left to heirs in Washington. Let us remember that the other advantages to the average resident are so many and varied that it is practically impossible to list them, including the registration of automobiles at a cost representing a fraction of the cost in your State and mine. True they are taxed as property, but at what percentage of their value, I ask you?

It is high time that the United States Congress take these facts and many others into consideration when passing the District of Columbia appropriation bill. Let us remember that the presence of the Capitol therein is a tremendous financial advantage to business interests that seek to have taxpayers all over the United States contribute to the support of their city from which they receive the profits. I am a citizen of the United States and proud of the United States Capital. I want to see it beautiful, but I do not want to see a few individuals, property owners, and businessmen extract undue profits from Federal employees and from the taxpayers who have developed the real, true foundation for the business. I would remind all people who are on the pay roll of the United States Government that these matters are of importance to them as tenants and as consumers of goods in the District. They should keep those circumstances before them when they read some of the news stories about the manner in which Congress is supposed to impose upon the District.

I continue to be of the opinion that the United States Capital ought to be moved to the center of the United States where it would be safer from a military standpoint and more advantageous from many others; but if it is not moved, then it is the duty of the Congress to see that the employees of the Government receive a square deal and are not abused from the standpoint of having their salaries completely absorbed by high rents and other charges. If that responsibility should carry us to the erection of Federal housing quarters for those said employees, all well and good. Something must be done to see that all the profits from the advantages of the city of Washington are not absorbed by a few but are scattered among those who work for Uncle Sam and returned, as much as possible, to their source all over the United States and retained by those people. We must likewise, for reasons enumerated, keep the District appropriation within bounds.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

TEXAS-PAN AMERICAN EXPOSITION

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 66, providing for the participation by the United States in the Greater Texas-Pan American Exposition, to be held in the State of Texas during the year 1937.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of Senate Joint Resolution 66. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman from Texas be good enough to tell us how much money is involved in this?

Mr. JOHNSON of Texas. There is no new money involved. This is simply an authorization for Federal participation in the centennial exposition which was held in Dallas last year and which it is proposed to continue this year under a different name. There is an unexpended balance, and this authorizes the expenditure of such part of that unexpended balance as may be necessary for this year.

Mr. MARTIN of Massachusetts. How much?

Mr. JOHNSON of Texas. About $300,000 unexpended.

Mr. MARTIN of Massachusetts. I call the attention of the gentleman to the fact that when this measure was first under consideration 2 years ago they asked for an unusually large amount, namely, $3,000,000. At that time a good many of us objected to the amount, saying it was excessive, and now the proof of that contention is evident.

Mr. JOHNSON of Texas. Let me say to the gentleman that the proof shows that we were economical in the expenditure of those funds. We could have expended it all, but we realized we might want to carry it on for this year, and we conserved the amount and left sufficient to carry it on, and probably a little bit more. We are not going to spend it all.

Mr. MARTIN of Massachusetts. The gentleman means that this money is burning in the pockets down there and they do not want to return it to the Treasury?

Mr. JOHNSON of Texas. Oh, the gentleman is correct, as usual.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That there is hereby established a Commission, to be known as the United States Greater Texas and Pan American Exposition Commission (hereinafter referred to as the Commission) to be composed of the Vice President, the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of the Greater Texas and Pan American Exposition in the State of Texas during the year 1937.

SEC. 2. There is hereby created a United States Commissioner General for such exposition, to be appointed by the President, by and with the advice and consent of the Senate, who shall serve without compensation. The expenses of said Commissioner General and the salary and expenses of such staff as he may require shall be paid out of the funds made available by this joint resolution for a period of time covering the duration of the exposition and not to exceed a 6 months' period following the closing thereof, and for such period prior to the opening of the exposition as the Commission shall determine.

SEC. 3. The Commission shall prescribe the duties of said Commissioner General and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at such exposition by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials and documents as will best tend to illustrate the functions and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrate the nature of our institutions, particularly as regards their adaptation to the needs of the people.

SEC. 4. The Commissioner General is authorized to appoint such clerks, stenographers, and other assistants as may be necessary and to fix their salaries in accordance with the Classification Act of 1923, as amended, purchase such materials, and contract for such labor and other services as are necessary, and exercise such powers as are delegated to him by the Commission.

SEC. 5. The heads of the various executive departments, independent offices, and establishments of the Government are authorized to cooperate with the said Commissioner General in the procurement, installation, and display of exhibits, and to lend to the Commission such articles, specimens, and exhibits which said Commission shall deem to be in the interest of the United States and in keeping with the purposes of such exposition, to contract for such labor or other services as shall be deemed necessary, and to designate officials or employees of their departments, independent offices, and establishments to assist said Commissioner General. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, said Commissioner General shall cause all such property to be returned to the respective departments, independent offices, and establishments from which taken, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions, fairs, and other celebrations, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the funds made available herein; and if the return of such property is not feasible, he may, with the consent of the department, independent office, or establishment from which it was taken, make such disposition thereof as he may deem advisable and account therefor.

SEC. 6. The Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution. The Commission is further authorized to rent such space as it may deem adequate to carry out effectively the provisions of this joint resolution; and to provide for the decoration of buildings or structures, for the proper maintenance of buildings or structures, site, and grounds occupied by the United States during the period of the exposition. The funds made available herein may be used for the operation of such building or buildings, structure or structures, including light, heat, water, gas, janitor, and other required services; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safekeeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit; for the payment of all necessary expenses of such Commissioner General, and for the compensation of other officers and employees of the Commission in the District of Columbia and elsewhere; for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, and for actual traveling expenses, including travel by air, and for per diem in lieu of actual subsistence at not to exceed $6 per day: *Provided*, That no such Government official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department, independent office, or establishment where employed, plus such reasonable allowance for travel, including travel by air, and subsistence expenses as may be deemed proper by the Commissioner General; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers and all other appropriate publications, and ice and drinking water for office purposes: *Provided further*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner General in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided further*, That the Commission, without release of responsibility as hereinbefore stipulated, may delegate these powers and functions to said Commissioner General, and said Commissioner General, with the consent of the Commission, may subdelegate them: *Provided further*, That the Commission or its delegated representative may allot funds made available herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purpose of defraying any expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by the said Commissioner General, or by such assistants as he may designate, except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, or permit any obligations to be incurred in excess of the amount authorized herein: *And provided further*, That in the construction of exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid.

SEC. 7. The Commissioner General, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds made available by this joint resolution. The Commissioner General is also authorized to receive contributions of material, or to borrow materials or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the exposition or when the connection of the Government of the United States therewith ceases, the Commissioner General shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property: *Provided*, That all disposition of such materials and property shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States.

SEC. 8. The rights and liabilities under existing contracts entered into by the United States Texas Centennial Commission under the authority granted to it by Public Resolution No. 69, Seventy-fourth Congress, approved February 11, 1936, shall be transferred to and assumed by the Commission established by this joint resolution. All authority, powers, and duties of the United States Texas Centennial Commission under such Public Resolution No. 69, and all unexpended balances of appropriations available to said Commission, shall be transferred to the United States Greater Texas and Pan American Exposition Commission to carry out the provisions of this joint resolution. Such unexpended balances of appropriations shall remain available until expended. Any monuments, statues, markers, buildings, and other structures erected or constructed, and any lands, historic papers, and paintings purchased, by the United States Texas Centennial Commission directly under contract shall be transferred to the Commission established by this joint resolution, and any such property may be assigned by such latter Commission in the manner prescribed by section 2 of such Public Resolution No. 69. This section shall take effect on the date of the submission to the Congress of the final report of the United States Texas Centennial Commission, as provided by section 9 of Public Resolution No. 37, Seventy-fourth Congress, approved June 28, 1935.

SEC. 9. All funds allocated by the United States Texas Centennial Commission to the Commission of Control for Texas Centennial Celebrations under the provisions of such Public Resolution No. 69 shall be transferred, on the date of enactment of this joint resolution, to said Commission of Control for Texas Centennial Celebrations to carry out the purposes for which such funds were so allocated.

SEC. 10. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

With the following committee amendment:

Strike out section 9 and insert:

"SEC. 9. Any funds allocated by the United States Texas Centennial Commission to the Commission of Control for Texas Centennial Celebrations under the provisions of such Public Resolution No. 69 may be transferred in the discretion of the Commission upon the enactment of this joint resolution to said Commission of Control for Texas Centennial Celebrations to carry out the purposes for which such funds were so allocated."

The committee amendment was agreed to; and the joint resolution, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOSEPH P. KENNEDY

Mr. BLAND. Mr. Speaker, by authority of the Committee on Merchant Marine and Fisheries, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 110 and proceed with its consideration.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That notwithstanding the provisions of section 201 (b) of the Merchant Marine Act, 1936, approved June 29, 1936, Joseph P. Kennedy is declared to be eligible for appointment as a member of the United States Maritime Commission.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. Will the gentleman from Virginia tell us the reason why it is necessary to pass this resolution at this time? What are the conditions that Mr. Kennedy cannot comply with?

Mr. BLAND. Mr. Speaker, the gentleman will recall that in section 201 (b) of the Merchant Marine Act passed here last year there was provision that in the appointment of members to the Maritime Commission no member shall hold office as a member of the Commission who, within 3 years prior to his appointment, shall have had any pecuniary interest in any carrier by water or substantial pecuniary interest in another person who derives a substantial portion of his revenues from any business associated with ships or shipping.

Mr. SNELL. Does not the gentleman think that is a good provision of law?

Mr. BLAND. Yes; in the main; but I very seriously question as to whether it would apply to a man like Mr. Kennedy. I think it is too general in its terms.

Mr. SNELL. Why does not the gentleman, who is the chairman of that committee, amend the bill and make it more specific?

Mr. BLAND. The gentleman knows that when the bill was passed in the last Congress there was no opportunity to go to conference. I do not know whether this particular point would have been in conference or not. In the main the provision is a salutary one, and I do not know that there is any amendment that I would suggest; but I do question, first, whether Mr. Kennedy had any substantial interest; and if he did, owing to the outstanding qualifications of Mr. Kennedy and his ability in the performance of work, I think that the Senate resolution is a salutary one.

I do not know Mr. Kennedy. I never met him. I would not know him if he were to come on this floor; but I do know the character of the service that he rendered as Chairman of the Securities and Exchange Commission.

Now, let us get at the particular supposedly disqualifying element. He had 1,100 shares of stock in the Todd Shipbuilding Co. He was frank enough and honest enough, when approached by the President to accept this position, which he did not want, to say that he held this stock and it might disqualify him. The matter was put up to the Attorney General, and, as I recall, the Attorney General felt that was not a substantial interest so as to disqualify him.

Mr. SNELL. Will the gentleman yield right there?

Mr. BLAND. I yield.

Mr. SNELL. If the Attorney General says that does not disqualify him, why is it necessary to pass this legislation, if you have any confidence in your Attorney General?

Mr. BLAND. I had not finished.

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

Mr. BLAND. I yield.

Mr. McCORMICK. May I suggest that among his holdings it was found he had a $20,000 mortgage on a small oil tanker which belonged to no fleet but which was operated by Mr. Kennedy's brother-in-law, and that was the disturbing factor.

Mr. SNELL. Was not that matter brought to the attention of the Attorney General?

Mr. BLAND. I do not think that was.

Mr. McCORMACK. Under a literal interpretation of the law, ownership of this mortgage would represent a direct interest in shipping, and that is the real difficulty. I may say that my colleagues on the Republican side know Mr. Kennedy personally as well as I do. He is one of the outstanding men.

Mr. SNELL. This is not a question of Mr. Kennedy's ability in any way. I do not know the gentleman. I imagine he is probably one of the best men you are appointing to that Commission, but I just want to call the attention of the House to the fact that if the Republican organization asked to make a special exemption so some particular man could take one of these jobs, you men would go right through the roof and want to know if he was the only man in the United States who could fill it.

Mr. McCORMACK. I do not think so.

Mr. SNELL. I know you would, from experience.

Mr. McCORMACK. The gentleman does not accuse the gentleman from Massachusetts.

Mr. SNELL. My terms are all general. [Laughter.]

Mr. BLAND. I was going to say I hoped the gentleman would make it general.

Mr. SNELL. But I have had some experience here, and I know how you people would tear around here if we asked to make a special exemption so some man could take one of these jobs, especially if he had been a large campaign contributor. As far as I am concerned, Mr. Kennedy is all right for the job, but if you actually believed your own Attorney General, who says there is no reason for this law, you would not ask to have it passed at this time.

Mr. BLAND. I am not sure whether this mortgage question was submitted to the Attorney General or not. I think Senator COPELAND said he did bring the matter to the attention of the Attorney General, and the Attorney General said there might be some question by reason of that mortgage.

Mr. SNELL. I understood the gentleman to say that the Attorney General said it was not necessary.

Mr. BLAND. As to the 1,100 shares. I had not finished.

Mr. SNELL. It is unfortunate that he had the mortgage, is it not?

Mr. BLAND. Yes. I had not finished the statement at the time I was interrupted by the gentleman from Massachusetts [Mr. MCCORMACK], but I will say that every man who spoke in the Senate—and it must be peculiarly gratifying to Mr. Kennedy to read the RECORD—every man who spoke there spoke of his splendid ability for this particular office, and that he, probably of all men who were appointed, would be able to bring order out of chaos in this terrible situation.

So far as a recommendation coming from the Republican side, I believe in dealing with practical questions in a practical way, and if it is necessary to put in an exception it does not make any difference to me which side of the aisle it comes from, if the general good of the American people is accomplished by that exception. I am for it; I do not care where it comes from.

Mr. SNELL. I believe in dealing with practical questions in a practical way, but I have some doubt that you people on the Democratic side always do. I am not going to object to this, because I really think Mr. Kennedy is the best man you have got on your Commission, but I want to call attention to what you are doing to put him on there and how you would have squirmed if we had tried to do that ourselves.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. BREWSTER. Mr. Speaker, I wish to reserve the right to object to ask a question of the gentleman from Virginia.

I wish to ask whether or not it was the intention of Mr. Kennedy to divest himself of these interests?

Mr. BLAND. It is my understanding that it was, certainly as to the 1,100 shares. As to the other, I do not know whether he could divest himself of that mortgage or not. That boat is not owned by any shipping company. It is owned by a brother-in-law.

Mr. BREWSTER. It is, I believe, a very salutary rule which the Congress has adopted in this connection. I hold in very high esteem the talents of Mr. Kennedy, although

That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes may be made

Control for Texas Centennial Celebrations to carry out the purposes for which such funds were so allocated."

Mr. BLAND. I do not think that was.

in very high esteem the talents of Mr. Kennedy, although

he might come under the designation of an "economic royalist." I believe, however, it would be very healthy if there should be removed any suggestion that his interest was continuing.

Mr. BLAND. The record shows that as to the 1,100 shares he had placed them with some concern with the request that they be sold, and sold before he took the oath of office.

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

Mr. BLAND. I yield.

Mr. McCORMACK. I should like to read an excerpt from a letter from Mr. Kennedy to Senator COPELAND. I read as follows:

The procedure I should like to follow, if agreeable to your committee, is to turn this stock over to Mr. Elisha Walker, senior partner of Kuhn, Loeb & Co., with instructions to dispose of it within the next 60 days. The reason for my putting a time limit on it is because very rarely, if ever, is any of the stock sold; and, as the newspapers have already given notice that I propose to sell it, I feel there will be a thin market and it will take a little time to dispose of it. I shall put it beyond my control, however, before taking oath of office. I think an understanding of these facts will clear my position much more satisfactorily, at least in my own mind.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

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

The regular order was demanded.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INSECT PESTS AND PLANT DISEASES

Mr. JONES. Mr. Speaker, I call up the conference report on Senate Joint Resolution 75, making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "the sum of $2,000,000 is hereby authorized to be appropriated, to be made immediately available and remain available until expended; and there are hereby authorized to be appropriated such additional sums as may be necessary to replenish the fund to its original amount at the beginning of each fiscal year: *Provided*, That such appropriations shall"; and the House agree to the same.

MARVIN JONES,
CLIFFORD R. HOPE,
W. L. NELSON,
Managers on the part of the House.

BURTON K. WHEELER,
GUY M. GILLETTE,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment no. 1: This amendment strikes out the Senate provisions authorizing the appropriation of a fund of $5,000,000 for the purposes of the resolution and appropriations of such additional sums as may be necessary to replenish such fund to its original amount at the beginning of each fiscal year and inserted provisions authorizing an appropriation of $100,000 for each fiscal year beginning with the fiscal year ending June 30, 1937, and authorizing the Secretary of Agriculture, with the approval of the President, to transfer from the appropriations available to the Secretary such sums as the Secretary deems necessary for the purposes of the resolution. The conference agreement restores the Senate provisions except that the fund authorized to be appropriated is $2,000,000 instead of $5,000,000.

On amendment no. 2: This is a technical amendment made necessary by House amendment no. 1; and in view of the conference agreement in respect thereof the House recedes.

On amendment no. 3: This is a corrective amendment; and the Senate recedes from its disagreement.

MARVIN JONES,
CLIFFORD R. HOPE,
W. L. NELSON,
Managers on the part of the House.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BOEHNE, for 10 days, on account of important business.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 4951. An act to amend section 704 of the Merchant Marine Act of 1936 (49 Stat. L. 2008–2009).

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

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

H. R. 448. An act for the relief of C. C. Young;

H. R. 3898. An act to amend section 318 of the Communications Act of 1934;

H. R. 4951. An act to amend section 704 of the Merchant Marine Act of 1936 (49 Stat. L. 2008–2009);

H. J. Res. 43. Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein; and

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937.

EXTENSION OF REMARKS

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WOODRUFF. Mr. Speaker, coming as a deeper shock to the Nation than Mr. Roosevelt's original proposal to pack the Supreme Court was his radio assault on the judiciary broadcast on the evening of March 4 from the $100-a-plate victory dinner, held in Washington at the Mayflower Hotel.

The President abandoned the pretense and camouflage which befogged his message to Congress and at last clearly drew the line of his fight to change by his imperious will the form of our Republic.

First. He makes it a purely party issue, and upon that issue predicates the continued prosperity of the Democratic Party.

Second. He dismisses with not a word 18,000,000 Americans who did not vote for him, and calls upon Democrats

to put party loyalty above loyalty to the constitutional Government of the United States.

Third. He makes it clear that he is utterly unwilling to permit the citizens of the United States any opportunity to consider the grave potentialities involved in this fundamental question, and insists that the situation which he brands as being as dangerous, or more dangerous, than that of 1933, will not wait beyond this session of Congress.

Fourth. He makes it clear by his alarmist attitude that he intends to frighten both the Congress and the people into a stampede for his proposal if possible.

Fifth. He did not cite a single instance specifically which is so serious that it cannot wait beyond this session of the Congress, but endeavored to dissemble by picking out of our whole history the antislavery amendment to the Constitution and endeavored in his speech to give the impression that it might take 40 years to get a constitutional amendment to secure a proper broadening of organic law, totally ignoring several constitutional amendments which have been approved by the people through their State legislatures, or by State constitutional conventions, in from 9 to 18 months.

Mr. Roosevelt makes it very clear that regardless of the people or the Congress he wants what he wants—and he wants it now.

Mr. Roosevelt made it perfectly apparent that he means to attack, not only the independence of the Supreme Court but by his references to the inferior courts issuing injunctions with relation to the Tennessee Valley project, that he means to destroy the independence of the inferior courts as well.

Mr. Roosevelt did not deign to discuss a single point as to the fundamentals of free government, the preservation of a constitutional republic, the security of the liberties of the people, or the possibilities of future abuse of the power which he is imperiously demanding. He stressed instead party success, the Dust Bowl, floods, strikes, and the "one-third of the population that is ill-fed, ill-clad, and ill-housed."

In consecutive sentences he claimed that his first term had restored prosperity, achieved reforms, improved the moral atmosphere, and yet still leaves the country facing another crisis "fundamentally even more grave than that of 4 years ago." His own statement forces one of two conclusions—either that 4 years of the New Deal have only resulted in intensifying, not eliminating, the problems of 1933, or else that the new crisis is primarily of the President's own making. That the latter is the case Mr. Roosevelt demonstrated in his speech.

One of the most significant points in the President's talk was his statement that—

As Chief Executive and as head of the Democratic Party, I am unwilling to take these risks to the country and to the party of postponing for one moment beyond absolute necessity the time when we can free from legal doubt these policies which offer a progressive solution of our problems. Floods and droughts and agricultural surpluses, strikes and industrial confusion and disorder cannot be handled forever on a catch-as-catch-can basis.

Leaders of both parties in the Congress are discussing the sinister significance of that statement, as they recall that Mr. Roosevelt himself has time and again told the American people that his policy has been one of experimentation, and that "if one experiment fails, we will try another." These leaders see in that experimental policy exactly what Mr. Roosevelt refers to as a "catch-as-catch-can basis of government, which he now declares he wants to make permanent by depriving the courts of their independence of judgment, rendering them susceptible to coercion by the Executive, and thereby assuring that all legal doubt as to his experimental policies will be removed through his ability to persuade the courts to agree to the constitutionality of anything that he has attempted, or may in the future attempt.

He goes even further in what in Washington is regarded as an unprecedented assault upon the independence of the judiciary when he said, "The Ohio River and the Dust Bowl are not conversant with the habits of the interstate commerce clause; we shall never be safe in our lives nor property, or in the heritage of our soil until we have somehow made the interstate commerce clause conversant with the habits of the Ohio River and the Dust Bowl."

Mr. Roosevelt, of course, was referring directly to the courts by that phrase, "the interstate commerce clause", and his language can mean only that he intends, if possible, to compel the courts to adjust their decisions as to the constitutionality of acts to his desires to experiment, and that government in the future will be, not by laws measured by the Constitution, but by court decisions measured by Mr. Roosevelt's opinions and desires. He completely ignored the fact that for a century the Supreme Court has upheld the constitutionality of Government control of flood conditions on navigable streams, or streams which could be made navigable. The Boulder Dam decision in the Arizona suit is a case in point.

One of the most alarming and significant inferences Mr. Roosevelt made in his speech was concerning the prevalance of strikes and disorders, which he clearly implied he would end if he were given authority to change the personnel of the courts to suit himself.

Privately, the best friends of labor on both sides of the Congress see clearly what this implies for the future.

The Supreme Court has upheld as a right of labor the use of the instrument of the peaceful strike and of picketing, as a method of achieving collective bargaining for proper hours, wages, and working conditions. That right is now possessed within the hands of organized labor itself. But the friends of labor in the Congress discern very clearly that if Mr. Roosevelt can force the courts to declare constitutional the control by the Government of hours and wages and working conditions, that right of labor of collective bargaining, and of using the instrument of the strike and picketing will vanish, and such collective bargaining, if followed by a strike, would be considered insurrection against the United States Government, and would bring labor face to face with the Regular Army.

Every labor leader knows that the United States Government never has, and does not now, recognize the right of either collective bargaining or strikes on the part of its employees. And the moment Mr. Roosevelt is able to have declared constitutional the control by the Federal Government over working conditions, hours, and wages in the United States, unless this control is very carefully drawn and limited by a constitutional amendment, that moment the independence of workingmen, insofar as their rights to collective bargaining or to striking are concerned, and such control they, as independent and free American citizens, now exercise over their own destinies would vanish, because they would then be directly under the authority and power of the Federal Government.

These are the outstanding phases of the President's declaration, in his first of a series of talks that are being discussed by the leaders of thought in Washington, and these are the phases that will be discussed by the serious-minded citizens all over the United States.

The general consensus of opinion among those who have a deep regard for the American form of government is that Mr. Roosevelt's utterance is that of a potential dictator who desires this power under a promise that he will get out of office in 1940 and turn it over to some, as yet, unknown successor whose policies are, of course, unknown to this country, and whose use of these new and tremendous "instruments of public power" cannot be foretold.

The aspect of this proposal that is most alarming earnest citizens, however, is that every power that the President is asking under this proposal is a two-edged sword, which in the hands of the puppets of a political autocracy can be turned into shackles of our liberties which would bind the farmers, the laboring man, the businessman, flood sufferers, Dust Bowl sufferers, and every other citizen of this country.

The fact that Mr. Roosevelt is now going to do battle—the battle of his political career—to endeavor to whip by every power of patronage, punishment, and propaganda, his measure through this present session of Congress, clearly shows that he does not intend, if he can avoid it, to allow the people time to ponder the portentous possibilities hidden

in this measure, and certainly he clearly indicates that he has no desire to follow the constitutional method of submitting this question to the people for their decision. He deliberately closes his mind to the fact that it is their Constitution—not his alone.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert in connection therewith two excerpts from a publication known as the Twentieth Century Fund.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein part of the opinion of the Court in the famous case of Marbury against Madison.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CITRON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a summary of certain excerpts from publications of the Department of Labor.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER. Under the previous order of the House the gentleman from Illinois (Mr. CHURCH) is recognized for 50 minutes.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein excerpts from a certain letter of six paragraphs, extracts from court proceedings and press comments thereon which I shall discuss, including in particular a short extract of a few paragraphs from the hearings of the House Judiciary Subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask not to be interrupted until I have completed my statement.

TO CONTINUE SELECT COMMITTEE WILL FURTHER RETARD LEGISLATION FOR BONDHOLDERS

Mr. Speaker, House Resolution 78 is a resolution to continue the Select Committee to Investigate Real Estate Bondholders' Reorganizations. That committee was appointed pursuant to House Resolution 412 of the Seventy-third Congress for the purpose of investigating real-estate organizations and "ordered to report to the Congress as soon as practicable the results of its study, together with its recommendations for necessary legislation."

This investigation was started because of the great number of complaints received by Members of this body that bondholders' committees were serving special interests and not the bondholders in general; that these committees, their lawyers, and accountants were charging exorbitant fees; that the courts were not properly advised with respect to the plans of reorganizations, and as a result bondholders were being defrauded; that 77B of the Bankruptcy Act permitted certain abuses which could only be stopped by an amendment of the act. These were the reasons for the investigation.

All of us were in favor of such an investigation. The country was in the throes of a depression. Real-estate prices had hit bottom and thousands of bond issues were in default. Committees had been appointed and either had prepared their plans of reorganization or were doing so. That was in 1934. Since then those reorganizations have either been completed or soon will be completed. And, so far as the Congress is concerned, the only thing that we have done to aid these bondholders, at least during the past 2 years, is to delay and retard relief legislation for the bondholders by the activities of our select committee.

Almost 2 years ago—August 22, 1935, page 14141, CONGRESSIONAL RECORD, Seventy-fourth Congress, first session—when the chairman of the select committee procured additional funds for this committee, bringing the total up to $110,000, I asked him:

> If this money is appropriated, is it the gentleman's opinion he can come in here in January with proper legislation recommended to accomplish the purposes for which the committee was appointed?

To this question the gentleman replied:

> We think so.

I asked that question because of my interest in securing such legislation as may be necessary to help the bondholders. I wanted to obtain at least some assurance that we were getting somewhere toward providing that aid. A great many of these bondholders are constituents of mine, and it is my duty to them to do everything I can to see that proper legislation is enacted to aid them.

To provide that aid we need corrective legislation and not needless investigations. For 3 years we have been investigating. If our committee has not developed the facts by this time, I doubt if it ever will. Judging from the results thus far obtained, these bondholders either will be dead or completely beyond any legislative aid. If we are friends of these bondholders and if we really appreciate their predicament, it is our duty to give them aid when they need it—not 5 years after the reorganizations are completed. As a matter of fact, it is virtually too late now to afford them proper assistance. It will certainly be too late next year.

The last hearing that was held on any legislation suggested by the chairman of the select committee was exactly a year ago today—March 26, 1936—before the Judiciary Committee. I do not believe the select committee chairman has done a single thing subsequently toward urging any legislation for the relief of the bondholders before this body or any committee of the House. If anything, the activities of his committee, acting under his direction and responsibility, have served not only to delay legislation but virtually to preclude it. The activities of his committee have really served to prevent this House from arriving at a definite and acceptable legislative program to meet the real-estate bondholders' situations.

The most that has been done by the chairman of the select committee is to secure the passage of resolutions extending the investigation and to secure the passage of resolutions appropriating additional funds for continued investigations.

The responsibility for this situation is not that of the select committee as a whole. I am certain that the members of that committee have been sincere in their efforts as they pursued their work under the committee chairman. The responsibility for this situation rests with the chairman. He has complete charge of the investigation, and he has, as I will shortly point out in some detail, allowed it to become something other than a congressional investigation.

Mr. Speaker, because, as I said, of my interest in the bondholders whom we seek to aid, and because also of my desire to see corrective legislation enacted, I have carefully gone through the hearings held before the Judiciary Committee. Upon reading the testimony presented by the chairman of the select committee before the Judiciary Committee on March 6, 1936, with reference to H. R. 10634, I noted that the question arose with regard to attorneys employed with the select committee intervening in court proceedings. That is an important question to us, and it certainly was not the purpose of the select committee investigation as authorized by this House to have attorneys employed with our committee use that status to intervene in court proceedings as representatives of certain bondholders and then petition the court for large fees for their services.

EXCERPTS FROM TESTIMONY OF MR. SABATH BEFORE THE JUDICIARY COMMITTEE ON MARCH 6, 1936

Mr. SABATH, when he appeared before the subcommittee of the House Judiciary Committee on March 6, 1936, flatly stated that no attorney representing the select committee in Chicago applied to the court for a fee of $25,000. I quote from his testimony:

> Mr. SNELL. Might I have permission to ask Judge SABATH a question?
>
> Mr. SABATH. Yes.
>
> Mr. SNELL. Didn't one of the lawyers that your committee appointed in Chicago apply for a fee of $25,000 on behalf of your committee?
>
> Mr. SABATH. No; he did not. I will tell you if you want to know something about that.
>
> Mr. SNELL. I haven't examined the official record.
>
> Mr. SABATH. All right, Mr. Snell.
>
> Mr. SNELL. You must know what it is. It states something like that.
>
> Mr. SABATH. The committee has a body of over forty-two-odd lawyers, without pay, to aid and cooperate with the committee. Naturally, we could not ask them that they should divest themselves of all or such little business that they might have had, because we couldn't pay them.
>
> . . . . . .
>
> He applied to the appellate division, and in that appeal he filed a claim for $25,000, as he stated that he believed—and he knew in advance that it would not be allowed—that it would give him a chance to appeal that case and to reach the object that he was after, which was to get a reconsideration or retrial of the original case.
>
> He had no authority to do that; and I have stated that this committee does not approve of such methods; that we have gone as far as we could.
>
> . . . . . .
>
> We don't wish to exceed our authority; and we have held down the lawyers and the investigators and examiners as much as we could. But, nevertheless, sometimes we get some of these attorneys who do desire to go after the people that they believe are guilty of these fraudulent acts; and it is not so easy to succeed in view of the conditions that exist; that I do not wish to mention now. I may bring them to your attention later on.
>
> . . . . . .
>
> Mr. MICHENER. You say that you had 40 or 50 lawyers who would go into the courts?
>
> Mr. SABATH. Yes.
>
> Mr. MICHENER. Did your committee go to the expense of appearing in lawsuits on behalf of bondholders?
>
> Mr. SABATH. I will tell you what we did do. The resolution that you passed last year gave the committee the right to submit it to the court if we found any fraud or evasion of the law. Shortly after this committee had been created, realizing the tremendous task and the small amount of money that was appropriated, I tried to obtain the cooperation of a number of associations and others. But I learned within a short space of time that that would be impossible.
>
> So I succeeded in obtaining many independent lawyers who felt that these abuses should be eliminated; and they have volunteered their services; and I have assigned them, or the committee has assigned them, to some cases here and there that came in by the complainants or by these unfortunate bondholders where they have shown that fraud is being perpetrated and that they are being wiped out or that their bonds have been obtained from them by fraud, and that the charges against the management of the properties were unjustifiably high, and that their rights were being jeopardized.
>
> Mr. MICHENER. Then, as a matter of fact, your committee has been sort of taking the position as attorney for the people?
>
> Mr. SABATH. Yes, sir.
>
> Mr. MICHENER. And you have been going into court and prosecuting or defending suits——
>
> Mr. SABATH. No. Just calling attention of the court to certain facts.
>
> Mr. MICHENER. With voluntary lawyers.
>
> In other words, some lawyer comes to you, and, as chairman of the committee, you appoint him as your representative to go into court and appear in behalf of certain litigants.
>
> Of course, I have gone along with your committee, and I intend to continue doing so; but I am sure that the House never had any such notion when they granted the money.
>
> Mr. SABATH. Not the litigants.
>
> Mr. MICHENER. I am sure that they didn't intend that you would be general counsel for the people all over the country and furnish counsel in lawsuits.
>
> Mr. SABATH. We have not taken any business away from lawyers.
>
> Mr. MICHENER. It is not a question of business. I thought that your purpose was—and that is what we are trying to do here—to go out and investigate and get the facts and bring those facts back to Congress; and on those facts we would predicate legislation.
>
> Mr. SABATH. Yes.
>
> Mr. MICHENER. I thought that that was your function.
>
> Mr. SABATH. Yes.
>
> Mr. MICHENER. Not to be going about the country trying lawsuits and designating some men who later might take a case into court and later on present a bill for a fee of $25,000, if that is correct. Is that correct?
>
> Mr. SABATH. That was one case, and the committee immediately notified the judge that he had no right to do that as representing the committee.
>
> Mr. MICHENER. I want to understand what they did.
>
> Mr. SABATH. They did appear as friends of the court; and I have letters here from many courts where they thanked the committee.
>
> We have called to the particular attention of the court whenever we did obtain a great deal of information which we thought would help the court to pass on matters. I have stated to the court to submit it to the court, so that the court would know it and would obtain the evidence and the information which came to us after weeks and months of investigation.
>
> . . . . . .
>
> Mr. MICHENER. These attorneys, then, who intervened at the suggestion of the committee, were not receiving any compensation?
>
> Mr. POWERS. No.
>
> Mr. MICHENER. They did it just out of the goodness of their hearts?
>
> Mr. POWERS. Yes. None of us ever received any pay or asked for any fee in court.
>
> Mr. SUMNERS. Is it clear what the relation of these attorneys has been?
>
> Mr. CHANDLER. No.
>
> Mr. SABATH. None of these attorneys could be interested in any of the reorganizations or in any of the matters where they could charge any fees. They agreed to aid the committee gratis, without charging any fees or without receiving any compensation. And in addition to that, they could not be in any way interested in any portion of that particular reorganization. That has been made clear.
>
> Mr. SUMNERS. Did these attorneys who appeared in these cases appear as representatives or as connected with the Sabath committee?
>
> Mr. POWERS. No. They intervened in cases on behalf of a single bondholder.
>
> . . . . . .
>
> Mr. SABATH. We have lawyers in Boston and other places, Detroit. We have had five or six gentlemen who cooperated with us in Detroit without any compensation whatsoever.
>
> Mr. MCLAUGHLIN. How was the contract of employment or the agreement with the bondholders with the attorney made?
>
> Mr. SABATH. If you will permit me, I have not been very much in these offices. We have an office in Chicago, one in Detroit, one in Philadelphia, one in New York, one in Boston, one in St. Louis, one in San Francisco, one in——
>
> Mr. MCLAUGHLIN. You understand my question?
>
> Mr. SABATH. Yes, I do. What I mean is that I am not in there when these people come in.
>
> . . . . . .
>
> Mr. MICHENER. You understand, Judge, that my position is this: I hope that we can work out a law here which can prevent a repetition of these abuses. But you have said a little while ago that you had 40 or 50 lawyers around the country who were appearing in courts just gratis.
>
> I know something about lawyers; and the gratis lawyer in nine cases out of ten sees over the hill; and when he follows up the case he gets this information from your committee which makes a case for him later on.

This testimony by the chairman of the select committee appeared so contradictory and inconsistent that I was prompted to inquire further into the whole situation in connection with the work of the select committee. At the request of the Judiciary Committee, the chairman of the select committee filed with the Judiciary Committee the names and addresses of attorneys who were employed by our select committee and who, as the select committee chairman alleges, offered their services gratis. Gentlemen, from my study of this matter I find that we need a new definition of the term "gratis."

I am opposed to any extension of this investigation. First, because there certainly can be no further need for it; the need now is for legislation; and, secondly, the public is tired of and disgusted with this investigation.

Mr. SABATH. Will the gentleman yield?

Mr. CHURCH. I decline to yield to the gentleman at the present time. If I have time at the conclusion of my remarks, I will yield to the gentleman.

Mr. CULKIN. Mr. Speaker, a point of order. Is it part of the parliamentary procedure here that when a Member who has the floor mentions another Member in a derogatory manner and criticizes him, the other gentleman has not the right to interrogate him?

The SPEAKER pro tempore (Mr. RANDOLPH). The gentleman having the floor may not be interrupted unless he yields.

Mr. CULKIN. Is it not the unwritten law and parliamentary courtesy that the gentleman having the floor should yield?

The SPEAKER pro tempore. It may be the unwritten law, but the gentleman declines to yield.

Mr. CHURCH. These hearings and the reports that come to me, and I speak only with reference to Chicago, indicate that the select committee chairman is conducting this committee in such a way that it is no longer proceeding as a fact-finding body, but proceeding by stump speeches and

wild harangues, fanning the flames of hatred among bondholders, soliciting them to deposit bonds with the committee, and then farming them out to attorneys who present wild and fantastic charges to the courts, which they cannot and do not support with evidence and facts, and in the end petition the court for exorbitant fees. The reaction of the public to these activities has been so clearly stated in the newspapers that I am going to refer to some of these statements in reviewing the committee's work.

Mr. SABATH. Mr. Speaker, a point of order. The gentleman is making derogatory remarks and is indulging in insinuations against a committee of which I have the honor of being chairman. I have not been informed that the gentleman would take the floor today and make these wild, unjustifiable, untrue remarks and insinuations. In view of that fact and in view of the further fact that he refuses to yield for a question, I feel the gentleman should be held down to the rules of the House and not be permitted to vio- gentleman at the end of my statement.

The SPEAKER pro tempore. The Chair requests the gentleman to proceed in order.

Mr. CHURCH. I may say I shall be glad to yield to the gentleman at the end of my statement.

SABATH COMMITTEE STIRS HATRED OF BONDHOLDERS BY STUMP SPEECHES

The Detroit (Mich.) News, in an editorial November 27, 1934, described the committee's meeting in Detroit, as follows:

SABATH TALKED TOO MUCH

The Sabath committee is leaving an agent in Detroit to arrange for an audit of the books of various firms figuring in the local real-estate bond situation.

The performance put on by Representative SABATH in his short stay in our midst last week suggests that the audit might better have been made before the committee's arrival. The heat generated by the committee in its 2 days here appears to have been out of proportion to the light it threw on the subject.

It has been common knowledge to everyone who knows his way about that sharp practice has gone into the handling of some realty receiverships by some lawyers. The Sabath committee brought to its local hearing a presumption that every attempt to salvage bonded real estate here was dishonestly conceived and carried out.

In its examination of witnesses, it appeared to know the answers so well that frequently the dialog was between a Congressman putting a question and another Congressman answering for the witness.

Much of the remaining time was given over to oratory by the chairman. The local bench and bar were denounced, and those who read the reports of the hearings might well assume that any party to any receivership or reorganization of bonded realty in Detroit was a fee chiseler.

It is hoped that when the committee returns in the winter to resume the inquiry it can proceed with fewer stump speeches, fewer plays to the gallery, fewer preconceptions that everyone connected with the business under scrutiny is a scoundrel, and a larger disposition to elicit the truth by taking testimony, to the end that the law be strengthened where it is weak and that any criminality turned up in the inquiry can be dealt with on the basis of something stronger than assumption.

The News joined with others in urging a probe of the subject which the Sabath committee is examining. It had in mind an orderly quest for the truth, not one in which a party of politicians arrive at conclusions regarding a Detroit situation before they arrive in Detroit.

I am advised that that is a typical description of the hearings in Chicago. These stump speeches of predictions and promises, based not on facts but bold assumptions, have disgusted bondholders and the public who expected our committee to elicit facts in a dignified, orderly way. Especially is this true in Chicago when the committee chairman is the head of a law firm—Sabath, Periman, Goodman & Rein—which has been accused publicly of charging bondholders excessive fees, while the chairman at the same time in another part of town was roaring his threats against lawyers in general who charge excessive fees.

Mr. SABATH. Mr. Speaker, the gentleman is again making an accusation against the firm with which I am connected that it has been openly criticised for doing a wrong act, which I deny, and it is false. There are some newspapers that might have for certain reasons, and representing the very men that were investigated, made insinuations, but there is not a word of truth in anything they said. The firm I am connected with and the committee of which I am chairman have not done a single act which was not honorable, honest, upright, and aboveboard.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CHURCH] has the floor and will proceed.

Mr. CHURCH. Let me read to you part of an editorial on this situation which appeared in the Chicago Tribune on December 9, 1935, entitled:

THE PROFITS OF CONGRESSIONAL INVESTIGATION

Congressman SABATH is chairman of a congressional committee which has been investigating real-estate receiverships. It is a large subject and Mr. SABATH has strutted on every inch of it. His shining armor has gleamed as brightly as the spotlight. His naked sword has cut terrible swaths of air as he swung it now this way and now that. Congressman SABATH, in short, has been acting the role of crusader, rescuing a demoiselle named bondholder from wicked ogres. Among the wickedest is one known as excessive fees. Mr. SABATH is the sworn enemy of that ogre.

A few weeks ago Judge Barnes, of the Federal district court in Chicago, thought he smelled something a trifle dead. The smell arose from a real-estate reorganization which was proceeding in his court. The judge decided to have a look around. He was not frightened by the Congressman's sword nor discouraged by the stoutness of his armor. With a weapon no more powerful than a can opener the judge cut little holes here and there in the crusader's plating with the double purpose of relieving the gas pressure and seeing what was underneath.

When it was again possible to lower the windows the judge peeked beneath the armor. Imagine his amazement when he discovered that under the tin plate was something which assayed as pure ogre. Mr. SABATH's law firm had been paid $6,400 for legal services in connection with the reorganization in question. That is a tidy fee for competent services, but, according to the judge, the services in question were not even fair. For one thing, the papers in the case had not been properly signed. For another—and this is far more important—certain leases had been made to certain persons, which were not the best that might have been made. The bondholders were thereby deprived of income which belonged to them.

Judge Barnes did not specify whether the bondholders were the victims of carelessness on the part of Mr. SABATH and his associates or, alternatively, whether there had been active "skullduggery." He did, however, vacate the fee and invited Mr. SABATH and his partners to appeal.

Mr. SABATH. Mr. Speaker, that again is a false statement. Judge Barnes enforced an order from which the firm could not appeal having retained jurisdiction, but later did allow fees and approved the work of the firm.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CHURCH] will proceed.

Mr. SABATH. Mr. Speaker, a point of order. I raise the point of order that the gentleman has no right to state untruths and falsehoods on the floor of this House. Because some newspaper has made a misstatement does not justify the gentleman in making a charge on the floor of the House. It is untrue that the firm has been paid any such amount. It is untrue that the firm has received the money, and it is untrue that I have been in any way connected with that matter, because that matter had been in the firm long before I became a member of the firm and 2 or 3 years before the committee was created.

Mr. MARTIN of Massaohusetts. Mr. Speaker, I submit the gentleman does not state a point of order and the gentleman from Illinois [Mr. CHURCH] is entitled to the floor.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CHURCH] will proceed in order.

Mr. CHURCH. Mr. Speaker, this editorial continues as follows:

That puts the great crusader in a hot spot. If he doesn't appeal the inference will be unmistakable. If he does appeal he will thereby place a can opener in the hands of each of three appellate judges. His action in the premises, as the lawyers are so fond of saying, will be watched with interest.

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

Mr. CHURCH. I will yield at the end of my remarks. The editorial continues:

Meanwhile the incident is not without its larger significance. Mr. SABATH got himself appointed to the chairmanship of a congressional investigating committee. He used his enormous power to harass and abuse citizens. Some time later he is found at the receiving end of a substantial fee for legal services of questioned value. How many other fees may have been received it is not known.

* * * * * * *

The moral is that the powers which congressional investigators have been permitted to wield cannot safely be entrusted to anyone. The possibility of abuse is too great. Congress might well investigate this subject. It oughtn't to be an expensive inquiry because most of the witnesses will be found right in Washington. As a starter the investigators might find out from Mr. SABATH, under oath, how many real-estate receiverships his firm has handled since his inquiry began and what fees were paid. * * *

These are questions of the highest public importance. The American people ought not be kept permanently in the dark.

I do not know whether the firm of Sabath, Periman, Goodman & Rein was entitled to its fee. The judge decided they were not and disallowed it. The select committee chairman on December 9, 1935, in a public statement said that they were.

The point I am trying to make is that the people of Chicago have had enough of this investigation. The spreading of such affairs across the pages of the newspapers does not have a wholesome effect.

Mr. THOMPSON of Illinois. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. THOMPSON of Illinois. Mr. Speaker, I withdraw the point of order.

Mr. CHURCH. Take, for instance, the editorial in the Chicago Daily News of the same date, which reads as follows:

LET NOT THY LEFT HAND KNOW

Federal Judge John P. Barnes has refused to allow payment of a fee of $6,400 to the law firm of Representative ADOLPH SABATH—Sabath, Periman, Goodman & Rein—in a receivership case involving the Northwest Building Corporation.

Without undertaking to pass upon the merits of this judicial order, one may be permitted to speculate as to whether or not the court took judicial cognizance of the vigorous grilling of other gentlemen involved in receivership proceedings by Representative SABATH, in his capacity as chairman of the congressional committee which has been investigating receivership and bankruptcy proceedings. In that role Representative SABATH has been relentless, both in prediction and in promise. Bad men must have trembled in their boots when he declared over a year ago: "If it is humanly possible, we will get at the brains of the racketeering. I can promise that nothing will call us off the inquiry, despite underground reports to the contrary. We will summon everybody before us, lawyers, bankers, and receivers included."

Cynics and other low persons may be inclined to find inconsistency between that utterance by Mr. SABATH and the summary action of the judge in depriving Mr. SABATH's firm of a fee in a receivership case. But what do such persons know of the canons and ethics of politics? Is it not one of the axioms of politics that no statesman must be held to responsibility for what his law partners do? In rendering public service, the American politician must take for his guide the admonition of the Good Book, which says: "When thou doest alms, let not thy left hand know what thy right hand doeth."

But that is not the only and far from the greatest complaint against the committee in Chicago.

SOLICITATIONS OF BONDS, FEES OF COMMITTEE LAWYERS, FEE SPLITTING

All of us who are to the slightest extent acquainted with reorganization procedure and the practices and problems involved know that the greatest curse to the speedy and economical adoption and completion of a plan of reorganization is the so-called shyster lawyer who manages to get a bondholder for a client and then proceeds to harass the bondholders' committee by filing motions and bills containing fantastic charges for the sole purpose of forcing the committee, in order to protect the interests of its depositing bondholders, to settle with him—in other words, to buy him off.

That this practice is freely indulged in is, of course, known to the select committee. All that the shyster lawyer wants is a client. His problem is to find one. I am told that certain of the activities of our select committee chairman has led directly to this practice. I hold before me a photostatic copy of a letter sent out under the name of the chairman of our committee, which to me seems incredible. It reads as follows:

DEAR SIR: During the investigation being made by this congressional committee it has arrived at an assumption that the original owners and holders of bonds on the above-named property may have a valid claim for recovery.

For the benefit of such bondholders it is desirable to place the question of probable recovery into hands of an attorney with view of presentation to proper courts.

To date, we understand, you have been led to believe that this investment is a total loss to you.

If you desire to share in any benefits which may develop, we ask you to sign enclosed authority so that an accredited attorney can be assigned to start proceedings. It is intended that this matter will cost you nothing unless recovery of some sort is obtained for you; in that case the attorney, and necessary accountants, handling the matter will expect to be paid on a contingent basis.

If you have transferred your bonds to someone else, please give us their name and address.

Should you not desire to concur in the above plan of procedure, please advise us. Otherwise, please sign the enclosed paper and return it immediately.

Respectfully yours,

ADOLPH J. SABATH, *Chairman*,
By J. L. TUPY,
Chicago Office, Room 703,
United States Courthouse, Chicago, Ill.

Mr. LUCAS. Mr. Speaker, I make the point of order that the gentleman is reading from a statement that some other individual has prepared, which is contrary to the rules of the House.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. LUCAS] object to the gentleman reading the paper?

Mr. LUCAS. I do.

Mr. MARTIN of Massachusetts. Mr. Speaker, it is the custom which has prevailed in the House for many years to permit a Member to read a statement if he wishes.

Mr. LUCAS. Mr. Speaker, I make the point of order, and I insist on it. If the gentleman has personal knowledge of the facts or if he is reading his own prepared remarks, I am willing to permit him to proceed without interruption.

Mr. CHURCH. The gentleman was not here when I started my statement. These are facts. They are my statements and I am making them as my own. This is simply a letter I am quoting.

Mr. LUCAS. Mr. Speaker, I insist on the point of order.

The SPEAKER pro tempore. The gentleman may not read a quotation without the consent of the House.

Mr. CHURCH. But I have received the consent of the House to do so.

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARTIN of Massachusetts. Did not the gentleman secure such permission before he started?

Mr. CHURCH. Mr. Speaker, I have had the unanimous consent of the House to present all of these matters.

Mr. O'CONNOR of New York. Mr. Speaker——

Mr. CHURCH. Mr. Speaker, I do not want this taken out of my time.

The SPEAKER pro tempore. This will not be taken out of the gentleman's time.

Mr. CHURCH. If the gentlemen had been here when this started, they would have heard the unanimous consent granted to me. If the Speaker will read the unanimous consent, I will appreciate it.

Mr. LUCAS. I insist on my point of order without any further argument on the matter.

Mr. MARTIN of Massachusetts. Let us hear what permission was granted before the gentleman started reading.

Mr. CHURCH. Not out of my time. Mr. Speaker, I will be glad to have that read for the benefit of the two gentlemen who were not here when it was granted.

The SPEAKER. The Chair has been informed of the parliamentary situation which arose during the temporary absence of the Chair. The question was raised as to what was included in the request of the gentleman who now occupies the floor with reference to the extension of his remarks. The Chair has been furnished with a transcript of the notes upon that request and it reads as follows:

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein excerpts from a certain letter of six paragraphs, extracts from court proceedings and press comments thereon which I shall discuss, including in particular a short extract of a few paragraphs from the hearings of the House Judiciary Subcommittee.

Mr. O'CONNOR of New York. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. O'CONNOR of New York. To speak in an attempt to sustain the point of order that the unanimous-consent request which was granted does not entitle the gentleman to read letters or writings other than his own from the floor without obtaining permission of the House.

Mr. MARTIN of Massachusetts. Mr. Speaker——

The SPEAKER. Does the gentleman from Massachusetts desire to be heard upon the point of order?

Mr. MARTIN of Massachusetts. I understand that if the point of order were sustained the gentleman would have, under that grant, the right to extend these remarks in the RECORD.

Mr. CHURCH. Mr. Speaker, may I just state that the letter has been read?

The SPEAKER. The Chair is of the opinion the gentleman would probably have a right to extend his own remarks, but he would not have a right to read them now without the special permission of the House.

Mr. CHURCH. The letter has been read, Mr. Speaker.

The SPEAKER. What is the point of order the gentleman from New York makes?

Mr. CHURCH. The six paragraphs have been read.

Mr. O'CONNOR of New York. The gentleman from Illinois [Mr. LUCAS] made the point of order the rules of the House had been violated. The proper procedure, of course, would be to strike from the RECORD what has already been done.

Mr. MARTIN of Massachusetts. If the gentleman will yield, the gentleman from Illinois [Mr. CHURCH] already has the right to print those in the RECORD. You cannot recall his having read them, because they have already been read.

Mr. O'CONNOR of New York. The gentleman from Illinois [Mr. LUCAS] made a point of order against the gentleman's reading these matters. They were not his own composition. What has been done has been done, of course, but the gentleman should be cautioned to obey the rules of the House and not proceed further without getting the permission of the House.

The SPEAKER. The Chair states on the point of order raised that rule XXX of the Rules of the House of Representatives provides:

> When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

It seems the gentleman now occupying the floor had obtained unanimous consent to read certain extracts from these letters which he says have already been read.

The gentleman will kindly proceed in order, within the limitations of the unanimous-consent request which has just been read by the Chair.

Mr. LUCAS. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. LUCAS. As I understand, the gentleman from Illinois [Mr. CHURCH], who now has the floor, was given unanimouse consent to include certain excerpts. If I understand the gentleman's procedure up to this time, he has not included excerpts, but he has included the entire writings of the author of these particular letters or newspaper statements from which he has been quoting. I may be in error on that, but certainly when I made the point of order he read the entire document, and not any excerpts from the same. I still insist on the point of order that the gentleman is not proceeding in order and is violating the rules of the House.

The SPEAKER. The gentleman will proceed in order.

Mr. CHURCH. "Respectfully yours, ADOLPH J. SABATH, chairman."

Mr. O'CONNOR of New York. Mr. Speaker I make the point of order——

Mr. CHURCH. "By J. L. Tupy, Chicago office, room 703, United States Courthouse, Chicago, Ill."

The SPEAKER. The gentleman will suspend for a moment.

Mr. O'CONNOR of New York. That the gentleman is still violating the rules of the House by reading.

The SPEAKER. What is it the gentleman is now reading?

Mr. CHURCH. Mr. Speaker, I have just completed the sixth paragraph I had unanimous consent to read.

The SPEAKER. What is it the gentleman is now reading?

Mr. CHURCH. I am now going to make a statement, and I shall do my best to proceed in order.

The SPEAKER. The gentleman will proceed in order.

Mr. CHURCH. This is my statement.

Mr. SABATH. By whom is it signed there and undersigned? What was the second name, please?

The SPEAKER. Does the gentleman yield?

Mr. CHURCH. I do not yield. I have tried to make that plain.

The SPEAKER. The gentleman declines to yield.

Mr. CHURCH. That is a direct solicitation under the name of a committee of this House for the deposit of bonds. And who are they to be deposited with? The committee? No. They are to be deposited with an attorney who will act for a contingent fee, the amount of which is not stated. What I want to know is this: Did the committee authorize the sending out of such letters as this? How many such letters were sent out? How many bonds were deposited pursuant to these letters? Who were the attorneys that were appointed? What did they do? What fees did they charge, and did our select committee in any way supervise or keep track of the actions of these attorneys?

Ladies and gentlemen, these questions must be answered not by abusing some individual, bondholders' committee, or trustee but specifically, and the facts clearly and concisely set forth.

I demand full disclosure of the facts, my colleagues, because certain factual information which I have in my possession does not square with statements made on the floor of this body by the chairman of the committee.

The last time the continuance of this committee came before us the chairman painted for us a picture, in urging the adoption of his resolution continuing the committee, of attorneys and others donating their time to the committee in order that the Congress might be advised of the facts and the ends of justice served. Let me recount just one of the activities of one of the committee's attorneys whose breast, according to the chairman, was overflowing with the milk of human kindness for the poor bondholders. His name is Newell Mecartney. He intervened in a proceeding before Judge Wilkerson, case no. 57189, in the District Court of the United States for the Northern District of Illinois, Eastern Division, as attorney and representative of our committee. That you may have the facts just as he presented them to the court in his sworn petition, and that you may judge of the charitable and magnanimous motives of the lawyers whom the chairman claims have been donating their time to the committee, I want to read the pertinent provisions of the petition which he filed on January 17, 1936. I wonder, in view of the facts which I am about to present to you, if these lawyers were pressed into service by the chairman on the theory that they would be amply repaid for their services to the committee through legal fees which they should expect to receive from the representation of bondholders referred to them by the chairman. It reads:

> In the District Court of the United States for the Northern District of Illinois, Eastern Division. In the matter of the petition of Edith F. Reincke, for the reorganization under section 77B of the Federal Bankruptcy Act of trust 17400 created under declaration of trusts of Chicago Title & Trust Co. under date of October 1, 1926. No. 57189.
>
> PETITION OF NEWELL MECARTNEY FOR FEES
>
> Your petitioner, Newell Mecartney, respectfully shows unto this honorable court:
>
> 1. That in April 1935 your petitioner was called to the office of the Select Committee to Investigate Real Estate Bondholders' Reorganizations and was informed by parties in charge of the said office that your petitioner's services were requested by the Government as a duty to the public and that such activities and duties would probably terminate by the middle of May 1936.

> 2. That your petitioner agreed to render his services to the best of his ability and executed an oath to that effect and was thereupon assigned to investigate the subject matter of this cause.
>
> 3. That due to the pressure of the legislative work in the House of Congress the members of the said committee could not hold any meetings. It became apparent to the petitioner, from examination of the record in this case and the equity suit involving the same subject matter, that a fraud was being perpetrated upon the court and the bondholders of which the court was not aware.
>
> 4. That shortly after your petitioner's acceptance of such appointment many bondholders holding bonds involved in the trust in this litigation begged your petitioner to represent them and speak for them and while your petitioner declined to represent them petitioner told them that the full facts would be presented to the court.
>
> 5. Your petitioner, therefore, kept track of this cause and when it became apparent that the court might enter a final decree on June 27, 1935, your petitioner felt after consultation with numerous attorneys and others that it would establish a very dangerous condition if, as attorney for the congressional committee, he stood aside and permitted this court to enter orders under certain existing conditions and actions of the parties. He therefore appeared before this court on the said date simply for the purpose of advising the court of the existing conditions and the record so that when the matter was or would be presented to the congressional committee, as a body, the court would have been informed of all the necessary facts.

Now, then, acting, as he states, as attorney for our investigating committee, charged with the duty of advising us how to bring about the elimination of exorbitant and excessive lawyers' fees, and not having accomplished one single thing by his efforts, which I shall later enlarge upon, what do you think he was led to ask the court to approve as his fee to be taken out of these poor bondholders pockets? Let me read it from his petition, for if I merely stated it I know some of you would doubt that it could be true because of the exorbitant fee requested. I read further from his petition itself:

> Wherefore, your petitioner prays:
>
> That he be allowed a fee of twenty-five thousand ($25,000.00) dollars for his services in this case.
>
> That in the alternative if the court denies such prayer that your petitioner may, by leave of court, appeal directly to all of the bondholders for such allowance and that your petitioner may have such other and further relief as may be proper.

Think of it, gentlemen. An attorney for our own investigating committee who, according to the chairman—subcommittee of Committee on the Judiciary hearings, March 6, 1936, page 85—was one of those donating his time, asking for a fee of $25,000. Had he accomplished something, anything at all, I would not feel so strongly about it. This is what the special master, Henry P. Chandler, found. I read from his report:

> Mr. Newell Mecartney, representing the Select Committee of the United States House of Representatives Investigating Proceedings for Corporate Reorganization, appeared before the court and before the master as a friend of the court. Mr. Mecartney attacked the good faith of the equity suit and the pending case, charging that both were fraudulent. He also attacked the conduct of the Chicago Title & Trust Co., trustee, and of the petitioning creditors, the bondholders committee, and their general counsel. These charges were not concurred in nor supported by any of the parties to the case, although as stated some of the parties vigorously opposed the plan of reorganization. In deference, however, to the legislative branch of the United States Government a committee, which Mr. Mecartney represents in this proceeding, and in recognition of the public interest and the concern of the court that proceedings for the reorganization of business enterprises affecting thousands of investors shall be free from fraud, the master has considered the charges preferred by Mr. Mecartney as fully as if he represented a party in interest. (Special master's report, p. 15.)
>
> • • • • • • •
>
> The charge of a conspiracy is so improbable as to be fantastic, and is utterly unsupported by the facts. (Special master's report, p. 17.)
>
> • • • • • • •
>
> Every opportunity has been given to the friend of the court to substantiate his charges. In the judgment of the master, he has failed to do so. To prolong further the inquiry would be an unwarranted imposition upon all the parties concerned, whose interest lies in the prompt adoption of an equitable plan of liquidation. (Special master's report, p. 56.)

But let it be said to the everlasting credit of our courts that that fee was not approved.

And now as to the humorous side. In such cases as this we certainly need something humorous. What was this attorney doing in this case? Why, as the attorney for the select committee he was charging fraud and criticizing the bondholders' committee. Who do you suppose was supporting the plan he was criticizing? Why, the distinguished chairman's own law firm—Sabath, Perlman, Goodman & Rein. And did they also ask for a fee in the same case? Yes—$5,000. But they likewise did not get it, as they subsequently withdrew that request. I do not think we need to ask why they withdrew that request.

But, gentlemen, what I want to know is this: Did the select committee authorize this man to appear as their attorney? Did they know he was appearing in court as their attorney? If they did so authorize him, by what authority did they presume to act? Certainly this body has never conferred such authority upon that committee. Furthermore, I want to know whether or not other attorneys were also authorized to act in such capacity; and if so, who are they? What did they accomplish, and what fees did they petition for and receive?

On December 3, 1935, there appeared in the Chicago Daily News the following story:

> SABATH BOARD LAWYER ACCUSED OF SOLICITING CLIENTS; QUIZ ON
>
> Federal Judge Philip L. Sullivan today ordered an investigation into the activities of Sidney Hollander, an attorney for the Sabath congressional committee which investigated fees and other matters relating to the reorganization of buildings in which bonds were in default.
>
> Roger Block, representing the bondholders' committee of the Churchill Hotel Co., accused Hollander of soliciting clients among bondholders for another attorney, Max Richmond Kargman.
>
> "You mean to tell me", said Judge Sullivan, "that someone from the Sabath committee called the bondholders and asked them to come in so they could get in touch with Mr. Kargman?"
>
> "That's just what I mean to convey", replied Block.
>
> "I want to investigate anyone from the Sabath committee who acted in this manner", said the judge. "That was not the purpose of the Sabath committee. I want to investigate this matter thoroughly, and I want Mr. Hollander in here."
>
> He set December 27 as the date for a hearing.
>
> The matter came up when Attorney Kargman asked for a 77B reorganization of the Churchill property after a plan had been agreed upon in the State courts. Master in Chancery Charles A. McDonald held several hearings and recommended that the 77B petition be dismissed.

And on the 7th of December 1935 the Chicago Examiner carried the following story:

> HOLLANDER TO ANSWER BOND-QUIZ CHARGE—SABATH COMMITTEE LAWYER DENIES SOLICITING CLIENTS; MERELY SUGGESTED ATTORNEY
>
> Charged with soliciting clients among bondholders for another attorney, L. L. Hollander, attorney for the Sabath congressional committee investigating real-estate receiverships, yesterday issued a denial.
>
> He said he will reply in court before Federal Judge Barnes, investigating bankruptcy filings, that he merely recommended that "two or three" bondholders get in touch with Attorney MAX L. Kargman, 160 North LaSalle Street, after they complained that their interests were not being protected.
>
> EIGHT THOUSAND ONE HUNDRED DOLLARS FEES VACATED
>
> Judge Barnes on Thursday vacated $8,100 in fees allowed the law firm of Congressman Sabath, Attorney Milton M. Adelman and Greenebaum Sons Investment Co., for "improper service."
>
> Kargman admitted paying $2,100 to Attorney Walter B. Fackler, a principal figure in the inquiry, after Alexander Biano, of the real-estate firm of Biano & Biano, introduced him to Fackler, who turned over seven cases to him.
>
> VISITED M'KEOWN'S OFFICE
>
> Attorney Walter Duft, 228 North LaSalle Street, said that in 1934 he visited the Washington office of former Congressman Tom McKeown, one of the authors of the 77B legislation, now active in Chicago in filing petitions under the law. He said that there he met a man named Cunningham, who told him:
>
> "We're going to divide the country into zones, and certain lawyers will handle the 77B cases in each zone."

From these accounts it not only appears that the deposit of bonds has been solicited by either the select committee chairman or those supposedly representing the committee, but these depositing bondholders have been directed to attorneys who represent them for fees. Furthermore, the activities of these attorneys have not been helpful to the courts. As an example of what I mean, let me quote what the Chicago Daily News and the Chicago Tribune had to say regarding the activities of William J. Powers, another one of the attorneys for our committee. On December 3, 1935,

there appeared in the Chicago Daily News the following story:

CONGRESS INVESTIGATOR SEIZED FOR CONTEMPT

J. L. Tupy, chief investigator of the Sabath congressional committee which has been investigating fees and other matters relating to reorganization of buildings with bonds in default, was arrested this afternoon in the courtroom of Federal Judge John P. Barnes on charges of contempt.

He was taken into custody by Deputy Marshal John Dippold after he had interrupted Judge Barnes in the questioning of Attorney William P. Powers, an attorney for the Sabath committee. Judge Barnes ordered Tupy taken out of the courtroom.

POWERS REFUSES TO ANSWER

Powers himself refused to answer many of the questions put to him by the court and by Alexander Wolf, counsel for the lessee of the Garfield Arms Hotel, on the ground that the information he possessed was the confidential property of the Sabath committee.

The hotel property is undergoing reorganization under the 77B act.

While Powers was testifying regarding conversations he had with Quentin H. Blewitt, trustee of the property, Tupy entered the courtroom and sat in the empty jury box. He rose to his feet, and was told to sit down. When he did not do so he was ordered into custody.

BROUGHT BACK TO COURT

Later Tupy was brought back into the courtroom still in custody.

"You persisted in interrupting after I had warned you to desist", Judge Barnes told him, "and in so doing you are in contempt of this court. I have prepared an order to that effect."

The investigator, obviously agitated, said that he had not intended to interfere with the proceedings.

"I have no intention to interfere with the activities of the Sabath committee", continued the judge, "but when you come into this court you must act like any other spectator. And one other thing: Why have you been writing me letters?"

Tupy explained that he was seeking or giving information.

"Don't write me any more letters", said Judge Barnes.

He then tore up the contempt order.

And on December 4, 1935, the Chicago Tribune reported:

BARNES REBUKES SABATH AID AS COURT MEDDLER—DENOUNCES INTERFERENCE, BUT ACCEPTS APOLOGY

Federal Judge John P. Barnes voiced his vehement opposition yesterday to interference with court procedure "by any individual, any committee, or any bureaucracy." His outburst came after he had cited J. F. Tupy for contempt of court. Tupy is the chief investigator of Representative A. J. SABATH'S (D., Chicago) congressional committee which is inquiring into receiverships. Later, however, Judge Barnes accepted Tupy's apologies and rescinded the citation.

The alleged contempt grew out of Tupy's interruptions while Judge Barnes was questioning William J. Powers, an attorney for the Sabath committee, who represents some of the bondholders for the Garfield Arms Apartment Hotel.

BACKGROUND OF THE INCIDENT

The hotel now is undergoing reorganization under section 77B of the amended Bankruptcy Act. Two weeks ago Judge Barnes appointed Quentin H. Blewitt, 140 South Dearborn Street, as Government trustee for the building.

Yesterday Blewitt testified that Powers telephoned him on November 27 to inquire about a lease for the building, but was told that a lease already had been negotiated and was substantially ready for Judge Barnes' O. K. According to Blewitt, Powers thereupon mentioned police complaints about objectionable women in front of the hotel and said that "the court should know this before a lease is approved."

TELLS OF AGITATION

"Powers told me that this wouldn't look good in the newspapers", Blewitt testified. "He said he would take it up with his committee. He told me that four or five men in Chicago were controlling receivership leases, and that bondholders were so worked up about the matter that even the judges are being watched."

At this point Judge Barnes took a hand in the questioning. He called Powers to the stand and asked several questions concerning the investigation of the Sabath committee. Powers, plainly in a quandary, pleaded that he had no authority to disclose any of the committee's findings.

Tupy, in a chair in the jury box, rose to his feet.

"I'm an investigator for that committee, Judge", he said. "Maybe I can help out."

ORDERED TO SIT DOWN

"Do you authorize this witness to answer my questions?" the judge asked. Tupy shook his head.

"Then sit down", the judge commanded.

Later Tupy again interrupted. At Judge Barnes' instruction Bailiff John Dippold escorted Tupy from the courtroom.

In about 20 minutes the judge summoned Tupy into court again, accepted his apology that he was just trying to help the court, and tore up a contempt citation that had meanwhile been prepared.

"I will use all my powers", the judge told Tupy, "to prevent interference in this court. I don't wish to interfere with the Sabath committee, but when you are in this court you will act as any other spectator."

TAKES OFFENSE AT LETTERS

Taking the occasion to bring up another grievance against the investigator, Judge Barnes shook his finger at Tupy and demanded, "Why did you repeatedly write me letters?"

"I wrote them only with the intention of helping the court", the crestfallen Tupy replied.

Between enforced digressions Judge Barnes elicited from Powers a denial that it had occurred to him that his remarks to Blewitt about approval of the lease might be interpreted as threats against the court. He declared, however, that if they were threats, he assumed full responsibility.

The judge revealed that when he first heard about Powers' conversation with Blewitt, he ordered an investigation. Judge Barnes took the matter under advisement.

Who is this Tupy, the chief investigator for the committee in Chicago, the man who does most of the testifying before the committee? I have checked up on him, and this is what I have to report:

This same Tupy was a member of a so-called bondholders' protective committee which asked for a $45,000 fee out of $150,000 issue.

Tupy, I am informed, without holding a single bond and not representing any bondholder, formed a protective committee for the bondholders of the Chicago Park Cemetery Co. I also understand, following the appointment of the select committee chairman's law firm as attorneys for the company in place of its former attorney, an agreement was entered into whereby this bondholders' committee formed by Mr. Tupy was to receive $45,000 for their services out of an issue of only $150,000. A clever fellow, this Mr. Tupy. Sure, he has the interests of the bondholders next to his heart, where the fee is to be $45,000, almost one-third of the issue. It would seem to me that the select committee chairman would do well to investigate the activities of his chief investigator, Mr. Tupy, especially his activity as a member of bondholders' protective committees.

For those of you who want to read the detailed story concerning Tupy, here is a résumé of the facts as they appear in the court records:

Chicago Park Cemetery Co.: On August 16, 1932, the Straus National Bank & Trust Co., as successor trustee, by its attorneys Frish & Frish, filed a suit in the superior court of Cook County, no. 563546, to foreclose a lien against the Chicago Park Cemetery Co., under deed of trust amounting to $150,000, dated January 5, 1929 (doc. no. 10251366). Everett M. Swain was the attorney for the Chicago Park Cemetery Co. Judgment by confession was taken against the cemetery company. Mr. Swain moved to set aside the judgment, and while these proceedings were pending, died. On January 24, 1933, Sabath, Perlman, Goodman & Rein were substituted as attorneys for the Chicago Park Cemetery Co. in place of Mr. Swain. I understand the suit is still pending, and no further orders have been issued. On May 31, 1933, the cemetery company entered into an agreement with Francis Karel, Tupy, and Charles Citnik as a committee for the protection of the holders of bonds under the said deed of trust in the amount of $150,000. This agreement was recorded on October 7, 1933, as document no. 11267333, in book 30783, at page 298. This agreement recites that 70 percent of the bondholders deposited their bonds with the committee and that the cemetery company was to set aside all the unsold lots in the Elmwood section of the cemetery, and that these lots were to be sold by the committee. The proceeds under the agreement were to be applied as follows: (1) To the payment of a commission of not to exceed 30 percent of the sale price to the committee; (2) to pay a sum not to exceed $3,000 to the Straus National Bank & Trust Co. and its attorneys for fees and expenses of the foreclosure suit. Thus, under this agreement, the bondholders' committee formed by Mr. Tupy is to receive $45,000 for their services, out of a $150,000 issue.

The Gables Apartment: Tupy, as owner of this apartment building, bonded it far in excess of its value, either defrauded a bank into making him loans or executed a fraudulent trust deed, and then by refusing to release his right of redemption, which he tried to sell, kept the bondholders from reorganizing and, in the meantime, remained

in the building, holding two apartments for which he refused to pay rent to the receiver.

For those of you who want to read the facts in detail as they are revealed in the petitions and pleadings in the cases of Peterzelka against Novak, in the Cook County Circuit Court, case no. B-280896, and Cicero Trust & Savings Bank et al. against Joseph L. Tupy et al., in the Superior Court of Cook County, case no. 527679, I submit the following résumé:

The Gables Apartment: This property is located at the northwest corner of Thirty-first and Desplaines Streets in the village of Riverside. It was improved in the winter of 1925–26 with an apartment building containing 37 apartments and 4 stores. At this time Harold E. White was the owner of record. On December 5, 1925, White executed a deed of trust for $165,000 on this property (Doc. 9143309) to obtain a construction loan underwritten by Greenebaum Sons Bank & Trust Co., and on February 26, 1926, a similar deed for $36,000 (Doc. 9190528). The building cost approximately $160,000 and the value of the lot was about $29,000. On August 15, 1927, title being in the Cicero Trust & Savings Bank, that bank conveyed the premises to John L. Novak, as trustee, by deed of trust (Doc. 9766150). On the same day Novak and J. L. Tupy entered into a trust agreement known as trust no. 100, under the terms of which Tupy became the sole beneficiary (this agreement appears as an exhibit in the case of *Peterzelka* v. *Novak*, no. B-280896 in the Circuit Court, Cook County). Upon acquiring the property, Tupy executed mortgages on this property amounting to $208,800 (which amount was far in excess of the value of the premises and the cost of construction). The property subsequently sold for between $80,000 and $90,000. In executing these mortgages Mr. Tupy either defrauded the Novak & Steiskal State Bank or executed a fraudulent trust deed. This fraud was worked in the following manner:

On September 10, 1929, Tupy, following the execution of the mortgages on the property, assigned his beneficial interest in the premises under trust no. 100 to Frank L. Peterzelka. (See *Peterzelka* v. *Novak*.) On September 15, 1930, Tupy obtained from the Novak & Steiskal State Bank, according to the answer and cross complaint of William L. O'Connell, receiver of the bank, $7,800, and on September 30, 1930, $500, for which he executed his notes. The answer and cross complaint further shows that Tupy is indebted to the bank in the amount of $196.95, which money he received from the bank on a worthless check. Furthermore, the bill shows that at the time these loans were made by Tupy at the Novak & Steiskal State Bank Tupy agreed to transfer the beneficial interest in trust no. 100 to the bank as collateral security. A notation to this effect appears on the bank's records. Thus the fraud was committed by Tupy by holding out to the bank that he was the holder of the beneficial interest in trust no. 100 when he obtained the loans on September 30, whereas he had already assigned that beneficial interest on September 10, 1929, to Frank A. Peterzelka. On September 1, 1933, Peterzelka demanded, as trustee in said trust no. 100, that the premises be conveyed to him in accordance with the assignment from Tupy on September 10, 1929, and on November 16, 1933, commenced suit in the Circuit Court of Cook County to enforce a conveyance (case no. B-280896).

Subsequently, on January 8, 1934, Mr. O'Connell, receiver for the Novak & Steiskal State Bank, filed a petition to intervene, attempting to prevent the enforcement of the assignment of the beneficial interest from Tupy to Peterzelka. Unless he is successful the creditors and depositors of this bank, which is now insolvent, will lose the full amount of their loans to Tupy, which are now in excess of $9,584.85. In the meantime the mortgages executed by Tupy on this property had gone into default, and back taxes in excess of $2,689.95 and special assessments of $597.87 remained unpaid. Suit was brought to foreclose the first mortgage on November 22, 1930, and on December 23, 1930, a receiver was appointed by the superior court in case no. 527679, *Cicero Trust & Savings Bank et al.* v. *Joseph L. Tupy*. The receiver immediately took possession and commenced to collect the rents and maintain the property. Two things are of interest in this matter: (1) When the receiver attempted to collect the rent from a Francis Karel, Karel claimed a lease of apartment 306, dated May 18, 1928, on which he claimed to have paid $4,500 in advance to Tupy for said lease from June 1, 1928, to May 31, 1933; (2) on November 7, 1932, the receiver filed a sworn petition in the foreclosure suit, in which he stated that during his absence in September, Tupy and his family moved into apartments 307 and 308 of the building without his knowledge and consent, refused to pay rent, and refused to move from said apartments. Upon the filing of this bill the court ordered Tupy to vacate in 5 days, and if he did not do so a writ of assistance should issue. Tupy refused to move. On November 14, the day on which the receiver was to apply for a writ of assistance, Tupy appeared in court and agreed to vacate the premises at any time they were needed or required by the receiver. On December 4, 1933, the receiver again filed a petition asking for the removal of Tupy, and Tupy was again ordered to vacate within 10 days. On the 14th Tupy filed an unsworn answer, in which he stated that he was interested in the equity of redemption of the property; that he was in possession of the apartments. He denied that he entered without the knowledge, consent, or authority of the receiver, and said that, as he did not interfere with the operation of the apartment and as there were other apartments vacant, he did not increase the expense of operating the apartment and should be permitted to remain. Furthermore, he stated that negotiations were pending to purchase the equity of redemption held by him and his assignees and to create a trusteeship with certificates of beneficial interest in which his assignees would participate by reason of his participation in the reorganization. The case was scheduled to come on for hearing December 21, but a continuance was effected. He has been living in the building since that time (Nov. 7, 1933), occupying two apartments, without paying any rent.

Thus it appears (1) that Tupy mortgaged this property far in excess of its actual cost and of its worth (which sold for between $80,000 and $90,000); (2) in order to obtain loans, he misled the Novak & Steiskal State Bank to believe that he was the holder of the beneficial interest in the property, when he was not; (3) that because of some claimed relationship with the holder of the beneficial interest, he laid claim to the equity of redemption, and as the bondholders' protective committee was unable to obtain the deposit of sufficient bonds to enable them to bid at a foreclosure sale the fair value of the property, succeeded in preventing reorganization for a number of years; (4) that if he was the holder of the equity of redemption, and if he were the type of person he claims to be, and in view of his mouthing as investigator for the select committee, he would have transferred his equity of redemption to the bondholders' protective committee, but instead of doing that he has been scurrying around trying to find someone to whom he might sell his equity of redemption.

Shortly after the select committee was appointed, we in Chicago began to hear a great deal about the Chicago Title & Trust Co. and other outstanding people and institutions in Chicago. We were told and newspapers carried stories to the effect that they were controlling bondholders' committees, that certain things had transpired in the bondholders' committees that would not bear the light of day. Stump speeches were made by the select committee chairman at the hearings in Chicago accusing these persons and institutions of all sorts of abuses and violations of their various trusts.

I hold no brief for these persons and institutions. If they have done wrong I want them properly punished.

But the strange thing to me is this: I have made inquiry and I have never heard of an indictment being returned against a single person in Chicago either as a result of this committee's work or otherwise. I have never heard of a change in the personnel of a committee or of a trustee. Nor have I heard of any change being made in the methods employed in reorganization work or procedure.

But there is one thing that I have heard, and what a revelation that is. I have here before me a photostatic copy of part of the transcript of record in a proceeding, and what do you think it shows? It shows that the law firm of Sabath, Perlman, Goodman & Rein represents the Chicago Title & Trust Co. in some 75 different reorganizations. That is one of the very institutions our select committee chairman so roundly condemned when his committee first met in Chicago. I have the evidence here and present it for the record.

The following true copies of parts of bondholders reorganization court proceedings show that the law firm of Sabath, Perlman, Goodman & Rein, of which our select committee chairman is the senior member, represented the Chicago Title & Trust Co. for foreclosing bondholders, charging the round sum of $2,000 for their fees in one case, and on October 21, 1935, the same firm of Sabath, Perlman, Goodman & Rein was then representing the Chicago Title & Trust Co. in from 50 to 75 cases.

Before Special Master Charles A. McDonald, October 19, 1935, at 11 a. m. In the matter of 1748–1766 East Seventy-first Street Building Corporation, debtor. No. 59128.

Court reconvened in the above-entitled cause, at the hour of 11 o'clock a. m., October 19, 1935, pursuant to adjournment heretofore taken.

Present: Mr. David Snyder, representing petitioning creditors; Messrs. Sabath, Perlman, Goodman & Rein, by Mr. Morton C. Chesler, representing the Chicago Title & Trust Co.; Messrs. Nash, Ahern, McDermott, McNally & Kiley, by Mr. Kennelly, representing Joseph P. Lavin, trustee; Mr. Robert L. Buttner, representing the debtor.

Mr. CHESLER. I will ask to be sworn.

Morton C. Chesler, produced as a witness on behalf of the Chicago Title & Trust Co., being first duly sworn, testified in narrative form, as follows:

Narrative by Mr. Chesler:

My name is Morton C. Chesler. I reside at 6733 Oglesby Avenue and am associated with the firm of Sabath, Perlman, Goodman & Rein, attorneys for the Chicago Title & Trust Co., as trustee, under trust deed recorded as document no. 9622078, and which is the trust deed conveying the property described in the debtor's petition for

reorganization filed herein in June of 1934, upon the demand of a holder of bonds in excess of $10,000.

We were employed by the Chicago Title & Trust Co. as trustee under that document to institute foreclosure proceedings in the State court. Default having been made in the said interest payments and said principal payment covenant to be paid by the mortgagor. In that connection it was necessary to file the usual pleadings in the State court and with the trustee and the supervision of the obligations that may arise to the trustee under the plan.

* * * * * * *

In and about the foreclosure proceedings and the proceedings had before the district court and before this master, the firm of Sabath, Perlman, Goodman & Rein has rendered services aggregating and including the estimate of 15 hours for services to be rendered, the total hours 117½.

I am admitted to the practice in the State of Illinois and to the practice of the Federal court of this district, and I have an opinion as to the fair, usual, reasonable, and customary charge for the services rendered and to be rendered by Sabath, Perlman, Goodman & Rein as attorneys for the trustee, and in my opinion that charge would be the sum of $2,000.

* * * * * * *

The MASTER. What is the amount of hours?

Mr. CHESLER. Approximately 117½.

Mrs. DODGE. Do you think, Mr. Chesler, it was necessary to start that foreclosure suit so early after the maturity of those bonds? They matured May 1, 1934, and the foreclosure was started in June?

Answer. June 14.

Mrs. DODGE. Now, I know we were asked to sign an extension, just the number of years I cannot recall, I think it was 4, and a reduction on the interest which we signed, and I understood quite a number of others signed. I have always felt and still feel that that foreclosure was started rather hastily and perhaps I expected just a little bit too much from your firm because Congressman SABATH is very interested in these foreclosed bondholders and so forth, and I felt it was not quite the thing for his office to start foreclosure so hastily. In fact, I expected a little partiality.

Mr. CHESLER. I object to any statement of Mrs. Dodge; it is perhaps made with sincere feeling.

Mrs. DODGE. And kindly.

Mr. CHESLER. It is no part of the cause. Our client is the Chicago Title & Trust Co., trustee, and we act solely under their discretion. I am sure that our firm would not be a party to the fomenting of litigation.

The MASTER. Mr. SABATH is very much interested in keeping down these expenses.

Mr. CHESLER. Yes.

The MASTER. And you are asking here more than the maximum that is being allowed.

Mr. CHESLER. I am asking for an allowance based solely on the work performed, the actual services and the amount involved and the responsibility involved.

* * * * * * *

Before Special Master Charles A. McDonald, October 21, 1935, at 1:15 p. m. In the matter of 1746-1760 East Seventy-first Street Building Corporation, debtor. No. 36128

Court reconvened in the above-entitled cause at the hour of 1:15 p. m., October 21, 1936, pursuant to adjournment heretofore taken.

Present: Mr. David Snyder, representing petitioning creditors; Mr. Robert L. Huttner, representing the debtor; Mr. A. Edmund Peterson, representing the Chicago Title & Trust Co.

The MASTER. You may proceed.

Mr. PETERSON. I will ask to be sworn.

(Witness duly sworn.)

A. Edmund Peterson, produced as a witness on behalf of the Chicago Title & Trust Co., being first duly sworn, testified in narrative form as follows:

Narrative by Mr. Peterson:

My name is A. Edmund Peterson. I am employed by the Chicago Title & Trust Co., the trustee under the trust deed recorded in the recorder's office of Cook County, Ill., as document no. 9622078, which trust deed was executed April 15, 1927, by Patrick W. Barrett and wife, securing an issue of bonds in the principal amount of $150,000.

The nature of my employment with the Chicago Title & Trust Co. is such that I am generally in charge of matters pertaining to trust deeds of the character of the trust deed involved in this case, wherein the Chicago Title & Trust Co. is acting as trustee.

I state that pursuant to the terms of the trust deed above referred to, the Chicago Title & Trust Co. is claiming a fee for services rendered by it as such trustee. The nature of these services being briefly as follows:

* * * * * * *

Q. Now, when the proceedings in the State court were instituted you received a demand from one of the bondholders, isn't that right, who represented a certain amount of bonds?—A. Yes.

Q. And you retained that law firm who represented that bondholder?—A. We retained Mr. Sabath's firm.

Q. On what basis did you figure this?—A. On the time we spent and the responsibility involved and the amount involved in the issue.

Q. You haven't testified as to what time you spent?—A. I have taken it into consideration.

Q. Can you give us any idea of the time you spent?—A. No; I couldn't tell you offhand.

Q. You had nothing to do with the preparing of any papers, of course?—A. I don't think we prepared them; we examined all of them before they were filed, in order to see that they were accurate as to the statements of fact.

Mr. HUTTNER. That is all.

The MASTER. Just one question.

Q. Have you any idea in how many cases the firm of Sabath, Perlman, Goodman & Rein represent the Chicago Title & Trust Co.?—A. I would say somewhere between 50 or 75 cases. I wouldn't know more accurately than that.

* * * * * * *

No wonder the Chicago Tribune, in its editorial, referred to "the profits of congressional investigation."

Continue this investigation? This committee? Of course, its chairman wants it continued. Why would he not?

What I should like to know is, When was the firm of Sabath, Perlman, Goodman & Rein employed to represent this company? In how many cases does his law firm represent either directly or indirectly the Chicago Title & Trust Co.? When did they get those cases? What fees have they received?

Speaking of fees, let me read just one statement of the master with respect to the fees requested by the law firm of the select committee chairman in the case which I have just referred to. He said:

The MASTER. Mr. Sabath is very much interested in keeping down these expenses.

Mr. CHESLER. Yes.

The MASTER. And you are asking here more than the maximum that is being allowed.

I should like to know about the fees which were requested in these other cases. That ought to be interesting information.

But that is not all. I have heard that lawyers representing bondholders' committees, lawyers representing receivers for closed banks, and lawyers representing trustees in foreclosure proceedings have been summarily dismissed since the present chairman of this committee was designated and his law firm appointed.

For example, I am told that the firm of Glenn, Schwartz, Reid & Browning was ousted as attorneys for the receiver of the Hyde Park-Kenwood National Bank and the firm of Sabath, Perlman, Goodman & Rein appointed; that the same thing happened with respect to the Ridgeway State Bank; that the firm of Sabath, Perlman, Goodman & Rein now represents a number of the committees reorganizing the H. O. Stone properties, another concern that was loudly condemned by the chairman when his committee first met in Chicago; that the firm of Sabath, Perlman, Goodman & Rein now represents a number of the committees for issues underwritten by the Cody Trust Co. and also the Leight Holzer Co., which we have read so much about in the hearings of the select committee.

These are things that should be investigated by our Rules Committee. If they are true we ought to know about them. And if they are, this investigating committee certainly should not be continued.

What I said in the beginning I now repeat, viz, no one is more anxious to aid these bondholders than I am; no one is more jealous of their rights and interests. I want to help them and in my opinion the only way that we can help them is by corrective legislation; legislation that plugs the loopholes in section 77B; legislation that becomes effective before the bondholder, whom we are trying to aid, has lost everything.

There is no use legislating to cure a dead man, and it is just as futile to legislate for the purpose of aiding a bondholder after everything that he had has been swept away. Continue this investigation, continue this committee, and delay legislative action until the next session of Congress and you will do the bondholder no good. By then, it will be too late.

I say to my colleague from Illinois, chairman of the committee, make your report; give us your recommendations; do not deprive these bondholders of even the slightest bit of aid by pressing for the continuance of this investigation. For 3 years you have been investigating. What we want now are the facts and your recommendations—not more investigating.

Ladies and gentlemen of the House, I have been able to present only some of the high spots in the history of this

select committee in Chicago. I am sure you will feel, as we do in Chicago, that the committee has outlived its usefulness. We are not only tired of these endless investigations, but we are disgusted with them. That is the sentiment of the bondholders who have heard nothing but a great deal of talk about their need for assistance and have seen nothing tangible done.

This House should require the select committee to make its final report so that we can immediately consider what corrective legislation, if any, is needed. We should begin to take concrete steps to help the bondholders and not just toy with their interests.

The select commitee should be well informed on the problems and should be able to propose appropriate remedial legislation. In that particular, the committee is more informed as to what can and should be done than any of us here. Nevertheless, unless something is done very soon by way of obtaining remedial legislation for the bondholders, I propose to introduce a bill on my own initiative and press for its early enactment.

As I view the situation in connection with bondholders' reorganizations we have, among other things, two difficulties that have arisen, whether they be in the State courts or under 77B of the Bankruptcy Act. One is the failure of so-called protective committees to keep the bondholders themselves advised as to the work being done as it progresses, their problems and reasons why a particular plan of reorganization was adopted.

What has been happening is simply this: A committee representing bondholders is established and after 2 or 3 years it produces its reorganization plan. The bondholders themselves know nothing about what has transpired during the 2 or 3 years. They do not have any idea as to why such and such a reorganization was adopted. Naturally they are skeptical and wonder where money represented in the bonds they hold has gone.

This difficulty can be met if these committees were required to report at reasonable intervals to their bondholders, advising each as to the status of the reorganization work, the problems to be solved, the decisions made, and the reasons for the decisions. By such reports the bondholders would be apprised of the developments, be in a position to protect their interests, and understand the final reorganization plan the committee adopts. Such procedure not only helps the bondholder but it also saves the committee from criticism which may not always be justified.

The second difficulty which should be met in connection with bondholders' reorganizations is the burden that is on the judge in each case. Under 77B of the Bankruptcy Act the judge is not able to refer the complete details of the case to a master. He is required to keep strict supervision of the case, even to the smallest detail.

If all the details in the reorganizations could be delegated to a master, who in turn would report to the judge, the courts would be relieved of a great burden of work which they now have. The courts would thus be able to give adequate study to immediate problems that arise rather than struggle with a great amount of detail.

That, in brief, is something that could be done to meet the bondholders' reorganization problems. I suggest it here only to indicate that the problem is not above solution.

These continued investigations constitute nothing more than dilatory tactics. In my judgment they have been tending to complicate and aggravate the situation. Mr. Speaker, I ask that the Select Committee on Real Estate Bondholders' Reorganizations be required to make its final report, that no further investigations be authorized, and that we give immediate attention to the legislation needed to help the bondholders.

Mr. LUCAS. Mr. Speaker, will the gentleman yield at that point?

Mr. CHURCH. The last time the continuance of this committee came before us——

Mr. MARTIN of Massachusetts. Mr. Speaker, I demand the regular order. The gentleman has refused to yield.

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

Mr. CHURCH. When I finish my statement, please.

Mr. MARTIN of Massachusetts. I demand the gentleman be protected in his rights.

The SPEAKER. The gentleman has declined to yield.

Mr. HOOK. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Michigan makes the point there is no quorum present. The Chair will count. [After counting.] One hundred and ten Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

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

Mr. RAYBURN. No business can be conducted in the absence of a quorum.

Mr. SABATH. I should like to answer these despicable statements.

The SPEAKER. The gentleman from Texas moves the House do now adjourn.

Mr. CHURCH. I will yield to the gentleman. I want to be fair.

The SPEAKER. No business of any character can be transacted during the absence of a quorum. It raises a constitutional question. A quorum is not present. The gentleman from Texas has moved that the House do now adjourn, which is not a debatable motion.

The question was taken; and the Speaker announced that the ayes had it.

Mr. FISH. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were refused.

So the motion to adjourn was agreed to.

ADJOURNMENT

Accordingly (at 2 o'clock and 38 minutes p. m.), under the order previously entered, the House adjourned until Monday, March 29, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. IV of the Committee on the Judiciary, at 10:30 a. m. Saturday, March 27, 1937, on the bill (H. R. 2271) to provide for trials and judgments upon the issue of good behavior in the case of certain Federal judges.

COMMITTEE ON EDUCATION

The Committee on Education will begin open hearings on H. R. 2268, known as the Harrison-Black-Fletcher bill, Tuesday, March 30, 1937, in the caucus room of the House Office Building at 10:30 a. m. The hearings will be held about 3 days.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m. Tuesday, March 30, 1937. Business to be considered: Aviation bills (hearing).

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary at 10 a. m. Friday, April 2, 1937, on the bills (H. R. 4894) to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff; and (H. R. 4895) to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

EXECUTIVE COMMUNICATIONS, ETC.

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

469. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the fiscal year ending June 30, 1937, to remain

available until June 30, 1938, for the Panama Canal for preliminary expenses incident to the erection of a memorial to Maj. Gen. George W. Goethals, amounting to $5,000 (H. Doc. No. 175); to the Committee on Appropriations and ordered to be printed.

470. A communication from the President of the United States, transmitting supplemental estimates of appropriations for certain independent establishments for the fiscal year 1937, amounting to $1,658,000, together with drafts of proposed provisions pertaining to existing appropriations (H. Doc. No. 176); to the Committee on Appropriations and ordered to be printed.

471. A letter from the Attorney General, transmitting a draft of a proposed bill to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance; to the Committee on World War Veterans' Legislation.

472. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to authorize the establishment of a naval air station on San Francisco Bay, Calif., and for other purposes; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 3135. A bill for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site; without amendment (Rept. No. 469). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 3683. A bill authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of Public Act approved August 26, 1935 (49 Stat. 800); without amendment (Rept. No. 470). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. H. R. 5896. A bill to provide for the prevention of blindness in infants born in the District of Columbia; without amendment (Rept. No. 471). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHEPPARD: Committee on Indian Affairs. H. R. 5551. A bill to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians; without amendment (Rept. No. 472). Referred to the Committee of the Whole House on the state of the Union.

Mr. COSTELLO: Committee on Military Affairs. H. R. 5136. A bill to authorize the acquisition of land for cemeterial purposes in the vicinity of San Francisco, Calif.; without amendment (Rept. No. 473). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of Montana: Committee on Indian Affairs. H. R. 4950. A bill to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works; with amendment (Rept. No. 474). Referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN: Committee on Expenditures in the Executive Departments. H. R. 5757. A bill to simplify accounting; without amendment (Rept. No. 475). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Idaho: Committee on Irrigation and Reclamation. House Joint Resolution 150. Joint resolution to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes; with amendment (Rept. No. 476). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. COCHRAN: A bill (H. R. 5929) to amend the World War Adjusted Compensation Act; to the Committee on Ways and Means.

By Mr. FADDIS: A bill (H. R. 5930) to authorize the Secretary of War to furnish certain markers for certain graves; to the Committee on Military Affairs.

By Mr. THOMPSON of Illinois: A bill (H. R. 5931) to amend the Revenue Act of 1932 by imposing an excise tax on tapioca, sago, and cassava; to the Committee on Ways and Means.

By Mr. CITRON: A bill (H. R. 5932) to create a commission to study and make a report on the establishment of a merchant marine school at New London, Conn.; to the Committee on Merchant Marine and Fisheries.

By Mr. DIES: A bill (H. R. 5933) to define conspiracy and combination under section 1, act of July 2, 1890, dealing with monopolies and combinations in restraint of trade, so as to include employees who refuse to vacate the plant, mill, business, or industry of their employer; to the Committee on the Judiciary.

By Mr. GUYER: A bill (H. R. 5934) to extend the provisions of the World War Adjusted Compensation Act, approved May 19, 1924, to certain persons employed in the Postal Service with the American Expeditionary Forces in Europe and with American troops in Asia; to the Committee on Ways and Means.

By Mr. VOORHIS: A bill (H. R. 5935) to provide a preliminary examination and survey of the Santa Ana River and tributaries in the State of California with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. PHILLIPS: A bill (H. R. 5936) providing for safety doors on motorbusses; to the Committee on Interstate and Foreign Commerce.

By Mr. WALTER: A bill (H. R. 5937) to provide for the refund of interest paid by veterans on loans secured by adjusted-service certificates, and for other purposes; to the Committee on Ways and Means.

By Mr. RICHARDS: A bill (H. R. 5938) to provide for the relief of the Catawba Indians in South Carolina; to the Committee on Indian Affairs.

By Mr. CLAYPOOL: A bill (H. R. 5939) to stay mortgage foreclosures by the Home Owners' Loan Corporation for a period of 24 months, and to amend the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

By Mr. O'LEARY: A bill (H. R. 5940) to exempt unrigged vessels from the provisions of the act of June 25, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 5941) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian and to lease the lands in such reserves for agricultural, grazing, and other purposes; to the Committee on Indian Affairs.

By Mr. PIERCE: A bill (H. R. 5942) to provide for the acquisition of State and county-owned lands for the purpose of furthering the orderly use, improvement, and development of grazing districts, and to authorize the leasing of lands for such purposes; to the Committee on the Public Lands.

By Mr. MARTIN of Colorado: A bill (H. R. 5943) to continue the Federal Emergency Administration of Public Works for 2 years, and for other purposes; to the Committee on Appropriations.

By Mr. REED of New York: Resolution (H. Res. 166) authorizing the printing of additional copies of the report of the Joint Committee on Internal Revenue Taxation entitled "The Taxing Power of the Federal and State Governments"; to the Committee on Printing.

By Mr. THOMPSON of Illinois: Joint resolution (H. J. Res. 295) to authorize a memorial plaque in the Department of Agriculture commemorating the invention of the steel plow by John Deere in 1837; to the Committee on Agriculture.

By Mr. DITTER: Joint resolution (H. J. Res. 296) suspending action by Navy selection boards; to the Committee on Naval Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to make available jobs under the Works Progress Administration or other Federal agencies in rural areas; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States that further aid be given that part of the watershed located in Dade, Walker, Catoosa, Chattooga, Murray, Whitfield, Gordon, Bartow, and Floyd Counties, Ga.; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BEITER: A bill (H. R. 5944) to correct the naval record of James J. McLain; to the Committee on Naval Affairs.

By Mr. BLOOM: A bill (H. R. 5945) for the relief of Mildred Milch Lehman; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 5946) for the relief of William Francis Salisbury; to the Committee on Naval Affairs.

By Mr. DREW of Pennsylvania: A bill (H. R. 5947) for the relief of the Machinery & Metals Corporation of Philadelphia, Pa.; to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 5948) for the relief of George T. Easton; to the Committee on Claims.

Also, a bill (H. R. 5949) for the relief of Ruth May Harnly; to the Committee on Claims.

Also, a bill (H. R. 5950) for the relief of John P. Parker; to the Committee on Naval Affairs.

Also, a bill (H. R. 5951) to extend the benefits of the Employees' Compensation Act of September 7, 1916, to F. Lee Bartlett; to the Committee on Claims.

By Mr. IZAC: A bill (H. R. 5952) for the relief of Francine Marie Dwight; to the Committee on Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 5953) exempting from taxation the property of the School Sisters of Notre Dame; to the Committee on the District of Columbia.

By Mr. McANDREWS: A bill (H. R. 5954) for the relief of Harry Tansey; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 5955) granting a pension to Allie Burnett; to the Committee on Pensions.

By Mr. FRED M. VINSON: A bill (H. R. 5956) granting a pension to Julia Reeves; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 5957) for the relief of LeRoy W. Henry; to the Committee on Claims.

PETITIONS, ETC.

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

1365. By Mr. BEITER: Petition of the Coat Makers Local 207, Amalgamated Clothing Workers of America, representing 600 members of the Forty-first District of New York, urging the enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1366. Also, petition of the International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers, urging the enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1367. By Mr. CASE of South Dakota: Memorial in the nature of a concurrent resolution of the Senate and House of Representatives of the State of South Dakota, opposing any attempt to alter or abridge the personnel, powers, or functions of the Supreme Court of the United States, or any attempt to intimidate or subjugate that Court, or to alter our form of government; to the Committee on the Judiciary.

1368. By Mr. CULKIN: Petition of the Denmark Grange, No. 535, Lewis County, N. Y., opposing the plan of the President for reorganizing the Supreme Court of the United States; to the Committee on the Judiciary.

1369. By Mr. KEOGH: Petition of the Merchants' Association of New York concerning House bill 2927 to amend paragraph 5 of section 1, part 1, of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

1370. By Mr. KINZER: Petition of the citizens of Chester County, Pa., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1371. By Mr. PETERSON of Georgia: Petition of the citizens of Chatham, Bulloch, Toombs, McIntosh, Candler, Evans, Liberty, and Emanuel Counties, Ga., concerning old-age pension as embodied in House bill 2257; to the Committee on Ways and Means.

1372. By Mr. PLUMLEY: Resolution adopted March 15, 1937, by Barre Post, No. 10, the American Legion, at a regular meeting, urging the passage of the universal service bill (S. 25 and H. R. 1954) to promote peace, take the profits out of war, and contribute to the national defense of our country; to the Committee on Foreign Affairs.

1373. Also, resolution of the Vermont Legislature, approved March 19, 1937, deploring any attempt to weaken the independence of the Supreme Court of the United States by enlarging its membership or in any other way making it dependent on or subservient to the executive or legislative branches of the Government, without any branch of the Government attempting to encroach upon the powers or dictate the action of another; to the Committee on the Judiciary.

1374. Also, resolution of the Vermont Legislature, approved March 19, 1937, urging passage of Senate bill 1369 prohibiting transportation in interstate commerce of advertisements of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

1375. By Mr. POLK: Petition of Prof. John Walton and 20 other teachers, of Adams County, Ohio, urging the appropriation of funds to assist the States and Territories in providing more effective programs for public education, etc., and endorsing the Harrison-Black-Fletcher bill and petition for its enactment into law; to the Committee on Education.

1376. Also, petition of Prof. Walter G. Rhoten and 61 other citizens, of Mowrystown, Highland County, Ohio, urging the appropriation of funds to assist the States and Territories in providing more effective programs for public education, etc., and endorsing the Harrison-Fletcher bill and petition for its enactment into law; to the Committee on Education.

1377. By Mrs. ROGERS of Massachusetts: Petition of the town of Lexington, Mass., adopted at town meeting, recording its opposition to the enactment by Congress of any legislation which would give the President authority to appoint additional Judges to the Supreme Court of the United States; to the Committee on the Judiciary.

1378. By Mr. SCOTT: Petition in the nature of a resolution of the Southern California Democratic Club of Long Beach, Calif., unanimously and enthusiastically supporting President Franklin D. Roosevelt in his plan for the reorganization of the Supreme Court and other Federal courts; to the Committee on the Judiciary.

1379. By Mr. WITHROW: Joint Resolution No. 31-S, passed by the Wisconsin Legislature, urging the national administration to take immediate action providing relief for the drought-stricken rural areas of Wisconsin; to the Committee on Ways and Means.

1380. By the SPEAKER: Petition of the Council of the City of Toledo, favoring the United States Housing Act of 1937, being Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

1381. Also, petition of the Council of the City of Milwaukee, requesting consideration of their Milwaukee's Federal housing projects in bill known as House bill 40; to the Committee on Public Buildings and Grounds.

SENATE

MONDAY, MARCH 29, 1937

The Chaplain, Rev. Z@Barney T. Phillips, D. D., offered the following prayer:

O light that earthly shadows cannot darken, O love enduring through all change, make us glad at this holy Eastertide with the knowledge that, through our risen Lord, life and immortality are brought to light and love's redeeming work is done.

We bless Thee for this rich brotherhood of kindred life, with its strange, mysterious power to quicken and uplift, for all who share our higher thoughts, the comrades of our better self with whom we break the mystic bread of life and feel the glow Thy presence doth create.

O Thou Christ of God, cleanse our lives to receive Thee, our hearts to know Thee, and our ways that we may walk with Thee till traveling days are done, and at last dwell with Thee in glory with the Father and spirit ever, world without end. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 25, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 66) providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. LEWIS. The demands of many committees are holding Members of the Senate, and so, in order to assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Chavez	Johnson, Colo.	Pittman
Andrews	Clark	King	Pope
Ashurst	Connally	La Follette	Radcliffe
Austin	Davis	Lee	Reynolds
Bachman	Dieterich	Lewis	Robinson
Bailey	Duffy	Lodge	Russell
Bankhead	Ellender	Logan	Schwartz
Barkley	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Black	Gerry	McAdoo	Stelwer
Bone	Gibson	McCarran	Thomas, Okla.
Borah	Green	McGill	Thomas, Utah
Bridges	Guffey	McKellar	Townsend
Brown, Mich.	Hale	McNary	Tydings
Brown, N. H.	Harrison	Maloney	Vandenberg
Bulkley	Hatch	Minton	Van Nuys
Bulow	Hayden	Murray	Wagner
Burke	Herring	Neely	Wheeler
Byrd	Hitchcock	Nye	White
Byrnes	Holt	O'Mahoney	
Capper	Hughes	Overton	
Caraway	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS], occasioned by illness.

The Senator from New York [Mr. COPELAND], the Senator from Iowa [Mr. GILLETTE], the Senator from New Jersey [Mr. MOORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Massachusetts [Mr. WALSH] are detained from the Senate on important public business.

Mr. AUSTIN. I repeat the announcement as to the absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] because of illness.

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

REORGANIZATION OF FEDERAL JUDICIARY—NOTICE OF RADIO ADDRESS BY SENATOR GLASS

Mr. CLARK. Mr. President, following the innovation in the practice of the Senate begun a few days ago by my friend, the distinguished Senator from Arkansas [Mr. ROBINSON], the majority leader of this body, of giving timely notice in the Senate of forthcoming radio programs which may be of interest to United States Senators, I desire to announce that this evening at 10 o'clock p. m., on the Columbia broadcasting chain, from local station WJSV, there will be broadcast an address by the distinguished and beloved senior Senator from Virginia [Mr. GLASS] on the subject of the proposed change in the Supreme Court.

In this connection, I may say that the Senator from Virginia is one of the most renowned radio orators in America. On the one previous occasion in his career on which he indulged in a radio speech, he was overwhelmed with congratulations from all parts of the United States, from the present President of the United States down through every walk of life. I can assure the Senate that this address will be both interesting and instructive, and in all probability will be eloquent, inspiring, and memorable.

PAPAGO INDIAN LANDS, ARIZONA

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend section 3 of the act of June 18, 1934 (48 Stat. 984–988), relating to Papago Indian lands in Arizona, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

SHOSHONE OR WIND RIVER INDIAN RESERVATION LANDS, WYOMING

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition by the United States of certain tribally owned lands of the Indians of the Shoshone or Wind River Reservation, Wyo., for the Wind River Indian irrigation project, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

COSTS OF BUILDING CONSTRUCTION IN NATIONAL PARKS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

REPORT ON TRAFFIC CONDITIONS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, transmitting, pursuant to law, a preliminary report of the results of a study and research of traffic conditions and measures for their improvement, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

RELIEF OF FORMER DISBURSING OFFICERS (VETERANS' ADMINISTRATION)

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration), which, with the accompanying papers, was referred to the Committee on Claims.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate letters from the Chairman of the Securities and Exchange Commission (with an accompanying statement, S. Doc. No. 43), and the Chairman of the Tennessee Valley Authority (with an accompanying report, S. Doc. No. 44), transmitting the information requested by Senate Resolution 82 (agreed to Feb. 17, 1937), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying papers, were referred to the Committee on the Judiciary and ordered to be printed.

REPORT OF THE AMERICAN NATIONAL THEATER AND ACADEMY

The VICE PRESIDENT laid before the Senate a letter from J. Howard Reber, Esq., attorney at law (second vice president), Philadelphia, Pa., transmitting, pursuant to law, the report of the proceedings of the American National Theater and Academy for the year 1936, which, with the accompanying report, was referred to the Committee on Education and Labor.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the House of Representatives of the State of Georgia, which was referred to the Committee on Commerce:

Whereas, upon the dawn of a new year, 1937, the heavy rainfall within the Ohio Valley resulted in a most unprecedented catastrophe to this Nation, bringing a most disastrous floodwater, bringing an international sympathetic activity of relief to the sufferers within the stricken area; and

Whereas a similar rainfall almost simultaneously within the Tennessee River Basin the rainfall being greater in the upper and lower Tennessee with scarcely any serious flood results, the floodwater being substantially held and impounded by the Norris Dam in the upper region; and

Whereas a great national program of flood control, as well as other activities, has proven one of the great achievements of national conservation: Be it

Resolved by the house of representatives now in session, That we memorialise the Congress of the United States that further aid be given that part of the watershed located in north Georgia counties, namely, Dade, Walker, Catoosa, Chattooga, Murray, Whitfield, Gordon, Bartow, and Floyd: Be it

Resolved further, That a copy of this resolution be forwarded to the Tennessee Valley Authority, Senate and House of Representatives of the Congress, and the President, Franklin D. Roosevelt, Washington, D. C., also the Board of Conservation, and Hon. E. D. Rivers, Governor, Atlanta, Ga.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Indian Affairs:

Joint memorial of the Senate and House of Representatives of the State of New Mexico to the Congress of the United States of America, requesting not to pass any measure now pending before said Congress which seeks additional lands in the State of New Mexico for use by the Indians

Whereas there have been introduced in the Congress of the United States certain bills which have for their purpose the increasing, or extending, of the Navajo Indian Reservation in the State of New Mexico by some three and one-half million acres; and

Whereas the Federal Government for several years has been purchasing large tracts of lands in the State of New Mexico, and particularly has been purchasing large tracts of lands in old Spanish land grants, to be designated for the use of the Indians; and

Whereas the continuation of the policy of the Federal Government in acquiring large tracts of land and in the extension of the Navajo Indian Reservation in New Mexico by three and a half million acres is detrimental to the economic and social welfare of the citizens of the State of New Mexico and would work a hardship upon stock raisers and upon those industries closely associated and connected with the stock-raising industry; and

Whereas the continuation of the policy of the Federal Government in obtaining large tracts of land in New Mexico necessarily takes all of said lands off the tax rolls of New Mexico, and the revenue derived therefrom as taxes is lost to the citizens of New Mexico: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the State of New Mexico respectfully and earnestly memorialize and request the Congress of the United States of America not to pass any measures now before said Congress which seek additional lands for the use of the Indians in the State of New Mexico; be it further

Resolved, That copies of this memorial be sent to the President of the United States Senate, the Speaker of the House of Representatives of the United States, the Secretary of the Interior, and to the respective Senators and Representative of New Mexico in the Congress.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the Territory of Hawaii, which was referred to the Committee on Agriculture and Forestry:

Whereas there is now pending before the Congress of the United States of America a bill (H. R. 3629) introduced therein on January 28, 1937, being a bill for the establishment of engineering experiment stations at the land-grant colleges; and

Whereas the said bill is, in the opinion of the Legislature of the Territory of Hawaii, superior to any other similar bill heretofore introduced and is in form and substance a desirable and wise measure; and

Whereas the grant of Federal aid each year to each land-grant college for research work in engineering would be of very definite advantage to this Territory, which is included in said bill and is governed by its provisions, and under which the University of Hawaii will directly benefit: Now, therefore, be it

Resolved by the House of Representatives of the Territory of Hawaii (the senate concurring), That the Congress of the United States is hereby requested, through the Delegate to Congress from the Territory of Hawaii, to enact the said bill for the establishment of engineering experiment stations at the land-grant colleges substantially in the form of the bill known as H. R. 3629, as introduced in the Federal Congress by Representative GREEN on January 25, 1937; and be it further

Resolved, That copies of this resolution shall, upon its adoption, be forwarded to the President of the United States; the President of the Senate of the United States; the Speaker of the House of Representatives of the United States; to Hon. MARVIN JONES, chairman of the Committee on Agriculture of the House of Representatives; and the Delegate to Congress from Hawaii.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the Territory of Hawaii, which was referred to the Committee on Commerce:

Concurrent resolution memorializing the Congress of the United States to include in the rivers and harbors bill for 1937 authorization for a survey of Hilo Harbor, in the Territory of Hawaii

Whereas the Rivers and Harbors Act of 1935 of the Congress of the United States authorized a survey of Hilo Harbor, in the Territory of Hawaii, and provided an appropriation therefor; and

Whereas pursuant to said act a survey of said harbor was made by Maj. Ralph Barrows, district engineer of the United States Army in Hawaii; and

Whereas said Major Barrows, upon the completion of the said survey, expressed the opinion that the necessity for an addition to the Hilo breakwater and for additional dredging in Hilo Harbor was obvious; and

Whereas Col. T. H. Jackson, division engineer of the United States Army, disapproved of any further improvement at Hilo Harbor; and

Whereas recent violent storms which occurred in the vicinity of Hilo Harbor have demonstrated beyond doubt that additional breakwater protection and additional dredging are absolutely necessary for proper protection of shipping therein and for the proper protection of the harbor front; and

Whereas the log of Harbormaster Capt. James Reid covering the past 18 months' period offers additional evidence of the necessity for such additional protection for the shipping in said harbor: Now, therefore, be it

Resolved by the House of Representatives of the Nineteenth Legislature of the Territory of Hawaii (the senate concurring), That the Congress of the United States be, and it is hereby, respectfully memorialized to include in the rivers and harbors bill for the year 1937 authority and direction to the United States Army engineers in Hawaii to make a survey of said Hilo Harbor for the purpose of ascertaining and determining the necessity and extent of additional breakwater and dredging requirements therein; and be it further

Resolved, That copies of this concurrent resolution be forwarded to the Secretary of the Interior of the United States, the Secretary of War of the United States, the Speaker of the House of Representatives of the Congress, the President of the Senate of the Congress, and to the Delegate to Congress from Hawaii.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the Territory of Alaska, which were referred to the Committee on Appropriations:

To the honorable Congress of the United States:

Your memorialist, the Legislature of the Territory of Alaska, in the thirteenth regular session assembled, respectfully submits that:

Whereas the city of Anchorage is an important aviation center in the Territory of Alaska; and

Whereas aircraft operations must in part be carried on with pontoon ships; and

Whereas the waters of Knik Arm, upon which the city of Anchorage borders, are unsuitable for the operation of pontoon ships; and

Whereas the present seaplane base at Lake Spenard does not afford a sufficiently long runway for loaded planes to take off; and

Whereas a preliminary survey discloses that by the construction of a waterway 1,600 feet in length by 200 feet in width, with a maximum cutting of 10 feet, the waters of Lake Spenard could be connected with the waters of Lake Hood, thereby providing a runway 6,000 feet in length; and

Whereas the volume of material to be removed in the construction of said waterway is estimated to be approximately 90,642 cubic yards and said material is believed to consist entirely of gravel which could be removed at an estimated cost of $45,000 or less; and

because of illness.

1937), calling for certain information concerning injunctions

Whereas the Alaska Road Commission, a Federal road-building agency, does not use any of its appropriated funds in the construction of aviation fields in the Territory of Alaska, that the fields are built entirely by the Territory, and that the Territory has supported such work to the limit of its financial ability.

Wherefore your memorialist respectfully petitions and prays that the appropriation for the Alaska Road Commission be increased to enable it to construct said waterway.

And your memorialist will ever pray.

To the Congress of the United States, and to the Honorable A. J. Dimond, Delegate to Congress from Alaska, and to the Commissioner of Indian Affairs:

Your memorialist, the Legislature of the Territory of Alaska, in thirteenth regular session assembled, most respectfully represents:

Whereas that portion of southeastern Alaska commonly known as the west coast of Prince of Wales Island has a population of several thousand persons, the large majority of whom are native born; and

Whereas throughout this entire district there are no hospitals or medical facilities for the care of such native-born people who become sick, injured, or diseased; and

Whereas transportation from said district to the nearest hospital or doctor at Ketchikan or Wrangell is extremely hazardous and uncertain throughout a great portion of the year, thus making it impossible in many cases for sick or injured persons to receive medical attention or hospitalization when required; and

Whereas the town of Craig, Alaska, situated on the west coast of Prince of Wales Island, is the geographic center of said area and is accessible at all seasons of the year to the inhabitants of the entire district; and

Whereas the maintenance of hospital and medical facilities of Craig would serve in a large degree to alleviate the suffering and distress among the residents of the west coast of Prince of Wales Island on account of their present lack of such facilities:

Now, therefore, your memorialist, the Legislature of the Territory of Alaska, petitions the President of the United States, the Congress of the United States, and the Commissioner of Indian Affairs to appropriate and provide sufficient funds for the Bureau of Indian Affairs to construct, operate, and maintain hospital and medical facilities in the town of Craig, Alaska, sufficient to meet the needs of the residents of that district.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the Territory of Alaska, which were referred to the Committee on Commerce:

To the Honorable Franklin D. Roosevelt, President of the United States of America; to the honorable President of the Senate; and to the honorable Speaker of the House of Representatives of the Congress of the United States; and to Hon. Anthony J. Dimond, Delegate from Alaska:

Whereas the Honorable ANTHONY J. DIMOND, Delegate to Congress from Alaska, has introduced in the House of Representatives of the United States now in session H. R. 1565, amending the act of Congress approved June 6, 1924, entitled "An act for the protection of the fisheries of Alaska and for other purposes", and providing particularly against seizure of boats or paraphernalia used in fishing until the owner or operator shall have been convicted of illegal fishing; and

Whereas we believe that this bill fairly reflects the views of a large majority of the people of this Territory upon the subject covered: Now, therefore, be it

Resolved by the thirteenth session of the Legislature of Alaska, That we heartily approve the provisions of said bill and respectfully request that the same be enacted into law; and be it further

Resolved, That a copy of this joint resolution be mailed to the Honorable Franklin D. Roosevelt, President of the United States of America; to the honorable President of the Senate; to the honorable Speaker of the House of Representatives of the Congress of the United States; and to the Honorable ANTHONY J. DIMOND, Delegate from Alaska.

To His Excellency the President of the United States, to the Congress of the United States, to the Secretary of the Treasury of the United States, and to the Commandant of the United States Coast Guard:

Your memorialists, the Legislature of the Territory of Alaska, respectfully represent:

That the city of Nome is the principal seaport in northwestern Alaska, where the commerce and business of that large part of the Territory of Alaska centers;

That the city of Nome is the receiving and distributing port of the second division of Alaska, where freight and passenger steamers and other vessels load and unload their passengers and cargo;

That it is an unprotected open roadstead subject to much bad weather and severe storms;

That for more than 20 years the United States Government has maintained at Nome a Coast Guard station efficiently manned and equipped, which has been of great service in saving life and property; and

Whereas said Coast Guard station and a portion of its equipment was destroyed by fire on September 17, 1934:

Now, therefore, we, your memorialists, respectfully pray that said Coast Guard station be rebuilt at Nome, Alaska, without delay and be adequately equipped and manned for service; that an amphibian plane be assigned to said station to render invaluable service in the spring of the year to pilot ships through the ice to open leads or keep captains of said ships informed as to ice conditions.

And your memorialists will ever pray.

To the President of the United States, the Senate and House of Representatives, and to the Delegate from Alaska:

Your memorialist, the Legislature of the Territory of Alaska, in thirteenth regular session assembled, most respectfully represents:

Whereas the Honorable ANTHONY J. DIMOND, Delegate to Congress from Alaska, did on January 5, 1937, introduce in the Congress of the United States H. R. 1562, providing for "Transferring the jurisdiction, supervision, administration, and control over the salmon and other fisheries of Alaska, except the fur-seal and sea-otter fisheries, from the Department of Commerce to the Territory of Alaska, and for other purposes"; and

Whereas the people of the Territory of Alaska have the welfare of their country at heart and are capable of administering their own affairs, and of administering the fisheries of Alaska by virtue of their connection therewith:

Now, therefore, we, your memorialist, do most earnestly pray that said H. R. 1562 be speedily enacted into law.

And your memorialist will ever pray.

To the Honorable Franklin D. Roosevelt, President of the United States, and to the Congress of the United States:

Your memorialist, the Legislature of Alaska, in regular session assembled, respectfully represents:

Whereas fishing is the major industry in the coastal regions of Alaska and furnishes employment and subsistence to a very large percentage of the inhabitants of the coastal regions; and

Whereas said industry pays in excess of 70 percent of the present tax revenues of the Territorial government; and

Whereas the attention of the Seattle Chamber of Commerce has, by its Alaska committee, been called to the most serious threat which has ever occurred to the fishing industry of the Pacific coast and the many thousands of fishermen, cannery workers, and others who are dependent upon this industry, by the invasion of the coastal fisheries of the Pacific coast of North America, by the nationals and ships of foreign countries; and

Whereas such proposed invasion is imminent and would not only threaten the employees and members of the fishing industry but would also wipe out the results of many years of carefully developed conservation policies of the several States and of the United States, including the work of the United States Bureau of Fisheries, which has built up the salmon run in Alaska to the largest point in history, and the work of the International Fisheries Commission, which by joint action of Canada and the United States has blocked the depletion and gone far to restore the supply of halibut upon the banks adjacent to the two countries:

Now, therefore, your memorialist, the Legislature of Alaska, respectfully requests and urges the Honorable Franklin D. Roosevelt, President of the United States, and the Congress of the United States to take such action as may be necessary to preserve the fisheries resources of Alaska to and for the benefit of the people thereof.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Finance:

To the honorable Congress of the United States and to the Honorable Anthony J. Dimond, Delegate to Congress from Alaska:

Your memorialist, the Legislature of Alaska, respectfully represents that—

Whereas Alaska is developing a large industry in the packing and preparation of salmon, herring, clams, and crabs for the markets of the United States; and

Whereas the United States, including Alaska, packed in 1936, 10,934,750 cases of salmon of 48 pounds each, 45,740 barrels of herring of 250 pounds each, 62,407 cases of clams of 48 pounds each, and 5,681 cases of crab meat of 48 pounds each; and

Whereas there are also imported into the United States large quantities of salmon, herring, clams, and crabs in competition with the product of the United States, salmon being imported from Canada and Japan, crabs from Russia and Japan, clams from China, Japan, and Canada, and herring from Scotland, Iceland, and other countries; and

Whereas the duty on herring is now $2.50 per barrel, and that on salmon, clams, and crabs is 25 percent ad valorem; and

Whereas Alaska produces many times the amount of salmon required for the markets of the entire United States, and can produce sufficient herring to supply the market demands of the United States, and can greatly increase its production of canned crab meat and canned clams, and produces a superior quality of salmon, clams, and crabs to that of those produced in other countries from which they are imported; and

Whereas the United States, on account of economic conditions and the advancement and development of its population, has a different and higher standard of living than that of any other country in the world, which standard of living makes higher production costs of the products herein mentioned, and consequently gives the products of foreign countries a great advantage over those of the United States, and especially those of Alaska; and

Whereas the present duty on such products is not sufficient to make up the increased cost of production: Now, therefore,

Your memorialist, the Legislature of the Territory of Alaska, prays that the duty on herring imported into the United States be increased from $2.50 per barrel of 250 pounds to $5 per barrel, and that the duty on canned salmon, crabs, and clams be increased from 25 percent ad valorem to 40 percent ad valorem.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following memorials of the Legislature of the Territory of Alaska, which were referred to the Committee on Mines and Mining:

To the honorable Congress and the honorable Secretary of the Interior of the United States:

Your memorialist, the Legislature of the Territory of Alaska, in the thirteenth regular session assembled, respectfully submits that—

Whereas tin is an essential valuable metal that the United States must obtain by importation; and

Whereas the value of the tin consumed in the United States in the year 1934 was $45,000, while the total value of primary tin produced in American territory was less than $10,000; and

Whereas Alaska produces practically all of the tin mined in American territory and produced 98 percent of the total in 1934; and

Whereas the House of Representatives of the Congress of the United States, through its Committee on Foreign Affairs, carried on hearings to determine possible methods of protecting the United States against exorbitant prices of tin in time of peace and shortage of the metal in time of war; and

Whereas it was brought out in such hearings that, among other things, Government aid should be extended to develop particular properties in American territory; and

Whereas important deposits of tin are known to exist on the Seward Peninsula and in the Hot Springs district of Alaska; and

Whereas great transportation difficulties confronting operations at either of the above-named localities result in a great handicap to the successful mining and marketing of tin ore; and

Whereas it is believed that Federal aid to tin mining in Alaska would offset the freight differential and other obstacles confronting such operations; and

Whereas the Government of the United States did at one time offer a bonus for the development of any legitimate tin mine within the territory of the United States: Now, therefore

Your memorialist, the Legislature of the Territory of Alaska, respectfully petitions and urges such Federal aid to the tin-mining industry in Alaska as will encourage its development and insure to the United States a possible source of tin in the time of need.

And your memorialist will ever pray.

To the Congress of the United States:

Your memorialists, the Legislature of the Territory of Alaska in the thirteenth regular session assembled, respectfully represent that—

Whereas mining is one of the chief industries of Alaska and it is desirable to encourage the development of mining in Alaska: Now, therefore,

Your memorialists pray that the mining laws relating to Alaska be so amended that survey work done by United States mineral surveyors upon a mining claim for the purpose of establishing its boundaries, or for any other purpose in connection with the location of the claim or protecting the title thereto, whether in connection with patent surveys or otherwise, be credited as assessment work for the year during which such survey work was done.

And your memorialists will ever pray.

The VICE PRESIDENT also laid before the Senate the following memorial of the House of Representatives of the Territory of Alaska, which was referred to the Committee on Territories and Insular Affairs:

To the honorable Congress of the United States:

Your memorialist, the House of Representatives of the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents:

Whereas on the 11th day of January 1937 there was introduced by Delegate A. J. DIMOND, of Alaska, in the House of Representatives of the Congress of the United States, a bill designated as H. R. 2520, and entitled, "A bill to authorize the Territory of Alaska to incur bonded indebtedness, and for other purposes"; and

Whereas your memorialist desires to express its approval of said bill, H. R. 2520, and desires that the Territory of Alaska shall be in a position to expend funds for immediate necessary public-works projects, which the said Territory is not now able to finance; and

Whereas your memorialist desires that the Territory of Alaska shall be in a position to take its place among the several States and Territories on an equality basis and in every respect perform a full measure of service to effect national recovery and maintain the economic stability of our Government; and

Whereas by virtue of an inhibition in its organic act the Territory of Alaska is precluded from incurring bonded indebtedness and has not been permitted to participate proportionately in the allotments of Federal grants to the extent enjoyed by the States and other Territories; and

Whereas your memorialist proposes to enact supplementary legislation in keeping with the provisions of H. R. 2520, so that funds becoming available for public works shall be expended for the following designated classes of public works, according to the following percentages of the whole:

	Percent
Air fields and air navigation aids and facilities	30
Highways, roads, trails, bridges, harbor improvements and navigation aids, and unforeseen contingencies and emergencies	40
Public institutions, including hospitals, schools, and other appurtenant structures and facilities	30

Now, therefore, your memorialist, the House of Representatives of the Territory of Alaska respectfully petitions the Congress of the United States to give favorable consideration to H. R. 2520, in order that, pursuant to the purposes thereof, it do pass.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the Territory of Alaska, which were referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

Your memorialist, the Legislature of the Territory of Alaska, in the thirteenth regular session assembled, does most respectfully and earnestly represent that—

Whereas the organic act of the Territory of Alaska provides as follows: "No divorce shall be granted by the legislature nor shall any divorce granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for 2 years next preceding the application"; and

Whereas the people of Alaska, through their legislature, are qualified to govern their own affairs and have from time to time requested from the Federal Government removal of restrictions of the legislative power imposed by said organic act, and when additional power has been granted have demonstrated their ability to govern themselves; and

Whereas the subject of divorce laws is a matter of local concern; and

Whereas the 2 years' residence requirement now imposed by the organic act is an unreasonable one on account of the transitory nature of residence in the Territory and much greater than most of the States:

Now, therefore, your memorialist, the Legislature of the Territory of Alaska, most respectfully petitions the Congress of the United States to so amend the organic act of Congress to enable the Legislature of Alaska to prescribe the length of residence for applicants in divorce proceedings in the courts of Alaska.

And your memorialist will ever pray.

To the honorable Congress of the United States:

Your memorialist, the Legislature of the Territory of Alaska, in the thirteenth regular session assembled, respectfully presents that—

Whereas under the organic act of this Territory, its legislature is denied authority to alter, amend, modify, or repeal the laws in force at the time of the approval of said act (Aug. 24, 1912) providing for taxes on business, occupation, and trades, and that on account of such inhibition the territorial legislature is unable to correct manifest injustice suffered by many who, under said laws, are required to pay license taxes disproportionate to the amount of volume of business transacted by them:

Now, therefore, your memorialist, the Legislature of the Territory of Alaska, respectfully prays that the organic act of Alaska be amended by repealing that portion thereof in section 24, title 48, U. S. C., which denies authority to the territorial legislature to alter, amend, modify, or repeal the law heretofore and now in force fixing the amount of license taxes on business, trades, and occupations.

And your memorialist will ever pray.

To the honorable Congress of the United States:

Your memorialist, the Legislature of the Territory of Alaska, in the thirteenth regular session assembled, respectfully presents that—

Whereas many small areas on the mainland of Alaska and on adjacent islands are occupied by bona-fide industrious fur farmers under that is known as use permits issued by the Forest Service; and

Whereas the permanent improvements on these fur farms are similar in character to those found on lands occupied by homestead settlers; and

Whereas the fur-farming industry bids fair to become of great and perpetual importance:

Now, therefore, your memorialist respectfully prays that adequate legislation be enacted to make it possible for bona-fide fur farmers to acquire title to lands actually occupied and used by them in the conduct of their business.

And your memorialist will ever pray.

To the honorable Congress of the United States and to the Honorable Anthony J. Dimond, Delegate to Congress from Alaska:

Your memorialist, the Legislature of Alaska, respectfully represents: That there was passed by the Congress of the United States and approved on March 27, 1934, an act contained in bill H. R. 5745, entitled "An act granting abandoned public buildings and grounds at Sitka, Alaska, to the Territory of Alaska, and for other purposes"; and that said act was passed for the purpose of transferring from the United States to the Territory of Alaska title to a certain tract of land at Sitka, Alaska, to be used by the Territory as a home of aged, sick, and infirm pioneers and residents thereof, a portion of which said tract was formerly owned and occupied by the United States as a marine and military reserve;

That when said act was passed it described and included, in addition to the marine and military reserve intended to be transferred to the Territory, a tract partly of tidelands which had been occupied, claimed, possessed, and used by the Sitka Cold Storage Co., a corporation organized under the laws of Alaska, and its predecessors in interest continuously since the year 1913, and which tract is still occupied, possessed, and claimed by the Sitka Cold Storage Co., with a large cold-storage plant and facilities for the marketing and freezing of fresh fish, and which plant was erected more than 20 years ago, and upon which the Sitka Cold Storage Co. and its predecessor have expended upward of $150,000; and

Whereas the portion of the tract described in H. R. 5745 and the act aforesaid approved March 27, 1934, which is claimed, occupied, used, and possessed by the Sitka Cold Storage plant, is not necessary for the Territory of Alaska, and has never been claimed nor occupied by it; and

Whereas the Sitka Cold Storage Co. is the main industry in Sitka, and of great importance to the people of Sitka and vicinity in the marketing of fish, which is the chief resource of the Territory; and

Whereas the portion of said tract of land described in H. R. 5745 which is not occupied nor used by the Territory of Alaska and will not be occupied nor used by it, but is occupied, used, possessed, and claimed by the Sitka Cold Storage Co., is described as follows:

"Beginning at Corner No. 1, identical with Corner No. 1, 'U. S. Forest Service Reserve', and also with Corner No. 4, 'U. S. Reserve for Public Common', as shown on the 'Plat of Sitka Town site, Alaska, U. S. Survey No. 1474, Tract "A" ', from which point USRLM No. 1, established in connection with the Sitka Town site, U. S. Survey No. 1474, marked by a cross 'X' and 'USRLM No. 1' chiseled on a large bedrock face in the Indian schoolyard, bears N. 11°02' E. 293.8 ft. distant, and the S. E. Corner of the Sitka Cold Storage Company building 'A' bears N. 29°35' W. 3.5 ft., thence N. 1°04' W. 4.2 ft. to Corner No. 2 on the west side line of an unnamed street called hereinafter 'Waterfront Street', from which cor. the S. E. Cor. of said Sitka Cold Storage Company building 'A' bears S. 60°00' W. 1.5 ft., thence N. 29°35' W. 90.0 ft. along the west side line of said 'Waterfront Street' and parallel to and 1.5 ft. E. therefrom the east end of said Sitka Cold Storage Company building 'A' to Cor. No. 3 from which cor. the N. E. Cor. of said building bears S. 60°00' W. 1.5 ft. dist., thence N. 38°51' W. 50.22 ft., along the west side line of said 'Waterfront Street' to Cor. No. 4, a point on the N. W. boundary line of said U. S. Sur. No. 1474, Tract 'A', identical with the N. W. boundary line of said 'U. S. Reserve for Public Common' and the N. W. boundary line of said 'Pioneers Home Tract'; from which cor. the N. E. cor. of the 'Harbor Store' building, same being property of the Sitka Cold Storage Company; bears S. 31°06' E. 16.5 ft. dist., thence S. 35°00' W. 36.50 ft., along and identical with said N. W. boundary (13–14) line of said U. S. Sur. No. 1474, Tract 'A'; N. W. boundary (7–6) line, 'U. S. Reserve for Public Common', and N. W. boundary line 'Pioneers Home Tract' to Cor. No. 5; meander cor. at line of mean high tide on east shore of Sitka Harbor, identical with Cor. No. 14 M. C. said 'U. S. Survey No. 1474, Tract 'A', and Cor. No. 6 M. C. said 'U. S. Reserve for Public Common' and with a meander cor. of said 'Pioneers Home Tract', thence with meanders, along the east shore of Sitka Harbor, identical with the meander line of said U. S. Sur. No. 1474, Tract 'A', of said 'U. S. Reserve for Public Common', and of said 'Pioneers Home Tract', under the said 'Harbor Store' building, and the Sitka Cold Storage Company building 'A'; S. 37°19' E. 57.09 ft., S. 20°23' W. 43.43 ft., S. 82°56' W. 31.56 ft., S. 70°07' W. 29.00 ft., S. 15°51' E. 19.37 ft., S. 2°51' E. 36.17 ft., S. 76°51' E. 14.59 ft., to Cor. No. 6, meander cor., identical with Cor. No. 5 M. C. of said 'U. S. Reserve for Public Common', and with Cor. No. 5 M. C. of said 'U. S. Forest Service Reserve', and with cor. of the said 'Pioneers Home Tract'; thence N. 60°00' E. 132.44 ft. along the 5–1 boundary line of the said 'U. S. Forest Service Reserve', identical with the 5–4 boundary line of the said 'U. S. Reserve for Public Common', and a boundary of the said 'Pioneers Home Tract', and parallel to, and 3.5 ft. south of the south side of the Sitka Cold Storage Company building 'A' to Cor. No. 1, the place of beginning, containing 0.472 acres"; and

Whereas the whole of said tract is included in the description contained in said H. R. 5745 approved March 27, 1934, which said act contains a provision in section 2 prohibiting the Territory of Alaska from selling or otherwise disposing of any part of said property, including the portion which has been for over 23 years claimed, occupied, possessed, and used by the Sitka Cold Storage Co. and its predecessor, and the title to which said tract should be confirmed in the Sitka Cold Storage Co.;

Now, therefore, your memorialist respectfully prays that H. R. 5745, approved March 27, 1934, be amended so as to permit the Territory of Alaska to transfer, deed, and convey to the Sitka Cold Storage Co., a corporation, that portion of the land described in H. R. 5745, which is hereinabove described, and which is claimed, occupied, possessed, and used by the Sitka Cold Storage Co.

And your memorialist will ever pray.

To the Congress of the United States, the Secretary of the Interior, and Anthony J. Dimond, Delegate to Congress from Alaska:

Your memorialist, the Legislature of the Territory of Alaska in the thirteenth regular session assembled, respectfully submits that:

Whereas the city of Nome is situated on the immediate shore of northern Bering Sea and constantly subjected to the menace and destruction of the terrific storms and excessive surf so prevalent during the open season of navigation; and

Whereas numerous times during the past 36 years high seas and heavy surf have caused severe damage and loss of life and property; and

Whereas the citizens of the rebuilt city of Nome believe they are entitled to peace of mind and adequate protection of life and property: Now, therefore,

Your memorialist respectfully urges that the Legislature of the Territory of Alaska, in the thirteenth regular session assembled, petition Congress to enact the necessary legislation with which to provide the city of Nome with an adequate steel revetment extending along the Bering Sea shore line from the present east revetment at Snake River about 3,000 feet easterly to a point known as the oil dock.

And your memorialist will ever pray.

To the honorable Congress of the United States, to the Honorable Harold L. Ickes, Secretary of the Interior, and to the honorable Anthony J. Dimond, Delegate to Congress from Alaska:

Your memorialist, the Legislature of the Territory of Alaska, in thirteenth regular session assembled, respectfully represents that—

Whereas Benjamin B. Mozee has been a resident of Alaska for over 30 years and has faithfully served in the capacity of teacher and superintendent of Government schools from 1909 to 1929; and

Whereas Benjamin B. Mozee was appointed General Supervisor of the Alaska Reindeer Service in 1929 and fulfilled his duties to the utmost; and

Whereas Benjamin B. Mozee has worked hard and diligently for the benefit of the natives and the Reindeer Service: Now, therefore,

Your memorialist, the Legislature of the Territory of Alaska, respectfully urges that Benjamin B. Mozee be reinstated as General Supervisor of the Alaska Reindeer Service.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the Territory of Alaska, which was ordered to lie on the table:

To the Honorable Franklin D. Roosevelt, President of the United States of America; to the honorable President of the Senate and to the honorable Speaker of the House of Representatives of the Congress of the United States; and to Hon. Anthony J. Dimond, Delegate from Alaska:

Whereas there is now before the Congress of the United States a bill known as the Harrison-Black-Fletcher bill for Federal aid to education, which would, if passed, aid the Territory of Alaska materially in educating the children of the Territorial public schools; and

Whereas the Federal Government owns and controls most of the resources of the Territory of Alaska, limiting the Territory in securing funds for its rapidly increasing school expenses: Now, therefore, be it

Resolved by the thirteenth session of the Legislature of Alaska, That we heartily approve the provisions of said bill and respectfully request that the same be enacted into law; and be it further

Resolved, That a copy of this joint resolution be mailed to the Honorable Franklin D. Roosevelt, President of the United States of America; to the honorable President of the Senate and to the honorable Speaker of the House of Representatives of the Congress of the United States; and to Hon. ANTHONY J. DIMOND, Delegate from Alaska.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Common Council of the City of Detroit, Mich., and the Council of the City of Cleveland, Ohio, favoring the enactment of Senate bill 1879, to extend to political subdivisions of States the same treatment accorded to States which borrowed for relief purposes under the Emergency Relief and Construction Act of 1932, by eliminating discrimination in the case of certain loans made to cities and counties under that act, and for other purposes, which were referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution adopted by the Allegheny County (Pa.) Bar Association, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the monthly meeting of the Jackson Democratic League of Salt Lake City, Utah, favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by unanimous rising vote of citizens in open meeting assemble at Spring Valley, Rockland County, N. Y., favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate letters from the Governors of Arkansas and Indiana, transmitting signed copies of resolutions adopted by the Governors of Illinois, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, Arkansas, and Missouri at a recent Governors' conference on flood damage held in St. Louis, Mo., requesting Congress to provide funds for the cost of rehabilitation of damaged highways and bridges caused by floods in the Ohio and Mississippi River Valleys, which with the accompanying resolutions were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of more stringent alien and immigration restriction legislation, which was referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted by St. Petersburg Council, No. 8, Junior Order United American Mechanics, of St. Petersburg, Fla., favoring the enactment of the so-called Reynolds-Starnes bills, providing restriction of immigration and certain regulations relative to aliens, which was referred to the Committee on Immigration.

He also laid before the Senate resolutions adopted by the Council of the City of Toledo, and the Toledo Chapter, American Association of Social Workers, of Toledo, in the State of Ohio; the mayor and General Council of the City of Atlanta, Ga.; the Council of the City of Wyandotte, Mich.; the Council of the City of Casper, Wyo., and the Councils of the Cities of Pittsburgh, Bethlehem, and New Kensington, in the State of Pennsylvania, favoring the enactment of legislation providing low-cost housing, which were referred to the Committee on Education and Labor.

He also laid before the Senate a telegram in the nature of a memorial from Dr. A. Lawrence Lowell and several other citizens, of Boston, Mass., remonstrating against the actions of representatives of certain labor organizations holding possession of property in so-called sit-down strikes, and praying for the enactment of legislation to suppress such sit-down strike methods, which was referred to the Committee on Education and Labor.

He also laid before the Senate telegrams from A. F. Whitney, president, Brotherhood of Railroad Trainmen, Cleveland, Ohio; Charles H. Bryson, chairman, Republicans for Roosevelt League, Columbus, Ohio; and Thomas F. Burns, chairman, and Powers Hapgood, secretary, of the New England Committee for Industrial Organization, Boston, Mass., relative to the telegram above noted from Dr. A. Lawrence Lowell and other citizens of Boston, Mass., and the attitude of the workers toward so-called sit-down strikes, which were referred to the Committee on Education and Labor.

Mr. GIBSON presented a resolution adopted by voters of the town of Pomfret, Vt., protesting against the enactment of legislation to change the personnel of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. KING presented a resolution adopted by the Passaic County (N. J.) Bar Association, protesting against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also presented various memorials, numerously signed, of sundry citizens of the State of Utah, remonstrating against the enactment of legislation to increase the membership of the Supreme Court and to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

Mr. TYDINGS presented petitions of sundry citizens of the State of Maryland, praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which were referred to the Committee on Finance.

He also presented a letter in the nature of a petition from Furman L. Templeton, president of Delta Lambda Chapter of Alpha Phi Alpha, of Baltimore, Md., praying for the enactment of the bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education, which, with the accompanying paper, was ordered to lie on the table.

Mr. DUFFY and Mr. LA FOLLETTE each submitted an identical joint resolution of the Legislature of the State of Wisconsin urging Federal and State officials charged with administration under the Works Progress Administration to take immediate action to make funds available for the drought-stricken rural areas of Wisconsin, and to put into effect a work program under the Works Progress Administration, or other Federal agency, to meet the emergency, which were referred to the Committee on Appropriations.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 25th instant, p. 2733, CONGRESSIONAL RECORD.)

Mr. CLARK presented the following concurrent resolution of the Legislature of the State of Missouri, which was referred to the Committee on Interstate Commerce:

Whereas Federal Coordinator of Transportation Joseph B. Eastman has submitted a report recommending certain consolidations and unifications of railroads and terminals by the 149 class I railroads operating in this Nation and abandonment of a great many miles of rail lines, terminals, and facilities of such railroads; and

Whereas such consolidation and unification, if carried out, will result in a great loss of income, running into millions of dollars in the various communities of this State, and also will result in placing many now usefully employed persons on relief, and a great loss of tax revenue, not only to the State of Missouri but to all political subdivisions wherein such unifications result in abandonment of lines and reduction in force; and

Whereas the full burden and effect of such contemplated consolidations fall upon the general public in curtailed service, loss of business and tax revenue; and

Whereas this Nation is just recovering from a long period of unemployment and depression, and the proposed mergers and consolidations as contemplated would adversely effect the return to prosperous conditions and be contrary to the present effort of our Federal administration to increase employment; and

Whereas any State legislation adopted for the purpose of making such consolidations illegal could be of little effect, because such consolidations would necessarily be of an interstate nature, and under the jurisdiction of the National Congress and the Interstate Commerce Commission, therefore, the necessary relief measures to avert such consolidations and unifications must of necessity come from our National Congress: Therefore be it

Resolved, That the Senate of the State of Missouri, the house of representatives concurring therein, hereby memorialize and request the Congress of the United States, and our Missouri delegation in such Congress, to use any and all means available and necessary to prevent the carrying forward of the plans for the unification and consolidation as set out in the report of Coordinator Eastman, wherever such plans and proposals will result adversely to the general welfare of this State, or the people of this State; and be it further

Resolved, That the secretary of the senate is hereby instructed to mail each Member of the Missouri delegation in the House and each Missouri Member of the National Senate a certified copy of these resolutions, and a copy to the chairman of the Senate Committee on Interstate Commerce and the chairman of the House Committee on Interstate Commerce.

Mr. PITTMAN presented the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Agriculture and Forestry:

Senate joint resolution memorializing Congress to enact a noxious weed eradication law

To the Congress of the United States:

Your memorialist, the Legislature of the State of Nevada, respectfully represents that—

Whereas noxious weeds have been and now are a serious menace to agriculture in the various States of the Union, including Nevada; and

Whereas such weeds cost the people of the United States large sums of money annually through the loss of valuable agricultural crops, by reason of the choking out of such crops by noxious weeds and the resultant loss thereof to the farmers of the Nation; and

Whereas the several States of the Union, individually, cannot successfully finance weed-eradication programs; and

Whereas there is now pending in the Congress of the United States a bill providing Federal aid to and participation with the the several States for the purpose of eradicating noxious weeds therein: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, That the Congress of the United States be most earnestly urged and beseought to enact into a law the bill for Federal aid to and participation with the respective States in the eradication of noxious weeds now pending in the Congress and known as H. R. 4009; and be it further

Resolved, That the secretary of state of the State of Nevada be, and he hereby is, directed to forward a certificated copy of this memorial to Senator KEY PITTMAN, Senator P. A. MCCARRAN, and Congressman JAMES G. SCRUGHAM, representing the State of Nevada in the Congress, and to Hon. Henry A. Wallace, Secretary of Agriculture, with the request that this memorial be brought to the attention of the Senate and the House of Representatives of the Congress to the end that a Federal noxious weed law be enacted.

Mr. PITTMAN also presented the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Irrigation and Reclamation:

Senate joint resolution memorializing Congress relative to the transfer of water rights within Federal projects in certain States from marginal and submarginal lands to good lands, and other matters properly connected therewith

Whereas it is sound material policy that revenues accruing to the Bureau of Reclamation and the respective States as the result of the exhaustion of a limited natural resource should be devoted to the development of permanent natural resources, the most important of which in the Western States is water; and

Whereas on all irrigation projects the use of irrigation water has caused many changes in the character of the soil and will continue to cause such changes, thereby making many original classifications obsolete: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, That Congress pass legislation to authorize the Secretary of the Interior to transfer water rights within Federal projects, in States where the State law will permit, from marginal and submarginal lands to good lands, either private or public domain, and that all payments on construction charges on such marginal or submarginal lands be credited to the new water rights allowed; and be it further,

Resolved, That our Senators in the United States Senate and our Representative in Congress be requested to use all proper efforts to bring about the passage of the laws covering the matters above referred to; and be it further

Resolved, That the secretary of state be, and he is hereby, directed to transmit properly certified copies of this resolution to the President of the United States Senate, the Speaker of the House in Congress, and to each of our Senators and our Representative in Congress.

Mr. PITTMAN also presented the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on the Judiciary:

Assembly joint resolution memorializing Congress to pass that certain act entitled "A bill to provide for the general welfare by establishing a system of Federal aid to the States for the purpose of enabling them to provide adequate institutional treatment of prisoners and provide improved methods of supervision and administration of probation, parole, and conditional release of offenders"

Whereas there is now pending before the Congress of the United States a measure providing for the institutional treatment of prisoners and for the provision of supervising prisoners under probation on parole; and

Whereas the said bill is intended for the purpose of rehabilitating those who have been offenders of the law in an effort to better their conditions and protect society: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of Nevada, That the Congress of the United States be urged to bring about the passage of said bill; and be it further

Resolved, That our Senators in Washington, D. C., and our Representative in Congress be urged to lend their efforts to the passage of said bill; and be it further

Resolved, That properly certified copies of these resolutions be transmitted to the President of the United States Senate, to the Speaker of the House of Representatives, to each of our Senators, and to our Representative in Congress.

Mr. PITTMAN also presented the following joint resolution of the Legislature of the State of Nevada, which was ordered to lie on the table:

Assembly joint resolution urging Congress to enact the Harrison-Fletcher bill

To the Congress of the United States:

Your memorialist, the Legislature of the State of Nevada, hereby respectfully represents that

Whereas there is now pending in the Congress of the United States that certain bill known as the Harrison-Fletcher bill, being S. 4793 and H. R. 13021; and

Whereas this bill is based on the principle of large-unit support for schools with local control; and

Whereas the principle of large-unit support for schools is recognized in Nevada to be the best means of equalizing educational opportunity; and

Whereas equalization of educational opportunity is the cornerstone of our democratic form of government: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of Nevada, That the Congress be most earnestly urged and beseeched to enact the Harrison-Fletcher bill at its earliest convenience.

Resolved, That the secretary of state of the State of Nevada be, and hereby is, directed to transmit a duly certified copy of this resolution, under the seal of the State of Nevada, to the Honorable Franklin D. Roosevelt, President of the United States; to each of our Senators in the United States Senate; to our Representatives in Congress; to the Honorable PAT HARRISON, chairman of the Senate Finance Committee; and to the Honorable BROOKS FLETCHER, a member of the House Committee on Education.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1278. A bill to authorize exchange of lands at military reservations, and for other purposes (Rept. No. 253); and

S. 1826. A bill for the relief of Francis Gerrity (Rept. No. 258).

Mr. SHEPPARD also, from the same committee, to which was referred the bill (S. 1586) to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird Quartermaster Depot, Baltimore, Md., reported it with an amendment and submitted a report (No. 254) thereon.

Mr. SCHWARTZ, from the Committee on Military Affairs, to which was referred the bill (S. 880) for the relief of Albert D. Castleberry, reported it without amendment and submitted a report (No. 255) thereon.

Mr. LOGAN, from the Committee on the Judiciary, to which was referred the bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends, reported it without amendment and submitted a report (No. 256) thereon.

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (S. 100) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, reported it with amendments and submitted a report (No. 257) thereon.

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (S. 978) to extend the provisions of certain laws to the District of Columbia, reported it without amendment and submitted a report (No. 259) thereon.

He also (for Mr. AUSTIN), from the same committee, to which was referred the bill (S. 1226) to amend the act of May 3, 1935, relating to promotion of safety on the highways of the District of Columbia, reported it without amendment and submitted a report (No. 260) thereon.

He also (for Mr. REYNOLDS), from the same committee, to which was referred the joint resolution (S. J. Res. 82) to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended, reported it without amendment and submitted a report (No. 261) thereon.

He also (for Mr. CAPPER), from the same committee, to which was referred the bill (H. R. 157) to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.), reported it without amendment and submitted a report (No. 262) thereon.

CREATION OF THE SENATE

Mr. HAYDEN. Mr. President, by direction of the Committee on Printing, I report an original resolution and ask for its immediate consideration.

There being no objection, the resolution (S. Res. 105) was considered and agreed to as follows:

Resolved, That the manuscript entitled "Creation of the Senate", prepared by Dr. George J. Schulz, Director of the Legislative Reference Service, Library of Congress, be printed as a Senate document.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. McADOO:

A bill (S. 1995) authorizing the establishment of town sites for recreational or seasonal home sites, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. LOGAN:

A bill (S. 1996) to make available for national-park purposes certain lands within the area of the proposed Mammoth Cave National Park, Ky.; to the Committee on Public Lands and Surveys.

By Mr. BACHMAN:

A bill (S. 1997) for the relief of Joe Dailey; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 1998) to amend the act entitled "An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture", approved June 24, 1936; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A bill (S. 1999) granting a pension to Mary E. Farrar (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN of Michigan:

A bill (S. 2000) to make available for national-park purposes certain lands within the boundaries of the proposed Isle Royale National Park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 2001) for the relief of Samuel V. West; to the Committee on Claims.

By Mr. GIBSON:

A bill (S. 2002) for the relief of William McNamara Callaghan; to the Committee on Naval Affairs.

By Mr. ADAMS:

A bill (S. 2003) to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes;

A bill (S. 2004) to provide for the addition or additions of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes;

A bill (S. 2005) to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898 (30 Stat. 409, 414); and

A bill (S. 2006) to authorize the Secretary of the Interior to accept donations of land, interests in land, buildings, or other property for the extension of national parks, national monuments, battlefield sites, national military parks, and other areas administered by the National Park Service, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. STEIWER:

A bill (S. 2007) authorizing the Snake or Piute Indians of the former Malheur Reservation of Oregon to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. BULKLEY:

A bill (S. 2008) for the relief of the Cleveland Railway Co.; and

A bill (S. 2009) to authorize the payment of certain obligations contracted by the Perry's Victory Memorial Commission; to the Committee on Claims.

A bill (S. 2010) to authorize the appointment of an additional judge for the southern district of Ohio; to the Committee on the Judiciary.

A bill (S. 2011) to authorize the attendance of the Marine Band at the Thirty-ninth National Encampment of the United Spanish War Veterans at Columbus, Ohio, August 22 to August 26, 1937, inclusive; to the Committee on Naval Affairs.

A bill (S. 2012) granting a pension to Blanche Wagner;

A bill (S. 2013) granting a pension to Etta Wagner; and

A bill (S. 2014) granting an increase of pension to Elsie N. McCracken; to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 2015) granting an increase of pension to Thomas Yeager; to the Committee on Pensions.

By Mr. HERRING:

A bill (S. 2016) granting an increase of pension to Mary E. Dearborn; to the Committee on Pensions.

By Mr. BYRD:

A bill (S. 2017) for the relief of the heirs at law of Barnabas W. Baker and Joseph Baker; to the Committee on Claims.

A bill (S. 2018) for the relief of Samuel Irick; to the Committee on Finance.

A bill (S. 2019) to provide for a review by the Department of War of the case of the late Capt. Bartlett James; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 2020) for the relief of Joe Petran; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A joint resolution (S. J. Res. 115) providing for the disposition of certain cotton held by the Commodity Credit Corporation; to the Committee on Agriculture and Forestry.

By Mr. VANDENBERG:

A joint resolution (S. J. Res. 116) proposing an amendment to the Constitution of the United States prohibiting child labor; to the Committee on the Judiciary.

By Mr. BANKHEAD:

A joint resolution (S. J. Res. 117) proposing an amendment to the Constitution of the United States relative to agricultural and industrial commodities; to the Committee on the Judiciary.

(Mr. BILBO introduced Senate Joint Resolution 118, which was referred to the Committee on the Judiciary and appears under a separate heading.)

By Mr. DAVIS (by request):

A joint resolution (S. J. Res. 119) suspending action by Navy selection boards; to the Committee on Naval Affairs.

VALIDATION THROUGH REENACTMENT OF LAWS HELD UNCONSTITUTIONAL

Mr. BILBO. Mr. President, I introduce a joint resolution for appropriate reference, and I ask unanimous consent at this time to have it read, and thereafter to make a short statement.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi that the joint resolution introduced by him be read? The Chair hears none, and the clerk will read.

The joint resolution (S. J. Res. 118) proposing an amendment to the Constitution of the United States providing for the validation through reenactment by Congress of any law adjudged unconstitutional by the Supreme Court, and requiring, in certain cases, that the Supreme Court render an opinion upon the constitutionality of acts of Congress, was read the first time by its title and the second time at length as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Congress shall have the power to reenact, by a two-thirds majority of each House, any Federal law, the whole or any provision of which is hereafter declared unconstitutional by the Supreme Court. In case the Supreme Court renders any judgment holding any act of Congress or any provision of any such act unconstitutional, the question with respect to the constitutionality of such act or provision shall be promptly submitted by the President to the Congress at the earliest practicable date following the date upon which such judgment is rendered. If such act is reenacted by two-thirds of each House of the Congress before the expiration of the next regular session following the regular or special session during which such question is submitted, such act and all provisions thereof shall be deemed to be constitutional and effective from the date of such reenactment.

"SEC. 2. Any act of Congress containing a provision providing for the submission of such act to the Supreme Court for an opinion as to its constitutionality shall be so submitted by the President immediately following its enactment, and it shall be the duty of

the Supreme Court to render a written opinion with respect to its constitutionality to the President within 60 days after the date of such submission. If, in the opinion of the Supreme Court, the act or any provision thereof is unconstitutional, the President shall promptly submit such act to the Congress for its reconsideration, and if such act is reenacted by two-thirds of each House of Congress before the expiration of the next regular session following the regular or special session during which such act is submitted for reconsideration, such act and all provisions thereof shall be deemed to be constitutional from the date of such reenactment, and shall be effective from such date unless a later effective date is provided in such act. If, in the opinion of the Supreme Court, the act is constitutional, such act and all provisions thereof shall be deemed to be constitutional from the date the Supreme Court renders its opinion to the President, and shall be effective from such date unless a later effective date is provided in such act."

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

Mr. BILBO. Mr. President, on the 18th of June last, in the Seventy-fourth Congress, I addressed the Senate on this question, and announced at that time that at this session I would have such a measure ready for presentation to the Senate. At that time I made a statement which I wish now to read into the RECORD.

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

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. BILBO. Certainly.

Mr. McNARY. I desire to be most courteous to the Senator. I was willing that the joint resolution should be read during routine morning business, but I must object to a statement being made in respect thereto. Such a statement would properly come when the unfinished business is before the Senate. If the Senator will defer his statement until routine morning business is closed, I shall make no objection.

Mr. BILBO. Very well.

Mr. BILBO subsequently said: Mr. President, I desire to read from my address delivered on June 18 of last year in the Seventy-fourth Congress:

To the end that some further curb or check or restraint may be exercised upon the growing power and despotism of a paramount judiciary * * * I propose to submit to the next Congress an amendment to the Constitution very similar in its aim and purpose to the proposal submitted by James Madison and James Wilson to the Federal Convention that adopted the Constitution in its original form.

My proposed amendment to the Constitution will embody the following provisions:

First, that Congress shall have the power to reenact by a two-thirds majority of each House any law, or part thereof, hereafter declared unconstitutional by the Supreme Court, and the law thus reenacted shall be in full force and effect as though never held unconstitutional.

The second part of my proposed constitutional amendment is that any act of Congress carrying the provision that the same shall be submitted to the Supreme Court for determination as to its constitutionality shall be so submitted to the Court by the Congress, and it shall be the duty of the Court to report said act, with its findings thereon, back to the Congress within 60 days from the receipt of same. If the act thus reviewed and construed by the Supreme Court is thought to be by it unconstitutional, then the Congress may either reconstruct the act in conformity to the Court's opinion and pass it as a new bill or the Congress may reenact in its original form the law or any part thereof declared unconstitutional and thereafter, and not before, the same shall be in full force and effect as though never held unconstitutional.

In conformity to that declaration of last year, I have prepared a proposed constitutional amendment covering these two provisions, and have introduced it, to be referred to the proper committee.

In this connection I wish to say that I do not want the introduction of this proposed amendment, carrying out my purpose announced at the last session, to be construed in any sense as a substitute for or an attempt at compromise of the President's proposal to reorganize the Supreme Court, which is now pending before the Judiciary Committee. Neither do I want it to be construed that I am taking the position that the Supreme Court has not, in proper cases, the right to declare an act of Congress unconstitutional. To make myself clear in this connection I desire to state that I am one of the Senators who endorsed the President's proposal 100 percent; but my amendment is necessary as a permanent measure of relief from any usurpation on the part of the Supreme Court, even if we had 25 Judges on the Supreme Bench. It has no relationship to the efforts of the President in his present proposal.

HOUSE BILL REFERRED

The bill (H. R. 5779) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRODUCTS OF THE FISHING INDUSTRY—AMENDMENT

Mr. SCHWELLENBACH submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 278) to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry, which was referred to the Committee on Appropriations and ordered to be printed.

ADVISORY OPINIONS TO CONGRESS BY SUPREME COURT

Mr. SCHWELLENBACH (for himself and Mr. MINTON) submitted the following resolution (S. Res. 103), which was referred to the Committee on the Judiciary:

Resolved, That the Supreme Court of the United States is requested to adopt such amendments to its rules and procedure as to enable the Congress of the United States, on a majority vote of both Houses of the Congress, to request and receive from the Supreme Court of the United States advisory opinions as to the constitutionality of legislation pending before, and being considered by, the Congress of the United States.

ASSISTANT CLERK TO COMMITTEE ON INTEROCEANIC CANALS

Mr. CLARK submitted the following resolution (S. Res. 104), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals hereby is authorized to employ during the Seventy-fifth Congress an assistant clerk to be paid out of the contingent fund of the Senate at the rate of $2,400 per annum.

GREATER TEXAS AND PAN AMERICAN EXPOSITION, TEXAS, 1937

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 66) providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937, which was, on page 9, to strike out lines 4 to 10, inclusive, and insert:

SEC. 9. Any funds allocated by the United States Texas Centennial Commission to the Commission of Control for Texas Centennial Celebrations under the provisions of such Public Resolution No. 66 may be transferred in the discretion of the Commission upon the enactment of this joint resolution to said Commission of Control for Texas Centennial Celebrations to carry out the purposes for which such funds were so allocated.

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

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas.

The motion was agreed to.

ST. PATRICK'S DAY ADDRESS BY HON. BRIEN M'MAHON

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD an address delivered by Hon. Brien McMahon, Assistant Attorney General of the United States, at the banquet of the Society of the Friendly Sons of St. Patrick at Washington, D. C., on Mar. 17, 1937, which appears in the Appendix.]

STATEMENT BY NONPARTISAN SOCIAL SECURITY COMMISSION

[Mr. DAVIS asked and obtained leave to have printed in the RECORD a statement by the Nonpartisan Social Security Commission relative to the Social Security Act, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article from the Wheeling (W. Va.) Intelligencer and Associated Papers in West Virginia relating to the proposal to reorganize the judicial branch of the Government, which appears in the Appendix.]

JUNK AND JOKERS IN ELECTRIC RATES—ADDRESS BY FRANK R. M'NINCH

[Mr. BONE asked and obtained leave to have printed in the RECORD an address by Hon. Frank R. McNinch, Chairman of the Federal Power Commission, on Wednesday, Mar. 24, 1937, on the subject Junk and Jokers in Electric Rates, which appears in the Appendix.]

EMBARGOES AGAINST NATIONS AIDING OTHER NATIONS IN CIVIL STRIFE

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The legislative clerk read the resolution (S. Res. 100) submitted by Mr. NYE on the 25th instant, as follows:

Resolved, That the Secretary of State is hereby requested, if not incompatible with the public interest, to advise the Senate through its Committee on Foreign Relations whether the existing neutrality laws of the United States are sufficient to provide an embargo against nations whose armed forces are engaged in active warfare in a nation where a state of civil war exists, which state of civil war has caused our Government to declare embargoes against exportation of arms, ammunition, and implements of war to that nation.

Mr. PITTMAN. Mr. President, I ask unanimous consent that the resolution may be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Is there objection?

Mr. NYE. Mr. President, as the author of the resolution, I desire that it may go over for the day without prejudice. Tomorrow I may be quite ready to join with the Senator from Nevada in asking that it be referred to the Committee on Foreign Relations. However, I wish that that question may not be taken up today.

Mr. PITTMAN. If there is to be no discussion of the resolution today I shall be glad to withdraw my request.

The VICE PRESIDENT. The Senator from North Dakota asks unanimous consent that the resolution go over without prejudice. Is there objection? The Chair hears none, and it is so ordered.

CONSIDERATION OF UNOBJECTED BILLS ON CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under rule VIII is in order.

Mr. ROBINSON. Mr. President, we have repeatedly called the calendar recently, and there is comparatively little business now on it. I ask unanimous consent that the call of the calendar at this time be dispensed with and that the Senate proceed to the consideration of the unfinished business.

Mr. McNARY. Mr. President, during the last call of the calendar I objected to the consideration of a measure relating to the coinage of silver 50-cent pieces in commemoration of the Battle of Antietam. I did so for the reason that I thought a plan should be formulated in regard to the authorization for tokens and coins for commemorative purposes. I stated to the Senator from Maryland [Mr. TYDINGS] that I had no objection to the measure and should be glad to have it brought up today. For the reason that I think the bill should be considered today in conformity with that suggestion, and because there are other bills on the calendar which should be considered today, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar.

Mr. ROBINSON. I have no objection to the request. I understand there is at least one other bill on the calendar which it is desired shall be considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none. The clerk will state the first order of business on the calendar.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. ROBINSON. Mr. President, with respect to this bill, it will be recalled that on previous occasions recently when the calendar was called the author of the bill, the Senator from Arizona [Mr. HAYDEN], requested that it should go over in order that he might receive certain information. I ask that the bill go over for the day.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1435) to create a board of shorthand reporting and for other purposes was announced as next in order.

Mr. ROBINSON and Mr. POPE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. ROBINSON. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. SCHWELLENBACH. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 48) to authorize an appropriation for investigations under the Federal reclamation laws was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PROGRAMS OF PUBLIC EDUCATION

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG. Mr. President, I invite the attention of the Senator from Arkansas [Mr. ROBINSON] to the fact that this bill involves an authorization for an appropriation of $100,000,000. It occurs to me that it might be well to refer the bill to the Finance Committee for fiscal study.

Mr. ROBINSON. I suggest that the bill go over for the present, as no member of the Finance Committee is prepared to make a statement.

The VICE PRESIDENT. The bill will be passed over.

SAFETY OF RAILROAD TRANSPORTATION

The bill (S. 532) to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train-dispatching offices and train-dispatching service, and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers, was announced as next in order.

Mr. DIETERICH. Over.

Mr. WHEELER. Mr. President, may I say a word with reference to the bill?

Mr. DIETERICH. I withhold my objection for the moment.

Mr. WHEELER. An identical bill was passed by the Senate at the last session. The bill would add in no way to the expense of the Commission because of the fact that they already have men who can do the work. Unless the Commission find that it is necessary for the safety of the people to add further inspectors, there will be no increase whatsoever in the expense involved. As I said, an identical bill was reported at the last session and passed by the Senate.

Mr. DIETERICH. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

FEDERAL TRADE COMMISSION

The bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, was announced as next in order.

Mr. WHEELER. Mr. President, the Federal Trade Commission are very anxious that the bill should be passed. It is identical with a bill reported by the Committee on Interstate Commerce at the last session, and passed by the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WHITE. Mr. President, I have previously asked that the bill go over and stated by way of explanation that in the committee I had offered an amendment to the bill which I understood had been adopted by the committee. However, it was not incorporated in the print of the bill as it was reported to the Senate. If I may offer that amendment at this time, I shall have no objection.

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

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

There being no objection, the Senate proceeded to consider the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes.

Mr. WHITE. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, in section 1, on page 2, at the end of line 24, to strike out the period and add the following: "and Communications Act of 1934 and all acts amendatory thereof and supplementary thereto", so as to make the bill read:

Be it enacted, etc., That section 4 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914, as amended, constituting section 44 of chapter 2, title 15, of the Code of Laws of the United States of America, be, and the same is hereby, amended to read as follows:

"SEC. 4. The words defined in this section shall have the following meaning when found in this act, to wit:

"'Commerce' means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"'Corporation' shall be deemed to include any company, trust, so-called Massachusetts trust, or association, incorporated or unincorporated, which is organized to carry on business for its own profit or that of its members, and has shares of capital or capital stock or certificates of interest, and any company, trust, so-called Massachusetts trust, or association, incorporated or unincorporated, without shares of capital or capital stock or certificates of interest, except partnerships, which is organized to carry on business for its own profit or that of its members.

"'Documentary evidence' includes all documents, papers, correspondence, books of account, and financial and corporate records.

"'Acts to regulate commerce' means the act entitled 'An act to regulate commerce', approved February 14, 1887, and all acts amendatory thereof and supplementary thereto, and the Communications Act of 1934, and all acts amendatory thereof, and supplementary thereto.

"'Antitrust Acts' means the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894; also the act entitled 'An act to amend sections 73 and 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes"', approved February 12, 1913; and also the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914."

SEC. 2. That section 5 of said act be, and the same is hereby, amended to read as follows:

"SEC. 5. That unfair methods of competition in commerce, and unfair or deceptive acts and practices in commerce, are hereby declared unlawful.

"The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce and unfair or deceptive acts and practices in commerce.

"Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the Commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the Commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the Commission. If upon such hearing the Commission shall be of the opinion that the method of competition or the act or practice in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition or such act or practice. Until a transcript of the record in such hearings shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"Whenever the Commission shall have reason to believe that such person, partnership, or corporation has failed or neglected to obey, or intends or is about to disobey, such order of the Commission while the same is in effect, the Commission may apply to the circuit court of appeals of the United States within any circuit where the method of competition or the act or practice in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the Commission. Upon such filing of the application and transcript, the court shall cause notice thereof to be served upon such person, partnership, or corporation and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed, and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite. The findings of the Commission as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the Commission. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

"Any party required by such order of the Commission to cease and desist from using such method of competition or such act or practice may obtain a review of such order in said circuit court of appeals by filing in the court, within 60 days from the date of the service of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the Commission and to enforce same and to issue such writs as in the case of an application by the Commission for the enforcement of its order, and the findings of the Commission as to the facts, if supported by evidence, shall in like manner be conclusive. In no case shall it be necessary to establish a violation of the order of the Commission as a condition precedent to the affirmance, modification, or setting aside of the same or entering an order enforcing it.

"At the end of 60 days from the date of service of any order to cease and desist of the Commission, such order shall become final and conclusive against any person, partnership, or corporation subject thereto failing or neglecting during such 60-day period to seek court review of such order as provided in this act as amended; and in case any such person, partnership, or corporation shall fail or neglect to obey such order after the same shall have become final and conclusive and while the same is in effect, such person, partnership, or corporation shall be liable to a penalty of $500 for each such offense and of $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"The jurisdiction of the circuit court of appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive.

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the Commission or judgment of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

"Complaints, orders, and other processes of the Commission under this section may be served by anyone duly authorized by the Commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the residence or the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same."

SEC. 3. That section 6 of said act be, and the same is hereby, amended to read as follows:

"SEC. 6. That the Commission shall have power—

"(a) Upon the direction of the President or either House of Congress, or upon its own initiative, to gather and compile information concerning, and to investigate from time to time the organization, business conduct, business practices, and business management of any person, partnership, or corporation engaged in commerce, excepting banks, and common carriers subject to the act to regulate commerce, and the relation of such person, partnership, or corporation to other individuals, partnerships, and corporations.

"(b) To require, by general or special orders, persons, partnerships, or corporations engaged in commerce, excepting banks, and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the Commission in such form as the Commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective persons, partnerships, and corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Commission may prescribe, and shall be filed with the Commission within such reasonable period as the Commission may prescribe, unless additional time be granted in any case by the Commission.

"(c) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable.

"(d) Upon the direction of the President or either House of Congress, to investigate and report the facts relating to any alleged violations of the Antitrust Acts by any person, partnership, or corporation.

"(e) Upon the application of the Attorney General, to investigate and make recommendations for the readjustment of the business of any person, partnership, or corporation alleged to be violating the Antitrust Acts, in order that the corporation may thereafter maintain his or its organization, management, and conduct of business in accordance with law.

"(f) Whenever a final decree has been entered against any defendant person, partnership, or corporation in any suit brought by the United States to prevent and restrain any violation of the Antitrust Acts, to make investigations, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public, in the discretion of the Commission.

"(g) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

"(h) From time to time to classify persons, partnerships, or corporations, and to make rules and regulations for the purpose of carrying out the provisions of this act."

SEC. 4. That section 9 of said act be, and the same is hereby, amended to read as follows:

"SEC. 9. That for the purposes of this act the Commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any documentary evidence of any person, partnership, or corporation being investigated pursuant to the authority conferred upon the Commission by section 6 hereof or being proceeded against; and the Commission shall have power to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter or any person, partnership, or corporation being investigated by it under section 6 hereof, or relating to any matter which is the subject of a proceeding under section 5 hereof. Any member of the Commission may sign subpenas, and members and examiners of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpena the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"In case of contumacy or refusal to obey a subpena issued to any person or corporation, any of the district courts of the United States within the jurisdiction of which such inquiry is carried on or in which the corporation or person guilty of contumacy or refusal to obey resides or carries on business or is found, may issue an order requiring such corporation or person to appear before the Commission, or before one of its designated examiners, and to produce documentary evidence if so ordered, or there to give evidence touching the matter in question; and any failure to obey any such order of the court may be punished by said court as a contempt thereof.

"Upon the application of the Attorney General of the United States, at the request of the Commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any order of the Commission made in pursuance thereof.

"The Commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission as hereinbefore provided.

"Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"No person shall be excused from attending and testifying or from producing documentary evidence before the Commission or in obedience to the subpena of the Commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person having claimed his privilege against self-incrimination prior to so testifying or actually producing such evidence shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying."

SEC. 5. That section 1 of said act be, and the same is hereby, amended by inserting immediately after the words "unexpired term of the Commissioner whom he shall succeed", a colon and the following: "*Provided, however*, That upon the expiration of his term of office a Commissioner shall continue to serve until his successor shall have been appointed and shall have qualified."

SEC. 6. That if any part of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such part to other persons or circumstances, shall not be affected thereby.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation was announced as next in order.

Mr. DIETERICH (and other Senators). Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLAIMS OF CHEROKEE AND OTHER INDIANS

The Senate proceeded to consider the joint resolution (S. J. Res. 64) defining the jurisdiction of the Court of Claims under the act approved April 25, 1932 (47 Stat. L. 137), and for other purposes, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the resolving clause and to insert:

That the act approved March 19, 1924 (43 Stat. 27), and the act approved April 25, 1932 (47 Stat. 137), authorizing the Cherokee Indian Nation or Tribe and the Eastern or Emigrant Cherokees and the Western or Old Settler Cherokees, respectively, to sue the United States in the Court of Claims, are hereby construed and shall be deemed to authorize and direct the Court of Claims to hear, consider, and render judgment on the merits of the claims of said plaintiffs as heretofore filed in said court for alleged indebtedness,

after the application of all payments in the manner provided in section 3 of the act approved April 25, 1932, aforesaid, and to give the said court full jurisdiction of the causes of action set forth in said petitions regardless of any alleged claim of previous adjudication in relation to the subject matter thereof; and to entitle the United States to be allowed and to receive full credit for all sums paid such Indians on account of any of such claims, including such gratuities only in money or property, if any, which heretofore have been paid per capita to the parties plaintiff.

The Court of Claims is hereby authorized and directed to reinstate the said cases heretofore dismissed and to hear and determine the same on their merits notwithstanding any former proceedings had with relation thereto.

Either party in any of the cases herein referred to shall have the right of appeal to the Supreme Court of the United States, rather than by certiorari.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution defining the jurisdiction of the Court of Claims under the acts approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes."

BILLS PASSED OVER

The bill (S. 1902) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, was announced as next in order.

Mr. BYRNES. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1621) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works was announced as next in order.

Mr. ROBINSON. Mr. President, it is suggested that an explanation of this bill is in order. What is the amount which it is contemplated shall be expended under the provisions of the bill?

Mr. WHEELER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COINAGE OF 50-CENT PIECES IN COMMEMORATION OF THE BATTLE OF ANTIETAM

The Senate proceeded to consider the bill (S. 102) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam, which was read, as follows:

Be it enacted, etc., That in commemoration of the seventy-fifth anniversary of the Battle of Antietam there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 50,000 silver 50-cent pieces of standard size, weight, and composition and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Sec. 2. The coins herein authorized shall bear the date 1937, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Washington County Historical Society of Hagerstown, Md., upon payment by it of the par value of such coins, but not less than 25,000 such coins shall be issued to it at any one time and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such Washington County Historical Society of Hagerstown, Md., and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the commemoration of such event.

Sec. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

Mr. SCHWELLENBACH. Mr. President, I should like to make an inquiry with reference to this bill.

I understood last year that the committee had determined upon the policy of not recommending the passage of any more bills of this character. After hearing the reason for that policy I agreed with the committee and did not press a bill which passed the House with reference to the commemoration of an important event in my own State. It is my understanding that this bill comes outside of the category because of the fact that a similar measure had previously passed, and through some error it is necessary to have a new bill passed.

Mr. TYDINGS. The Senator is correct.

Mr. SCHWELLENBACH. The favorable report upon this bill does not indicate any new policy upon the part of the committee to permit other bills of this kind to be passed?

Mr. TYDINGS. The chairman of the committee the other day stated that the committee had not formulated any policy, though they were working on one; but in view of the fact that a similar measure passed at the last session of Congress, no objection was made to this bill.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE SHIPMENTS OF PETROLEUM AND ITS PRODUCTS

The bill (S. 790) to repeal section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935, is hereby repealed.

TRANSFER OF CERTAIN SENATE RECORDS TO CUSTODY OF ARCHIVIST

The resolution (S. Res. 99) authorizing the Secretary of the Senate to transfer certain records to the custody of the Archivist of the United States, submitted by Mr. BARKLEY on the 24th instant, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed, upon the requisition of the Archivist of the United States, in accordance with sections 3 and 6 of the National Archives Act (48 Stat. 1122–24), to transfer to his custody for storage and preservation in the National Archives Building, any and all archives and records of the United States Senate which the Secretary of the Senate may deem not necessary for use in the current business of the Senate or which he may consider to be in such physical condition that they cannot be used without danger of damage to them, and for which, in his opinion, he is unable to provide adequate or safe storage.

H. G. CARRIERE AND OTHERS

The Senate proceeded to consider the bill (S. 1061) for the relief of H. G. Carriere, Charles E. Livingston, and John Latham, which had been reported from the Committee on Claims with an amendment, at the end of the bill, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $75 to H. G. Carriere, the sum of $40 to Charles E. Livingston, and the sum of $125 to John Latham, all of Camp Crook, S. Dak., in full satisfaction of their claims against the United States for damages arising out of the loss by each of them of a horse, which horses were killed in 1934 while being worked, under contract with the owners, by employees of the Forest Service, United States Department of Agriculture, in connection with emergency conservation work: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

S. T. DICKINSON

The Senate proceeded to consider the bill (S. 673) for the relief of S. T. Dickinson, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "$357.30" and insert "$312.30", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. T. Dickinson, the sum of $312.30, said sum to be in full settlement of any and all claims against the Government for medical care, hospitalization, and incidental expenses incurred as a result of injuries received on June 3, 1931, while in the performance of his official duties as an employee of the Naval Supply Depot, Brooklyn, N. Y.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACK WADE AND OTHERS

The bill (S. 893) for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claims of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor, respectively, for damages they received caused by and as a result of injuries sustained by a collision with a Civilian Conservation Corps truck on the public highway on the crest of Navajo Hill, in Mesa Verde National Park, Colo., on January 7, 1935: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court: *Provided further*, That said suit shall be brought and commenced within 6 months of the date of the passage of this act.

FARLEY J. HOLLOMAN

The Senate proceeded to consider the bill (S. 451) for the relief of Farley J. Holloman, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the United States Employees' Compensation Commission be, and is hereby, authorized and directed to consider the claim of Farley J. Holloman, of Ada, Okla., a former employee of the Civil Works Administration, for injuries received on or about March 3, 1934, while working on a C. W. A. project at the Smith gravel pit, located about 8 miles east of Ada, Okla., under the provisions of an act entitled "An act making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program, and for other purposes", approved February 15, 1934, notwithstanding the lapse of more than 1 year in filing such claim: *Provided*, That no benefits shall accrue prior to the approval of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

E. P. CONROY AND GRAHAM CONROY

The Senate proceeded to consider the bill (S. 812) for the relief of E. P. Conroy and Graham Conroy, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the name "Conroy", to strike out "and Graham Conroy, of Salem, Oreg., the sum of $2,490" and insert "of Salem, Oreg., the sum of $1,490, and to the regularly appointed, qualified, and acting guardian of Graham Conroy, a minor, of Salem, Oreg., the sum of $500"; and in line 11, after the word "their", to strike out "claim" and insert "respective claims", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to E. P. Conroy, of Salem, Oreg., the sum of $1,490, and to the regularly appointed, qualified, and acting guardian of Graham Conroy, a minor, of Salem, Oreg., the sum of $500, in full satisfaction of their respective claims against the United States for damages for personal injuries suffered on September 9, 1935, at the intersection of Freemont Street and Thirty-third Avenue northeast, Portland, Oreg., when the automobile in which said E. P. Conroy and Graham Conroy were riding was struck by a Government ambulance, U. S. CCC, no. 7538, operated by L. C. Skinner, CC 9–164255, an employee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The consideration of unobjected bills on the calendar is now completed.

CROP INSURANCE

Mr. ROBINSON. I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes.

REORGANIZATION OF FEDERAL JUDICIARY—LETTER OF THE CHIEF JUSTICE

Mr. McKELLAR. Mr. President, I am about to discuss, for approximately 25 minutes, the recent letter written by Chief Justice Hughes to the Senator from Montana [Mr. WHEELER]; and I shall now make a request which I think I have never heretofore made. In order that what I have to say may be said consecutively, I ask Senators not to interrupt until I shall have finished, when I shall be glad to answer, if I can, any questions in regard to the remarks I am about to make.

Mr. LEWIS. Mr. President, a point of order. I request that the Chair suggest to the occupants of the galleries that their conversation, no doubt unintentionally, is annoying to Senators on the floor who are trying to address the Senate.

Mr. McNARY. Mr. President, I desire to amend the suggestion by including those on the floor who are indulging in conversation.

The PRESIDENT pro tempore. The point of order is well taken on both sides. The Chair may state to the visitors in the galleries that they are guests of the United States Senate and that they must preserve order. They must understand that talking in the galleries, although the conversation is not particularly audible, does annoy those on the floor who are trying to conduct business. On a previous occasion the doorkeepers have been requested by the present occupant of the chair to preserve order in the galleries, and the Chair stated that if order was not preserved the galleries would be cleared. That statement still stands so far as the present occupant of the chair is concerned.

Mr. McKELLAR. Mr. President, I have read Mr. Chief Justice Hughes' letter to the senior Senator from Montana [Mr. WHEELER], published in the papers March 23, 1937, which letter I assume is the reply of the Court to the President's Supreme Court proposal made several weeks ago. Why the letter was addressed to the Senator from Montana, a leading opponent of the President's plan, rather than to the Senator from Arizona [Mr. ASHURST], the chairman of the Judiciary Committee, who had so cordially invited the members of the Court to testify, the learned Chief Justice does not disclose.

In his letter the learned Chief Justice shows that during the last 6 years the Court has had before it between 1,000 and 1,100 cases each year, and has disposed of most of these cases each year, there remaining a little more than 100 cases on the docket undisposed of at the end of the year.

Taking the year 1935 as an example, there was a total of 1,092 cases, 990 disposed of and 102 remaining on the docket. Of these, 4 were cases of original jurisdiction, 269 of appellate jurisdiction, and 803 were petitions for certiorari, which, as we all know, is a form of appeal to the Supreme Court. There were 187 written opinions in the appellate cases, 72 opinions by the Court in certiorari cases, and 731, or nearly three-fourths of all the cases appealed to the Court, were certiorari cases in which there was no hearing at all. It will thus be seen that the Supreme Court hears about 270 cases,

all told, during the year, and dismisses about 731 certiorari cases without a hearing.

As to how the records of these 731 dismissed cases are examined or passed upon or decided is not disclosed, though, of course, the learned Chief Justice knows exactly what the method of disposition is.

In his letter he gives no information whatsoever concerning the method of disposition of these cases. The process is still as much of a mystery as it has always been. The President does not know the method. The Congress does not know the method. The lawyers do not know the method. The Court only knows the method, and does not disclose it.

THE PRESIDENT'S CHALLENGE

The President's challenge was as to the seven-hundred-odd cases dismissed yearly. He was very specific in the challenge. I quote him:

> Even at the present time the Supreme Court is laboring under a heavy burden. Its difficulties in this respect were superficially lightened some years ago by authorizing the Court, in its discretion, to refuse to hear appeals in many classes of cases. This discretion was so freely exercised that in the last fiscal year, although 867 petitions for review were presented to the Supreme Court, it declined to hear 717 cases. If petitions in behalf of the Government are excluded, it appears that the Court permitted private litigants to prosecute appeals in only 108 cases out of 803 applications. Many of the refusals were doubtless warranted. But can it be said that full justice is achieved when a court is forced by the sheer necessity of keeping up with its business to decline, without even an explanation, to hear 87 percent of the cases presented to it by private litigants? It seems clear, therefore, that the necessity of relieving present congestion extends to the enlargement of the capacity of all the Federal courts.

Mr. WHEELER. Mr. President——

Mr. McKELLAR. I will ask the Senator not to interrupt me at this time, but I will yield to him as soon as I conclude.

Mr. WHEELER. I understood the Senator to express some curiosity to know why the letter of the Chief Justice was written to me.

Mr. McKELLAR. I will yield to the Senator immediately on the conclusion of my remarks.

In his statement it is seen that the President makes the issue perfectly plain. It is that the Court does not and apparently cannot give about 87 percent of the certiorari cases the attention that such cases are entitled to receive; that 87 percent of the cases presented by private litigants by petitions for certiorari are denied without even an explanation. What examination is accorded these cases nowhere appears. Who actually passes on them is not disclosed. The President thought this was not right, and I believe the fair-thinking people of America agree that it is not right.

THE ATTORNEY GENERAL'S CHALLENGE

In the hearing before the Judiciary Committee, Attorney General Cummings said on this subject:

> Let us look at the actual operation of this system during the 1935 term. The Judges during that year were called upon to decide appeals and original proceedings in which the briefs totaled 15,868 pages and the records 35,328 pages, or 51,196 pages in all. In addition, there were 869 petitions for writs of certiorari. These involved 53,928 pages of briefs and 290,364 pages of record, a total of 344,292 pages.

It will thus be seen that the records and briefs in the certiorari cases are nearly six times longer than the records and briefs in the regular appellate cases. The regular appellate cases show for themselves. They are largely found in 3 volumes of official reports; 170 opinions.

From these facts it is perfectly clear that the Court has little time to give to certiorari cases, although in number they far more than double the regular appellate cases, and in records and briefs are nearly six times longer than the regular appellate cases. It was upon these facts, and upon this situation regarding certiorari cases, that the President issued his challenge.

THE HUGHES LETTER

Does the Hughes letter meet that challenge? Mr. President, I submit that it does not. The letter purports to be the reply of the Court to the President's challenge. No one except the members of the Court knows exactly how these certiorari cases are considered. Their proper disposition being challenged by the President of the United States, and the Court deeming it proper to make reply thereto, why did not the learned Chief Justice give the exact method of the Court in dealing with these cases? It was within his knowledge, and, therefore, if he had desired to do so, he could have disclosed the system or the method of the Court in disposing of these cases. For some reason he does not choose to do so.

EXCUSES

Instead of advising the President and the Congress and the country how the Court disposed of these cases, his letter is filled with excuses. Some of the more important of these excuses of the learned Chief Justice are as follows:

First. The act of Congress of 1925 vastly limited the jurisdiction of the Supreme Court.

Second. The Supreme Court's own rules further permitted the Court to dismiss many certiorari cases.

Third. The granting of certiorari was a matter of judicial discretion and not of right.

Fourth. And, remarkable to tell, the learned Chief Justice stated that in the opinion of the Court the litigants in these cases had no interest which the Court should consider. Over 800 cases were brought by private litigants, by their own paid attorneys, but they presented no interest which the Supreme Court should consider!

Fifth. He admitted that the facts were not all examined and that the briefs were not all examined, because the records contained facts that were not necessary for the Court in its discretion to examine, notwithstanding the fact that the Constitution gives the Court appellate jurisdiction "both as to law and fact"!

Sixth. That by simply reading the applications—

Think of it, those of you who are lawyers in this body—

That by simply reading the applications, which showed no ground for such application, the Court dismissed the cases without going further!

Seventh. That the questions involved were of no immediate concern to the parties to the suit!

The cases were dismissed because they were of no immediate concern to the parties to the suit!

Eighth. That an increase of members of the Court would not aid the Court in considering these cases, as the Court acts as a unit.

Ninth. The straw-man excuse.

He sets up a straw man, to which I will refer later.

Tenth. That out of an abundance of precaution the Court had adopted a rule under which a minority sometimes of two or three, and always a minority of four members of the Court could grant the petition for certiorari.

Mr. WHEELER. Mr. President——

Mr. McKELLAR. I shall have to ask the Senator to wait.

Mr. WHEELER. But the Senator is giving a false impression by——

Mr. McKELLAR. No; I am not. [Laughter.]

Eleventh. That the only purpose of the Court in having certiorari cases heard was to harmonize and make consistent with one another Federal decisions!

Twelfth. The learned Chief Justice further states that questions on certiorari are questions of law only and also controversies on contracts and documents are cause of concern only to the immediate parties, and that parties to the litigation have no right to be heard in certiorari cases. These are excuses that the learned Chief Justice offers for dismissing some 87 percent of the certiorari cases.

It is true that the learned Chief Justice does say: "The Court is fully abreast of its work. * * * There is no congestion of cases upon our calendar." But, Mr. President, this is only true because the Court does not try some 700 certiorari cases which should be examined, heard, and tried by the Court. Three-fourth of the cases coming before the Court are dismissed without proper examination and consideration.

It will be seen, Mr. President, that with all these excuses, with all these purported explanations which do not explain, the learned Chief Justice does not say what the Court's method of procedure is in disposing of these certiorari cases. Not a word.

The secret is still with the Court. The plan of action is still in the breast of the Court. It is seemingly carefully guarded from the rude gaze of the President and of the Congress and of the public. Why this secrecy in a court of justice? Why cannot the facts be given? Why cannot the method of dealing with dismissed certiorari cases be frankly imparted to the public?

THE COURT'S OWN RULES

I here quote the rules of the Court as stated by the learned Chief Justice in his letter:

> A review on writ of certiorari is not a matter of right, but of sound judicial discretion and will be granted only where there are special and important reasons therefor. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of reasons which will be considered:
>
> (a) Where a State court has decided a Federal question of substance not theretofore determined by this Court, or has decided it in a way probably not in accord with applicable decisions of this Court.
>
> (b) Where a circuit court of appeals has rendered a decision in conflict with the decision of another circuit court of appeals on the same matter, or has decided an important question of local law in a way probably in conflict with the applicable local decisions, or has decided an important question of general law in a way probably untenable or in conflict with the weight of authority, or has decided an important question of Federal law which has not been, but should be, settled by this Court, or has decided a Federal question in a way probably in conflict with applicable decisions of this Court, or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision.

Under these rules, Mr. President, we learn that on applications for writs of certiorari in the Supreme Court the Court assumes that the litigants themselves have no interest and, therefore, their rights are not given any consideration by the Court. Keep in mind that the learned Chief Justice says that the questions they decide in certiorari cases are only questions of law. If the application for certiorari arises out of a decision of the State court, the petition must show two things: That the question is of substance and has not been hitherto determined by the Supreme Court, or that it was decided in a way not in accord with the applicable decisions of the Supreme Court.

In other words, Mr. President, whether the application is granted or not does not depend upon the litigant's rights, but only upon the desire of the Court to harmonize Federal court opinions generally and to keep Federal court decisions generally consistent with one another.

If it is a case arising from the circuit court of appeals, the litigant can only hope that somewhere in his case the Supreme Court will find something out of line in the decision of the court below with a decision of the Supreme Court.

The same course is practically true where the appeal is from the Court of Appeals of the District of Columbia.

With these rules, Mr. President, the astonishing thing to me is that the Supreme Court considers even 13 percent of the certiorari cases, and the most remarkable thing about this letter is that apparently the learned Chief Justice feels injured and feels that his Court is injured when applicants for certiorari apply to his Court for relief in matters of interest only to themselves!

LITIGANTS IN CERTIORARI CASES HAVE NO RIGHT IN THE SUPREME COURT

The learned Chief Justice, on this subject and as an additional excuse for dismissing so many of these certiorari cases, said:

> Where the parties have been fully heard in the courts below * * * they have no right to burden the Supreme Court with the dispute which interests no one but themselves.

And again:

> This is also true of controversies over contracts and documents of all sorts which involve only questions of concern to the immediate parties.

Mr. President, I think these astounding statements of the Chief Justice will indeed furnish information to lawyers and litigants throughout the Nation. Some 800 litigants and some 800 or more lawyers each year file application in the Supreme Court for writs of certiorari. These lawyers and litigants are not concerned with the lack of harmony in the decisions of the various Federal courts. The lawyers are only concerned with what they deem to be the rights of their clients. It is private litigation, not public litigation, that they have been employed to prosecute.

THE EXPENSE

Then, too, Mr. President, certiorari litigation in the Supreme Court is extremely expensive. The litigants have to pay for the printing of their briefs. They have to pay for the printing of the records. They frequently have to pay the expenses of their lawyers going to Washington, perhaps from distant States. They have to pay large lawyers' fees. Is it possible that these litigants would go to this vast expense if they knew that the Court was not going to consider their rights in the litigation at all? I am sure they would not do so, yet we have here the statement of the learned Chief Justice of the Court that litigants have no right to burden his Court with disputes that interest no one but themselves, and that the only way they can have the cases looked into at all is when they can show that there has been some inconsistency in the various Federal court decisions.

In other words, the purpose of certiorari cases, according to the letter of the learned Chief Justice, is not to enable the Court to settle questions in dispute between litigants in his Court, but such applications are only made and allowed by the Supreme Court so that it can adjust its decisions with one another and adjust its decisions with those of the lower Federal courts and adjust lower Federal court decisions with one another.

Mr. President, in my judgment this is the most remarkable judicial expression that ever fell from the lips of any Supreme Court Justice, namely, that a litigant in his Court has no right to burden the Court with a dispute that interests no one but the litigant!

AN ASSISTANT COURT

Mr. President, in view of this remarkable letter of the learned Chief Justice; in view of the great diversity of opinion among the Supreme Court Judges themselves, so frequently dissenting with one another as to what the law is and what the Constitution means; the Court's decisions so often depending upon which side has the majority of one; in view of the great diversity of Federal judicial opinion in circuit courts of appeal and in district courts, I am going to suggest to the Congress that, instead of the system of the Supreme Court attempting to harmonize Federal court opinions in certiorari cases, at the expense of private litigants and when the Supreme Court will not consider their rights, the Congress set up an assistant court, the duty of which will be to adjust, harmonize, synchronize, stabilize, and make consistent Federal court decisions. In view of the fact that we sometimes find district judges overruling circuit courts of appeal and even overruling Supreme Court decisions, as in the Ashwander case, in their zeal to hold acts of Congress unconstitutional, an inferior court with such jurisdiction would be of great value. I do not think the entire cost and burden should be visited upon some 800 litigants a year in certiorari cases. Nor do I think, with the existence of so great a diversity of opinion among members of the Court as to what the law is and what the Constitution means, that the Supreme Court is suited for the task of settling these delicate niceties of the law and subtle intricacies of the Constitution as between the courts.

INCREASING RESPECT FOR MINORITY OPINIONS

I call further attention to this marvelous letter.

Listen to this, Senators:

Mr. President, in the learned Chief Justice's attempt to meet the challenge of the President and of the Attorney General that the enormous number of certiorari cases dismissed have not and do not receive proper consideration by the Court, he gives many excuses. He confesses much and avoids much, and among these excuses he undertakes to show to what length the majority goes to uphold the minority in granting petitions for certiorari. This liberal rule, according to the learned Chief Justice—and I am quoting from his letter, which I am going to have printed in the RECORD as part of my remarks, so that there cannot be any confounding of it—

> Applies to the grant or refusal of petitions for certiorari, which are granted if four Justices think they should be. A vote by a majority is not required in such cases. Even if two or three of the

Justices are strongly of the opinion that certiorari should be allowed, frequently the other Justices will acquiesce in their view, but the petition is always granted if four so vote.

He gives that as a liberal rule. Evidently this statement is made by the learned Chief Justice to show the Court's liberal way of dissolving any doubts in favor of the applicant. He evidently lays great stress on this method of dealing with the subject. How considerate in this matter is the majority toward the minority!

But, Mr. President, this is like another rule of the Court, and that rule is the one dealing with cases where it is sought to invalidate acts of Congress. In the celebrated case, the Butler case, known as the Agricultural Adjustment Act decision, the Court said:

When such a contention comes—

That is, when the validity of an act of Congress is attacked—

here we naturally require a showing that by no reasonable possibility can the challenged legislation fall within the wide range of discretion permitted to the Congress.

Having stated this rule that an act will not be held unconstitutional by the Supreme Court if there is a reasonable possibility that it is constitutional, the Court then immediately violates that rule!

Ah, Mr. President, how much force is given the opinions of the minority in these certiorari cases? The learned Chief Justice would have us believe that the minority virtually controls the granting or refusal to grant certiorari petitions.

But, Mr. President, when it comes to the Supreme Court striking down a solemn act of Congress, they give the opinion of the minority not one iota of force. A minority, according to the learned Chief Justice, may raise a doubt as to the granting of a certiorari petition, and this doubt may bring about its granting; but when it comes to declaring an act of Congress unconstitutional, the minority opinion of two of their own judges, or three of their own judges, or even four of their own judges, raises not a "reasonable possibility" of the act of Congress being good.

It is a poor rule that does not work both ways.

In certiorari cases the learned Chief Justice says that the Court is controlled by minority views, but when it comes to striking down acts of Congress minority views have no influence whatsoever, and that, too, Mr. President, even though the minority views are upheld by a majority of the House of Representatives and a majority of the Senate and the President of the United States, every one of whom took the same oath to uphold and defend the Constitution of the United States as that taken by the majority of the Court.

Mr. BANKHEAD rose.

Mr. McKELLAR. I hope the Senator will not interrupt right now, and that he will defer his question.

Mr. BANKHEAD. Very well.

Mr. McKELLAR. The letter of the learned Chief Justice is indeed enlightening. Here we find the nine most learned judges in all the world at one moment often allowing the opinion of two or three minority Justices to cause the hearing of a certiorari case, and, says the learned Justice, "Whenever a majority of four Judges say so it is made obligatory that the case shall be heard", in the very next moment applying the same sort of rule and holding that the dissent of two of their own Judges or three of their own Judges, or even four of their own Judges, does not even raise a "reasonable possibility" that the act is constitutional.

In these circumstances, Mr. President, who can wonder that men say all over this country that the Judges of our Supreme Court are not infallible?

THE STRAW MAN

I told the Senate I was going to tell them about the straw man set up in this letter. Again in confession and in avoidance, and in excuse for the Court's method of dealing with these certiorari cases, the learned Chief Justice says:

No single court of last resort, whatever the number of judges, could dispose of all the cases which arise in this vast country, and which litigants would seek to bring up if the right of appeal were unrestricted. Hosts of litigants will take appeals so long as there is a tribunal accessible. In protracted litigation the advantage is with those who command the long purse. Unmeritorious appeals cause intolerable delays. Such appeals clog the calendar and get in the way of those that have merit.

Thus, Mr. President, the learned Chief Justice sets up a straw man and knocks him down in an effort to defend the Court's method of dealing with the certiorari cases, whatever that method may be, and which method he carefully avoids disclosing.

The President, in his message, did not declare in favor of unrestricted appeals to the Supreme Court. There is not a suggestion of such a recommendation. The Attorney General did not declare for an unrestricted appeal to the Supreme Court. So far as I know, no one has declared for unrestricted appeals to the Supreme Court. The President's plea was for a proper disposition of certiorari cases to be made by the Supreme Court. The learned Chief Justice does not say a word as to how the Court now disposes of its certiorari cases, but by this straw man he seeks to make it appear that the President favored the scheme of unrestricted appeals.

I submit that the foregoing statement of the Chief Justice is not an answer at all to the President's contention, namely that 108 cases out of 803 applications in certiorari cases were actually heard by the Court in a judicial way.

How does the Court pass on these certiorari cases?

METHOD OF DISPOSING OF CERTIORARI CASES

Mr. President, the challenge of the President in his message went specifically to the method of the Supreme Court in passing upon petitions for certiorari. As has been seen, the letter of the Chief Justice does not disclose the Court's method of disposing of such cases. It is true that Mr. Justice Hughes does say in his letter:

I should add that petitions for certiorari are not apportioned among the Justices.

He further states that "all the Justices participate in the decision."

Mr. President, this much information is not very enlightening. It is interesting, but it does not inform us how the certiorari cases are disposed of by the Court.

Does the learned Chief Justice mean that these 803 cases are each and every one passed to each and every one of the Justices and they examine the law and the facts, if there are facts to be considered, and then the case is brought up in conference and decided?

Or, does the learned Chief Justice mean that some law clerk examines the record and briefs and makes report to the full bench either in writing or verbally, and the Court passes on the particular case in that way?

The learned Chief Justice knows the answer. The learned Chief Justice is familiar with the method by which these cases are decided. Why not take the public into his confidence? It was concerning the 731 cases per year dismissed by the Court without opinion that President Roosevelt was solicitous, but the learned Chief Justice does not answer the question.

The President's idea is, and it is my contention also, that if the law allows a litigant to come to the Supreme Court by petition for certiorari, that litigant has the right to have his case heard in open court like other cases are heard, and after argument he should have a decision upon the merits of his case. Otherwise, what is the use of certiorari?

It is fair to say that it would seem to be physically impossible for each one of the nine Judges to read some 800 pages of applications, 53,000 pages of briefs, and 290,000 pages of record in these cases and then pass on them.

It is almost as impossible to conceive how the several law clerks of the Court, and there are very few, could read 800 applications, 53,000 pages of briefs, and 290,000 pages of record and submit their conclusions to the Court.

Why the mystery? Why the failure to disclose facts that are within the knowledge only of the members of the Court? Why are not the President and the Congress and the lawyers of the Court and the litigants of the country and the people of the country entitled to know how this branch of the Government's business is transacted?

There are emblazoned on the magnificent and palatial Supreme Court Building, of which we are all so proud, the words:

Equal justice under law.

Is it possible that anyone can believe that equal justice under the law can be obtained for these litigants under the explanation set out by the learned Chief Justice? I do not think anyone would contend that equal justice is meted out to these litigants, and it cannot be unless these records and briefs are examined by the members of the Court.

NO SECRECY IN DISPOSING OF THE COURT'S BUSINESS

Mr. President, the rules of the Court in disposing of petitions for certiorari are like the old rule of the Senate by which nominations to office were considered in secret session by the Senate. They are un-American. Under the old secret proceedings of the Senate a man nominated for office and rejected did not know why he was rejected, and it gave rise to endless trouble and was absolutely unfair to the nominee. It took a long time, but the Senate finally freed itself from these secret sessions and now all nominations are considered in public, and that is as it should be.

Certiorari cases should be considered like other cases. Star-chamber proceedings have been done away with in every enlightened country. Secrecy of method in presenting facts is un-American and antiquated and should be done away with.

The Constitution provides for only one Supreme Court, and if the Court is not large enough to examine and pass upon the cases that come to it under the severely limited restrictions of its jurisdiction already made by the Congress, then we should add enough members to do the work in a proper, fair, just, and impartial manner.

I say this notwithstanding that in the letter of the learned Chief Justice he emphasizes—

That litigants have no right to burden the Supreme Court with a dispute which interests no one but themselves—

And that they have no right to come to the Supreme Court—

with controversies over contracts and documents of all sorts which involve only questions of concern to the immediate parties.

I repeat, Mr. President, these litigants have a right to go before the Supreme Court by way of certiorari. They have a right to have their interests in the suit passed upon after a careful examination of their cases as shown by the record, and after a careful examination of the briefs of counsel.

THE CONSTITUTION

I know it is antiquated to talk about the Constitution, but I am going to refer to the Constitution just for a moment in connection with this subject and at this point. Certiorari is just another form of appeal. It is one of three methods of appeal. When law cases are to be reviewed one method is pursued; when equity cases are to be reviewed another method is pursued; and so the remainder of the cases are carried, or attempted to be carried, to the Supreme Court by certiorari.

The Constitution thus provides:

In all other cases before-mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact.

The learned Chief Justice's letter shows that in the consideration of appeals by certiorari the Court does not consider any great portion of the facts. All that he claims they consider is sufficient facts to pass on the questions of law. This is not in accordance with the spirit or letter or intent of the Constitution. Perhaps he had such questions of the Constitution in mind when he is alleged to have said long ago:

We have a Constitution, but the Constitution is what the judges say it is.

The Constitution is what the judges say it is! I digress long enough to say that the Constitution requires that the facts as well as the law involved in cases appealed by litigants shall be examined by the Court, and yet the Court overrules the Constitution or holds that it is not important and disregards it.

ADDITIONAL MEMBERS

The learned Chief Justice makes an argument about additional members of the Supreme Court not expediting business, which argument I cannot understand. If his argument is correct, then we should have but one member of the Supreme Court. If 9 can act as expeditiously and as thoroughly as 15, then surely 5 could act as thoroughly and as expeditiously as 9. Just why the ideal number should be fixed at nine by the Chief Justice is difficult to see. If the number of Judges has nothing to do with the proper hearing and decision of cases and nothing to do with the expediting of the business of the Court, a Court of 3 members would be just as serviceable as one of 9 or 15.

I do not agree with the Chief Justice. I believe the President is right. I believe if there were 15 Justices, that the 87 percent of certiorari cases which now seem even under the Chief Justice's explanation to receive short shrift at the hands of the Court would receive greater consideration and more accurate decisions.

PERSONAL STATEMENT

Mr. President, in thus analyzing the letter of the Chief Justice and his arguments, I very much hope that neither the Chief Justice nor any member of the present Court will think I am criticizing the Chief Justice or the Court personally. As I have said, I know each member of the Court and respect each member very highly. When Chief Justice Hughes' name came before the Senate for confirmation for Chief Justice, I voted against him for reasons then stated to the Senate, but principally because of the Chief Justice's attitude toward the American Navy when he was Secretary of State. There was nothing personal in my action then, nor is there in my position at the present time. I think Chief Justice Hughes makes one of the most admirable presiding officers of the Court. He is always courteous and considerate. I admire him for his ability, learning, and courtesy, and have nothing but the kindliest feelings toward him. However, I am opposed to the method in which the Court deals with certiorari cases coming before it, whatever that system may be, and hence my criticism of his letter.

CONCLUSION

Mr. President, I hope the learned Chief Justice will write another letter, either to my good friend the Senator from Montana [Mr. WHEELER], or to my good friend the Senator from Arizona [Mr. ASHURST], the learned and splendid chairman of the Judiciary Committee, so that the committee and the Senate and the House may be informed of the exact practice of the Court in its examination of the records, their consideration, and their method of disposition of certiorari cases. It would be extremely pertinent for him to add whether the Court or any member of it reads the petition, the printed record, and the printed briefs in each case, or if only part thereof, what part, or if they read only the petitions themselves, and how many of the records are read and considered in their entirety. A statement of such facts would be highly beneficial to the Congress in disposing of the President's proposal, and highly beneficial to the lawyers and to the litigants of the country, and to the administration of justice generally.

Mr. President, in order that there may be no misunderstanding either of the letter of the learned Chief Justice or of my criticism, I ask unanimous consent that a copy of his letter to the Senator from Montana be inserted at this point in my remarks and taken as a part of this address, so that the men and women of the country may read for themselves this letter—evidently an attempt to show the position of the Court in this controversy—and see what a remarkable document it really is.

The PRESIDING OFFICER (Mr. CLARK in the chair). Without objection, it is so ordered.

The letter is as follows:

[From the Washington Post of Mar. 23, 1937]

CHIEF JUSTICE HUGHES' LETTER

(Text of Chief Justice Hughes' letter to Senator WHEELER expressing his opposition to the President's Court plan)

MY DEAR SENATOR WHEELER: In response to your inquiries, I have the honor to present the following statement with respect to the work of the Supreme Court:

1. The Supreme Court is fully abreast of its work. When we rose on March 15 (for the present recess) we had heard argument in cases in which certiorari had been granted only 4 weeks before—February 15.

During the present term, which began last October and which we call October term, 1936, we have heard argument on the merits of 150 cases (180 numbers), and we have 28 cases (30 numbers) awaiting argument. We shall be able to hear all these cases, and such others as may come up for argument, before our adjournment for the term. There is no congestion of cases upon our calendar.

GRATIFYING CONDITION

This gratifying condition has obtained for several years. We have been able for several terms to adjourn after disposing of all cases which are ready to be heard.

2. The cases on our docket are classified as original and appellate. Our original jurisdiction is defined by the Constitution, and embraces cases to which States are parties. There are not many of these. At the present time they number 13 and are in various stages of progress to submission for determination.

Our appellate jurisdiction covers those cases in which appeal is allowed by statute as a matter of right and cases which come to us on writs of certiorari.

The following is a comparative statement of the cases on the dockets for the six terms preceding the current term:

For terms 1930–32

	1930	1931	1932
Total cases on dockets	1,089	1,023	1,097
Disposed of during term	900	884	910
Cases remaining on dockets	139	139	127
Distribution of cases—cases disposed of:			
Original cases	8	1	4
Appellate—on merits	226	282	257
Petitions for certiorari	566	601	649
Remaining on dockets:			
Original cases	16	19	17
Appellate—on merits	78	60	56
Petitions for certiorari	47	60	54

For terms 1933–35

	1933	1934	1935
Total cases on dockets	1,132	1,040	1,092
Disposed of during term	1,029	931	990
Cases remaining on dockets	103	109	102
Distribution of cases—cases disposed of:			
Original cases	4	5	4
Appellate—on merits	293	256	269
Petitions for certiorari	732	670	717
Remaining on dockets:			
Original cases	15	13	12
Appellate—on merits	43	51	56
Petitions for certiorari	45	45	34

Further statistics for these terms and those for earlier terms are available if you desire them.

During the present term we have thus far disposed of 606 cases which include petitions for certiorari and cases which have been argued on the merits and already decided.

3. The statute relating to our appellate jurisdiction is the act of February 13, 1925 (43 Stat. 936). That act limits to certain cases the appeals which come to the Supreme Court as a matter of right. Review in other cases is made to depend upon the allowance by the Supreme Court of a writ of certiorari.

Where the appeal purports to lie as a matter of right the rules of the Supreme Court (rule 12) require the appellant to submit a jurisdictional statement showing that the case falls within that class of appeals and that a substantial question is involved. We examine that statement and the supporting and opposing briefs and decide whether the Court has jurisdiction. As a result, many frivolous appeals are forthwith dismissed and the way is open for appeals which disclose substantial questions.

4. The act of 1925, limiting appeals as a matter of right and enlarging the provisions for review only through certiorari was most carefully considered by Congress. I call attention to the reports of the Judiciary Committees of the Senate and House of Representatives, Sixty-eighth Congress, first session. That legislation was deemed to be essential to enable the Supreme Court to perform its proper function. No single court of last resort, whatever the number of judges, could dispose of all the cases which arise in this vast country and which litigants would seek to bring up if the right of appeal were unrestricted. Hosts of litigants will take appeals so long as there is a tribunal accessible. In protracted litigation, the advantage is with those who command a long purse. Unmeritorious appeals cause intolerable delays. Such appeals clog the calendar and get in the way of those that have merit.

PROCEDURE OUTLINED FOR COURT LITIGANTS

Under our Federal system, when litigants have had their cases heard in the court of first instance and the trier of the facts, jury or judge, as the case may require, has spoken and the case on the facts and law has been decided, and when the dissatisfied party has been accorded an appeal to the Circuit Court of Appeals, the litigants so far as mere private interests are concerned, have had their day in court. If further review is to be had by the Supreme Court, it must be because of the public interest in the questions involved. That review, for example, should be for the purpose of resolving conflicts in judicial decisions between different circuit courts of appeals or between circuit court of appeals and State courts where the question is one of State law; or for the purpose of determining constitutional questions or settling the interpretation of statutes; or because of the importance of the questions of law that are involved. Review by the Supreme Court is thus in the interest of the law, its appropriate exposition and enforcement, not in the mere interest of the litigants.

It is obvious that if appeal as a matter of right is restricted to certain described cases, the question whether review should be allowed in other cases must necessarily be confided to some tribunal for determination, and, of course, with respect to review by the Supreme Court, that Court should decide.

5. Granting certiorari is not a matter of favor but of sound judicial discretion. It is not the importance of the parties or the amount of money involved that is in any sense controlling. The action of the court is governed by its rules, from which I quote the following (rule 38, par. 5):

WRIT OF CERTIORARI ACTION IS EXPLAINED

"6. A review on writ of certiorari is not a matter of right but of sound judicial discretion, and will be granted only where there are special and important reasons therefor. The following, while neither controlling or fully measuring the Court's discretion, indicate the character of reasons which will be considered:

"(a) Where a State court has decided a Federal question of substance not theretofore determined by this Court, or has decided it in a way probably not in accord with applicable decisions of this Court.

"(b) Where a circuit court of appeals has rendered a decision in conflict with the decision of another circuit court of appeals on the same matter, or has decided an important question of local law in a way probably in conflict with applicable local decisions, or has decided an important question of general law in a way probably untenable or in conflict with the weight of authority, or has decided an important question of Federal law which has not been, but should be, settled by this Court, or has decided a Federal question in a way probably in conflict with applicable decisions of this Court, or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision.

WORK OF PASSING ON WRIT IS CALLED LABORIOUS

"(c) Where the United States Court of Appeals for the District of Columbia has decided a question of general importance, or a question of substance relating to the construction or application of the Constitution or a treaty or statute of the United States which has not been, but should be, settled by this Court, or where that court has not given proper effect to an applicable decision of this Court."

These rules are impartially applied, as it is most important that they should be.

I should add that petitions for certiorari are not apportioned among the Justices. In all matters before the Court, except in the mere routine of administration, all the Justices—unless for some reason a Justice is disqualified or unable to act in a particular case—participate in the decision. This applies to the grant or refusal of petitions for certiorari, which are granted if four Justices think they should be. A vote by a majority is not required in such cases. Even if two or three of the Justices are strongly of the opinion that certiorari should be allowed, frequently the other Justices will acquiesce in their view, but the petition is always granted if four so vote.

The work of passing upon these applications of certiorari is laborious, but the Court is able to perform it adequately. Observations have been made as to the vast number of pages of records and briefs that are submitted in the course of a term. The total is imposing, but the suggested conclusion is hasty and rests on an illusory basis. Records are replete with testimony and evidence of facts. But the questions on certiorari are questions of law. So many cases turn on the facts, principles of law not being in controversy. It is only when the facts are so interwoven with the questions of law which we should review that the evidence must be examined and then only to the extent that it is necessary to decide the questions of law.

MANY OF APPLICATIONS HELD WITHOUT MERIT

This at once disposes of a vast number of factual controversies where the parties have been fully heard in the courts below and have no right to burden the Supreme Court with the dispute which interests no one but themselves. This is also true of controversies over contracts and documents of all sorts which involve only questions of concern to the immediate parties. The applicant for certiorari is required to state in his petition the grounds for his application and in a host of cases that disclosure itself disposes of his request. So that the number of pages of records and briefs afford no satisfactory criterion of the actual work involved. It must also be remembered that Justices who have been dealing with such matters for years have the aid of a long and varied experience in separating the chaff from the wheat.

I think that it is safe to say that about 60 percent of the applications for certiorari are wholly without merit and ought never to have been made. There are probably about 20 percent or so in addition which have a fair degree of plausibility, but which fail to survive a critical examination. The remainder, falling short, I believe, of 20 percent, show substantial grounds and are granted. I think that is the view of the members of the Court that if any error is made in dealing with these applications it is on the side of liberality.

8. An increase in the number of Justices of the Supreme Court, apart from any question of policy, which I do not discuss, would not promote the efficiency of the Court. It is believed that it would impair that efficiency so long as the Court acts as a unit. There would be more Judges to hear, more Judges to confer, more Judges to discuss, more Judges to be convinced and to decide. The present number of Judges is thought to be large enough so far as the present adequate and efficient conduct of the work of the Court is concerned. As I have said, I do not speak of any other consideration in view of the appropriate attitude of the Court in relation to question of policy.

LARGER COURT PLAN CALLED IMPRACTICABLE

I understand that it has been suggested that with more Justices the Court could hear cases in divisions. It is believed that such a plan would be impracticable. A large proportion of the cases we hear are important, and a decision by a part of the Court would be unsatisfactory.

I may also call attention to the provision of article III, section 1, of the Constitution that the judicial power of the United States shall be vested "in the Supreme Court" and in such inferior courts as the Congress may from time to time ordain and establish. The Constitution does not appear to authorize two or more Supreme Courts or two or more parts of a Supreme Court functioning in effect as separate courts.

On account of the shortness of time I have not been able to consult with the members of the Court generally with respect to the foregoing statement, but I am confident that it is in accord with the views of the Justices. I should say, however, that I have been able to consult with Mr. Justice Van Devanter and Mr. Justice Brandeis, and I am at liberty to say that the statement is approved by them.

I have the honor to remain,

Respectfully yours,

CHARLES E. HUGHES,
Chief Justice of the United States.

CONTROL OF INSECT PESTS OR PLANT DISEASES—CONFERENCE REPORT

Mr. WHEELER (for Mr. GILLETTE) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "the sum of $2,000,000 is hereby authorized to be appropriated, to be made immediately available and remain available until expended; and there are hereby authorized to be appropriated such additional sums as may be necessary to replenish the fund to its original amount at the beginning of each fiscal year: *Provided*, That such appropriations shall"; and the House agree to the same.

B. K. WHEELER,
G. M. GILLETTE,
ARTHUR CAPPER,
Managers on the part of the Senate.
MARVIN JONES,
W. L. NELSON,
CLIFFORD R. HOPE,
Managers on the part of the House.

Mr. WHEELER. I move the adoption of the report.

The report was agreed to.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. WHEELER. Mr. President, I desire to make a brief statement with reference to what has been said by the Senator from Tennessee [Mr. MCKELLAR].

First of all, it should be borne in mind that, although the members of the Supreme Court may have differed on a great many things, they are unanimous with reference to the letter of the Chief Justice; at least, that is my understanding of the matter. It should also be borne in mind that not only did Chief Justice Hughes write the letter but it was approved in every detail by one of the greatest liberals, and, in my judgment, one of the greatest living Americans today, Mr. Justice Brandeis. In almost every speech that has been made by the administration forces criticizing the Supreme Court, Mr. Justice Brandeis, Mr. Justice Stone, Mr. Justice Cardozo, and even Chief Justice Hughes have been held up as the men upon the Supreme Court who were pure and whose opinions should have been followed by the majority of the Court.

I am one of those who have believed that the interpretation placed upon the Constitution by the minority of the Supreme Court was the correct one; but now, in this instance, when we find that the Court is unanimous, and the minority members agree with the majority members, they are immediately condemned because of that fact.

Let us analyze some of the statements which have been made by the Senator from Tennessee with reference to certiorari. It is not simply the members of this Court who have denied petitions for certiorari. Why does Chief Justice Hughes say they should be denied? Let us be fair about the matter.

I appreciate that when a lawyer tries a lawsuit and loses it, the easy thing to do, the pleasant thing to do, is, first, if the case was tried by a judge, to condemn the judge and say he was wrong; if it was tried by a jury, to condemn the jury and say the jury was wrong. I am not astonished that the present Attorney General of the United States should assume the attitude of some pettifogging lawyer when he condemns the Supreme Court because he loses cases before it. Who ever heard of an Attorney General of the United States standing before the Supreme Court of the United States, as the present Attorney General stood before it in the gold cases, and making a political argument to that Court or any other court? I should like to ask the Members of this body who knew and loved and who revere the memory of my late colleague, Senator Walsh, of Montana—a great lawyer, a great statesman, and a great liberal—whether they suppose he ever would have stultified himself by going before the Supreme Court of the United States and making a cheap political argument to that Court?

The Senator from Tennessee speaks about certiorari. Let us see. As a matter of fact, I have had some petitions for certiorari taken to the Supreme Court of the United States. I am amazed to hear the Senator condemn the Court because they have not granted all the petitions for certiorari, or a great portion of them. Let me call attention to one particular instance.

The Senator speaks about clients having to pay the expenses of their attorneys for coming to Washington and presenting their applications for certiorari to the Supreme Court.

Mr. MCKELLAR. Sometimes, I said; not always.

Mr. WHEELER. They do not do it.

Mr. MCKELLAR. Not always; I so stated.

Mr. WHEELER. Very well; but I say the Senator is mistaken. Attorneys come here and present arguments only when the Court takes jurisdiction.

Some years ago, when I began to practice law in Montana, the first case I ever had that came to the Supreme Court of the United States was one that I tried against the Bunker Hill & Sullivan Mining Co. in behalf of a man who was injured in the mine. We received in the lower court a verdict of $12,000, as I recall. Then the judge granted a verdict non obstante veredicto in favor of the defendant. We appealed the case to the Circuit Court of Appeals for the Ninth Circuit, and the circuit court of appeals decided in our favor and ordered the district court to enter judgment for $12,000 against the Bunker Hill & Sullivan Mining Co.

The Bunker Hill & Sullivan Mining Co. then applied to the Supreme Court of the United States for a writ of certiorari. My client had no money, but I very foolishly came to Washington, thinking I was going to have to appear before the Supreme Court of the United States. I reached here and went into the courtroom, and the Court denied the petition for certiorari, and I did not even have an opportunity to appear before the Court. That is what takes place in such cases.

Of course, a man may go out and appeal to the mob, if he wishes to do so, and say that the Supreme Court has

denied eight-hundred-and-some-odd applications; but it is not correct, nor is it the honest thing to do, in my judgment, for a Member of the United States Senate to appeal to the prejudices of the masses of the people and say that these applications for certiorari are wrongfully denied.

Mr. McKELLAR. The Senator does not mean that statement to apply to me, because I did not make any such statement.

Mr. WHEELER. No; but every inference from what was said by the Senator was to that effect.

Mr. McKELLAR. Mr. President——

Mr. WHEELER. Wait a moment. I did not interrupt the Senator from Tennessee. I shall be glad to have the Senator answer me later.

Mr. CLARK. Mr. President, will the Senator yield? I do not wish to interfere with the continuity of his remarks.

Mr. WHEELER. I would rather not yield at this time.

Of course it is possible to appeal to the mob, and make statements from which the inference will be drawn that the Supreme Court of the United States is not doing its duty. I submit, however, that if men have no respect for Mr. Chief Justice Hughes, if they have no respect for his integrity or his honesty, or anything else—and I have; I say he is one of the most efficient and one of the ablest men who ever sat upon the Supreme Court of the United States of America, and in my opinion he is one of the best Americans in this country today—I submit that if men do not believe in him, they must believe in Mr. Justice Brandeis if they are liberals and progressives, because no man has ever sat upon the Supreme Bench who has been a greater friend of the masses of the people of the country and who has gone along with the present President of the United States on New Deal legislation more than has Mr. Justice Brandeis. Is he to be condemned, is he to be ridiculed, is he to be laughed at because he now says that what Mr. Justice Hughes states in this letter is correct? Is that the reward to be received by men who have been fighting the battles of the liberal cause all these years, because now they dare to disagree with the present Attorney General and to correct the misinformation which he has furnished to the President of the United States?

It is not necessary for us to take Mr. Justice Hughes' opinion with reference to the matter. We may take the opinion of the Solicitor General, Mr. Stanley Reed, who is in the Department of Justice, and see what he says about certiorari. He agrees with Mr. Justice Brandeis, and he agrees with Mr. Chief Justice Hughes, and he agrees with the whole Court, because in his report to the Congress of the United States he finds no fault with the handling of these cases by the Supreme Court of the United States.

What does Chief Justice Hughes say? The typical case is the case I cited, about the blind man who was burned in a blast in the Bunker Hill & Sullivan mine. He had no money; he was "broke." He was denied any relief. There was a trial in a lower court. The case was taken to the circuit court of appeals and then to the Supreme Court of the United States, because the defendants had the money, and they tied up the $12,000 awarded by the jury for 2 or 3 years, pending action on a writ of certiorari, which any lawyer of any intelligence must have known could not have been granted by the Supreme Court of the United States under the various decisions.

Of course, many petitions for certiorari are filed with the Supreme Court of the United States, but they are filed by the great corporations that desire to delay and delay and delay the right of the private litigant, the poor man, to get the money which is due him as a result of a trial before a jury in the lower court.

Chief Justice Hughes pointed out in his letter that it is the men with the long purses who seek certiorari. They get a trial in the lower court, they have a trial by jury before a district judge, and then they have a right to go to the circuit court of appeals, and, as the Chief Justice points out, if every man who has a long purse is permitted to go to the Supreme Court of the United States, if we say that under the Constitution he has a right to go there, it will take more than 15 judges, it will take more than one Supreme Court, as established by the Constitution, to handle all of the private litigation that occurs. It is not generally the poor man who goes to the Supreme Court and asks for certiorari. It is the rich corporations, it is the "economic royalists", who go to the Supreme Court with petitions for certiorari, not the poor, lowly man who is working on the railroad, who is working in the mine, who may have been burned by gas or injured by electricity, who may be injured upon the railroad tracks, nor is it his widow or his orphans, if he should be killed; they do not petition the Supreme Court of the United States for certiorari. Generally they take their medicine in a lower court. They usually do not have sufficient money to appeal to the circuit court of appeals, to say nothing of the Supreme Court of the United States. They are lucky to have money enough to employ lawyers to go before a Federal district court or a State court, and if they are defeated there, that is the end of their litigation.

Who are the poor, unfortunate litigants about whom there is so much weeping, the poor unfortunate people who are denied their rights? Who are they? They are the "economic royalists", the great corporations, with their "defeatist" lawyers, who seek to get before the Supreme Court on writs of certiorari. They do not mind a little extra expense. They are not bothered by paying for a few briefs. They are looking for time, because time always plays an important part on their side. Let us be fair with the Supreme Court with reference to this matter.

I wish to call attention to something Chief Justice Hughes said. The Senator from Tennessee has made much of it. The Senator says, "Think of it! It takes only four members of the Supreme Court to pass upon the question of whether or not certiorari shall be granted." Would the Senator like to have a majority of the Court required to pass upon the question? Would he like to have the full Court required to do so?

Mr. McKELLAR. Mr. President, the Senator has asked me a question. If he had heard what I said, he would know that I approved that rule of the Court very strongly. What I disapproved was the Court following a different rule in declaring acts of Congress unconstitutional.

Mr. WHEELER. I am glad to have that explanation from the Senator, because when a petition for a writ of certiorari is presented to the Court, what is it? It is nothing more than a petition asking the Court if it will finally pass upon the merits of the case. In ruling on the petition the Court is not passing upon the merits of the case; it is merely saying whether or not it is a case which should even be taken up for consideration by the Court under the acts of the Congress, as was pointed out, and under the practice well known by every lawyer who has had any experience in practicing before the Supreme Court.

Let me call attention to the fact that another person of high standing has said the same thing Chief Justice Hughes said about increasing the number of the Justices on the Supreme Court, and about the efficiency of the Court. Does the Senator from Tennessee know who that was? One man who made that statement is the Honorable James M. Landis. He so stated in a book which he wrote in connection with Mr. Felix Frankfurter, one of the close advisers of the President of the United States, and a student of the Supreme Court. Perhaps there is no more thorough student of the Supreme Court in this country than is Felix Frankfurter. Both these distinguished gentlemen in that book said that increasing the number on the Court would tend to lessen the efficiency of the Court.

Again, as I pointed out, the President of the United States, in his book Looking Forward, stated that to increase the number of Judges on the Court would only add to the ravages of the disease.

The Senator from Tennessee made some reference, I believe, to why the Chief Justice wrote the letter to me. I did not hear the Senator's statement, but someone told me he had referred to that.

The reason why the Chief Justice wrote to me was that I asked him what the facts were with reference to the matters under consideration. As I stated in my testimony before the committee, I had read the statement made by the Attorney General of the United States to the President, and I had, with amazement, read the statement contained in the President's letter with reference to certiorari. Then I got the report of Stanley Reed, the Solicitor General, upon the subject, and found that Stanley Reed in his report did not agree with either the Attorney General of the United States or with the President of the United States with reference to the Supreme Court refusing to entertain petitions for writs of certiorari.

After the Attorney General had in substance repeated the same statement before the Committee on the Judiciary, I went to the one source of information which I knew would be correct, to the Chief Justice of the United States; and that is why he wrote me the letter. Probably he made a mistake in writing it to me; perhaps he should have written it to the Senator from Tennessee, and I am sure he would have done so if the Senator from Tennessee had made the request of him. But I asked him for the information, and he very courteously and graciously addressed the letter to me.

The Senator says he wants to know why and how the Supreme Court decides certiorari cases. I suppose the Chief Justice thought that if we read his letter we would learn from the letter, in view of our experience as lawyers, how they reach decisions with reference to certiorari.

Mr. LEWIS. Mr. President, will the Senator state whether or not the Chief Justice knew the Senator was going to read the letter publicly, or whether he wrote the letter with the object of having it read to the committee?

Mr. WHEELER. I asked the Chief Justice for the information, and stated I desired to make the letter public. I do not know that he knew I was going to read the letter to the committee, but he knew I was going to make the letter public; otherwise I should never have made the letter public. He knew likewise that I was going to appear before the Committee on the Judiciary to testify the following Monday.

In the letter the Chief Justice said:

> The act of 1925, limiting appeals as a matter of right—
>
> The Supreme Court was not entirely to blame—
>
> The act of 1925, limiting appeals as a matter of right and enlarging the provisions for review only through certiorari, was most carefully considered by Congress. I call attention to the reports of the Judiciary Committees of the Senate and House of Representatives, Sixty-eighth Congress, first session. That legislation was deemed to be essential—
>
> Deemed to be essential by whom? By the Congress of the United States—
>
> to enable the Supreme Court to perform its proper function. No single court of last resort, whatever the number of judges, could dispose of all the cases which arise in this vast country and which litigants would seek to bring up if the right of appeal were unrestricted.

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

Mr. WHEELER. I yield.

Mr. CONNALLY. In connection with all this demand that the Supreme Court act on every application for writ of certiorari, I may ask the Senator if it is not true that the purpose for which the circuit courts of appeal were established was to keep these cases from coming to the Supreme Court and to settle as many as possible in the circuit courts of appeal. A litigant has not any vested right in having two appeals, and the purpose of establishing the circuit courts of appeal is to settle as many cases as possible in those courts, and allow only those cases of national interest and involving Federal questions to go finally to the Supreme Court. What is the use of having a circuit court of appeals if every case decided by that court has to be redecided by the Supreme Court? Why not let the litigants go directly to the Supreme Court and not come to the circuit court of appeals?

Mr. WHEELER. Certainly. That was why Congress enacted the law creating the circuit courts of appeal.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. WHEELER. I yield to the Senator from Tennessee. The Senator would not yield to me when I first requested him to yield, but I shall be glad to yield to him.

Mr. McKELLAR. I thought the Senator had come to that point in his speech where he was ready to yield.

Mr. WHEELER. No; but I yield to the Senator. The Senator yielded to me after he had concluded his speech, but not before.

Mr. McKELLAR. The Senator from Montana voted against the confirmation of Mr. Hughes as Chief Justice of the United States, just as I did.

Mr. WHEELER. Yes.

Mr. McKELLAR. I heard what the Senator from Montana said a moment ago, and I ask him if this is not a statement made by him on February 12, 1930, when the confirmation of Mr. Hughes was being considered by the Senate:

> Mr. President, Democrats upon this side are going to vote for the confirmation of Mr. Hughes upon what basis, upon what theory? Upon the theory that the responsibility is upon the Republican President? O Mr. President, they cannot hide behind that. Are they going to vote for him upon the theory that he is a great lawyer? Ah, Mr. President, as I shall point out in a moment, they cannot hide behind that cloak.
>
> Upon the theory that he is an honest man? Oh, no; the Members of this body on this side cannot hide behind that, because we have already set a precedent. We said, when Charles Beecher Warren's name came in here, that we would not vote for him; and why would we not vote for him? Not because he was not an honest man. We did not refuse to vote for him because he was not an able lawyer. We did not refuse to vote for him because of the fact that he was not practically everything that has been said about Mr. Hughes; but the Members on this side voted against him because we said it was contrary to the traditions of the Democratic Party, and we refused to put into the office of Attorney General of the United States a man who had been attorney for the Sugar Trust of this country.
>
> Ah, my friends, think of it! We would not vote for him because of the fact that he was attorney for the Sugar Trust.

Mr. WHEELER. Is the Senator making a speech?

Mr. McKELLAR. No, Mr. President, I am merely reading the statement made by the Senator from Montana.

Mr. WHEELER. Very well.

Mr. McKELLAR. I continue reading:

> We did not want to place him in the Attorney General's office; and yet we take a man whose economic views upon the trusts, who represents the Oil Trusts, and the Radio Trust, and whose every view upon the economic questions has been diametrically opposed to the Democratic position. Are we going to vote to place him in the highest office in the United States save that of the President of the United States?

I take it that the Senator recalls that statement and other statements which he made at that time?

Mr. WHEELER. Of course I do.

Mr. McKELLAR. The Senator seems to have changed his mind. I am glad he has. I did not hold that view of Mr. Hughes, but I criticized him then, and I criticize him now.

Mr. WHEELER. The Senator from Tennessee voted against the confirmation of the nomination of Mr. Justice Hughes, just as I did.

Mr. McKELLAR. Yes; I voted against the confirmation of his nomination.

Mr. WHEELER. And I wish to say now publicly that when I voted against the confirmation of the nomination of Justice Hughes I made a mistake, just as the Senator from Tennessee made a mistake when voting to confirm other nominations. I think the Senator from Tennessee will agree that he made a mistake when he voted for the confirmation of some of the reactionaries; for instance, when he voted to confirm to the Supreme Court the nomination of Mr. McReynolds, of Tennessee. Again I say publicly that I made a mistake when I voted against the confirmation of the nomination of Mr. Justice Hughes.

Mr. McKELLAR. That is a frank statement.

Mr. WHEELER. Of course. When we are talking about liberals, let us consider Mr. Justice Stone. I voted against the confirmation of the nomination of Mr. Justice Stone, and I made a mistake. I voted against the confirmation of the nomination of Chief Justice Hughes, and I owe him an apology for voting against him. I voted against the confirmation of the nomination of Mr. Justice Stone, and I owe him an apology for voting against him, and I am glad to make that public apology now with reference to Mr. Justice Stone.

The Senate, however, will recall that when Woodrow Wilson nominated Mr. McReynolds to be a Justice of the Supreme Court he did so, in my judgment, because he believed Mr. McReynolds was a liberal. As a matter of fact, he is one of the most conservative men on the Supreme Court Bench.

Practically every liberal in this body voted in favor of Mr. Justice Roberts, thinking he was a liberal. The fact that Mr. Hughes at that time was, as I thought, too conservative and that he has turned out to be a liberal, is not to his discredit. It is to his credit that, notwithstanding the fact that he had represented some of the great corporations, when he went on the Supreme Court bench he put all that aside, and has decided the law in accordance with his honest, conscientious dictates. I think he is to be congratulated for the attitude he has assumed; and I think he is to be praised for it. That is why I said a moment ago that I think he is a great statesman, a great lawyer, and a great American citizen.

Mr. McKELLAR. Mr. President, I will say to the Senator from Montana that I think he has made a manly confession.

Mr. WHEELER. Indeed, I am very happy to do it.

We talk about the Senate of the United States and the House of Representatives and seem to feel that every law we pass here should be upheld by the Supreme Court. Some of the administration leaders are patting us on the back now because we are passing everything that they want us to pass. But how many of us have had time in the last 4 years to give any consideration to the question of the constitutionality of some of the bills which have been pending before this body? We have passed them because we were told to pass them. We passed the N. R. A. bill. With respect to much of the legislation which has been passed we voted on it because many persons said, "Well, the Supreme Court is up there to pass upon it, and if it is not constitutional they will declare it unconstitutional."

Let us now be honest with ourselves and let us be honest with the Supreme Court. Let us not blame the Supreme Court when some of the blame rests, and should rest, upon our own shoulders.

The Senator from Tennessee has criticized the Supreme Court and Mr. Justice Hughes, and has quoted a provision of the Constitution saying that the Supreme Court ought to pass upon all questions of fact and all questions of law.

The Senator, as a lawyer, knows that in every appellate court in the United States, when a case comes up on appeal, except in equity cases, the court does not decide the questions of fact that have been decided by a jury. If the appellate courts and the Supreme Court decided questions of fact and reversed the cases which had already been decided by juries, the Senator from Tennessee and every liberal Senator in this body would be on his toes denouncing the Supreme Court and the appellate courts for reversing verdicts of juries and examining the facts. They would contend that the courts had no right to do it; that they did not see the witnesses; that they did not hear them testify; that they did not know what their demeanor was; that they could not pass upon the credibility of the witnesses. And now my friend the Senator from Tennessee denounces those courts because Mr. Hughes says they cannot pass upon questions of fact. Of course they cannot, and they ought not to pass upon questions of fact. I am surprised that the Senator, as a great lawyer, should for one minute entertain the notion and make the statement that the Supreme Court was refusing to do its duty under the Constitution because it did not pass upon questions of fact.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Does the Senator from Montana yield to the Senator from Maine?

Mr. WHEELER. I yield.

Mr. WHITE. The Senator recalls, I have no doubt, that in passing recent legislation, such, for instance, as the bill we passed this morning—the Federal Trade Commission bill—we have expressly provided by statute that findings of fact by the lower body should be binding upon the appellate court.

Mr. WHEELER. Of course. As a matter of fact, in my State attorneys representing poor people, widows and orphans and those who have been injured, and who have sued some rich corporation, a railroad company, a mining company, or some person, have criticized the Supreme Court or the appellate court for passing upon the facts and cutting down the verdict and holding that under the facts the plaintiff was not entitled to so much money, or under the facts the case ought to go back for retrial. All liberals have denounced appellate courts for passing upon facts, and have said that such courts ought not to do so and that they had no right to do so either as a matter of statute law or under the Constitution.

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

Mr. WHEELER. I yield.

Mr. CONNALLY. Let me ask the Senator, whether in the course of his practice in the trial courts it has not been his experience frequently that a jury would decide a case for the side upon which perhaps 2 or 3 witnesses testified, as against 25 or 30 witnesses on the other side?

Mr. WHEELER. Certainly.

Mr. CONNALLY. A court which did not know the witnesses, and did not see them and pass on their conduct and their demeanor, might say, "Why, here are 25 witnesses testifying under oath one way and 2 or 3 witnesses testifying the other way", and the court might be inclined to overturn a decision by a jury which had seen the witnesses and had concluded that the 25 or 30 were lying whereas the 2 or 3 witnesses were telling the truth.

Mr. WHEELER. I thank the Senator from Texas. I wish to call attention to a case I tried a few years ago involving a little Greek. I brought suit for him against the Chicago, Milwaukee & St. Paul Railroad. The only witness I had as to the facts was the employee himself, the little Greek. The Chicago, Milwaukee & St. Paul Railroad Co. brought on their engineer, their fireman, and about 15 other witnesses who testified that my client did not tell the truth. The jury went out and shortly returned giving my client a verdict of $10,000. The defendant appealed the case to the supreme court of the State, and the lawyers argued that that court ought to set aside the verdict because the testimony was numerically overwhelmingly in favor of the defendant. But the supreme court said in effect that while it did not agree with the verdict of the jury because it thought the great preponderance of the evidence was on the other side, yet inasmuch as the jury had passed upon the facts and were the final judges of the facts, and that the trial court had upheld the verdict and refused to grant a new trial, it felt compelled to uphold the verdict, and my Greek client got $10,000, less his attorney's fees.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WHEELER. I yield.

Mr. MINTON. Does the Senator recall the recent opinion of the Supreme Court in the St. Joe stockyards case, in which the Supreme Court claimed the right to weigh evidence in utility-rate cases?

Mr. WHEELER. I am not familiar with that particular case. I think they possibly have that right; but the Senator from Tennessee is denouncing the Supreme Court because they have not reviewed the facts in all these cases.

Mr. MINTON. As I understood the Senator from Montana, he said that he, as a liberal, and all other liberals, would denounce the Supreme Court if they assumed to review facts and to pass upon and weigh the evidence. They did that in the St. Joe stockyards case.

Mr. WHEELER. I am not familiar with that particular case; I do not know anything about it; but perhaps if I read it I might disagree with the Supreme Court in that case. However, our friend the Senator from Tennessee has been quoting the Constitution and denouncing the Supreme Court because they do not pass upon the facts in every case that is brought before them.

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

Mr. WHEELER. Yes.

Mr. McKELLAR. The Senator would not say, would he, that under the provision of the Constitution to which I have referred the Supreme Court has no jurisdiction to pass upon the facts if it wants to pass on them? When justice can be done, and the Court has jurisdiction under the plain terms of the Constitution, why should it not use its jurisdiction in the interest of what is right and fair and just in its decision of cases?

Mr. WHEELER. As a matter of fact, the Senator is entirely wrong about it, because, as is known to every Member of this body who has tried lawsuits to any extent, in trying a lawsuit against some great corporation by reason of the fact that the corporation has great financial resources it can produce 10 witnesses or 20 witnesses in many instances to every 1 that some poor injured employee can produce; but when that employee goes on the stand and testifies to his version of what took place the jury passes upon the credibility of the witness. That is what the jury is for, to pass upon the credibility of the witnesses and to say upon all the surrounding circumstances whether or not the plaintiff has made out a case not beyond a reasonable doubt but by a preponderance of evidence.

Then, when the case goes to the Supreme Court and the Justices there have that evidence, they do not know anything about the surrounding circumstances. Should they set aside the verdict on merely reading the cold print, never having seen the witness upon the witness stand, never having observed his demeanor, never having seen the expression upon his face, and not being able to tell whether he was perjuring himself or not as well as a jury can tell and as the trial court can tell? They certainly should not set aside a verdict under such circumstances.

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

Mr. WHEELER. I yield.

Mr. TYDINGS. But even if we were to concede that all these imperfections exist, no one seriously says that the proposal now being considered by the Judiciary Committee is any guaranty that the conditions are going to be eliminated?

Mr. WHEELER. Of course not.

Mr. TYDINGS. So what is being done is to argue for something and at the same time refuse to adopt a remedy which will cure the situation of which complaint is made.

Mr. WHEELER. As a matter of fact, the criticism of the Court is what? The criticism of the Supreme Court at the present time is that they have been usurping the powers of the Congress of the United States, and it is proposed to put six more Justices upon the Supreme Court. For what? Those six Justices may usurp the powers of the Supreme Court just as much as may the nine Justices who are now upon the Court; there will be nothing to prevent their doing so. So, to cure something, it is proposed to put six more Justices on the Court. While I am on that subject let me say to the Senator from Tennessee that I know of no great corporation lawyer in this country but would say amen to what the Senator from Tennessee suggests that the supreme appellate court should pass upon the facts. Never have I appeared in a personal injury case in the supreme court of my State or in any of the States in my section of the country but that the attorneys for railroads and the attorneys for the copper interests have always appealed to the courts and said, "You should set aside this verdict because the jury was prejudiced against us and the lower court was prejudiced against us; you ought to set the verdict aside in the interest of justice to the great corporations of the country."

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

Mr. WHEELER. I yield.

Mr. McKELLAR. The Senator says that my position is in favor of the great corporations of the country?

Mr. WHEELER. The Senator misconstrues my statement.

Mr. McKELLAR. I merely want to call the attention of the Senator to the fact that numerous letters from corporation attorneys in my State——

Mr. WHEELER. Wait a moment. I yielded to the Senator for a question.

Mr. McKELLAR. Indicate that they are to a large extent on the side of the Senator's contention and not on my side.

Mr. WHEELER. That may be true in the Senator's State, but it is not of my State. Let me say to the Senator, to the other Senators here, and to the leader on this side, that I knew about this proposal to increase the Supreme Court by six members a year ago last January. At that time a bill was brought to my office and I was asked to introduce it. No corporation had seen me, but I said then to those who brought it to me, "If you take this issue into the campaign, from a political standpoint it will ruin you." I said further, "You will have every church leader in the United States against you on it." I was approached again later in the spring, and I told them the same thing. The bill then brought to my attention was not the identical bill now pending but one to increase the Supreme Court permanently to 15. So do not make a mistake about it; I knew of this proposal before any other man on this floor knew about it; and I denounced it then as I am denouncing it now.

Mr. McKELLAR. I am sure I never learned about it until after the President expressed himself on it; and so the Senator had a great advantage in point of time.

Mr. WHEELER. I agree that I had a great advantage in point of time.

My friend, the Senator from Missouri [Mr. CLARK], has just called my attention to the fact that the Supreme Court of the United States, this great reactionary tribunal, has only this afternoon upheld the Railroad Labor Act by a unanimous opinion, and it has also upheld the Frazier-Lemke Act with reference to loans to farmers throughout the United States.

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

Mr. WHEELER. I yield.

Mr. MINTON. Is it not pretty generally known that if they did not uphold the Railroad Labor Act they would have to reverse the decision in the case involving the Employers' Liability Act?

Mr. WHEELER. I do not think so.

Mr. McKELLAR. I am delighted to know the Supreme Court has upheld the acts referred to by the Senator from Montana.

Mr. WHEELER. I thought the Senator would be glad, and so am I. I think everybody is glad.

Let me say this in all fairness to the Supreme Court, that if much of our legislation had not been so hastily drafted, but had been drafted and presented to the Court properly, in my judgment, much of it would have been upheld by the Supreme Court. I think that we can do at the present time many of the things which the administration favors and many of the things that many of us upon this side of the Chamber favor if we will take a little time and prepare the proposed laws in accordance with the Constitution.

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

Mr. WHEELER. I am glad to yield.

Mr. BARKLEY. What act of Congress does the Senator have in mind that was hastily drawn and badly presented to the Court which would have been upheld if a different situation had prevailed?

Mr. WHEELER. I have in mind, among other things, the Gold Act, which was hastily prepared. It was finally upheld, but it was very poorly presented to the Supreme Court.

Every lawyer who heard the Attorney General's argument before the Supreme Court in that case could not help but feel sorry to think that we had an Attorney General who would make a political speech to the Supreme Court upon an issue of that kind.

Mr. BARKLEY. I do not recall whether I heard the Attorney General's speech or not, but evidently it was sufficiently convincing to win the case.

Mr. WHEELER. It was won in spite of the argument.

Mr. BARKLEY. Would the Senator say that the Agricultural Adjustment Act was hastily drawn and badly presented?

bill—we have expressly provided by statute that findings of | every case that is brought before them.

Mr. WHEELER. I would say that the N. R. A., coming back to that, was hastily drawn.

Mr. BARKLEY. I did not refer to that act.

Mr. WHEELER. Wait a moment. I am now talking about the N. R. A., and I say that many lawyers on this side of the Chamber felt that the N. R. A. was unconstitutional. That act was hastily drafted; it was hastily put through the Congress of the United States; and, in my judgment, it was poorly presented to the Supreme Court. As a matter of fact, it is impossible for me to understand how any lawyer on this side of the Chamber or on the other side of the Chamber could denounce the Supreme Court for holding other than they did in the Schechter case, for any 10-year-old boy who had studied commercial law in the schools of the country would say that the N. R. A. in the case which was brought known as the Schechter case should be held unconstitutional.

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

Mr. CONNALLY. Mr. President——

Mr. WHEELER. I yield first to the Senator from Texas.

Mr. BARKLEY. I had not finished my question.

Mr. WHEELER. I will yield to the Senator from Kentucky in just a moment.

Mr. McKELLAR. I hope the Senator from Montana will yield to the Senator from Kentucky.

Mr. WHEELER. I have yielded to everybody, but when the Senator himself was speaking he refused to yield to anybody.

Mr. McKELLAR. Yes; and I gave my reason for it. It was because I wanted my speech to appear as a whole.

Mr. BARKLEY. Mr. President, the Senator from Kentucky has not made a speech for so long that he cannot remember having refused to yield to any Senator.

Mr. WHEELER. I was referring to the Senator from Tennessee; not the Senator from Kentucky.

Mr. CONNALLY. I am perfectly willing to defer to the Senator from Kentucky if he desires to interrogate the Senator from Texas.

Mr. BARKLEY. No; I will wait.

Mr. CONNALLY. The reason I interrupted at the time was that what I wished to say had reference to the N. R. A. Let me ask the Senator from Montana if the N. R. A. had been restricted to interstate transactions, and had eliminated the palpable violation of the Constitution in delegating power to make codes, would it not probably have been upheld?

Mr. WHEELER. I do not think there is any doubt about it.

Mr. CONNALLY. Of course, the delegation of power was so plain that many of us voted against the act because we thought it was unconstitutional.

Mr. WHEELER. Let me call attention to the fact—I have not the paper with me at the moment—that Donald Richberg has said that, in his judgment, an N. R. A. can be drafted now and be constitutional. I, for one, voted against the N. R. A., not entirely because of the doubt as to its constitutionality, but I voted against it because I thought it was economically unsound, and that it was going to permit price fixing and monopolies in this country. In addition to that, let me say that, in my judgment, the people of this country would have demanded that the N. R. A. be repealed, even though the Supreme Court had not held it to be unconstitutional.

The man who first came to see me and asked me to vote for the N. R. A. was the head of one of the greatest industrial corporations of the country. I said to him—and I think the Senator from Alabama [Mr. BLACK] will agree with what I said to him—that the N. R. A. was conceived by the United States Chamber of Commerce, which was never known for its liberal views, and brought to the Congress with the idea of heading off the 6-hour-day bill which the Senator from Alabama had introduced, and which probably was going to be passed. I favored the Black bill, but I did not favor the N. R. A. because it created price fixing and permitted monopolistic practices. To the man who came to see me asking me to vote for the N. R. A. I said, "You want to get away from the Sherman antitrust law." He said, "Certainly. We go into a room and pull down the curtain and lock the doors. We agree upon the prices of these commodities, and then we no more than get outside the door than we begin cutting prices, because we know that nothing can be done about it by reason of the Sherman Antitrust Act."

Let us be honest with ourselves with reference to these facts. If I am not correct about the N. R. A. being conceived by the United States Chamber of Commerce, and if I am not correct about that measure being sent here to head off the Black 6-hour-day law, I will ask the Senator from Alabama [Mr. BLACK] to correct me.

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

Mr. WHEELER. I yield.

Mr. McKELLAR. Will the Senator give his opinion as to the correctness or incorrectness of the ruling of the Supreme Court on the Agricultural Adjustment Act? Does he think that was a proper decision of the Court?

Mr. ROBINSON. Mr. President, before the Senator from Montana passes to that point I should like to recur to the case mentioned a while ago at the instance of the Senator from Missouri [Mr. CLARK].

Mr. WHEELER. I yield to the Senator from Arkansas for that purpose.

Mr. ROBINSON. In that minimum-wage case the Supreme Court apparently completely reversed itself in the Adkins case and in all probability in the New York wage case.

Mr. WHEELER. I am sure the Senator from Arkansas is delighted because they did it.

Mr. ROBINSON. Certainly, I am delighted.

Mr. President, as I have repeatedly said in press conferences, I have never been able to understand the legal theory on which the Supreme Court of the United States held unconstitutional the New York minimum-wage law nor, for that matter, the District of Columbia minimum-wage law, as they did hold it unconstitutional in the Adkins case.

The Senator from Alabama [Mr. BLACK] in an address a few days ago submitted a discussion the importance of which, in some of its aspects at least, did not appear to me tc be fully realized at the time, particularly by those representatives of the press who have the responsibility of reporting the proceedings here. The Senator from Alabama made the point then that in one case, the State of Washington case, the Supreme Court had held it within the police power of a State to fix maximum hours of labor, and in a similar case coming from a different State, New York, the same tribunal had held it unconstitutional for the State to fix maximum hours of labor, that case involving conditions which presented greater difficulties to the laborers than those which were involved in the State of Washington case.

To me it has been inexplicable how the Court or a majority of the Court reached the conclusion that the Congress, exercising the police power to legislate for the District of Columbia, was unable to fix minimum wages for women and children employed within the District, as the Court held in the Adkins case.

Following that case, quite recently a decision was rendered which, more than any other, has disclosed to me the necessity for injecting some new blood into the Supreme Court. I refer now to the Tipaldo case, the New York State minimum-wage case. In that case the Court, having already decided that the Federal Government cannot regulate maximum hours of labor and minimum wages, held that the State government has no power to do it because the right of private contract is preeminent and overpowering.

Today the Supreme Court has completely reversed itself and directly and explicitly overruled the case on which the decision against the New York statute was based, namely, the Adkins case. No opportunity has been afforded to read the opinion in detail, but with the permission of the Senator from Montana, who has the floor, I should like to complete my statement.

Mr. WHEELER. I am glad to yield further to the Senator from Arkansas.

Mr. ROBINSON. The Court said:

> With full recognition of the earnestness and vigor which characterized the prevailing opinion in the Adkins case we find it impossible to reconcile that ruling with these well-considered declarations.

I shall not impose on the Senator having the floor to read all of the statements in the opinion which are pertinent in that connection. I shall content myself for the present with reading the concluding paragraph in the decision rendered by the Supreme Court today:

> Our conclusion is that the case of *Adkins* v. *Children's Hospital*, *supra*, should be and is overruled.

Mr. WHEELER. Fine!

Mr. ROBINSON. Yes, fine; but what happens to the thousands of women and children in the great State of New York who are compelled to work unlimited hours in sweatshops and in factories on the basis of the decision resting on the Adkins case, the basis of the decision in the Tipaldo case, that the State legislature is without any power to deal with the subject? The Tipaldo case ought to be reconsidered and reversed.

I thank the Senator from Montana.

Mr. WHEELER. Let me say to the Senator from Arkansas that I am sure he is very happy that the Supreme Court has seen the light with reference to this case.

Mr. ROBINSON. I was made miserable when the Supreme Court decided that Congress could not fix minimum wages for women and children workers in the District of Columbia. I was made more unhappy when, following that precedent, the Supreme Court said that the New York State lawmaking power could not do it in the State of New York.

I am glad that the Supreme Court has completely faced about and recognized the necessity of overruling its former decision.

Mr. President, talk about accepting in all cases Supreme Court decisions as binding and being above question! Here is a case where the minority opinion at last after many years becomes the majority opinion.

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

Mr. WHEELER. I should like to finish my statement if I may. I had yielded to the Senator from Arkansas while he made a statement, and I was very glad to have him do so; and I wish to say that I have no quarrel with anything he said. In fact, I entirely agree with everything the Senator from Arkansas said.

The Senator from Tennessee wishes me to answer his question in regard to the A. A. A. I shall do so. I say that I think the Supreme Court was wrong in the A. A. A. case.

Mr. McKELLAR. I entirely agree with the Senator.

Mr. WHEELER. There never was any question in my mind about the fact that the Supreme Court was wrong in the A. A. A. case. There never was any question in my mind about the fact that the Supreme Court was wrong in the Adkins case and in the New York case. I thought the Court was wrong in the child-labor case; but let me call the attention of the Senate to the fact that in the case of the Lemke-Frazier Act, when the first act was held unconstitutional, Mr. Lemke and the Senator from North Dakota redrafted their bill, and drafted it in accordance with the decision of the Supreme Court, and it has now been unanimously upheld.

Mr. ASHURST. Mr. President——

Mr. WHEELER. Let me call attention also to the fact that Mr. Donald Richberg, in an article he published, said that the N. R. A. could be redrafted in such a way that it would come within the provisions of the Constitution of the United States.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

Mr. WHEELER. I yield.

Mr. ASHURST. The able Senator referred to the fact—although I have not read the dispatches or the opinion—that the Supreme Court has held the new Frazier-Lemke law to be constitutional.

Mr. WHEELER. Yes.

Mr. ASHURST. It is due to say that the credit for that new law should go to the junior Senator from Nevada [Mr. MCCARRAN]. When the Supreme Court of the United States declared and held the first Frazier-Lemke law to be unconstitutional as being beyond the power of Congress to enact, the Senator from Nevada [Mr. MCCARRAN] at once drew an amendment or a correction of that legislation; and it was upon his insistence that the Senate Committee on the Judiciary favorably reported that measure. While, of course, the Court is right in its last decision, it is but fair, as we proceed, to distribute credit to those to whom it is due; and I wish at this time, with the permission of the Senator from Montana, to thank the junior Senator from Nevada for the suggestion he made, and congratulate him. I see that he has entered the Chamber. I congratulate him that the Supreme Court of the United States has adopted the suggestion made by the Senator from the Sagebrush State.

Mr. WHEELER. I am very grateful to the Senator, and I am very happy to give him credit, and I know that the Senator from North Dakota [Mr. FRAZIER] and Mr. LEMKE will be only too glad to extend to him their thanks for the part he played in the matter.

Mr. ASHURST. I do not mean to say that Mr. LEMKE and the Senator from North Dakota made no valuable suggestions; indeed, they were wise enough—as was I, I hope—to adopt the suggestion made by that learned lawyer, the junior Senator from Nevada.

Mr. WHEELER. If some of the New Deal agencies had followed the suggestions of the able Senator from Arkansas [Mr. ROBINSON], the Democratic leader, and the advice of some of the other Senators, rather than to send here measures framed by inexperienced boys in the departments, in my judgment, the situation would have been entirely different.

Mr. ASHURST. Mr. President——

Mr. WHEELER. And, I might add, if the advice of the distinguished chairman of the Judiciary Committee had been followed, the situation would have been entirely different.

Mr. ASHURST. Mr. President, I had made up my mind not to enter the debate, but I find that resolution has gone; and now I am going to presume further, and ask the Senator from Montana to indulge me a moment, because he laid severe strictures upon the Attorney General.

Mr. WHEELER. I would rather the Senator would answer me in his own time.

Mr. ASHURST. I desire to occupy only 3 or 4 minutes.

Mr. WHEELER. Very well; I yield.

Mr. ASHURST. The able Senator from Montana, with that pungency of intellect which characterizes all his expressions, not only in his speech here today but elsewhere has inveighed against the Attorney General of the United States.

Mr. President, it is one of the most remarkable things in the history of jurisprudence that the able Senator from Montana excoriates the Attorney General of the United States for the character of the Attorney General's argument in the gold cases, when, forsooth, the Attorney General was successful in those cases; and yet my able friend proceeds to say that the Attorney General of the United States made a political speech in the courtroom.

Mr. President, political speeches are made even in the Senate, to say nothing of courtrooms. [Laughter.] Moreover, if my able friend is correct, the day upon which the gold cases were decided seemed to be a day for a political utterance, because one of the most learned as well as one of the most elderly Justices of the Supreme Court delivered at that time what was far and widely characterized as a political speech from the bench.

I have no criticism of him for that. He had a right to speak in such fashion if he chose; and such an able, polite, genial speaker as the Senator from Montana, who always observes the proprieties, ought to be the last to be unfriendly and critical of another man's speech, and to label it "political." I regret that he should have done that, because while I did not hear all the argument of the Attorney General in the gold cases, but only a part of it, I could not have made a better one in the case. The Senator from Montana might have made a better one, but I could not have done so. However, whether the speech was well delivered or

ill delivered, it won the case, and the Supreme Court of the United States in publishing its decision—Two Hundred and Ninety-fourth United States Reports, pages 240 et seq.—published a portion of the oral argument of the Attorney General of the United States, so well did the Court think of it.

The Senator from Montana is so generous and so kind-hearted that when he comes to reflect, while he might find fault with the manner of delivery or the language of an address made by an attorney, when the attorney is successful I am sure the able Senator is foreclosed from criticism.

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

Mr. ASHURST. I am through. I wish to thank the Senator from Montana for yielding to me.

Mr. WHEELER. I yield to the Senator from Kentucky.

Mr. BARKLEY. I wish merely to call the attention of the Senator from Arizona, as well as that of the Senator from Montana, to the fact that in the argument of the A. A. A. case before the Supreme Court a former distinguished Member of this body, who was an attorney in the case, former Senator Pepper, of Pennsylvania, made a very characteristic political speech to the Supreme Court in the argument for the side he represented, much more so than anything the Attorney General said of a political nature.

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

Mr. WHEELER. I yield to the Senator.

Mr. ASHURST. On the 5th of February I delivered a speech in the nature of a homily to the United States about the propriety of a man changing his opinion when he concluded he was wrong, and as witnesses before the Judiciary Committee, now holding hearings, come before us and are confronted with statements they made last year, having now made different statements, when some of them stammer and blush and try to explain away the inconsistency, I draw from my pocket a copy of this homily which I delivered in the Senate, and ask them to read it, and they all approve it.

Mr. President, I did not send to the Supreme Court of the United States any letter or expression pointing out the vice of consistency; but, forsooth, today the Supreme Court must have learned somewhere or read somewhere of the great vice of consistency because, with an inconsistency which I admire and now applaud, they have attempted to correct their errors, and for that I have commendation. They are following the advice I so humbly gave them. [Laughter.]

Mr. WHEELER. Mr. President, I wish to say that I agree with the Senator. He should not be condemned because of inconsistency This is the day of inconsistencies.

Mr. ASHURST. Certainly.

Mr. WHEELER. Before the Senator's committee the other day I read from the second inaugural address as Governor of the State of New York of the present President of the United States, and if he had followed the deep convictions he then had, and had been placed upon the Supreme Court at that time, he would have decided that the Government of the United States could not enact farm legislation of the kind incorporated in the A. A. A., because he said in effect that Washington should keep its hands off farm legislation. He said also that it should keep its hands off what? Mr. President, you will hardly believe your ears, I know, because he said Washington should keep its hands off utilities, and that it ought to keep its hands off banking and insurance and other business and, by implication, that those matters should be left entirely to the States.

I do not criticize the President of the United States for those views, because I think he sincerely and honestly entertained them; but since he became President of the United States of America he has seen how impossible it is for the States to deal with some of these problems. When reference is made to the "needs of the day" and the "needs of the time", I desire to call attention to the fact that I have said, not for 4 years nor for 5 years nor for 10 years but for 20 years, that the needs of the times were such that something had to be done, not by the States but by the Government of the United States, to stop the great concentrations of wealth, with the result that much of the national income is constantly going into the pockets of a very few men. That was not the attitude of some of the men who now call themselves liberals. I desire to repeat here that some of us in this Chamber were fighting for the liberal cause when many of the office-holding liberals who recently came into power with the present administration were not to be found on the fighting line at all; and it will be a question of only a short time when they will go back to Wall Street and obtain fat salaries from some of the economic Tories.

Mr. ASHURST. The Senator will acquit me of the appellation "liberal." I am a Democrat. "Liberal" is an English appellation. It belongs to English politics.

Mr. WHEELER. I have been called many worse things than a liberal.

Mr. ASHURST. I beg the Senator's pardon; I was diverted.

Mr. WHEELER. After the Senator gets his speech off his chest, he becomes diverted.

Mr. ASHURST. No; I am listening.

Mr. WHEELER. I say, I have been called many worse things than a liberal. It never has bothered me at all. I desire, however, if I may, to come to the subject of the Supreme Court, which I was discussing when I was diverted.

First of all, I congratulate the Supreme Court for having changed its opinion. All of us who have practiced law to any extent know that Supreme Courts frequently change their views, and frequently minority opinions become the majority opinions of the courts of the country.

That is not only true of the State courts, it is true with reference to the circuit courts of appeal and it is true with reference to the Supreme Court of the United States. I have in mind, with reference to the Supreme Court of the United States, when the first income-tax law came before that Court. They held it to be unconstitutional. The next time the income-tax law came before the Supreme Court they held it to be constitutional.

The first time the Railroad Employees' Liability Act came before the Supreme Court of the United States they held it to be unconstitutional. The next time it came before the Court they held the act to be constitutional. They did not expressly reverse their former decision, but I challenge any of the lawyers in this body to read the two decisions and to find where the first law differed in any material respect from the second law. Yet the Supreme Court changed its opinion with reference to the Railroad Employees' Liability Act. What they have done in those two cases they have done in other cases, and I am extremely hopeful that they may take the same course with reference to some of the other cases which may come before them.

I have never been one of those who, because the Supreme Court decided against me, or because they decided contrary to the way I thought they ought to decide, desired to destroy the Court or to destroy public confidence in the Court. I submit that if six more Justices are put upon the Supreme Court, in the first place, no evil of which there is complaint will be corrected, because there may still be 5-to-4 decisions, there will still be human beings to deal with, and there will still be men who can interpret the Constitution and who can make the Constitution what they say it is. The six new men can still usurp the power of Congress if it is admitted that the Court has been usurping that power. They can still do everything for which Members of Congress are denouncing the present Court.

I am unwilling to charge that the Supreme Court of the United States, which has been one of the great guaranties of the liberties of the minorities of this country, is responsible for the Dust Bowl. I am unwilling to stand upon this floor and say that the Supreme Court of the United States is responsible for the floods. I am unwilling to say that the Supreme Court of the United States is entirely wrong. When we take the case of the poor Communist who was convicted, to whom did he appeal? Who saved him from the hysteria of the State of Washington when it passed its war law? It was not the State supreme court; it was the Constitution of the United States and the Supreme Court of the United States. Who was it that saved that Communist, detested and denounced by practically everyone? Not some

jury, not some State court, but the Supreme Court of the United States.

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

Mr. WHEELER. Not now. Who was it who took the side of the poor, unfortunate Negroes in Alabama? It was the Supreme Court of the United States which came to the rescue of those unheralded and unknown Negro boys.

When hysteria swept over the State of Oregon and the people passed a law providing that there should not be parochial schools, who was it who saved the parochial schools and said that people had a right to religious freedom in the United States? It was the Supreme Court of the United States.

When the State of Nebraska passed a law, in the hysteria which swept over the country during the war, providing that teachers should not teach German in the schools of this country, who was it that said that there should be freedom of religion and freedom of education, and that such laws were not constitutional? It was the Supreme Court of the United States.

Pack the Supreme Court, if you will, put six more men on it to meet the needs of the time; but what are needs of the time? The needs of the time from an economic and financial standpoint are no different than they were 10 years ago, 20 years ago, or 30 years ago. The needs of the time then demanded that we should stop the concentration of wealth in the hands of a few. We should have then foreseen what would happen, and should have taken steps to prevent a few men from controlling, with other people's money, all of the resources and all of the money of the United States. Pack the Supreme Court if you desire to put six more men on it to meet the needs of the time, but when the next war hysteria comes you are going to regret it.

I went through the war hysteria during the World War, and it made some impressions upon me which will never be forgotten. I saw legislature after legislature, I saw the Congress of the United States pass laws which I thought were wrong, which went too far. In my judgment, the Congress went so far in the alien and sedition law that it made a great mistake, and my late colleague, who was one of those who voted for it and, I think, worked for it, I am sure before he passed away came to the same conclusion I entertained with reference to it.

The war hysteria was sweeping the country at that time, and there were those who denounced everyone who criticized in the slightest degree any act of the Congress of the United States or criticized in any way, shape, or form the Democratic Party—and I was then holding office—and they wanted such critics sent to the penitentiary for the rest of their lives. These superpatriots and the great financial interests of that time were then trying to keep labor down while they were exacting huge war profits. When any labor organization in the United States would ask for higher wages, they would denounce them as pro-German, and when the farmers of the Northwest, of Minnesota, of North and South Dakota, and all through that great western section, were out fighting to get a higher price for wheat and higher prices for their other crops, what did these superpatriots do to their leaders? They tarred and feathered them, they painted their houses yellow, they drove them out of the community, they broke up their meetings. If Senators think I am exaggerating, ask either of the Senators from North Dakota, ask the Senator from Minnesota, ask any Senator from the northwest section of the country. They would have said, "The needs of the time are such that there have to be six more members upon the Supreme Court who can override the Bill of Rights and hold that during this period of time the Bill of Rights shall be suspended; and these men, notwithstanding the guaranties granted to them under the Constitution, shall go to jail."

I say the step proposed is one of the most dangerous ever suggested, and it will set the most dangerous precedent of which I can conceive. You can bring political pressure to bear upon me, you can say, "You have to go along because of the fact that the administration wants it." You can say that my privilege of appointing postmasters will not be accorded me; you can say that I will get no more projects for my State, worthy or unworthy; you can say what you please; but I say to Mr. Farley and to everyone else that, so far as I am concerned, I will vote against this proposal because it is morally wrong, morally unsound. It is a dangerous precedent, it is not liberal, it is reactionary, it gets us nowhere, it is an expedient, it is a stopgap and dictatorial, and, so far as I am concerned, if I am the only man in the Senate to do so, I shall vote against it.

I want to see reform, and I think I speak for practically every man who is opposed to the pending proposal, whether he is a Democrat, a Republican, a Progressive, or what not, when I say that we will agree to submit any amendment which the administration may suggest, and we will go further than that, for the sake of harmony, and because we believe in the objectives of the administration we will go out and campaign to have such an amendment ratified.

So far as it taking a long time is concerned, under article V of the Constitution there may be constitutional conventions. Congress can specify the time when the conventions shall be held. Congress can specify the manner of holding them and the election machinery by which their members shall be chosen; and if the Congress desires, it need not be a matter of years, it need not be a matter of 1 year, it can be a matter of 6 months if the Congress wishes.

Mr. McKELLAR. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. McKELLAR. Up until today, the Senator will concede, the minimum-wage law passed by the Congress several years ago was unconstitutional, was it not?

Mr. WHEELER. What is the question?

Mr. McKELLAR. The minimum-wage law having been declared by the Supreme Court to be unconstitutional, it was unconstitutional until today, was it not?

Mr. WHEELER. Certainly.

Mr. McKELLAR. Today the Supreme Court reverses itself and declares the same law to be constitutional.

Mr. WHEELER. That is correct.

Mr. McKELLAR. Who amended the Constitution?

Mr. WHEELER. I have heard statements made that under the Constitution the Court had no right to pass upon the constitutionality of a law. Does the Senator take that position?

Mr. McKELLAR. No; I do not.

Mr. WHEELER. I am glad to know it.

Mr. McKELLAR. I will say that the Chief Justice was undoubtedly right when not long ago he said that the Constitution is what the Judges say it is, and today we have an object lesson on that very subject. Yesterday, and up until 12 o'clock today, the minimum-wage law in the District of Columbia was absolutely unconstitutional, previously having been declared unconstitutional. Today the Supreme Court, in another opinion, amended the Constitution and declared the minimum-wage law constitutional.

Mr. WHEELER. I will say that that is partially correct and partially incorrect. Some of the provisions of the Constitution itself are in some respects of doubtful character, and they have to be interpreted by somebody. The Constitution itself provided for a Federal judiciary and for one Supreme Court. I know there are Members of this body who have spoken over the radio and at other places and have said that the courts had no right to declare acts unconstitutional, but I do not believe that any lawyer of any standing in or out of this body subscribes to that view. The Supreme Court undoubtedly has placed constructions upon the Constitution, and undoubtedly will do so in the future. The present administration has asked the Court to place constructions upon the Constitution which have never been placed upon it before.

I hoped that the Supreme Court would place such constructions upon it, but the Court has not seen fit to do so. I have said that, in my judgment, the thing to do was to amend the Constitution by orderly processes and in the way which the Constitution itself provides.

In closing let me say one more word, and that is that the Constitution, after all, belongs to the people of the United States. It does not belong to me or to you or to anybody else. The people drafted it, and they have the right to vote upon the way in which they want the Constitution changed, if material changes in the Constitution are going to be made. The question that is now before us was not presented to the people of this country, and I do not believe the proponents of the action now proposed would present the question to the people for their approval or disapproval.

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

Mr. WHEELER. I yield.

Mr. ROBINSON. The Senator does not contend, does he, that the question which is now before us—namely, that relating to the reorganization bill—requires an amendment to the Constitution?

Mr. WHEELER. Oh, no. Let me say to the Senator, however, that there are some very distinguished lawyers who contend that the present bill is unconstitutional.

Mr. ROBINSON. But the Senator himself does not so contend; he admits that the bill is constitutional?

Mr. WHEELER. Let me say to the Senator from Arkansas that I prefer to make my own statement with reference to that. I have not examined the present bill with reference to its constitutionality. To increase the Supreme Court by 6 members or 10 members or any other number on a permanent basis is undoubtedly constitutional. There is some question in the minds of some very eminent lawyers about the constitutionality of the proposed bill.

Mr. ROBINSON. Mr. President, will the Senator again yield?

Mr. WHEELER. I yield.

Mr. ROBINSON. I have not yet seen a statement from any lawyer holding that the proposal by legislation to increase the number of Justices on the Supreme Bench is unconstitutional. I have not heard an argument and I have not read one to that effect.

Mr. WHEELER. A very able lawyer came to me in Cleveland, after I had finished speaking night before last, and asked me what I thought about the constitutionality of the proposed measure. I told him I had not looked into that question. So far as concerns increasing the Supreme Court on a permanent basis, there cannot be any question about it. But the lawyer contended that the way it was sought to be done, which was not on a permanent basis, was a method which was unconstitutional, and stated that he was sending me a brief upon the question. I have not read the brief and I myself do not care to pass upon that point.

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

Mr. WHEELER. I yield.

Mr. BARKLEY. The Senator from Montana stated a moment ago that he thought the people ought to pass on every change which is proposed in the Constitution.

Mr. WHEELER. Every material change.

Mr. BARKLEY. I will amend the statement by saying "every material change." The Constitution authorizes Congress to regulate commerce among the States. It does not say what sort of commerce. It does not stipulate the articles of commerce that are to be regulated nor the manner in which they are to be regulated. Prior to the adoption of the Constitution every State in the Union, or in the confederation, not only possessed, but most of them exercised, the right of absolute prohibition of commerce coming into the State from other States. When the States surrendered that power they surrendered it to the Federal Government and, in my judgment, surrendered it completely. At any rate the language of the Constitution is that Congress shall have power to regulate commerce among the States.

The Supreme Court has amended that provision of the Constitution in numerous decisions. It has held that, while Congress has the power to regulate commerce, it can only regulate commerce of a certain type. For instance, it has held that Congress can prohibit the shipment from Chicago into Alabama of meat that is calculated to injure the health or destroy the lives of the people of Alabama, but that Congress cannot regulate the transportation of an article of commerce made in Chicago under such conditions that the health and the lives of the people who make that article may be destroyed. The Supreme Court has held that Congress can, under certain conditions, prohibit the shipment of prison-made goods from one State to another, although the goods themselves have no deleterious characteristics, are not injurious to health or life, and cannot have any immoral effect.

The same Court has held that it cannot prohibit the shipment of child-made goods from one State to another.

All these limitations and these decisions have amended the language of the Constitution, which simply gives Congress the power to regulate commerce among the States. The people were not given any chance to pass upon those amendments, which were judicial amendments and not legislative, or amendments submitted to the States and passed upon either by legislatures or conventions.

So it is utterly impossible, according to my view, for the people to pass upon amendments of the Constitution that are insidiously and consistently and constantly being written into the Constitution by the decisions of the Supreme Court.

Mr. WHEELER. I do not believe that the Senator would agree with his own statement after careful thought and consideration. The Supreme Court has not, in my judgment, amended the Constitution in the way the Senator says. The Supreme Court has interpreted the provisions of the Constitution, as somebody had to interpret them. The Supreme Court had to interpret what was meant by "commerce among the States." In my judgment, the Court has not amended the Constitution.

Assuming that everything the Senator has said about the Court is correct, and even if I were willing to admit every mean thing and every bad thing that anybody ever said about the Supreme Court, yet I shall say then that the proposal to increase the Supreme Court by six members will not in the slightest degree correct the situation which has been described.

Mr. BARKLEY. Assume that the six judges, whoever they may be, should have open minds——

Mr. WHEELER. That is a violent assumption.

Mr. BARKLEY. I have not the slightest information or imagination as to who they will be or who they will not be. However, does not the Senator think that if six men are selected who are impartial, who are not bound by preconceived notions or economic views, who are open-minded, who are men of ability and character, and who have been selected without any effort being made to bind them to a decision in any case, that private litigants and even the Government itself would go before such a Court feeling confident of receiving a fair and impartial hearing. Under those conditions the one who lost would feel that at least he had had a fair trial, whereas with respect to some cases in recent times most people have felt that a large number of judges had their minds made up in advance of the argument of the case.

Mr. WHEELER. I do not at all subscribe to what the Senator has said with reference to picking out six impartial Judges. I think the Senator from Kentucky voted as I did with respect to Mr. Justice Roberts. We both voted in favor of confirming his nomination. We voted against the confirmation of Judge Parker. I voted against him, and I am sure the Senator from Kentucky voted against Judge Parker because of what we felt were his preconceived ideas with reference to injunctions. Then in his place the President nominated Mr. Roberts. Mr. Roberts had been an attorney in the oil cases, prosecuting Fall and Doheny. He had done a very excellent job, and he was praised very highly by my late colleague, Senator Walsh, upon the floor of the Senate, and praised by practically every liberal lawyer in the United States. Every liberal and every progressive in this body voted to confirm his nomination, thinking that he was going to be a liberal, and no Senator on any side in the Senate ever suggested that he had any preconceived ideas, or that he was anything other than the most honest and the most virtuous and the highest type of man who could possibly be put upon the Supreme Court bench.

Mr. Hoover picked out Mr. Cardozo and nominated him. He was not packing the Supreme Court for the economic royalists in New York when he picked out Mr. Cardozo. He was not packing the Supreme Court of the United States for the economic royalists of New York when he picked out Mr. Hughes. I voted against the confirmation of the nomination of Mr. Justice Stone and I voted against the nomination of Mr. Justice Hughes. The old friend of the distinguished Senator from Tennessee [Mr. MCKELLAR], Mr. Justice McReynolds, was selected by President Wilson because he had prosecuted the economic royalists; he had prosecuted the Tobacco Trust case; he had fought for the little farmer in Kentucky and Tennessee and Virginia and almost every other State. He was placed upon the Supreme Court, and yet he turned out to be about the most conservative man upon that bench. So if six more men are picked out, they will be just six human beings who will take the oath of office and go upon the Supreme Court; but unless we know what they are going to decide before we put them there, we can have no assurance as to their decisions; there is not a workingman in the United States of America who can have any assurance that they will decide any single, solitary case in his favor. Does the Senator think that any workingman or any farmer or anyone else could have any guaranty that the six men who are to be placed upon the Supreme Court, if the proposal should be adopted, would vote with the present minority on that Bench? Does he think that they would vote to uphold labor legislation that the majority has not upheld? Does he think that those six men would uphold the A. A. A.? How could he be sure that they would vote in the way desired?

Mr. BARKLEY. Let me say to the Senator that I would not vote for the confirmation of the nomination of any man appointed to the Supreme Court who would give in advance any guaranty as to how he would decide any case. I do not think the President would appoint any man who would be subject to any such approach for a guaranty as to how he would decide any case.

Mr. WHEELER. Then, what assurance would there be?

Mr. BARKLEY. Of course, nobody can give any assurance as to how any judge is going to decide a case.

Mr. WHEELER. Of course not.

Mr. BARKLEY. Certainly those of us who are in favor of this proposal are not seeking in advance to commit any Judge as to his judicial action or to commit any Judge in advance as to any possible legislation.

Mr. WHEELER. But it has been said that six Judges are desired to be put upon that Bench who will act in such a way as to meet the needs of the times. What assurance is there that they would do so?

Mr. BARKLEY. I think it is desirable that the 6 Judges or 9 Judges or 15 Judges, or whatever the number of Judges may be on the Supreme Court, shall be open-minded and shall take into consideration the legislation that Congress enacts, and abide by the Supreme Court's own rule that laws of Congress will be upheld unless they are unconstitutional beyond a rational doubt. My contention is, where any four out of nine men, equally learned, equally patriotic, equally sincere in an opinion go on record as believing in the constitutionality of a law, that that of itself creates sufficient doubt in the minds of reasonable men to enable the Court to uphold laws that are passed by Congress.

In the case of Judge Parker, the Senator will recall that he had a judicial record, and the Senate rejected him on his judicial record. Justice Roberts had never had any official position that I know of. Certainly, he had never been a judge.

Mr. WHEELER. He had held official position.

Mr. BARKLEY. I do not know that he had ever been a judge; at least, he had no judicial record that was ever brought to our attention. He had done a good job in the oil cases in conjunction with former Senator Pomerene, of Ohio, who helped him to handle those matters. The Senate confirmed his nomination very largely upon the record which he had made in those cases, because most of us knew nothing at all about his antecedents. But that is neither here nor there; all we ask for, whether we get six judges or three judges or one judge, is that the men appointed to the Supreme Bench shall be sufficiently broad-minded, sufficiently modern in their outlook upon the problems of society and politics, that their minds shall not be closed in advance against the constitutionality of any law enacted by the Congress, though it may be new or different or strange from any law that has ever before been enacted.

Mr. WHEELER. What assurance will the Senator have as to that?

Mr. BARKLEY. I realize there is a certain type of mind in this country, not only on the bench but in the Senate and outside of it in private life, that is constitutionally and congenitally against any new thing—that is, against anything that is strange, anything that is a departure from custom—and I realize that now and then we get such men on the bench not only of the Supreme Court but of the inferior courts.

If I were selecting judges, I do not think that I would undertake to select men whose minds were closed to modern economic conditions; I would not undertake to vote for such men if I were voting for them. Indeed, in voting in my State I do not vote for men to go on the highest court of my own State whose views are hidebound and legalistic and who are slaves to custom or to the doctrine of stare decisis; and the Supreme Court itself has today shown that it is not a slave to any such doctrine, for it has reversed one of its own decisions.

Mr. WHEELER. The Senator agrees that in placing six new men on the Supreme Court we shall still be putting six men there who may usurp the powers of the Congress of the United States, who may wrongly interpret the Constitution of the United States, and who may decide against everything the Congress of the United States wants.

Mr. BARKLEY. I grant the Senator that that is possible.

Mr. WHEELER. Certainly; it is entirely possible.

Mr. BARKLEY. Of course, we take our chances as to the kind of judges we are going to get, no matter who appoints them or how many there are to be on the Supreme Court.

Mr. WHEELER. We not only take chances; but if we will review the past history of the Supreme Court, we can only come to one conclusion, and that is that when six men are put upon the Supreme Court, no matter how fair they seem to have been, no matter how fair their action may have been in the past, it is no guaranty that they are not going to change either their political or their economic views after they get upon the Supreme Court Bench, and that they will not usurp the powers of Congress.

Mr. BARKLEY. And although both branches of Congress might agree on some amendment to the Constitution, and that amendment might be ratified within 6 months or a year by the people, through their legislatures or the States, there is no assurance that nine judges or any other number of judges of the Supreme Court will not misinterpret such an amendment to the Constitution as they have misinterpreted amendments already in the Constitution.

Mr. WHEELER. Of course, after all, our whole judiciary system, from beginning to end, is imperfect. The jury system is denounced by a great many people from one end of the country to the other. A great many think we ought to do away with the jury system. I am not one of those who so think, but a great many denounce juries; they denounce the grand-jury system; they denounce prosecuting attorneys; they denounce district judges, and say that it is wrong to give to Federal district judges and to the State judges such power as they have. They denounce also the Supreme Court Justices because of their decisions. I, too, have denounced their decisions; I put no halo around their heads; I say that those Justices, in my judgment, have been wrong in many instances, though in the minds of a great many other people they have been entirely right.

Mr. BARKLEY. They could not have been right all the time, for they have been on both sides of the question so many times that they could not always be right.

Mr. WHEELER. They are not any different from what the Senator from Kentucky and I have been, for we have been on different sides of a question.

Mr. BARKLEY. Yes.

Mr. WHEELER. And we have changed our opinions as to certain laws.

Mr. BARKLEY. We have, but largely as a matter of policy and as a matter of conviction as to the best policy for the Congress to enact by way of legislation. It is not the part of the judiciary to pass upon the wisdom of legislation.

Mr. WHEELER. The Senator is asking that the judiciary, including the Supreme Court of the United States, be superhuman.

Mr. BARKLEY. No.

Mr. WHEELER. If six men or any other number of men should be placed upon the Supreme Court, there would be six more human beings on that court, and they would continue to be human beings whether they wore the robes of the Supreme Court or whether they did not.

We can criticize the members of the Court, but we have gone far beyond just criticism.

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

Mr. WHEELER. I yield to the Senator from Maryland.

Mr. TYDINGS. I should like to ask the Senator if it is not a fact that he and the Senator from Kentucky generally agree on what is wrong, but the Senator from Kentucky advocates putting six more human beings on the bench in order to correct that wrong, while the Senator from Montana advocates an amendment which will definitely state what is wrong and how it can be corrected.

Mr. WHEELER. I think that is a correct statement.

Mr. BARKLEY. The Senator's amendment provides for a political appeal from the decisions of the Supreme Court.

Mr. TYDINGS. I had no reference to that amendment.

Mr. BARKLEY. So that no two litigants who carry a case through the lower courts into the Supreme Court and get a decision of that court would have ever known which one had won the case in the Supreme Court until an election had been carried and the political complexion of the Senate had been determined and Congress had passed on the political question decided by the Supreme Court.

Mr. WHEELER. The Senator does not mean that, because my amendment applies only to constitutional questions. It does not apply to private litigants at all.

Mr. BARKLEY. It is bound to do so. The Supreme Court does not decide cases except between private litigants.

Mr. WHEELER. I beg the Senator's pardon; it does so decide.

Mr. BARKLEY. Very properly; all these constitutional questions arise in litigation between two persons.

Mr. WHEELER. No; quite to the contrary; in many instances the cases that go to the Supreme Court where constitutionality is decided are cases in which the Government of the United States is interested.

Mr. BARKLEY. That is rarely true, though it has happened; but practically all the cases that have been decided in the last 4 years which involve the constitutionality of acts of Congress, except where a man was prosecuted by the Federal Government for a criminal offense, have reached the Court because of lawsuits between individuals.

Mr. WHEELER. Very well. Then, with reference to my amendment, let me say to the Senator from Kentucky, and to the other Senators who are for the proposal as to the Supreme Court, that I am willing to vote for any amendment the President of the United States or the leader of our party in the Senate, the Senator from Arkansas [Mr. ROBINSON], will propose to meet the objections which have been raised. I have sufficient confidence in the leader of our party that if he will propose any amendment which he thinks will meet the situation I will vote to submit such an amendment. I will go further than that; I will state to him that I will go out and campaign from one end of the country to the other in an effort to have such an amendment adopted by the people of the country, and I am perfectly willing to do the same thing for the President of the United States. I will vote to report out of the committee any amendment which he will submit.

Mr. BARKLEY. Will the Senator guarantee that the Supreme Court will interpret that amendment in the spirit of its submission?

Mr. WHEELER. Just as much as the Senator from Kentucky will guarantee that six new men appointed to the Supreme Court will do as he wants them to do or as he hopes they will do. They will be six human beings just as the nine present Justices of the Supreme Court are nine human beings.

Mr. MINTON. Oh, Mr. President, they could not be like that.

Mr. WHEELER. The Senator from Indiana was in favor of a constitutional amendment until he got orders from the other end of Pennsylvania Avenue. [Laughter.]

Mr. MINTON. Oh, no; I was not.

Mr. WHEELER. Oh, yes; he was.

Mr. MINTON. I know, and I have the bill in my desk. It was to be an act of Congress, and the Senator from Montana told me he would vote for it. It was not an amendment to be proposed to the Constitution.

Mr. WHEELER. I beg the Senator's pardon. It was another Senator who offered the constitutional amendment because he thought the bill of the Senator from Indiana would prove to be unconstitutional. Let me say that the close advisers of the Senator from Indiana on this proposition think his bill is unconstitutional.

Mr. BARKLEY. Mr. President, does the Senator believe the Senators who are proposing constitutional amendments as a substitute for the President's program can ever get together on an amendment which all of them can support?

Mr. WHEELER. Absolutely.

Mr. BARKLEY. I should like to see such an amendment.

Mr. WHEELER. Not only can we do it, but we will do it.

Mr. BARKLEY. Why does not the Senator do it?

Mr. WHEELER. We are doing it right now.

Mr. BARKLEY. Where is it?

Mr. WHEELER. We will soon have it ready to submit.

Mr. BARKLEY. But the Senator has not got it now?

Mr. WHEELER. Oh, does the Senator from Kentucky want us to agree on such an amendment in 15 minutes?

Mr. BARKLEY. The Senator has had several years.

Mr. WHEELER. Oh, no; we have not had several years at all.

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

Mr. WHEELER. I yield.

Mr. TYDINGS. I may say that I think the Senator from Montana knows, as I know, that very nearly all the Democratic Members of the Senate who are not in favor of the proposal for six new Justices can agree on an amendment, and will agree on an amendment, but they are wondering, if they agree on an amendment, whether those who favor the President's proposal will withdraw that proposal and vote for an amendment about which they will not have any question in the future?

Mr. BARKLEY. Mr. President, so far as I am concerned, as one of the supporters of the President's program I would not agree in advance on any amendment. While it might be possible that even some of us who favor the President's program would favor an amendment to the Constitution, I would not favor it as a substitute for the President's program at this time.

Mr. WHEELER. Of course, any such amendment that might be proposed would meet with the disapproval of the "brain trusters." We know that. We cannot propose any kind of an amendment to the Constitution that some of the brain trusters will not pick it to pieces and say it is not the right thing. They do not want it. They want the thing done just as they have drafted the bill, just as they have sent the bill here, and placed it in the hands of the Senator who introduced it.

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

Mr. WHEELER. Certainly.

Mr. CONNALLY. The Senator from Montana expressed some doubt as to the ability of the appointing power to secure six new judges who would hold views contrary to the views of the present majority of the Court. Does he really think that?

Mr. WHEELER. Will the Senator state his question again?

Mr. CONNALLY. The Senator expressed some doubt as to the ability of the appointing power and the confirming power to find six prospective judges who, after they went on the bench, would have a different judicial slant than that held by the present Court. Does he really believe that?

Mr. WHEELER. Oh, no. I think the President could pick from the group of college professors who have testified before the Committee on the Judiciary men who would decide anything any way any office boy told them to decide.

Mr. CONNALLY. The Senator is judging by the witnesses who have been before the Judiciary Committee?

Mr. WHEELER. Yes.

Mr. CONNALLY. If we cannot obtain that kind of a Court, why pass the bill introduced here? I do not think anything is impossible. If we cannot get some new blood that will reverse the attitude of the judges now on the Supreme Court, what is the use of fooling with this matter at all?

Mr. WHEELER. I can tell the Senator of many hopeful boys who expect to get on the Supreme Court who will be glad to agree in advance that they will decide anything the way the office boys want it decided. [Laughter.]

Mr. ASHURST. Mr. President, let me state the issue. The so-called reactionaries have stretched the Constitution of the United States to protect every dollar in the land, but when an effort is made to stretch the Constitution to protect human life, the same reactionaries yell like the wolves on Unalaska's shore. [Laughter.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, communicated to the Senate the intelligence of the death of Hon. BENJAMIN K. FOCHT, late a Representative from the State of Pennsylvania, and transmitted the resolutions of the House thereon.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LUDLOW, Mr. BOYLAN of New York, Mr. O'NEAL of Kentucky, Mr. HIGGINS, Mr. DALY, Mr. TABER, and Mr. DITTER were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 1088. An act for the relief of the Baker-Whiteley Coal Co.;

H. R. 1089. An act for the relief of Charles M. Perkins;

H. R. 1091. An act for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy;

H. R. 1094. An act for the relief of Clark F. Potts and Charles H. Barker; and

S. J. Res. 110. Joint resolution declaring Joseph P. Kennedy eligible for appointment as a member of the United States Maritime Commission.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On March 17, 1937:

S. 936. An act to regulate the sales of goods in the District of Columbia.

On March 24, 1937:

S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.;

S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; and

S. 997. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. BLACK. Mr. President, it is my intention to discuss very briefly some of the statements made by the Senator from Tennessee [Mr. MCKELLAR] in connection with the letter of the Chief Justice.

Naturally I have listened with great interest to my good friend, the Senator from Montana [Mr. WHEELER], commenting upon the "brain trust." I must confess that I had never anticipated that I would hear my good friend from Montana join in the attacks on the "brain trust." To hear him talking about those who are opposed to the President's plan reaching an agreement on a constitutional amendment is most interesting to me. I have been wondering how the Senator from Montana and the senior Senator from Vermont [Mr. AUSTIN], who are both vigorously opposing the President's plan, would get together on a constitutional amendment. Perhaps they could do so. I say nothing against either of these distinguished Senators, both of whom are gentlemen of ability, eminent in their States and eminent Members of this body, but we all know that on most questions involving economic problems in this body, any Senator who has been here a few years can sit at his desk, take a list of the Senators, and jot down how they will vote on a particular question when it comes to a vote in the Senate.

That is frequently done by the representatives of the press. They often publish in their newspapers a statement as to how Senators are likely to vote the next day on a certain question. It is not necessary for them to talk to those Senators on a question involving economic differences and economic predilections. It is simply a matter of plain common sense and mathematics. That was recognized by Chief Justice Hughes in his book on the Supreme Court in which he said it is fortunate that the Supreme Court members have never in their history been tied down by political machines while they were on the bench. Of course, he does not intimate that many of the eminent members on the bench were not connected with some kind of a political machine before they got on the bench, but he says it is fortunate that as members of the Court they have not been tied down to political machines and become a part of political campaigns in their respective States. It is true that they have not since the early part of the history of this country, although, history does tell us that very shortly after the first members of the Supreme Court were appointed a session was missed at one place where they were to hold court because two of the judges were in their States campaigning for the Federalist ticket.

However, the point I intended to state is that, as we all know, it is no charge against the integrity of an individual, as a Senator or as a Congressman or as a judge, to say that we believe that in the performance of his official function he will continue to follow the natural bent of his mind. He is still a man. He was a baby once, just as everybody else was a baby. He had to be waited on as a baby just as every other baby in the country was waited on by its mother. Later he probably went to the same kind of school as other boys and studied the same kind of books. The probability is that he went to the polls and voted the first time, just as others did, for the party which most likely was the party to which his father belonged. The possibility is that he began to get interested in politics and took part in some political gatherings. The likelihood is that he was not ashamed of it at all, but was proud of the fact that he was a member of a political party.

As a result of all this the likelihood is that before long he was elected to office. Sooner or later he came to Congress, to the House or to the Senate, or was promoted to an important office somewhere else. That very man, who was

which he will submit.

think that?

and completing the construction of a bridge across the Mis-

once a baby like other babies, perhaps became a member of the judiciary. He had the same mind that he had before he went on the bench, with the same human tendencies and the same human inclinations.

Most men would be unable to change their natural bent of mind in connection with an economic question because, as Chief Justice Hughes said in his book on the Supreme Court, those men are already of mature mind and mature convictions. He said further that they are likely to continue to have those convictions after they go on the bench, and we know that they do. We know that they have in the past, that they do now, and that they undoubtedly will in the future. So there is no charge against the integrity of any prospective judge on the ground that it is anticipated that with reference to economic predilections after he goes on the bench he will still be the same man that he was before he went there.

What I wished to discuss was the letter of the Chief Justice with reference to the cases on the docket.

I have never claimed that the Supreme Court at the present time has a clogged docket. I have claimed that in line with the President's proposal it is necessary that more cases be decided by the Court. Some years ago, when I was in the Supreme Court of the United States presenting a case, I was amazed to hear the Chief Justice reprimand, or at least admonish, counsel who cited the denial of the writ of certiorari as an argument in favor of his side of the question.

The Chief Justice said to the attorney, "Do you not know that the mere fact that certiorari has been denied is no indication that there is not error in the record?" As a matter of fact, it is true in numerous cases that certioraries are denied where there is error in the record. All of those who go to the Court are not economic royalists, either. I recall very well having a case there of a man who had worked for a railroad and had lost his leg. He was not an economic royalist. His case came up there at his request, and it was one among the hundreds where certiorari was denied.

Some time ago, in some casual reading on the subject of the cases that went before the Supreme Court, I came upon a case which went up from the State of California in the year 1915. The case was entitled Southern Pacific Co. against Pillsbury et al. It was a case brought by the widow of a railroad employee who was killed while at his post of duty. Application for certiorari in that case was denied by the Supreme Court of the United States. The Supreme Court of California had held that the man was engaged in interstate commerce and therefore could not recover under the California compensation law. The case went to the Supreme Court of the United States, and certiorari was denied. Five years later, on October 4, 1920, the Supreme Court of the State of California rendered another opinion directly and unequivocally overruling the previous decision, as recorded in One Hundred and Eighty-first California, page 1; and it based its action on a case decided by the Supreme Court of the United States 4 months before the denial of the original application for certiorari. It cited the case of *Minneapolis-St. Louis R. R. Co.* v. *Winters* (242 U. S. 353).

The California court also cited other Supreme Court opinions. For 5 years in the State of California, by reason of the denial of that writ of certiorari, men had been denied recovery under the State compensation law. Widows had been denied recovery. They were not economic royalists. They were employees, or widows of employees, working for the industrial companies of that State.

When the matter came to the Supreme Court the last time, they said:

> It is urged by petitioners that the denial of the petition for certiorari in the Ruth case should be regarded as authority—

That is the case where they had denied the recovery—

> and therefore the decision of this Court should control in the case at bar. It seems clear that our decision in the Ruth case cannot be reconciled with that in the Winters case. * * * As we said in the Ruth case, no fixed rule for the construction of this statute has been laid down by the Supreme Court of the United States. But, as we have shown, that Court has since had occasion to construe the Federal Employees' Liability Act, and we must accept its declaration on the point in question as the settled law.

What happened during that period of 5 years? It may be true that the case was not one of great constitutional importance to all the people of the Nation. It was a case of great importance to the individuals who lived in the State of California, and who were injured while in the employment of their masters. It was a case of great importance to the widows whose husbands were killed, but under the system of choosing the cases of greatest importance, with a docket crowded with numerous applications, this one went the way of hundreds of others. So for 5 years, because the Supreme Court of the United States had denied the petition for certiorari, it was the law of California in cases of this character that widows could not recover, under California law, when their husbands were killed, and injured persons could not recover.

In that connection, I am reminded of the bill which I introduced in 1935, which was a very simple bill asking for more expeditious decision of constitutional questions.

Mr. ASHURST. Mr. President——

Mr. BLACK. I yield to the Senator from Arizona.

Mr. ASHURST. I have been following the Senator's speech with close attention, and before he leaves the California case I should like to ask him a question. The able Senator indicated that the Supreme Court of California, after some 5 years, reversed its former decision.

Mr. BLACK. That is correct.

Mr. ASHURST. Was not that done by reason of a constitutional amendment adopted by the State?

Mr. BLACK. It is directly stated in the opinion that it was done on account of the opinions of the Supreme Court of the United States, citing three different Supreme Court opinions, one of which, by the way, was rendered 4 months before the original application for certiorari in the first case had been denied.

Mr. ASHURST. Then the subsequent case was not predicated upon any amendment to the constitution of the State of California?

Mr. BLACK. It was predicated upon the decisions of the Supreme Court of the United States, and not upon any change in the laws of the State of California.

Mr. ROBINSON. Mr. President, a petition for certiorari was presented to the United States Supreme Court after the original decision in the California case, and the United States Supreme Court refused to take jurisdiction under the writ of certiorari. It denied the writ, so that left the litigant without any remedy whatever.

Mr. BLACK. That is correct.

Mr. ROBINSON. The State court had decided that it could not award damages; and, notwithstanding the fact that the State court had declined to move in the matter, the Supreme Court of the United States denied the writ.

Mr. BLACK. That is correct.

Mr. ROBINSON. And there is no way of knowing how many cases like that are embraced within the several hundred cases where writs of certiorari are applied for and denied without any written record being made.

Mr. BLACK. It is wholly impossible when, as stated by Mr. Chief Justice Hughes in his statement before the Judiciary Committee in 1935, about 700 applications for certiorari were disposed of during the previous year.

Mr. GEORGE. Mr. President, may I ask the Senator from Alabama when the writ was applied for?

Mr. BLACK. The first writ to which I referred?

Mr. GEORGE. Yes.

Mr. BLACK. In 1915.

Mr. GEORGE. Will not the Senator from Alabama say that that was before the present Chief Justice went upon the bench?

Mr. BLACK. Oh, unquestionably.

Mr. GEORGE. And before Mr. Justice Roberts and several of the other Justices went upon the bench?

Mr. BLACK. Unquestionably. I may say to the Senator that it is not a question of individuals. The idea I have, and have had since long before the President's message came to this body, is that it is wholly and completely impossible for the judges, with the amount of work they have to do,

to give to the individual applications for certiorari the close personal attention which is absolutely essential.

Mr. GEORGE. The Senator knows, I take it, that the Court itself passes upon applications for review under acts that we have passed, and under acts of the Congress which authorized them to promulgate rules.

Mr. BLACK. Certainly. The act was amended the last time in 1925.

Mr. GEORGE. The Senator also knows that the Court does not grant the writ merely because error has been committed.

Mr. BLACK. That is what I stated in the beginning.

Mr. GEORGE. The Senator also knows that a case in which the writ has been applied for has been tried by a jury either in a State court or in a Federal court, and that the right of appeal has been given to the litigant either to the highest court of resort of the State or to the circuit court of appeals having jurisdiction over that particular area. Is not that true?

Mr. BLACK. This case came from the State supreme court.

Mr. GEORGE. And there had been a jury trial in the nisi prius court in California. Of course, I do not know anything about the facts of the case. Then there had been an appeal to the supreme court of the State.

Mr. BLACK. The Senator is correct.

Mr. GEORGE. And the Supreme Court of the United States simply declined to grant the writ.

Mr. BLACK. That is correct. I may say to the Senator that the point I was making is that a study of the record will disclose that there are hundreds of other cases of a similar nature.

I take the position that there should be an adequate number of judges physically and mentally qualified to give fair and just consideration to the cases which come to the Court in order that when manifest error appears in the record, the case should not be sent back. I realize that under the law they select the cases which are the most important; but the case to which I have referred was a case of great importance to those who were engaged in the litigation, as are many other cases.

Mr. GEORGE. Mr. President, may I say to the Senator from Alabama that I do not understand the rule to be that they select the case that is most important within itself. Of course, there are various qualifications, but I understand the general rule to be that the court will grant the writ if some principle of wide application is involved, whether the case be small or whether the case be large. It will also usually grant the writ if there are conflicting opinions of the circuit courts of appeal, for instance, for the purpose of harmonizing the judgments of those courts.

Mr. BLACK. I used the word "important" because I had read it only a few moments ago from a statement by Chief Justice Hughes before the Committee on the Judiciary.

Mr. GEORGE. Important, however, in the sense I have indicated, I think the Senator will agree.

Mr. BLACK. Important because of the question of law involved and the desirability of having an authoritative decision by the tribunal having jurisdiction of an important question.

Mr. GEORGE. And when there are conflicting decisions.

Mr. BLACK. In a case involving liability to hundreds of thousands of injured persons there should be a sufficient number of judges who can devote enough time to the particular question so that the Court would never be compelled, on account of rush of business, to decline to look carefully into a manifest error in the record.

Mr. GEORGE. I would agree with the Senator on that point, but I do not see how the number of judges would necessarily determine the matter; because, after all, the addition of other judges would only delay final decision on the question of the granting of a writ.

Mr. BLACK. It would, if we assume that certain facts are true.

Mr. GEORGE. I am not assuming any facts to be true.

Mr. BLACK. That out of a thousand records all of the judges carefully read all of those records. That would be over three per day for each judge. I do not believe they do any such thing, when I consider the time necessary to be spent on the bench by the judges. For months they sit in the courtroom listening to the arguments of attorneys.

Mr. GEORGE. The point I am trying to make to the Senator is that he wants the United States Supreme Court to resolve itself substantially into a trial court of error—and I would have no objection to that if that is the function of the Court—to look through the entire record to see if the lower court has committed some error. But I think that under our system of establishing a Supreme Court, either in the Nation or in any State, the theory of our law is that there must be at some time a termination of litigation. If it is desirable to make the Supreme Court a simple court of error of fact or error of application of law, without regard to whether the question at issue is one of wide general application, or without regard to the fact that there may or may not be any conflict in the decisions of the Court itself, that is another question; but it seems to me the Senator is arguing for that point.

Mr. BLACK. I will state to the Senator the point I am arguing. I know, and the Senator is familiar with the fact, that the Supreme Court of the United States has passed on numerous cases of injured employees. Many such cases have come to the Court. I have no complaint that they have passed upon those cases. It is my own belief that when a case reaches that Court, if there are errors in the record, errors which might result in inflicting injury upon hundreds of others in the country, the case should be passed upon by the Court. In other words, I believe that would raise the case to the status of importance essential even under their own rules. But I also believe, and believed long before the President sent his message to this body, taking into consideration the number of judges on the bench, and considering the time they are required to listen to oral argument, knowing, as all of us do, that even when they go on vacations they carry literally trunkfuls of records, knowing the length of those records, that additional judges are needed, judges who are physically and mentally active enough to speed up the work of the Court instead of delaying it.

I do not concede that it would delay the work of the Court. I can understand fully that, insofar as those cases are concerned where arguments are made before the Court, and where the judges go back and sit together, it might sometimes be true that additional opinions would come into the conferences and might bring on delay.

But it is my judgment that a study of the records of the Court and a consideration of the cases they pass on will lead anyone irresistibly to the conclusion that the seven or eight hundred cases in which writs of certiorari have been denied cannot represent the unanimous opinion of all the nine judges after a complete study of the record before the certiorari was denied.

Mr. BYRNES. Mr. President——

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair). Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. BLACK. I yield.

Mr. BYRNES. On the question of delay necessarily resulting from the increase in the number of judges, I may say to the Senator that under the Constitution of the State of South Carolina, whenever a constitutional issue is before the court, unless the decision of the court is unanimous, the circuit judges of the State are called in, the court sits en banc to hear the arguments, and that means that 13 circuit judges are called in to sit with the 5 justices of the supreme court. It has never resulted in delay, and no question has ever been raised about the provision of the constitution. It has worked satisfactorily. Whenever a constitutional question is raised in the court, before the judges consider it, on the motion of two members of the supreme court all of the circuit judges are called in to sit with the justices of the supreme court. It has facilitated the decisions, and certainly the people of the State have never questioned the wisdom of the provision.

Mr. BLACK. I thank the Senator.

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

Mr. BLACK. I yield.

Mr. BARKLEY. In line with what the Senator from South Carolina has just stated, in Kentucky under our constitution we are permitted to have only seven judges of the court of appeals, which is our court of last resort. The business of the court so increased that the legislature passed a law enabling the court of appeals to appoint commissioners to sit with the court to render decisions, and they, to all intents and purposes, are additional judges of the court of appeals. There are now two commissioners, practically making nine judges of our court of appeals. Not only has the increase of the number not tended to clog business but the business of the court has been greatly facilitated by the addition of these two commissioners, who have practically the same power as judges. The increase, and the system under which the judges operate, has given great satisfaction to the State.

Mr. BLACK. Mr. President, I thank the Senator for his contribution.

In 1935 I introduced a bill in this body which would have required that where any inferior court set aside an act of Congress under an injunction or restraining order, the entire record should go to the Supreme Court within 10 days. I insisted that that was proper when Federal laws were held up and suspended by acts of inferior courts.

When the bill came before the Committee on the Judiciary three of the Supreme Court Justices appeared before the committee—Chief Justice Hughes, Justice Brandeis, and Justice Van Devanter. Those three opposed the bill. I insisted that unless such a law were enacted it would be impossible to know how many years would elapse before a ruling could be obtained on the legality of the Tennessee Valley Authority. Those Justices came before us and stated that the enactment of a law requiring that such a case should be brought to the Supreme Court within 10 days would bring about delay.

Let me read to the Senate the reason they gave for opposing the bill. Mr. Justice Hughes said:

> The next consideration that I would call to your attention is that this bill, we think, would impose a very heavy burden upon the Supreme Court.

Why would it impose a heavy burden upon the Supreme Court? All it required was that when the laws of Congress were held up by injunction, the cases should be brought up to the Supreme Court in 10 days; and yet we were met by a statement from the Chief Justice and the other two Justices saying that it would burden the court.

Let me read, Senators, what they said about it:

> I do not desire to emphasize the burden upon the Court. Our responsibility is very heavy and it is duly appreciated. We had last term about 1,000 cases that we disposed of. About 700 were applications for certiorari which were disposed of. A little short of 300, I think 268 to be exact, were disposed of on their merits. If we are to perform our duty of giving the careful consideration which is required to these very important subjects, we should not be burdened by cases that are not properly before us. They should not consume our time.

All my bill suggested was that when a law of Congress was restrained by injunction somewhere in the Nation, it should go up to the Supreme Court. The Justices of the Supreme Court came before the committee and pleaded that their burdens were so heavy that that bill should not be passed.

The closing argument which was made against it was as follows:

> I think that I have presented to you and have invited your consideration of the points which the members of the Court think of special importance, which are: First, we regard the bill as unnecessary; second, as dilatory in effect; and, third, as imposing an unnecessary and unwarranted burden upon the Court.

Since that time, 2 years have elapsed. The people near the Tennessee Valley Authority still are restrained by the very injunctions that were in existence at the time I was insisting before the Committee on the Judiciary that there should be the right to an immediate appeal. The Supreme Court of the United States was represented at the hearing by these three distinguished and eminent members who said that we should not impose on them the burden of deciding those cases. Why should not the burden be imposed if it was so light and so easy to handle as we would be led to believe it is today?

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

Mr. BLACK. I yield.

Mr. McKELLAR. I am happy to say to the Senator that decisions were handed down last Saturday in cases which had been brought by various power companies against the T. V. A. in the State court, and had been appealed to the Supreme Court of the State of Tennessee. The supreme court of Tennessee in its decisions in those cases upheld the T. V. A. upon the facts; it upheld the contracts with cities, and the rights of cities to construct distribution systems and use power from the T. V. A. However, we are tied up by reason of an injunction issued by a district judge holding the act of Congress unconstitutional.

In this connection, Mr. President, let me say that on Saturday I received a telegram from Hon. Watkins Overton, mayor of Memphis, Tenn., indicating what the State supreme court had done. It is as follows:

> MEMPHIS, TENN., *March 27.*
>
> Hon. KENNETH MCKELLAR,
> *Senate Office Building:*
>
> Tennessee Supreme Court has just upheld contract between the city of Memphis and Tennessee Valley Authority; also our contract with Public Works Administration for grant to aid in construction of electric distribution system. Power company's application for an injunction was denied and bill dismissed. We are delighted, and again I thank you for your splendid assistance.
>
> (Signed) WATKINS OVERTON, *Mayor.*

The opinion of the Supreme Court of Tennessee means much to the electric-light users of Memphis and of all our sections. I sincerely hope that the Federal courts will follow the lead of the Tennessee courts. More than 2 years ago Memphis voted 17 to 1 in favor of taking electricity from the Tennessee Valley Authority, but the matter has been tied up in the courts almost ever since.

Mr. BLACK. The Senator will note that on March 25, 1935, 2 years ago, the Supreme Court, through its three distinguished members, objected to the passage of a bill which would have required an immediate decision on those cases, on the ground that it would unduly burden the court. Now 2 years have passed. The Supreme Court of the State of Tennessee has just decided a case; but, of course, before the decision becomes final and binding, I assume that the power companies will drag the case to Washington. They will also drag the case from New Orleans to Washington; and by that time perhaps the burdens of the Supreme Court will have been lightened to such an extent, if we give them some additional judges, that they will be able to decide upon these cases. I am in favor of giving them some relief from the burdens about which they talked on March 25, 1935, 2 years ago.

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

Mr. BLACK. I yield.

Mr. SCHWELLENBACH. Does not the Senator from Alabama think that possibly his bill might meet with a more favorable reception in view of the evidence of repentance on the part of the Supreme Court today? As evidence of possible reformation of the Court, the Senator from Arkansas [Mr. ROBINSON] pointed out that the Court reversed the Adkins case, which as late as last June, as I remember, they accepted not only in full in passing upon the constitutionality of the law of the State of New York, but in that case they accepted the Adkins decision to such an extent that they would not even consider the question whether the New York statute should be distinguished from the District of Columbia statute. In view of the fact that we have had this very wonderful exhibition of flip-flopping upon the part of the Supreme Court today, perhaps, if the Senator can induce the Justices of the Supreme Court to appear before the Committee on the Judiciary now, they may be willing to accept the bill which the Senator has in mind. I suggest that he reintroduce the bill and try to get the Justices to

appear before the committee and see if this is a true repentance on their part or just a temporary repentance.

Mr. BLACK. I may state to the Senator from Washington that the bill has been reintroduced, and is again before the Committee on the Judiciary. I, of course, should welcome a letter from the Chief Justice writing me as an individual Senator that he now favors the bill, and that the Court's burdens are not so heavy as he thought they were.

Mr. BARKLEY. Why does not the Senator from Alabama ask the Chief Justice for a letter?

Mr. SCHWELLENBACH. Why not let the Senator from Montana [Mr. WHEELER] ask him for one?

Mr. BLACK. It might be better to request some other Member of this body to ask him for a letter. I might get one then.

Mr. SCHWELLENBACH. Be sure not to request a member of the Committee on the Judiciary to ask for a letter, because members of the Committee on the Judiciary, which is supposed to know, apparently are not eligible to receive word from the Supreme Court about matters pending before it.

Mr. BLACK. Mr. President, what I really rose to do was, in view of the very clear exposition made by my good friend, the Senator from Tennessee, to call attention to the fact that hearings have been denied on cases which were of vital and supreme importance to individuals concerned. I have cited a case where certiorari had been denied, and 5 years thereafter the supreme court of the State where the case was originally decided was compelled to retreat from the position it had taken because of the opinion of the Supreme Court of the United States.

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

Mr. BLACK. I yield.

Mr. MINTON. Just think how many women and children since 1923, when the Adkins case was decided, have been denied the benefits of an act of Congress fixing minimum wages in the District of Columbia simply by reason of the fact that at that time Mr. Justice McReynolds, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Van Devanter thought there was no rational doubt that the act of Congress was unconstitutional. They still had no rational doubt last June. Now all that rational doubt has disappeared, and the act is constitutional, and the people of the District of Columbia now are entitled to be protected by the act passed by Congress governing minimum wages in the District of Columbia; but, because of the rational doubt these men entertained in 1923, the people of the District of Columbia have been denied the benefit of this act for 14 years.

Mr. SCHWELLENBACH. Mr. President, will the Senator again yield?

Mr. BLACK. I yield.

Mr. SCHWELLENBACH. I ask the Senator to yield in order that I may point out the situation so far as my own State is concerned.

In 1913 we passed a minimum-wage law for women. Oregon, our neighboring State, at the same time passed a law of almost precisely the same kind. Our law was never brought up to the Supreme Court, but the law of our neighboring State of Oregon was, and it was declared to be unconstitutional. Mr. Justice Brandeis had worked on the brief in the Oregon case, and therefore did not sit in the case; but since five out of the nine judges of the Supreme Court in 1916, as I remember the date, believed that our law was constitutional, clearly it was constitutional. Therefore we had a constitutional statute from 1913 to 1923. Then our law became unconstitutional because five out of the nine Justices held the District of Columbia statute, which was the same in important particulars as ours, to be unconstitutional. So from 1923 to 1937 our law was unconstitutional. Today the Supreme Court, making another change back, has declared our law to be constitutional.

We start out with our law and have 10 years of constitutionality, 14 years of unconstitutionality, and now I am wondering how long our law is going to remain constitutional. Yet there are many persons in the country who raise their hands in holy horror when we talk about amending the Constitution in any other manner than by having two-thirds of the Congress present the question for action by at least three-fourths of the States, and they criticize the President in his position because they say he desires to take away from the people the right to amend the Constitution.

The law in question, so far as my State is concerned, was for 10 years constitutional, 13 years unconstitutional, and now is constitutional again without Congress ever passing upon it, and without the State legislatures or State conventions ever passing on it.

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

Mr. BLACK. I yield.

Mr. ASHURST. I do not like to interrupt the Senator, because he is making an interesting and able speech; but on that point I ask the Senator to permit me to make a statement for a couple of minutes.

I seldom listen to the radio; but a month or more ago I was listening, and I heard a statement on the radio, but did not know at the time who made it. It was a learned speech, delivered with considerable force, and this phonographic memory of mine recorded the following sentence:

> The great question is, Shall we change the Constitution to fit the views of the Supreme Court, or shall we add new blood to the Supreme Court to fit the Constitution?

So impressed was I with that statement that the next day I caused my secretary to run it down, and found it was a speech delivered by the able Senator from Kentucky [Mr. BARKLEY]. I have searched in vain for a sentence that would more properly lay before the country the issue that he put in one sentence in that speech.

I thank the Senator.

Mr. SCHWELLENBACH. I beg leave to interrupt the Senator again.

Mr. BLACK. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator if it is not true that the result of what I have pointed out, and what the Senator from Indiana has pointed out with reference to the changed attitude of the Supreme Court upon these questions, certainly should not relieve any Member of the Senate in the future who might be accused of being guilty of inconsistency of any embarrassment in a matter of this kind?

Mr. BLACK. I think the Senator from Washington is absolutely correct.

Mr. President, the only point I desired to discuss was with reference to the docket of the Supreme Court and the effect of the addition of Judges so as to make it possible for each case to have that calm and deliberate consideration which it is entitled to have when it reaches that Court. I do not believe that it can receive it today. I do not believe that each case has received such treatment. I do not say that in criticism of the Justices. I think that they have done their very best; that they have worked longer hours frequently perhaps than many of them should. It is clear that when they take hundreds of records with them on their summer vacations they are studying the records with reference to certiorari; but the statements which have just been made are only other illustrations of the truthfulness of the contention that our Constitution is not the Constitution exactly as it was written over 149 years ago; it is the Constitution that the Judges have made it from time to time.

For over a hundred years it was constitutional to have an income tax. Then, suddenly, in the twinkling of an eye, it became unconstitutional. We were told that an income tax was likely to lead to socialism and destruction and communism, although for 100 years we had operated upon the basis that it was constitutional. The Supreme Court said it would correct a century of error, a century of unconstitutional living on our part.

Then, as stated with reference to other cases by the distinguished leader on this side, the senior Senator from Arkansas, when we think of the fact that it has been and is now unconstitutional to have a 10-hour day for workers in the State of New York but it is entirely constitutional to have a 10-hour day for workers in the State of Oregon, we can see the absurd extreme to which the Court has gone with reference to its interpretation of the Constitution.

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

Mr. BLACK. I yield to the Senator from Arkansas.

Mr. ROBINSON. From 1922 until a few hours ago it was unconstitutional for a State to have a minimum-wage law for the protection of women and children from oppressive conditions pertaining to their employment. Now, within the last few hours, it has become entirely constitutional to have such a law; and yet the Constitution has not been touched. So that what Mr. Justice Hughes said is in a sense correct, namely, that the Constitution is what the Judges say it is; and it will be very difficult for those who have been howling their heads off against any criticism of the decisions of the Supreme Court to justify their action when the condition that has just been pointed out is made entirely clear. Without dotting an "i" or crossing a "t", the District of Columbia statute which was held unconstitutional by the Court in 1922, has become entirely constitutional on this good day in 1937.

Mr. BLACK. May I call the Senator's attention to the fact that there is some doubt as to that, for the reason that a number of years ago the Court held unconstitutional the minimum-wage law of the District of Columbia, and since that time it has been illegal to enforce it. Today, in an entirely different case, arising from a different jurisdiction, the Court has held that it was wrong in the other case. What is the law in the District of Columbia? Do we have a minimum-wage law in the District of Columbia or do we not? Will we have to reenact another law?

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

Mr. BLACK. I yield.

Mr. MINTON. Oh, yes, we have a minimum-wage law in the District of Columbia, because the Supreme Court, time and again, has said that it does not veto and strike down an act of Congress; that, as between the rights of the parties involved in the litigation, the Constitution rules rather than the act of Congress. So the law lives.

Mr. BLACK. Yes, but the Court has already spoken, and when the Court speaks that is final on a case. It has already said, like the oracle at Delphi, that that law in this District is unconstitutional; and I insist that we will probably have to reenact that law.

Mr. MINTON. Oh, no.

Mr. BARKLEY. Mr. President, that is the question that I wanted to propound. That law having been dead for 14 years by a decision of the Supreme Court, can it revive it and bring it back to life by a touch of its hand after 14 years of burial?

Mr. BLACK. The question is whether or not they can resurrect it.

Mr. BARKLEY. Whether they can resurrect it or whether we will have to do it here.

Mr. MINTON. It was not dead, but only slept.

Mr. BARKLEY. How long will it have to sleep before it is dead?

Mr. MINTON. So long as the courts have a spell over it.

Mr. ROBINSON. Mr. President, in all frankness and fairness, when the Supreme Court rendered the decision that the statute of Congress fixing minimum wages for certain classes of workers in the District of Columbia was invalid and unconstitutional, the law became inoperative. It is very doubtful to my mind whether, with that decision still in force, and merely admitted to be wrong in another case involving the statute of a different jurisdiction, the recent decision revitalizes the statute of the District of Columbia. In other words, it may be true that Congress will be compelled to pass again an act that it had the right all the time to pass, an act which, after many years, it is now conceded was valid from the beginning. But it is by no means certain that the decision in the Washington case would put life back into the statute which was invalidated in the Adkins case. What the Court has done now is to admit that its decision holding the District of Columbia statute unconstitutional was wrong and it should be corrected; but it has no jurisdiction in that particular case. The case in which the District of Columbia statute was involved was a case going up from the District of Columbia. It does not seem to me that a case going up from Washington could revive a statute applicable to the District of Columbia.

Mr. BLACK. In other words, if they struck it a mortal blow at that time and killed it——

Mr. ROBINSON. New legislation would be required.

Mr. BLACK. It would still be dead and could not be revived.

Mr. ROBINSON. Unless some way can be found to review the Adkins case, and in that case make the correction as to the decision directly affecting the District of Columbia law.

Mr. MINTON. Mr. President, does not the Senator think that the decision in the Adkins case would be the law of that case, but the statute which the Supreme Court held to be unconstitutional then, and which it now says is constitutional, is still the law?

Mr. ROBINSON. If a new case should arise under the District of Columbia statute, and someone should seek to carry out the District of Columbia statute, it would depend upon the frame of mind of the Supreme Court at the time that case reached the Court. If five of the members of the Court were still of the mind that the statute was valid, it would be validated, but, in the meantime, if a change should occur and only four of them should be of that mind and five of them should be of another mind, we would again have the statute invalidated.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. BLACK. I yield.

Mr. BYRNES. I should like to ask the Senator from Alabama a question in reference to the minimum-wage decision in the case arising in the State of New York. Is it not true that in some cases that issue will have to be brought again to the Supreme Court as a result of an effort to enforce the law in New York?

Mr. BLACK. When a State law has been stricken down, and the Court has held that particular law unconstitutional in that State, it would be difficult to secure the conviction of anyone violating it. How would the citizen know what to do? Of course, it should be considered that it might be held to be perfectly constitutional to have a minimum-wage law in one State and not in another State, because the Court, as the Senator will recall, has already held that it is within the Constitution to have a law fixing maximum hours of labor in the State of Oregon and unconstitutional to have such a law in New York.

Mr. BYRNES. The question I wanted to ask the Senator is how this decision will affect the situation in Arizona, New York, and other States, where minimum-wage laws have been declared unconstitutional?

Mr. BLACK. For many years we have had a situation where the Court has held it unconstitutional to have regulation of hours of labor in the State of New York, but constitutional to have it in Oregon and Utah. It may depend on the climate of a given State. It might be perfectly healthy to work 10 hours a day in New York, but injurious to the health to have to work 10 hours a day in Oregon. The same principle might be held to apply with reference to minimum wages.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. Certainly.

Mr. SCHWELLENBACH. Is it not clear that there is something in the decision of today which will resurrect the New York case? The New York case was decided on the basis that the New York Supreme Court had declared the law unconstitutional and therefore the Supreme Court of the United States, even though the Supreme Court of New York based its decision upon the Adkins case, had no right to go into the merits of the controversy so far as the New York statute was concerned. The Senator will remember the rather bitter criticism by Chief Justice Hughes in his dissenting opinion where he said:

> This involves an important public question, and I think the Supreme Court should pass upon the question.

There is nothing in the decision today to indicate the five members of the Supreme Court are still not of the opinion that the Supreme Court of the State of New York, accepting the Adkins case declaring the law to be unconstitutional, has the right to go into the question of the constitutionality of the statute itself.

Mr. BLACK. I have not read the opinion. I shall have to read it. I shall have to be very clear before I become convinced that four members of the Court have changed their minds.

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

Mr. BLACK. I yield.

Mr. BYRNES. The Supreme Court of the State of New York based its opinion on the Adkins case, as to which the Supreme Court of the United States has declared a change of mind, so that the basis of the New York State decision has been changed.

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

Mr. BLACK. Certainly.

Mr. CONNALLY. With reference to the District of Columbia act, is it not the situation that the Supreme Court, when it passes on one of these cases from a constitutional standpoint, does not veto the act in the sense that the President vetoes an act of Congress, but it refuses to enforce it? It says, in effect, "the law in this particular case before the Court is not applicable in view of the Constitution, and we will not enforce it." That statute remains on the statute books, if it has not been repealed, and is just as much a statute today as it was in 1923.

It is true, as the Senator from Arkansas [Mr. ROBINSON] suggested, that if another effort were made to enforce the statute in the District of Columbia, a case involving it might go to the Supreme Court, and if the Court has changed in the meantime, either by having six new Judges added or otherwise, it might change its mind and again hold that statute unconstitutional.

Consequently the decision is not binding. So far as we are concerned that statute is still on the books, and all that has been decided by the Supreme Court in the particular case before it, Adkins against Children's Hospital, was that they would not enforce the statute in that case. However, the law is still on the books, I assume; and if the enforcing officers care to do so, they may undertake to enforce it unless the Supreme Court of the United States in another case should go back and reaffirm its previous holding.

It seems to me it is fair to the Court to state that the Supreme Court as constituted today is not the Supreme Court as constituted when it passed on the Adkins case in 1922. There have been changes on the Court since then. It is also fair to state that all the laws which have been passed upon by the Supreme Court are not identical in their wording or in their terms.

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

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. I yield.

Mr. SCHWELLENBACH. On the precise point raised by the Senator from Texas about the different kinds of statutes, it must be recognized that the statute in the State of Washington, which has been upheld today, was a harder statute to declare constitutional than was the New York statute, because of the fact that the New York statute was written after the Adkins case was decided, and an attempt was made in enacting that statute to meet the objections which the Supreme Court had to the District of Columbia Act, as set forth in the Adkins case.

Mr. BLACK. Let me ask the Senator a question in that connection. Since the decision today and since various other arguments have been heard, is not the Senator now convinced absolutely that Chief Justice Hughes was right when he said the Constitution is what the Judges say it is?

Mr. SCHWELLENBACH. Yes. The only thing that is worrying me is how long the Washington State statute will remain constitutional. We have had three different changes in the matter. I think the people in the State of Washington are entitled to know just how long this new order of things will continue and how long their law will remain constitutional.

The fact is that after the Oregon case arose, the authorities in the State of Washington thought their law was constitutional and started to enforce it, and began to arrest people for violation of it, and obtained some convictions. The law was recognized as constitutional, and we went ahead in the regular way. After the Adkins decision the authorities in the State of Washington, reading the Washington law and reading the District of Columbia law, said, "Certainly our law is unconstitutional." The Washington law had never been before the Supreme Court until that time. We were resting upon the Oregon decision. But when the Supreme Court held the District of Columbia law unconstitutional, the authorities in the State of Washington simply stopped attempting to enforce it, and it has been a dead letter since that time. There has been no attempt to enforce the law since 1922 or 1923. I presume we will start to build up machinery again for enforcing it, and I am wondering if our Governor may not ask me to give him some opinion as to how long our law will remain constitutional under our present system.

Mr. BYRNES. Mr. President, I should like to know what answer the Senator will make to that question?

Mr. SCHWELLENBACH. The answer will be, "I do not know."

Mr. BLACK. Mr. President, all of this is but a clear illustration of the fact that we live under a Constitution and that the Constitution is what the Judges say it is at the time they last say it. It is a further illustration of the truthfulness of the statement made by Mr. Chief Justice Hughes in his book on the Supreme Court that even the laws which we enact in their final analysis are not what we say they are, but what the Judges say they are.

I listened with a great deal of interest to the appeal of my good friend from Montana [Mr. WHEELER] in connection with the Bill of Rights. I am sure that he was sincere and genuine in the apprehensions which he expressed.

There has been no distinct line of demarkation in the opinions of the courts of this country on the Bill of Rights. There has been no distinct line of demarcation on cases with reference to free speech. There has been no line of demarcation clearly separating the Justices of the Supreme Court on cases affecting freedom of religious worship. There has been a clear line of cleavage—as clear as that between the Mississippi and the Missouri as they run on down toward the Gulf—on all cases relating to property decisions and human decisions. That line has been as clear as the line between Governor Landon's party at the time of the last election and President Roosevelt's party. That line has been as clear as the line between President Woodrow Wilson's party and Mr. Harding's party.

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

Mr. BLACK. I yield to the Senator from Arizona.

Mr. ASHURST. I believe the able Senator from Alabama has announced something that should have been announced before this time. The antagonists of the President's plan—and they are able and sincere, and they shout from the housetops with eager and earnest and eloquent arguments—have asserted that the Bill of Rights is in danger; but the able Senator from Alabama has pointed out that there never has been in the history of the Republic any line of cleavage on the question of the Bill of Rights, with the possible exception of what might have been said in the Dred Scott decision. But although from the foundation of our Government to this day no Justice of the Supreme Court has presumed to interfere with the guaranties and immunities of citizens set up by the Bill of Rights, the able antagonists of the proposal shrewdly hide behind religion and say, "Your religion will be overthrown if the President's bill passes. Citizens will be drafted into an army." They take refuge behind religion, and behind the skirts of women do they find arguments against this bill; whereas the able Senator from Alabama has performed a great service in pointing out that a remote excursion of the imagination does not

find any cleavage on the question of personal rights, liberty, and free speech in this country.

It is on economic questions that the cleavage appears, and always has appeared. Those who say, "We fear that the President's bill may overthrow our freedom of religion; we fear that the President's bill may destroy the parochial schools", either have a leaky brainpan or assume that the Nation has a leaky brainpan when they argue such folly. [Laughter.]

Nobody honestly fears that the President's bill will destroy anybody's right of religion. Some of the opponents of the bill fear that it may destroy somebody's right to a profit which he illegally extracts. That is their real fear; but are they going to say, "Mr. President, my profits, or the profits of some industry, may be imperiled, and it may be required to pay more taxes?" Certainly not. That is the real reason why they are opposed to this bill. It is sham and folly, and will be so designated in the years to come, for anybody to pretend that the proposed new Judges, as soon as they take the Bench, will overthrow somebody's religion.

I think the able Senator from Alabama has performed a distinct public service in pointing out that the opponents of the President's proposal have set up a straw man when they contend that the new Judges, if any, will overthrow and trench upon somebody's personal liberty, when nobody has ever presumed to say that there was a cleavage of opinion in the Supreme Court as to the privileges and immunities guaranteed by the Bill of Rights and the other parts of the Constitution.

I thank the Senator for yielding to me.

Mr. BLACK. I thank the Senator from Arizona for his contribution to the discussion.

Mr. ROBINSON. Mr. President——

Mr. BLACK. I yield to the Senator from Arkansas.

Mr. ROBINSON. In this connection it seems appropriate to point out that, among the thirty-odd amendments to the Constitution that have been proposed in the two Houses during the present session of Congress, there are a number which give the Congress itself unlimited power to repass its legislation notwithstanding a decision by the Supreme Court that the legislation is unconstitutional; and in none of the resolutions which have been presented and which have come to my attention has any distinction been made as to the so-called Bill of Rights. In other words, under the form of the resolutions as proposed, Congress by two-thirds vote could reenact any law it saw fit to pass by a majority vote, even though that law might involve questions pertaining to freedom of worship, freedom of speech, or freedom of the press.

That is to say, those who fear that an increase in the membership of the Supreme Court in order to reflect in its membership more modern views and principles would endanger the security which our citizens enjoy under the Bill of Rights, themselves propose to give the Congress the power to exercise judicial authority, and say that it would be constitutional to repass any law which Congress once passes, even though conceivably that act might involve freedom of religion, freedom of the press, freedom of speech, or some of the other rights guaranteed by the Bill of Rights. In other words, they think that a mere increase in the membership of the Supreme Court would endanger the Bill of Rights, but they do not see the slightest danger in giving Congress power to pass any bill that it chooses to pass.

I am not saying that Congress would pass a bad bill, although I have the suspicion that sometimes in the past we have done so; but the amendments to which I am now referring—one of which was offered by the able Senator from Montana [Mr. WHEELER]—would give Congress unlimited power to pass an act involving any question, and conceivably any deprivation of rights which could in the first instance secure a majority vote, and in the second instance secure a two-thirds vote.

Of course, the only answer to that is that Senators and Representatives are too devoted to the sublime principles embraced in the Bill of Rights to endanger it in one degree; but there might be a suspicion even in the Supreme Court, and that suspicion might extend to other spheres, that it is far more dangerous, so far as the Bill of Rights is concerned, to give Congress the power to pass any statute that it pleases, provided it can secure a two-thirds vote, than it is to increase the membership of the Supreme Court.

Mr. BLACK. I fully agree with the Senator from Arkansas.

Mr. BURKE. Mr. President, will the Senator from Alabama yield just on that point so that I may ask a question of the Senator from Arkansas?

Mr. BLACK. I yield.

Mr. BURKE. Does not the Senator from Arkansas realize that the proposal in reference to the amendment to which he has referred is merely to lay before the people of this country the question whether they wish to change their Constitution and vest that power in Congress, and not a question of approving the passage of any acts to which he has referred?

Mr. ROBINSON. The Senator surely does not mean to say that the able Senator from Montana [Mr. WHEELER] and the able Senator from Washington [Mr. BONE], who joined in offering this amendment, are practicing that sort of thing—that they are offering to amend the Constitution when they are not in sympathy with their own amendment.

Of course, Congress has no power to amend the Constitution. All it can do is to submit an amendment, and all this joint resolution relating to a constitutional amendment does, all that thirty-odd others do, namely, provide for submission of the proposition to the States. But I do not assume that any Senator in order to escape the issues arising in the bill which has caused all this controversy would propose an amendment to the Constitution in which he himself did not believe. If he did so, he would impeach his own good faith.

Mr. BURKE. Mr. President, will the Senator from Alabama yield just for a further comment?

Mr. BLACK. Certainly.

Mr. BURKE. I do not presume to speak for the Senator from Montana, but for myself I say that I am perfectly willing, in the light of the statements made on the floor of the Senate and elsewhere that the overwhelming sentiment in this country is in favor of a new interpretation of the Constitution, to let the people of the country pass on that question, and in the only proper, legitimate way provided by the Constitution, which is by voting on an amendment, and not by the kind of a proposal which the Senator from Arkansas favors, to add members to the Court in order to bring the result about in an altogether improper way.

Mr. ROBINSON. Of course, the Senator understands that under our Constitution there is no way by which the people may be given a vote on either an act of Congress or on an amendment to the Constitution. The only way in which the Constitution may be amended is by submission of proposed amendments to the States for ratification either in conventions or by the legislatures of the States. The people do not vote on them under any circumstances directly, and, of course, there never has been a referendum on a congressional statute. I understand fully that the Senator from Nebraska means to say that consideration of the subject by a convention or by the legislature is a passing upon the subject by the people of a State, but that, of course, is not entirely accurate.

Mr. BURKE. Mr. President, let us examine that. When the matter of voting on the repeal of the prohibition amendment was submitted to the States for decision, by the convention method, in my own State of Nebraska we voted in the election for one of two candidates in every district in the State, one candidate having pledged himself to vote for repeal, the other candidate having pledged himself to vote against repeal. So that for all practical purposes we had the identical matter of a referendum of the people of the State on the question.

Mr. ROBINSON. There was a representative system of determining the matter, just as there is in the Congress. In the Senate, particularly since Senators have been elected by popular vote, and always from the beginning of the Government in the House there have been Representatives of the people, and the Members of Congress are just as much representatives of their people as are members of the State legislatures, or delegates to conventions. The Senator raises a distinction without a very great difference.

Mr. SCHWELLENBACH. Mr. President, will the Senator from Alabama yield?

Mr. BLACK. I yield.

Mr. SCHWELLENBACH. I do not think the original question submitted by the Senator from Nebraska should be permitted to pass without more consideration, and I desire to say that I am sorry that it was the Senator from Nebraska who asked the question, or made the statement, because, as the Members of the Senate know, I not only have a very affectionate feeling for that Senator, but also very great respect for his integrity, and I know that in this particular fight he is entirely sincere. But I think that in his question he voiced not his own ideas upon the subject but he voiced the absolute insincerity of the great mass of the opposition to the President's proposal.

When they talk about an amendment they say, "We want a constitutional amendment submitted to the States; we want it submitted to the people of the country." The question which the Senator asked in reference to the argument of the Senator from Arkansas was whether the Senator from Arkansas did not realize that it was simply a matter of submitting the matter, not a matter of adopting it.

The forces of entrenched wealth in this country, which have stopped every bit of progress we have ever sought, and which are opposed to the President's proposal at the present time, do not want an amendment, and the same forces in this country which are today raising funds for the purpose of spreading propaganda against the President's proposal would raise funds for the purpose of defeating a constitutional amendment. I think that unwittingly, and not representing his own point of view or his own thought upon the subject, the Senator from Nebraska has expressed the insincerity of those forces in this country in this fight.

Mr. MINTON rose.

Mr. BLACK. I yield to the Senator from Indiana.

Mr. BURKE. Mr. President, will the Senator from Alabama yield for just a moment?

Mr. BLACK. I have promised to yield to the Senator from Indiana.

Mr. BURKE. Will the Senator from Indiana permit me to make just one comment?

Mr. MINTON. Certainly.

Mr. BURKE. Does not the Senator from Washington have confidence that the people of this country can determine whether they want to strike down the limitations in the Constitution as they have stood, and vest additional powers in Congress, in spite of anything that entrenched wealth and greed and "defeatist" lawyers and others may be able to say to them? Does he not show a lack of confidence in the integrity and judgment of the people of the country?

Mr. SCHWELLENBACH. I have entire confidence in the people of this country; but I know, and the Senator from Nebraska knows, and everyone else here knows, that a constitutional amendment is not going to be submitted to the people, it is not going to be submitted through the medium of constitutional conventions in the States.

Mr. BURKE. Why not?

Mr. SCHWELLENBACH. If we submit a constitutional amendment at this time it will necessarily go to the State legislatures, and we know what has happened to the child-labor amendment in the State legislatures for the last 14 years.

The Senator from Nebraska asks "Why not?" I answer, because of the fact that there are not a sufficient number of States which have permanent machinery for constitutional conventions to make it possible to put such a matter before them until 1939.

Mr. BURKE. How many of the States had their machinery for constitutional conventions when the repeal of the prohibition amendment was submitted? Not one. And now there are 16 States which have the machinery all set up, and there is no reason for thinking that the other legislatures could not be called into special session, if necessary, particularly in view of the suggestion made that the expense of submitting this matter to State conventions, and setting up the constitutional conventions in the States, should be borne out of the Federal Treasury.

Mr. SCHWELLENBACH. I think it is generally conceded that the State legislatures which have refused to ratify the child-labor amendment certainly are not going to ratify an amendment which would go further than the child-labor amendment. I think the prevention of child labor is a subject toward which there is more of a feeling of friendliness than any other issue which might be presented. If we have not been able to get the legislatures to ratify the child-labor amendment, if the forces within the States which have used the old arguments before the legislatures have been successful, why should we hope to get action on one of the suggested amendments? I heard over the radio 2 or 3 weeks ago one of the great lawyers of the State of New York arguing with the mayor of the city of New York and employing precisely the same old arguments that have been heard through the years. If the legislatures were not willing to ratify the child-labor amendment, certainly they would not be willing to pass laws to set up the machinery for constitutional conventions. The forces against progress can control the legislatures on that question in the same way in which they can control them on the subject of child labor.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BLACK. I have promised to yield to the Senator from Indiana.

Mr. WHEELER. I merely desire to call the attention of the Senator from Washington to the fact that the Congress itself can set up its own machinery.

Mr. SCHWELLENBACH. On that question I think the Senator from Montana is totally and absolutely mistaken, and I do not believe there is the slightest semblance of possibility of getting such a thing through.

Mr. WHEELER. Article V of the Constitution provides for conventions. The Constitution having provided for conventions there can be no question—and some of the ablest lawyers in this country have so held—that the Congress has the right to set up the machinery by which to carry out the provision of the Constitution. One of the conservative Justices of the Supreme Court has said that the time may be fixed, and that there can be no question about Congress having the right to set up the machinery. There cannot be any doubt about that.

The child-labor amendment has been discussed. The Senator from Washington knows, and I know that some of the churches of the country have objected to that amendment because of the fact that the amendment provided certain things which frightened some of the church people of the country, and because the age was fixed at 18 years. A law can be enacted which to all intents and purposes will effectively stop child labor in this country, and it can be held constitutional.

Mr. SCHWELLENBACH. I remember that I introduced such a bill a few years ago, and tried to interest Senators in it; but everyone said it would not work, and that there was no use in spending time on it.

Mr. WHEELER. I do not know to whom the Senator spoke about it.

Mr. SCHWELLENBACH. Those who themselves have introduced similar bills said that about it.

Mr. WHEELER. I am not one of those who said that, and I have introduced such a bill.

Mr. SCHWELLENBACH. No; the Senator is not one who said that.

Mr. WHEELER. There is no question that an amendment can be adopted which will effectively stop child labor in this country; and if Senators and Representatives want to get behind it, they can have such an amendment adopted.

I am going back to the provision of the Constitution we were discussing a moment ago. I submit that there is no lawyer of any prominence in this country who will say to

the Senator from Washington that the Congress itself cannot designate the election machinery by which those elections shall be held in the Senator's State, and it will not be necessary to apply to the legislature.

Mr. SCHWELLENBACH. I do not know what the Senator from Montana would consider a "lawyer of any prominence." I have satisfied myself that it is absolutely impossible. It is a fundamental rule of law that a constitution is not a self-executing document; that statutes must be enacted to carry out the provisions of the Constitution.

Mr. WHEELER. Of course; and the Congress enacts laws to carry out the provisions of the Constitution. It is not the States but the Congress which does that.

Mr. SCHWELLENBACH. We cannot enact laws for the purpose of regulating and controlling elections within the States.

Mr. WHEELER. It is perfectly absurd to say that we cannot. Who drafted the Constitution? To whom does it belong? If the Senator will read the Constitution he will find that it does not say that the States must carry out the provisions of the Constitution.

A constitutional provision which calls for constitutional conventions of necessity implies that the Congress of the United States has power to provide the means to carry out the provision.

Mr. BURKE. Mr. President, will the Senator from Montana, through the Senator from Alabama, yield to let me ask one further question of the Senator from Washington?

Mr. BLACK. I yield.

Mr. BURKE. I should like to have the Senator from Washington state for the RECORD what he conceives to be the pernicious, selfish, degraded interests in the State of Nebraska that prevailed upon the one-house legislature which has recently come from the people of Nebraska by virtue of the amendment sponsored by the senior Senator from Nebraska [Mr. NORRIS], providing for a one-house legislature, a few days ago to refuse to give its consent to the ratification of the child-labor amendment. What were those pernicious influences?

Mr. SCHWELLENBACH. In answer to the Senator from Nebraska I will say that many things happen to those in political life in Nebraska that I cannot understand, because one of the things I have read so often, and that I cherish so much, and used so successfully in my campaign, was the definition of the New Deal written by the junior Senator from Nebraska.

Mr. BURKE. I now present the Senator with an additional copy.

Mr. SCHWELLENBACH. I will read it again. If I cannot understand the junior Senator from Nebraska, knowing him and liking him as I do, how can he expect me to look into the minds of the legislators of Nebraska?

Mr. BURKE. That is a very good answer.

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

Mr. BLACK. I yield.

Mr. MINTON. The Senator from Nebraska has spoken about amending the Constitution, and he is one of the great exponents of that theory of dealing with our important problems. Now his suggestion that the Constitution be amended has been met by the proposition that we do not need to amend the Constitution, but we need to amend the Court. In other words, everybody has said that in declaring acts of Congress unconstitutional the Court has been usurping the power of Congress to legislate.

Suppose in order to meet the opinion of the Supreme Court in the Adkins case we had submitted an amendment to the Constitution authorizing the enactment of a minimum-wage law, and while that amendment was wandering around through the mazes of ratification in the States along with the child-labor amendment, suppose the Supreme Court had come along with its decision of today and held that after all we could have minimum-wage laws in this country. Then there would have been no need for the amendment, and we should have been in the ridiculous situation of trying to amend a Constitution that we did not need to amend.

Mr. WHEELER. There would not be any need of packing the Court, either.

Mr. BLACK. The Senator is mistaken about that. The mere fact that the Court today held that a law was constitutional would not be any reason why we should not have proceeded with our amendment, because it might hold differently tomorrow, or next week, or next month, or next year.

Mr. WHEELER. That is no reason why you should pack the Court, either.

Mr. BLACK. The Senator seems to be very much disturbed about packing the Court. He has been running for Senator from the State of Montana for a number of years, and has been getting elected. I myself think the people have been very wise to reelect him. I approve their choice.

Mr. CONNALLY. Now? [Laughter.]

Mr. BLACK. Yes; I still do, even though the Senator has made an error in this case. But why has the Senator been elected in Montana? He has been trying to pack the Senate with persons who believe in the views he expresses.

Mr. WHEELER. I have been unfortunate at times.

Mr. BLACK. That is what the Senator has been trying to do; and he told the people he believed in certain things. There were certain political things that he stood for and that he is going to fight for. He believed in minimum wages and he believed in minimum hours. He believes in all those things. Then, the first time he gets a plan that will work, it frightens him, just like boys who are going through a graveyard are frightened.

State judges are elected in almost every part of the Union. In my State the supreme court judges are elected. I do not know whether they are elected in the Senator's State or not. I presume, if so, the voters pack the court. I presume they pack it on the side the Senator likes or the side he does not like; I do not know which.

Mr. WHEELER. Let me say to the Senator that not only do the people in my State elect judges but I have gone out in the campaign and defeated some Democratic candidates for judges because of the fact that I did not like their views.

Mr. BLACK. Fine!

Mr. WHEELER. So far as my being afraid is concerned, I do not think anybody in my State has ever accused me of being afraid, and I am not afraid now. I am not afraid of being denied some patronage by Mr. Farley, and I am not afraid of being denied patronage or pap from the other end of Pennsylvania Avenue. I know that when the time comes, the people of my State will stand behind my views on this question just as they have stood behind me in many other fights I have made in the Senate.

Mr. BLACK. Mr. President, it is very unfortunate, and in my judgment has been since the beginning, that a great many persons talk about somebody trying to use patronage, or question the motives of those on the other side. It is most unfortunate. In many instances it is wholly indefensible, wholly inexcusable, and without the slightest foundation in fact. I regret that my good friend has seen fit to use that method.

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

Mr. BLACK. I shall be glad to yield to the Senator, and yield the floor.

Mr. WHEELER. Oh, no. I know that the Senator would not be guided by anything of that kind; but I say it is unfortunate that the Postmaster General should go around the country making speeches as he has made them. It is unfortunate, in my judgment, that men who are on the Government pay roll should go into my State and at public expense go around to the labor unions and urge them to send protests down to me on this proposal. It is unfortunate, in my judgment, that men who are on the Government pay roll should go around into the various States and urge farm organizations to send protests to their Senators with reference to this proposed legislation. I say that is wrong. That is not in accordance with democratic principles. It is not in accordance with good government. I am sure the Senator from Alabama will agree with me that those things are not right and should not be done.

Mr. BLACK. Mr. President, so far as Mr. Farley making speeches is concerned, he is an American citizen, and has as much right to make a speech as has the Senator from Montana or the Senator from Alabama. I deny that because a man is Postmaster General or because he holds any other position he is deprived of the privilege of making a speech as any other American citizen might make one. What is it, because a man becomes Postmaster General or because he is an officer in a party, that would deprive him of the right to go out and use his voice to speak in favor of that in which he believes? If that is wrong, why should not a Senator remain silent? Why should not his tongue be stilled? I do not subscribe to any such doctrine.

Mr. President, so far as all the talk about patronage is concerned, let those who say it prove it. Let those who charge that there is an effort made to buy a Senator or a Congressman by patronage prove it.

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

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. BLACK. I yield.

Mr. HOLT. For 14 months I was not even consulted about any appointment in my State. Immediately after the President submitted his proposal I was called by a high official——

Mr. BLACK. Who?

Mr. HOLT. I will tell the Senator in a moment—an official in the Department of Justice—Judge Keenan, of the Department of Justice.

Mr. BLACK. Let us hear what he said.

Mr. HOLT. He very generously wanted to know if I was interested in suggesting someone for Federal judge in West Virginia. He talked about the present administration. He did not say, "I am going to give you a judge for your vote." I hope he did not think I was that dumb, but I knew what he meant and he knew what he meant. He meant if I went along on the President's proposal, I would get a judge.

Mr. BLACK. I would be ashamed to rise on the floor of the Senate and admit that I had a reputation that would justify anybody in thinking I could be bribed with a Federal judgeship. [Laughter.]

Mr. President, I know Joe Keenan. He is a man of intelligence. I consider him to be a man of integrity. In the first place I think he is too intelligent to have tried any such thing. In the next place I have too much respect for his honesty and his patriotism as a citizen to believe he would try to do such a thing.

In order that there may be no misunderstanding about my viewpoint, I would consider that a man who made a proposal to me upon the theory that he could get my vote by giving me a job of any kind in the world, was trying to bribe me. I would not wait a week or 2 weeks or 3 weeks, but I would go to the Senate or to a grand jury and raise the question.

It is easy to talk and make all kinds of intimations and insinuations. Why is it necessary in debating a very vital and great question affecting the people of the country to descend to any such low and base plane? Why is it not possible for us to consider these matters upon their merits?

I raise no question about the sincerity, for instance, of my good friend the Senator from Nebraska [Mr. BURKE], a man whom I greatly admire, whose integrity is above reproach, who, in my judgment, has taken the position he occupies because of the fact that he honestly believes in it. I raise no question about the sincerity and integrity of my good friend from Montana [Mr. WHEELER]. I praise him for following the course dictated by his own conscience, let it lead him wheresoever it may.

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

Mr. BLACK. Certainly.

Mr. BYRNES. If Mr. Keenan, of the Department of Justice, should telephone the Senator from Alabama to ask him about some gentlemen to be considered for appointment as judge in Alabama, would the Senator from Alabama believe that he was being bribed?

Mr. BLACK. If I thought so, I would not talk about it over the radio.

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

Mr. BLACK. I yield.

Mr. HOLT. I want to say that I resented it at that time. I made a statement that very day. Knowing some in the Department of Justice groups as I do know them, I had the conversation on the telephone taken down, both ends of it.

I want to say that the situation is such over the country that the Senator from Alabama knows and the whole country knows that as long as one does not go along with the national administration he is going to be punished, and Mr. Farley himself at Chapel Hill threatened punishment to those who would not go along.

Mr. BLACK. I read Mr. Farley's speech and I saw no such statement. I deny that the country knows any such thing. So far as I am personally concerned I wish to state that I would have no respect for anybody who would try to use any such influence, and I have less respect for the man who would permit it to be offered.

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

Mr. BLACK. Certainly.

Mr. BARKLEY. Does the Senator think the country is worked up into a frenzy over whether or not Senators have any patronage?

Mr. BLACK. No; I do not.

Mr. HOLT. Mr. President, will the Senator yield for a question?

Mr. BLACK. There is a real genuine vital issue involved in this question which is entitled to be considered on its merits. Why is it necessary to attempt to bring in all kinds of intimations and insinuations in order to discuss a matter affecting the American people in connection with their constitutional form of government? There is ample argument to be made on a high, clean, and wholesome basis on either side of the controversy. I do not dispute that.

Mr. HOLT. Mr. President, will the Senator yield again?

Mr. BLACK. I yield to the Senator from West Virginia.

Mr. HOLT. Who was the first man to bring this issue down to a partisan basis?

Mr. BLACK. I do not know who was the first man who brought it down to a partisan basis. I do not understand, so far as I am concerned, that it is on a partisan basis. If I were against it, I would vote against it. I am for it, and therefore shall vote for it.

Mr. HOLT. Does the Senator disagree with the Postmaster General when he says it is a partisan issue?

Mr. BLACK. The Postmaster General has a right as a citizen to have his views, even though the distinguished Senator from West Virginia may disagree with them and might want to criticize them. As a matter of fact, he seems to want to criticize almost everybody recently, and the Postmaster General, of course, comes within the broad sweep of his criticism.

Mr. President, there are vital issues in which the people are interested. There are some who are really genuinely disturbed over the proposal that has been made by the President. They are entitled to have the matter presented to them upon a fair, clean, honorable basis of argument. First, is it within the Constitution? Second, if it is within the Constitution, is it good policy? That is the sole issue in this controversy. So far as I am personally concerned, I have no doubt that it is within the Constitution. Certainly I am convinced that those wise men who framed that great document intended to give the Congress a check upon the Court whenever that Court should get so far away from the viewpoint of the people as the man whom my friend the Senator from Montana [Mr. WHEELER] said was getting away from the viewpoint of the people of Montana when he was campaigning against him for judge.

Mr. ASHURST. Mr. President, will the Senator from Alabama yield?

Mr. BLACK. Certainly.

Mr. ASHURST. The Senator from West Virginia [Mr. HOLT] directed an insinuation against "Judge" Keenan. I am sure he meant Joseph B. Keenan.

We have our differences in the Senate Committee on the Judiciary. We fight hard and faithfully, and I think we are to be commended for it. I have grown to love each

member of it. Only last Saturday none other than my able friend the junior Senator from Nebraska [Mr. BURKE], with whom I associate from day to day, and for whom my esteem grows higher daily, although an opponent of the President's bill, was so just that he denied and repudiated any insinuation made against Mr. Keenan.

I would be—I will not say cowardly, but woefully lacking in what is proper if I did not at this moment say it has been my fortune and privilege to work with Mr. Keenan in some respects for nearly 4 years. A more accurate gentleman I never knew. A man with higher ideals I never knew. I fear that the Senator from West Virginia simply labeled himself as a Senator who is willing to wound but afraid to strike.

If the Senator will permit me, the able Senator from Montana [Mr. WHEELER]—who is always willing to strike if he wishes to wound, who never hides behind any insinuations—in the course of his able speech a couple of hours ago went on to say that in his opinion Congress could provide for conventions to ratify an amendment.

Mr. President, I have known the Senator from Montana longer than I have known anyone else in the Chamber, with the exception of my beloved colleague [Mr. HAYDEN], and I have a great respect for the legal talent and the ability of the Senator from Montana. He went on to pay a just tribute to the merits and legal attainments of the late Senator Walsh, of Montana, who has gone beyond these raucous voices where there is some peace. The Senator from Montana went on to say at some length that the late Senator from Montana, if he had lived, would not have made such an argument as the Attorney General made before the Supreme Court of the United States in the gold cases.

The late Senator from Montana, if he were alive, could not have done more than Mr. Cummings did—win the cases. But, Mr. President, the late Senator from Montana, if not upon the last day he ever served here, certainly upon the penultimate day he served here, participated in a debate, in which I joined, as to the power of Congress to set and fix the date and method and manner of holding conventions in the States to ratify amendments. I then took the position, and I now maintain it, that Congress has no power to force upon a State any convention, or to say to a State in what manner or method or at what time or place its convention shall act. That is within the jurisdiction of the State, and I advert to the CONGRESSIONAL RECORD of February 15, 1933, page 4150.

Omitting some superfluous matter:

Mr. WALSH of Montana. Mr. President, I would gravely doubt the validity of a ratification that depended upon a convention in any State not called by an act of the legislature thereof.

Mr. BORAH. I am quite free to admit that is the orderly way in which to call a convention; there can be no question about that.

* * * * * * *

Mr. WALSH of Montana. It seems to me the way is open to them to elect a legislature which will call a convention instead of themselves holding a mass meeting, as it might be called.

Mr. President, I join with the able Senator from Montana in his tribute to our deceased colleague, by whose side I sat so long; but I am still of the opinion which Senator WALSH had at that time, that it is not within the power or proper province of Congress to say to Kansas and Kentucky and Nebraska and Maryland what kind of conventions they must call, and when they shall call them, and how they shall compensate their members, and so forth. Those matters are purely within the province of the States. I differ upon the subject with the Senator from Montana with great deference, because I know his ability and his scholarship.

Mr. WHEELER. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. BLACK. I yield.

Mr. WHEELER. Let me say just one word in reply to what the Senator from Arizona has said.

I am sure my late colleague, Senator Walsh, for whose opinion I had great respect, had never given this matter serious consideration. I have in my office at the present time two briefs, one written by a former Attorney General and another by a very able lawyer who is a great friend of the administration, pointing out very definitely that the power in question exists in the Congress of the United States; and it seems to me very clear, from a close examination of the Constitution and the decisions, that that is the case.

Mr. ASHURST. Mr. President, I apologize to the Senator from Alabama. Will he let me answer?

Mr. BLACK. Yes; I yield. I shall finish in about 2 minutes. That is all I want.

Mr. ASHURST. The able Senator from Montana says he doubts very much if his former colleague, the late lamented Senator Walsh, had sufficiently reflected upon that question, and had briefed it. That is a statement that is fair, because I care not how able you may be, Senators; I care nothing about your erudition or your ability; unless you have looked up the question, your offhand opinion—what lawyers call your horseback opinion—is not worth much.

It so happens, however, that on the day when the late Senator Walsh made that statement, just prior to the time he made it, I had in my pocket an opinion rendered by the former Attorney General, Mr. A. Mitchell Palmer, an able lawyer; and I discussed that opinion with Senator Walsh. I said, "Have you seen this opinion? Have you read it?" He said, "I have; and whilst I have a high opinion of General Palmer's character and his ability, I do not agree with him at all. I have investigated the matter, and I have no doubt of my position."

So, instead of the late Senator Walsh not having investigated the question, he had investigated it. Indeed, Mr. President, one of the strongest features about the erudition and the ability and the successes of the late Senator Walsh was that he never spoke without first investigating the subject. If he spoke upon that occasion without investigating it, it was the only occasion upon which I ever heard him speak without adequate preparation.

I thank the Senator for yielding to me.

Mr. SCHWELLENBACH and Mr. WHEELER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. BLACK. Let me have just 2 minutes. Then I will yield the floor.

Mr. WHEELER. Let me say just one word.

Mr. BLACK. I yield to the Senator from Montana.

Mr. WHEELER. Of course the Senator from Arizona knew my late colleague much better than I did.

Mr. ASHURST. I do not say that.

Mr. WHEELER. The Senator knew him much better than I did, and I am willing to agree with what the Senator says; but I say that one of the ablest lawyers in New Yory City, who is a great friend of the administration, and who is supporting it in this matter, has written a brief to the opposite effect which it seems to me is quite conclusive, and I have investigated it. I think there can be no question about it.

Mr. SCHWELLENBACH. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield.

Mr. SCHWELLENBACH. I desire at this time to thank the very able Senator from Arizona for assisting me. The Senator will remember that just a few minutes ago the Senator from Montana suggested that I should not be able to name any lawyer of any standing who would take the position I was taking upon this subject; and I am very glad to find that the very able and reputable lawyer who is the chairman of our Judiciary Committee does agree with my statement.

Mr. ASHURST. Mr. President, just a word. I heard the remark of the able Senator from Washington, and was struck with it, and that is what caused me to make this research into tomes that have lain covered with dust since that day. I think the Senator from Washington is correct in his conclusion.

Mr. BLACK. Mr. President, were I not fearful that something I have said might leave the wrong impression with reference to my good friend from Montana, I should not have asked even for 2 more minutes.

I fully realize that the Senator from Montana has always been bold and courageous in his political life. I realize that he is bold and courageous in his political life today. I have been disappointed that he should become fearful about the word "packing", when I thought it was so much out of keeping with his uniform courage and boldness in stepping forward with reference to obtaining the things that he believed should be accomplished for the people of the Nation.

Mr. President, I do not think I, myself, have occupied much of the time, but much time has been occupied while I was on the floor. I beg the pardon of the Senate for having occupied even as much time as I have; but I do not believe we need to fear. Our Nation will continue to go along in spite of all the fears and all the apprehensions that have been sounded. I sincerely hope, as I said a while ago, that we shall keep the debates on the issues as to whether or not this bill should be passed, and whether or not constitutional amendments should be submitted to the people, on a high plane of reason and logic, instead of indulging in personalities, which mean nothing.

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McKELLAR. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GLASS, Mr. McKELLAR, Mr. TYDINGS, Mr. HAYDEN, and Mr. STEIWER conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers in the Marine Corps.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of Brig. Gen. Carl Ashby Badger, Utah National Guard, and Brig. Gen. Harold Richards Barker, Rhode Island National Guard, to be brigadier generals, National Guard of the United States.

He also, from the same committee, reported favorably the nomination of Lt. Col. Millard Fillmore Harmon, Jr., to be colonel in the Air Corps of the Regular Army with temporary rank from April 1, 1937, under the provisions of law.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committee, the calendar is in order.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Erle R. Dickover, of California, to be consul general of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Dr. John N. Bowden to be assistant surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Dr. Robert D. Mansfield to be assistant surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

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

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

DEATH OF REPRESENTATIVE FOCHT, OF PENNSYLVANIA

The Senate resumed legislative session.

The PRESIDING OFFICER. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The legislative clerk read as follows:

House Resolution 167

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
March 29, 1937.

Resolved, That the House has heard with profound sorrow of the death of Hon. BENJAMIN K. FOCHT, a Representative from the State of Pennsylvania.

Resolved, That a committee of four Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, the House do now adjourn.

Mr. DAVIS. Mr. President, Representative FOCHT had a long and honorable record of public service. He was a Federal and State legislator, a State executive officer, and a military leader. In private life he was a publisher, a fraternalist, and an orator of note. Pennsylvania, by his passing, has lost a loyal and noble son; the country a wise lawmaker.

Born in New Bloomfield, Perry County, Pa., the son of a Lutheran minister, "BEN" FOCHT, as he was known to all, was educated at Bucknell University, at Pennsylvania State College, and at Susquehanna University, which conferred on him the degree of master of arts. He began the publication of the Lewisburg Saturday News at 18 years of age, and was president of that journal at the time of his death. "BEN" FOCHT was a pioneer in progressive legislation. While a Member of the House of Representatives in 1915 he introduced an old-age pension bill, urged its passage, and recommended that the eligibility age be set at 65 years. His length of service in the House of Representatives approximated 20 years, and he had the distinction of being the only Republican Member of the House of Representatives in the present Congress who entered it in 1907. To his widow, daughter, and son I extend my deepest sympathy.

I send resolutions to the desk, which I ask to have read and immediately considered.

The PRESIDING OFFICER. The clerk will read.

The resolutions (S. Res. 106) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. BENJAMIN K. FOCHT, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER. Under the second resolution the Chair appoints the senior Senator from Pennsylvania [Mr. DAVIS] and the junior Senator from Pennsylvania [Mr. GUFFEY] as the committee on the part of the Senate.

been bold and courageous in his political life. I realize that he is bold and courageous in his political life today. I

power in question exists in the Congress of the United the administration, pointing out very definitely that the

RECESS

Mr. DAVIS. As a further mark of respect to the memory of the deceased Representative, I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was unanimously agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 30, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 29, 1937

DIPLOMATIC AND FOREIGN SERVICE

Fred Morris Dearing, of Missouri, now Ambassador Extraordinary and Plenipotentiary to Peru, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Sweden, vice Laurence A. Steinhardt.

Laurence A. Steinhardt, of New York, now Envoy Extraordinary and Minister Plenipotentiary to Sweden, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru, vice Fred Morris Dearing.

Edward Albright, of Tennessee, now Envoy Extraordinary and Minister Plenipotentiary to Finland, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Costa Rica, vice Leo R. Sack, resigned.

H. F. Arthur Schoenfeld, of the District of Columbia, now Envoy Extraordinary and Minister Plenipotentiary to the Dominican Republic, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Finland, vice Edward Albright.

R. Henry Norweb, of Ohio, now Envoy Extraordinary and Minister Plenipotentiary to Bolivia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Dominican Republic, vice H. F. Arthur Schoenfeld.

WORKS PROGRESS ADMINISTRATION

Floyd Sharp, of Arkansas, to be State administrator in the Works Progress Administration for Arkansas, vice W. R. Dyess, deceased.

PUBLIC HEALTH SERVICE

Passed Asst. Surg. Fletcher C. Stewart to be surgeon in the United States Public Health Service, to rank as such from February 24, 1937.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Elmer Forrest Wallender, Infantry, with rank from October 1, 1934.

TO AIR CORPS

Second Lt. Charles Burton Winkle, Infantry, with rank from June 12, 1934.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Clifford Ross Powell, New Jersey National Guard, to be brigadier general, National Guard of the United States.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Commander Frederic T. Van Auken, an additional number in grade, to be a captain in the Navy from the 1st day of January 1937.

Commander Worrall R. Carter to be a captain in the Navy from the 1st day of February 1937.

Commander William W. Smith to be a captain in the Navy from the 1st day of March 1937.

Lt. Comdr. John D. Price to be a commander in the Navy from the 25th day of December 1936.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of February 1937:

Andrew C. McFall
Herbert J. Grassie
Cassin Young

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the dates stated opposite their names:

Nicholas B. Van Bergen, October 1, 1936.
Herbert W. Taylor, Jr., December 25, 1936.
Carl S. Drischler, January 22, 1937.
James S. Freeman, February 1, 1937.
William V. Hamilton, February 1, 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the dates stated opposite their names:

Robert G. Norman, January 9, 1936.
James H. Brett, Jr., November 25, 1936.
David W. Todd, Jr., February 1, 1937.

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, from the 1st day of February 1937:

William E. Eaton	Frederick Ceres
Claude W. Carr	Jesse B. Helm

Raymond Lamoreaux, a citizen of New York, to be an assistant civil engineer in the Navy, with the rank of lieutenant (junior grade), from the 1st day of March 1937.

Machinist Edwards R. Hinson to be a chief machinist in the Navy, to rank with but after ensign, from the 16th day of October 1936.

Pharmacist Sylvester R. Foley to be a chief pharmacist in the Navy, to rank with but after ensign, from the 16th day of October 1936.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1937

DIPLOMATIC AND FOREIGN SERVICE

Erle R. Dickover to be consul general of the United States.

PUBLIC HEALTH SERVICE

Dr. John N. Bowden to be assistant surgeon.
Dr. Robert D. Mansfield to be assistant surgeon.

POSTMASTERS

NEW YORK

George E. Callaghan, Medina.

OKLAHOMA

Grace E. Wandell, Coyle.

WASHINGTON

James R. Stephenson, Issaquah.
Margaret E. Seward, Port Blakely.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 29, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thanks be to God, which giveth us the victory through our Lord Jesus Christ.

We praise Thee that Thou didst not suffer Thy Holy One to see corruption. We rejoice to know that life is ever lord of death and because He lives we shall live also. Still, still with Thee when purple morning breaketh and fadeless day gilds the sky and clothes the cheerless, desolate tomb with the glory of the risen Lord. We praise Thee, O Lord, for returning springtime; fill our lives with kindred joy and promise; awaken in us that life which care, sorrow, and trouble have often caused to die out. O give unto us that spiritual vision by which we behold the beauty of divine things. Through the dispensation of Providence death has again entered our family and taken a faithful servant; with fidelity and honor he served the public. May the glow of Easter day be the undying hope of those who knew and loved him. Through Christ our glorified Savior. Amen.

The Journal of the proceedings of Thursday, March 25, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed, without amendment, bills of the House of the following titles:

H. R. 1088. An act for the relief of the Baker-Whiteley Coal Co.;

H. R. 1089. An act for the relief of Charles M. Perkins;

H. R. 1091. An act for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy; and

H. R. 1094. An act for the relief of Clark F. Potts and Charles H. Barker.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 323. An act to extend the provisions of the act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California", approved March 4, 1913, as extended by the acts of April 11, 1916, June 30, 1919, and March 10, 1928;

S. 420. An act for the relief of A. D. Hampton;

S. 436. An act for the relief of owners of property damaged by high waters in the Blackfoot Reservoir;

S. 590. An act for the relief of the estate of Grace M. Moore, deceased;

S. 1590. An act for the relief of Warren J. Fox;

S. 1631. An act for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy;

S. 1632. An act for the relief of Capt. Benjamin Dutton, Jr., Capt. C. H. J. Keppler, Commander Leo H. Thebaud, and Lt. Comdr. Gordon S. Bower, Supply Corps, United States Navy;

S. 1721. An act authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma;

S. 1831. An act to provide for the payment of attorneys' fees from Osage tribal funds;

S. 1901. An act to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); and

S. J. Res. 56. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C.

EXTENSION OF REMARKS

Mr. DIES. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement just issued by William Green, president of the American Federation of Labor, condemning sit-down strikes, and I also ask unanimous consent to insert in the RECORD sections 5299 and 5300 of the Revised Statutes, which, in my opinion, make it mandatory for the President to stop sit-down strikes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FULLER. Mr. Speaker, I ask unanimous consent that after the disposition of matters on the Speaker's table tomorrow morning, I may address the House for 10 minutes.

The SPEAKER. Before submitting the request, the Chair calls the attention of the gentleman from Arkansas to the fact that there is already a special order for 30 minutes on tomorrow.

Mr. FULLER. Then I ask unanimous consent, Mr. Speaker, to proceed for 10 minutes following the special order for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks, and in connection therewith to insert an excerpt from a speech by the President.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. RANDOLPH asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. QUINN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein extracts from the Methodist Herald.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SABATH. Mr. Speaker, following the special order for today, I ask unanimous consent to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentlewoman from New York is recognized for 5 minutes.

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my own remarks, and to include therein a few paragraphs from the report of the committee about which I shall speak.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

TOM MOONEY AND THE SUPPRESSED REPORT OF THE SUBCOMMITTEE OF THE WICKERSHAM COMMITTEE

Mrs. O'DAY. Mr. Speaker, for almost a quarter of a century a labor organizer, Tom Mooney by name, has been a prisoner in the California prison of San Quentin, and during that time there has been the ever-widening belief that his trial and conviction was a shameful miscarriage of justice.

A few weeks ago the Assembly of the California Legislature passed a bill granting Mooney a free, unconditional pardon.

This bill was defeated in the California Senate.

When President Hoover appointed his National Committee on Law Observance and Enforcement in 1929—the so-called Wickersham committee—the interest in it was very great, and when its findings were published the public had every reason to suppose it was being given the full and complete report.

Such was not the case.

A subcommittee of this commission had been appointed to make a study of "lawlessness in law enforcement", with Judge Kenyon, of Iowa, as its chairman. Because of the sustained public interest in the Mooney case, that was chosen as the subject of study, but the findings of the subcommittee were not included in the commission's published report. They were deliberately suppressed.

Senators Walsh of Montana, Cutting, and Costigan were so roused by the omission that there was introduced in the Senate a bill calling upon President Hoover to produce the suppressed report. This bill was passed, but the report, nevertheless, remained locked in the Senate Judiciary Committee, and not until the Hoover administration came to an end did it become accessible to the public.

Here it is with a foreword written by Senator WHEELER, and anyone reading the findings of that subcommittee will be convinced that Tom Mooney is the victim of a monstrous injustice—the victim of lawlessness in law enforcement.

All the facts of the case are now known to labor throughout the country, and I commend this little book to the Members of Congress because of its possible bearing upon the prevalent sit-down strikes with which we are so much concerned just now, and its possible bearing, also, upon that "strange unrest" noted by Mr. Justice McReynolds in an after-dinner speech recently made by him.

Edmund Burke, in a letter to Fox, wrote:

> People crushed by law have no hope but from power. If laws are their enemies, they will be enemies to law; and those who have much to hope and nothing to lose will always be dangerous.

The suppressed report of the subcommittee on lawlessness in law enforcement concludes:

> 1. There was never any scientific attempt made by either the police or the prosecution to discover the perpetrators of the crime. The investigation was in reality turned over to a private detective,

who used his position to cause the arrest of the defendants. The police investigation was reduced to a hunt for evidence to convict the arrested defendants.

2. There were flagrant violations of the statutory law of California by both the police and the prosecution in the manner in which the defendants were arrested and held incommunicado, and in the subsequent searches of their homes to procure evidence against them.

3. After the arrest of the defendants, witnesses were brought to the jails to identify them, and their identifications were accepted by the police and the prosecution, despite the fact that these witnesses were never required to pick the defendants out of a line-up or to demonstrate their accuracy by any other test.

4. Immediately after the arrests of the defendants there commenced a deliberate attempt to arouse public prejudice against them by a series of almost daily interviews given to the press by prosecuting officials.

5. Witnesses were produced at the trials with information in the hands of the prosecution that seriously challenged the credibility of the witnesses, but this information was deliberately concealed.

6. Witnesses were permitted to testify at the trials, despite such knowledge in the possession of the prosecution of prior contradictory stories told by these witnesses, as to make their mere production a vouching for perjured testimony.

7. Witnesses were coached in their testimony to a degree that approximated subornation of perjury. There is a strong inference that some of this coaching was done by prosecuting officials, and other evidence points to knowledge by the prosecuting officials that such coaching was being practiced on other witnesses.

8. The prejudice against the defendants, stimulated by newspaper publicity, was further appealed to at the trials by unfair and intemperate arguments to the jury in the opening and closing statements of the prosecuting attorneys.

9. After the trials, the disclosures casting doubt on the justice of the convictions were minimized, and every attempt made to defeat the liberation of the defendants by a campaign of misrepresentation and propaganda carried on by the officials who had prosecuted them.

The interest in the Mooney case has persisted for nearly a quarter of a century, and will continue until justice is finally done to this victim of "lawlessness in law enforcement." [Applause.]

SELECT COMMITTEE TO INVESTIGATE REAL-ESTATE BONDHOLDERS' REORGANIZATIONS

The SPEAKER. Under the special order of the House just made, the gentleman from Illinois [Mr. SABATH] is recognized for 1 hour.

Mr. SABATH. Mr. Speaker, ladies and gentlemen of the House, for the first time in 30 years' service in this body I rise to a question of personal privilege. I am deeply grieved that it becomes necessary for me to do so.

On Thursday last my colleague the gentleman from Illinois [Mr. CHURCH] saw fit to make a calculated attack upon me, to malign my character, and to impugn my actions as chairman of the Select Committee to Investigate Bondholders' Reorganizations.

In fairness to myself and because I can show that his accusations are without foundation and his entire statement a distortion of facts to mislead the House and the country, I must take up your time. Otherwise I would not do so.

He has charged, first, that I failed to do anything to obtain passage of legislation to eliminate the abuses which our committee has investigated, but sought to continue the committee itself, and second, that the people of Chicago are sick and tired of the investigation.

Replying to the latter charge, I acknowledge that there are those who are most anxious that our investigations cease. The gentleman does not speak for the hundreds of thousands of bondholders who have suffered at the hands of the houses of issue, trust companies, receivers, and protective bondholders' committees. The reverse appears to be the case, and it would appear to me that he speaks for the houses of issue, for the trust companies, for the receivers, and for the protective committees. I most emphatically declare that the people of Chicago, with the exception of those who prey upon the bondholders, do not want our work discontinued.

To support his attack the gentleman from Illinois relies upon a newspaper article from the Detroit News, dated November 27, 1934; one which appeared in the Chicago Tribune on December 9, 1935; and another from the Chicago Daily News of about the same date.

This was at a time when the last two named newspapers gave the select committee quite a bit of publicity through the courtesy of Judge Barnes, and I see that the articles did not escape the attention of my colleague [Mr. CHURCH]. However, the public answer of my firm denying these charges apparently did escape his attention.

Perhaps it is only a coincidence that the gentleman had all of this information for upward of a year and a half, but did not feel it his duty to bring it to the attention of the House until the eve of the hearing upon my bill, H. R. 9, which is designed to put an end to the very abuses which he himself admits exist.

Of course, he has a remedy to prevent these abuses. He proposes to stop them by stopping the committee's work and halting further investigations.

Can it be that he seeks to prevent our filing a final report on the hundreds of pending reorganizations on which the committee is working—cases involving the investment of bondholders to the extent of hundreds of millions of dollars? If these reorganizations are properly handled and taken out of the hands of the racketeers, the investments of the bondholders will be conserved and in many instances net them fair returns. By following the suggestion of Mr. CHURCH, there will be only the houses of issue and their ilk to protect these bondholders. They did not do such a good job of it in the past.

Much as I should like to go into reasons why the committee should be continued and its bill passed without delay, I will confine my remarks to answering the direct charges of the gentleman. I will answer them in detail in the order in which he made them. The gentleman quotes from newspapers, but I will quote from records.

In no instance since the creation of the select committee has my law firm represented the Chicago Title & Trust Co. in any matter in which it had an individual interest in the debt. Prior to that time it did represent that company in some matters.

In Cook County, Ill., the Chicago Title & Trust Co. is almost universally trustee under all mortgages and bond issues, under which mortgages it has the exclusive right of action. In very few instances where it is made trustee has it a personal interest; otherwise it is merely nominally the trustee to institute proceedings or release the mortgage when the debt is paid. When foreclosure is started on a mortgage or trust deed, the Chicago Title & Trust Co. is a necessary party.

In litigation in which the firm of Sabath, Perlman, Goodman & Rein appears, and where the Chicago Title & Trust Co. happens to be trustee, it does not follow that my law firm represents that company. Mr. Perlman did handle some business for the company prior to the creation of the select committee; but I tell you, Mr. Speaker and ladies and gentlemen of the House, since the select committee has come into existence Sabath, Perlman, Goodman & Rein in no case has taken business from the Chicago Title & Trust Co., excepting where the firm represented the real party in interest—the holder of all or part of the mortgage debt, thus representing the Chicago Title & Trust Co. merely as the nominal plaintiff.

I deny that my firm has in any way profited, financially or otherwise, because of my chairmanship of the select committee. In fact, the contrary is true, since my firm has consistently avoided business that had the remotest connection with matters in which the select committee was active.

THE $6,400 FEE IN THE NORTHWEST BUILDING CORPORATION

The gentleman from Illinois quoted a newspaper article, one sentence of which read as follows:

> Federal Judge Barnes has refused to allow payment of a fee of $6,400 to the law firm of Representative ADOLPH SABATH—Sabath, Perlman, Goodman, & Rein—in a receivership case involving the Northwest Building Corporation.

Now, Mr. Speaker, before I explain this matter of the $6,400 fee I must digress a bit. I became associated with the law firm of Sabath, Perlman, Goodman & Rein on October 15, 1931. Mr. Perlman previously had practiced in real estate and chancery law for some 25 years. He had established a large clientele which, of course, he carried with him. He is regarded as one of the leading five or six attorneys in his field in Chicago.

On October 25, 1932, foreclosure was instituted against the Northwest Building Corporation in the State court. A year later Sabath, Perlman, Goodman & Rein appeared as

counsel for the reorganization committee. Please note, Mr. Speaker, that that was almost a year before the select committee was created. Later a bankruptcy proceeding was started under section 77B before Judge Barnes.

HARDING THEATER CASE

On July 10, 1935, George S. Marks, a staff attorney of the select committee, intervened in the Harding Theater case which was also before Judge Barnes. Because of the connection of Mr. Barnes with the Chicago Title & Trust Co. just prior to his elevation to the Federal bench; and his concurrence in the transfer of $2,900,000 of cash belonging to bondholders from the Garard Investment Trust in exchange for impaired securities in the portfolio of the Garard Bank so that its officers could avoid prosecution by lapse of time; and because of Mr. Barnes' fee for representing the Chicago Title & Trust Co., receiver in the matter of $35,000 for sixty-nine 8-hour days and later of another $25,000 fee paid to Judge Barnes' brother in the same case, Mr. Marks asked for a change of venue. This was refused and Mr. Marks appealed.

Personally I had no knowledge of this matter, that is, that the application for change of venue would be asked.

Because Judge Barnes refused to allow Mr. Marks to file his intervening petition in the first instance, the circuit court of appeals found Mr. Marks not properly before it, and on that technicality denied his prayer for appeal.

GARFIELD ARMS HOTEL

About the middle of November 1935, in the Garfield Arms Hotel case before Judge Barnes, a new lease to the old lessee was being given consideration. The select committee received complaints that the lessee was conducting a questionable business on the premises, was keeping two sets of books, and was filing perjured statements of income with the court to avoid paying sufficient rental.

Mr. Powers, of the select committee, cautioned the trustee to investigate before agreeing to a new lease. Judge Barnes heard of it and summoned Powers and inferred that Powers intimidated the court or the trustee.

The judge demanded information held by the select committee. When the chief investigator endeavored to discuss this with the judge he was arrested on a contempt charge. All details are contained in the printed records of the select committee, available to whoever cared to know the truth.

Now mind, Mr. Speaker, and note the dates: The change of venue matter was in July 1935; the contempt incident November 1935. Then suddenly a new angle developed. The Northwest Building Corporation case before Judge Barnes had previously been concluded and fees allowed. Sabath, Goodman, Perlman & Rein were in the case since October 1933, 9 months before the creation of the select committee.

On October 1, 1935, the firm was allowed this fee of $6,400. Suddenly, on December 5, 1935, the judge vacated approval of the $6,400 fee.

The vacating of that order gave the newspapers an opportunity they had been seeking, to lay great stress upon the fact that the judge had vacated an order he had originally entered months before for a fee in a $600,000 reorganization matter.

What was the reason for this?

The property had been reorganized with the approval of the judge some time before, right after the change of venue and the contempt incidents.

Later the court must have repented. On April 27, 1936, he found—and I quote part of his order:

> That Sabath, Perlman, Goodman & Rein have rendered services in this matter * * * that said services were of value * * * and that said services are reasonably worth * * * the sum of $2,500.

But there is an aftermath that I must mention. During the time of this "off again, on again" matter of the fee the judge started a one-man inquisition of the legal fraternity to ascertain who was soliciting 77B cases and which lawyers were splitting fees. He appointed a "friend of the court"; he developed a 2,300-page, legal-size, stenographic record. No prosecution followed. The friend of the court was paid $3,000, the court reporter $400, all out of the bondholders' estate. Out of the 2,300 pages, 187 appertain to the Northwest Building Corporation case; the rest has nothing to do with it. But the bondholders paid the bill.

TUPY'S LETTER TO HOLDERS OF FORMER BONDS

Mr. Speaker, the gentleman from Illinois asserts his aversion to the practices of shyster lawyers, and by the introduction of a letter sent to ex-bondholders in a certain case by Mr. Tupy raises the suspicion that our own committee attorneys engaged in similar practices.

The gentleman has only to inquire of any fair-minded judge to be advised that the activities of this committee have to a great extent eliminated this class of lawyer.

A brief statement as to the reasons for that letter sent out will be enlightening. It was actuated because many ex-bondholders complained to the select committee that their savings had been wiped out by a legal maneuver.

In retrospect, perhaps Mr. Tupy acted incautiously, but he was actuated by the highest motives. There is but one criticism that may be made against him. He was overzealous.

I heard of the letter two or three days later here in Washington, and immediately telephoned Mr. Tupy to stop all action in the matter and cautioned him that there were those who would welcome an opportunity willfully to misconstrue his good intent into wrongdoing. Mr. Tupy followed orders. The replies from these victimized people are in the files of the select committee. No lawyer was given anything. No suit was filed. No bonds were deposited. Mr. Tupy still insists that these people should fight for their rights.

I say, Mr. Speaker, that the select committee never accepted a bond or any other security for deposit. It never urged deposit with anyone else; it never turned any lawsuit over to any attorney; it never permitted any of its own attorneys to accept a single cent of pay for the committee's work, nor to utilize committee information for personal gain.

In connection with this matter I ask that letter, dated April 12, 1935, addressed by the committee to Mr. Charles Lefevre, be appended to my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SABATH. At the same time I ask unanimous consent that from time to time I may be permitted to insert letters directly affecting the record; verified court records.

The SPEAKER. The Chair does not understand the latter part of the gentleman's request.

Mr. SABATH. I ask unanimous consent that from time to time I may be permitted to insert letters directly affecting this matter.

The SPEAKER. The gentleman does not ask that now?

Mr. SABATH. Yes; unanimous consent that I may be able to insert certain letters in connection with the charges and certain statements and telegrams.

The SPEAKER. Is there objection?

Mr. CHURCH. Mr. Speaker, if the gentleman, will as he comes to them, designate the particular letter, I do not believe that I shall object.

Mr. SABATH. It is only in connection with these matters.

Mr. CHURCH. Mr. Speaker, I object to the gentleman's general request, but will not object to the specific requests.

The SPEAKER. The gentleman from Illinois objects to the latter part of the request. Is there objection to the first part of the gentleman's request?

There was no objection.

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

Mr. SABATH. I cannot yield now. I will say this: That was where the gentleman read from the hearings before the committee. He did not state on the floor that I explained that application for the $25,000 and how it came about, but it is now in the RECORD.

Mr. CHURCH. No revision was made after I left the floor on that part.

Mr. SABATH. But the gentleman did not state it on the floor.

Mr. CHURCH. No revision was made after I left the floor of that part.

TRUST NO. 17400 INVOLVING CHICAGO TITLE & TRUST CO.

Mr. SABATH. In reading the statement I made before the Judiciary Committee on March 6, 1936, when that committee held a hearing on the conservator bill (H. R. 10634), the gentleman from Illinois [Mr. CHURCH] omitted many of my answers and explanations.

I do not like to charge that the omission was for the deliberate purpose of misleading the House, but I do think that it had that effect.

His revised remarks, as they now appear in the RECORD, does include one of my answers and clarifies that situation.

I refer to my statement wherein I explained that Mr. Mecartney, acting as friend of the court and not as a representative of the select committee, filed a claim for $25,000 only as a means of bringing an important case before a higher court on appeal. We knew, and everyone else knew, that the fee would not be allowed. He took what appeared to him the only course by which this matter of great importance to bondholders could reach the circuit court of appeals.

Nevertheless, I saw the danger of Mecartney's act being misinterpreted and criticised. Immediately I directed Mr. Tupy to notify the court that Mr. Mecartney was acting contrary to the rules of the committee, which Mr. Tupy did.

I am appending to my remarks a letter from Mr. Mecartney dated March 26, 1937, which more fully explains this case.

The SPEAKER. Is there objection to the request of the gentleman from Illinois to insert the letter referred to?

There was no objection.

Mr. SABATH. Here is a letter, written by myself as committee chairman, dated January 30, 1936, addressed to Judge Wilkerson, stating that Mr. Mecartney's fee should not be allowed because of any connection with the committee. I ask unanimous consent, as the time will not permit me to read it, to embody that letter in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

JANUARY 30, 1936.

In re: Chicago Title & Trust Co., Trust No. 17400.
Hon. JAMES H. WILKERSON,
Judge of the United States District Court,
Federal Courthouse, Chicago, Ill.

HONORABLE JUDGE: It has come to our attention that Mr. Newell Mecartney has filed a petition in the above-entitled cause asking for an allowance of a fee for services rendered by him as amicus curiae.

Although Mr. Mecartney has given a great deal of his time and effort to this select committee in its work, it was expressly understood that all such services rendered to this select committee were to be entirely voluntary and gratuitous, with no obligation on the part of this select committee to reimburse him for same. This has been the universal rule of our committee with reference to all attorneys who were kind enough to assist the committee in its work.

Respectfully yours,
A. J. SABATH,
Chairman of Committee.

Mr. SABATH. In this case, known as Trust 17400, the gentleman from Illinois implied that my law firm represented the Chicago Title & Trust Co. To set him right, let me state that Sabath, Periman, Goodman & Rein represented intervening bondholders from April 1933, more than a year before the select committee was created.

They did not represent the Chicago Title & Trust Co.

Sabath, Periman, Goodman & Rein petitioned for a fee in June 1935. In July 1935 the select committee interested itself in the case. Immediately my firm withdrew its request for the fee, Mr. Mills, of my firm, stating in open court that because of the select committee's interest in the case the firm of Sabath, Periman, Goodman & Rein preferred voluntarily to withdraw its petition for the fee.

The gentleman from Illinois was not even fair enough to give credit to my firm for its voluntary waiver of fees in open court in the only case where there might be a claim of diversity of interest—even though my firm rendered services long before the select committee was created and long before it interested itself in the case.

The gentleman from Illinois could have obtained these facts from the court record had he wanted to recite the truth.

Although he has offices in the same building in Chicago as I do, and although he is my colleague in Congress, he elected to base his charges on garbled and unfair newspaper articles instead of seeking to compare notes with me to learn the true facts.

The gentleman knows Mr. Mecartney, and he will not state that he is not an honest, upright, efficient lawyer. He lives within a short distance of him.

Mr. CHURCH. I agree that Mr. Mecartney is an honest, upright lawyer.

Mr. SABATH. Still you have attacked him because he was trying to do the right thing, the righteous thing, the honorable thing, not only in behalf of the American Legion but of the bondholders and the people who have suffered so much at the hands of these racketeers.

L. L. HOLLANDER MATTER

The gentleman from Illinois accuses our volunteer attorneys of soliciting business through the select committee. Surely he could have ascertained the falsity of that statement had he read the court records concerning Mr. Hollander.

Mr. L. L. Hollander is a young lawyer on the select committee's staff. While new at the job some bondholders asked him in the Chicago office to recommend a lawyer through whom they might intervene in the Churchill Hotel case. Mr. Hollander informed them that the select committee regulations prohibited his so doing. He did mention another lawyer who was then intervening for other bondholders, and to him these people went.

One of the large law firms in the case heard of this and reported it to Federal Judge Sullivan. I immediately wrote the court a letter in full explanation. Later the court examined Mr. Hollander, exonerated him completely, and I understand, commended him on his work. The truth of this is available in the court records.

But the moment my attention was called to his mistake in that one particular case I sent a letter to Judge Sullivan demanding a thorough investigation of that matter or any other matters of a similar nature.

I asked unanimous consent to insert that letter addressed by me on December 3, 1935, to Judge Sullivan in the Hollander case.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter is as follows:

CHICAGO, ILL., *December 3, 1935.*

Re: American Bond & Mortgage Co. issue, Churchill Hotel. In the matter of the Churchill, Inc., a corporation, bankrupt. In the matter of Churchill Hotel Co. Before Charles A. McDonald, master in chancery.
Hon. PHILIP L. SULLIVAN,
United States Courthouse, Chicago, Ill.

DEAR JUDGE: I was greatly surprised to read in the late edition of the Chicago Daily News of December 2, 1935, on the front page, an article headed "Sabath Board Lawyer Accused of Soliciting Clients; Quiz On." This morning in the Chicago Daily Tribune, December 3, 1935, I read a further article headed "Aid of Sabath Faces Federal Court Inquiry", and was very glad to read in the last sentence of the article a statement by you saying, "I don't think the Sabath committee would countenance such action." You no doubt will readily understand that it is an impossibility for me, personally, to follow all the details of activities of this select committee's office in room 703, United States Courthouse. Because of the news articles I had Mr. Tupy, our chief investigator, report to me the data relating to this matter. This information I am glad to give you in brief form:

Some time in April 1935, Mr. Max R. Kargman, attorney, came to our committee's office complaining about the manner in which the above-named case was being handled both in the State courts and in the Federal court under 77B, inferring that the attorneys of record, outside of himself, were holding up the process to the detriment of bondholders. He stated that in the State court this matter had been pending for about 5½ years and that a suit on the same subject was started in the Danville Federal court about 8 months prior, from where it was transferred to the Chicago Federal courts, where it then lay without any action. However, 6 months prior to that a similar case was filed in the Chicago Federal courts, and on the date of Mr. Kargman's call at our office both of these Federal cases, as well as the State case, were pending. Mr. Kargman further stated that there was a serious question about whether or not certain purchasers of alleged first-mortgage bonds were being justly treated in view of effort being made at court to establish their holdings in the record as subordinated bonds. Mr. Tupy referred Mr. Kargman to Mr. L. L. Hollander, one of our staff attorneys working at that time without compensation, to go into the matter. Mr. Hollander evidently concluded that if other bondholders of interest knew about these allegations that they might set themselves up more firmly to protect their interests. In his honest desire to help protect bondholders' interests he drew from our files four names of persons who registered their complaints with us and telephoned them to come in. He then explained the matter to them, stating that Mr. Kargman had already interceded and that if they wished they could join his petitioner for the purpose of joint action.

I believe you are better acquainted with the subsequent process through your court than I am. But I am informed that later on an effort by all other attorneys, excepting Mr. Kargman, was made to dismiss the proceeding before you, and that upon Mr. Kargman's objection you referred the matter to the master, where indirect charges have been made that this congressional committee is aiding attorneys through their connection with this office to build up lucrative business for their own personal benefit.

After L. L. Hollander discussed this matter with registrant complainants he referred them to his brother's office, S. W. Hollander, who acted on his brother's recommendation in obtaining from the bondholders powers of attorney authorizing him to sign a petition on their behalf to intervene. Mr. Kargman then drafted a petition in which Mr. Hollander's bondholders joined with Mr. Kargman's bondholder. Thereafter neither Mr. L. L. Hollander nor Mr. S. W. Hollander had taken any action in this matter, nor did they at any time expect to get paid for any work to date. Both Mr. L. L. Hollander and Mr. S. W. Hollander at that time felt that they were making it possible for uninformed bondholders to have opportunity to protect their interests in this way.

After April 1935 none of these matters were brought to the personal attention of our Mr. Tupy until October 10, 1935. At that time some attorney in the case accused Mr. Tupy's office similarly to what appeared in the newspaper articles. He immediately took the matter up with Mr. L. L. Hollander by letter, of which a copy is attached, sending a similar letter to Mr. S. W. Hollander. On October 12, 1935, he sent out a general letter to all our staff attorneys, about 40 in number, a copy of which is attached.

You will note from these letters that Mr. Tupy was very emphatic in reiterating the rules of this committee about using any of our data for any personal benefit of any attorney. He also discussed the matter with Mr. Kargman and Mr. Kargman stated at that time that in view of the apparent criticism of this select committee by other attorneys on the other side in the case, he was willing to dismiss his case, but felt that the holders of the alleged junior securities should get better treatment than they were being offered in the plan of reorganization, and that he felt it would be improper to withdraw all of a sudden and leave the petitioners in the lurch.

Mr. Tupy advises me that after delving into all these facts his opinion was that no direct harm was caused anyone, particularly in view of Mr. Kargman's assurance to him that he was ready to finish his work without any charge to anyone. And that he felt, because this matter had been pending for so many years in one court or another, that the rights of bondholders would best be served if the adjudication of the matter would be permitted to proceed without any action on our part. He states that he felt that if Mr. Kargman had any basis for his points he would be upheld in them, or that if he failed to substantiate his allegations he would be denied them, and that in neither case the bondholders would be any worse off.

Mr. Tupy further states that this matter was fully explained to the firm of Sennenschein, Berkson, Lautmann, Levinson & Morse in effort to void any public misconstruction against this committee, but that evidently it was the desire of someone to use this purely unselfish intent on the part of L. L. Hollander to discredit this select committee.

I wish to assure you that I have repeatedly emphasized to all our staff, whether attorneys or others, that data in our possession must never be used for any selfish purposes of anyone, or that it may not be divulged other than in our public hearings or by proper presentation through our specifically accredited attorneys to the courts.

With this determined desire on my part I will thank you, as well as any other judge, to inform me whenever any indication appears that this rule of this select committee is being imposed upon by any of our staff attorneys or employees.

It will give me pleasure to have our Mr. Tupy, as well as both of the Messrs. Hollander, to appear before you and under oath in public hearing restate these facts or any other facts that you may desire to have. In view of the publicity given this matter I would appreciate if you could hear this within the next few days, since Mr. L. L. Hollander is taking his sick father to a hospital in California early next week.

Respectfully yours.

(Signed) A. J. SABATH.

THE CHICAGO PARK CEMETERY MATTER

Mr. SABATH. The gentleman from Illinois charges Mr. Tupy with defrauding bondholders, with refusal to pay rent, and of being a member of a protective committee which asked for a fee of $45,000, and other things. Not a single one of those statements is true.

I have known Mr. Tupy and his family for 35 years. I regard him loyal.

Two years before the select committee was created Mr. Tupy assisted in reorganization of a $150,000 bond issue secured by a mausoleum in the Chicago Park Cemetery. For his services Tupy received not one cent and never asked for one.

Mr. CHURCH. Mr. Speaker, will the gentleman yield for a question?

Mr. SABATH. Yes; I yield for a short question.

Mr. CHURCH. I stated that the agreement provided for a fee to Tupy's committee of 30 percent, which will amount to $45,000, and the gentleman has not and will not deny that.

Mr. SABATH. I do deny that, and I will show by proof that you have been misinformed; that the people you have employed and who have been getting this information have misled you. The money you have spent has gone to people who do not know what honesty means.

Mr. CHURCH. Will the gentleman yield further?

Mr. SABATH. I will come to that some other time.

Mr. CHURCH. Finish that up, please.

Mr. SABATH. Yes.

Mr. Tupy was not a member of the protective committee but worked with it to accomplish the outcome. He never was a member of any protective committee and is not now. Let me read you a telegram, dated March 25, 1937, addressed to me, which speaks for itself:

Following telegram sent to honorable Congressman CHURCH tonight: "Your statement regarding Chicago Park Cemetery appear in Chicago newspapers today absolutely without foundation, the writer being recognized a representative businessman in fruit and produce industries Southwater Market, Chicago; happens to be large stockholder Chicago Park Cemetery mentioned. We have turned over entire operation of cemetery to bondholders for a period of years, with absolutely no fees to Tupy or anybody else connected with bondholders committee. Not a single member of this bondholders' committee has or ever can receive a dime compensation. This kind of half-cocked publicity certainly will make Democrats of us few remaining Republicans." This certainly is rank injustice.

(Signed) CHARLES W. IRRGANG.

I never heard of this gentleman, and I do not know him.

Also I desire to read a short extract from a letter sent me by the Berwyn Agency & Loan Corporation dated March 26, 1937:

The facts in the case are so different from those stated by Representative CHURCH that I take the privilege of writing to you that justice may be done to Mr. Tupy and Congressman SABATH'S committee.

Mr. Tupy worked for this corporation from December 1932 to July 1934, and during that time he worked out the details of the reorganization of the bond issue in question in which an apparently worthless bond issue was turned into an issue worth 100 cents on the dollar without one penny in cost to the bondholders.

To our knowledge, this is the only bond issue in Cook County that was worked out without one cent of cost to the bondholders for any kind of fee whatsoever.

I ask unanimous consent, Mr. Speaker, to include the entire letter and enclosure in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter referred to and the enclosure follow:

BERWYN, ILL., *March 26, 1937.*

Hon. A. J. SABATH,
House of Representatives, Washington, D. C.

DEAR SIR: Enclosed are copies of identical letters written to Hon. HATTON W. SUMNERS, Chairman of the House Judiciary Committee, and Hon. WM. B. BANKHEAD, Speaker of the House of Representatives, relative to the articles appearing in the Chicago press on March 25 and 26, concerning your congressional committee, and Mr. J. L. Tupy.

They do not adequately express the high regard in which Mr. Tupy is held by our office and by hundreds of bondholders that he has helped.

If there is any way that any member of our firm can be of assistance to you, by appearing in Washington at our own expense, we urgently request that you call on us without hesitation.

Very truly yours,
BERWYN AGENCY AND LOAN CORPORATION,
By CHAS. E. ZITNIK, *Treasurer.*

BERWYN, ILL., *March 26, 1937.*

Hon. HATTON W. SUMNERS,
Chairman of the House Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR SIR: There appeared in the Chicago papers of Thursday, March 25, 1937, several articles relative to the Sabath congressional committee. These articles contained reference to Mr. J. L. Tupy as a member of a "bondholders' committee" which handled

a mortgage reorganization for the Chicago Park Cemetery Co., and inferred that Mr. Tupy had demanded a fee of $45,000 for the committee's work in handling the bond issue of $150,000. This information was attributed to Representative CHURCH, of Illinois, in a speech before the House of Representatives on Thursday, March 25, 1937.

The facts in the case are so different from those stated by Representative CHURCH that I take the privilege of writing to you that justice may be done to Mr. Tupy and Congressman SABATH'S committee.

Mr. Tupy worked for this corporation from December 1932 to July 1934 and during that time he worked out the details of the reorganization of the bond issue in question in which an apparently worthless bond issue was turned into an issue worth 100 cents on the dollar without one penny in cost to the bondholders, either for attorneys' fees, committee's fees, trustee's fees, or any other fees commonly associated with a bondholders' committee. The only charge whatsoever was 1 percent on deposited bonds as depositary fee to handle the cost of depositary certificates, printing, mailing, and exchange for new bonds. The sole charge has not exceeded $800. Much of the credit for this workout is due Mr. Tupy, who spent endless months of intelligent labor in working out the details of this reorganization.

If this be the conniving and corruption that Representative CHURCH mentioned, then it is our prayer that there be more of the same in connection with bond reorganizations.

To our knowledge, this is the only bond issue in Cook County that was worked out without one cent of cost to the bondholders for any kind of fee whatsoever.

It is a matter of record that Mr. Tupy left our employ prior to his becoming associated with Congressman SABATH'S committee, and it is also a matter of record that Mr. Tupy never received one penny in fees of any kind or nature from this corporation, or from any committee in any reorganization handled by us.

We write this letter in fairness to a former employee who is still gratefully remembered by the bondholders whom he benefited through his excellent work.

Very truly yours,

BERWYN AGENCY & LOAN CORPORATION,
By ——— ———, *Treasurer.*

Mr. SABATH. My colleague also charged that Mr. Tupy has floated a bond issue on a property far in excess of the value of the property. I have positive evidence and sworn statements that that property on which the issue was $185,000, together with the land, was worth nearly $300,000, and that Mr. Tupy himself put in $99,000 of his own money that he saved during his lifetime and lost every cent of it.

The gentleman charges that Mr. Tupy remains in possession of, or occupies, two of the apartments. The court proceedings will show that he is in there by order of the court having jurisdiction in this matter. I hold in my hand and show you a picture of the apartment building which the gentleman says was over capitalized. Any man with any knowledge will see that it is a large apartment, covering nearly an entire block in Riverside, one of the finest suburbs of Chicago.

Mr. Speaker, the gentleman from Illinois makes other charges that the firm of Sabath, Perlman, Goodman & Rein obtained law business from protective committees and from the Chicago Title & Trust Co. individually because of my chairmanship of the select committee. I will prove to you, Mr. Speaker, and to each and every one of you gentleman, and to my colleague Mr. CHURCH, in a moment, how wrong——

Mr. CHURCH. Mr. Speaker, I object to the gentleman using names. I refrained. I ask that the gentleman, accordingly, leave the name out under the rules.

Mr. SABATH. With the greatest pleasure. I am only sorry that I am compelled to use it.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] will suspend a moment. To what does the gentleman from Illinois [Mr. CHURCH] object?

Mr. CHURCH. Mr. Speaker, I object to the gentleman's designation by name of the gentleman from Illinois as being in violation of the rules of the House.

The SPEAKER. The gentleman certainly, under the rules, can refer to the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, I relieve the Speaker and the House. I would be only too pleased if I could omit use of the gentleman's name altogether, although he used my name directly many times.

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

Mr. SABATH. No.

Mr. O'MALLEY. Mr. Speaker, if the gentleman will yield, apparently the gentleman from Illinois [Mr. CHURCH] does not want his name in the RECORD, although the name of the gentleman from Illinois [Mr. SABATH] appeared even in the newspapers.

Mr. CHURCH. Mr. Speaker, I ask for the regular order.

Mr. RAYBURN. Mr. Speaker, I wish to be heard on the point of order raised by the gentleman from Illinois [Mr. CHURCH].

The SPEAKER. The Chair will hear the gentleman.

Mr. RAYBURN. It appears to me that if the gentleman from Illinois [Mr. SABATH] refers to his colleague from Illinois as "the gentleman from Illinois, Mr. CHURCH", there is no invasion of the rules of the House. How else could he designate the gentleman?

The SPEAKER. If the Chair were called upon to make that ruling, the Chair would so hold, but the gentleman from Illinois [Mr. SABATH] said that he would adopt the suggestion made by his colleague the gentleman from Illinois [Mr. CHURCH].

Mr. SABATH. Mr. Speaker, I will only use the gentleman's name when absolutely necessary in order that the fair name and reputation of other Members from my State may not suffer. [Applause.]

As I started to say, Mr. Speaker, I will prove in a moment how wrong the gentleman is in that accusation.

He mentioned cases. He stated that Sabath, Perlman, Goodman & Rein "ousted" the firm of Glenn, Schwartz, Reid & Browning as attorneys for the receiver of the Hyde Park-Kenwood National Bank, the implication being that this representation was secured as a result of my connection with the select committee. The fact, however, is that the firm was appointed to represent the bank receiver on August 21, 1933, 11 months before the select committee was created.

The gentleman read from a transcript of proceedings before Master Charles A. McDonald in the matter of 1748 East Seventy-first Street Building Corporation. He inferred that my firm inspired a hasty foreclosure.

My firm represented the receiver of the Hyde Park-Kenwood National Bank, who held securities on many buildings and on which he had to act to protect the depositors.

In this case the receiver held over $10,000 in bonds defaulted for over 2 years. The owner of the property had not paid taxes from 1928 and was in arrears in them for over $18,000. On June 14, 1934, the receiver addressed a letter to Sabath, Perlman, Goodman & Rein from which I quote:

I think it is high time a bill were filed and the matter brought to a conclusion.

Mr. Speaker, I also desire to include in my remarks a letter from the receiver dated June 14, 1935.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

HYDE PARK-KENWOOD NATIONAL BANK OF CHICAGO,
Chicago, June 14, 1934.

Re: Contemplated foreclosure, Granada Apartments, 1746–1762 East Seventy-first Place, Chicago, Ill.

SABATH, PERLMAN, GOODMAN & REIN,
10 South La Salle Street, Chicago, Ill.

(Attention of Mr. Chesler.)

GENTLEMEN: The owner of the above property, Mr. Benjamin J. Huttner, whose business address is 1636 East Fifty-fifth Street, and whose residence is 5457 Everett Avenue, this city, having failed to take care of interest due on bonds outstanding, of which I am now in control of $10,800, and being at the present time engaged in trying to convince holders of these bonds that they should extend them for 3 years from May 1, 1934, and take a reduction in interest from 5 percent to 4 percent, in addition to being reconciled to a previous reduction from 6 percent to 5 percent, and having allowed the taxes to become delinquent for 1928 and subsequent years in the approximate amount of $18,000 and penalties, and feeling that owners of these bonds should be satisfied with the above extension and his promise to take care of the taxes at the rate of $100 to $150 per month, apparently, so he can remain in possession of the property and use as much of the income as he sees fit, I think it is high time a bill were filed and the matter brought to a conclusion.

Six thousand three hundred dollars par value of the $10,800 worth of these bonds by me controlled are now a part of the bank's assets, this amount being received from Mr. Thomas J. Norton, the successor trustee of the Hyde Park collateral trust. The balance of the bonds are held as collateral to customers' notes, all of which notes are in default.

I am enclosing a list of these bonds, showing the number, date, amount, maturity, and the interest coupons attached, and which I trust will be sufficient for you to start your bill, with the understanding that any additional information available in this office will be furnished upon demand.

Our records indicate the total loan floated amounted to $150,000, but I have no record to show the exact amount outstanding.

Yours very truly,

N. W. IRWIN, *Receiver.*

Bonds on the Granada Apartments held by N. W. Irwin, receiver

	Date	Amount	Maturity	Interest coupons attached
No. 284	May 1, 1927	$1,000	May 1, 1934	May 1, 1933, and subsequent.[1]
No. 288	do	1,000	do	Do.[1]
No. 298	do	1,000	do	Do.[1]
No. 300	do	1,000	do	Do.[1]
No. 44	do	500	May 1, 1933	May 1, 1933.
No. 186	do	500	May 1, 1934	May 1, 1933, and subsequent.[1]
No. 304	do	500	do	Do.[1]
No. 265	do	500	do	Do.[1]
No. 59	do	100	do	Do.[1]
No. 74	do	100	do	Do.[1]
No. 82	do	100	do	Do.[1]
No. 62	do	100	do	Nov. 1, 1931, to May 1, 1933, and May 1, 1934.[1]
No. 63	do	100	do	Do.[1]
No. 41	do	500	May 1, 1933	None.[2]
No. 57	do	100	May 1, 1934	May 1, 1932, Nov. 1, 1932, and May 1, 1934.[2]
No. 121	do	100	do	May 1, 1934.[3]
No. 123	do	100	do	Do.[4]
No. 130	do	100	do	Do.[4]
No. 139	do	100	do	Do.[4]
No. 145	do	100	do	Do.[4]
No. 146	do	100	do	Do.[4]
No. 147	do	100	do	Do.[4]
No. 216	do	500	do	Do.[4]
No. 217	do	500	do	Do.[4]
No. 218	do	500	do	Do.[4]
No. 219	do	500	do	Do.[4]
No. 220	do	500	do	Do.[4]
No. 221	do	500	do	Do.[4]
Total		10,800		

[1] Received from Norton.
[2] Collateral to Weinberg.
[3] Collateral to Miller.
[4] Collateral to Gould.
[5] Collateral to Jackson Park National Bank.

CHICAGO, ILL., *June 16, 1934.*

To: Chicago Title & Trust Co., as trustee under trust deed from Patrick W. Barrett and Anna N. Barrett, his wife, dated May 19, 1927, and recorded in the office of the Recorder of Deeds of Cook County, Ill., as document no. 9622078.

GENTLEMEN: Please be advised that the undersigned, N. W. Irwin, receiver of the Hyde Park-Kenwood National Bank, of Chicago, is the legal holder and owner of bonds nos. 41, 44, 57, 59, 62, 63, 74, 82, 121, 123, 130, 139, 145, 146, 147, 186, 204, 216, 217, 218, 219, 220, 221, 265, 284, 288, 298, 300, aggregating $10,800, executed by Patrick W. Barrett and Anna N. Barrett, his wife, to the Chicago Title & Trust Co., as trustee, dated May 19, 1927, and recorded in the office of the Recorder of Deeds of Cook County, Ill., as document no. 9622078, which bonds are identified by the signature of the Chicago Title & Trust Co., as trustee, and which are herewith handed you.

You are further notified that default has been made in the payment of the semiannual installment of interest on bonds no. 62 and 63, which became due and payable on November 1, 1931, and subsequent and, also, in the principal due on said bonds on May 1, 1934; that default has been made in the payment of the semiannual installments of interest on bond no. 57, which became due and payable on May 1, 1932, and subsequent and, also, in the principal due on said bond on May 1, 1934; that default has been made in the payment of the principal of bonds nos. 41 and 44, which became due on May 1, 1933; that default has been made in the payment of the semiannual installments of interest on bonds nos. 59, 74, 82, 186, 204, 265, 284, 288, 298, and 300, which became due and payable on May 1, 1933, and subsequent and, also, in the payment of the principal of each of said bonds which became due on May 1, 1934; that default has likewise been made in the payment of the principal amounts of bonds nos. 121, 123, 130, 139, 145, 146, 147, 216, 217, 218, 219, 220, and 221, which became due on May 1, 1934.

You are further notified that said defaults, and each of them, still continue.

You are further notified that the following taxes remain unpaid and are defaults under said trust deed, and said default and each of them still continue:

	Balance
1928 general taxes	$2,267.40
1929 general taxes	3,970.20
1930 general taxes	4,351.08
1931 general taxes	3,255.98
1932 general taxes	2,568.30

That the undersigned, as the legal owner and holder of all of the above-mentioned bonds, has, in accordance with the terms and provisions of said bonds and trust deed securing same, elected to declare, and does hereby declare, the principal sum of all bonds outstanding and unpaid by the said trust deed, together with interest thereon, immediately due and payable, and does hereby request you to institute a suit or suits in equity or in law, either for foreclosure of said trust deed, taking possession, or the sale of the premises described therein, or for such other appropriate practice as you shall deem most effective and desirable.

The undersigned hereby agrees to keep and save you secure and indemnified against the cost, expenses, and liabilities which may be incurred by you by reason of your taking such action, in accordance with this demand.

N. W. IRWIN,
Receiver of the Hyde Park-Kenwood National Bank.

Mr. SABATH. On June 16, 1934, the receiver demanded that the Chicago Title & Trust Co., as trustee, instruct the firm to file a foreclosure suit.

Theretofore, on September 5, 1933, which was about a year before the select committee was created, the following letter was addressed to Mr. Perlman by Mr. Abel Davis, of the Chicago Title & Trust Co. I quote:

In connection with your appointment as the attorney for the receiver of the Hyde Park-Kenwood National Bank, this is to confirm telephonic conversation of today that our company, as trustee under bond issues sold by the Hyde Park-Kenwood National Bank, will, in such foreclosure suits as may be filed hereafter, designate as its counsel any reputable firm of attorneys suggested by Mr. Irwin, the receiver. It goes without saying that we shall be happy to have Mr. Irwin designate your firm.

On September 9, 1933, still about a year prior to the formation of the select committee, the receiver wrote the following letter to the Chicago Title & Trust Co. I quote:

This is to advise you that the firm of Sabath, Perlman, Goodman & Rein are now my attorneys, and I hereby request that you employ them as solicitors in all foreclosure cases to be instituted by you as complainant, wherein I, as receiver of the Hyde Park-Kenwood National Bank, of Chicago, shall request such foreclosure proceedings to be instituted by you.

Very truly yours,

(Signed) N. W. IRWIN, *Receiver.*

CHICAGO TITLE & TRUST CO.,
ABEL DAVIS, CHAIRMAN OF THE BOARD,
September 5, 1933.

Mr. I. B. PERLMAN,
Sabath, Perlman, Goodman & Rein, 10 South La Salle Street, Room 1424, Chicago, Ill.

DEAR MR. PERLMAN: In connection with your appointment as the attorney for the receiver of the Hyde Park-Kenwood National Bank, this is to confirm telephonic conversation of today that our company, as trustee under bond issues sold by the Hyde Park-Kenwood National Bank, will in such foreclosure suits as may be filed hereafter, designate as its counsel any reputable firm of attorneys suggested by Mr. Irwin, the receiver. It goes without saying that we will be happy to have Mr. Irwin designate your firm.

Very truly yours,

(Signed) ABEL DAVIS.

Mr. FULLER. Mr. Speaker, may I inquire how much time the gentleman has remaining?

Mr. SABATH. I shall try to complete my statement within the time allotted me.

The SPEAKER. The gentleman has 8 minutes remaining.

Mr. SABATH. Mr. Speaker, the gentleman from Illinois also stated that my firm represented the Chicago Title & Trust Co. in 50 or 75 cases. By this he evidently intended to infer that my firm was retained in such cases because of my connection with the select committee. There is no more truth in this than in the other statements he has made.

The representative of the Chicago Title & Trust Co., who was quoted by the gentleman from Illinois in apparent support of that statement referred to cases where holders of bonds, clients of the firm, and real parties in interest, requested the Chicago Title & Trust Co., as trustee, to have the firm prosecute foreclosures in which those clients were interested individually, in the same manner as the receiver of the Hyde Park-Kenwood National Bank, heretofore mentioned.

RIDGEWAY STATE BANK

The gentleman makes the same charge in the matter of the Ridgeway State Bank and he is utterly refuted by a telegram, dated March 26, 1937, which I received from Mr. Charles Weinfeld, of the firm of Schuyler, Weinfeld & Hennessey, and which I shall read:

I have read in the public press that Congressman CHURCH has stated that the attorneys for the Ridgeway State Bank were

dismissed and the firm of Sabath, Perlman, Goodman & Rein were appointed. In fairness to you I feel it my duty to wire you that this was a misstatement as my firm at one time were the attorneys for said receiver and that subsequently, after we resigned, another law firm, not yours, was appointed by the State auditor. Your firm jointly with mine did represent the bondholders' committee of the Ridgeway State Bank under bondholders' agreement dated February 18, 1932, which was more than 2 years prior to the time that the select committee was authorized by Congress.

(Signed) CHARLES WEINFELD.

Mr. LUCAS. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Illinois.

Mr. LUCAS. Am I correct in my understanding that all the Chicago Title & Trust Co. cases which he, the gentleman from Illinois [Mr. CHURCH], referred to the other day were cases where the trust company was nominally the plaintiff, or were received by the gentleman's firm prior to the time that he was appointed chairman of the investigating committee?

Mr. SABATH. Yes; and they were not the Chicago Title & Trust Co. firm. These were cases of people who owned securities on which defaults had occurred. The Chicago Title & Trust Co. was the so-called nominal trustee in Chicago. In 90 percent of the cases the Chicago Title & Trust Co. was made trustee, sometimes not even knowing that they had been made trustee; but when the time came to execute a release, they charged tremendous fees for signing the release.

Mr. LUCAS. Am I correct in my further understanding that since the investigating committee has been appointed the Chicago Title & Trust Co., in its individual capacity, has thrown the gentleman's firm no business whatsoever?

Mr. SABATH. Not a single case, as I have just explained, and the firm did not accept any since that time. As a matter of fact, the firm has refused to accept fees in matters under investigation by the select committee, even though they had been appointed in such cases before the select committee was created.

H. O. STONE & CO.

Again, the gentleman from Illinois makes a charge that the firm of Sabath, Perlman, Goodman & Rein represented the H. O. Stone & Co. protective committee.

In refutation of that charge, I quote a letter dated March 26, 1937, and signed by Mr. Avery Brundage, chairman of the protective committee:

The firm of Sabath, Perlman, Goodman & Rein has never represented this committee—

(Signed) AVERY BRUNDAGE.

HOLZER

The gentleman makes a charge, absolutely unfounded in fact, stating that the firm of Sabath, Perlman, Goodman & Rein represented the Leight-Holzer Co. protective committee.

There is no Leight-Holzer protective committee. That firm went out of business even before the depression. There is a Holzer, Inc., committee and a Leight & Co. committee, and here again the gentleman was inexcusably inaccurate. In direct refutation of that charge, I quote a telegram addressed to me, dated March 26, 1937, from Abram N. Pritzker, attorney for the Holzer, Inc., protective committee, reading as follows:

Information has reached me of a statement that you represented the committee reorganizing bond issues sold through the now defunct Holzer Co. of Chicago. As counsel for Holzer committee I am in a position to state positively that you did not represent that committee in any capacity.

LEIGHT & CO.

In the matter of Leight & Co. I have a letter from the law firm of Gottlieb & Schwartz, addressed to Mr. I. B. Perlman of my firm, dated March 26, 1937, which I quote:

This firm, in conjunction with the firm of Kirkland, Fleming, Green, Martin, and Ellis, represented, and now represents the committee for the protection of holders of bonds sold through Leight & Co. At no time have you or your firm represented this committee.

GOTTLIEB & SCHWARTZ.
By WILLIAM J. FRIEDMAN.

CODY TRUST

The gentleman from Illinois stated: "That the firm of Sabath, Perlman, Goodman & Rein represents a number of the committees for issues underwritten by the Cody Trust Co."

Again, in this instance, the gentleman infers that representation was had by reason of my connection with the select committee.

What are the facts? The members of the protective committee of the Cody Trust Co. were clients of M. W. Petacque associated with Sabath, Perlman, Goodman & Rein, for some time before 1933.

In December 1933, Cody Trust Co. went into receivership and one of its personnel, Mr. Albert J. Peterson, was given powers of attorney from holders of about $1,000,000 in its defaulted bonds.

At that time Mr. Peterson employed Mr. Petacque as the committee's counsel.

I call particular attention to the fact that this was about 8 months before the select committee was created. The successor trustee on Cody issues is the Chicago Title & Trust Co. and its counsel are Defrees, Buckingham, Jones & Hoffman, and Cassell, William & McCarthy. Sabath, Perlman, Goodman & Rein did not represent the Chicago Title & Trust Co.

[Here the gavel fell.]

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that the gentleman may have 15 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mrs. NORTON. Mr. Speaker, reserving the right to object, may I ask that there be no more requests submitted? I shall not object to this one.

Mr. MARTIN of Colorado. Mr. Speaker, reserving the right to object, at the close of the remarks of the gentleman from Illinois [Mr. SABATH] I ask unanimous consent to address the House for 5 minutes and to quote a few paragraphs in eulogy of the President of the United States as a part of my remarks.

The SPEAKER. The question now pending is, Is there objection to the request of the gentleman from New York [Mr. MERRITT] that the time of the gentleman from Illinois [Mr. SABATH] be extended 15 minutes?

Mr. SNELL. Mr. Speaker, reserving the right to object, I understood we were going to be in session only a short time today, considering the sudden death of one of the oldest Members of this House. I feel that out of respect to the deceased Member we should adjourn in reasonable time, and for this reason I do not believe we should have speeches all afternoon.

Mr. MARTIN of Colorado. Mr. Speaker, I concur fully in what the gentleman has stated about our deceased Member, whom I have known and loved for more than 25 years.

Mr. SNELL. I feel that we should dispose of the business at hand and adjourn.

The SPEAKER. The Chair may say that under the arrangement and understanding already had, the gentlewoman from New Jersey [Mrs. NORTON] will call up a few bills from the District of Columbia Committee, and unless that order is changed by unanimous-consent request, at the conclusion of the consideration of these few short bills the House will adjourn.

Mr. SNELL. Mr. Speaker, I do not want to object, but I feel it is a tribute we owe to our deceased colleague.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MERRITT]?

There was no objection.

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

Mr. SABATH. I yield to the gentleman from Arkansas.

Mr. FULLER. Mr. Speaker, I think the gentleman from Illinois [Mr. SABATH] will complete his remarks in less than 15 minutes. I therefore ask unanimous consent that at the conclusion of the remarks of the gentleman from Illinois [Mr. SABATH] I may proceed for 5 minutes, and that the two Republican members of this committee may each have 5 minutes thereafter. This is just as much a question of personal privilege for the rest of us as it is for the gentleman from Illinois [Mr. SABATH], and we want to wipe the matter out now and forget about it. We ask for only a very few minutes, not to exceed 5. I think the two Republican members of the committee are entitled to an opportunity to address the House, and I think I am also.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. May I inquire what disposition, if any, was made of my request?

The SPEAKER. It has not been submitted. There was one request pending at the time.

Is there objection to the request of the gentleman from Arkansas that at the conclusion of the extension of 15 minutes granted to the gentleman from Illinois [Mr. SABATH] the gentleman from Arkansas [Mr. FULLER], the gentleman from New York [Mr. CULKIN], and the gentleman from Illinois [Mr. DIRKSEN] may each be permitted to address the House for 5 minutes?

Mrs. NORTON. Mr. Speaker, I object.

Mr. MARTIN of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. MARTIN of Colorado. For the purpose of asking that my request be acted upon by the House.

The SPEAKER. Does the gentleman from Illinois [Mr. SABATH] yield for that purpose?

Mr. SABATH. I yield for that purpose.

The SPEAKER. The gentleman from Colorado asks unanimous consent that at the conclusion of the remarks of the gentleman from Illinois [Mr. SABATH] he may be permitted to address the House for 5 minutes, and to read a certain statement to which he has referred. Is there objection?

Mrs. NORTON. Mr. Speaker, reserving the right to object, I should like to state the position of the Committee on the District of Columbia.

This is District day. We have just four short bills. Several Members have come to this desk to request time, and I have asked them to reserve their requests until the completion of the District business.

Mr. Speaker, I dislike very much to deny time to any Member, but it does seem only fair that the District complete its business, particularly as we have but four short bills on the calendar. At the completion of that business we shall be pleased to yield all time requested.

Mr. KRAMER. Mr. Speaker, I also should like to address the House for 2 minutes on behalf of the gentleman from Illinois [Mr. SABATH].

The SPEAKER. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

LEGISLATIVE BRANCH OF THE GOVERNMENT APPROPRIATION BILL, FISCAL YEAR 1938

Mr. RAYBURN. Mr. Speaker, will the gentleman yield to the gentleman from California [Mr. DOCKWEILER] to file a report?

Mr. SABATH. I am pleased to yield.

Mr. DOCKWEILER, from the Committee on Appropriations, reported the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes (Rept. No. 481), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. POWERS. Mr. Speaker, I reserve all points of order.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that at the conclusion of matters upon the District of Columbia Calendar I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SELECT COMMITTEE TO INVESTIGATE REAL-ESTATE BONDHOLDERS' REORGANIZATIONS

Mr. SABATH. Mr. Speaker, if the gentleman desires to learn about these protective committees with which my law firm had any connection, he should read the printed record of the hearings of the select committee. All of them were investigated, and no quarter was asked and none given.

The gentleman from Illinois repeatedly asserted that the select committee shielded the Chicago Title & Trust Co. in exchange for law business. Surely he could have learned how unfounded and ridiculous his accusations were. Easily he could have read the supplemental report of the select committee dated June 19, 1936, where the Chicago Title & Trust Co. is commented on without any shielding.

Mr. Speaker, I ask unanimous consent that I may include in my remarks excerpts from this report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. I quote:

The Chicago Title & Trust Co. appears as trustee, depositary, manager, or in some other major capacity in about 65 percent of these defaults. Their influence is felt not only in the Federal but State courts as well. In nearly every outstanding proceeding involving a default they are, directly or indirectly, voluntarily or involuntarily, injected in such proceedings. * * *

Actually, the trust company at all times was a partner for profit with the bank, and its pecuniary interests were placed ahead of its trust duties and obligations to the public. * * *

An investigation by your committee resulted in the Chicago Title & Trust Co. agreeing to substitute some $200,000 worth of objectional mortgages found in this trust. * * *

The Chicago Title & Trust Co. not only influences foreclosures and 74 and 77B proceedings, but instigates formation of bondholders' protective committees, on many of which its own officers and employees serve and are most active. Many bondholders' protective committees are domiciled in the executive offices of the Chicago Title & Trust Co. and are run by its paid employees, as secretaries, for which the Chicago Title & Trust Co. charges exorbitant fees.

Mr. Speaker, I feel that every fair-minded man or woman will admit that each insinuation, each charge, each accusation made against me and the four men who have worked with the select committee are baseless, and that I have demonstrated their untruth, not by the use of words but with actual evidence and facts.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. SABATH] may insert the rest of his remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SABATH. In view of that, and because I have been a Member of this House continuously for over 30 years, during which time my honesty and integrity never have been questioned by anyone, and because in clear conscience during my entire service I have never been guilty of a wrongful act; because at all times I have had the interest of my people and my country at heart; because I have always felt proud of my small contributions to legislation here and of my record, I feel that you will agree with me when I say that the gentleman from Illinois [Mr. CHURCH], whether intentionally or unintentionally, has wronged and unjustifiably and without any evidence attacked and assailed the good names of these four men and myself.

Therefore I feel that regardless of the motives he may have had, or if he was misled by others, that he should apologize to the House for the advantage he has taken in obtaining unanimous consent to make his unfounded and unmanly attack.

APPENDIX

CHICAGO, ILL., *April 12, 1935.*

Re: H. O. Stone & Co. issues, Lawsonia properties.
Mr. CHARLES LEFEVER,
6237 Vernon Avenue, Chicago, Ill.

DEAR SIR: During the investigation being made by this congressional committee it has arrived at an assumption that the original owners and holders of bonds on the above-named property may have a valid claim for recovery.

For the benefit of such bondholders it is desirable to place the question of probable recovery into hands of an attorney with view of presentation to proper courts.

To date, we understand, you have been led to believe that this investment is a total loss to you.

If you desire to share in any benefits which may develop, we ask you to sign enclosed authority so that an accredited attorney can be assigned to start proceedings. It is intended that this matter

will cost you nothing unless recovery of some sort is obtained for you; in that case the attorney, and necessary accountants, handling the matter will expect to be paid on a contingent basis.

If you have transferred your bonds to someone else, please give us their name and address.

Should you not desire to concur in the above plan of procedure, please advise us. Otherwise, please sign the enclosed paper and return it immediately.

Respectfully yours,

ADOLPH J. SABATH, *Chairman*,
By J. L. TUPY,
Chicago Office, Room 703, United States Courthouse, Chicago, Ill.

CHICAGO, ILL., *March 27, 1937.*

Re: Congressman CHURCH's statement in the House on March 25, 1937.

Hon. A. J. SABATH,
1136 House Office Building, Washington, D. C.

DEAR CONGRESSMAN: By your committee I was assigned to the Chicago Title & Trust Co. cases, and made a special study of an issue involving $12,500,000, wherein the trust company appeared solely as trustee (see Mr. Fettibone's testimony, vol. 6, public hearings of your committee), but under a secret agreement (exhibit A herewith) was deeply interested in the floating of the bonds. (See Mr. Abel Davis' testimony in the same volume.)

On June 27, 1935, I appeared before Judge Wilkerson and told the court that from my examination it appeared that the court was being imposed upon, and that the bondholders were being misrepresented. The court stated that he could not hear me as an attorney for your committee, but that if I appeared as a friend of the court he would do so. He further stated (this from the court record):

"You made statements here about the manner in which this trust has been handled. The court may take that, having in mind the source from which it comes, as the basis for some inquiry along those lines; but, of course, I can get it only from the evidence which develops; and the court will rely upon counsel in developing the evidence. The court, you know, just has to rule on the record which is made."

He also stated:

"This statute casts upon the court the duty of finding whether the plan is fair and nondiscriminatory. It is the duty of the court to avail itself of all sources of information, providing that the information comes to the court in such a way that the court is at liberty to consider it. If there is any specific matter in connection with this plan in which you think the court is interested, the court will issue the proper subpena and get that evidence in the record so that when the final action is taken the court will take not only what is presented by counsel but all the facts which are developed by your suggestions this morning. If you will indicate what they are, I will issue subpenas and bring the witnesses here and have all these things in the record."

One of the important charges made by me was the whitewash and attempted release of the Chicago Title & Trust Co. without it fully accounting for all of its acts as trustee.

The company, as trustee, had full power, under certain restrictions, to purchase the 400 mortgages in the trust. It was admitted that the trustee had purchased all of them from itself.

Through my work for the American Legion I had information that about December 1932 a memorandum had passed among the officers of the company concerning these mortgages, as follows:

"Some of the mortgages in the trust itself may be open to challenge in that, although when made they were 60-percent loans, by the time they were placed in trust the market security had declined in market value to such an extent that the loans then were more than 60-percent loans (the limit specified for in the trusts)."

I requested that the trustee give a report on these mortgages. The master overruled me, and in his report stated:

"The friend of the court insists that aside from the specific investments discussed above, the trustee is under a duty to justify generally its conduct of the trust; that the data which it has furnished are inadequate to show whether or not it has complied with the provisions of the declaration of trust; and that it should be required to submit full information in regard to all the mortgages purchased for the trust, showing among other things the date of the purchase, the taxes levied against the property at that time, the location and nature of the property, the amount of the mortgage, and the value of the property as appraised by the trustee, and the name of the mortgagor."

And this is what the record shows when on December 5, 1935, I presented my report and suggestions to the court:

"Mr. MACARTHUR. They (the trustee) are still liable to the bondholders for any malfeasance in office and the release should be left out of the plan because under all the law that I can find it says that the trustee shall not be released until it has made a full and frank disclosure.

"The COURT. I think that point should be given careful consideration if there were before the court a single bondholder who had, who was properly before the court and was here asserting the claim, proceeding against the trust company, for a breach of trust. But there is no bondholder before the court who has asserted any such right nor is asking to have the record in such shape so that can be done."

And that is the "every opportunity given to the friend of the court" as quoted from the master's report by Mr. CHURCH.

The record further conclusively shows (a) that the so-called protective committee used the United States mail to solicit the confidence of the bondholders and then in the exercise of their own judgment (master's report 23) permitted the bonds to go into default for failure to pay interest of $98,490 when they had on hand $230,000 in cash and $75,000 in Government securities and never advised the court of the facts although the court had taken sole jurisdiction of the trust.

That such action immediately caused the bonds to drop in market value and Farr, the chairman, and his associates who were also indebted to the bondholders, purchased nearly $300,000 in bonds sold by distressed bondholders at as low as 19 cents.

The master reported:

"It is impossible to approve the action of Mr. Farr in this respect. He put himself in a position where his personal interest was or might be opposed to the interest of the bondholders for whom he was acting in a fiduciary capacity. The syndicate purchased the bonds at close to the lowest price at any time; the purchases were going on for approximately a year from June 1933 to June 1934. During all of this period it was to the personal interest of Mr. Farr that the market price of the bonds should be as low as possible, in order that the syndicate might buy to the greatest advantage. On the other hand it was to the interest of the bondholders that efforts should be pressed forward to secure the maximum realization on the bonds, and as soon as conditions warranted, liquidating dividends of either income or principal. Activity along this line would tend to raise the market price of the bonds."

Farr was liable to the trust on a morigage that came due 17 days after the default and was not paid until after he had made a handsome profit on the bonds purchased by him.

Farr also held 200 shares of stock in the Chicago Title & Trust Co. The master says of this (page 16):

"The master considers that it would have been better to omit the holder of such a substantial amount of stock of the trustee in making up the committee."

When the matter came up on December 5, 1935, before the court, I presented my report and after making the remarks hereinbefore quoted, the court absolutely refused to consider my report and suggestion, stating that it was because I did not represent any party in interest and in direct conflict with his inducement and promise of June 27, 1935, hereinbefore quoted.

That at the time of filing the petition I thought I would be able to finance an appeal, and that if the circuit court of appeals could take one look at the record, the bondholders would win millions of dollars.

To show that I had spent time and effort that was worth a considerable amount upon the inducement and promise of a duly authorized member of the judicial branch of our Government that he would fairly and justly consider all facts presented by me, and that when such facts and records were properly and fully presented, the promise was repudiated.

One fact stands out above everything else in this case, and that is, if there had been a conservator appointed, the court would have had to consider the facts and decided for the bondholders instead of against them, thereby saving them millions of dollars and the Federal and local taxpayers the cost of supporting them.

Respectfully submitted.

NEWELL MECARTNEY.

Mr. LUCAS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. LUCAS. To submit a unanimous-consent request.

The SPEAKER. The gentleman will state it.

Mr. LUCAS. Mr. Speaker, this is one of the most important matters that has come before the House for some time, and, while I appreciate the fact that this is District day and those matters are important, but character and reputation are involved in this debate, and I ask unanimous consent at this time that the gentleman from Arkansas [Mr. FULLER], the gentleman from New York [Mr. CULKIN], and my colleague the gentleman from Illinois [Mr. DIRKSEN], may each be granted the privilege of addressing the House for 5 minutes.

Mr. TABER. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The gentleman from New York makes a point of order there is not a quorum present. The Chair will count.

Mr. FULLER. Mr. Speaker, at the request of the majority leader, I ask my colleagues to withdraw the request, in view of the fact it is going to mean an adjournment.

Mr. TABER. Mr. Speaker, I withhold the point of no quorum.

Mr. CULKIN. Mr. Speaker, I join my colleague in his request.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to make a statement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, a great many of us here have served with the late Mr. FOCHT, of Pennsylvania, for many years. Frankly, we do not feel that today is an appropriate time to go into the kind of debate we are going to have, as has been developed here, and on tomorrow I may assure every gentleman here connected with this committee that if he submits the unanimous-consent request to speak on this subject I shall not object, and will try to keep down objections.

Mr. CULKIN. The gentleman will consent to unanimous-consent requests to allow the members of this special committee, whose integrity seems to be involved here, or at least their capacity for public service, adequate time?

Mr. RAYBURN. I do not know what the gentleman considers adequate time.

Mr. CULKIN. It may mean a matter of an hour to discuss some of the ramifications of the matter.

Mr. RAYBURN. I may say to the gentleman that I shall certainly agree to a reasonable time.

Mr. CULKIN. That will be satisfactory.

Mr. O'MALLEY. Mr. Speaker, my request for 15 minutes after consideration of District legislation was concluded was agreed to; but in deference to the wishes of the majority leader, if I had any reasonable assurance I could get at least as much time, or possibly more time, tomorrow, I would forego the time granted me for today.

Mr. RAYBURN. I may say to the gentleman that, so far as I am concerned, he can have his 15 minutes tomorrow.

Mr. O'MALLEY. Well, I could use more time than 15 minutes tomorrow and would, perhaps, ask for 30 minutes.

The SPEAKER. Does the gentleman from Illinois [Mr. LUCAS] withdraw his request?

Mr. LUCAS. I withdraw the request, Mr. Speaker.

The SPEAKER. Under the previous order of the House, the gentleman from Colorado is recognized for 5 minutes.

EXTENSION OF REMARKS

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech I made on February 26 last.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, with Senate amendments, disagree to the Senate amendments and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. LUDLOW, BOYLAN of New York, O'NEAL of Kentucky, HIGGINS, DALY, TABER, and DITTER.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that on tomorrow, immediately following the reading of the Journal and the disposition of the special orders heretofore granted, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. As the Chair understands, the gentleman has yielded back the time heretofore granted him?

Mr. O'MALLEY. That is correct; and I have added 15 minutes to the time for tomorrow.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of the gentleman from Wisconsin [Mr. O'MALLEY] on tomorrow I may be permitted to address the House for 5 minutes and to include in my remarks some brief paragraphs from a eulogy on the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The Chair understands by this permission the gentleman desires to cancel his former request to address the House when it had no business before it?

Mr. MARTIN of Colorado. Mr. Speaker, in view of the indefiniteness of the request and the fact that I might not be here when that time came, I withdraw the request. [Laughter.]

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District day, and the Chair recognizes the gentlewoman from New Jersey [Mrs. NORTON].

PREVENTION OF BLINDNESS IN INFANTS

Mrs. NORTON. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 5896) to provide for the prevention of blindness in infants born in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentlewoman from New Jersey calls up the bill H. R. 5896, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentlewoman from New Jersey asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the health officer of the District of Columbia shall cause to be provided in suitable containers a 1-percent solution of silver nitrate or other preparation which in his opinion is suitable for use as a prophylactic against inflammation of the eyes of the new-born child, the contents of each container being the exact quantity necessary for the treatment of one eye, and two such containers shall be furnished for use in each case of childbirth. It shall be the duty of each physician, midwife, or other person in attendance upon any case of childbirth to administer immediately upon delivery such solution as a prophylactic against inflammation of the eyes of said new-born child. It shall be the duty of each midwife or other person, except licensed physicians, to secure containers of such solution from the health officer for use in each case of childbirth.

SEC. 2. Whenever any physician, midwife, or other person in attendance upon any case of childbirth finds that the new-born child has inflammation of the eyes, attended by a discharge therefrom, such physician, midwife, or other person shall communicate such fact in writing to the health officer within 6 hours after the existence of such discharge becomes known to such physician, midwife, or other person. Upon receipt of such communication the health officer, unless he finds such report to be incorrect, shall issue an order directing the parents of such child (or other person charged with its care) either to (1) place such child in the care of a registered physician or (2) submit immediately satisfactory proof of inability to pay for such medical service. If the health officer finds that the parents or such other person are unable to pay for such medical treatment, he shall order the parents (or such other person) to place the child in a hospital to be designated by the Board of Public Welfare and at the expense of said Board.

SEC. 3. No person other than a registered physician shall treat any case of inflammation of the eyes, attended by a discharge therefrom, of a new-born child for any period longer than may be necessary to obtain the services of a registered physician.

SEC. 4. Any person convicted of violating any provision of this act or any order or regulation issued pursuant to the provisions of this act shall be fined not more than $100 or imprisoned not more than 30 days, or both.

Mrs. NORTON. Mr. Speaker, I move to strike out the last word.

In presenting this bill today may I pay my tribute of appreciation to the man who inspired the bill and who spent his life working to save the sight of countless thousands, Dr. William H. Wilmer. Only a few days ago Bishop Freeman conducted the ceremony and unveiled a bronze plaque at the chapel in the Washington Cathedral as a memorial to this great man. His widow appeared before the subcommittee conducting hearings on this bill and I feel safe in saying that her support of the bill and the story she told of Dr. Wilmer's interest in it had much to do with the unanimous report to your committee and to the House.

It is fitting that we, too, honor the memory of Dr. Wilmer by passing this bill today.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

protective committee used the United States mail to solicit the

There was no objection.

to reconsider laid on the table.

BOWLING ALLEY ESTABLISHMENTS

Mrs. NORTON. Mr. Speaker, I call up House Joint Resolution 226, to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 226

Resolved, etc., That paragraph 21 of section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", as amended, be amended by striking out the period at the end of the paragraph, inserting a colon, and adding the following words: "*Provided, however*, That bowling-alley establishments licensed under this section shall be closed at midnight on Saturday night and shall remain closed until 2 o'clock postmeridian."

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOUTHEASTERN UNIVERSITY

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 3406) for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the certificate of incorporation and certificate of amendment thereto for the incorporation of the Southeastern University of the Young Men's Christian Association of the District of Columbia under subchapter 1 of chapter 18 of the Code of Laws of the District of Columbia (1929 D. C. Code, title 5, ch. 8), be, and the same are hereby, approved and confirmed, except as herein specifically altered and amended.

SEC. 2. That the name of the corporation shall be "Southeastern University."

SEC. 3. That the management of the said corporation shall be vested in a board of trustees consisting of not less than 9 nor more than 21 in number as determined from time to time by said board of trustees, one-third of whom, at all times, shall be graduates of the said university, of the qualifications prescribed by the board of managers of the Young Men's Christian Association of the city of Washington, a corporation organized and existing under and by virtue of the act of Congress approved June 28, 1864 (13 Stat. L. 411 and the acts amendatory thereof), nominated by the alumni of the said university in the manner prescribed by said board of managers, and all of whom shall be elected by said board of managers; that C. C. Caywood, A. W. Defenderfer, L. W. DeGast, Charles E. Krey, George A. Lewis, George W. Offutt, John Poole, James P. Schick, H. Randolph Barbee, James A. Bell, Harvey T. Casbarian, and D. Roland Potter shall act as and constitute the first board of trustees under this act and shall be classified with respect to the time for which they shall severally originally hold office into three equal classes, the first class for the term of 1 year, the second class for the term of 2 years, and the third class for the term of 3 years; the respective original terms of office of any additional trustees shall be such as to equalize said three classes, as far as possible; and the successors to each said class of trustees shall severally hold office for the term of 3 years, so that the term of office of one class shall expire annually.

SEC. 4. That the said board of trustees is authorized to (a) make, alter, and repeal bylaws for the management of the said corporation and rules and regulations for the government of the university and the "schools", faculty, and students thereof; (b) elect as officers of the said corporation and fix the salaries of a president, a treasurer, and a secretary, and such other officers as it may find necessary, for the respective terms and with the respective powers and duties as fixed by the bylaws of the said corporation; (c) appoint, from among their number, as officers of the said board of trustees and fix the salaries of a chairman, a vice chairman, and a secretary, and such other officers as it may find necessary, for the respective terms and with the respective powers and duties as fixed by the bylaws of the said corporation; (d) remove any trustee when, in its judgment, he shall be found incapable, by age or otherwise, of performing or discharging, or shall neglect or refuse to perform or discharge, the duties of his office; (e) determine and establish from time to time additional "schools" in all departments of sciences, liberal arts, and the professions, and the courses of instruction therein; (f) determine and establish, from time to time, additional professorships; (g) appoint, from time to time, such deans, professors, tutors, and instructors as it may deem necessary, and fix their respective terms, duties, and salaries; and (h) grant and confer degrees, but only upon the recommendation of the appropriate "school."

SEC. 5. That the said corporation may have and use a common seal and alter and change the same at pleasure, and shall have power, in its corporate name, (a) to sue and be sued; (b) to plead and be impleaded; and (c) to acquire real, personal, and mixed property by gift, grant, purchase, bargain and sale, conveyance, will, devise, bequest, or otherwise, to hold, use, and maintain the same solely for the purposes of education, and to demise, let, mortgage, or otherwise lien, grant, sell, exchange, convey, transfer, place out at interest, or otherwise dispose of the same for its use in such manner as shall seem most beneficial thereto; subject to conforming to the express conditions of the donor of any gift, devise, or bequest with regard thereto accepted by it; provided it shall not hold more land at any one time than necessary for the purposes of education, unless it shall have received the same by gift, grant, or devise, in which case it shall sell and dispose of so much of the same as may not be necessary for said purposes within 15 years from the date of acquisition, otherwise the same shall revert to the donor or his heirs.

SEC. 6. That the income of the said corporation from all sources whatsoever shall be held in the name of the corporation and applied to the maintenance, endowment, promotion, and advancement of the said university and the said Young Men's Christian Association of the city of Washington, subject to conforming to the express conditions of the donor of any gift, devise, or bequest accepted by the said corporation, with regard to the income therefrom.

SEC. 7. That no person shall ever be required to profess any particular religious denomination, sentiment, or opinion as a condition to becoming and continuing a member of the faculty or a student, with the full benefits, privileges, and advantages thereof.

SEC. 8. That no institution of learning hereafter incorporated in the District of Columbia shall use in or as its title, in whole or in part, the words "Southeastern University."

SEC. 9. That nothing in this act contained shall be construed as preventing the Congress from amending, altering, annulling, or repealing the same or any part thereof.

Mr. MICHENER. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTON. Yes.

Mr. MICHENER. This is a very important bill. It establishes a corporation, and it does some very unusual things in that it incorporates something that is in some office downtown. The bill does not state what it is.

Mrs. NORTON. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mrs. NORTON. We can have the bill explained by the chairman of the subcommittee that considered it.

Mr. MICHENER. It certainly ought to be explained. I have talked with some members of the committee, and they do not seem to know much about it.

Mrs. NORTON. Mr. Speaker, I yield now to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, the legislation which the District of Columbia Committee brings to the House at this time calls for the incorporation of the Southeastern University of the Young Men's Christian Association of the District of Columbia and brings that university in its operation under the Federal incorporation similar to that which Congress has already granted to Georgetown University, George Washington University, National University, Catholic University, and Columbus University. Since May 15, 1923, the Southeastern University has been serving as an educational institution in the District of Columbia under the Board of Education of the District of Columbia, and operating under articles of incorporation recorded here in the District. We believe that the prestige of the institution will be aided by the Federal charter. The Commissioners of the District of Columbia have no objection to the passage of the bill, and the Superintendent of Schools of the District of Columbia, Dr. F. W. Ballou, believes that it would be a proper measure in view of the fact that the Congress has already established the custom of incorporating the other universities I have just named.

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

Mr. RANDOLPH. Yes.

Mr. SNELL. Why do we give a Federal charter for a university? I am asking this question for information, not that I am opposed to it.

Mr. RANDOLPH. I shall say to the gentleman that those institutions which have come before Congress and asked for Federal charters, which we have granted in the past, do it because the institutions obtain increased prestige. As recently as the Seventy-fourth Congress we gave a Federal charter to the Columbus University, operating here under the local organization of the Knights of Columbus. The

Federal charters given to the schools have been made only to those operating here in the District of Columbia.

Mr. SNELL. What if an institution in my town should ask for a Federal charter? What would be the disposition of Congress in regard to it?

Mr. RANDOLPH. I could not say, except that it would be operating under a State charter, whereas here in the District we have been operating under the District of Columbia Board of Education prior to giving Federal charters.

Mr. SNELL. If they had a District of Columbia charter, would they not be in as good shape to go on and run a college as under a Federal charter?

Mr. RANDOLPH. The officials of the institution now coming here simply feel that the granting of Federal charters in the case of Georgetown, George Washington, National, Catholic, and Columbus requires, in all fairness, that it should be given to Southeastern University, the organization of the Y. M. C. A. of the District of Columbia.

Mr. SNELL. Just because we have done it before? There is no real reason that I can see.

Mr. RANDOLPH. The institution has grown, and now has almost 1,000 students, and additional prestige will be brought to the graduates of Southeastern.

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

Mr. RANDOLPH. I yield.

Mr. MICHENER. There are just two reasons. The first is the school wants the prestige of a national charter. This was stated to the committee. They want to say that the Congress of the United States has granted them a special charter. That is the first reason. The second reason is that under the law there is no agency of visitation or supervision over a corporation granted a Federal charter. If you incorporate under a State law, then you must submit to the corporation laws of the State. You must make reports. In other words, you are subject to visitation by some regulatory authority. Now, those seeking Federal charters want Federal permits from Congress to go out and do as they see fit, without regulation, without reporting to anybody at any time anywhere concerning the subject matter. These matters used to come before the Committee on the Judiciary, and that committee necessarily adopted the policy that they would not recommend Federal charters like this. Now they go over to the Committee on the District of Columbia. This is not incorporating under any District law. The Congress of the United States is going to grant a charter, a Federal charter, which should not be granted. I do not know anything about the school. I am against all Federal charters when not necessary. In the Seventy-fourth Congress, it is true, the Committee on the Judiciary refused, but did not keep watch of the thing, and some school went over to the Committee on the District of Columbia and got a Federal charter. Now, that committee finds itself right where the Committee on the Judiciary found itself. In other words, they will have one every week.

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

Mr. RANDOLPH. I yield.

Mr. McCORMACK. Will the gentleman state a little of the background of those who are seeking the charter? It is my recollection that they are connected with the Young Men's Christian Association, are they not?

Mr. RANDOLPH. Yes, sir.

Mr. McCORMACK. A very reputable organization. The school is located in the District of Columbia?

Mr. RANDOLPH. That is true.

Mr. McCORMACK. And every one of those that the gentleman has mentioned, which have received charters, are also located in the District of Columbia?

Mr. RANDOLPH. That is true.

Mr. McCORMACK. So that so far as this bill is concerned and the others that have been granted charters, we are acting as the legislative body of the District of Columbia?

Mr. RANDOLPH. That is my understanding.

Mr. McCORMACK. Just the same as the legislature of any State in granting a charter to a school or college located within the particular State would be acting in its legislative capacity. In other words, we are not sitting here as Congress in the consideration of this bill, but as the legislature of the District of Columbia; is that right?

Mr. RANDOLPH. That is right. I thank the gentleman for his contribution. He is always most fair.

Mr. MICHENER. Mr. Speaker, will the gentleman yield further?

Mr. RANDOLPH. I yield.

Mr. MICHENER. There is a procedure for incorporation along the line suggested by the gentleman, but these schools do not want to do that. They will not take that kind of a charter. They want a charter granted by this Congress, and they so advised this committee.

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

Mr. RANDOLPH. I yield.

Mr. McCORMACK. Just to make this observation: There is no question about the reputation of those who are seeking this legislation?

Mr. MICHENER. Oh, no; I understand that it is a splendid school.

Mr. McCORMACK. If charters have been granted in the past to other colleges, it seems to me that in all fairness this bill should pass. If there is anything wrong about the method of this particular procedure, then that should be met in another way, but certainly it does not seem to me that we should interpose objection against the passage of this bill when other similar schools and colleges have received the same consideration in the past. If, as the gentleman from Michigan has stated, the whole thing is wrong, why create a barrier now? Why not let the proper legislative committee consider a bill preventing the granting of these charters in the future? But to apply it now would seem to constitute discrimination against those who are named in this bill.

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

Mr. RANDOLPH. I yield.

Mr. MICHENER. The gentleman from Massachusetts [Mr. McCORMACK] asks, "Why not pass a law stopping this?"

Mr. McCORMACK. No. I am not saying that I would vote for it. I say if you are going to give it consideration.

Mr. MICHENER. Yes. Now, Congress cannot pass a law stopping it. Congress has not passed a law providing for it, but Congress has jurisdiction to act in each case presented. The committees in both House and Senate, to which this type of legislation is referred, have established the policy that they will not report favorably matters of this kind. Of course, if a bill came from the Committee on the Disposition of Useless Papers and it got on the floor and was being considered and the Congress enacted it, it would not make any difference which committee it came from; you could not prevent it. That is the position you are in here.

Mr. McCORMACK. Why, in view of the fact that charters have been granted in the past to other schools located in the District of Columbia, and admitting that this school is entitled to favorable consideration, should we refuse to pass this law, thus discriminating against this particular school?

Mr. MICHENER. Two wrongs never make a right.

Mr. McCORMACK. But I am not admitting that there is one wrong, from the gentleman's angle.

Mr. MICHENER. If the gentleman believes in the policy of the Congress of the United States granting a Federal charter to any school asking for it, and giving that school authority to proceed with publications and other things for profit as a Federal corporation, then he and I just disagree on the main fundamentals.

Mr. McCORMACK. The gentleman from Michigan does not correctly state the position of the gentleman from Massachusetts. I have never taken the position that it should be granted to anyone who applies, but where they come before a legislative committee and the legislative committee reports that it is a proper application and that those who are applying for the charter are reputable persons, that this school is a reputable school—in the absence of evidence to the contrary I will support the report of the

committee. My friend himself admits that the proponents of the bill are reputable persons.

Mr. MICHENER. Oh, yes; so far as I know, they are.

Mr. McCORMACK. I do not see how we can discriminate against this particular school.

Mr. MICHENER. I do not know anything about the school, but I presume that it is a splendid school.

Mr. RANDOLPH. It is, I may say to the gentleman from Michigan.

Mr. MICHENER. All these schools are; there is no question about that, but that is not the question. I know the gentleman from Massachusetts is a good lawyer, and I have much confidence in his judgment.

Mr. McCORMACK. I thank the gentleman for his confidence, but I cannot plead guilty to being a good lawyer.

Mr. MICHENER. Has the gentleman read this bill?

Mr. McCORMACK. I have read it sufficiently to acquaint myself with its purpose.

Mr. MICHENER. Then, if the gentleman is familiar with the bill, I ask him what it means where the language reads——

Mr. McCORMACK. I did not say I was familiar with it. I said I was sufficiently familiar with it to acquaint myself with its purpose. The gentleman asked me if I had read the bill. I am giving the gentleman an honest answer.

Mr. MICHENER. But the gentleman knows nothing about the details of the bill?

Mr. McCORMACK. The gentleman from West Virginia is a gentleman in whom I have the utmost confidence. If the Knights of Columbus, of which I happen to be a member, received a charter of this character, I do not see why the Y. M. C. A. should not have one, too. That is the position I take. [Applause.]

Mr. MICHENER. I know there are people who take the view that anybody who wants anything from Congress should have it. I do not belong to that school.

Mr. McCORMACK. That is not my view, however.

Mr. MICHENER. I do not care whether it is the Knights of Columbus, whether it is the Ku Klux Klan, or what it is, I am not going to support a proposition to grant something by Congress when, as a matter of fact, Congress should not grant that thing.

Mr. McCORMACK. If the gentleman feels that Congress should not grant it, the gentleman from the beginning is right; but I disagree with the gentleman. This is perfectly within the prerogatives of Congress, a committee has passed upon it, a committee has held hearings upon it and has reported it out. The gentleman himself says that it is a reputable school. Upon the evidence before me there is only one thing I can do in justice to my conscience, and that is to vote for the bill.

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

Mr. RANDOLPH. I yield.

Mr. BOILEAU. As I understand, the Congress has already adopted the policy of granting Federal charters to educational institutions in the District of Columbia.

Mr. RANDOLPH. Yes. That was done in the case of Georgetown University, George Washington University, National University, Catholic University, and Columbus University.

Mr. BOILEAU. In view of the fact that Congress has granted charters in the cases mentioned it would be an act of discrimination if they failed to grant a charter in this instance. I feel that we should pass this bill. Another Congress may feel that the policy of Congress should be changed. If they do, they can change it, blanketing all these institutions, including the one now under consideration under the District of Columbia laws and making them comply with the corporation laws of the District of Columbia; but under existing facts and circumstances it would be discrimination not to grant the charter in this instance. For this reason I suggest that we ought to pass this bill. If the gentleman from Michigan wants to change the policy of Congress, that should be done later in a bill having that for its purpose.

Mr. RANDOLPH. I thank the gentleman from Wisconsin. I may say that this really concludes the present picture of the educational situation insofar as they seek Federal charters.

Mr. MICHENER. The gentleman says this concludes the present picture, but I know two or three more schools that are coming to Congress to ask for Federal charters.

Mr. RANDOLPH. They will have to appear before the proper committee, present their application, and justify it, just as did the others, including Southeastern University.

Mr. MICHENER. The gentleman who has just spoken indicated plainly that he has not been in touch with this thing. This is not a new matter.

Mr. BOILEAU. I said the policy has been established. I certainly do not think it is a new matter. I admit this has been done before.

Mr. MICHENER. The Congress established the policy and it also did away with the policy until those seeking the privilege sought another committee where they could get favorable consideration.

Mr. BOILEAU. I may say to the gentleman that when Congress has over a period of years granted several of these charters it must have adopted a policy. The Judiciary Committee on which the gentleman serves may have had one policy and the District of Columbia Committee another policy, but after all, in my opinion, either the gentleman's committee or the District of Columbia Committee established the policy of the Congress. In view of the fact the Congress has acted on these matters favorably in the past establishes the policy of the Congress, even if two committees of the Congress may have had different policies.

Mr. MAY. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Kentucky.

Mr. MAY. I would like to ask the gentleman a question for information and before doing so will make this brief statement. As I understand it this is merely a statute that will authorize this school to become incorporated rather than operate through a board of trustees, and select a board of directors instead of trustees?

Mr. RANDOLPH. They are now operating under the Board of Education of the District of Columbia. This will give them a Federal charter and the board of trustees will come from graduates of the school and others from the Young Men's Christian Association of the District of Columbia.

Mr. MAY. How is the school financed and supported?

Mr. RANDOLPH. The school is financed and supported from tuitions which are paid in. The school has no debt whatsoever. It is a nonprofit institution. A small endowment has been started. High standards have characterized its growth.

Mr. MAY. There is no direct or implied obligation on the part of the Federal Government by reason of this incorporation to account for any funds whatsoever?

Mr. RANDOLPH. None whatsoever.

Mr. MICHENER. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Michigan.

Mr. MICHENER. This bill provides that the certificate of incorporation and certificate of amendment thereto for the incorporation of the Southeastern University of the Young Men's Christian Association of the District of Columbia "under chapter, stating the chapter, be, and the same hereby are, amended and approved." Did the committee have before it the certificate of incorporation referred to in the bill, and which this bill amends and approves, so that it knew what it was approving?

Mr. RANDOLPH. We did. I may say to the gentleman from Michigan it is operating under the District of Columbia Board of Education, as was the situation in the case of other schools who were operating before they were given Federal charters.

Mr. MICHENER. Why does the gentleman approve an existing charter which is not a Federal charter and not make it a part of this bill? In other words, you have some certificate filed in an office in the city of Washington under which the school is operating, and by this bill you are making that certificate, whatever it may be, a law.

My understanding of the committee hearings was that you did not have before you the original certificate or a copy of it, and that you are attempting to amend something which you are told is in a certain office in the District of Columbia, and you are attempting to approve that, whatever it is, and make that document the law. So that if anybody wanted to know what the Federal law was, he would take the Federal statute, but he could not tell unless he went downtown to this office and hunted up a certificate which is there on file. Is that true?

Mr. RANDOLPH. That is true. It is in the District of Columbia.

Mr. MICHENER. It seems to me we should hesitate a long time before passing a statute here that would tell a court who may be passing upon it that it has to go to some city office in order to find out what the law is. You cannot get it in the books. This is the first time, I believe, that the Congress enacted a law solely by reference—excepting the common law, of course.

Mr. RANDOLPH. I may say that the Commissioners of the District of Columbia have favorably reported on such bills.

Mr. McCORMACK. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman's criticism is a minor one. This is all a matter of public record?

Mr. RANDOLPH. It is.

Mr. McCORMACK. If this bill does not refer to it, there is a way to go about getting the information?

Mr. RANDOLPH. The gentleman is correct.

Mr. MICHENER. I have made all the suggestions I care to make. If this bill passes the Senate and is approved in its present form Congress will have authorized a school to grant degrees, and so forth, without a limitation except as provided in a certificate of which the Congress has no knowledge.

Mr. RANDOLPH. I hope the gentleman will not press his opposition further.

Mr. MICHENER. No; I will not press it further; but I want the RECORD to show that the Congress today is passing a bill which, if enacted into law, will approve something that is nowhere to be found in print in the Federal statutes. Any law-enforcing agency attempting to find out what the law is will have to go somewhere in the District of Columbia and hunt up some files in an office in order to know what this committee has approved and made law, not only without reading but even without printing and without the same appearing in the records of this Congress.

Mr. RANDOLPH. I want the RECORD to show that, if we pass this bill today—and I trust the House will—the Congress of the United States establishes no new precedent; we have simply followed that which has been done in the case of other institutions in the District of Columbia which have asked for and been granted Federal charters.

Mrs. NORTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WOODRUM). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed, and a motion to reconsider was laid on the table.

THE JOINT BOARD AND THE PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 4803) to provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That prosecution for violation of any rule, order, or regulation made, adopted, or approved by the Public Utilities Commission under authority of section 8 of the act approved March 4, 1913 (37 U. S. Stat. L. 974), or amendments thereto, or section 6 (e) of the Traffic Acts, as amended February 27, 1931 (46 U. S. Stat. L. 1434), or section 7 of the act approved July 1, 1902 (32 U. S. Stat. L. 600), as amended by the act approved July 1, 1932 (47 U. S. Stat. L. 550), or by the Joint Board under authority of section 6 (e) of the said Traffic Acts, as amended February 27, 1931, or section 7 of said act approved July 1, 1902, as amended by said act approved July 1, 1932, shall be on information in the Police Court of the District of Columbia, in the name of the District of Columbia, by the corporation counsel or any of his assistants. Any person, corporation, or public utility violating any such rule, order, or regulation shall, upon conviction, be fined not more than $200: *Provided*, That the provisions of this act shall not be construed to apply to rules, orders, or regulations adopted or promulgated by the Commissioners of the District of Columbia which are not specifically required to be referred to the Joint Board or subject to the approval of such board: *Provided further*, That with respect to orders, rules, or regulations made or adopted by the Public Utilities Commission under authority of section 8 of the said act approved March 4, 1913, this section shall be construed to apply only to such orders, rules, or regulations as are subject to the penalties specifically provided in paragraph 85 of that act.

SEC. 2. The provisions of section 1 of this act and of paragraph 85 of section 8 of the said act approved March 4, 1913, so far as they relate to the orders, rules, and regulations of the Public Utilities Commission, shall be construed as prescribing alternative methods of enforcement of the orders, rules, or regulations of the Commission, and any order, rule, or regulation adopted by the Public Utilities Commission which is required to be referred to or is subject to the approval of the Joint Board may be enforced either as provided by paragraph 85 of section 8 of the act approved March 4, 1913, or as provided in section 1 of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HOOK, at the request of Mr. LESINSKI, for 1 week, on account of important business.

To Mr. MCCLELLAN, at the request of Mr. MILLER, for 3 days on account of important public business.

To Mr. VINSON of Georgia, indefinitely, on account of important business.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 323. An act to extend the provisions of the act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California", approved March 4, 1913, as extended by the acts of April 11, 1916, June 30, 1919, and March 10, 1928; to the Committee on Indian Affairs.

S. 436. An act for the relief of owners of property damaged by high waters in the Blackfoot Reservoir; to the Committee on Indian Affairs.

S. 590. An act for the relief of the estate of Grace M. Moore, deceased; to the Committee on Claims.

S. 1590. An act for the relief of Warren J. Fox; to the Committee on Claims.

S. 1631. An act for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy; to the Committee on Claims.

S. 1632. An act for the relief of Capt. Benjamin Dutton, Jr., Capt. C. H. J. Keppler, Commander Leo H. Thebaud, and Lt. Comdr. Gordon S. Bower, Supply Corps, United States Navy; to the Committee on Claims.

S. 1721. An act authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma; to the Committee on Indian Affairs.

S. J. Res. 56. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C.; to the Committee on the Library.

I may say that this really concludes the present picture of

making that certificate, whatever it may be, a law.

mittee of the Whole.

Library.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1068. An act for the relief of the Baker-Whiteley Coal Co.;

H. R. 1089. An act for the relief of Charles M. Perkins;

H. R. 1091. An act for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy; and

H. R. 1094. An act for the relief of Clark F. Potts and Charles H. Barker.

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

S. J. Res. 110. Joint resolution declaring Joseph P. Kennedy eligible for appointment as a member of the United States Maritime Commission.

COMMITTEE ON EDUCATION

Mr. PALMISANO. Mr. Speaker, I ask unanimous consent that the Committee on Education may sit during sessions of the House for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CALENDAR WEDNESDAY

Mr. RAYBURN. Mr. Speaker, in view of the fact the calendar has been called on four Wednesdays this month, that Wednesday of this week will be the fifth Wednesday of the month, and because we desire very much to pass two appropriation bills this week, I ask unanimous consent that business in order on Calendar Wednesday of this week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE LATE BENJAMIN KURTZ FOCHT

Mr. KINZER. Mr. Speaker, I ask unanimous consent to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KINZER. Mr. Speaker, with feelings of deep personal sorrow I announce to the membership of the House the sudden and unexpected death on last Saturday evening of our colleague, Hon. BENJAMIN KURTZ FOCHT, late Representative from the Eighteenth Congressional District of Pennsylvania.

Born in New Bloomfield on March 12, 1863, the son of a Lutheran minister, Mr. FOCHT pursued his education in the public schools and later at Bucknell University, Pennsylvania State College, and Susquehanna University, where he became well grounded in fundamental principles of constitutional government and economic development.

He took up journalism and politics as a life work, in both of which he served his people with ability and fidelity.

Ten years he served in the Pennsylvania Assembly and State Senate, and at the time of his death was serving his tenth term as congressional Representative in this body.

At a later date I shall pay a further tribute to his memory.

Mr. Speaker, I now offer the resolution which I send to the desk and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 167

Resolved, That the House has heard with profound sorrow of the death of Hon. BENJAMIN K. FOCHT, a Representative from the State of Pennsylvania.

Resolved, That a committee of four Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the committee Mr. HAINES, Mr. GINGERY, Mr. KINZER, and Mr. RICH.

ADJOURNMENT

The SPEAKER. The Clerk will report the further resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to; accordingly (at 2 o'clock and 12 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 30, 1937, at 12 o'clock noon.

MOTION TO DISCHARGE COMMITTEE

MARCH 3, 1937.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4 of rule XXVII, I, Hon. JOSEPH A. GAVAGAN, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 125) entitled "A resolution to make H. R. 1507, a bill to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, a special order of business", which was referred to said committee February 19, 1937, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Joseph A. Gavagan.
2. Martin J. Kennedy.
3. John J. Delaney.
4. Raymond S. McKeough.
5. John J. Boylan.
6. Louis Ludlow.
7. James J. Lanzetta.
8. Paul J. Kvale.
9. Thomas F. Ford.
10. Lewis M. Long.
11. John F. Hunter.
12. Sol Bloom.
13. Fred H. Hildebrandt.
14. C. C. Dowell.
15. Arthur W. Aleshire.
16. F. L. Crawford.
17. Charles R. Clason.
18. Wm. H. Sutphin.
19. Henry Ellenbogen.
20. Robert L. Bacon.
21. Arthur B. Jenks.
22. George G. Sodowski.
23. Matthew J. Merritt.
24. Robert G. Allen.
25. U. S. Guyer.
26. B. J. Gehrmann.
27. Wm. Lemke.
28. Martin L. Sweeney.
29. Fred A. Hartley.
30. Frank W. Towey.
31. Edw. J. Hart.
32. E. M. Schaefer.
33. T. Alan Goldsborough.
34. M. A. Dunn.
35. Lyle H. Boren.
36. Wm. J. Fitzgerald.
37. Henry G. Teigan.
38. Edward W. Curley.
39. William A. Ashbrook.
40. William T. Schulte.
41. Charles R. Eckert.
42. Nan Wood Honeyman.
43. Caroline O'Day.
44. Albert G. Rutherford.
45. Herman P. Eberhardt.
46. Herman P. Kopplemann.
47. Alfred N. Phillips, Jr.
48. Thomas A. Jenkins.
49. Don Gingery.
50. Chas. I. Faddis.
51. William F. Allen.
52. Leon Sacks.
53. Frank J. G. Dorsey.
54. Theodore A. Peyser.
55. James C. Oliver.
56. John P. Higgins.
57. Ira Walton Drew.
58. Edward L. O'Neill.
59. James P. McGranery.
60. John T. Bernard.
61. Jerry J. O'Connell.
62. Edward W. Patterson.
63. Usher L. Burdick.
64. Anthony A. Fieger.
65. Elmer H. Wene.
66. J. Will Taylor.
67. B. Carroll Reece.
68. Fred C. Gilchrist.
69. Jesse P. Wolcott.
70. John J. Dempsey.
71. Edward A. Kenney.
72. John M. Coffee.
73. James A. Shanley.
74. William B. Barry.
75. Eugene J. Keogh.
76. Harry P. Beam.
77. Alfred F. Beiter.
78. Herbert S. Bigelow.
79. James A. O'Leary.
80. Frank W. Fries.
81. Michael J. Stack.
82. John D. Dingell.
83. James L. Quinn.
84. Samuel Dickstein.
85. Finly H. Gray.
86. Michael J. Bradley.
87. M. H. Evans.
88. Thomas C. Hennings.
89. Joseph Gray.
90. Eugene B. Crowe.
91. C. Arthur Anderson.
92. Don W. Harter.
93. Louis C. Rabaut.
94. Andrew L. Somers.
95. William P. Connery, Jr.
96. Chester Thompson.
97. A. J. Sabath.
98. Thomas O'Malley.
99. Jerry Voorhis.
100. Wesley E. Disney.
101. Ambrose J. Kennedy.
102. William I. Sirovich.
103. Joseph L. Pfeifer.
104. Mary T. Norton.
105. Donald L. O'Toole.
106. Arthur D. Healey.
107. Francis D. Culkin.
108. Vincent F. Harrington.
109. Melvin J. Maas.
110. Edward A. Kelly.
111. Thomas H. Cullen.
112. John McSweeney.
113. Gardner R. Withrow.
114. Warren G. Magnuson.
115. Knute Hill.
116. Paul W. Shafer.
117. B. K. Focht.
118. Byron B. Harlan.
119. John Steven McGroarty.
120. John H. Tolan.
121. James Wolfenden.
122. Robert Crosser.
123. J. W. Ditter.
124. Leslie C. Arends.
125. Edward C. Eicher.
126. Charles W. Tobey.
127. George W. Johnson.
128. Benjamin Jarrett.
129. Charles A. Wolverton.
130. P. G. Holmes.
131. Virginia E. Jenckes.
132. Robert T. Secrest.
133. Leo Kocialkowski.
134. Roy O. Woodruff.
135. John M. Robsion.
136. Byron N. Scott.
137. George N. Seger.
138. J. Joseph Smith.
139. William T. Byrne.
140. J. M. Houston.
141. Edith Nourse Rogers.
142. Michael J. Kirwan.
143. John M. Costello.
144. Robert Luce.
145. Dewey W. Johnson.
146. Michael K. Reilly.
147. John F. Dockweiler.
148. Thomas R. Amlie.
149. George J. Schneider.
150. James M. Mead.
151. J. Parnell Thomas.
152. Harold Knutson.
153. Aime J. Forand.
154. Albert E. Carter.
155. Charles D. Millard.
156. Lawrence E. Imhoff.
157. Jack Nichols.
158. Joseph D. Casey.
159. R. J. Cannon.
160. Vincent L. Palmisano.
161. Guy J. Swope.
162. Harry Sauthoff.
163. August H. Andresen.
164. Gerald J. Boileau.
165. C. D. Sullivan.
166. George J. Bates.
167. Dudley A. White.
168. Joseph W. Martin, Jr.
169. Richard J. Welch.
170. Frank Carlson.
171. Edward H. Rees.
172. John A. Martin.
173. W. S. Jacobsen.
174. Frank E. Hook.
175. Charles G. Binderup.
176. Andrew J. Transue.
177. Fred J. Douglas.
178. R. B. Wigglesworth.
179. John J. McGrath.
180. Everett M. Dirksen.
181. A. P. Lamneck.
182. W. G. Andrews.
183. George Holden Tinkham.
184. Francis H. Case.
185. B. W. Gearhart.
186. Harry L. Englebright.
187. J. Harold Flannery.
188. Harold G. Mosier.
189. John Luecke.
190. W. P. Lambertson.
191. Charles N. Crosby.
192. Franck R. Havenner.
193. J. W. Robinson.
194. John W. McCormack.
195. William M. Citron.
196. Ed. V. Izac.
197. Daniel A. Reed.
198. Karl Stefan.
199. Robert L. Ramsay.
200. George B. Kelly.
201. George A. Dondero.
202. B. H. Snell.
203. Charles A. Plumley.
204. D. Lane Powers.
205. Harry R. Sheppard.
206. Albert J. Engel.
207. Glenn Griswold.
208. Frank H. Buck.
209. Henry C. Luckey.
210. James M. Fitzpatrick.
211. W. R. Thom.
212. Lloyd Thurston.
213. Clifford R. Hope.
214. Robert F. Rich.
215. W. Sterling Cole.
216. Hamilton Fish.
217. Donald H. McLean.
218. Joseph A. Dixon.

This motion was entered upon the Journal, entered in the CONGRESSIONAL RECORD with signatures thereto, and referred to the Calendar of Motions to Discharge Committees, March 29, 1937.

COMMITTEE HEARINGS

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will meet on Tuesday morning, March 30, 1937, at 10:30 a. m. for further consideration of House Joint Resolution 234, authorizing an appropriation of $5,000,000 for Government participation in the New York World's Fair, 1939, Inc.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary at 10 a. m., Wednesday, March 31, 1937, on the antilynching bills.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m., Friday, April 2, 1937, on the bills (H. R. 4894) to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff, and (H. R. 4895) to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

COMMITTEE ON EDUCATION

The Committee on Education will begin open hearings on H. R. 2288, known as the Harrison-Black-Fletcher bill, Tuesday, March 30, 1937, in the caucus room of the House Office Building at 10:30 a. m. The hearings will be held about 3 days.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, March 30, 1937. Business to be considered: Aviation bills (hearing).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m., Wednesday, March 31, 1937.

Business to be considered: Hearings on H. R. 1658, to amend the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.", approved May 16, 1928 (45 Stat. 590), as amended, and for other purposes.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. PHILLIPS: Committee on Naval Affairs. S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard and also to officers of the Foreign Service of the United States at foreign stations; with amendment (Rept. No. 477). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 5721. A bill to amend the Federal Register Act; without amendment (Rept. No. 478). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 2297. A bill to provide for the appointment of an additional district judge for the northern district of Georgia; without amendment (Rept. No. 479). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOCKWEILER: Committee on Appropriations. H. R. 5966. A bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes; without amendment (Rept. No. 481). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. MAAS: Committee on Naval Affairs. S. 1455. A bill to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered; with amendment (Rept. No. 480). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills which were referred as follows:

A bill (H. R. 4566) granting a pension to Wanneta May Dempsey; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3205) for the relief of William H. Kelly; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CROWE: A bill (H. R. 5958) to provide for the refund of credit of tax and duty paid on spirits lost or rendered unmarketable by reason of the recent floods of the Ohio and Mississippi Rivers where such spirits were in the possession of the original taxpayer or rectifier for bottling or use in rectification under Government supervision, as provided by law and regulations; to the Committee on Ways and Means.

By Mr. FERGUSON: A bill (H. R. 5959) providing that the Secretary of Agriculture create a special "dust bowl" area in Kansas, Oklahoma, Colorado, New Mexico, and Texas; to the Committee on Agriculture.

Also, a bill (H. R. 5960) to provide for studies and plans for the development of a certain reclamation project on the Cimarron River in Cimarron County, Okla.; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 5961) to make an appropriation for the Secretary of Agriculture to create a special "dust bowl" area in five Southwestern States, and for the establishment of grass breeding and experiment projects; to the Committee on Appropriations.

By Mr. FLETCHER: A bill (H. R. 5962) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education; to the Committee on Education.

By Mr. SNELL: A bill (H. R. 5963) providing for the establishment of a term of the District Court of the United States for the Northern District of New York at Malone, N. Y.; to the Committee on the Judiciary.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 5964) prescribing tolls to be paid for the use of locks on all rivers in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. FULMER: A bill (H. R. 5965) to provide for chemical and other research work in connection with the utilization of whole cotton, for the manufacture of cellulose and for the purpose of providing new uses for the South's cotton crop other than as lint cotton; to the Committee on Agriculture.

By Mr. MURDOCK of Arizona: A bill (H. R. 5967) to authorize the establishment of a fish-cultural station in the State of Arizona; to the Committee on Merchant Marine and Fisheries.

By Mrs. JENCKES of Indiana: A bill (H. R. 5968) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes; to the Committee on Agriculture.

By Mr. SUMNERS of Texas: A bill (H. R. 5969) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. SAUTHOFF: A bill (H. R. 5970) to provide for the general welfare by enabling the several States to make more adequate provision for the operation of open-air health camps for children of indigent families; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: A bill (H. R. 5971) to provide for a preliminary examination and survey of Smugglers Cove, Oreg.; to the Committee on Rivers and Harbors.

Mr. HILL of Alabama (by request): A bill (H. R. 5972) to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., and for other purposes; to the Committee on Military Affairs.

By Mr. BOREN: A bill (H. R. 5973) making appropriation for the maintenance and expansion of the soil conservation work of the Civilian Conservation Corps; to the Committee on Appropriations.

By Mr. PIERCE: A bill (H. R. 5974) to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation; to the Committee on Indian Affairs.

Also, a bill (H. R. 5975) establishing per-diem payments in lieu of compensation and expenses for members of Klamath business committee and official Klamath delegates to Washington; to the Committee on Indian Affairs.

Also, a bill (H. R. 5976) authorizing the establishment of a revolving loan fund for the Klamath Indians, Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. CELLER: Resolution (H. Res. 168) to investigate air accidents; to the Committee on Rules.

By Mr. O'CONNELL of Montana: Joint resolution (H. J. Res. 297) memorializing the Honorable Frank F. Merriam, Governor of the State of California, to grant to Thomas J. Mooney a full and complete pardon; to the Committee on the Judiciary.

By Mr. REED of New York: Concurrent resolution (H. Con. Res. 7) authorizing the printing of additional copies of the report of the Joint Committee on Internal Revenue Taxation entitled "The Taxing Power of the Federal and State Governments"; to the Committee on Printing.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Indiana, memorializing the President and the Congress of the United States concerning rehabilitation of highways damaged by floods of the Ohio and Mississippi Rivers; to the Committee on Flood Control.

Also, memorial of the Legislature of the Territory of Hawaii, memorializing the President and the Congress of the United States requesting consideration of their House Concurrent Resolution No. 19 on Hilo Harbor; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States opposing any measure now pending before Congress, which seeks additional lands in the State of New Mexico for use by the Indians; to the Committee on Indian Affairs.

Also, a memorial of the Legislature of the State of Arkansas, memorializing the President and the Congress of the United States concerning rehabilitation of highways damaged by floods; to the Committee on Flood Control.

Also, memorial of the Legislature of the State of Nevada, memorializing the President and the Congress of the United States concerning their Assembly Joint Resolution No. 24 and Senate Joint Resolution No. 13, providing for adequate institutional treatment of prisoners; to the Committee on the Judiciary.

Also, memorial of the Legislature of the Territory of Hawaii, memorializing the President and the Congress of the United States requesting consideration of their House Concurrent Resolution No. 17 on House bill 3629; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COLE of New York: A bill (H. R. 5977) granting an increase of pension to Jennie Bean; to the Committee on Invalid Pensions.

By Mr. CROWE: A bill (H. R. 5978) granting a pension to Clara B. Wright Hooper; to the Committee on Invalid Pensions.

By Mr. DELANEY: A bill (H. R. 5979) for the relief of Anthony J. De Amara; to the Committee on Naval Affairs.

By Mr. DEMPSEY: A bill (H. R. 5980) for the relief of the estate of Alice W. Miller, deceased; to the Committee on Claims.

By Mr. FLETCHER: A bill (H. R. 5981) granting an increase of pension to Mary Ann Shultz; to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 5982) for the relief of Henry S. White; to the Committee on Military Affairs.

Also, a bill (H. R. 5983) for the relief of Pearl A. Stevens; to the Committee on Claims.

By Mrs. JENCKES of Indiana: A bill (H. R. 5984) granting a pension to Claude A. Hunter; to the Committee on Pensions.

By Mr. MALONEY: A bill (H. R. 5985) for the relief of Carl Schneider; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 5986) granting a pension to Hannah Smith; to the Committee on Invalid Pensions.

By Mr. MURDOCK of Arizona: A bill (H. R. 5987) for the relief of Frank E. Vance; to the Committee on the Public Lands.

By Mr. O'CONNELL of Montana: A bill (H. R. 5988) for the relief of Margaret Murphy; to the Committee on Claims.

By Mr. PATMAN: A bill (H. R. 5989) for the relief of J. L. Myers; to the Committee on Claims.

By Mr. SCRUGHAM: A bill (H. R. 5990) granting an increase of pension to Samuel S. Erret; to the Committee on Invalid Pensions.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 5991) granting an increase of pension to Melissa D. Smith; to the Committee on Invalid Pensions.

By Mr. SWOPE: A bill (H. R. 5992) for the reinstatement of John Widder Bryan in the United States Army; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5993) granting a pension to James L. Roberts; to the Committee on Invalid Pensions.

By Mr. VOORHIS: A bill (H. R. 5994) for the relief of S. Uttal; to the Committee on Claims.

By Mr. WHITTINGTON: A bill (H. R. 5995) for the relief of Milton A. Moorhead; to the Committee on Claims.

By Mr. ASHBROOK: Joint resolution (H. J. Res. 298) to pay A. W. Young for money improperly refunded by him to the Post Office Department; to the Committee on Claims.

PETITIONS, ETC.

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

1382. By Mr. ASHBROOK: Petition of Mr. and Mrs. Edward Easterday, of Roscoe, Ohio, protesting against the passage of legislation that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1383. Also, petition of Mr. and Mrs. W. A. Bickel, of Walhonding, Ohio, protesting against the passage of any legislation that would disturb or abridge religious rights and privileges of all our people; to the Committee on the Judiciary.

1384. By Mr. CARTER: Petition of Dr. and Mrs. Harry C. Coe, Mr. and Mrs. Edwin H. Huebbe, Eleanor Banta, and Frank R. Johnston, all of Oakland, Calif., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1385. Also, petition of W. H. Parsons, E. C. Smith, and 300 other residents of Oakland, Calif., endorsing the bill providing for changing the Supreme Court; to the Committee on the Judiciary.

1386. Also, petition of E. H. Steele, of Oakland, Calif., E. E. Dodge, of Palo Alto, and 176 other citizens of the State of California, opposing the passage of the proposal to change the Supreme Court; to the Committee on the Judiciary.

1387. Also, petition of Norman B. Leet and others, of Oakland, Calif., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1388. By Mr. CASE of South Dakota: Petition of L. C. Shortridge and 17 other citizens of Thunder Hawk, S. Dak., protesting against the President's plan to increase the size of the Supreme Court, and urging that an independent judiciary be retained; to the Committee on the Judiciary.

1389. By Mr. CURLEY: Resolutions of the Independent Retail Tobacconists' Association of America, Inc., supporting the Tydings-Miller bill; to the Committee on the Judiciary.

1390. By Mr. DEMPSEY: Joint memorial of the Senate and House of Representatives of the State of New Mexico to the Congress of the United States of America, requesting not to pass any measure now pending before said Congress which seeks additional lands in the State of New Mexico for use by the Indians; to the Committee on Indian Affairs.

1391. By Mr. DIXON: Resolution of the City Council of Toledo, Ohio, petitioning the Congress to enact the United States Housing Act of 1937, being Senate bill 1685 and House bill 5033; to the Committee on Ways and Means.

1392. By Mr. FISH: Petition signed by 21 American citizens, of Monroe, Orange County, N. Y., opposing the proposal of the President to affect the decisions of the Supreme Court by increasing its membership; to the Committee on the Judiciary.

1393. By Mr. FITZPATRICK: Petition of the American Labor Party, New York State, Westchester County headquarters, expressing their approval and support of President Roosevelt's proposed reform of the Supreme Court; to the Committee on the Judiciary.

1394. By Mr. FORAND: Resolution of the Young Men's Democratic League of Rhode Island, endorsing President Roosevelt's plan to reorganize the Federal judiciary; to the Committee on the Judiciary.

1395. By Mr. GOODWIN: Petition of 21 residents of Ulster, Greene, and Columbia Counties of the State of New York, opposing the proposal of the President to affect the decisions of the Supreme Court by increasing its membership, also any compromise upon this fundamental issue; to the Committee on the Judiciary.

1396. By Mr. JOHNSON of Texas: Petition of J. T. L. McNew, secretary-treasurer, Texas section, American Society of Civil Engineers, favoring House bill 3629 by Mr. Green; to the Committee on Agriculture.

1397. By Mr. KEOGH: Petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning House bill 4406; to the Committee on Interstate and Foreign Commerce.

1398. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., with reference to House bill 4080, to regulate the speed of motor vehicles shipped or operated in interstate commerce; to the Committee on Interstate and Foreign Commerce.

1399. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning House bill 68, providing for the creation of a commission to investigate the details of construction and design of a bridge to be erected over the Hudson River at Fifty-seventh Street, New York City; to the Committee on Rivers and Harbors.

1400. Also, petition of the Independent Retail Tobacconists' Association of America, Inc., New York, with reference to the Tydings-Miller fair-trade practices; to the Committee on the Judiciary.

1401. Also, petition of the legislative commission of the National Education Association of the United States, concerning Senate bill 419 and House bill 2268, entitled "A bill to promote the general welfare through appropriation of funds to assist the States and Territories in providing more effective programs of public education"; to the Committee on Education.

1402. By Mr. KING: Concurrent resolution of the Legislature of the Territory of Hawaii, memorializing the Congress of the United States to include in the rivers and harbors bill for 1937 authorization for a survey of Hilo Harbor in the Territory of Hawaii; to the Committee on Rivers and Harbors.

1403. Also, concurrent resolution of the Legislature of the Territory of Hawaii, memorializing the Congress of the United States to enact House bill 3629, entitled "A bill for the establishment of engineering experiment stations at land-grant colleges"; to the Committee on Agriculture.

1404. By Mr. LEWIS of Maryland: Petition of 1,032 citizens of Maryland, protesting against the enactment of that portion of House bill 3291 relative to the Sunday-closing provision which makes it a religious measure; to the Committee on the District of Columbia.

1405. By Mr. MARTIN of Colorado: Senate Joint Memorial No. 6 of the General Assembly of Colorado, favoring the construction of reservoirs on the La Plata River in Colorado; to the Committee on Appropriations.

1406. By Mr. QUINN: Petition of the city of Pittsburgh, Pa., memorializing Congress to enact Senate bill 4424 and House bill 5033; to the Committee on Banking and Currency.

1407. By Mr. RICH: Petition of citizens of Williamsport, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1408. Also, petition of Frank D. Rennells, Coudersport, Pa., protesting against any legislation to disturb or abridge religious rights of the American people; to the Committee on the Judiciary.

1409. By Mr. SADOWSKI: Petition of the House of Representatives of Lansing, Mich., memorializing Congress to enact certain changes in the naturalization laws; to the Committee on the Judiciary.

1410. By Mr. SWOPE: Petition of John T. Grayson and four other citizens of Cumberland and Dauphin Counties, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1411. Also, petition of Concetta Capalbo and five other citizens of Dauphin County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1412. Also, petition of D. Ahl Myers and eight other citizens of Cumberland County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1413. Also, petition of W. H. Sheaffer and 18 other citizens of Dauphin County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1414. By Mr. THOMAS of New Jersey: Letter from Arthur J. Farley, secretary of the New Jersey State Horticultural Society, stating that the executive committee of the New Jersey State Horticultural Society, at a meeting held at Moorestown, N. J., on March 15, 1937, passed a resolution to the effect that they were opposed to the changes in the Supreme Court proposed by the present administration; to the Committee on the Judiciary.

1415. Also, petition signed by 14 citizens of New Jersey who believe that personal liberty, religious freedom, the protection of minorities, and freedom of speech are in grave peril if the courts are made subservient to the President and to the Congress; to the Committee on the Judiciary.

1416. Also, petition signed by 16 citizens of Bergen County, N. J., who believe that personal liberty, religious freedom, the protection of minorities, and freedom of speech are in grave peril if the courts are made subservient to the President and to the Congress; to the Committee on the Judiciary.

1417. Also, petition signed by 20 citizens of Bergen County, N. J., who believe that personal liberty, religious freedom, the protection of minorities, and freedom of speech are in grave peril if the courts are made subservient to the President and to the Congress; to the Committee on the Judiciary.

1418. By the SPEAKER: Petition of the city of Bethlehem, Pa., with respect to the United States Housing Act of 1937; to the Committee on Banking and Currency.

1419. Also, petition of the city of Detroit, Mich., relative to the cancelation of loans to municipalities; to the Committee on Banking and Currency.

1420. Also, petition of the city of Pittsburgh, Pa., with reference to the United States Housing Act of 1937; to the Committee on Banking and Currency.

1421. Also, petition of the Allegheny County Bar Association, concerning the Supreme Court of the United States; to the Committee on the Judiciary.

1422. Also, petition of the city of Atlanta, Ga., urging Congress to pass the United States Housing Act of 1937; to the Committee on Banking and Currency.

1423. Also, petition of the county of Mackinac, St. Ignace, Mich., concerning the Court issue; to the Committee on the Judiciary.

1424. Also, petition of the city of New Kensington, Pa., favoring the United States Housing Act of 1937 (S. 4424 and H. R. 5033); to the Committee on Banking and Currency.

1425. Also, report of the American National Theatre and Academy for the calendar year 1936; to the Committee on the Judiciary.

1426. Also, petition of the city of Flint, Mich., relative to the Reconstruction Finance Corporation; to the Committee on Banking and Currency.

1427. Also, petition of the city of Wyandotte, Mich., relative to the United States Housing Act of 1937, being Senate bill 4424; to the Committee on Banking and Currency.

1428. Also, petition of the Council of the City of Cleveland, urging passage of House bill 5528 and Senate bill 1879; to the Committee on Banking and Currency.

SENATE

TUESDAY, MARCH 30, 1937

(Legislative day of Monday, Mar. 29, 1937)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 29, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 3406. An act for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia;

H. R. 4803. An act to provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia;

H. R. 5896. An act to provide for the prevention of blindness in infants born in the District of Columbia; and

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

S. J. Res. 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937; and

S. J. Res. 75. Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, in order that we may have assurance of one being present.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	King	Pepper
Andrews	Davis	Lee	Pittman
Ashurst	Dieterich	Lewis	Pope
Austin	Duffy	Lodge	Radcliffe
Bachman	Ellender	Logan	Reynolds
Bankhead	Frazier	Lonergan	Robinson
Barkley	George	Lundeen	Russell
Bilbo	Gerry	McAdoo	Schwartz
Bone	Gibson	McCarran	Schwellenbach
Borah	Green	McGill	Sheppard
Brown, Mich.	Guffey	McKellar	Steiwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulkley	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Townsend
Burke	Hayden	Moore	Tydings
Byrd	Herring	Murray	Vandenberg
Byrnes	Hitchcock	Neely	Van Nuys
Capper	Holt	Norris	Wagner
Caraway	Hughes	Nye	Wheeler
Chavez	Johnson, Calif.	O'Mahoney	White
Clark	Johnson, Colo.	Overton	

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS], caused by illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BLACK], the Senator from New York [Mr. COPELAND], the Senator from Iowa [Mr. GILLETTE], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Massachusetts [Mr. WALSH] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent on official business, and that the Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

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

THE STRIKE SITUATION AND LABOR PROBLEMS—NOTICE OF ADDRESS BY SENATOR WAGNER

Mr. WAGNER. Mr. President, I desire to announce that as soon as I can secure the floor tomorrow I will use the opportunity to speak at some length on the present strike situation and the labor problems that are involved, both from the economic and legal point of view.

REORGANIZATION OF FEDERAL JUDICIARY—NOTICE OF RADIO ADDRESS BY SENATOR ROBINSON

Mr. BARKLEY. Mr. President, for the benefit of Senators, I wish to announce that at 10:30 o'clock tonight, over the Columbia Broadcasting System, the senior Senator from Arkansas [Mr. ROBINSON] will deliver an address to the country on the subject of the proposed reorganization of the Federal judiciary.

DISASTER AT NEW LONDON, TEX.

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Secretary of Agriculture Henry A. Wallace to Gov. James V. Allred, Governor of Texas, submitting a preliminary report of Dr. David J. Price, principal engineer in charge of Chemical Engineering Division, Bureau of Chemistry and Soils, Department of Agriculture, on an investigation, made in compliance with Governor Allred's request, of the explosion in the Consolidated School at New London, Tex., where such a tremendous loss of life occurred.

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

MARCH 29, 1937.

Hon. JAMES V. ALLRED,
Governor of Texas, Austin, Tex.:

Following is submitted for your consideration preliminary report of Dr. David J. Price, principal engineer in charge of Chemical Engineering Division, Bureau of Chemistry and Soils, on investigation made in compliance with your request of the explosion in consolidated school at New London. Dr. Price concludes that during a period of falling barometer the explosion was due to the ignition of an accumulation of gas in open area under first floor of building by flash from electrical equipment in operation of sanding machine located at west side of manual training shop at north end of building. Price recommends the following precautionary measures for prevention of similar occurrences: Requirements for use of effective malodorants for detection of escaping combustible gas due to leaking equipment or other causes. Attention should be given by competent engineers to determination of practical application of combustible gas indicators. Gas-detecting appliances are successfully operating in a number of industries, and engineers should give further attention to adaptation of alarm or other warning systems to schoolhouses and other public buildings. Provision should be made for supervision and inspection of public buildings and installation of all heating and lighting devices. All electrical equipment and appliances should be installed in accordance with requirements of national electrical code. Provision should be made for proper construction of buildings to eliminate dead storage spaces under rooms. Adequate ventilation should be provided for any necessary spaces under buildings. Adequate ventilation should be provided for schoolrooms using gas-heating appliances. Department of Agriculture is very glad to have been of service to you in determining the cause of this explosion which has created Nation-wide concern, and we hope our recommendations will be helpful to you in working out plans for prevention of occurrences of this character. Dr. Price has detailed report in course of preparation; copy will be forwarded as soon as completed.

HENRY A. WALLACE, *Secretary.*

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following memorials of the Senate of the State of Arizona, which were referred to the Committee on Appropriations:

Memorial relating to the development of war minerals

To the President and the Congress of the United States:

Your memorialist respectfully represents:

According to recent reports a sum approximating $100,000,000 will be appropriated by the Congress for the purpose of purchasing war minerals as a protection to the Nation in the event of war, the statement being made in explanation that at the present time the country is dependent upon foreign sources for such minerals, and in the event of their being cut off by war conditions the Nation's military forces would be restricted to a 30 days' supply.

The fact is well established that in the county of Mohave, particularly, there is available for ready development and use large deposits of manganese, tungsten, and molybdenum, all key minerals needed for military purposes.

On the southern line of Mohave County there is a deposit of manganese approximating 11 miles in length and 5 miles in width, accessible from a paved highway (U. S. Arizona 60) over an unimproved but presently used road which could be quickly improved by a reasonable expenditure.

The development of this road would not only allow the development of the inexhaustible manganese deposit referred to but would render accessible deposits both of molybdenum and tungsten occurring in the same section, all of which would give employment to citizens of our own country.

Wherefore your memorialist, the Senate of the State of Arizona, urgently requests:

1. That through direct legislation or the grant of authority and funds to an appropriate Federal agency provision be made for early improvement of the road into the manganese district of southern Mohave County and development of the war minerals deposited there.

Memorial urging adequate appropriations for the maintenance of Civilian conservation camps

To the President and the Congress of the United States:

Your memorialist respectfully represents:

The worth of the movement for the conservation of American manhood known as the Civilian Conservation Corps is well known and almost universally applauded.

Wherever C. C. C. camps have been established in this State the results have been mutually beneficial—the men have profited from their surroundings, the influence exerted by neighboring residents, and their employment, while the communities have been materially benefited by the activities of the men and the improvements in the way of roads, trails, dams, and numerous other works constructed by them.

The abandonment of camps in whatever portion of the State has invariably been a matter of regret.

An instance of this is found in Santa Cruz County, where, in a beautiful canyon of the historic Sonoita River, 3 miles from the town of Patagonia—a section rich in romance and legend—stand the buildings of a well-built camp abandoned by reason of lack of funds.

This camp is in an unusually attractive and interesting district, well watered, timbered, highly mineralized, and possessing an equitable climate. The camp came to be regarded as an institution. Its abandonment is a loss both to the community and to the service.

Wherefore your memorialist, the Senate of the State of Arizona, urgently requests:

1. That adequate provision be made for the continuation of the C. C. C. movement on a scale equal to the absorption of the young men qualified for participation in its benefits.

2. That the camp on the Sonoita, to which reference has been made, be rehabilitated, and that a similar course be followed with respect to all camps as favorably situated as this one.

The VICE PRESIDENT also laid before the Senate the following memorial of the Senate of the State of Arizona, which was ordered to lie on the table:

Memorial relating to Federal aid for the States for educational programs and purposes

To the President and the Congress of the United States:

Your memorialist respectfully represents:

There is practically unanimous recognition of the principle that in universal education lies the safety of democracy, of the Nation, and of the social and economic welfare of the people.

In order that education may be universal, and that its advantages and opportunities may reach, in appropriate degree, into every section, community, and locality it is obvious that Federal aid to the States is imperative.

It is evident also in order that wise programs of education may be assured of continuity and stability, that definite allotments of Federal funds be made available to the several States.

It is, however, likewise generally recognized as a sound principle that the responsible administration of all educational programs fostered by the Federal Government, which are in any way related to the public schools, should be lodged in the chief administrative department of the State educational system, and the expenditure of Federal funds apportioned in connection with any such program should not be subject to Federal control.

Wherefore your memorialist, the Senate of the State of Arizona, respectfully requests:

1. That the policy of Federal encouragement and fostering of broad educational programs, applicable to all States under conditions which will make for the universality of education, be placed on a permanent basis.

2. That such programs be carried out through the regular educational agencies and authorities of the several States and Federal funds allocated therefor be expended through State channels and in accordance with State laws.

The VICE PRESIDENT also laid before the Senate the following concurrent memorial of the Legislature of the State of Arizona, which was referred to the Committee on Claims:

Concurrent memorial praying for the relief of certain property owners of Santa Cruz County

To the President and the Congress of the United States:

Your memorialist respectfully represents:

Through the establishment by the United States in 1898 of a 60-foot neutral strip of territory along the boundary between the United States and Mexico, the rights of persons owning property within said area were involved. Particularly were the rights of property owners within that portion of said neutral strip where the same passed through the territory now known as Santa Cruz County, Ariz., affected, inasmuch as the said strip at such location constituted a part of the city of Nogales, and later became what is now known as International Street in the said city of Nogales.

In the course of a determination of the rights of parties owning property within the said area, the Court of Claims of the United States on April 15, 1912, found that the following-named persons were entitled to compensation in the amounts set forth, respectively, for the taking of their property within said neutral strip as it passed through Santa Cruz County: John T. Brickwood, $3,750; Edward Gaynor, $4,250; Theodore Gebler, $1,200; Lee W. Mix, $1,450; Arthur S. Peck, $2,350; Thomas S. Casanega, $500; Joseph D. Lusignan, $6,280; Joseph P. Berger, $1,800.

Despite the fact that said court found said persons entitled to compensation in the amounts above set forth, they have never been compensated for the loss of their property in accordance with the findings of the court, or at all, a failure which appears to constitute a clear violation of the provision of the Constitution of the United States that private property may not be taken for public use without compensating the owner therefor.

Wherefore your memorialist, the Senate of the State of Arizona, the house of representatives concurring, urgently requests:

1. That the Congress of the United States enact the necessary legislation to pay the persons above named the amounts awarded to them by the United States Court of Claims as compensation for the land taken by the United States in the establishment of said neutral strip along the boundary between the United States and Mexico.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Arizona, which was referred to the Committee on Foreign Relations:

Joint memorial on the proposed Argentine Sanitary Convention

To the Senate of the United States:

Your memorialist respectfully represents:

The Argentine Sanitary Convention, now pending before the Senate Committee on Foreign Relations, would permit the importation of livestock products purported to be free from rinderpest or foot-and-mouth disease.

Under the strict exclusion provisions of the present law importation of such products is prohibited from countries where these diseases exist, and as a result our country is now free from the ravages of these dreaded diseases. There is excellent reason to fear that if the present law is relaxed these diseases would find their way into the United States, to the irreparable injury of the great cattle industry.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the Senate of the United States refuse to ratify the proposed Argentine Sanitary Convention.

2. That the present embargo against importation of livestock or the products thereof from countries where either rinderpest or foot-and-mouth disease exists be retained.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Arizona, which was referred to the Committee on Mines and Mining:

Joint memorial on the proposal for a Federal leasing system on mining property

To the Congress of the United States:

Your memorialist respectfully represents:

Recent press reports carry the announcement of a proposal, on the part of the Secretary of the Interior, that the present United States mining laws, under which location and discovery is the basis of the right to develop and to acquire ownership to lode mining claims, be abandoned and a Federal leasing system substituted therefor.

This proposal gives much concern to the States whose mining activities owe their beginnings, and in large part their growth, to the prospector, who, urged by the promise of a rich strike and the right to become the owner of his find, braved the danger and endured the hardships of the hills.

The prospector is still an important, if not an indispensable, factor in the discovery of the mineral treasure stored in western mountains, and will continue, if the incentive for his efforts be not withdrawn, to ply his lonely, arduous, and perilous but effective calling.

The enthusiasm of the adventurous investor also, who risks his fortune on a prospect willingly when he knows that title can be secured to such prospect, would be seriously impaired if not destroyed if a leasing system were substituted, and it is strongly believed that interest in mining development would suffer a most severe blow.

It might be pointed out that under a leasing system the annoyances of long-distance Federal control, the cost of surveying, drawing of leases, and the like would of themselves tend to discourage the transfer of mining claims to those who might be interested in their development, thus retarding the development of this important natural resource; but the principal point is that the promise of rich reward is the lure that is needed to spur the prospector's search and to whet the investor's interest. This incentive would be seriously dulled by the proposed change.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the Congress refuse to abandon the plan under which mineral development of the West has progressed satisfactorily, or to change the present laws relating to discovery and location of lode mining claims.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Public Lands and Surveys:

Senate joint resolution memorializing Congress relative to disposition of revenues from oil and gas leases on naval petroleum reserves

Whereas section 35 of the Oil Land Leasing Act of 1920 provides that 52½ percent of all amounts derived by the Federal Government from bonuses, royalties, and rentals on leased oil or gas lands shall be paid into, reserved, and appropriated as a part of the reclamation fund created by act of Congress approved June 17, 1902, and said section also provides that 37½ percent of all amounts so derived shall be paid to the State within the boundaries of which such leased lands are located; and

Whereas this method of distribution of revenues received from oil or gas leases recognizes and establishes the policy that in the use by the United States of a limited and nonrecurring natural resource the area of origin should participate in revenue received therefrom as a measure of compensation for the loss of such natural resource and for the exemption from local taxation which occurs. Nearly all such leases are in the Western States, where water development is a paramount necessity, and in which the Bureau of Reclamation by the construction of water stabilization and control projects is creating new and permanent natural resources; therefore devoting part of such receipts to this purpose is justified, as is the apportioning of a percentage to the States to affect loss of taxable value. This policy is fair and equitable and in the national interest and has been established by the Congress; and

Whereas naval petroleum reserves are created by Executive order of the President from public lands of the United States and leases thereon are made under the provisions of the Oil Land Leasing Act; and

Whereas the total revenues under the Oil Land Leasing Act of 1920 (including leases on naval petroleum reserves) have been approximately $131,000,000, of which more than $32,000,000, or approximately 25 percent of the total revenues, have been from naval petroleum reserves; and

Whereas section 35 of said act provides "that all moneys which may accrue to the United States under the provisions of the act from lands within the naval petroleum reserves shall be deposited in the Treasury as 'miscellaneous receipts'"; and

Whereas if the Bureau of Reclamation had received 52½ percent of the revenues from the lands within naval petroleum reserves up to June 30, 1936, the Bureau of Reclamation would have received an additional $17,114,294.47; and

Whereas the distribution of the revenues from this nonrecurring natural resource to the Bureau of Reclamation to be expended in upbuilding the permanent agricultural resources by making available water for irrigation, hydroelectric power, flood control, improvement of navigation, and other purposes is sound public policy; and

Whereas it is not equitable that the oil reserves for the Navy be obtained in a few States to the material detriment of such States, without affording participation in the revenues from leases in such reserves in line with the fair division recognized and provided for in the Mineral Leasing Act as applying to the public domain; and

Whereas naval petroleum reserves in addition to those now existing may be created at any time, which, under existing law, would deprive the Bureau of Reclamation and the respective States of revenues now being received or which would otherwise be received: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, That the Congress of the United States be memorialized to pass appropriate legislation which will provide that of the moneys heretofore or hereafter received from the collection of bonuses, royalties, and rentals under the Oil Land Leasing Act of 1920 within naval petroleum reserves 52½ percent shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the Reclamation Act, approved June 7, 1902, and 37½ percent of the amounts received from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are located, said moneys to be used by such State or subdivision thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct; and be it further

Resolved, That our Senators in the United States Senate and our Representatives in Congress be requested to use all proper efforts to bring about the passage of the laws covering the matters above referred to; and be it further

Resolved, That the secretary of state be, and he is hereby, directed to transmit properly certified copies of this resolution to the President of the United States Senate, the Speaker of the House in Congress, and to each of our Senators and our Representative in Congress.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Nevada favoring the enactment of legislation to authorize the Secretary of the Interior to transfer water rights, within Federal projects in States where the State law will permit, from marginal and submarginal lands to good lands, either private or public domain, etc., which was referred to the Committee on Irrigation and Reclamation.

(See resolution printed in full when presented by Mr. PITTMAN on the 29th instant, p. 2802, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Nevada favoring the enactment of legislation to provide for the general welfare by establishing a system of Federal aid to the States for the purpose of enabling them to provide adequate institutional treatment of prisoners and provide improved methods of supervision and administration of probation, parole, and conditional release of offenders, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented by Mr. PITTMAN on the 29th instant, p. 2802, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the board of aldermen of the city of New York, N. Y., favoring the enactment of the so-called Copeland-Curley home mortgage relief bill, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a resolution adopted by the city commission of Flint, Mich., favoring the enactment of the bill (H. R. 5528) to extend to political subdivisions of States the same treatment accorded to States which borrowed for relief purposes under the Emergency Relief and Construction Act of 1932 by eliminating discrimination in the case of certain loans made to cities and counties under that act, and for other purposes, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a telegram from Austin Corbin, 2d, and several other citizens of Spokane, Wash., endorsing the telegram in the nature of a memorial from Dr. A. Lawrence Lowell and other citizens of Boston, Mass. (laid before the Senate by the Vice President on the 29th instant), remonstrating against the actions of representatives of certain labor organizations holding possession of property in sit-down strikes, etc., and favoring Executive intervention if Federal legislation is not adapted to meet the situation, which was referred to the Committee on Education and Labor.

Mr. LODGE presented memorials of sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by Petersham Grange, No. 95, Patrons of Husbandry, of Petersham; the Bar Association of Plymouth, and citizens of Lexington, in town meeting assembled, all in the State of Massachusetts, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented memorials of directors and members of the First Needlework Guild and also of several citizens, all of Boston, Mass., remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

TITLE I, FEDERAL HOUSING ACT

Mr. WAGNER presented a petition (in the form of a resolution) signed by sundry citizens of the State of Iowa, which was referred to the Committee on Education and Labor, and the body of the petition was ordered to be printed in the RECORD, without the signatures, as follows:

Whereas that portion of the National Housing Act known as title I will become inoperative on April 1, 1937, unless reinstated by this Congress; and

Whereas it is felt that title I has contributed tremendously to the present recovery of the building industry from the dark depths of depression; and

Whereas the rate of this recovery is dependent upon the rate with which purchasing power and credit is restored to the American people who desire to repair and remodel their homes; and

Whereas the building industry ranks as one of the largest in the Nation in providing employment and purchasing power; and

Whereas title I of the National Housing Act provides credit for repair and remodeling; and

Whereas it is felt that curtailment of purchasing power, credit, and employment would have a highly deleterious effect upon the recovery of the building industry and the Nation; and

Whereas it is believed that to allow title I of the F. H. A. to expire on April 1, 1937, would seriously retard the Nation's recovery; and

Whereas the Congress of the United States of America has the power to extend said title I: Now, therefore,

We the undersigned members and employees of the building industry, do hereby respectfully ask that you take whatever action is necessary to extend the aforementioned title I.

LOW-COST HOUSING

Mr. WAGNER presented resolutions adopted by the Syracuse (N. Y.) Housing Authority and the Grand Street Boys' Association of New York City, which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Resolution adopted by the Syracuse Housing Authority at its meeting on March 9, 1937

Whereas the continued existence of bad housing is detrimental to the physical and moral welfare and are socially undesirable in a community and slums are an economic waste; and

Whereas decent, safe, and sanitary housing for persons of low income cannot be provided through the ordinary channels of private enterprise; and

Whereas it is necessary that the Government provide for and bear a certain portion of the burden of financing the clearance of slums and construction of low-rent housing; and

Whereas the Syracuse Housing Authority, duly established in the city of Syracuse, N. Y., has already made thorough and comprehensive studies and surveys of housing conditions in the city of Syracuse and is prepared to undertake the construction of low-rent housing in certain locations in said city; and

Whereas no funds are available for loans or subsidies for the purposes aforesaid unless Congress makes the necessary appropriation therefor: Therefore be it

Resolved, That the Syracuse Housing Authority, of the city of Syracuse, N. Y., hereby endorses and urges the adoption of the United States Housing Act of 1937, being United States Senate bill

Arizona, prays:

in the Treasury as 'miscellaneous receipts'"; and

4424, introduced by Hon. ROBERT F. WAGNER, Senator from New York, and House of Representatives bill 5083, introduced by Hon. HENRY B. STEAGALL, Representative from Pennsylvania; and be it further

Resolved, That a copy of this resolution be forwarded to Hon. ROBERT F. WAGNER, United States Senator, and Hon. ROYAL S. COPELAND, United States Senator, from New York, and Hon. CAROLINE O'DAY, Hon. MATTHEW J. MERRITT, and Hon. CLARENCE E. HANCOCK, Representatives from New York.

Whereas the economic, social, and moral well-being of one-third of the people of the United States is endangered by inadequate, unsafe, and unhealthful housing conditions; and

Whereas the Grand Street Boys' Association, collectively, and its 3,000 members, individually, intimately know the dangers and evils of slum life, and believe that unsafe and unhealthful housing impairs the health, disintegrates the moral and intellectual fiber of a community, hampers, if not destroys, the best of our cultural heritage; and

Whereas the urgent need of slum clearance and the housing of low-income wage workers has commanded itself to organized labor, philanthropic, religious, and social agencies; and

Whereas those who advocate slum clearance know full well that there can be no adequate solution of the problem of public housing without the adoption of a plan for providing Federal assistance to local housing authorities: And, therefore, be it

Resolved, That we, the Grand Street Boys' Association, urge and petition prompt and favorable action on the Wagner-Steagall public housing bill, certain in our judgment that this bill carries the promise of social, economic, and moral progress; be it further

Resolved, That a copy of this resolution be sent to the Honorable ROYAL S. COPELAND, the Honorable ROBERT F. WAGNER, and the Congressmen who represent the city of New York.

HOME-MORTGAGE RELIEF

Mr. WAGNER presented resolutions adopted by the board of aldermen of the city of New York, and the Hollis-St. Albans Civic Association, Inc., of St. Albans, Long Island, in the State of New York, which were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Resolution memorializing Congress of the United States to act favorably on Senate bill no. 1678 and H. R. no. 4739, relative to providing additional home-mortgage relief within the metropolitan area

Whereas a serious situation has arisen with reference to loans granted by the Home Owners' Loan Corporation to small-home owners in order to enable them to hold their property, by reason of numerous foreclosures and the taking of deficiency judgments by the H. O. L. C. in various parts of our country and more specially in the metropolitan area; and

Whereas a bill has been introduced in the Senate of the United States by Senator ROYAL S. COPELAND, of New York, and in the House of Representatives by Congressman EDWARD W. CURLEY, of New York, known specifically as S. 1678 and H. R. 4739, to provide additional home-mortgage relief by providing for (1) a moratorium on foreclosures permitting appropriate legislation to provide further emergency relief to home-mortgage indebtedness; (2) to further refinance home mortgages; (3) to reduce the rate of interest and extend payment and amortization of mortgages; (4) to eliminate personal and deficiency judgments in foreclosures; and for other purposes: Now, therefore, be it

Resolved, That the Congress of the United States be, and hereby is, memorialized to act favorably on S. 1678 and H. R. 4739 to accomplish the purposes set forth above; and

Resolved, That a copy of this memorial be transmitted to the Clerk of the House of Representatives and the Secretary of the Senate, and to each Member of the House of Representatives and to each Senator elected from New York State.

The Hollis-St. Albans Civic Association, Inc., in meeting assembled, hereby goes on record as favoring an extension of all H. O. L. C. mortgages for an additional period of 5 years in order to equalize the burden of payments of home owners over a long period of time, and in order to bring the policy of the H. O. L. C. in line with more liberal policy of the F. H. A., which issues mortgages for a period of 20 years.

Whereas the present rates of interest on H. O. L. C. mortgages is so burdensome that there is much distress, that a great many home owners will be unable to continue their payments;

Whereas the interest of the small-home owner should be of great concern to the Congress; be it

Resolved, That the Hollis-St. Albans Civic Association, Inc., in meeting assembled, go on record as urging our duly elected representatives to the Congress to take steps tending toward a reduction of the rates on H. O. L. C. mortgages to 3 percent.

FEDERAL BUILDING AT KINGS PARK, N. Y.

Mr. WAGNER presented a resolution adopted by members of the fire department of the village of Kings Park, Long Island, N. Y., which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Whereas the members of the fire department of the village of Kings Park at a recently convened meeting have sensed the general and growing feeling of dissatisfaction among the resident taxpayers and the visiting public in our community at the total inadequacy of the building that houses our present post office and also of the facilities for handling the postal business of the residents of Kings Park with the degree of comfort and convenience that is offered in a Government-owned building; and

Whereas it is now necessary for all of the residents, including children, to pass over a dangerous and unprotected railroad crossing to reach the present post office, which is located outside the village proper, and this fact alone we believe to be against the policy of the Post Office Department; and

Whereas the village of Kings Park is a fast-growing community, having more than doubled its population in the last decade, and the increase of the business of this town has taken on a wider and broader front, having one of the largest State hospitals for the insane in the country located here, having one of the largest State parks in the New York State park system located here, having our local community organizations taking on an increase in membership, having one of the largest schools on Long Island here in our midst, we of the fire department feel that at this time there is a fast-growing need for an increase in the postal facilities of our town; and

Whereas the Post Office Department of our Government has during the past 4 years been erecting Government-owned buildings to house the post offices in the various towns and villages near our community; and

Whereas the Kings Park fire department of the village of Kings Park, having discussed this matter in a very thorough way, has adopted the following resolution and has ordered a copy sent the following members who make up our representation to our Government at the city of Washington: The Honorable James A. Farley, Postmaster General; Hon. Robert Wagner, United States Senator; Hon. Royal S. Copeland, United States Senator; and to the Honorable Robert L. Bacon, Member of Congress: Be it

Resolved, That the fire department of the village of Kings Park has gone on record as favoring a new and Government-owned building in the village of Kings Park to house our post-office requirements, and that this building be planned, built, and located at some centrally located point in our community; and we do earnestly and respectfully ask that the Post Office Department do earnestly and favorably consider this petition for this most worthy and urgent cause and improvement to this very well-known and fast-growing village of Kings Park, in the State of New York.

REPORTS OF COMMITTEES

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 77) for payment of compensation to persons serving as postmaster at third- and fourth-class post offices, reported it with an amendment and submitted a report (No. 263) thereon.

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 870) for the relief of Hector H. Perry, reported it without amendment and submitted a report (No. 264) thereon.

Mr. ADAMS, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 278) to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry, reported it without amendment and submitted a report (No. 265) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 208) for the relief of Charles E. La Vatta, reported it with amendments and submitted a report (No. 266) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1652. A bill to provide for the payment of certain Creek equalization claims, and for other purposes (Rept. No. 267);

S. 1832. A bill to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians (Rept. No. 268);

S. 1945. A bill to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes (Rept. No. 269); and

H. R. 5293. A bill to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California (Rept. No. 270).

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1426. A bill to protect more effectively the governmental monopoly of the carriage of mail (Rept. No. 271); and

H. R. 4286. A bill to provide special rates of postage on matter for the blind (Rept. No. 272).

Mr. McKELLAR also, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 585) relative to consolidation of rural mail routes, reported it with amendments and submitted a report (No. 273) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1521) to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter, reported it with an amendment and submitted a report (No. 274) thereon.

ENROLLED JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 29, 1937, that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 110) declaring Joseph P. Kennedy eligible for appointment as a member of the United States Maritime Commission.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. McKELLAR:

A bill (S. 2021) for the relief of the city of Memphis, Tenn. (with accompanying papers); to the Committee on Claims.

By Mr. GIBSON:

A bill (S. 2022) for the relief of Lt. Lorimer E. Goodwin; to the Committee on Claims.

By Mr. BILBO:

A bill (S. 2023) for the relief of Charles A. Rife; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 2024) to amend the civil-service law to permit certain employees of the legislative branch of the Government to qualify for positions under the competitive classified civil service; to the Committee on Civil Service.

By Mr. SCHWELLENBACH:

A bill (S. 2025) to provide for the protection and preservation of domestic sources of scrap steel; to the Committee on Military Affairs.

By Mr. BACHMAN:

A bill (S. 2026) to provide for the addition of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 2027) to provide for the appointment of a public defender in the District of Columbia; and

A bill (S. 2028) to provide for the appointment of a public defender in each United States district court; to the Committee on the Judiciary.

By Mr. CLARK:

A bill (S. 2029) to amend the act of June 30, 1906, entitled "An act creating a United States Court for China and prescribing the jurisdiction thereof"; to the Committee on the Judiciary.

By Mr. BYRD:

A bill (S. 2030) granting a pension to Georgia A. Tinney; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2031) to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended, and for other purposes; to the Committee on Patents.

By Mr. NYE:

A joint resolution (S. J. Res. 120) to prohibit the shipment of arms, ammunition, and implements of war from any place in the United States; to the Committee on Foreign Relations.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 3406. An act for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia;

H. R. 4803. An act to provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia; and

H. R. 5896. An act to provide for the prevention of blindness in infants born in the District of Columbia; to the Committee on the District of Columbia.

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; to the calendar.

CHANGE OF REFERENCE

Mr. ADAMS. Mr. President, the bill (H. R. 5299) to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes, was referred to the Committee on Public Lands and Surveys. I ask that the bill be withdrawn from that committee and referred to the Committee on Indian Affairs, there being a similar Senate bill pending before that committee.

The VICE PRESIDENT. Without objection, it is so ordered.

PRIORITY OF AMENDMENTS REPORTED BY A COMMITTEE

Mr. NEELY submitted the following resolution (S. Res. 107), which was referred to the Committee on Rules:

Resolved, That rule XVIII of the Standing Rules of the Senate be, and the same is hereby, amended by inserting before the first line therein the following new paragraph:

"Amendments reported by a committee shall, unless otherwise ordered, have priority of consideration over amendments proposed from the floor."

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR GLASS

[Mr. BYRD asked and obtained leave to have printed in the RECORD a radio address on the subject of the President's proposal to reorganize the judiciary, delivered by Senator GLASS on Monday evening, Mar. 29, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—EDITORIAL FROM ST. LOUIS POST-DISPATCH

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an editorial from the St. Louis Post-Dispatch of Wednesday, Mar. 24, 1937, entitled "The Hour and the Man", which appears in the Appendix.]

CROP INSURANCE

The Senate resumed consideration of the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes.

The VICE PRESIDENT. Does the Senator from Idaho desire to request that the amendments of the committee be considered prior to the amendments offered by individual Senators from the floor?

Mr. POPE. I do, but I desire to make some further explanation of the bill before the amendments are taken up for consideration.

Mr. President, on last Thursday I discussed generally Senate bill 1397 and attempted to point out its essential features. I think it would be well this morning very briefly to point out the specific provisions of the bill, and then I desire to submit certain data in further answer to questions which were asked during my discussion on Thursday.

The first section states the general purposes of the proposed act; and section 2 creates an agency in the form of a corporation. In section 3 there is provision for $100,000,000 capital stock of the corporation.

In section 3 (b) there is a provision authorizing an appropriation of $100,000,000. I pointed out on Thursday that this does not mean an outright appropriation and use of a hundred million dollars. It simply creates a reserve fund so that in case, during the first few years of operation of the corporation, there should be one or more serious crop failures and, as a consequence, the indemnities would be greater than the premiums this reserve would be available for the purpose of paying the indemnities.

I also call attention to the fact that in the creation of the war-risk insurance during the World War an appropriation of $50,000 was made for a similar reserve. Under the operation of that act, however, no part of the $50,000 was ever used. No part of this $100,000,000 will be used if there is a normal production of wheat in the country, so that the premiums will take care of the indemnities to be paid; and, of course, if there is a year with a large yield it is expected that the reserve will accumulate, that the excess of premiums over indemnities will build up the reserve, and in the event of the use of any portion of this money during the first year or two and there are good years following, the money so used may be replaced by the accumulation of reserves. So this hundred million dollars is simply placed there to protect the operation of the proposed law in case of one, two, or three serious crop failures at the very beginning of the operation of the law.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

Mr. POPE. I yield to the Senator from Michigan.

Mr. VANDENBERG. Is the Senator sure that the bill makes it entirely plain that if any of the cash reserve is used it may subsequently be reimbursed in the good years?

Mr. POPE. No; I am not entirely sure that the wording will cover that point, but it is the intention to do so.

Mr. VANDENBERG. The Senator agrees that it should do so?

Mr. POPE. Yes. The bill provides very strict limitations upon the sale or disposition of the wheat that is accumulated. If, however, it is thought, upon a careful reading of the bill, that the power is not given to replace any portion of the money that is used, I shall have no objection to an amendment to make that clear.

Mr. MALONEY. Mr. President——

Mr. POPE. I yield to the Senator from Connecticut.

Mr. MALONEY. I wonder if the Senator would object to my propounding an inquiry at this point?

Mr. POPE. Certainly not.

Mr. MALONEY. I am sorry I did not have a chance to talk with the Senator sooner, as I had intended to do. I was detained from the Senate by illness. I had an opportunity, however, to read the Senator's very illuminating and interesting address and discussion of the subject.

In view of the unusual set-up and difference between the proposed plan and regular insurance practices, may I inquire if anyone appeared before the Senator's committee to suggest another name than "insurance" in this connection, or if the Senator himself has given any thought to such a suggestion? It is not insurance in the way we usually understand the term. The Government is asked to set up a fund of $100,000,000 to indemnify the farmers and an additional $10,000,000 for operation of the corporation. I am wondering if it would not be more appropriate to call it "crop security" or "crop stabilization" or "crop equalization" corporation and plan? Has the Senator given any thought to that point?

Mr. POPE. The Senator from Connecticut mentioned that matter to me a few days ago. I am inclined to think that the committee prefers to have the name remain as it is because the bill contains a distinct insurance feature. It is our desire to carry out that feature so far as possible. The term "crop insurance" is known throughout the country. It has now a rather definite meaning, and I can see no advantage in abandoning the term "insurance." It has connected with it the word "crop" and the word "Federal", so it is very clearly distinguished from any private insurance company.

Mr. MALONEY. In his first address on the subject the Senator very ably expressed the aim of those who have drawn the bill, which is to bring security to the farmers. Of course the Senator understands in part my interest. I come from a State where insurance is a large business. I am concerned with the insurance companies and the thousands of agents they have over the country. I am opposed to the Government entering the insurance business. I am opposed generally to the Government getting into any kind of business. I am inclined to think this plan will work a hardship on the insurance companies. It will mislead the people of the country, because it is not really insurance in the sense that insurance is generally understood or as we have come to recognize insurance over the years.

The plan is just what the Senator said originally—a security plan for the farmers. It seems to me more appropriate that it should be called just what it is—crop security or crop stabilization or crop equalization.

I realize that I should have presented this matter to the subcommittee, as the Senator knows it was my intention to do, but circumstances over which I had no control made it impossible for me to do so.

Mr. BILBO. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. POPE. I yield.

Mr. BILBO. The Senator said that his State has hundreds of insurance companies. Do any of those companies accept this kind of insurance for farmers?

Mr. MALONEY. The Senator misunderstood me. I did not say we have hundreds of insurance companies in Connecticut. I was talking for all insurance companies and not alone those in Connecticut.

Mr. BILBO. Of course, the Senator knows that those insurance companies cannot give the farmers all the kinds of crop insurance they desire.

Mr. MALONEY. The insurance companies to which I have referred have many hundreds of millions of dollars invested. I do not know just how much they have invested, but they have written some forms of insurance that are proposed to be taken care of under the provisions of the bill now before us.

Mr. TYDINGS. Mr. President, will the Senator from Idaho yield?

Mr. POPE. Certainly.

Mr. TYDINGS. May I answer further the question of the Senator from Mississippi [Mr. BILBO] by stating that in a conversation last fall one of the very highest Government officials—I do not like to mention his name—stated that on one or two occasions on a farm down south, I think in the State of Georgia, he had applied for and secured crop insurance from an insurance company, and that that company had had to take a loss on each of the occasions when he had placed the insurance with that company. There are companies writing crop insurance, and the person I have in mind had applied for and received that kind of insurance, and the return in the case mentioned was much greater to the insured than the premium which he paid.

Mr. MALONEY. Mr. President, if the Senator from Idaho will permit me——

Mr. POPE. Certainly.

Mr. MALONEY. I should like to add to what I said in answer to the Senator from Mississippi. Of course, the Senator from Mississippi will understand that insurance companies cannot be quite so generous with their stockholders' or their policyholders' money as the Federal Government is here asked to be, and oftentimes is, in times of stress. It is an unusual thing that we are asked to do. We are asked to be out $100,000,000 of the taxpayers' money to start the plan. A private insurance company cannot undertake to do that sort of thing.

It is because of the difference between the Government as an insurer and a private insurance company as an insurer that I am wondering if we cannot give the insurance companies and the stockholders and policyholders of the insurance companies and the agents representing the insurance companies the kind of protection to which I think they are entitled under the terms of the bill.

Mr. POPE. Mr. President, I have no serious objection to the suggested change of name. It would not vary the terms of the bill nor would it vary the administration of the provisions of the bill. I think it would have no effect upon its ultimate success or failure. However, it seems to me so perfectly clear that this form of proposed insurance is distinguished from private insurance ventures that there could be no possible disadvantage to any private insurance company.

Mr. MALONEY. I thank the Senator very much for the statement he has made. I shall offer my amendment at the proper time.

Mr. BARKLEY and Mr. McGILL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. POPE. I yield first to the Senator from Kentucky, and then I shall be glad to yield to the Senator from Kansas.

Mr. BARKLEY. I wish to ask the Senator from Connecticut and also the Senator from Maryland whether the kind of insurance to which reference was made a while ago is insurance on the crop after it has been housed, which is one kind of insurance, or whether it is insurance of the crop in the field. There may be companies which go into the field and guarantee a farmer against drought or hail or some other form of devastation. I do not happen to know of any such company, but there is a difference, as the Senator will readily realize, between insuring a farmer against loss of his crop because of drought or some other catastrophe and insuring the crop after he has housed it in a barn or warehouse.

Mr. MALONEY. Mr. President, will the Senator from Idaho yield?

Mr. POPE. Certainly.

Mr. MALONEY. My answer to the Senator from Kentucky is that I have reference to crops in the field. I do not know how extended that form of insurance is; but in Connecticut, where tobacco is raised, the tobacco farmer regularly, at least until recently, has protected himself against hail by hail insurance.

Mr. BARKLEY. I think it is true that there are companies which insure a farmer against hail, which is especially damaging to tobacco because it destroys and cuts the leaves. Whether there are insurance companies which would insure him against failure of crop by reason of any natural cause such as drought, I do not know.

Mr. MALONEY. I do not believe it is done very extensively if at all. I do not believe the insurance companies would welcome the idea of such an unusual risk.

Mr. McGILL. Mr. President, will the Senator from Idaho yield to me for a brief statement?

Mr. POPE. Certainly.

Mr. McGILL. I note that the Senator from Maryland [Mr. TYDINGS] has left the Chamber temporarily. I wish an opportunity might have been afforded to inquire of him with reference to the type of insurance he was discussing. I think it must have been in line with that which the Senator from Connecticut [Mr. MALONEY] has in mind, that is, insurance by a private company against the loss of a crop because of hail or by reason of some other casualty, the policy being written to insure so much per acre in a monetary sense, so many dollars per acre, and the indemnities being based on a percentage of the loss of the crop. I think the kind of insurance provided in the bill is not to be compared in any way with that type of insurance. It is in no-wise similar. I know of no private corporation which has ever issued policies of insurance such as are provided in the measure now before us.

Due to the fact that the farmers generally throughout the country, over a long period of years, have been discussing this particular kind of insurance and that it has come to be known to them as "insurance", I think it would be very inadvisable to change the bill in respect to the term used to designate it. I do not think it interferes in any way with private insurance concerns. It is true that many mutual hail insurance companies have failed; but their program and their policy were entirely different from the program and policy contemplated by the measure which is before the Senate.

Mr. MALONEY. Mr. President, will the Senator from Idaho yield to me for a moment longer?

Mr. POPE. I yield again, briefly.

Mr. MALONEY. I merely wish to make a brief observation to the Senator from Kansas.

I am in sympathy with what this bill is intended to do. I congratulate the Senator from Idaho and the members of his committee and those who assisted them for what appears to me to be an admirable bill. I think—and the Senator from Idaho has agreed with me—that the plan would not be harmed in the least by the change of name. The point has been stressed that the bill is intended to give security to the farmer, to give equalization to crops. I think it ought to be properly entitled, and that we ought not to seem to put the Government or the Department into the insurance business when it is not the intention to do so.

Mr. POPE. Mr. President, I appreciate the interest of the Senator from Connecticut and his very fair statement in the matter. If I could see any disadvantage or any harm to private insurance companies which might result from the use of the term "insurance" in this connection, I should agree with the Senator without a moment's hesitation; but I can see no possible disadvantage to the private insurance companies, because even their method of doing business heretofore has been different from this method. Private insurance companies have sought to insure not only the yields but the prices of commodities, and their efforts generally have been ineffective. Very few are engaged in this sort of insurance. So far as I know, none is engaged in this particular type of all-risk insurance.

Mr. McGILL. Mr. President, will the Senator permit me to make a suggestion there?

Mr. POPE. Just one minute. So it seems to me there could be no possible disadvantage to private insurance companies by reason of the enactment of this bill so far as the name is concerned.

Mr. MALONEY. There would not be under this bill, but there might be under the next one.

Mr. McNARY and Mr. McGILL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. POPE. I yield first to the Senator from Oregon, who first rose.

Mr. McNARY. Mr. President, I share the hope of the Senator from Connecticut [Mr. MALONEY] that this bill will not project the Government permanently into the insurance business. I think I assisted in pioneering along this line about 15 years ago and made a similar statement in the committee at that time, and it is contained in the RECORD.

There are no private companies at present carrying this form of insurance. In my opinion, there are no companies carrying any form of crop insurance that would object to this experiment. It is my hope and my sincere belief that if this experiment proves to be practicable, the Government will go out of the business and private and mutual insurance companies will take up this line of business and will extend the insurance to cover all the basic agricultural commodities.

A little later I may discuss that subject somewhat more in detail.

Inasmuch as the Senator from Idaho has yielded to me, I desire to ask him a question. There is one provision in the bill which I do not quite understand, namely, the one regarding the corporation created in the Department of Agriculture, with a capital stock, subscribed by the Government, of $100,000,000. Will the Senator in some detail specify, as best he can, what will be the status of the $100,000,000 when indemnities are paid on account of losses? Will the $100,000,000 be touched? Is its condition static? Is it mobile? Can it be dissipated? Can Congress be expected to contribute any sums that may accrue as losses?

I should like to have the Senator discuss that subject matter, which was brought into the debate a moment ago by the able Senator from Michigan [Mr. VANDENBERG] in the question he propounded to the Senator from Idaho.

Mr. POPE. Mr. President, it is the purpose of the bill to have Congress authorize an appropriation in the bill, and to make the appropriation available at such future time as Congress may decide.

As I have several times pointed out, if there is a normal production of wheat there will be no necessity to draw upon the appropriation of $100,000,000 which has been authorized, or if there is a large yield of wheat it will not be drawn upon. Only in the event that the claims for indemnity exceed the amount of wheat that may be on hand or in reserve, making it necessary for the Government to pay claims, will it be necessary to draw upon this appropriation to that extent.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question at that point?

Mr. POPE. I yield to the Senator from Michigan.

Mr. VANDENBERG. Will the Senator indicate to me the section of the bill which authorizes the use of the corporation's capital to pay losses? I cannot find it.

Mr. POPE. I cannot answer the Senator now. It has been our understanding all the time that that is authorized. It may be that the Senator is right that there is no specific provision in the bill making that authorization. I do not now recall such a specific provision. I know, however, that that was intended; and it may be that the bill would require an amendment to authorize it.

Mr. VANDENBERG. If, as the Senator indicated a few moments ago, it is the purpose of the bill to reimburse the fund out of subsequent surpluses, it is impossible to assure that protection except as we can locate the initial power to draw upon the fund; and if the bill lacks all specification regarding the payment of losses out of the $100,000,000, I think the bill would fail to do what the Senator says it is intended to do.

Mr. POPE. I shall be glad to consider and discuss that subject when I have more time; and if an amendment is required to accomplish that purpose, I myself shall be very glad to offer it.

Mr. McNARY and Mr. RUSSELL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. POPE. I yield first to the Senator from Oregon, who first rose.

Mr. McNARY. Mr. President, I repeat that the inquiry of the Senator from Michigan is pertinent. The bill proceeds upon the theory that the payments of premiums will take care of the indemnities; that there will be a complete absorption of one by the other. Confessedly, the $100,000,000 authorized to be appropriated is a fund to be available whenever losses or indemnities exceed the amount of premiums paid; but there is nothing in the bill which indicates that the $100,000,000 is to be used for that purpose, and there ought to be something to that effect in the measure. Otherwise, it appears to me from reading the bill, as I had occasion to do yesterday, that the $100,000,000 is to be subscribed by the Government to the corporation in the Department of Agriculture without any use to be made of the $100,000,000.

Mr. POPE. I call the Senator's attention at that point to the language of section 3 (a), which, with the approval of the Secretary, authorizes the payment of this amount in whole or in part to the board of directors of the corporation; so there is authority for paying it to the board of directors of the corporation. I admit, however, that no specific authority is given to the board of directors to use the fund in paying indemnities when necessary.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. POPE. I yield to the Senator from Kentucky.

Mr. BARKLEY. It seems to me that subsections (i) and (j), on page 5, probably are broad enough to cover that. In enumerating the powers of the corporation, subsections (i) and (j) provide that it—

(i) Shall determine the character and necessity for its expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government; and

(j) Shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incidental powers as are customary in corporations generally.

Any insurance company privately organized, of course, would have the power to use its capital if it was necessary to use it in order to pay losses. While the language I have read is not a specific authorization for that purpose, it seems to me it is sufficiently general to authorize the board of directors to do that.

Mr. VANDENBERG. Mr. President, will the Senator from Idaho yield in order to permit me to ask the Senator from Kentucky a question?

Mr. POPE. Yes; I yield.

Mr. VANDENBERG. Conceding for the sake of the argument that subsections (i) and (j) might authorize the use of the fund to pay losses, does the Senator from Kentucky find anything in subsections (i) or (j) which would assure the reimbursement of the Government's cash fund from subsequent surplus crop years?

Mr. BARKLEY. No; there is nothing in those subsections which refers to that subject; but the Corporation would be entitled, I think, as a matter of law, to use any surpluses they had out of premiums that were collected over a period of years to reimburse the capital stock, just as any private corporation would be able to do the same thing.

Mr. VANDENBERG. But does not the Senator think the requirement for reimbursement should be part of the statute?

Mr. BARKLEY. It may be that there is something in that point. I think undoubtedly the corporation would have authority to do it. Whether or not it ought to be mandatory upon them may be a question for consideration.

Mr. RUSSELL and Mr. TYDINGS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. POPE. I yield first to the Senator from Georgia.

Mr. RUSSELL. Mr. President, the bill presented by the Senator and all the discussion revolve wholly about the wheat farmer. Of course, the producers of cotton and tobacco in this country are subject to all the ravages of insects and the vicissitudes of nature. I should like to ask the Senator what consideration was given by the committee to permitting the cotton farmers—who, incidentally, have benefited less from the farm program than any other class of farmers in the Nation—to share in the benefits of this plan.

Mr. POPE. Very careful consideration was given to the matter of other commodities than wheat. Cotton, corn, tobacco, and some other commodities were discussed by the committee; but the fact is, as I indicated in my speech the other day, that the Department has not gathered sufficient data with which to arrive at the premiums which would be necessary or correct in case cotton or corn or other commodities were included in the bill. It was estimated that it would take them probably a year to accumulate these data. They are going ahead with the work now.

I have here a statement, furnished me by the Department, that there are 228 cotton counties the data from which have been worked over; but there are data from many other counties which ought to be worked over. The statement was made that it would take them probably a year to obtain the necessary data with which to arrive at sound premiums from an actuarial standpoint.

Mr. RUSSELL. Does the Senator know how long the Department has been engaged in collecting the figures necessary to enable them to assist us in making calculations as to wheat?

Mr. POPE. Just about a year. They began the work in January or February 1936. They have been working on other data than as to wheat, but during the last several months they have given their time exclusively to wheat.

With reference to cotton there is also a problem as to the payment of premiums in kind. Since cotton is baled, and there are many two- or three-bale farmers, there is a problem which will have to be worked out with reference to the payment of the premiums. Whether some arrangement can be made that they will be paid in seed cotton or cottonseed, or some pooling arrangement can be made, all will have to be worked out.

The Secretary of Agriculture stated in his testimony on the bill that it is the hope that no other commodities would be added to wheat, because it seems that with the data we have a wheat program can be put into effect with a very great possibility of success; but it is experimental, and therefore it seems wise not to experiment with too many commodities to begin with. As I stated, the data have not been obtained with which to work out a program as to cotton.

Mr. RUSSELL. The bill provides for the expenditure of a very large sum of money by the National Treasury for the benefit of one class of farmers. I heartily approve of the basic principle of the bill, but I must express the hope that the Department of Agriculture will earnestly address itself to the question of securing the information necessary to enable cotton farmers to share in the benefits of legislation of this kind.

The cotton farmers are the lowest-income group in the entire Nation, and it seems that in the administration of the affairs of the Department of Agriculture it is necessary on all occasions for the cotton farmers to wait until other classes of farmers have been reached and benefited before they may share in the benefits of Federal legislation.

Mr. TYDINGS. Mr. President, will the Senator from Idaho yield?

Mr. POPE. Let me make one statement with reference to the observation of the Senator from Georgia.

It is my belief that all the staple commodities should eventually be included in this program. Certainly cotton, corn, and tobacco should be included, if the experience in carrying out the law as to wheat should demonstrate that the experiment was not successful. Otherwise it might be that the cotton farmers would not desire to be included.

Mr. RUSSELL. Even in the event of failure of the plan, the wheat farmers stand an excellent chance to benefit to the extent of a hundred million dollars out of the National Treasury.

Mr. POPE. I do not think that is a fair statement, because no part of the $100,000,000 could be used if there were normal wheat production throughout the country.

Mr. RUSSELL. I understand that.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Does the Senator from Idaho yield to the Senator from Maryland?

Mr. POPE. I yield.

Mr. TYDINGS. I should like to invite the Senator's attention to page 2, section 5, subsection (c), where the board is empowered to "make contracts and purchase or lease and hold such real and personal property as it deems necessary." Does the Senator know whether or not it is contemplated that the board will actually buy or lease any of the wheatlands in question?

Mr. POPE. It is not the intention to lease or buy any wheatlands at all. This is merely a general provision giving power to the board to rent or lease office space or warehouse space, or do any of those things which are necessary in the actual operation of the corporation.

Mr. TYDINGS. I assumed that was the idea, and I suggest to the Senator that it would be well to insert language which would allow the board to do what it desires to do, and yet prohibit it from going into the business of buying or selling wheatlands, at least at this juncture of the experiment.

May I also ask the Senator whether on page 5, subsection (i), the language has been so drawn as not to require approval of the expenditures of the board by the Comptroller General?

Mr. POPE. It has been; but the Senator will note that in another part of the bill there is provision for complete accounting to the Comptroller General and the General Accounting Office, and a report by the General Accounting Office to Congress.

Mr. TYDINGS. In other words, the Comptroller General, as I understand, is to make his survey of the expenditures after the expenditures are made?

Mr. POPE. Yes.

Mr. TYDINGS. And he is not to do with respect to this agency what he does with respect to the other agencies of the Government, namely, give contemporary approval as a requisite to the expenditure of money?

Mr. POPE. That is correct. Power is given to the board to determine the nature and character of the expenditures, and recognize and approve claims and pay them promptly.

Mr. TYDINGS. I should like to invite the Senator's attention to page 7, section 7, subsection (a), where the things which may happen to the wheat crop are defined.

Mr. POPE. Yes.

Mr. TYDINGS. For instance, "unavoidable causes including drought, flood, hail, wind, winterkill, lightning, tornado, insect infestation, plant disease, and such other causes as may be determined by the board." I think it would be wise if such things as are to be insured against were enumerated in the bill, and the responsibility of the board were fixed as to those particular things. Drought, floods, plant diseases, and things of that kind are the matters contemplated to be insured against, but the words "and such other causes as may be determined by the board" may lead the board, probably not directly but indirectly, to embark in some fields which may, if they are carried too far, reflect discredit upon the entire scheme. I suggest to the Senator that that language be stricken out, and that a strong definition, broad enough to comprehend the matter, be inserted in its place.

Mr. POPE. Mr. President, the suggestion of the Senator brings up a point that was discussed by the committee and by many of the witnesses at the hearing. There are a number of causes which may or may not be unavoidable; for instance, forest fires, or fires caused by sparks from railway engines, or damages done by animals due to the negligence of someone else. There is provision in the bill, by the way, as to negligence or malfeasance on the part of the insured. So that there may be in one section a hazard which ought to be insured against and which in another section should not be insured against. There are avoidable and unavoidable features in connection with certain hazards; and since this is intended to be an all-risk insurance plan, under which indemnities are to be paid only when the crop falls below the coverage, which is a certain percentage of the average yield, we did not feel capable of specifying every particular unavoidable cause which under all circumstances ought to be insured against.

Mr. TYDINGS. Mr. President, I appreciate the point the Senator has made. It seems to me that if the wording, "unavoidable causes", is included in the paragraph, it is not necessary to say "and such other causes as may be determined by the board." I make the observation because I should like to point out to the Senator that the bill really is an insurance policy. That is exactly what it is. It tells the farmer what he is to be insured against. In every insurance policy companies have found it wise to specify exactly the risk they are undertaking to write.

I am not offering this suggestion in criticism; I think the bill will be stronger if with a certain amount of elasticity, which ought to be permitted, such unavoidable causes and every other cause be directly specified. The language, "and such other causes as may be determined by the board", is so broad that it might cause a great many difficulties when farmers undertake to insure their crops and to settle for their crops.

I think the bill would be much stronger, and, in the nature of an experiment, would be a better experiment, if in the bill we told the farmers exactly what they were being insured against. But to leave it to "any other causes", to be worked out by the Department, may cause us to regret the experiment later on.

In this connection, and in conclusion, let me say to the Senator that a great many people believe the Federal farm board failed because the board could do almost anything it desired to do, and in the end it pursued an erroneous policy, costing the Government a large sum of money, without any great compensation to the farmers who were supposed to be benefited.

Mr. POPE. I might say to the Senator that in the discussion Thursday I covered quite as fully as I could the farm board feature, and the reserve feature of this bill as compared to the farm board operation, and I think I drew a clear distinction between the two.

Mr. TYDINGS. Let me suggest to the Senator that the words "unavoidable causes", together with the definitions that follow, seem to me to be sufficient to give the corporation all the authority it ought to have. I believe that the words "and such other causes as may be determined by the board" provide a latitude that may bring the experiment into the realm of failure.

Mr. POPE. While, of course, the suggestion will be considered, I wish to say that the words "such other causes" were interpreted to mean such other similar causes as are specified, and it was the opinion of the lawyers in the committee that that would be the result.

Mr. BARKLEY. I do not think it would be wise to strike out the language on page 8, "and such other causes." If that is stricken out, then, of course, the insurability is limited to the causes named on the previous page, and, no matter how unavoidable some other form of damage might be, it could not be insured against under that limitation of language. But if it is intended that the language on page 8 be interpreted to mean other similar or like causes, it strikes me that the word "unavoidable" ought to be inserted between "other" and "causes", so the language would be "such other unavoidable causes as may be determined by the board."

Mr. TYDINGS. I think the suggestion of the Senator from Kentucky would meet the objection I raised. The insertion of the word "unavoidable" would keep insurance limited to unavoidable causes, but if that word were not inserted the board could insure for any cause.

Mr. POPE. Mr. President, I will say to the Senator that the committee will consider the suggestion and determine later if the insertion of that word accomplishes the purpose desired, because I see there is no difference of opinion in our minds as to what ought to be covered.

Mr. BARKLEY. Inasmuch as the words "unavoidable causes" are used, followed by the inclusion of a number of causes, and the word "unavoidable" is not used in the later general blanket language, it might be determined that the Board could insure for any cause, however avoidable it might have been. I think that the addition of the word "unavoidable" would cure that fault.

Mr. McGILL. Mr. President, I agree with what the Senator from Kentucky has said, that the amendment can be made on page 8, line 1; but I do not concur in what the Senator from Maryland [Mr. TYDINGS] has said, that, unless the amendment were made, the board could insure for any cause, because it is my conclusion that the general language following the specific terms set forth in the bill would be construed by a court to relate back to those things specifically named, and that it simply means causes of like character to those named in the measure. I can see no objection to the emandment suggested, but I wish to say, in connection with what I have said as to the construction of that language, that the committee discussed it with the attorney who drafted this measure and he placed the construction on the general clause following the specific clauses that I have stated here to be my idea as to what the rule of construction should be.

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

Mr. POPE. I yield.

Mr. NEELY. Will the distinguished Senator from Idaho please lend his attention to a letter from one of my constituents, a part of which is as follows?—

We orchardists are particularly interested in hail insurance. At present the insurance companies charge 10 percent for hail insurance and we cannot collect anything until we have at least a 10-percent loss. This makes about 11 percent, which is about all the profit there is in orchard crops.

I am sure the orchard people all over our State will be pleased if you will use your influence to have hail insurance covering fruit included in this measure.

Senate bill 1397.

If the Government could insure our crops for hail on something like 4 or 5 percent, I am sure it will meet with hearty approval from all our growers as the present rates are practically prohibitive.

Does the Senator from Idaho know any reason why the bill should not be amended so as to include insurance of apples and other fruits against damage by hail and storm?

Mr. POPE. Mr. President, I may say to the Senator that my first thought with reference to this bill grew out of a disaster in my own State which occurred in October 1935, I believe, when practically all the fruit on the trees was destroyed, the potatoes in the ground were destroyed, and we had the worst freeze that we had had in 40 years. That disaster to our fruit growers caused me to think about the situation.

However, with reference to this program there are several reasons why at this time it would not be helpful to include fruit under the provisions of the bill. In the first place there is attached to the insurance protective feature the ever-normal-granary idea of storing these reserves. In view of the fact that fruit is a perishable product, it can readily be seen that it would not lend itself to this sort of program. Something else must be worked out in order to have a practical policy for taking care of fruit producers. Either this storage idea would have to be abandoned and some provision made for the payment of their premiums in cash, or something else would have to be worked out.

The point is that since fruit is a perishable product it does not lend itself to inclusion in this sort of bill. It is my hope that as we go forward in the operation of this proposed law that a program can be worked out as soon as possible for the benefit of the fruit producers, for the reason that in my own State we have exactly the same problem, and I have many letters from our fruit growers raising the same question as presented by the Senator from West Virginia.

Mr. NEELY. Mr. President, if the Senator will further yield, may I inquire if he would accept an amendment which would provide insurance for apples and other fruits?

Mr. POPE. I should object at this time for the reason that it would be perfectly futile to include it in the bill.

Mr. NEELY. Does the Senator think that the inclusion of such an amendment would endanger the passage of the bill.

Mr. POPE. That I would not know. There is no data available to determine what would be a fair premium on fruit. In addition to the other reasons that I have given, no data at all has been accumulated to determine what would be a fair premium to be charged the fruit men. I think that if fruit insurance were included the Department could not put it into operation because it would take some time to work out such a plan. The provisions of this bill would not apply to fruit, anyway. Some other plan must be worked out, it seems to me, outside of this bill in order to cover fruit or other perishable products.

Mr. NEELY. Mr. President, inasmuch as the Senator has indicated that the fruit growers of his State also desire fruit-crop insurance, will he not later join me in the preparation of a bill designed to supply the wants of the fruit growers in this matter?

Mr. POPE. I shall be very glad to join the Senator in any effort to work out a practical plan for the insurance of fruit after the passage of this bill.

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

Mr. POPE. I yield to the Senator from Colorado.

Mr. ADAMS. I should like to ask for some information. Am I correct in understanding that the bill contemplates the payment of premiums in cash if desired by the insured farmers?

Mr. POPE. Yes.

Mr. ADAMS. And that the corporation will also have the option of paying the farmer in wheat, if it sees fit, in the event he sustains a loss?

Mr. POPE. It is understood that the insured may, if he desires, have indemnities paid in money which would be of the current value of the wheat to which he would be entitled. That means that the board of directors would have to sell enough wheat to pay him in cash, but it would be at the option of the insured rather than at the option of the corporation.

Mr. ADAMS. May I ask the Senator if the option rests with the insured as to whether he should be paid in cash or in wheat? The bill provides that the premium to be received by the corporation shall be invested in wheat. So that, if there should be a decline in the value of the wheat in which the corporation has invested the premiums, then the corporation stands a very substantial chance of loss. It permits the insured to take advantage of the decline in the price of wheat. As I understand the insurance principle involved, if an acre of land was normally or as a matter of average producing 25 bushels of wheat, and in a given year it only produced 10 bushels, the insurance would cover the difference between the farmer's average production and the actual production, the loss having proved due to some unavoidable cause. But, if there was an average loss to the farmer of 10 bushels of wheat per acre, then the insured could decide whether he would take 10 bushels of wheat or whether he would take cash; and the corporation, having invested the premiums in wheat, having wheat in storage, would be compelled to allow the insured to exercise that option, which would be for his benefit and to the disadvantage of the corporation.

Mr. POPE. Mr. President, I think the Senator misunderstands the plan. The provision is that the board may fix a certain amount of coverage of the average yield. The average yield must be determined in certain ways specified in the law, by considering the average yield to the individual farm along with the average yield to farms in the locality. In that way the average yield is determined, and then a percentage of the average yield will be insured as the insurance coverage—50 or 75 percent, we will say. Then, if by reason of these hazards the yield in a given year falls below the coverage, the difference between the coverage and the actual amount of yield will be the measure of the insured's indemnity. Then when the premiums are paid they are paid in wheat or cash equivalent; that is, the wheat might be turned into cash at the price then current and prevailing, and would be paid to the corporation if the farmer desired to do that. When indemnities are paid they will be paid in wheat, unless the farmer requests the payment of the cash equivalent, and, in the event they are paid in cash, the wheat will be sold and converted into money at the prevailing price at that time and will be turned over to the farmer. In other words, the wheat would be sold and the proceeds turned over to the farmer instead of turning over the wheat and letting him sell it at any time he might choose. So it seems to me there is no disadvantage and no chance of loss to the corporation in that transaction, because, if they pay the indemnities, they will pay them with wheat which has been paid in or convert it at that time into cash and turn over to the farmer the cash, so there will be no chance of loss to the corporation.

Mr. ADAMS. It would seem to me, I will say to the Senator, that there would be a very decided chance of loss. If the Government accepts premiums in the form of wheat at $2 a bushel, or invests the premiums in wheat at $2 a bushel, and there should be a decline in the price of wheat in storage—I am using extreme figures—to a dollar a bushel, then the farmer may say to the Government, "I want money", in the event the wheat goes down, or, "I want wheat", if wheat goes up. The farmer is guaranteed on the basis, as I read the bill, of the average crop loss of wheat on the insured farm. That is, he is protected on a certain acreage production, so that he may figure in terms of wheat for one purpose and then he may figure in terms of dollars on another basis, when wheat may be exchanged or sold.

I do not wish to pursue that, but may I ask the Senator to be good enough to answer a question relative to section 11 on page 11, which reads?—

When designated for that purpose by the Secretary of the Treasury, the corporation shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as a depository of public money and financial agent of the Government, as may be required of it.

Why should an insurance corporation which accepts its premiums in wheat and which may pay losses in wheat be made a depository of public money and a fiscal agent of the Government?

Mr. POPE. To be perfectly frank, the reason that provision is in the bill is that the Supreme Court has held that the Federal land banks which were designated as the depositories of the corporation created were constitutional because of that fact, and, since we have a case directly in point, by making this corporation a depository of the Government if and when the Treasury should decide that that would be proper, in our opinion, it makes this proposed law constitutional.

Mr. ADAMS. Would the Senator say that the measure would not be constitutional unless this insurance corporation were made a fiscal agent of the Government?

Mr. POPE. I will say to the Senator it would be very doubtful whether it would be constitutional. I think there are other grounds upon which to base the constitutionality of the bill. Its constitutionality may be based on the ground of the entry of the wheat into interstate commerce, as undoubtedly it would enter interstate commerce in going from the producer to the Government warehouse and back again. That might be a sufficient element of interstate commerce to enable the bill to be upheld on that ground. Furthermore, the Government has been spending sums of money for the relief of farmers in the way of seed loans and grants of various kinds, such as those for drought relief. While, so far as I know, no test has ever been made, if such laws are constitutional, perhaps this measure would be, because it is designed to assist the farmers in a different form but for the same purpose and effect. So, on several other grounds, I think its constitutionality might be upheld. But on this ground we have a case in the Supreme Court, decided about 1923, which specifically holds that when an agency of the Government or a corporation is made a fiscal agent or depository of public funds, then its constitutionality may be upheld.

Mr. ADAMS. Does the Senator understand that Congress can create any type of corporation, and if it is made a fiscal agent of the Government, then it may be endowed with any sort of function that we please? In other words, there seems to be in the Senator's mind some question as to whether or not we could create a corporation and give it the authority to write crop insurance in and of itself, but when we add to that power an additional power and say that it may be a depository of public money and may act as a financial agent of the Government, then we give to it the power to write crop insurance.

Mr. POPE. I would not say that the Government could create any sort of corporation and make it a fiscal agent; as to that I do not know; but, reading the decision of the Court in the Federal land-bank case, where the present Chief Justice then was of counsel, he urged such a law would be constitutional on the ground of general public welfare. That point, however, was disregarded, and the Court upheld the constitutionality of that act on the narrow ground that the corporation in that case had been designated as a depository of public funds and made a fiscal agent of the Government. Therefore, it seems to me that the purposes and objects of the corporation provided for by this bill are such that it would be safer to make it a fiscal agent and depository of public funds in order to conform to that decision.

Mr. ADAMS. I would not ask anybody, in these days of reluctance to comment upon the courts, what he would

We orchardists are particularly interested in hail insurance. At present the insurance companies charge 10 percent for hail insur-

option of paying the farmer in wheat, if it sees fit, in the event he sustains a loss?

think of the reasoning which would make valid an insurance grant of power by the inclusion of some entirely different function.

Mr. POPE. I may say to the Senator that that exact question was raised in the Federal land-bank case; it was there argued by counsel that making the Federal land bank a depository of Federal funds was a mere pretext; and the Court in that case—and that was as far back as 1923—said that the motives of the Congress in making the Federal land bank a Federal depository could not be looked into by the Court; that its motives were beyond the power of the Court. That would seem to answer quite well the question raised by the Senator from Colorado.

Mr. ADAMS. I am frankly amazed, though, perhaps, I should not be; but, so far as I can see, there is not any connection between section 11 granting the powers of fiscal agent to this corporation and the exercise of the functions which are the purpose of the bill. Of course, if creating these disconnected and severable functions will save the bill, and there is no intention to exercise the functions, I have nothing further to say.

Mr. POPE. That was exactly the argument the counsel made in the Federal Farm Loan Act case, that there was no connection between the Federal land bank and the Federal Government, and therefore it was a pretext; but the Court upheld the power of Congress to enact the statute in that case.

Mr. PEPPER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Florida?

Mr. POPE. I yield.

Mr. PEPPER. Generally, the bill seeks to insure against losses which might be described as natural losses or losses due to natural causes, does it not?

Mr. POPE. Generally, yes.

Mr. PEPPER. In other words, it is not intended to assure against the fluctuation of prices?

Mr. POPE. No.

Mr. PEPPER. If that be the spirit in which the matter is approached, then would not the logical sequence be to afford insurance first to those crops with respect to which the natural hazard is the greater?

Mr. POPE. I admit that.

Mr. PEPPER. So, in the natural order, the national Government would select crops of that character. I believe the Senator said in answer to the Senator from West Virginia [Mr. NEELY] that to fruit crops is attached a greater degree of hazard than to wheat crops, but the Senator regarded that as a disqualification for fruit crops being included within the benefits of this bill.

Mr. POPE. The Senator misunderstood me. I do not think I commented on the parity of hazards in fruit growing and wheat growing and cotton growing. I admitted that there were hazards, perhaps the same hazards, in fruit growing as in wheat growing. This bill, however, is not adapted to the insurance of perishable products, because it has in it the storage idea, the granary idea, which would not be applicable to perishable commodities such as fruit and vegetables. Therefore, some other form of insurance should be worked out which would adapt the bill especially to fruit and vegetables.

Mr. PEPPER. When the Senator was so gracious as to say he would be desirous of aiding in respect to fruit, he meant to include citrus fruits, I am sure, did he not?

Mr. POPE. Yes; I would include citrus fruits.

Mr. BARKLEY. Mr. President——

Mr. POPE. I yield to the Senator from Kentucky.

Mr. BARKLEY. I should like to ask the Senator a question. The bill provides that there will be a base period in any community or section upon which the insurance shall be predicated and premiums fixed, that premiums may be paid either in cash or in wheat, and the losses may be paid either in cash or in wheat. When the premium is fixed on a given farm which over a certain period has shown an average loss of so much, is the premium based upon a fixed rate of so much per acre or bushel or is it based upon a percentage of the loss as shown over such period? In other words, the farmer pays the premium in wheat. Does he pay a certain percentage of wheat over a period of time, or does he pay so many bushels per acre? How is that determined?

Mr. POPE. As I have explained, the first task of the board would be to determine the average yield of the individual farm and then the coverage, and the premium would be determined based upon that average yield. I think I can show how that would work by reference to a table which I had intended to introduce into the RECORD, appearing at page 36 of the hearings. There the Senator will observe a table which has been prepared, showing the determination of the premium rates from the average yield of a farm. Those data are taken from North Dakota. They are the record of a representative farm in North Dakota for the years indicated. The average yield of that farm over the period of 6 years indicated was 8 bushels per acre. In 1930 the farm produced 8 bushels per acre; in 1931, 15 bushels per acre; in 1932, 4 bushels per acre; in 1933, 10 bushels per acre; in 1934, no bushels; and in 1935, 11 bushels per acre. The total shows there were 48 bushels production during those 6 years. A 75-percent coverage of the average yield of 8 bushels per acre would be 6 bushels. Eight bushels divided by 6 would be 1⅓ bushels, which would indicate the premium that ought to be paid on the basis of the average yield of that individual farm. The average yield of the farms in the county would be 1 bushel. Adding the two and dividing by 2 we get the premium of 1⅙ bushels. That is the method to be used in arriving at the premium as to that farm.

Mr. BARKLEY. If the premium for that particular farm is 1⅙ bushels per acre, it may be paid either in wheat or in cash?

Mr. POPE. Yes.

Mr. BARKLEY. If paid in wheat, I suppose it would not be paid until harvest time. If the farmer paid cash, would he pay it at the time he took out the insurance or when the wheat was harvested and sold?

Mr. POPE. That question has been asked many times, and I am receiving letters now with reference to the payment of premiums. So far as the bill is concerned, it is provided that the board shall determine the manner and time of payment of the premium.

At the very beginning of the program it may be that the average farmer would not have any wheat with which to pay his premium at the time the contract was entered into. However, provision could be made for him to pay it in cash, if he could do so, or in some form of deferred payments. The President's committee recommended that a lien might be taken on the crop and the premium paid at harvest time.

Mr. BARKLEY. Under that plan, obviously it would seem to be unavoidable that the money value of the premium would depend upon whether it was paid in cash and when it was paid in cash, or, if paid in wheat, when it would be paid in wheat, because it would depend upon the market value of the wheat at the time it was paid as a premium. If a farmer had the cash with which to pay his premium in advance instead of paying it in wheat, if wheat was selling at $1 a bushel at that time, but at harvest time wheat was selling at 50 cents a bushel, he would have lost by paying his premium in cash rather than waiting until harvest time and paying it in wheat. The amount of wheat that he would pay as a premium does not depend upon the price, but is a certain percentage of the yield.

Mr. POPE. The statement of the Senator is entirely correct. It seems to be unavoidable so far as legislation is concerned. These are problems for the administration of the act and those who will be charged with the administration of the act will have these problems to solve in order that they may be fair to the farmer and fair to the corporation. These are problems of administration which will face the board.

Mr. BARKLEY. In all likelihood, therefore, it would be impossible to have a uniformity of premium in money value

because that will depend upon the method of payment, the time of payment, and the value of the crop at the time it would be available as a part of the premium.

Mr. POPE. Yes.

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

Mr. POPE. Certainly.

Mr. HUGHES. The Senator spoke of paying the premium in wheat or cash. I understand the bill provides that the board may sell the wheat. It does not have to keep it when it receives the wheat in payment of a premium, but may sell it at that time.

Mr. POPE. No. When the wheat is received by the board, it cannot be sold except for the payment of indemnities, as I have already explained, or to a very limited extent to prevent depredation or to prevent deterioration.

Mr. HUGHES. I read from page 9, in paragraph (d):

From time to time, in such manner and through such agencies as the board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell wheat, and pay any expenses incidental thereto—

And so forth.

Mr. POPE. The "and so forth" is important there, because, when we read on, it will be seen that the wheat cannot be sold except for a specific purpose. The exact language is:

The corporation shall purchase wheat only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly wheat sold to prevent deterioration; and shall sell wheat only to the extent necessary to cover payments of indemnities and to prevent deterioration.

Mr. HUGHES. Then, as I understand, the board would have to hold the wheat.

Mr. POPE. Yes.

Mr. HUGHES. The board could not sell it, and it might terminate, as the Senator from Colorado [Mr. ADAMS] said, in the board having wheat at the time the premium was paid which was worth a dollar a bushel, and at the time the wheat could be disposed of or at the time the indemnity had to be paid it would be worth only 50 cents a bushel.

Mr. POPE. The wheat can be disposed of only to pay indemnities. Then if it is sold at the request of the farmer and the price was lower than when premiums were paid it can be seen the farmer would lose, because he is entitled to so much wheat in indemnity. Therefore, the farmer might lose or he might gain.

Here is an interesting feature in connection with it. At the time when a farmer is paying in excess of premiums over indemnity, which means a good crop year, the price of wheat is likely to be lower than it would be during a year of crop failure when the indemnities were being paid. In a chart which appears in the hearings it is shown, as I pointed out the other day, that if the bill had been a law and in operation for the years 1930 to 1936, during the first 3 years, which were good crop years, the farmer would have paid in some 72,000,000 bushels more than would have been paid out in indemnities. The value at the time it would have been paid in would have been about $60,000,000. When it was paid out, during the years of crop failure from 1933 to 1936, the value of the same wheat would have been around $100,000,000, so the farmers actually would get the benefit of $35,000,000 to $40,000,000 by reason of the increase in the price of wheat and the fact that the indemnities were paid out during the deficit years. It can be seen that the farmer is more likely to be benefited due to increase in price than to be damaged as a result of the operation of the program.

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

Mr. POPE. I yield to the Senator from Missouri.

Mr. CLARK. I may say that I am very greatly in sympathy with the general purposes of this bill; but I should like to ask the Senator how he can possibly justify this committee amendment at the top of page 6:

SEC. 6. (a) The Secretary shall appoint, in accordance with the provisions of the Classification Act of 1923, as amended, such officers and employees as may be necessary for the transaction of the business of the corporation, which appointments may be made without regard to the civil-service rules and regulations, fix their compensation, define their authority and duties—

And so forth. What provision in that language would prevent the Secretary of Agriculture from fixing the compensation of employees of this Corporation at any figure he pleases?

Within the past few years we had a demonstration of the most lamentable fiasco, I suppose, in the history of the United States—the Federal Farm Board under the Hoover administration. They came down to St. Louis, picked up a couple of small-time wheat speculators, paid one of them $50,000 a year, and paid the other one $30,000 a year for breaking the price of wheat. They picked up down in Arkansas a fellow named Creekmore and paid him $75,000 a year for losing $200,000,000 and breaking the price of cotton; and they paid other employees most exorbitant salaries up and down the line. Is there anything in this bill to prevent the Secretary of Agriculture, under this language, from doing exactly the same thing if he should see fit to do so?

Mr. POPE. It was the thought of the committee that requiring these appointments to be made in accordance with the provisions of the Classification Act of 1923, which would determine the salaries to be paid, would prevent the thing the Senator has suggested. The Classification Act would apply to these appointments.

Mr. BARKLEY. In other words, Mr. President, if the Senator will yield there, the power of the Secretary to fix compensation is limited by the provision setting up rates under the Classification Act, within which the positions would fall?

Mr. POPE. Exactly.

Mr. CLARK. Does the Senator understand that any maximum is provided by the bill as to the compensation which could be paid by the Secretary of Agriculture?

Mr. POPE. The maximum, of course, would be determined by the Classification Act, which prescribes the salaries for certain types and grades of work.

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

Mr. POPE. I yield.

Mr. WHITE. The Senator from Missouri [Mr. CLARK] was interested in the problem of the compensation to be paid the employees of this organization. I am interested in the question of the civil service. I should like to know what possible justification there can be for disregarding the civil-service standards and the merit system in the appointment of employees under this organization.

All along the line, it would seem, we are making exceptions; we are taking out from under the obligation to maintain a merit system this, that, and the other department and activity of the Government. If we are against the merit system, if we are against the civil service, why do we not say so, and wipe out the whole thing, instead of bringing it to a slow death by torture of this sort?

Mr. POPE. Mr. President, I shall be very glad to answer the Senator.

It will be noted that in the original provision, section 6 (a), it was provided that these employees should be under the Classification Act and under civil-service regulations, with two exceptions. The appointment of attorneys and experts was excepted, and those employed in the Department of Agriculture at the time of the enactment of the measure were also excepted from the civil-service rules and regulations.

Upon the hearings and upon investigation of this matter we found that the exceptions to civil-service rules and regulations exceeded those who might properly be included. It was found that about 75 percent of the employees of this type of corporation would be doing that type of work. For instance, anticipating this question, I have taken the trouble to determine who would not and could not properly be under civil-service rules and regulations.

The local committees are to be utilized; and it is estimated that some $2,000,000 will be appropriated to pay the expenses and small salaries of local committees and their employees. Those local committees are made up of farmers in the various counties in the different States; and it would hardly be proper for the local committees, made up of farmers, to be included under civil service.

The same thing is true of the local secretaries.

The local secretaries of the committees will usually be bank clerks or local insurance men who will serve only part time; and with them will be their stenographers, who will spend only a small portion of their time in this service and will be paid accordingly. That sort of work would not be adapted to civil service.

It will be necessary to have inspectors of grain only for part time, or inspectors of crops that have been destroyed. Let us assume that there is a flood in Maine. Considerable damage is done. The farmers in the immediate neighborhood know better than anybody else the nature and extent of the damage. To send from Washington or from the South, where no wheat is grown, a civil-service man who has had no experience whatever in that sort of thing, would not make for efficiency.

So there will be local inspectors and adjusters rendering only part-time service. The same thing is true of them. There will be appraisers. The same thing is true of them. There will be State committees made up largely of farmers; State secretaries who will usually be ex-county agents; extension service men with clerical assistants, sometimes doing part-time work; regional supervisors of grain reserves. For that purpose experienced grain men will be needed. They may not be able to pass an examination as to educational qualifications, and yet they may know all that needs to be known about taking care of grain. There will be State reviewing adjusters, men with insurance-adjusting experience. There will be regional inspectors, men who ought to be familiar with handling grain. The corporation will need freight-rate clerks, men experienced in handling railroad grain rates. They may not have other educational qualifications, but they will have had experience in this matter. There will be grain office accountants, persons experienced in grain accounting; employees at warehouses, night watchmen, and so on; agents for temporarily handling, buying, selling, and forwarding grain. Premiums payable in wheat may be received which will require the attention of agents to take them to the warehouses. It would be a little bit difficult to send out civil-service employees to look after the matter of loading grain and at times selling and purchasing a little grain for offset purposes. There will be actuaries, persons experienced in actuarial work, who have had experience with rates and premiums in the service of private insurance companies. They would not be suitable for civil-service status, or at least would not naturally have a civil-service status. Research men will be needed to carry on studies as to wheat and other commodities. Persons will be needed with technical and laboratory experience in testing wheat to determine whether or not it is deteriorating.

The employees now in the Department of Agriculture, with valuable experience in agricultural administrative work under the A. A. A. and the Soil Conservation Act, ought not to be included under civil service. Attorneys, experts, technicians, and those who have been working for the A. A. A. and under the Soil Conservation Act, but who are on furlough, who have had experience with farmers' committees, ought not to be included under civil service.

When all those persons are added up it will be found that about 75 percent of all the employment does not lend itself to selection under civil service rules and regulations.

Mr. WHITE. Mr. President, it sounds to me as though a guilty conscience had fully anticipated my question. [Laughter.]

Mr. POPE. A good conscience anticipated it. [Laughter.]

Mr. WHITE. As a matter of fact, however, I think many of the employees to whom the Senator has referred might with entire appropriateness and with effectiveness be under the civil service. Of course every one recognizes that certain exceptions may properly be made to the civil service; but the thing that troubles me about the whole situation is that over and over and over again measures are coming in here proposing a lifting of the standards of the civil service and providing for appointments without any regard to it; and, of course, when it is desired to do a thing a reason for the proposed action can always be found.

Mr. POPE. I am interested in the Senator's opinion about the matter. I am, however, much more interested in making this measure work than in the matter of civil-service or non-civil-service appointments. I am interested in having farmers out in the field who are competent, who know farming, who know about the handling of grain but who have no civil-service status, participate in this program.

Under the Agricultural Adjustment Act and under the Soil Conservation Act a provision based on merit and efficiency was applied, and about 25 percent of the employees under those two acts are actually civil-service employees; and it is expected that under this program probably 25 percent will have a civil-service status. When, however, there is a flood in my State, or damage done, and there are men in the immediate neighborhood who know what the damage is, I do not propose to send to Washington for a man with a civil-service status, and pay his expenses out there and back; and even if that were done he might be a man from Georgia or Alabama who would not know a thing in the world about wheat.

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

Mr. POPE. I yield.

Mr. LOGAN. I desire to compliment the Senator from Idaho for making the best defense of an indefensible position that I have heard in a long time. [Laughter.] No bill ever comes in here which says that the employees provided for by it shall be selected without regard to the civil service which does not make me just a little bit sick at the stomach. I think it is about the most outrageous thing I know.

Further in defense of the Senator, I observe that the bill as he originally introduced it did not contain any such provision about appointments being made without regard to the civil service. The Senate committee apparently inserted that provision. I hope someone will seek to have it eliminated. I shall vote for any amendment to strike out the provision that the employees shall be employed without regard to the civil service. The President can exempt from the civil-service requirements when an emergency arises such as that the Senator points out.

Mr. POPE. I call the attention of the Senate to the fact that there is a provision which reads as follows:

> The appointment of officials and the selection of employees by the Secretary shall be made only on the basis of merit and efficiency.

I will not yield to the Senator from Kentucky or to anyone else in my loyalty to the principles of the civil service, but if the Senator or anyone else can tell me how to make all the exemptions which are necessary in a bill of this kind, I shall be very glad to have the information.

Mr. LOGAN. My position is that we should not make any exemptions, but should leave that to the executive branch of the Government, and the President will find some way to exempt. He has the authority to do so under the law.

Mr. POPE. Then we will have to secure an exemption for an appraiser when we may need an emergency appraiser on the ground to carry out the work of the corporation, or a night watchman in an emergency.

Mr. LOGAN. There are some appraisers who can read and write who might stand a civil-service examination. I do believe that with all of the young college men who are trained in this country, who are seeking work and cannot find it, we will be able to find appraisers and such employees, who could take a civil-service examination; and I do believe that after they have qualified themselves it would be much better to employ them than to have them stand aside and for me or the Senator from Idaho to go out and get someone who is not qualified, but is chosen because he works for us politically, to take a position which ought to be held by some man who has merit.

Mr. POPE. In employing the provision which I read it was my purpose that the appointments should be made strictly—I used the word "only"—on the basis of merit and efficiency. As I said a moment ago, I am in favor of the civil service; I am in favor of extending it just as far as it is applicable; but I am much more interested in the success of the pending measure, and I am interested in the farmers in my State and other States, who may never have had an opportunity to obtain a civil-service status, having just as large a participation in the proposed program as is possible, because when they participate, when their interest is centered in the success of the law, it will be successful in every locality in which it is tried out.

Mr. DAVIS. How many employees will it take to administer the law?

Mr. POPE. I do not know. I would have to make some inquiry and answer the Senator at a later time, because I have no idea. I do know that it is the purpose to use the employees of the Department of Agriculture to as great an extent as possible and to make use of these various committees which have already been organized to administer the Soil Conservation Act and the Agricultural Adjustment Act. Additional employees will be needed, of course, but I cannot give the Senator an accurate idea of the number.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. POPE. I yield.

Mr. BARKLEY. As I understand from the Senator's answer to the Senator from Maine, it is contemplated that use will be made of local committees in the administration of the act, in an advisory capacity, with respect to premiums, and the payment of awards where there has been damage, and all of the things connected with the administration of the act, somewhat after the fashion of the Farm Credit Administration, which operates through local farm-loan associations, and on up to the Federal land bank in the community or in the State, and then on up to Washington.

I have in mind one of the recently created boards which presumably operates under the civil-service laws, except as to attorneys and experts, and under the designation of "expert" anyone outside the civil service can be appointed if he can be gotten to Washington and trained long enough to make an expert out of him. Then he becomes eligible to be appointed as an expert.

Of course, I think it ought to be obvious that a member of the legal profession should not be required to stand a civil-service examination in order to determine how good a lawyer he is, because the chances are his qualifications would be passed upon by men who knew nothing about the law themselves. But if it be true that it is intended to make use of local committees and local agencies who are familiar with farm matters and know something about the value of crops and all the things which enter into the administration of the act only for a week or a month, many of them without any compensation, as I understand, the question arises in my mind whether it is worth while, from the standpoint of increased efficiency, to require such people to take a civil-service examination before they can serve their fellow men in noncompensating jobs of some kind in which they may be asked to serve in the administration of the act. Is my assumption correct?

Mr. POPE. Yes, and part-time employment of men who may work a few days in a year, or may work a very short time in a job, and, when employment is necessary, very promptly, when an appraisement needs to be made immediately, for instance, simply does not lend itself to civil-service requirements.

Mr. BARKLEY. Of course, if the civil-service rule was applied to those people the result would be that they would not have an opportunity to serve at all, because they would not take the civil-service examination, or they would not have any opportunity to take it.

I have in mind an organization already in the Government of the United States which is supposed to be under the civil service, except as to lawyers and experts, in which the people of the community in which the service is expected to be rendered were not notified or given any opportunity to take an examination. Eligible lists for those communities, and especially for my State, are made up ninetenths of people from Michigan, Iowa, Illinois, Wisconsin, and other States, whereas the people in the community were not even allowed an opportunity to take the examination. I certainly think that sort of an administration of the civil-service laws is a farce. It may be that the Civil Service Commission may find better men in Michigan to perform duties in Kentucky, but the people of Kentucky do not think so, and neither do I.

Mr. VANDENBERG. The people of Michigan do. [Laughter.]

Mr. LOGAN. I simply desire to suggest, in connection with what my colleague has said, that what he states is absolutely true, and I am opposed to that as much as he or any other man may be; but I would also like to remind him that there are departments and bureaus not under civil service in which Kentucky receives the same treatment he has pointed out, that is, they send folks somewhere else to take the jobs and look after the affairs whether it is under civil service or not; and I do not know what the reason is.

Mr. WHITE. Mr. President, will the Senator from Idaho yield?

Mr. POPE. I yield.

Mr. WHITE. When the bill was introduced on February 8 it carried a provision that the employees of the corporation should be under the classified civil service. When the bill was reported, in March, that provision was stricken from the proposal and it was provided that they should not be under the civil service. There has been no structural change in the bill; there has been no change in conditions which warrants a change in the policy. The truth is that the Senator was right in the first instance and he is wrong at the present time.

Mr. LOGAN. I suggested that a while ago, and that we ought not to hold the Senator from Idaho responsible. It is the Committee on Agriculture and Forestry that is responsible, because when the Senator from Idaho introduced the bill it provided that the employees should be drawn from the civil-service eligible lists.

Mr. POPE. I do not want anybody to shift any responsibility from me to anyone else in connection with this matter. I stated to the Senate very frankly that the only exceptions which occurred to me and to those who drafted the bill were those which were included. As the exceptions grew in the way I have already indicated, I kept adding exceptions and adding exceptions, and then I received a copy of a letter written by the Comptroller General in which it was determined that the exception of attorneys and experts—as to experts, at any rate—had to be passed on by the Civil Service Commission. Therefore it is seen that, if we left these employees under civil service and made the exceptions, every exception would have to be passed upon by the Civil Service Commission. Any general provision giving power to the Secretary of Agriculture to appoint those especially fitted to do this type of work would probably have to be passed upon by the Civil Service Commission. Therefore it would not be workable.

When finally I found that the exceptions reached the extent of something like 75 percent of the employees who would be necessary to operate the program, it seemed to me only sensible to join in the amendment which has been proposed to the Senate, and to insert a provision in the bill that they should be appointed as they are under the T. V. A. and under other agencies which have been created of a new and special sort, and require that their appointment should be only on the basis of merit and efficiency.

Mr. VANDENBERG. Mr. President, will the Senator yield to me for a question?

Mr. POPE. I yield.

Mr. VANDENBERG. Does the Senator think that the provision requiring merit and efficiency is sufficient to protect the appointments against a requirement that the applicants be on the so-called Friant list?

Mr. POPE. I do not know as to that. I made as strong as I could the wording of the provision that the only qualification be merit and efficiency. Believing as I do in the merit system—and I yield to no one in my belief that in

every instance the appointment should be made on the basis of pure merit and efficiency—it seemed to me that it would only be fair distinctly to set forth the basis and to require the Secretary in making the appointments to use only that basis.

Mr. VANDENBERG. Mr. President, may I ask the Senator another question?

Mr. POPE. I yield.

Mr. VANDENBERG. The Senator has stressed the fact that local aid is to be enlisted by way of appraisal, and so forth. Does the Senator mean that the determination, for example, of the premium is to be settled by those who are the beneficiaries of the system in the area affected?

Mr. POPE. No; I should say that, so far as the actuarial work is concerned, that could be done in the office here in Washington, or perhaps some part of it could be done in the regional offices.

Mr. VANDENBERG. As I understand, there is a great spread in the size of the premiums.

Mr. POPE. Yes.

Mr. VANDENBERG. In one instance it may be a half a bushel an acre and in another instance 4 bushels an acre.

Mr. POPE. Yes.

Mr. VANDENBERG. The Senator would not in any degree leave the decision of such a matter to those who are in the area affected by the premium to be applied?

Mr. POPE. I would not make a statement so broad. In the very logical development of the program I think that those who have the data concerning the yields of the individual farms and of the localities should make the calculations and the determination of the premiums. So that work would naturally be done by those here in Washington and elsewhere who had that work to do. I had particular reference, however, to all those jobs—we might call them odd jobs—in connection with storing wheat in warehouses as provided in this bill, appraisal work, inspection, adjustment, buying and selling grain in a very small way as provided in this bill, forwarding the grain, looking after the matter of railroad rates, cost of transportation, and the part-time help of a clerical nature employed in the various offices—all that type of work should not be included under civil service.

Mr. VANDENBERG. If the Senator will permit me to say so, I think he can more or less justify the position he takes with respect to that class of employment, but having had some experience with other agricultural operations, and having confronted the so-called Friant list upon many and many occasions, which is nothing but the quintessence of the cheapest spoilsmanship on earth, I should hate to think that this very fine venture was to be tainted in that fashion in any degree whatever.

Mr. McNARY. Mr. President, will the Senator yield to me for a request?

Mr. POPE. I yield.

Mr. McNARY. The Senator from Pennsylvania [Mr. DAVIS] is required to leave the Chamber presently, and he wishes to discuss another matter, and I also desire to discuss it. Will the Senator from Idaho be kind and courteous enough to give way at this point to the Senator from Pennsylvania in order that he may speak? If he would do so, it would be a very great accommodation, and I should appreciate it immensely.

Mr. POPE. I shall be very glad to agree to that request of the Senator from Oregon. I am anxious to get along with the consideration of the bill and not have the discussion diverted into another channel, as occurred yesterday.

Mr. McNARY. I understand that. I will say that the Senator from Idaho has been very kind and has made an excellent explanation of the bill. If he will permit the Senator from Pennsylvania now to obtain the floor, we shall greatly appreciate it.

Mr. POPE. I yield.

CENSUS OF EMPLOYMENT AND UNEMPLOYMENT

Mr. DAVIS. Mr. President, I have been urging and will continue to urge a thoroughgoing census of employment and unemployment. This is one of the most necessary steps toward economic recovery which we can take. I have addressed the Senate on this subject frequently, but gave especial emphasis to it in my speech of February 17, at which time I submitted a large amount of valuable data showing the status of current knowledge on this subject.

Because of the importance of this issue various resolutions have been introduced by my esteemed and able colleagues. The Senator from New Mexico [Mr. HATCH], the Senator from Montana [Mr. MURRAY], and the Senator from Massachusetts [Mr. LODGE] have such resolutions pending in the Committee on Education and Labor and in the Committee to Audit and Control the Contingent Expenses of the Senate. I wish to add my voice to theirs in calling for an immediate inquiry into this very important matter. There is no reasonable explanation why such a study should be longer delayed.

On March 25 I introduced a resolution asking that the Committee on Education and Labor, or any duly authorized subcommittee thereof, be authorized and directed to make a full and complete study and investigation of the problems of unemployment and relief, with a view of determining, first, the extent and nature of unemployment and relief needs; second, the relative merits of work relief and direct relief; third, the proper apportionment of financial and administrative responsibilities among the Federal, State, and local governments; fourth, the best method of coordinating the unemployment and relief programs of all governmental agencies; fifth, the number of persons unemployed by reason of the use of labor-saving devices or machinery; and, sixth, methods by which private reemployment may be encouraged.

If there be any one fact that is more obvious than others in the helter-skelter confusion of today's rapid changes, it must be the imperative need for some genuine coordination of our private and governmental employment activities. The waste occasioned by the lack of some workable plan is extremely great and, as a people, we should not tolerate it.

In the last 3 or 4 months a number of organizations and individuals have urged a Nation-wide census of unemployment and employment. These organizations, generally speaking, have been among those which have opposed an increase of Government spending, but they have declared their belief that funds spent for obtaining a census would be money well invested.

First, I wish to submit statistics showing the trends of employment. I ask that they be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

EMPLOYMENT AND UNEMPLOYMENT—THE SITUATION IN THE UNITED STATES

According to an announcement made by the Secretary of Labor there are approximately 6,000,000 more persons at work in nonagricultural industries in the United States than in March 1933. This estimate covers all persons at work, employers, self-employed, and employees, but does not cover those employed in agricultural work or on Federal emergency relief work. The gains reported are widespread. Factory employment reached the highest point since June 1930; employment records of retail and wholesale establishments show a higher level than for any September since 1930; employment in the metal and mining industries exceeded that of any month since April 1931, and the power and light companies employed more workers than they had had on their pay rolls since September 1931.[1]

The Director of the United States Employment Service reports that a total of 9,780,000 placements have been made in private establishments during the 38 months of operation of the Service. These represent many types of occupation—skilled, unskilled, technical, and professional.[2]

Keen interest is being shown by employers and businessmen in assuming responsibility for returning to work as soon as possible the unemployed industrial workers. Business organizations including the United States Chamber of Commerce, the National Association of Manufacturers, the Congress of American Industry, the Coordinator for Industrial Cooperation, and the President's Business Advisory Council have called meetings for a discussion of the problem. The hope has been expressed that as a result

[1] The New York Times, Nov. 1 and 18, 1936; communication to the I. L. O.

[2] Labor Information Bulletin, Bureau of Labor Statistics, October 1936.

of these various conferences united effort will be made for the absorption of a great number of those now unemployed.

The President of the United States has called attention to the fact that the sharpest revival in employment has been among the skilled and younger workers, which to a large extent is responsible for the relatively large number of older workers on relief. He expressed the belief that if this policy continues it will lead to the unemployability of this class, which would result in a permanent program of support by public funds. He urged that a fair share of work be given to men over 40 and that opportunities be extended for the employment of unskilled workers. The Secretary of Labor proposes that an effort be made by larger industries to survey their plants, list all jobs suitable for older and unskilled workers and then employ as many as possible from those groups.[3]

The United States Chamber of Commerce estimates that there are now fewer than 9,000,000 unemployed. This compares with a maximum of 15,939,000 unemployed in March 1933. Estimates of unemployment have varied widely and it has been contended that without accurate knowledge no vital attack can be made. The Department of Commerce has drafted recommendations for the appropriation of fifteen to twenty million dollars for a census of unemployed.[4] Subject to the approval of the President a bill will be submitted to the Congress authorizing the Census Bureau to make the survey. Officials of the Bureau state that the count would probably take from 4 to 6 months, but that future estimates could be made more quickly and much less expensively.[5]

JUNIOR PLACEMENT SERVICE

A new feature has been added to the public employment offices, in the form of a specialized junior placement service. The experience of youthful applicants at public employment offices established solely to deal with adults has frequently been found to be disturbing and discouraging. While a large number of interviewers are capable of discussing the educational and vocational achievements of young people they do not find it easy to shift from adults to youths. Junior placement offices set up under the National Youth Administration in cooperation with the State employment services are operating as demonstrating and training centers for State offices which have expressed the desire for the establishment of junior placement services at a later date.[6]

DISMISSAL COMPENSATION FOR FERRYBOAT EMPLOYEES

Approximately 1,200 ferryboat employees in the San Francisco Bay area are covered by agreements similar to the dismissal wage agreements of the railroads,[7] which provide dismissal compensation for loss of jobs on ferryboats due to the completion of two bridges. These agreements were recently signed by the several companies and local unions connected with the ferryboat service.[8]

UNEMPLOYMENT COMPENSATION

Court action attacking the constitutionality of the Federal Security Act is increasing. There are cases now pending in New Jersey, Alabama, Massachusetts, Oregon, and Rhode Island. The New York case is before the Supreme Court of the United States.[9] In the meantime, progress in the enactment of State unemployment compensation laws continues. Texas is the most recent State to pass such a law, bringing the number of States with legislation of this kind to 16. The Texas law was passed on October 27, 1936, and provides for a pooled type fund and for merit rating in 1941. The contributions of employers will be 0.9 percent of their pay rolls in 1936, 1.8 percent in 1937, and 2.7 percent from 1938 to 1941. Employees pay no contributions. Benefits will be one-half of the employees' wages up to $15 a week, with a minimum of $5, and will be paid for a maximum of 15 weeks during the year. A waiting period of 2 weeks is provided for. The Federal Social Security Board has approved the act.[10]

FUNDS FOR THE WORKS PROGRESS ADMINISTRATION

The President has announced that he will ask Congress to vote more funds for the Works Progress Administration partly because the problem of industrial unemployment has not yet been solved and partly because an unexpected drought forced the Administration to spend a considerable portion of its funds for relief in the farm areas.[11]

HOUSING PROGRAM

The executive council of the United States Building and Loan League has recommended that the question of public housing be divorced from the reemployment program and that Government activities in housing projects be drastically curtailed, on the ground that such activities are not within the proper permanent activity of the Government.[12]

CIVILIAN CONSERVATION CORPS

The Director of the Civilian Conservation Corps has reported that there is sufficient urgently needed conservation work still to be done to furnish employment for a corps of between 300,000 and 350,000 men for many years to come. The President has indicated that the Government intends to continue the corps at approximately this strength, and Congress will be asked to reenact the relevant legislation, which expires on March 31, 1937, authorizing the continuance of conservation work and appropriating funds for that purpose.[13]

[3] The New York Times, Nov. 17 and 19, 1936.
[4] Cf. I. L. I., vol. LVIII, no. 13, June 29, 1936, p. 477.
[5] The New York Times, Nov. 10 and 16, 1936.
[6] Monthly Labor Review, October 1936.
[7] Cf. I. L. I., vol. LVIII, no. 13, June 29, 1936, p. 479.
[8] Monthly Labor Review, October 1936.
[9] The court was evenly divided in the absence of one member. No opinion will be rendered until a majority decision is reached on some other case involving the same legislation.
[10] Communication to the I. L. O.
[11] The New York Times, Nov. 20, 1936.
[12] Ibid., Oct. 18, 1936.

Mr. DAVIS. The National Manufacturers Association at a meeting in New York on December 10, 1936, adopted the following resolution:

> We urge the Government to make an enumeration of the unemployed, defined as those able to accept work, willing to take it, and unable to get it, classified as to States and occupations and as to those who are unemployable.

The Chamber of Commerce of New York State, on January 7, 1937, adopted a resolution urging a Nation-wide survey and census of all wage earners in all lines of industry, as well as those who are unemployed.

Winthrop W. Aldrich, chairman of the Chase National Bank of New York, in a speech on December 8, 1936, before the Illinois Manufacturers Association, reported in the New York Times December 9, 1936, page 41, recommended as one of four steps necessary for the promotion of sound economic recovery:

> That the Federal Government make a comprehensive survey of unemployment in order that the problem may be approached intelligently.

Louis Stark, labor correspondent of the New York Times, in its issue of December 26, 1936, after a survey of the Nation's unemployment situation, wrote:

> In many quarters those who have considered the problems of unemployment feel that only a new census of the employed and the unemployed can answer the questions that are posed at this time.
>
> Last November, as many Senators doubtless will remember, the officials of the Department of Commerce came forward with a plan to take an unemployment census.
>
> No one knows how many unemployed there are now; and we need to know something of this economic disease, its extent and location, before any intelligent attack can be made on it. Present estimates, widely quoted by Federal officials and others, vary considerably. A thorough census is also needed, therefore, to check up on such estimates.

Louis Stark wrote in the New York Times on December 22, 1936, in a survey of the Nation's relief and unemployment situation, in all estimates of unemployment are nothing but "guesstimates." He added:

> Accurate and complete data on the extent of unemployment, the characteristics of the unemployed, their location, sex, health, previous employment and qualifications for employment do not exist. This is a "no man's" land which will not be explored until a new census has been taken.

Mr. President, the composition of the Nation's labor supply has changed so since 1930 that the 1930 census figures are now of little use. A resolution of the New York State Chamber of Commerce, printed in the New York Times of January 4, 1937, declares:

> Adequate data are not available of the numbers of new additions to the labor force who have come of age, nor of the withdrawals from the labor force because of old age, death, immigration, permanent physical and mental disabilities, and other factors.

Edwin E. Witte, in the spring issue of the Yale Review, 1937, in an article entitled "Unemployment and Recovery", says:

> The depression is now in its eighth year. In this period there has been a large turnover in the national labor supply. Fourteen million new workers, Brookings Institution has estimated, have come into industry and 10,000,000 experienced workers have dropped out. The new workers constitute more than one-fourth of the labor supply of the country.
>
> For lack of full knowledge of unemployment we find ourselves emerging from a depression with a large body of unemployed workers, yet with acute shortages of labor in certain lines and in certain localities. To quote again from a very recent article by Prof. Edwin E. Witte, executive director of the President's Committee on Economic Security, published in the Yale Review, as cited above, we observe that—
>
> Despite the many unemployed, there are distinct shortages of labor in a considerable number of skilled trades. Complaints

[13] Communication to the I. L. O.

about the difficulties of getting craftsmen were made by employers as early as the spring of 1935, especially in the metal trades. • • • Since then complaints about labor shortages have multiplied, coming from all parts of the country and relating to many more skilled trades. • • • •

These shortages are mainly local, although in electric arc welding, tool making, die sinking, molding, pattern making, and a number of other trades they are rapidly becoming Nation wide. • • • In the metal industry the pinch of being unable to get enough skilled mechanics is already slowing up expansion, and in building construction serious shortages are developing in localities where there is a building boom. Even the W. P. A. has experienced considerable difficulty in recent months in getting a sufficient number of skilled men for high-grade construction projects. While millions of unskilled, semiskilled, and white-collar workers are available, it is becoming increasingly difficult to find mechanics good enough for P. W. A. work on the relief lists. • • •

There are many things that the Government might conceivably have done to avoid the situation which has developed. The C. C. C. might have been set up to train the skilled mechanics which it has now become very apparent are badly needed in industry. Work relief could have been adapted much better than it has been to the skills of the unemployed; more easily, it could have been run to afford a greater incentive to its clients to get back into private employment.

Mr. President, a complete picture of the present employment and unemployment situation is necessary if worse labor shortages, retarding expansion of business, are to be avoided in the future. Full knowledge of present employment and unemployment is also necessary in planning any program for retraining the unemployed, or for any apprenticeship program, as well as for the guidance of youngsters in choosing an occupation.

Such a census would be very valuable for the actuarial and statistical analysis connected with the unemployment compensation laws passed by the States under the Social Security Act. Mr. W. R. Williamson, actuary of the Social Security Board, in an article of March 1937, found in the supplement of the American Economic Review, page 100, entitled "The Federal-State Unemployment Compensation Provisions of the Social Security Act", told the American Economic Association last December that the cost estimates of the President's Committee on Economic Security were crude because statistical data necessary for a full analysis were not available. All the committee had to work with was, to quote his words, "a considerable amount of scattered material compiled in various cities and in one or two State analyses of unemployment."

Mr. President, a complete inventory of present employment and unemployment is indispensable in planning any long-time program for reemployment and relief on a sound basis. Without such an inventory it is impossible to tell how and how fast the unemployed may be reabsorbed by industry. Two officials of the W. P. A., Mr. Howard B. Myers and Mr. John N. Webb, in an article published in the American Journal of Sociology, page 832, January 1937, entitled "Another Census of Unemployment", indicate the kind of information that is badly needed about the unemployed in order to make fairly sound inferences on the question of their employability. These W. P. A. officials say:

> Chief among these factors are age, physical condition, duration of unemployment, usual occupation and industry, and continuity and duration of work experience. In combination these data promise to provide a sound basis for estimating the employability of the unemployed. For instance, a study of urban workers receiving unemployment relief shows that of persons leaving the relief rolls because of private employment those having a short duration of unemployment from the usual occupation go first; and that there is a marked inverse relationship between age and duration of unemployment among unskilled and semiskilled workers. Moreover, it is known that the "hard core" of unemployment, representing the least employable part of the idle population, has an overrepresentation of workers from specific occupations and industrial groups. Far too little has been done thus far in examining the relation between the characteristics of the unemployed and their work histories for the purpose of determining the likelihood of return to private employment.

The census technique has been repeatedly used by the F. E. R. A., the C. W. A., and the W. P. A., and the importance of such data for planning future relief programs and future programs for social security has been continually stressed. Mr. Harry Hopkins, quoted in the New York Times, page 37, January 10, 1937, says that an unemployment relief census of 12,685,664 persons on relief in October 1933 was completed in 2 months. In May 1934 a survey of the occupational characteristics of 576,000 relief clients in 79 cities was taken along with surveys of nearly 200,000 relief clients in rural areas. The New York Times of January 10, 1937, page 37, quotes Mr. Hopkins as saying of this survey:

> We registered the age, sex, color, occupation, industry, and duration of unemployment of these people on relief rolls. We listed their physical disabilities and the composition of their families.

In March 1935 a census of the usual occupations of workers on relief in the United States was taken, which was a complete inventory of the skills of all workers on relief, not only their primary occupations but also their secondary lines of work. Mr. Hopkins is quoted in the New York Times, January 10, 1937, as having said of this census:

> So we took this complete occupational census of 6,182,000 people in the space of 90 days.

Mr. President, on January 15, 1936, the W. P. A. made a survey of the usual occupations of workers eligible for W. P. A. employment. As a result, Mr. Hopkins stated in the New York Times, January 10, 1937:

> There was, for example, one female blacksmith on relief in January of this year. What do we know about her? We know her age, her work history, how long she has been out of work, whether she lives in a town or in the country, and her family situation.
>
> We have the same facts about the 7 female teamsters on relief, the 42 women truck drivers, and the 75 women taxicab drivers or chauffeurs, and the 2 railroad switchmen on our rolls, who are women.
>
> Of course these are the usual occupations, like the 17 men on relief whose regular business is taking in washing by the day; but they serve to illustrate the point for all occupations.

Louis Stark, in the New York Times, December 26, 1936, wrote:

> The W. P. A. knows about everything there is to be known about more than 6,000,000 persons who are on work relief or eligible for work relief; their ages, sexes, occupations, where they are located, how many there are in any county in the United States, whether they are skilled or unskilled, and even their lack of experience are noted under the heading "Inexperienced persons."
>
> At any moment the W. P. A. can reach out and tell you how many unemployed carpenters on W. P. A. or eligible for W. P. A. there may be in a remote county of North Dakota. From their rolls you can get the number of skilled persons on W. P. A. or eligible to work relief, by occupations; the number of unskilled workers by specific occupations, professional and technical workers, proprietors and managers, office workers, salesmen, newsboys, real-estate agents, dressmakers, servants, farm laborers, barbers, beauty-shop workers.
>
> When it comes to a similar classification of those idle and not on relief no such wealth of information exists.

There is no such wealth of information about the unemployed—probably one-half of those out of a regular job—who are not on relief. The relief administration seems less interested in those unfortunate workers who are out of a job and receiving no public assistance from the Government. In the same interview in which he explained how much data the W. P. A. had on each of its workers, Mr. Hopkins, in the New York Times, January 10, 1937, page 37, said:

> Of course we do not have the same precise data on people who fall outside our prescribed responsibility. We are given by law a field in which to operate. That field is our concern.

The F. E. R. A., the C. W. A., and the W. P. A. have financed State-wide censuses of unemployment. A census of unemployment in Massachusetts as of January 2, 1934, was financed from F. E. R. A. and C. W. A. funds. A census of population and unemployment in Michigan as of January 14, 1935, was financed entirely, including the cost of publication, by F. E. R. A. and Federal W. P. A. funds. The Massachusetts census, which was made by a complete house-to-house canvas, was authorized by Mr. Hopkins on December 14, 1933. The Michigan census is a representative sample of over 40 percent of the total population.

On the basis of the 1934 census of unemployment in Massachusetts and the 1930 census, the Harvard Graduate School of Business Administration has published a very interesting study on Unemployment and Prospects of Reemployment in Massachusetts, written by Donald H. Davenport and John J. Croston (August 1936). On the basis of these two censuses, each manufacturing industry is analyzed to ascertain the prospects for reemployment of the unemployed in that line, and the industrial employment problems that are peculiar to Massachusetts are clearly indicated. Similar studies for other States would be very valuable indeed.

The data on the Michigan census are just coming out. The primary purpose of this census was—

> To secure an accurate estimate of the extent of unemployment by occupation classes and to obtain as complete a picture as possible of the major changes in occupation, changes in jobs, and changes in place of work which had occurred since 1930. It was of vital importance, in such a survey, to compare the personal and occupational characteristics of the gainfully employed. As a result the enumeration was planned to provide a detailed analysis of the characteristics of all persons enumerated, whether employed or unemployed. In addition to providing a background against which the characteristics of the unemployed might be projected, the census thus provided a rather complete picture of the characteristics and composition of the entire population of the State.

The introduction to the first series, Michigan Census of Population and Employment, Lansing, July 1936, has the following revealing sentence:

> It was considered desirable to secure data on such items as the value of rental of homes, educational status, relief status, and other factors which would assist in a social and economic classification of the population.

A complete national census would be much more valuable than a series of isolated State censuses on different dates which, however, complete, only result in an incomplete picture of unemployment in the whole country.

Although the Federal relief agencies have made repeated surveys and censuses of those on relief and have financed State-wide censuses of unemployment, Mr. Howard B. Myers, and John M. Webb, two of Mr. Hopkins' aides, in an article in the January issue of the American Journal of Sociology argue against a census of unemployment on the grounds that such a census would not give good data on the very questions upon which the Federal relief agencies have repeatedly been collecting data. They say that a Federal census would not answer such questions as to how long they have been unemployed, from what occupations and industries do they come, and what proportion is employable.

Yet the F. E. R. A. and W. P. A. have given out answers to such questions time after time, and their answers were based on numerous surveys and censuses made by these Federal relief agencies. The W. P. A. is even spending a large sum on a study of one of the particular causes of technological unemployment—which no one seems to be able to define clearly.

When the Federal relief agencies want to make surveys and censuses the officials do not take a "defeatist" attitude and argue about the difficulties involved in doing the job. Why, then, do they go out of their way to argue against a census that will include also those not on relief, a census that will collect the same information for those off relief as has been collected for those on relief? The whole picture ought to be more valuable than only half of the picture on which the Federal relief authorities have collected such complete data by the very methods they condemn.

My attention has been called recently to a report of the current relief situation in 28 selected areas of the United States prepared by the American Association of Social Workers, and issued February 15, 1937, in which the following generalizations are given:

> II. SUMMARY OF FINDINGS
>
> Significant facts revealed by data secured from the 28 selected areas, with a combined population of 49,512,089, indicate the following situations prevail:
>
> 1. In all but a few areas States and local governments are finding it increasingly difficult to finance direct relief programs and also make contributions to the W. P. A. program. This stringency has resulted in a general reduction of direct relief adequacy and the adoption of "stop gap" methods for providing even meager assistance to those families not cared for by the W. P. A. program.
>
> 2. Large numbers of able-bodied employable family heads, certified as in need by local relief agencies, are not being absorbed by the Federal work program.
>
> 3. These families are being denied any relief in many areas on the ground they are "a Federal responsibility", while in other areas such families are granted very meager aid on an emergency basis.
>
> 4. The terror of eviction pursues relief families in wide areas where relief agencies find it impossible to pay rents for dependent families.
>
> 5. Maximum relief allowances of $7.96 per month per family prevail in some Southern States.
>
> 6. Malnutrition is common among Southern States' relief families, clinic physicians report.
>
> 7. Stoppage of relief for periods varying from a week to a month have not been uncommon in many sections.
>
> 8. W. P. A. wages are frequently inadequate to provide minimum subsistence diet for large families. Necessary supplementation of W. P. A. wages by local relief agencies in East and Middle West puts strain on funds available.
>
> 9. Underemployment (full-time low-paid jobs) is a problem for relief agencies called upon to give relief to supplement low wages in private industry.
>
> 10. In many areas large numbers of persons certified as eligible for old-age assistance are denied aid, due to lack of funds.
>
> 11. Able-bodied men in a Western State, denied direct relief as "employable" and unable to secure W. P. A. placement, are reported to be deserting their wives and children in an effort to assure aid for them as an unemployable group.
>
> 12. Stringent intake policies have been adopted in many areas; for example, property owners, regardless of their need, are denied any relief in two areas tested, while in others any income, no matter how small, automatically bars the family from receiving any aid.
>
> 13. Nonresidents are a problem in all areas. Three report that no aid is given nonresidents. One stated that families with small children are given temporary aid, but refuses aid to able-bodied unattached persons.
>
> 14. Staff reductions, due to limitation of funds, are causing complications in many sections, contributing to delays in accepting of applications and granting of relief.
>
> 15. Surplus food commodities constitute the only form of aid granted in many southwestern counties.

These statements, coming from such a notable organization as the American Association of Social Workers, give added reason for a more thoroughgoing study of employment and unemployment at the present time.

I urge that, at the very earliest possible time, the resolutions on this subject which have been submitted by my very able and esteemed colleague, together with my own resolution, be acted upon favorably so that a comprehensive census program of the Nation's employed and unemployed may be started without further delay.

MINIMUM WAGES FOR WOMEN (S. DOC. NO. 46)

Mr. HAYDEN. Mr. President——

Mr. DAVIS. I yield to the Senator from Arizona.

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed as a Senate document the decision of the Supreme Court, together with the dissenting opinion, delivered March 29, 1937, in the case of West Coast Hotel Co., appellant, against Ernest Parrish and Elsie Parrish, his wife, being an appeal from the Supreme Court of the State of Washington.

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

REGULATION OF BITUMINOUS-COAL INDUSTRY

Mr. DAVIS. Mr. President, I expect to be absent from the Senate tomorrow, at which time I understand debate will begin on the bill (H. R. 4985) to regulate interstate commerce in the bituminous-coal industry, and for other purposes, so I desire at this time to make my statement concerning this very important problem.

My first experience with the coal industry came at the early age of 5 when I was taken by an uncle to a colliery where mining operations extended out under the bed of the ocean on the coast of Wales. This early experience is still vivid in my mind. It recalls family conversations where tales were told of horrible conditions in the coal mines of Great Britain a generation or two before I was born. It was then a custom in various localities for small boys 6 years of age to be taken into the mines with their fathers, thus enabling the father to get an extra car of coal under the name of the boy. The boy was supposed to be paid for this extra quota of coal. In reality, however, this meant an extra hour or so of labor for the father and the production of a larger output. It also enabled the operator to take the first steps

toward breaking in fresh supplies of labor. Those were the days when working conditions in the mine were still unspeakably terrible—quite beyond description. Although laws were finally enacted forbidding women to work in the mines and prohibiting child labor there, ways were found to circumvent the law, especially as regards the children, and the authorities continued to wink at practices which today stand thoroughly repudiated in the thought of all conscientious citizens.

I come from a family of steel workers who intermarried with coal miners. The traditions of the mill and mine have been intensely real to me all my days. Coal and steel are closely related. When I came to this land my family immediately carried on their trades. My father began work in the iron and steel mills the same day that he arrived in Pittsburgh, Pa. At an early age I went to work in the mills and thus was brought into close touch with coal miners as well as mill workers. This statement applies to my life in the three States of Pennsylvania, Alabama, and Indiana.

These thoughts cluster in my mind as we consider the very important legislation set forth in House bill 4985, regarding the establishment of a commission for the regulation of interstate commerce and the bituminous-coal industry. Practices prevail in this industry which must be abolished if the industry is to be stabilized. Through this proposed legislation vast authority is established in a commission of seven men. If passed, the Sherman antitrust law will be set aside as regards this industry, and new principles of government will be given a 4-year experiment. I do not try to conceal from myself the fact that this is surely a departure from our former principles of government in relation to industry. We should keep our eyes wide open as we examine the thorough-going significance of this very important and so greatly needed legislation.

Before going further I wish to say emphatically that I approve of this proposed legislation. I favor the bill because I believe it necessary that the Nation shall now choose whether we shall assist the coal industry to organize itself through the regulation of a powerful commission or shall allow it to become the stage for riots, lawlessness, and labor disturbances such as our country has not known in many years. Cutthroat competition, low wages, and the denial of the right of collective bargaining, have forced Congress to a consideration of these issues. Mob law, waste, and injustice must be ended in the bituminous-coal industry. Some of the features of the bill represent a definite change from the line of thought and practice which I have cherished during the years. Price-fixing agreements have their dangers. The compulsory nature of the proposed legislation may seem stringent to many persons. The waiving of the antitrust laws is not to be lightly undertaken. But it is my considered judgment that if the proposed legislation be administered in a practical way by a commission nonpolitical in character, as provided in the bill, and if tried as an experiment for a period of 4 years, the Nation should benefit by it.

The success of the legislation will be largely dependent on the personnel of the commission and the use which it makes of this unprecedented authority. I question the advisability of having seven commissioners when in similar commissions, with but one or two exceptions, five have proved to be satisfactory. The commission will have all the regulatory powers necessary to keep competition alive and yet within reasonable limits. Attention should be called to the provision of the bill that two of the proposed commissioners shall be experienced coal miners, and two shall have had previous experience as producers, and none of them shall have any financial interest, directly or indirectly, in the coal industry, the sale or manufacture of equipment for the coal-mining industry, the production of oil or gas, the generation, transmission, or sale of electric power, and so forth.

The personnel of the commission will be determined through Presidential appointment. I am especially interested in the provision which calls for the appointment of two of the commissioners from among those who have had experience as coal miners. These men should be able to bring to the council table the wisdom of practical experience as well as broad understanding. We need leadership which is mature, unbiased, practical, and thoroughly humanitarian. We need commissioners who understand the workingman, and who have a comprehensive picture of all the varied elements which must be fitted together for the harmonious operation of the coal industry. The presence of such members on the commission should insure a careful consideration of the practical needs of the miners, their working conditions, their wage necessities, their rights in collective bargaining, their civil liberties, and their general rights as workers. If the appointment of the personnel of the commission be nonpolitical in character, as contemplated in this bill, the miners themselves will have a chance for a true representation of their needs in the councils of the commission, which otherwise will be denied them.

I have confidence in Chairman Hosford. He has been identified with the coal industry. He comes from the greatest coal State in the Union. He knows the heartaches and miseries of the coal industry. He also understands its great opportunities and potentialities. He knows what it has been like when prices were high, and he knows how cutthroat competition and price cutting brought down both prices and wages to such a point as to beggar the entire industry. I repeat, Mr. President, I have great confidence in Mr. Hosford.

The time has come when we can no longer endure the impending disasters in the coal fields without the aid of the Government in providing for a more equitable adjustment of these problems. I have been actively interested in all the legislation which has been enacted for this purpose. In fact, when the first bill relating to the stabilization of the coal industry was introduced I appeared as Secretary of Labor to offer testimony before the Committee on Interstate Commerce of the Senate in support of the bill. Later, when I came to the Senate, I introduced a similar bill, held long hearings before the Committee on Mines and Mining, and devoted a large amount of my time to a further study of this problem. I was on the subcommittees which considered both the present bill and that of last year.

I hope the voluntary agreement which prevails between miners and operators in the coal industry may be continued during the coming 4 years, which should give support to the proposed legislation and the work of the commission.

At this point in my remarks I ask that a news article taken from the well-known newspaper Labor, describing the views of a large coal operator regarding the proposed legislation, may be included in the RECORD as a part of my statement.

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

The article is as follows:

[From Labor for Mar. 30, 1937]

BIG COAL OPERATOR UNBURDENS HIS SOUL—SAYS BUSINESS IS BOOMING AND PROSPECTS FINE—PREDICTS NEW DEAL FOR SMALL CONSUMER—MINE OWNERS WILL SIGN WAGE PACT WHEN GUFFEY BILL IS PASSED, HE DECLARES

The big coal operator sank contentedly into the soft cushions of the Willard Hotel lobby. He had had a good dinner and was disposed to talk.

"The bituminous industry produced 11,000,000 tons last week", he said. "So far as I can recall, only once in the industry's history has that record been topped. Prices are good.

"Do you realize that for years mine owners were supplying railroads and other big industries with coal at less than cost? Most people do not know the meaning of 'captive mines.' Those are mines owned by big industry and used to compel the rest of us to beat down our prices.

"It's the 'yardstick' idea that Uncle Sam is adopting to compel the Power Trust to charge consumers fair rates. The Power Trust is complaining, just as we complained about the 'captive mines.' The difference between the two schemes is that Uncle Sam uses his 'yardstick' to benefit the masses of the people. Big industries have been using the 'captive mines' to swell the profits of a few.

"The Pennsylvania Railroad worked the scheme, got cheap coal for itself, and seriously crippled the coal-mining industry of Pennsylvania.

"Of course, the worker is the principal victim of this 'chiseling' policy. When we have to cut our prices we try to reimburse ourselves by 'gypping' our men. There are many ways to do it besides cutting wages. We can raise the rent of our houses, we can boost the prices in our stores, and there are other devices. And we use them all.

"Things are better now because we are forcing industry to pay a higher price for coal. That enables us to make overtures to the domestic consumer. He and the coal digger have been the twin 'goats' of the mining industry. To make up what we lost by supplying industry with coal below cost, we boosted the price of domestic coal and, as I said before, 'soaked' our miners.

ANGLING FOR CONSUMER

"The consumer got sore and turned to oil. That hit our revenues. We have spent millions on research to solve the problem. Now we are putting on the market an automatic device which will enable us to dump your supply of coal into a hole in the yard near your house. A thermostat will decide when it should be fed into your furnace so as to maintain a uniform temperature. We can undersell the oil burners and, we believe, win back the domestic consumer.

"Will there be a strike? No. John Lewis and his United Mine Workers have promised us they will persuade Congress to put through the Guffey coal bill, which will give the coal operators an opportunity to form pools for the sale of their coal. Thus we will stabilize prices and profits.

"The wage agreement will be signed after Congress has passed the Guffey bill. There is one possible hitch. Big buyers have been laying up surpluses. It is possible we will close down for a couple of weeks. The newspapers will call this a strike and will make a great hullabaloo about it. As a matter of fact, it will be just a suspension to enable the market to catch up with our output.

LEWIS CAN CLAIM VICTORY

"Of course, the miners will lose 2 weeks' wages, but if industry continues to increase production, as it has been doing for the last few months, we will be able to give them comparatively steady employment after the 'strike' is over. In addition, it will give Mr. Lewis an opportunity to announce that he has achieved another victory.

"But I assure you the agreement which will finally be signed is now practically ready for signature.

"The Interstate Commerce Commission is struggling with the problem of establishing freight rates for coal. Personally I think the Commission is doing a mighty good job under very difficult circumstances. The operators in every coal field are endeavoring to get an advantage in the matter of rates. A differential of 10 or 15 cents a ton makes all the difference in the world.

MUST CONSIDER MANY FACTORS

"Such an 'edge' might enable West Virginia, for example, to crowd Pennsylvania out of the New England coal market.

"The I. C. C. must take into consideration a score of factors in fixing rates. It's an extremely delicate task.

"For years coal-mine operators engaged in the merry task of cutting each others' throats, paying their miners starvation wages, making the small coal consumer pay all the traffic would bear, and more, and subsidizing industry by selling coal below cost. It was a crazy game.

AND STILL THEY KICK

"The Roosevelt administration has endeavored to end it and has measurably succeeded. Those are the facts, and yet probably a majority of the coal operators are still complaining about 'governmental interference with business.'

"That's an 'open confession', young man, and the theologians tell us 'an open confession is good for the soul.' I wonder if your labor paper will have nerve enough to print the story."

Well, there it is for what it is worth. A true story as related to Labor by a coal operator who has "played the game" for many years.

Mr. DAVIS. Great care must be exercised to keep the appointment of the entire personnel of the Commission free from politics. I see no reason why the personnel of the statistical division or members of the staff of the consumers' counsel should be exempt from civil-service regulations. These are types of work which ordinarily are performed by those having civil-service status, and I firmly believe that in these instances the same provisions should apply. It cannot be said too often that the chief purpose of the bill should be to provide justice for the coal miners of the country and the operators who desire to see their business conducted in an orderly, law abiding, and businesslike way, without destroying the right of the worker to collective bargaining and the wages necessary for the maintenance of decent standards of living. These are the true objects of the bill, and should not be placed in jeopardy by items which might be used to serve purely partisan appointive purposes.

Writing in 1926, Dr. Harold G. Moulton, president of the Brookings Institution, in the preface of Arthur E. Suffern's book, the Coal Miners' Struggle for Industrial Status, said:

Owner and slave, lord and serf, master and servant, employer and employee, employers' association and trade union! Change and evolution are apparent in the very terms that have been used in defining industrial relationships in different eras. The long struggle of contending groups has resulted in profound changes in the legal as well as in the economic and social position of masses and classes. The first landmark in the struggle was the attainment by the worker of the status of a freeman, with power to bargain as an individual with his particular employer. A second stage was achieved when groups of workers were able to bargain collectively with individual employers. A third stage is the making of collective agreements between representatives of all, or a considerable part, of the workers in a given industry and the associated employers of the industry—collective bargaining in the narrower sense thus being replaced by negotiations entered into by official representatives of associations of workers and owners. This third stage has as yet been reached only in certain industries.

In order to understand the significance of the action contemplated in this bill for the establishment of a coal commission, some consideration should be given to the various developments which have preceded the present plan. Excerpts gathered from Dr. Suffern's book on this subject, when put together, are herewith presented for the information of all who are concerned with this problem.

A regime of cutthroat competition among operators and of individual bargaining between employers and employees resulted in the exploitation of the workers. Certain outstanding abuses have been such specific causes of industrial unrest that the miners demanded collective action to eliminate them.

Short weighing of coal and excessive "dockage" (deduction) in weights were among the earliest complaints of the miners. These abuses account for the demand of the miners for checkweighmen employed by themselves. The miners claimed that the payment of wage rates based on the amount of coal which would pass over screens of a certain mesh and area was subject to abuse.

Mr. President, out of my own experience, as I have at one time stated on the floor of the Senate, I commend coal operators who will not tolerate these abuses, and prefer to be honest in their weighing of coal. I have known operators who paid their miners an increase of 15 percent in wages without any increase in tonnage, rather than follow the customary curtailments advised by checkweighmen.

I quote further:

The nonpayment for "dead work", such as bailing water from a miner's working place, posting the roof, laying track, cutting clay veins and spars, and removing all obstructions which hindered the mining of coal, was a cause of much dissatisfaction. In most cases the miner faced the alternative of doing these things or of losing his job. The operators insisted that the piece price per ton included payment for such work.

The company stores were another source of grievance. Although such stores rendered great service in isolated communities, they frequently had a monopoly on the patronage of all workers employed. The miners complained of the prices charged and claimed that those who refused to trade at company stores were denied equal opportunity to work.

The length of the working day has always been a source of contention. The miners desired uniformity of the working day and reduction of the number of hours. Uniformity of the working day was thought of as a means of placing the operators on the same competitive level in that respect, otherwise many operators would compel their men to work unduly long hours for the prevailing wages. The miners wanted to shorten the working day in order to have time for life outside of working hours.

Toward the close of 1860 a call was sent out by union leaders in Illinois appealing to the miners to unite and to form an organization national in scope. Organized effort was pointed to as the means to obtain their rights and to ameliorate their conditions. The American Miners' Association, organized by a convention January 28, 1861, was the first national union of mine workers in America.

The union was short lived, because of internal dissensions and disastrous local strikes during the years of depression which followed the Civil War. By 1868 it had lost its hold and gradually dwindled away. Although the national union was disrupted, local unions persisted in both the bituminous and anthracite fields until another national organization came into existence in 1873. Their efforts to gain recognition and collective bargaining were generally thwarted by the operators by devices now well understood. With the refusal to recognize the union and negotiate a wage scale, the miners were generally faced with the alternative of backing down or of declaring a strike. When a strike was declared the operators resorted to the importation of strikebreakers, blacklisting, and requiring those who decided to return to work to sign contracts at the wage rates offered by the employer. These contracts also required the miners to give up their affiliation with the union. (They were commonly known as "yellow-dog contracts.") Armed guards were employed to protect the strikebreakers and the property of the employers.

Many of us remember when trainloads of foreign workmen, imported labor, were brought into mining communities

to compete with mine workers. But now, with the restrictions imposed through our protective immigration laws, and now that our foreign-born population has become so homogeneous and so accustomed to American ideals of labor and living, these practices are no longer permitted without incurring the condemnation of an enlightened public.

It would be impossible here to relate all of the early history which has led to the present state of affairs in the coal industry. Suffice to say that the problem has been with us a long time and is still with us. The following statement made by a joint committee of operators and miners in 1885 sounds as though it might have been issued but yesterday. I submit a portion of it:

> The history and experience of the past make it apparent to every intelligent and thoughtful mind that strikes and lock-outs are false agencies and brutal resorts for the adjustment of the disputes and controversies arising between employing capital and employed labor. They have become evils of the gravest magnitude, not only to those immediately concerned in them but also to general society, being fruitful sources of public disturbance, riot, and bloodshed. Sad illustrations of this truth are now being witnessed in certain of our large cities and in several of the mining and manufacturing centers of the country. These industrial conflicts generally involve waste of capital, on the one hand, and the impoverishment of labor, on the other. They engender bitter feelings of prejudice and enmity and enkindle the destructive passions of hate and revenge, bearing in their train the curses of widespread misery and wretchedness. They are contrary to the true spirit of American institutions and violate every principle of human justice and of Christian charity.

Mr. President, that statement was made over 50 years ago, and yet the basic problems there stated are still with us today.

A history of collective bargaining will show that while arbitration has frequently been used to settle disputes, the emphasis in the bituminous field has been upon conciliation and compromise. In the anthracite field a system of arbitration has been in effect since 1903; but even there the great majority of cases have been settled by conciliation before being submitted to the umpire.

Rather elaborate procedure has been worked out in the central competitive, southwestern, and the anthracite fields for handling disputes from their point of origin until they are finally disposed of by the highest authorities representing both sides. Penalties for violations of the contract are agreed to and delimitations are set upon the activities of the representatives of both sides.

The great majority of disputes are settled locally and never become a matter of record in conjunction with the procedure established to deal with appeals. Of the cases which are appealed the great majority are settled in the early stages of the procedure for appeal. This is as it should be; otherwise the machinery would become top heavy and occasion intolerable delay.

In the past the public has been mainly concerned about obtaining coal at the lowest price regardless of the conditions under which the miners worked, or of the extent to which the operators opened unnecessary mines and wasted resources in an effort to make profits on their investment. The public faces the fact that the miners are consumers as well as workers and that they demand wages which permit them to maintain and better their standard of living. They are also citizens and demand that their civic rights be protected.

During and after the World War, when there was such a demand for coal, I well recall the higher wages which prevailed in the industry. Apparent prosperity led to large-scale production which could not be continued in normal times. Ever since then there have been difficult times in the coal fields, especially in the bituminous-coal industry. Wage cutting, seasonal unemployment, deserted coal mines, and stranded coal-mining populations have characterized the industry. There is no class of people in America who deserve more genuine consideration at the hands of their Government than the coal miners. It will be very difficult to solve their problems or to enable them to solve their own problems, but collective bargaining and organization are necessary steps.

During the time I was Secretary of Labor we were constantly engaged with these difficulties. Our experience has led to some of the measures which stand written into law today and others which are now pending in Congress. The legislative enactments of the last few years do not represent the views of any one political party, although they were written into law through party responsibility. But in a larger sense they represent the careful findings of many years of patient research by the various departments of the Government in collaboration with private agencies representing the welfare interests of workers, consumers, and industrial management.

For 20 years, 1900–19, according to Geological Survey reports gathered from coal operators, strikes in coal mines resulted in the loss of 124,747,199 man-days. But in the same time in the same mines there were lost 1,053,747,199 man-days through no market, or on account of transportation, disability or break-downs at the mines. In other words, 10.5 percent of the total loss in the coal-mining operation in 20 years was due to strikes, while 89.5 percent loss during the same time was due to causes other than strikes and lock-outs. While this ratio of loss would not apply to all other lines of industry, it does apply to a lesser extent in a great many other lines of industrial endeavor.

Because coal mining is so disorganized many manufacturers have been forced for their own protection to go into mining. It is an evidence of the short-sightedness of the coal industry that it drives what ought to be its best customers—that is, the big corporations—into mining for themselves, not, as they say, to make a profit on mining, but to insure themselves a steady supply of a commodity of which we have unlimited quantities.

Taking the bituminous-coal industry as it now stands, any lowering of wages would not help us to get better or cheaper coal. The question is not one to be solved by tinkering with wages. That is only the superficial view. We must go deeper.

Our business prosperity cannot be sustained, much less made permanent, if one of the great foundation industries is not regularly profitable. The mine owners must get their return out of the use of coal by the railroads, by industry, and by householders. The miners' income arises from the same source. But unless the miners receive wages adequate to maintain a decent standard of living they will not call for the products of industry and therefore industry will not need so much coal. On the other hand, if coal is delivered to industry or to householders at an excessive rate, then the householder has less to spend for other commodities because he has to spend more for his coal. This tells at the factory in fewer orders, lower production, and smaller purchases of coal. The factors are so interdependent that they cannct be separated, but at the hub of them is the fact that while coal is in chaos the prosperity of the entire country is in danger.

Industries of all kinds have been buying coal below the cost of production. That, however, has not helped industry. The miners, whose average earnings were 91 cents an hour in 1922, were receiving only 68 cents an hour in 1929. These conditions came to prevail because of cutthroat competition, whereby the price of coal was reduced by slashing wages. The miner at the end of an 8-hour day in 1929 had about $2 less to spend than at the end of a workday 7 years before. His average earnings for a half month in 1929 were cut down to $50, but during many months there was no work. Today, with 8 years of depression added to the distressing conditions which prevailed before 1929, the miner cannot earn a living.

The people of the United States are perfectly willing to pay for their coal a price that will yield a fair profit and a good wage, but in return for the price they want their coal in a dependable and unbroken supply and without the present stoppages and fluctuations in price that constantly disturb American industry. To remove this disturbance and to guarantee stability and prosperity to the mining industry, I believe the American people are willing and anxious to see the industry properly organized and brought up to the standards of efficiency maintained in all the other great industries.

When this commission gets to its task it will find that no other industry in the country has had the benefit of such prolonged, intimate, and painstaking study—most of it at Government expense. Over a period of 10 years the Fuel Production Committee of 1917, the Fuel Administrator from 1917 to 1919, the Bituminous Coal Commission of 1921, the Federal Fact Finding Commission, not to mention various congressional and State legislative committees, have all examined the ills of the mining industry and have reported upon them in detail.

I hope this commission, when appointed, will realize and help the Nation to realize that coal is the foundation of our economic life. Particularly is this true of my own State of Pennsylvania. Not only are immense quantities essential to the staple industries of the country, but coal is indispensable to every household, regardless of wealth or station.

Coal is not going out. It is and will remain an essential industry, for it is the greatest of the primary sources of heat. With the development of electricity, the manner of using coal is changing: but whether it be used in the form of blocks or pulverized dust to be fed to electric turbines, it will always be the chief fuel for the power-house, and can only here and there be displaced by water power. The railroads will continue to use coal directly and indirectly through electricity, while the blast furnace to use coke and coal will be with us for many a year. It is absurd even to talk about coal having had its day.

Peak production in the United States occurred in 1918, when under wartime pressure 678,000,000 tons of anthracite and bituminous coal were mined, of which 579,000,000 tons were bituminous. It is safe to assume that in the year of peak production—namely, 1918—all mines were operating at top speed. In order to make a comparison of the current situation with the peak year of 1918 and to show what the existing mines can produce, let us take the month of February 1937, when all the remaining mines were running at top speed. In the State of Pennsylvania the month of February showed that the State as a whole could produce 135,000,000 tons, or only within 42,000,000 tons of the maximum production attained in the State when all mines were running full in 1918. Of this drop in productive capacity 23,000,000 tons has occurred in western Pennsylvania, principally in Fayette and Westmoreland Counties, where the exhaustion of the Pittsburgh seam of coal has been the prime factor in the reduction of mine capacity. While numerous small mines working out bits of outcrop coal or stumps and ribs abandoned by former operators have come into the picture, less than half a dozen major operations have been constructed in the past 20 years in this western Pennsylvania territory.

Reports of the United States Geological Survey and the United States Bureau of Mines indicate that hydro-generated electricity, fuel oil, natural gas, and domestic coke are supplanting coal annually to the extent of 129,462,509 tons. But with increasing evidence that oil reserves are apparently much lower than is commonly thought, we cannot afford to abandon the coal industry, especially when industrial activity is increasing so rapidly around the world because of extensive building of armaments. It would be suicidal for America to abandon her coal-mine production, when at any time military emergencies comparable to those of the late war may put additional demands for fuel production of all sorts upon us.

The American people are sympathetic with the coal miner when his cause is intelligently presented to them. What average man would want to exchange places with the coal miner for a livelihood? Which one of us would want to rise in the early hours of the dawn, don dust-covered clothing, and, lamp in hat, descend a thousand feet into the earth to toil underground to earn his daily bread? It is a well-known fact that the coal miner is a long striker. He knows the dangers to which his life in the mines is exposed. He figures that the day he strikes may be just the day when, as a result of his absence from the mine, he may escape a mine accident.

THE MINE EXPLOSION AT THE KRAMER MINE

Mr. President, I wish to bring to the attention of the Senate an incident which I believe is most worthy of mention at this time. At about 5:30 last Saturday afternoon, March 27, an explosion occurred in the Kramer bituminous coal mine, which is located at Stump Creek, Jefferson County, Pa. When the explosion occurred there were five mining officials of the company in the mine on an inspection trip. Three of them escaped unharmed, their lives very probably being saved as a result of rock dusting which had previously been done to prevent the spread of explosions. These men gave the alarm and soon, together with five others, entered the mine in an effort to rescue the two men who had failed to escape. Just before reaching the two men, a second explosion occurred, and the seven men were killed, making a total of nine fatalities, all being mine officials, including the mine foreman and assistant foreman.

At midnight an official of the Pennsylvania Department of Mines notified the United States Bureau of Mines at Pittsburgh, Pa., that help was needed, and before 2 a. m. six safety experts of the United States Bureau of Mines were on the way to the mine with one of the Bureau's mine-rescue trucks loaded with mine-rescue equipment. Upon arrival at the mine these Federal experts cooperated with the State department of mines, as well as the operating company, sending out a call for volunteers from adjacent mines in an endeavor to recover the victims of the two explosions, and at the same time to take adequate precautions to prevent further loss of life.

Under ordinary circumstances there are approximately 800 men employed in this mine, but the fact that the explosions occurred on Saturday, which is a nonworking day for miners, probably resulted in a great saving of life. Although the nine dead had been removed from the mine by midnight Sunday, there remained two United States Bureau of Mines men to lend every assistance to the department of mines and the operating company in preparing the mine for further operation.

The part which the United States Bureau of Mines took in this whole situation is a most commendable one and one which shows clearly the excellent work that this Bureau is performing in its safety activities and in the interest of humanity.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. RADCLIFFE in the chair). Does the Senator from Pennsylvania yield to the Senator from Illinois?

Mr. DAVIS. I yield.

Mr. LEWIS. I should like to ask the able Senator from Pennsylvania, conscious as I am of his long experience in matters pertaining to this subject, and because of his interest in behalf of the welfare of miners, what step is being taken now, if any, by way of provisions contained in the pending bill, or any legislation of which the able Senator is aware, by which our Government can in some form continue examinations so as to anticipate just such explosions as the Senator has described, with the view of preventing and avoiding such accidents?

Mr. DAVIS. The commission will have the power, under this bill, to supervise the entire industry. The Congress itself is delegating this authority, as I see it, to the commission.

Mr. LEWIS. That is done in the pending bill?

Mr. DAVIS. Yes; in the bill that is now pending. For that reason I am for the bill. As chairman of the commission which was appointed under the law, which was subsequently declared to be unconstitutional by the Supreme Court, Mr. Hosford has been serving now for more than a year. He is one of the ablest, one of the most conscientious, one of the best men of whom I know in the United States for that position.

Mr. LEWIS. I thank the Senator.

Mr. DAVIS. Mr. President, while coal-mine accidents are not so frequent as formerly, they still occur. The coal in many mines is highly volatile in character.

Let me digress for a moment, while the distinguished Senator from Illinois is here, and further state to him that the bill now pending will help to stabilize the industry in his own State. The bill has for its purpose the stabilization and bringing together of the mines under the strict supervision of the commission. The Sherman law itself is proposed by the bill to be set aside, and the commission will then be able to work out a plan within the next 4 years to give permanent employment to those who should be employed in the mines, provided, of course, the market calls for the amount of coal which may thus be produced; and I am sure the Department of Labor, with the able man at the head of the employment service, Mr. Persons, will do its utmost to find work for those unable to follow their work in the mines.

Mr. LEWIS. I appreciate the reference the Senator finally makes as to Illinois, and I desire to add that it is because of frequent accidents in coal mines in the State of Illinois, carrying with them deplorable fatality, such as the one described by the able Senator lately occurring in Pennsylvania, that I am so interested to know what steps are on the eve of being taken, if any, to avoid such accidents in the future.

Mr. DAVIS. I will refer to that matter in just a moment.

Mr. LEWIS. I will listen with great interest.

Mr. DAVIS. As I have said, the coal in many mines is highly volatile. The coal dust suspended in the air during the course of mining operations at the face lodges on the rib, roof, and floor of the entries. This creates a serious hazard in the case of a gas explosion, because that frequently where explosions are experienced the coal-dust hasard is perhaps more serious than the ignition of gas, except where the latter is of an extremely large volume, I am told.

Let me say to the Senator from Illinois that there is a mine of this sort in the central part of his State. Coal dust gathers in such mines; and if extra precautions are not taken, will blow up the whole mine.

The condition to which I have adverted was made more clear to me by my recent trip abroad last fall, when I traveled in the coal fields of England and Wales, where over 125,000 coal miners were unemployed. Labor conditions were so bad that the Duke of Windsor, then King of England, made a special visitation among these people to see for himself the distressing conditions in which they worked. News commentators have said that the King spent his last day in office preparing to file his report of this visitation with the Government. However, bad as these conditions are, I am frank to say that they are no worse than those which prevail in various sections of our own country.

Last month a very prominent coal operator from England, a very distinguished member of the British Parliament, visited America.

It will be recalled that he visited us here in the Senate Chamber. When I asked him what news he had of the coal fields in Wales he said:

> The demand for coal is so great that we have been unable to find the skilled men necessary to work in the mines. Many of our skilled laborers have left their trades when mines were inactive and no younger generation has grown up to replace their ranks. As a result now at a time when England needs skilled workers in the mines and when work opportunities are great because of the pressure which the Nation feels for adequate national defense, there is a shortage of labor.

My own observation bears out the truth of this. It takes at least a generation to make a good coal miner or a skilled mechanic.

I submit herewith a table of the comparative coal-mine accident data of Germany, Great Britain, and the United States, which shows that, despite the efforts which have been made in this country to check industrial accidents of all kinds, the United States still lags behind these two other countries in preventive measures.

I ask to have the table printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. RADCLIFFE in the chair). Without objection, the table will be printed in the RECORD.

The table is as follows:

Comparative coal-mine accident data[1]

Year	Killed	Injured	300-day workers: Killed per 1,000	300-day workers: Injured per 1,000	Production, short tons	Tons per man per day
GERMANY (PRUSSIA, EXCLUDING LIGNITE MINES)						
1933	471	46,500	1.93	190.8	117,355,008	1.80
1934	450	47,663	1.66	172.7	133,817,237	1.62
1935	471	50,961	1.45	156.4	153,673,696	1.57
GREAT BRITAIN (ALL MINES UNDER COAL MINES ACT)						
1933	820	122,419	1.28	191.0	237,255,986	1.23
1934	1,073	132,859	1.69	198.2	253,704,677	1.36
1935	861	133,756	1.29	201.1	256,902,246	1.28
UNITED STATES						
1932	1,207	58,972	4.60	224.7	350,565,093	4.57
1933	1,064	61,313	3.58	206.2	393,171,977	4.39
1934	1,226	68,008	3.54	196.3	416,536,313	4.01
1935	1,242	(2)	(2)	(2)	424,531,905	(2)

[1] Disability more than 3 days for Great Britain and Germany, and 1 day or more for the United States.

[2] Not available.

NOTE.—Above figures compiled from official reports.

Mr. DAVIS. Mr. President, although only a boy of 4 years at the time, I can never erase from my mind the memory of that horrible day back in Wales when a terrible mine accident occurred in which almost 300 coal miners lost their lives. A holy day was proclaimed in this the town of my birth, so that all the townspeople might be present at the burial of the dead. Even to this day I can picture that scene and in memory hear the sound of the clatter of wooden shoes, worn by the people of those days, as they walked in a long, mournful procession.

This scene is comparable to the distressing news which overwhelmed our entire Nation when word came recently of the terrible accident at New London, Tex. The news magazine, Time, for March 29, 1937, carries the following statement concerning this disaster:

> United Gas Co. added an ironic note by revealing that up to this January it had sold the New London school board a natural gas mixed with a telltale odorant that might have prevented the blast. But the most ironic product of the tragedy was right on top of the wreckage. Blown out of the ruined building was a section of blackboard on which someone had scrawled: "Oil and natural gas are east Texas' greatest mineral blessings. Without them this school would not be here and none of us would be here learning our lessons."

Certainly if a coal commission be established it will recognize that it is better to have steady production of coal and peace rather than strikes and the soaring prices which come during times of industrial warfare at great cost to the consuming public. During the war prices soared to $7 and $8 a ton for bituminous coal, but, in many places, it dropped at the mine to sell at less than the cost of production. What possible excuse can there be for coal to be sold at less than $1.50 a ton at one time, no matter what place it be, while it goes soaring 300 or 400 percent during boom or strike times? Certainly the commission will recognize in these conditions of price variation a challenge to stabilization. Surely also there is need for the maintenance of uniform prices according to geographical areas within the industry. Data for 1935 show that productivity in the industry per man-day will be approximately 5 or 6 tons. I might say to the Senate that in Great Britain and in countries of Europe 1 or 2 tons per man are produced, while in the United States 5 or 6 tons of coal are produced per man.

Mr. President, I believe that stabilization of the coal industry through legislation of this type is now necessary. I am going into it with my eyes wide open. I believe it is the only way out of the present chaos in the bituminous-coal industry. Beyond doubt, there will be certain large producers who will oppose it, but, if the commission will keep competition open, hold prices within the reach of the average consumer, and bring order where there is now confusion wages will be more equitable and the public will profit from the stabilization of the industry.

Mr. President, collective bargaining is the most practical solution for our labor problems. In it we shall find a release from the questionable practices of sit-down strikes and the intolerable menace of industrial espionage. Believing as I do in the worker's right to quit his job and knowing that industrial management is fairly entitled to the right of civil protection for company property, I can hold no brief for either of these rights if distorted into the abuses of industrial espionage wherein one employee is hired to spy on another, family relationships are disturbed, and those who incur company ill will are blacklisted, or the abuses of sit-down strikes where, without regard for legal restraint, company property is seized for nonproductive purposes.

How much more profitable it would be for all concerned if industry and labor should spend but a small fraction of the money now spent preparing for industrial warfare in the constructive and practical pursuit of industrial peace. If 10 percent of the money spent to secure injunctions, buy hand grenades and tear gas, hire spies, and conduct propaganda against labor organizations were used to sustain a practical program of cooperation between labor and industry around the council table in the spirit of good will and fair play, the Senate Committee on Civil Liberties would not be so haunted with the ghosts of industry and the sit-down strikes of labor as it now appears to be.

Mr. President, a declaration signed by industry and labor jointly protesting against these common abuses would pave the way to a more intelligent consideration of the economic problems which influence the lives of all of our citizens. This must come voluntarily, but until such action shall be taken it will be imperative to have industrial legislation to deal with these problems.

I favor the bill because I believe it necessary that the Nation shall now choose whether we shall assist the coal industry to organize itself or allow it to become the stage for riots, lawlessness, and labor disturbances such as this country has not known in many years. Improved conditions have become possible in the railroad industry because of coordinated activity. The public knows that coordination insures better returns to investors in railroad stocks and in better transportation for the public itself. If transportation is one of the foundations of our national industrial structure, coal is another, and the argument that works for the betterment of one applies to the other.

I know of no legislation which gives complete and universal satisfaction. I do not expect that this bill, if enacted into law, will prove to be an exception. I know in advance that it will not please everyone, but certainly it comes as a result of a thorough study, over a long period of time, based on the report of not only one committee, but of various committees and commissions which have worked at the problem in the interest of the public welfare.

Recently it was brought out in the hearings before the Naval Affairs Committee, so ably conducted by my respected colleague the Senator from Massachusetts [Mr. WALSH], that unless new oil reserves, not now in prospect, shall be opened up, our national resources in oil may not last more than 15 years. If this be the case, we shall do well to husband all of our natural resources, including coal, the primary and basic power and fuel resource.

The Commission will have to use present machinery of conciliation and persuasion found in the Department of Labor for the settlement of labor disputes, added to the power entrusted to the good offices of the President, as no other provision for this problem is provided through the proposed legislation. Speaking as one who has long and ardently sought peace in industry, I look upon this legislation with the hope that it will bring stability of wage and price in harmony with each other and more uniform within the industry as a whole, and lead to the true conservation of this great natural resource.

We need peace in industry, especially in the coal-mining industry, and if this legislation be administered in a practical way by a nonpartisan commission, working in the interest of all the various elements which constitute public responsibility in this matter, it should usher in better days for the entire Nation.

CROP INSURANCE

The Senate resumed consideration of the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes.

Mr. McNARY. Mr. President, one must be bold indeed to venture to speak on a subject so commonplace as crop insurance, as in my opinion we are all suffering from an emotional state of sensitivity. I shall make the venture for a few moments because I have long been an advocate of crop insurance.

I listened with much interest to the impressive and able statement made by the Senator from Idaho [Mr. POPE] during the legislative session last Thursday in explanation of the provisions of the bill. The complaints which may be urged against a plan of this kind and its objectives may be based upon the theory that it is projecting the Government into business. More and more I advocate the freedom of private initiative; more and more I oppose the Government entering into business in competition with the individual. I made this very clear a few years ago when I made a study of the subject as chairman of a select committee appointed by President Harding. At that time Mr. Henry A. Wallace, father of the present Secretary of Agriculture, was Secretary of Agriculture, an able advocate of farm measures and sympathetic toward agricultural problems. I had a number of conferences with him touching this important subject. As a result of those conferences I introduced in the Senate a resolution calling for the appointment of a select committee. In September 1922 the committee held hearings for nearly 2 weeks. The hearings were printed.

I proposed a measure which met the approval of the then Secretary of Agriculture and which simply provided an appropriation adequate to carry on a study of crop insurance in its application to the rural communities of our country.

It did not attempt to set up a machine to carry out the purposes of crop insurance. It simply provided for the collection of data on the theory that when the data were collected some further steps might be taken to aid cooperative farm organizations and old-line mutual companies to take up the matter of the issuance of some form of farm insurance policies.

I reintroduced the bill during each subsequent session until this year. In 1933 I reintroduced the bill, and the present Secretary of Agriculture, a brave and able son of Henry A. Wallace, who was Secretary of Agriculture under Mr. Harding, disapproved the bill. I felt somewhat disconsolate that one so able and sympathetic did not entertain the view which I thought the farmers of the country had with respect to such legislation.

During the last campaign, which I recall very vividly, the President of the United States and his opponent, Governor Landon, both advocated crop insurance. That was the first time the subject had emerged since the hearings held 15 years earlier. I am happy to say the conception of this splendid idea had its inception in a Republican administration and is now about to be carried to fruition in a Democratic administration, which after all probably makes it a nonpartisan proposition.

Of course, the objection that is urged, and quite properly urged, to this plan is that it does in a way lead the Government into business. I wish that were avoidable. I thought, and I still entertain the view—which I held very, very stoutly and with much conviction years ago—that the whole matter could be handled by mutual farm organizations. All they needed, in my opinion, was sufficient data with which to

point in my remarks.

build up a structure which the farmers themselves might conduct and operate for their mutual benefit, in order to give them some reimbursement for losses for which they were not responsible. However, I was not in control of the situation, and the first I heard of this bill was during the present session; and recently I have had an opportunity to read the hearings.

I believe that with the $100,000,000 which is authorized to be appropriated in the bill, and the machinery which is to be set up under it, while the project is experimental in nature, it will demonstrate the feasibility and practicability of crop insurance. I entertain the view that at no distant date the farmers of the country, organized as they will be with this model before them, will carry on crop insurance without any interference, molestation, or intrusion by Government officials. I have no patience with the Government entering a business which otherwise would be entered by private industry.

Under the bill, as I conceive it, the Government will supply the financial aid and the machinery. The processes and the operation will be largely carried on by the farm producers. Of course, it is possible, though not likely, that the Government will lose all of the indemnity sum of $100,000,000 which is to constitute the capital stock to be taken from the Treasury of the United States. I think my able colleague from Michigan [Mr. VANDENBERG], in the discussion he had earlier today with the Senator in charge of the bill, was told that that matter will be largely covered by an amendment at the proper time; but the bill, as it will create a structure for agriculture, unquestionably will demonstrate to the farmers of the country that insurance of their crops is practicable.

When we criticise ventures of this kind—for this is only a venture; it is a beginning; it is a step forward in a program which ultimately will be taken over by the agrarian interests of the country—I sometimes think we must look into the future to determine its value, and the philosophy which underlies the plan, and the reason that prompts us to action. If I thought we were to organize another corporation for cotton, one for the great horticultural interests of the country, others for those who grow vegetables and other basic commodities, in view of the large number of these groups and the amount of money involved in the Government's projection into this business, I should oppose this measure. I am supporting it today because it is an initial step in a great plan which, if carried out, in my opinion, will take away the necessity for Congress appropriating money for what we call farm benefits.

I opposed the last A. A. A. plan. I thought it was an imitation of an earlier plan, though called by a different name, namely, the one dealing with land erosion. I thought it collided with particular violence with the decision of the Supreme Court as announced by Mr. Justice Roberts. I now think so. I desire to see the Government handle the farming problem, if it is going to do anything on the subject, without making benefit payments from year to year. I believe that if crop insurance is carried out with the Government taking the initiative, and it proves successful, as I conceive will be the case, it will so stabilize income and prevent violent price fluctuations that benefits of any kind will not be necessary, such as we might have had under the old equalization fee, the debenture plan, or the domestic allotment plan, or the one we now have. It is for that reason that I frankly excuse myself for voting for this measure.

I wonder what any banker in this country would do if he did not carry insurance on the money in his vaults? What would a home owner do if he did not carry insurance on his home? What would the manufacturer do if he could not get insurance on his factories? There would be virtually no business whatsoever; yet the great agricultural group, comprising 35,000,000 people in this country, never has been able to stabilize its industry against losses that occur by paying for those losses in years when the crops are bountiful.

What I particularly like about this plan is that the farmer may pay his premium in wheat. If he chooses to pay it in cash, that is within his election; but in that event the board must in turn buy the equivalent in wheat. Consequently, we are dealing all the while with a farm product. That is an idea that was conceived by some genius. In all the studies I have heretofore made, we never considered that phase of the problem. It is new, unique, I think logical and fine; and I congratulate the chairman of the subcommittee, and the subcommittee itself, for bringing to the front that splendid idea of handling premiums and indemnities.

Mr. President, in September 1922 the Senate passed a resolution providing for the appointment of a select committee composed of three Senators to investigate the subject of crop insurance, particularly with reference to the kinds and costs of insurance now obtainable, the adequacy of the protection afforded by such insurance, the desirability of practical methods for extending the scope of such insurance, and the availability and sufficiency of statistics necessary properly and safely to issue additional crop insurance.

At the first meeting of the select committee I made the following observation:

> The chairman believes it important to state at the outset that the committee does not purpose to project the Federal Government into the business of writing crop insurance, a field of risk little known to insurance experts or companies doing an insurance business. Our efforts shall be directed toward a study of the hazards incident to this form of needed insurance with a view of collecting useful data and determining upon the feasibility of insurance of this character.
>
> For my own part, I believe the Department of Agriculture, through its various agencies which penetrate into most of the counties of the various States, can assist in the gathering of useful data and statistics which may justify private and mutual insurance companies selling crop insurance upon reasonable terms to the producers of the country, thereby assisting materially in the stabilization of agricultural production and credit.

The hearings on this important subject, and the study given thereto, find expression in several bills of similar character I introduced in the Senate authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance. One of these measures was passed by the Senate on May 23, 1930.

Mr. President, the risks and hazards confronting the farmer as a producer of crops are of two kinds; namely, those involved in the actual production or growing of crops and which affect his yield, and those involved in marketing or the prices received. The marketing hazard, or the possibility of oversupply of a given crop, with resulting inadequate prices, may, of course, be said to be common to all forms of production, industrial as well as agricultural. In the case of the farmer, however, the marketing hazard resulting from possible oversupply assumes peculiar seriousness by reason of the large number of producing units or farms, the uncertainty of the yield, and the relatively long period involved in the production process.

It is in the actual production end, however, that farming stands peculiarly alone in the number and the seriousness of the hazards encountered. These hazards arise in large measure from the vagaries of the weather, as evidenced in droughts, excessive moisture, floods, frost, hail, hot winds, and severe storms, each affecting larger or smaller areas. In addition, there are the hazards of crop disease, insect and animal pests. While disease and pests can to some extent be guarded against by individual or community action, neither the farmer nor anyone else is in position to control the weather.

From the point of view of dependence upon the weather, the occupation of the farmer as a grower of crops has but one parallel among the various occupations of men, and this is that of ocean commerce. Even in the shipping industry, however, we have to go back to the days of smaller sailing vessels in order to find a degree of dependence upon weather comparable to that involved in crop production.

Property insurance may be said to have been invented primarily to assist in distributing the risks involved in "trading at sea", marine insurance being older than fire insurance. While the principles of insurance were first applied to the hazards of the weather in connection with ocean commerce, these principles have not yet been effectively applied to the

hazards involved in the growing of crops. The farmer is still in large measure forced to bear unaided by insurance the risks and hazards to his growing crops both from the weather and from other natural agencies. In fact, the farmer has occasionally been referred to as the greatest gambler in the world. The risks he assumes in crop production are not, strictly speaking, gambling risks, since they are not self-created but are inherent in a necessary human activity. There is no good reason why, with proper effort and care, insurance principles should not be applied to these crop-production risks, just as these principles have been applied to the risks or hazards of shipping and are now being applied to industrial risks of nearly every nature and form.

The manufacturer or merchant insures his plant against fire and windstorm. His plate glass is protected against breakage and his business and income are protected by use and occupancy insurance. He may, if he desires, protect himself against loss or damage from burglary, from explosion, from earthquake, and from riot and civil commotion. He can, and very generally does, protect himself against liability for accidents or injuries to any of his employees, as well as against liability for injury to the public resulting from his property or his use thereof. He may even insure himself by a special contract against excessive losses on his credits. Only in the case of farm crops is the producer forced to carry unaided the risk of loss from agencies over which he has absolutely no control.

By reason of the favorable or adverse action of the weather or other natural agencies, the yield of a given crop, even for the best of farmers, is subject to a range varying from a bumper yield to absolutely nothing. In the better agricultural sections crop failures even on individual farms are, of course, relatively rare; but they nevertheless do occur, and in the absence of insurance no farmer is certain that his investment in a given crop, consisting of accumulated capital and current labor, will not be a total loss. In less favored sections failures of crops on individual farms are relatively numerous, and these failures are strongly reflected in averages for counties or other given areas. Figures for the annual average yield on a county basis are at present not generally available. But one of the virtues of the pending plan is the gathering of further data which will result in extending more uniformly the contract of insurance throughout the farm areas of the country.

Mr. President, it is by no means contended that the insurance of growing crops against loss or damage from the weather or from other natural causes is a simple or easy matter, but many of the other forms of insurance already in use involve difficulties perhaps quite as complex, and there is little reason to assume that the problems involved in real crop insurance could not be solved if the proper effort were made.

Two quite distinct attempts have been made to provide the farmer with real protection in his business of growing crops. The first of these was made in North and South Dakota and Montana in 1917, when three different insurance companies offered such insurance and actually wrote it in considerable amounts. This attempt, however, resulted in heavy losses to the companies by reason of their limiting themselves to a relatively small territory, the entire area of which was affected by drought. Other difficulties besides those of too restricted territorial limits to the operations contributed to the unsatisfactory results. A proper preliminary study of the problems involved in crop insurance should seemingly have avoided the difficulties encountered.

The only criticism I am making of the pending plan at this time is that I am afraid that the data which have been collected are not quite sufficient to afford a base for the premium suggested in the bill.

The second real attempt to provide the farmer with crop insurance was made in 1920. This attempt also proved highly unsatisfactory and expensive to the insurance organization involved. The insurance contract in this second attempt covered prices as well as yield, and the year chosen for the introduction of this contract proved to be the worst one that could have been selected during the last half century. Prices were abnormally high when the contracts were written in the winter and spring of 1920, and the drop in prices before harvest time was almost unprecedented.

Neither of these two attempts of crop insurance prove that such insurance is not practical. They do tend to prove, however, the need for careful studies of crop hazards and risks, including all forms of moral hazards that may be involved in a program of crop insurance.

Aside from the nature and form of the contract itself, one of the first steps in providing a contract of crop insurance is the determination of fair and adequate rates for the protection offered based on the risks and hazards involved to each given crop in every locality where business is to be written.

As stated here Friday, I fear that unless the contract covers a general area, all producing wheat, the difference between the cost of the premiums in one State or portion of a State compared with another State or portion thereof or section of the country may bring about a situation which will give some grief to the board and possibly be brought to the attention of the Congress. I think that view is shared by my eminent friend the Senator from Michigan [Mr. VANDENBERG].

Mr. President, the Department of Agriculture has for nearly 20 years been gathering information on damage to all the more important crops in every part of the country. These data have been summarized by States, but to be of special value they should be tabulated, summarized, and analyzed by smaller districts or by counties. Figures for actual yield of the various crops are also available in the Department's files, and these, too, should be compiled, summarized, and analyzed by counties or by designated smaller districts within which reasonable uniformity obtains.

All different forms of crop-insurance contracts hitherto tried and the experience thereunder should be carefully studied and analyzed with a view to determining and combining the more practical provisions and devising others where the need is found.

The only hazard to growing crops for which insurance is now generally available is that of hail. Taking the country as a whole, however, the hazard of hail is only a minor one as compared with those of deficient moisture, excessive moisture, frost, or insect pests. Since 1920 a limited amount of insurance has been written each year on fruit and truck crops in selected areas. A limited amount of insurance against frost or freeze damage only has also been written, particularly on citrus fruits and sugarcane. But with these minor exceptions a crop producer has had no insurance facilities open to him in reference to his crops except insurance against hail.

Mr. President, it is my belief the provisions of this bill lay the foundation for a thoroughly sound approach to the problem of crop insurance. Confessedly there is a present demand for the development of such form of insurance throughout the rural sections of the country. If general crop insurance were available on reasonable terms, it would minimize to a marked degree the present hazards in the business of farming, and would contribute materially to the success, security, and stabilization of those engaged in agriculture.

The question may be raised during the debate—and intimations along that line have already been made—that this great work should be carried on by private companies. I recall that when the hearings were had 15 years ago, to which I referred some moments ago, several insurance companies had their officials present, and they all testified that they would contribute as much as they could, and would cooperate in every way if the Government would take the first step in initiating a contract of insurance with the crop producers of the country. So it is my opinion that, inasmuch as this field has never been entered, inasmuch as it is not an inviting one because the data are not sufficient, the insurance companies of the country will invite this legislation and will be happy indeed if the Government will demonstrate the practicability of entering the field, and I

have every hope and confidence that private industry and mutual associations will take up the load and carry it through.

Mr. POPE. Mr. President, in answer to certain questions which were asked on Thursday as to the specific method of arriving at the premiums, I desire to have included in the RECORD as a part of my remarks certain charts, tables, and calculations which have been prepared.

One chart has to do with the premium rate in relation to the yield per acre, showing how it would work out in a number of instances. I ask that this chart be made a part of the RECORD.

There being no objection, the memorandum was ordered to be inserted in the RECORD, as follows:

MEMORANDUM ON PREMIUM RATES IN RELATION TO YIELDS PER ACRE

Premium rates depend upon the extent to which annual yields fall below the average yield. Thus, in illustrations 2 and 3 that follow, examples are given of two farms each with an average yield of 12 bushels per acre, but with annual premium rates varying from 0.42 of a bushel per acre in example no. 2 to 2½ bushels per acre in example no. 3. It is also noticeable that with a yield of only 8 bushels per acre in illustration no. 1 the premium rate is 1¼ bushels per acre, compared with 2¼ bushels in illustration no. 3. It is in variability in yields and not the size of the average yield that determines the premium rate. It is coverage, or amount of insurance obtainable, that is determined by size of the average yield.

In illustration no. 3 the insurance corporation would have had to pay out in indemnities during the 6-year period 18 bushels per acre. In illustration no. 2 it would have had to pay out only 2 bushels per acre, or one-ninth as much.

In illustration no. 4 is an example of a farm with an average yield of 20 bushels per acre. This permits of a coverage of 15 bushels per acre under the 75-percent plan. Considering the experience of this farm with variability in yields and the experience of the county in which it is located, the premium rate for this farm is one-third of a bushel, or approximately 0.3 of a bushel per acre per year for a coverage of 15 bushels per acre.

Thus because of less risk, the farm in illustration no. 4 can be insured an average yield of 15 bushels per acre for a premium rate of a little less than 30 percent of that paid in illustration no. 1 for a coverage of only 6 bushels per acre.

This approach to an individual rating system permits the low-risk and high-risk farms to obtain insurance according to their needs on practically an equal footing.

Determination of premium rates for farms with different average yields

1. AN AVERAGE YIELD OF 8 BUSHELS PER ACRE

Year	Yield per seeded acre	Insurance coverage under the 75-percent plan	Indemnities per acre
	Bushels	*Bushels*	*Bushels*
1930	8	6	0
1931	15	6	0
1932	4	6	2
1933	10	6	0
1934	0	6	6
1935	11	6	0
Total	48		8

Average 48 bushels÷6=8 bushels. 8 bushels÷6=1⅓ bushels.

	Bushels
Average annual indemnity per acre for farm	1⅓
Average annual indemnity per acre for county	1
Annual premium per acre for this farm: 2⅓ bushels÷2=1⅙ bushels.	2⅓

2. AN AVERAGE YIELD OF 12 BUSHELS PER ACRE

Year	Yield per seeded acre	Insurance coverage under the 75-percent plan	Indemnities per acre
	Bushels	*Bushels*	*Bushels*
1930	11	9	0
1931	16	9	0
1932	12	9	0
1933	8	9	1
1934	8	9	1
1935	17	9	0
Total	72		2

Average 72÷6=12 bushels. 2÷6=⅓ bushel.

	Bushel
Average annual indemnity per acre for farm	⅓
Average annual indemnity per acre for county	⅓
Annual premium per acre for this farm: ⅓ bushel÷2=5/12, or 0.42 bushel.	5/6

Determination of premium rates for farms with different average yields—Continued

3. ANOTHER AVERAGE YIELD OF 12 BUSHELS PER ACRE

Year	Yield per seeded acre	Insurance coverage under the 75-percent plan	Indemnities per acre
	Bushels	*Bushels*	*Bushels*
1930	16	9	0
1931	22	9	0
1932	18	9	0
1933	0	9	9
1934	0	9	9
1935	16	9	0
Total	72		18

Average, 72 bushels÷6=12 bushels. 18 bushels÷6=3 bushels

	Bushels
Average annual indemnity per acre for farm	3
Average annual indemnity per acre for county	2
Annual premium per acre for this farm: 5 bushels÷2=2½ bushels.	5

4. AN AVERAGE YIELD OF 20 BUSHELS PER ACRE

Year	Yield per seeded acre	Insurance coverage under the 75 percent plan	Indemnities per acre
	Bushels	*Bushels*	*Bushels*
1930	21	15	0
1931	22	15	0
1932	14	15	1
1933	16	15	0
1934	20	15	0
1935	25	15	0
Total	120		1

Average 120 bushels÷6=20 bushels. 1÷6=⅙ bushel.

	Bushel
Average annual indemnity per acre for farm	⅙
Average annual indemnity per acre for county	⅓
Annual premium per acre for this farm: ⅓ bushel÷2=⅙ bushel.	⅓

The following tables show for 15 individual farms in each of three widely scattered counties the differences between the amounts that would be paid in as premiums and the amounts that would be drawn as indemnities.

In the case of many farms the amounts are very similar. However, those who suffered the most severe losses during the 6-year period paid in somewhat less than they drew out. Those who had small losses paid more in premiums than they drew out. This is due to the effect of using in part the county average to determine the premiums. The same thing happens in fire insurance, hail insurance, and other kinds of insurance. It is justified in this plan for crop insurance in that the record of the losses for the past 6 years will not be an exact picture of the losses for the future 6 years. Those who suffered biggest losses in 1930–35 will not necessarily have the biggest losses in 1938 and subsequent years.

A comparison of the total premiums that would have been paid for the 6-year period, 1930–35, with the indemnities that would have been collected for the 6 years, for 15 individual farms in each of 3 counties

Serial number of farm	Total premiums (bushels)	Total indemnities (bushels)
Haskell County, Kans.:		
No. 1	2,545	2,634
No. 2	4,880	4,982
No. 3	2,891	3,254
No. 4	2,944	3,347
No. 5	2,711	2,911
No. 6	4,211	4,130
No. 7	3,464	3,453
No. 8	4,453	4,552
No. 9	4,367	3,960
No. 10	1,725	1,843
No. 11	1,491	1,099
No. 12	5,714	6,099
No. 13	4,947	4,378
No. 14	1,970	2,089
No. 15	2,651	2,820
McHenry County, N. Dak.:		
No. 1	379	299
No. 2	269	282
No. 3	314	418
No. 4	368	179
No. 5	199	119
No. 6	377	491
No. 7	78	42
No. 8	404	266

A comparison of the total premiums that would have been paid for the 6-year period, 1930–35, with the indemnities that would have been collected for the 6 years, for 15 individual farms in each of 3 counties—Continued

Serial number of farm	Total premiums (bushels)	Total indemnities (bushels)
McHenry County, N. Dak.—Continued.		
No. 9	621	604
No. 10	381	370
No. 11	1,051	1,154
No. 12	733	993
No. 13	949	879
No. 14	2,089	2,126
No. 15	207	219
Frederick County, Md.:		
No. 1	212	395
No. 2	33	10
No. 3	331	526
No. 4	84	73
No. 5	47	0
No. 6	50	1
No. 7	62	61
No. 8	79	99
No. 9	53	46
No. 10	62	22
No. 11	66	63
No. 12	111	60
No. 13	139	144
No. 14	211	298
No. 15	233	218

Mr. POPE. Mr. President, a memorandum has been prepared showing the percentage of farms having wheat-yield losses in excess of 25 percent of the 6-year average yield. The question may be raised as to how many farms in a certain section produce less than, we will say, 75 percent of the average yield during the 6-year period. A number of calculations have been made showing that. I ask that these data be included in the RECORD.

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

MEMORANDUM ON THE PERCENTAGE OF FARMS HAVING WHEAT-YIELD LOSSES IN EXCESS OF 25 PERCENT OF THEIR 6-YEAR AVERAGE YIELD

In illustration no. 1 following it will be noted that in some of the low-risk counties such as Dickinson County, Kans.; Noble County, Okla.; and Columbia County, Pa., there were from 30 to 40 percent of the farms that suffered no loss in excess of 25 percent of their average yield in any of the 6 years 1930 to 1935, inclusive. That does not mean that they may not suffer such losses in the future but it does mean the risk is small and consequently the premium rate for such farms is the lowest.

On the other hand it will be noted that in such higher-risk counties as Haskell County, Kans.; Texas County, Okla.; and Adams County, N. Dak., from approximately 75 percent to 100 percent of the farms had wheat-yield losses in excess of 25 percent of their average yield in 3 to 5 years out of the 6. Naturally because of this increased frequency of probable claims as well as the size of them, it is necessary to maintain higher premium rates for such counties.

Illustrations 2 and 3 show what happens by years under a 75-percent plan of coverage and under a 50-percent plan.

In the case of Haskell County, Kans., it may be noted that while insuring only 50 percent of the average yield instead of 75 percent lowers the premium rate somewhat because it reduces the amount of indemnity due, it does not materially reduce the probable number of claims.

In the case of Dickinson County, Kans., on the other hand, insuring only 50 percent of the average yield instead of 75 percent materially reduces the premium rate not only by lowering the amount of indemnity due, but also by very materially affecting the possible number of claims.

No. 1.—*The percentage of farms on which wheat yields fell below 75 percent of their 6-year average for a given number of years out of the 6*

State and county	Rate, 6-year basis (bushels)	Percentage of farms						
		At no time	1 year	2 years	3 years	4 years	5 years	6 years
Kansas:								
Dickinson County	0.38	29	45	23	3	0	0	0
McPherson County	.89	4	43	39	13	1	0	0
Barton County	1.55	0	5	23	50	9	0	0
Haskell County	2.86	0	0	0	17	80	3	0
Oklahoma:								
Noble County	.27	33	51	15	1	0	0	0
Texas County	1.71	0	0	24	48	25	3	0
North Dakota:								
Cass County	.88	12	41	39	8	0	0	0
Adams County	1.25	0	1	19	50	21	0	0
Maryland:								
Frederick County	.44	17	60	23	0	0	0	0
Pennsylvania:								
Columbia County	.38	40	48	11	1	0	0	0

No. 2.—*The percentage of farms on which wheat yields fell below 75 percent of their 6-year average each year from 1930 to 1935, inclusive*

State and county	Rate, 6-year basis (bushels)	Percentage of farms					
		1930	1931	1932	1933	1934	1935
Kansas:							
Dickinson County	0.38	3	4	7	20	32	26
McPherson County	.89	1	1	12	51	5	29
Barton County	1.55	5	0	35	91	35	95
Haskell County	2.86	3	0	87	100	97	100
Oklahoma:							
Noble County	.27	23	0	8	21	19	15
Texas County	1.71	29	4	82	100	86	96
North Dakota:							
Cass County	.88	1	5	4	13	43	77
Adams County	1.25	3	66	1	84	100	89
Maryland: Frederick County	.44	0	5	66	21	9	4
Pennsylvania: Columbia County	.38	0	0	11	7	47	9

No. 3.—*The percentage of farms on which wheat yields fell below 50 percent of their 6-year average each year from 1930 to 1935, inclusive*

State and county	Rate, 6-year basis (bushels)	Percentage of farms					
		1930	1931	1932	1933	1934	1935
Kansas:							
Dickinson	0.07	0	0	0	7	15	4
McPherson	.25	1	1	4	48	0	17
Barton	.66	1	0	20	85	25	61
Haskell	1.78	1	0	71	100	86	97
Oklahoma:							
Noble	.06	4	0	1	8	7	1
Texas	1.06	23	1	10	100	48	92
North Dakota:							
Cass	.25	0	1	1	1	27	45
Adams	.71	3	35	1	65	100	33
Maryland:							
Frederick	.06	0	1	16	1	1	0
Pennsylvania:							
Columbia	.07	0	0	3	1	17	1

Mr. POPE. Mr. President, some interest was expressed in the matter of the difference in premium rates on a 50-percent coverage basis and a 75-percent coverage basis. I stated on Thursday, I believe, that the premiums on a 50-percent basis would be half or less than half the premiums on a 75-percent coverage basis, and a more careful examination of the data shows that that statement is fairly accurate. However, it will vary from 11 percent to as high as 98 percent, according to different localities.

The table I have also shows that the statement I made the other day, that the variation of rates depends upon the variability of yield and not upon the amount of yield or the productivity of the land, was accurate. In other words, there may be a small average yield with great variability and the premium would be fairly high, whereas we may have a very large yield with a fairly uniform production over a period of years and the premium would be low. That is shown accurately and carefully in a number of instances in the chart which I have in my hand, and I will ask that that be made a part of the RECORD.

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

MEMORANDUM ON THE EXTENT TO WHICH THE 50-PERCENT PLAN OF COVERAGE REDUCES THE PREMIUM RATE FROM THAT NECESSARY UNDER THE 75-PERCENT PLAN OF COVERAGE

The 50-percent plan of coverage as compared with the 75-percent plan reduces the premium rate for typical counties shown in the following table from approximately 40 to 98 percent, depending upon the area.

The table shows the premium rate under the 50-percent plan of coverage in percentage of the premium rate under the 75-percent plan of coverage. As an instance for the second State listed, Pennsylvania, the premium rate for Lancaster County under the 50-percent coverage plan would be only about 12 percent as large as the rate under the 75-percent plan. On the other hand, for Haskell County, Kans., the rate under the 50-percent plan would be approximately 62 percent of the rate under the 75-percent plan.

The extent of the reduction in rate under the 50-percent plan, as compared with the 75-percent plan, depends upon how much coverage reduces the amount and frequency of loss claims to be paid.

Percentage that premium under 50-percent plan would be of the premium under the 75-percent plan

State and county	Percent
New York: Livingston, Genesee, Niagara	24
Pennsylvania: Lancaster	11.8
New Jersey: Hunterdon, Somerset	21
Delaware: Kent	9
Maryland: Frederick	14.5
West Virginia: Berkeley	19.2
Virginia: Loudoun	13.5
North Carolina: Lincoln	2.1
Tennessee: Montgomery	8.9
Ohio: Seneca	19.1
Indiana: Rush	1.8
Illinois:	
Adams	26.5
Kankakee	60.7
Missouri:	
Cape Girardeau	26.1
Carroll	48
Nebraska:	
Box Butte	48
Adams	57.2
Richardson	27.7
Kansas:	
Clove	60.6
Haskell	62.5
Barton	42.7
McPherson	27.7
Brown	28.2
Neosho	44.6
Oklahoma:	
Woodward	50.5
Noble	21.7
Texas:	
Oldham	61.9
Grayson	57
Colorado:	
Morgan	56.1
Bent	51
New Mexico: Curry	55.5
Iowa: Polk	33.6
Wisconsin: Pierce	28.6
Minnesota:	
Stevens	55.2
Blue Earth	33.3
North Dakota:	
Bowman	57.2
McKenzie	63.2
Cass	40
South Dakota:	
Charles Mix	62.7
Faulk	62.7
Montana:	
Garfield	56.8
Toole	47.4
Washington: Klickitat	29.3
Oregon: Wallowa	33.5
Nevada:	
Churchill, Lyon	39.1

Mr. POPE. Mr. President, I have also had prepared a table showing the premium in percentage of insurance coverage, by counties, and what the premium would be in different representative sections of the country in percentage of the coverage in the different sections. I think this table will be of interest and value in considering this matter. I ask that it be printed in the RECORD.

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

Premium in percent of insurance coverage, by counties[1]

State and county	Percentage premium is of coverage
Kansas:	
Gove	34
Haskell	42
Barton	16
McPherson	8
Brown	4
Neosho	9
Oklahoma:	
Woodward	13
Noble	4

[1] This is an average figure for each county, determined by dividing the average premium in bushels per acre by the average coverage per acre. These data are based on the original data for individual farms in the 6 years, 1930-35, adjusted to the 8-year period 1928-35. It is anticipated that data will be available in a few months to adjust the figures to the 10-year period 1926-35.

Premium in percent of insurance coverage, by counties—Continued

State and county	Percentage premium is of coverage
Texas:	
Oldham	42
Grayson	15
New Mexico: Curry	36
Iowa: Polk	7
Wisconsin: Pierce	7
New York: Livingston, Genesee and Niagara	8
Pennsylvania: Lancaster	2
New Jersey: Hunterdon	1
Delaware: Kent	5
Maryland: Frederick	4
West Virginia: Berkley	5
North Carolina: Lincoln	1
Tennessee: Montgomery	2
Ohio: Seneca	15
Indiana: Rush	9

Mr. POPE. I also present a memorandum showing the approximate point at which premium rates for wheat will become prohibitive.

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

MEMORANDUM ON APPROXIMATE POINT AT WHICH PREMIUM RATES FOR WHEAT WILL BECOME PROHIBITIVE

The point at which premium rates become prohibitive is that point at which they take such a large proportion of the coverage or amount of insurance extended, that the farmer is unable to continue farming with the balance left to work with. Where such a situation exists, the land in question is uninsurable for wheat-growing purposes.

Important published reports on crop insurance in both the United States and Canada have been in agreement on the point that the indemnity for total loss of the wheat crop should be around $4 to $6 an acre.

As a matter of actual experience, the private attempt at crop insurance in 1899 provided for an average coverage of $5 an acre. The private attempt in 1917 provided $7 an acre coverage. In the 1920–21 attempt at crop insurance the Hartford Co. finally set a $10 an acre limit. The Agricultural Protective Mutual Insurance Co. of Kansas operating in 1931 and 1932 sold policies in which the coverage ranged up to $8.35 an acre in 1931 and to $7.58 an acre in 1932. This company went into receivership after 1932, but in recent months has been recrganized.

In the Preliminary Report of the Committee on Crop Insurance of the Department of Agriculture, Regina, Sask., coverages for wheat are suggested ranging from $3.84 an acre to $6.06 an acre.

It is well known that risks and therefore premium rates will be highest in the Great Plain area where yields per acre, except in irrigated sections, average low. Experience with rates in this region indicate that in order for the farmer to have a net indemnity somewhere near the ranges indicated, wheat yields of 8 to 12 bushels an acre and not less than 6 are necessary. This is assuming 75 cents to $1 wheat and premium rates ranging from 1 to 3 bushels per acre per year for 75 percent coverage or one-half to 1½ bushels per acre for 50 percent coverage. In general it appears that the premium rate can hardly take more than one-fourth to one-third of the coverage in the high risk areas without becoming prohibitive.

Yields, coverage, and premium rates in relation to minimum indemnity requirements

Average yield per acre	Coverage 75 percent per acre	Premium per acre	Net coverage per acre	With $1 wheat	With 75-cent wheat
	Bushels	*Bushels*	*Bushels*	*Dollars*	*Dollars*
12 bushels	9	3	6	6.00	4.50
8 bushels	6	2	4	4.00	3.00
6 bushels	4½	1	3½	3.50	2.63
	Coverage 50 percent	*50 percent of above rate*[1]			
12 bushels	6	1½	4½	4.50	3.38
8 bushels	4	1	3	3.00	2.25
6 bushels	3	½	2½	2.50	1.88

[1] This is merely for illustration.

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

Mr. POPE. I yield.

Mr. KING. I wish to ask the Senator his interpretation of a phrase he used with regard to variability. I have in mind, as doubtless the Senator has in mind, the dry farms of this section and of sections in the West. Sometimes the yield may be 4 or 5 bushels to the acre and sometimes 10, 15, or 20 bushels to the acre. There is no certainty one year with another, or in any series of years compared with another series of years. What would be the basis on which to determine the premium to be paid?

Mr. POPE. As shown by the chart I have just put into the RECORD, there might be cases where the yield would be nothing in one year, and in another year it might be as high as 20, 25, or 30 bushels per acre. Over a period of years, with data available as to annual yields, it would be a matter of calculation to determine what the average yield would be. It has been assumed that perhaps a 10-year period would be taken as the basis for determining the average yield. If the data are available, it is merely a matter of calculation to determine the average yield.

As I explained before, it is not the average yield which will be insured, but a certain percent coverage of the average yield. There may be two policies, one, let us say, for 50 percent of the average yield, and another for 75 percent of the average yield. A farmer may have the option to take either of those policies. The amount of premiums, as I have already indicated, of course, would depend on the form of policy that the farmer took.

Mr. KING. Would it require, then, the setting-up of such machinery as to ascertain in advance, let us say, at the beginning of the year, or, with respect to winter wheat, in the fall, the probable acreage that A or B or C in a given section would seed, and a determination as to the possibility or probability of the yield per acre upon the land so cultivated?

Mr. POPE. No. The amount of acreage is not a matter to be determined by the board or the corporation. The premiums will be determined at the beginning of the year and will be based not upon any guess or estimate of what the probable yield will be, but upon the history of the particular farm, what it has actually produced in the past over the period of, say, 10 years, and also the record of production of farms in the locality. Some weight will be given to both factors in determining the average yield. Then the premiums will be determined from the average yield, and coverage of the average yield will be adopted.

Mr. KING. Then the agency that has charge of this work would have to ascertain for a number of years the number of acres and the yield, whether the land had been summerfallowed, whether 1 year it had been devoted to wheat, another to alfalfa, or to beets, or to some other crop; and from that information or data, much of which would be purely speculative, and very little, it seems to me, based upon facts that would be worthy of consideration in determining the premiums to be paid—a premium would be fixed accordingly?

Mr. POPE. Very complete data are available in some of the States. In North Dakota and Kansas, for 25 years, accurate data have been kept as to individual farms. For the past 6 years, since the Agricultural Adjustment Act went into operation, very accurate data are available for individual farm production. The crop estimates which are obtained by the Department of Agriculture are not of very much help, because they are based upon estimates generally in the county; but the data obtained under the Agricultural Adjustment Administration, and the data that have been obtained by a number of the States, are very accurate. Satisfactory data are obtainable as to most of the States during the past few years. The result is that we do not have something based on guess or estimate. In the main it is a determination from accurate data now available as to the principal crops that were included in the Agricultural Adjustment Act.

Mr. KING. Mr. President, if the facts are so accurate, so susceptible of demonstration, why was there a failure of the efforts which have been made in North Dakota or elsewhere which were alluded to a moment ago by the Senator from Oregon [Mr. MCNARY]? In spite of the fact that those who wrote the premiums supervised the examination of the farms and were there to witness their development, and so on, yet their efforts resulted in failure.

Mr. POPE. Does the Senator mean the efforts of private insurance companies?

Mr. KING. Yes. Why were they not continued?

Mr. POPE. There were two or three reasons for that. In the first place, in the case of the private efforts, it happened I think each time, as pointed out by the Senator from Oregon, that the losses during the first year or two of operation were very heavy. No provision was made for continuing the effort over a period of years so as to balance up, and the companies withdrew from the field after a year or two of serious losses. It is provided in this bill that a reserve appropriation shall be made to take care of such losses as may occur during the first 1 or 2 or 3 years of the operation of the provisions of this bill in order that the measure may be in operation long enough to work out a satisfactory plan of insurance. The private companies withdrew from the field when they suffered one or two serious losses.

Another thing pointed out by the representatives of the insurance companies themselves was that they did not have enough capital to spread the risk over a broad enough territory. Interestingly enough, the representatives of these companies, including the Hartford insurance companies, were themselves in favor of such a program as this, because they realized that private capital was not able to undertake a program as large as this ought to be in order to be successful.

Mr. KING. Does the Senator think there will be a loss of $100,000,000 in this experiment? If he does not think it will be so great, why make so large an appropriation?

Mr. POPE. I do not think there will be any loss. It is very unlikely that there will be 2 or 3 dry years such as have been experienced in the last few years. Such years are very unusual. No one can tell, of course; but it is entirely likely that there will be a more normal production during the next few years. If there is a normal production of wheat, no part of this fund will be drawn upon for the purpose of paying indemnities. If there are heavy losses during the first few years of operation, some money will be available with which the Government may pay the indemnities; and then at a later time, when normal production returns, or when large yields are realized, the money can be replaced.

It is not our purpose to expend this $100,000,000, or to throw it into this experiment without any opportunity of reimbursement. As I pointed out earlier in the day, the same thing is done that was done when war-risk insurance was put into operation. Fifty thousand dollars was made available for reserve, but from the very beginning the premiums exceeded the indemnities; so at the conclusion of that experiment, the Government had made $17,000,000 profit, and not one dollar of the $50,000 was ever drawn or used in the operation of the fund by the Bureau of War Risk Insurance.

Mr. KING. The Senator is referring to what I recall as being the insurance of cargoes sent across the sea?

Mr. POPE. Yes; I am referring to war-risk insurance—insurance of the hulls and cargoes of ships.

Mr. SCHWELLENBACH. Mr. President, if the Senator will yield, I should like to ask the Senator from Idaho, in answer to the question of the Senator from Utah as to the reason for the failures of the private insurance companies, if it is not true that they not only insured the crop itself but insured the price of the crop, and it happened that in the years during which they were operating the prices went down, so that they had to pay not only on the basis of loss of crop but on the basis of the reduction in price? There is nothing in this bill which provides for insurance against loss in price.

Mr. KING. Does not this bill impose a greater liability? The Corporation is compelled to take wheat if the insured does not pay cash. Then it must take care of the wheat. It must impound it. It must find markets for it. It must insure the wheat while it is in warehouses. So the bill entails additional obligations. It seems to me that if the work of this organization were limited to insurance, receiving cash for the premiums, and paying the losses when established, many difficulties would be avoided, and, in my opinion, many losses for which the Corporation would be compelled to pay if it were bound to take over the wheat, impound it, and find a market for it, as the bill contemplates.

period 1928–35. It is anticipated that data will be available in a few months to adjust the figures to the 10-year period 1926–35.

with another, or in any series of years compared with an-

Mr. POPE. I think the statement of the Senator shows a lack of understanding of the provisions of the bill. Last Thursday I attempted to explain quite fully the plan, and to show that the very thing would not happen which the Senator is now asserting would happen, because the wheat is taken at the current price in the event the farmer wishes to pay in cash, and held, and paid out to the farmer who suffers losses by way of indemnity; and in the event any cash should be paid to him it would be at the price of wheat at the time the indemnity was paid, so that the Government could not suffer any loss in connection with the operation.

It is true that the bill provides that the operating expenses shall be paid by the Government, and there is an authorization of an appropriation for that purpose. The reasons for that have been fully given several times in a discussion of the measure. If the Senator is not familiar with it, I will point out that during the last 10-year period the Government has paid out $615,000,000 for seed loans and feed loans and grants and drought relief, which is over $60,000,000 a year. Every witness who testified before the subcommittee stated that the enactment of the bill would very largely relieve the Government of the necessity of making appropriations for loans and grants such as I have mentioned. All those things have been gone into very carefully, and have been discussed very carefully on the floor, so that I think if the Senator understood the bill and its operations many of the questions in his mind would not have arisen.

Mr. KING. Mr. President, I confess that I may not understand the bill; certainly I do not understand it in a way that makes me entirely satisfied with it. The Senator knows that I have been in attendance upon other committees and have been denied the pleasure of listening to his observations and, undoubtedly, his very excellent and accurate explanation of the workings and operations of the measure.

Because of the fact that he has lived with it and studied it and conferred with a large number of individuals, doubtless, who are very earnest in their efforts to secure its passage, he possesses a fund of information which I do not have and perhaps some of the other Senators who have been in attendance upon committees do not possess.

However, it seems to me, Mr. President, we are embarking under this bill upon an experiment—and I use the term advisedly. I do not think we have sufficient data in order to predicate a judgment as to the ultimate effect and operations of the bill. That it will incur losses, to be paid out of the Treasury of the United States, it seems to me one does not have to have very great power of vision or perspicacity to perceive. I would feel much more satisfied with the measure if it did not entail the acquisition of wheat for any purpose and its holding and disposal. The Government becomes, therefore, a vendor and a vendee; it becomes a broker in the wheat market, a broker, perhaps, in the flour market, and assumes obligations and liabilities quite distinct from those of an insurance corporation.

I suppose the measure has the votes behind it and that any animadversions upon it would be utterly futile. I should like, however, to ask the Senator some questions. The Senate has not passed upon any of the amendments to the bill as yet, has it?

Mr. POPE. No.

Mr. KING. Then, I shall pretermit the questions I was about to ask until the amendments which have been suggested are under consideration.

Mr. President, I express a great deal of regret in having the Federal Government enter upon further activities in the field of private endeavor. I know that we are projecting the Federal Government into practically every field of endeavor, whether that endeavor be individual in character or corporate or community. There is scarcely any field in business that the Government is not entering. Under this policy of centralization of authority and the expansion of the activities of the Federal Government we shall soon have not a republic, not a dual form of government in which the States have functions and responsibilities, but we shall have State socialism; and the Federal Government will be the promoter of nearly every activity. It will be the godfather, the godmother, and the wet nurse of many of the activities which belong essentially to the States, to communities, and to individuals. I see no end of the long, long trail that leads from a proper individualism, with the benefits to be derived from the exercise and development of the abilities of the individual, to that goal where State socialism, with all the evils which are incident thereto, will have been realized. We are getting away from the moorings of the fathers and are embarking upon—I was about to say, experimental activities, but we are embarking upon a tempestuous sea that, in my judgment, will bring to us and to our children after us a great deal of grief and sorrow.

Mr. VANDENBERG. Mr. President, in the course of the debate this morning the able Senator from Idaho [Mr. POPE] agreed that we should undertake to work out an amendment to section 3 which would make sure that the $100,000,000 cash fund should remain intact as a revolving fund and should be reimbursed only out of premiums and not out of subsequent appropriations. It is my understanding that the language which I am about to offer has the approval of the able Senator and his experts, and, since I must leave the floor, I am asking permission to offer now to amend the bill on page 2, at line 13, by adding the following sentence:

Any impairment of the capital stock described in subsection (a) hereof shall be restored only out of operating profits of the corporation.

I offer that amendment.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Is there objection to considering the amendment at this time?

Mr. KING. Mr. President, I should like to ask the Senator from Michigan a question. Is it his understanding that this $100,000,000 fund must be preserved indefinitely?

Mr. VANDENBERG. The purpose of the amendment is to see to it that it is preserved, and that if it is drawn down 1 year through excessive losses it shall be restored through premiums instead of through subsequent additional appropriations.

Mr. KING. Would that mean that the board, if they did their duty, would be required to increase the premiums for the coming years in order to reimburse the fund by reason of the losses which have been sustained?

Mr. VANDENBERG. It would mean that the average premium over the years would do precisely that thing.

Mr. POPE. Mr. President, so far as I am concerned, the amendment offered by the Senator from Michigan is entirely satisfactory. I had understood and had construed the bill to provide for what the amendment contemplates, but since there is some doubt about it, I am perfectly willing to accept the amendment.

Mr. ADAMS. Mr. President, I should like to inquire of the Senator from Michigan whether or not, in order to accomplish what he has in mind, there ought not to be in connection with the amount of the premiums some provision directing the organization which determines the premiums to fix them upon sound actuarial bases? I understand from the Senator from Idaho there have been extensive studies into the question of the losses that may occur. It seems to me that the board ought to be directed to fix its premiums so that in the ordinary course, following sound actuarial rules, the premiums would carry the losses, and that would then, if the actuarial figures and the statistics are correct, provide a fund for maintaining this capital fund.

Mr. VANDENBERG. I think that would follow as a matter of course if the amendment should be adopted, for that is the mechanism which must proceed under the amendment.

Mr. POPE. That would be my interpretation of the effect of the amendment.

Mr. VANDENBERG. I ask for a vote on the amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan [Mr. VANDENBERG] will be stated.

The LEGISLATIVE CLERK. On page 2, after line 12, it is proposed to insert the following:

Any impairment of the capital stock described in subsection (a) hereof shall be restored only out of operating profits of the corporation.

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

The amendment was agreed to.

Mr. POPE. Mr. President, I now ask that the amendments of the committee be considered and disposed of prior to the offering of individual amendments from the floor.

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

Mr. FRAZIER. Mr. President, I wish to say a few words on the bill before the Senate proceeds to consider the amendments.

The Senator from Utah [Mr. KING] raised the question as to why private companies have not succeeded in the handling of crop insurance. The principal reason why they have not done so is that the premiums for crop insurance have been so high as to make that kind of insurance prohibitive to the average farmer. We have had hail insurance in a number of States, which has been fairly successful, especially where it has been under State administration.

The Senator referred to the bill as socialistic, but that does not hurt my feelings at all. One may call it socialistic, or may call the whole plan socialistic if he desires, but the American farmer is entitled to some help from the States and from the Government, and this is a step in that direction.

We have talked a great deal about putting agriculture on a business basis. This is a step toward putting agriculture upon a sound business basis. The farmers will have enough to contend with even if they can have a little crop insurance. I think the farmers would be perfectly justified in asking for, and the Congress would be justified in passing, a bill providing that the losses be paid by the Government itself. The farmers produce the food products which the Nation must have in order to exist. They have been forced to sell their products below cost of production because the Congress has not protected them by giving them cost of production. Therefore it would be nothing out of the way if Congress should provide money out of the Federal Treasury to insure the crops of the farmers against loss. However, we are not asking for that.

The question has been studied for years. This special bill has been studied for many months and given very careful attention by experts in the Department of Agriculture, as well as by farm leaders and others interested in agriculture throughout the United States. We believe it is a good bill. It can be called experimental if desired. Of course, it is of the nature of an experiment, but we hope it will be successful and that it will lead to general crop insurance for the principal farm products. The farmers are entitled to insurance just as much as is industry, because they have not the means to protect themselves against losses, and accordingly the insurance provided by the bill will be a form of that kind of protection.

Someone has referred to the plan as a subsidy to the farmers. The farmers are not the only ones who will be getting a subsidy at the hands of the Government even if this insurance may properly be termed a "subsidy." We have given subsidies for years to manufacturing interests through high tariffs, to the railroad companies, to the shipping interests on the sea, and to other big industries. It would be nothing out of the way if the farmers should get a little subsidy, too, because they produce the commodities which the Nation must have in order to live. The farmers have been forced to sell their products below cost of production year after year. This bill will, as I have said, help the farmers to get on a business basis, and while it applies only to wheat, I believe the great majority of the wheat farmers throughout the Nation are in favor of the bill. I know many other farmers are hoping to have their products brought under similar provisions, and when this plan is tried out and found to be successful, I hope that may be done for the other leading farm products.

The PRESIDING OFFICER. Committee amendments are in order, and the clerk will state the first amendment of the committee.

The first amendment of the Committee on Agriculture and Forestry was, in section 2, on page 1, line 10, after the word "created", to insert "as an agent of and within the Department of Agriculture", so as to make the section read:

SEC. 2. To carry out the purposes of this act, there is hereby created as an agency of and within the Department of Agriculture a body corporate with the name "Federal Crop Insurance Corporation" (herein called the corporation). The principal office of the corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the board of directors. This act may be cited as the Federal Crop Insurance Act.

The amendment was agreed to.

The next amendment was, in section 3, paragraph (a), on page 2, line 11, after the word "shall", to insert "with the approval of the Secretary of Agriculture", so as to make the paragraph read:

SEC. 3. (a) The corporation shall have a capital stock of $100,000,000 subscribed by the United States of America, payment for which shall with the approval of the Secretary of Agriculture be subject to call in whole or in part by the board of directors of the corporation.

The amendment was agreed to.

The next amendment was, in section 3, paragraph (d), on page 4, line 7, after the word "injunction", to strike out "execution, or other" and insert "garnishment, or other similar", so as to make the paragraph read:

(d) Subject to the provisions of section 7 (c), may sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal: *Provided*, That no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the corporation or its property.

The amendment was agreed to.

The next amendment was, in section 3, paragraph (f), on page 4, line 15, after the words "as the", to strike out "executive departments" and insert "other executive agencies", so as to make the paragraph read:

(f) shall be entitled to the free use of the United States mails in the same manner as the other executive agencies of the Government;

The amendment was agreed to.

The next amendment was, in section 3, paragraph (i), on page 5, line 1, after the word "determine", to strike out "its necessary" and insert "the character and necessity for its", so as to make the paragraph read:

(i) shall determine the character and necessity for its expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government; and

The amendment was agreed to.

The next amendment was, in section 6, on page 5, line 12, to strike out paragraph (a) and insert in lieu thereof a new paragraph (a), as follows:

SEC. 6. (a) The Secretary shall appoint, in accordance with the provisions of the Classification Act of 1923, as amended, such officers and employees as may be necessary for the transaction of the business of the corporation, which appointments may be made without regard to the civil-service rules and regulations, fix their compensation, define their authority and duties, delegate to them such of the powers vested in the corporation as it may determine, require bond of such of them as he may designate, and fix the penalties and pay the premiums of such bonds. The appointment of officials and the selection of employees by the Secretary shall be made only on the basis of merit and efficiency.

Mr. KING. Mr. President, I should like an explanation from the Senator from Idaho [Mr. POPE] as to why this amendment is proposed. If I understand it correctly, it seems to take employees out of the Classification Act and give to the Secretary additional authority than that which he would otherwise exercise under section 6.

Mr. POPE. The Senator will observe the amendment does not take the employees and officials out of the Classification Act. It expressly puts them under the Classification Act of 1923 as amended.

not a republic, not a dual form of government in which the

the Senator from Michigan [Mr. VANDENBERG] will be stated.

done for the other leading farm products.

1938 as amended.

Mr. KING. What is the purpose of the amendment?

Mr. POPE. The purpose of the amendment is to take from the civil-service regulations employees who would have been included under the original bill. The reason for that, as I have explained several times today, is that we found about 75 percent of the employees who would come under the bill are warehousemen, laborers, appraisers, inspectors, adjusters, and the kind of employment which does not lend itself to civil-service rules and regulations. Therefore, it seemed better to take them out of the civil-service regulations and leave them under the Classification Act, and then insert a provision requiring that their appointment shall be made only on the basis of their efficiency.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, in section 6, paragraph (d), on page 7, to strike out lines 4 to 8, as follows:

(d) The board may allot to the bureaus and offices of the Department of Agriculture or transfer to such other agencies of the Federal and State Governments as it may request to assist in carrying out this act any funds available for the purposes of this act.

And to insert in lieu thereof the following:

(d) The Secretary of Agriculture may allot to bureaus and offices of the Department of Agriculture or transfer to such other agencies of the State and Federal Governments as he may request to assist in carrying out this act any funds made available pursuant to the provisions of section 15 of this act.

(e) In carrying out the provisions of this act the board may, in its discretion, utilize producer-owned and producer-controlled cooperative associations.

The amendment was agreed to.

The next amendment was, in section 7, paragraph (a), on page 7, line 24, before the word "drought", to insert "unavoidable causes including", and in line 25, after the word "wind", to insert "winterkill, lightning", so as to make the paragraph read:

SEC. 7. To carry out the purposes of this act the corporation is authorized and empowered—

(a) Commencing with the wheat crop planted for harvest in 1938, to insure, upon such terms and conditions not inconsistent with the provisions of this act as it may determine, producers of wheat against loss in yields of wheat due to unavoidable causes including drought, flood, hail, wind, winterkill, lightning, tornado, insect infestation, plant disease, and such other causes as may be determined by the board. Such insurance shall not cover losses due to the neglect or malfeasance of the producer. Such insurance shall cover a percentage, to be determined by the board, of the recorded or appraised average yield of wheat on the insured farm for a representative base period subject to such adjustments as the board may prescribe to the end that the average yields fixed for farms in the same area which are subject to the same conditions may be fair and just. The board may condition the issuance of such insurance in any county or area upon a minimum amount of participation in a program of crop insurance formulated pursuant to this act.

The amendment was agreed to.

The next amendment was, in section 7, page 9, line 18, after the word "replace", to insert "promptly", and in line 21, after the word "deterioration", to insert "*Provided, however*, That nothing in this section shall prevent prompt offset purchases and sales of wheat for convenience in handling. The restriction on the purchase and sale of wheat provided in this section shall be made a part of any crop-insurance agreement made under this act. Notwithstanding any provision of this act, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the corporation the foregoing restriction with respect to purchases and sales of wheat", so as to make the paragraph read:

(d) From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell wheat, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the corporation shall purchase wheat only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly wheat sold to prevent deterioration; and shall sell wheat only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however*, That nothing in this section shall prevent prompt offset purchases and sales of wheat for convenience in handling. The restriction on the purchase and sale of wheat provided in this section shall be made a part of any crop insurance agreement made under this act. Notwithstanding any provision of this act, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the corporation the foregoing restriction with respect to purchases and sales of wheat. Wheat acquired under the provisions of this act shall be kept in federally bonded or State licensed warehouses or in such other manner as the Board determines will adequately protect the interests of the Corporation and the producers insured.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to strike out:

SEC. 9. All money of the corporation not otherwise employed may be deposited with the Treasurer of the United States, in any Federal Reserve bank, or in any other bank approved by the Secretary of the Treasury, subject to withdrawal by the corporation at any time, or may be invested in obligations of the United States. The Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the corporation in the performance of its powers conferred by this act.

And to insert:

SEC. 9. All money of the corporation not otherwise employed may be deposited with the Treasurer of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the corporation in the performance of its powers conferred by this act.

The amendment was agreed to.

The next amendment was, in section 12, page 12, line 4, after the word "corporation", to strike out "The financial transactions of the corporation shall be audited by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may prescribe for the sole purpose of making a report to Congress, together with such recommendations as he may deem advisable" and to insert "The financial transactions of the corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable: *Provided*, That such report shall not be made until the corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report", so as to make the section read:

SEC. 12. The corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the corporation. The financial transactions of the corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable: *Provided*, That such report shall not be made until the corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report.

The amendment was agreed to.

The next amendment was, on page 15, after line 10, to strike out:

SEC. 15. There are hereby authorized to be appropriated and made available to the corporation such sums, not in excess of $10,000,000 for any fiscal year, as may be necessary to cover the operating and administrative costs of the corporation other than payments of claims for indemnities.

And to insert:

SEC. 15. There are hereby authorized to be appropriated such sums, not in excess of $10,000,000 for any fiscal year, as may be necessary to cover the operating and administrative costs of the corporation, other than payments of claims for indemnities, which

shall be allotted to the corporation in such amounts and at such time or times as the Secretary of Agriculture may determine.

Mr. KING. Mr. President, I desire to ask the Senator in charge of the bill a question in regard to this amendment.

From statements which have been made by the Senator from Idaho [Mr POPE] and the Senator from Michigan [Mr. VANDENBERG,] I received the impression that $10,000,000 is all that will be necessary in any one year for operating and administrative costs. It seems to me the pending amendment will authorize a larger sum than $10,000,000 to be paid upon the request of the Secretary of Agriculture. What limitations are there?

Mr. POPE. Of course the appropriation will be made by Congress, and I assume that an appropriation not in excess of $10,000,000 will be made. I think perhaps this particular language was used as a limitation, so that if $10,000,000 should not be necessary, that much need not be used. It may be that it need not be appropriated; but the appropriation of an amount not in excess of $10,000,000 in any fiscal year is authorized in this section.

Mr. KING. What is meant by the words "other than payments of claims for indemnities"? They might aggregate an amount in excess of $10,000,000.

Mr. POPE. No; that language simply means that the $10,000,000 is to be used for the payment of operating and administrative costs, but is not to be used for the payment of indemnities.

Mr. KING. Does the Senator understand that this is a ceiling beyond which no appropriation is authorized?

Mr. POPE. Yes; that $10,000,000 is the maximum appropriation that may be made.

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

Mr. POPE. I yield to the Senator from Kentucky.

Mr. BARKLEY. I understand the theory of the bill to be that the premiums will take care of all indemnities paid because of losses incurred.

Mr. POPE. Yes.

Mr. BARKLEY. And that the $10,000,000 which is the maximum of authorization could not be exceeded in any future fiscal year by an appropriation of Congress, because no other amount would be authorized.

Mr. POPE. Yes.

Mr. BARKLEY. And, of course, in any year when the losses might exceed the premiums, if the capital stock were invaded to any extent under the amendment already agreed to, it would be reimbursed out of future premiums.

Mr. POPE. Yes.

I may also say to the Senator something which I think has not been said before. There is in the bill a provision authorizing the board to load on to the premiums the expenses of local committees in the various counties and States. It is estimated that those expenses will be about $2,000,000 annually, so that in time those expenses may be borne by the premiums or by the growers themselves, which would tend to reduce the amount which is authorized to be appropriated annually to $8,000,000 or less.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee inserting a new section 15 in lieu of the one printed in the bill.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. MALONEY obtained the floor.

Mr. POPE. Mr. President, I promised one or two Senators that when the committee amendments were concluded I should ask for a quorum call, in order that they might present certain amendments which they have in mind. Therefore, if the Senator from Connecticut will yield for that purpose, I will suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Connecticut yield for the purpose of a quorum call?

Mr. MALONEY. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Connally	King	Pepper
Andrews	Davis	Lee	Pittman
Ashurst	Dieterich	Lewis	Pope
Austin	Duffy	Lodge	Radcliffe
Bachman	Ellender	Logan	Reynolds
Bankhead	Frazier	Lonergan	Robinson
Barkley	George	Lundeen	Russell
Bilbo	Gerry	McAdoo	Schwartz
Bone	Gibson	McCarran	Schwellenbach
Borah	Green	McGill	Sheppard
Brown, Mich.	Guffey	McKellar	Steiwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulkley	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Townsend
Burke	Hayden	Moore	Tydings
Byrd	Herring	Murray	Vandenberg
Byrnes	Hitchcock	Neely	Van Nuys
Capper	Holt	Norris	Wagner
Caraway	Hughes	Nye	Wheeler
Chavez	Johnson, Calif.	O'Mahoney	White
Clark	Johnson, Colo.	Overton	

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

Mr. MALONEY. Mr. President, a little earlier in the afternoon I spoke briefly about the wisdom of changing the title of the corporation proposed to be created by this bill. I think perhaps the best argument that could be made in that connection was made just a few minutes ago by the able Senator from North Dakota [Mr. FRAZIER].

The Senator from North Dakota is one of the best friends the farmers of the country have. He has an unusual understanding of the farmers' problems, and for a great many years he has been waging a fight in their behalf. During the course of his remarks the Senator said he felt that the farmers are entitled to receive from the Federal Government and the State governments some help. He talked about a subsidy for farmers, and he made it clear to me that he recognized that the bill makes provision for a subsidy for farmers, and that is the point I feebly tried to make earlier in the afternoon, that this was not truly an insurance proposal as we understand the word "insurance."

I have no desire to take much of the time of the Senate this late in the afternoon. I think that Senators have a fairly good understanding of this subject and the proposal, and of insurance, as well, and because this is really an equalization bill, because it is an experiment, because we cannot be certain that it will work, or that if it does work it will pay its way, I think we ought to be fair to the insurance companies and to the insurance business, and to the insurance agents of the country, and, while probably no great harm could come in this instance, because it is an experiment, I feel that it might lead to something more far reaching, at least to a more far-reaching proposal. I am therefore hopeful that the Senate will very seriously consider the amendment which I now offer, proposing to substitute in the title of the bill for the word "insurance" the word "equalization", and in section 2 of the bill, on page 2, line 2, to substitute for the word "insurance" the word "equalization."

Mr. POPE. Mr. President, this matter was discussed on the floor today, and was discussed before today, and I must oppose the amendment. The proposed legislation is very well known throughout the country as "crop insurance" legislation. It was referred to as such in the message of the President to this body. It has been so referred to in the report of the President's committee, which has been very widely distributed, and I can see no possible advantage to the private insurance companies or to anybody else in changing the word "insurance" to "equalization" or to some other word; therefore I oppose the amendment. I think it would do no good, and I think it would do some harm to the program of insurance as it is now generally understood throughout the Nation.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 2, it is proposed to strike out the word "Insurance" and to insert in lieu thereof the word "Equalization."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. NYE. Mr. President, I desire to say but a word upon the bill which the Senate is about to pass. I feel that we are taking a very important step today from the standpoint of American agriculture; that we are really laying a foundation upon which we hope to build a degree of stabilization for the agricultural industry.

The pending proposal is limited to wheat. Upon the success of the operation of the plan now before us much depends in connection with other agricultural commodities. Success for the plan as it affects the wheat farmer is certain to find Congress called upon and quite ready to afford the same advantage for producers of other agricultural commodities. I feel, therefore, that the success of this plan is imperative, and that if it is possible for Congress to guard carefully this step so as to assure its success, it will be but doing a duty which it owes to the people.

It seems to me much of the success of the plan is going to be dependent upon the base upon which insurance rates are determined. Excessive rates will be certain to destroy the plan after only a year or two of effort. In many of the Northwestern States during recent years the farmers have been seriously restricted and injured by reason of droughts. Taking more recent years of production as a base in determining insurance rates would be most unfair to some communities.

Mr. President, I have before me a table showing what might be expected normally through the great northwestern region. There has gone out the impression that droughts have become quite the order of things in that section. I should like to point out, however, that from the year 1900 to 1915, inclusive, there was a net rainfall of 15½ inches above normal. In the more recent years, from 1929 to and including 1936, a deficiency of approximately 27 inches was revealed. To base insurance rates upon production in the last 7 years would be quite unfair; and I rise to ask the Senator from Idaho if the bill in its present form in any wise restricts the Department of Agriculture in determining the years to be used as a base for fixing the rates of insurance.

Mr. POPE. It does not. The matter was discussed before the committee several times; and farmers, particularly from the State of North Dakota, brought very sharply to the attention of the committee the very question now raised by the Senator. They suggested that a sufficiently long period of time be taken as a base to make a fair determination so far as the farmers themselves were concerned; that the fact that from 1900 to 1927 or 1928 there was a fair amount of moisture and no drought should be taken into consideration along with the severe drought of the last few years. It is my understanding that the Department will take a period of 10 years or more as a base for arriving at the average yield.

Mr. NYE. And there is no restriction in the pending bill against the Department taking a longer period of years than 10 as its base?

Mr. POPE. There is not. I think that matter will be in the discretion of the Board, and I feel that the Board would be fair in taking a long enough period to make it fairly representative of the average yield, and the basis will be fair to farmers and to the Government.

Mr. NYE. I thank the Senator.

Mr. BARKLEY. Mr. President, recalling the discussion earlier in the day, I offer an amendment on page 8, line 1, after the word "other", to insert the word "unavoidable."

Mr. POPE. Mr. President, I have no objection to the amendment, and therefore I will accept it. I think it adds to the value of the bill.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 8, line 1, after the word "other", to insert the word "unavoidable."

The amendment was agreed to.

Mr. BILBO. Mr. President, I have the honor to represent in part the second largest cotton-growing State of the Union, and I am sure the cotton farmers are entitled to and would desire insurance against the same unavoidable causes, which sometimes make their crops a failure, as are set out in the bill in connection with the wheat producers.

In order to let the cotton farmers know that I have been diligent and on the job to protect their interests, I desire to state that I brought this matter to the attention of the Committee on Agriculture and Forestry, of which I am a member, because I am in sympathy with the bill and the general scheme. I believe it is the first great step we have taken in a decade to give security to the agricultural life of our country. I have the assurance of all those who are interested in the protection of the farmer provided by this measure that if this scheme shall prove to be a success, and our dream shall be realized, as soon as the necessary data can be secured by the Department of Agriculture, cotton—and not only cotton, but other staple crops—will enjoy the same benefits given to the wheat farmer by the provisions of this bill.

Mr. POPE. Mr. President, a few minutes ago the Senator from Utah [Mr. KING] raised a question as to subsection (b) on page 8, and made the point that there was no requirement in the bill that premiums be levied which would provide adequate funds to take care of the indemnities that might be required. I agreed with him that in line 14, on page 8, following the word "fix", the word "adequate" should be inserted. That seemed entirely agreeable to the Senator from Utah, and is agreeable to me. Therefore I offer that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In subsection (b), on page 8, line 14, after the word "fix", it is proposed to insert the word "adequate", so as to make the subsection read:

(b) To fix adequate premiums for such insurance, payable either in wheat or cash equivalent as of the due date thereof, on the basis of the recorded or appraised average crop loss of wheat on the insured farm for a representative base period subject to such adjustments as the board may prescribe to the end that the premiums fixed for farms in the same area, which are subject to the same conditions, may be fair and just. Such premiums shall be collected at such time or times, in such manner, and upon such security as the board may determine.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open for further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill be passed?

The bill (S. 1397) was passed.

REGULATION OF BITUMINOUS-COAL INDUSTRY

Mr. NEELY. Mr. President, I move that the Senate proceed to the consideration of House bill 4985, to regulate interstate commerce in bituminous coal, and for other purposes, which is identical in purpose and almost identical in language with Senate bill 1, commonly known as the Guffey coal bill.

Mr. McNARY. Mr. President, I have no objection to the bill becoming the unfinished business, but I should like to have some understanding with regard to its discussion and final disposal for the reason that I should not want, and I certainly should object to a vote on the bill being taken tomorrow, because of the absence of some Senators on this side who are interested in the measure.

Mr. BARKLEY. I will say to the Senator from Oregon that there is no plan to consider the bill this afternoon at all. It is proposed to take a recess very soon and it is not very likely that a vote on the bill will be reached tomorrow.

Mr. McNARY. That prediction is not quite satisfactory. I want it understood that this bill shall be made the unfinished business, and that a vote upon it shall not be taken earlier than Thursday.

Mr. NEELY. Mr. President, let me assure the Senator from Oregon that no effort will be made to obtain a final vote on the bill before Thursday. But, barring unexpected developments, we shall endeavor to pass the bill before the Senate adjourns that day.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. BORAH. Mr. President, I wish to ask the Senator from West Virginia a question. The Senator from West Virginia has moved to proceed to the consideration of the House bill?

Mr. NEELY. That is correct.

Mr. BORAH. Is the House bill identical with the bill which was favorably reported from the Committee on Interstate Commerce of the Senate?

Mr. NEELY. Subject to the amendments made by the Senate committee, the House bill was substituted for the so-called Guffey bill.

Mr. BORAH. The House bill is the same as the bill which was favorably reported by the Senate committee?

Mr. NEELY. The House bill is the one which the committee has reported and which is now before the Senate.

Mr. BORAH. The reason I ask the question is that I have been giving some attention to the bill which the Senate committee reported. I was wondering if it would be necessary now to go back over this bill in order to examine it in detail, or whether I could proceed upon the theory that it is substantially the same bill as that which was favorably reported by the committee.

Mr. NEELY. In my opinion, the Senator from Idaho can safely proceed upon that theory.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

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

REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Floyd Sharp, of Arkansas, to be State administrator for Arkansas in the Works Progress Administration, vice W. R. Dyess, deceased.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I move that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. SHEPPARD. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 31, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30 (legislative day of Mar. 29), 1937

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. Morris Simpson Daniels, Jr., to Adjutant General's Department.

First Lt. Bernard William McQuade to Field Artillery.

First Lt. Charles Edward Wheatley, Jr., to Air Corps.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be lieutenant colonels

Elias Earle Cooley
Thomas Dreux Hurley
Josiah Baker Henneberger
Paul Miller Crawford
George Sawyer Woodard
John Howard Sturgeon
Raymond Wright Whittier
Wood Sue Woolford
Charles Benjamin Kendall
Cadmus James Baker
Herbert Lee Quickel
Leon Alexander Fox
Charles Kettig Berle
George Charles Henry Franklin
William Thomas Weissinger
Samuel McPherson Browne
Frank Lamont Cole
Gerald D. France
Miner Frank Felch
Rowland Daniel Wolfe
Clarke Blance
Val Emile Miltenberger
Edgar Fremont Haines
Herbert Lentz Freeland
Henry Fuller Philips
Curtis Dudley Pillsbury
James Porter Crawford
Henry Colmore Bradford
Harry Hunt Towler
Percy James Carroll
John Wade Watts
George Albert O'Connell
Joseph Cushman Breitling
Irwin Beede March
John Randolph Hall
Louis Anatole LaGarde, Jr.
Royal Kendall Stacey
Charles Augustus Pfeffer
Adolphus Alfred McDaniel
James Hubert Blackwell
Floyd William Hunter
Robert Earl Thomas
Leonard Watson Hassett
John Roy Oswalt
Joseph Edward Campbell
Erick Martin Paulus Sward
Paul Newkirk Bowman
Merton Almond Farlow
Herbert Wellington Taylor
Harry Elton Hearn
William Joseph Froitzheim
Thomas Hill Stewart, Jr.
Carlton Lakey Vanderboget
Francis Elwood Weatherby

To be captains

William Titus Sichi
James Goree Moore
Robert LaSbore Callison
William Donald Graham
Eugene Coryell Jacobs, subject to examination required by law.

DENTAL CORPS

To be lieutenant colonel

George Magnor Krough

To be captain

Charles Joseph Cashman

CHAPLAINS

Charles Wadsworth Ball Hill to be chaplain with the rank of lieutenant colonel.

John Thomas Kilcoyne to be chaplain with the rank of captain.

APPOINTMENT IN NATIONAL GUARD OF THE UNITED STATES ARMY

GENERAL OFFICERS

Carl Ashby Badger to be brigadier general, National Guard of the United States.

Harold Richards Barker to be brigadier general, National Guard of the United States.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Millard Fillmore Harmon, Jr., to be colonel.

PROMOTIONS IN THE NAVY

MARINE CORPS

William B. Croka to be lieutenant colonel.
Moses J. Gould to be major.
George R. Rowan to be major.
Theodore H. Cartwright to be major.
Richard H. Schubert to be major.
William J. Whaling to be major.
Herman H. Hanneken to be major.

Daniel R. Fox to be major.
Vernon M. Guymon to be major.
Edward G. Hagen to be major.
James L. Denham to be major.
Floyd W. Bennett to be major.
Bailey M. Coffenberg to be major.
Samuel W. Preeny to be major.
Raymond F. Crist, Jr., to be captain.
Victor H. Czegka to be chief marine gunner.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 30, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, O Lord God, we turn to Thee with gratitude and praise. Thou hast thrown the light of eternal morning on the Great Beyond; the dark gray ministry of the cloud is over and the crown of thorns is transformed into a garland of lilies. Verify Thy word unto us, our Father, for Thy word is truth; they that wait upon the Lord shall renew their strength, they shall mount up with wings, they shall run and not be weary, they shall walk and not faint. Thy word is no vague counsel; help us not to miss its guiding truth; inspire us with the faith and zeal of the Master. Grant that the roots of all bitterness may be starved and strangled by the flowers of grace and the fruits of love. Give us the courage to overawe littleness by greatness, shame impurity by the beauty of holiness, and drive out sadness by the power of a great joy. Do Thou let the blessing of Almighty God rest upon our President, our Speaker, the Cabinet, and the two Houses of Congress. We earnestly pray that they may work in faith, wisdom, and cooperation. Let duties be performed with cheerfulness, lessons learned with humility, and crosses borne with patient hope. In the name of our Lord and Master. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate insists upon its amendments to the bill (H. R. 4720) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLASS, Mr. MCKELLAR, Mr. TYDINGS, Mr. HAYDEN, and Mr. STEIWER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 102. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam;

S. 451. An act for the relief of Farley J. Holloman;

S. 673. An act for the relief of S. T. Dickinson;

S. 790. An act to repeal section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935;

S. 812. An act for the relief of E. P. Conroy and Graham Conroy;

S. 893. An act for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor;

S. 1077. An act to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes;

S. 1081. An act for the relief of H. G. Carriere, Charles E. Livingston, and John Latham; and

S. J. Res. 64. Joint resolution defining the jurisdiction of the Court of Claims under the acts approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S. J. Res. 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 75) entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs."

The message also announced that the Senate had adopted the following resolution:

Senate Resolution 106

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. BENJAMIN K. FOCHT, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative, the Senate do now take a recess until 12 o'clock meridian tomorrow.

EXTENSION OF REMARKS

Mr. CULLEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein a radio address delivered by my colleague the gentleman from New York [Mr. DICKSTEIN] last evening.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RAYBURN. Mr. Speaker, at the request of the Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech broadcast by the Governor of the State of Alabama, Hon. Bibb Graves, on March 27 last.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. MILLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have permission to sit this afternoon during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. Under the special order of the House heretofore made, the gentleman from Virginia [Mr. WOODRUM] is recognized for 30 minutes.

APPROPRIATIONS POLICY

Mr. WOODRUM. Mr. Speaker, I should like to be permitted, if I may, to proceed for 15 or 20 minutes with what I hope shall be a chronological statement of my views, which I wish to present, and then I shall be very pleased to yield for any questions that my colleagues may care to submit.

When we entered this campaign 4 years ago against social and economic paralysis we were called upon as a Nation and as a Congress to engage the enemy in many battles and upon many fronts. Today I wish to speak to you about one of these objectives, and this relates to the credit and spending activities of the Government, and the objective so splendidly and worthily set out in our campaign promises of 1932 to try to reduce the cost of government.

The objective was all right, the intentions were good, but the gentlemen who drew that optimistic promise in the summer of 1932 made the human mistake of not being able to gage accurately and with precision the damage that had been done to our economic fabric, and how far it would be necessary for us to go before this damage might be repaired. When we set about this in the beginning we tried to do at least two things quickly; first, to reestablish confidence in our financial institutions, to liquefy their assets, and put them back as going concerns; and second, to reestablish the purchasing power of the American public in order that men and women might again have money in their pockets to go out and buy the goods, wares, and merchandise of our farmers and our tradesmen.

We had theretofore set up, through the medium of the Reconstruction Finance Corporation, credit facilities which we extended to business and banks and industries and railroads and insurance companies, with the hope that by so doing they would be able to meet the financial needs of our people, but under this new order it was necessary for us to go further than business and industry and banks and railroads. We had to look beyond these institutions to the average, ordinary, everyday American citizen and be cognizant of his need of credit facilities.

And so we not only enlarged the scope of the Reconstruction Finance Corporation, but we created other and newer agencies that would meet these special needs. We established help for agriculture through the Farm Credit Administration, the Federal land banks, help for the laborer through the Home Owners' Loan Corporation and the Federal Housing Administration, assisting these various groups of our citizens not covered by the Reconstruction Finance Corporation. When we were making it possible for the average American citizen to use the credit of the United States Government, some thought it a shocking procedure. We had extended that privilege to banks and insurance companies and trust companies and railroads, and it did not occur to me to be so shocking to permit the ordinary taxpayer to use the credit of the Government. But while we extended this facility to him, by the same token at the same time we took out of the vaults of the banks and insurance companies and the trust companies hundreds of millions of dollars of their frozen assets and put in their place good solid, sound American dollars, to go back again into the channels of commerce and credit and industry, to meet the growing demand of business. In accomplishing this second objective, that is reestablishing the purchasing power of the American people, it was necessary, of course, to engage upon spending operations of large and staggering proportions. Many citizens were in pressing and immediate need of food and clothing. That problem was met immediately by the action of the Government, in some instances from appropriations for the purpose, and in others through cooperative efforts between the States, municipalities, and localities. Not only was that necessary, but in order to replace the obnoxious dole we had to establish a work-relief program with the opportunity to work and to acquire a living by honest employment. Not only did this spending program afford this relief, but today north, south, east, and west in this land, every county, every State, is dotted with splendid, fine, permanent, useful public improvements which attest the wisdom and integrity with which this work program was carried out. While this was going on every populous city, every municipality, aye, every country crossroads store, felt the impetus, the impulse, the rejuvenation, and new life of these American dollars that rolled through the pockets of our citizens and to the cash registers of our merchants, businessmen, and tradesmen, and made possible again a resumption of normal business activities.

All this has cost money. He was indeed an optimist who thought we could do this job without spending a little money. The emergency relief work, the relief program carried out by this Government, in its effectiveness, its speed, and its integrity is without a parallel in the history of our country. And that does not mean that it was free from defects or imperfections; but, considering the size of the job, the need for haste, its phenomenal achievements reflect credit upon those who had in charge its administration. In the building of this emergency organization, in inaugurating and in rendering these new services to our citizens, it was necessary to build up and create some large bureaus, new departments, and to employ a great many additional people for the Government. But we should not overlook the fact in counting this cost that while it is true that we have had to borrow some money and increase our national debt a few billion dollars, yet on the other hand the national wealth and the national income of this country have increased many times more than the national debt; and, so far as I am concerned, I am not particularly disturbed or uneasy about the economic situation in which we find ourselves, with a rejuvenated country; provided—and provided only, and, my colleagues, I measure and weigh my words—we recognize now, clearly and resolutely, our duty today and in the future with reference to appropriations.

We have come now to another cycle in this campaign of progress. If we would perpetuate these splendid victories, if we would preserve this equality that we have approximated for our agricultural population, if we would perpetuate this new opportunity that we have given to the laboring people of the country, if we would make steadfast the new security that we have brought to the aged and infirm, if we would try to carry on the opportunities for education and advancement that we have afforded to the youth of our country, then we must with steadfast determination, from now on, speed to the task of achieving another objective which has been delayed of necessity—and that the one which calls for a more even balance between our income and our public expenditures.

In sounding this note I would not wish to suggest for a moment that we retreat from these splendid undertakings or abandon this splendid new service which this Government, under its enlightened leadership, is bringing to our people. Many of these emergency functions properly belong to the States and municipalities; but the Federal Government, of sheer necessity, had to take them up.

With a return to approximately normal conditions, then unquestionably again States and municipalities should move prominently and aggressively into the center of this picture, and the Federal Government, in many instances, should move out.

But here again we could not stand on form and ceremony. The job had to be done, and it had to be done quickly. But we are a foolish people if we seek to blind our eyes to the fact that we cannot go on for an indefinite period without regard to the mounting cost of Government. We cannot continue to borrow and spend and spend and borrow unless we are reconciled to meet head-on some day the fiddler when he comes to collect his pay, and come he surely will. [Applause.]

I do not believe that we shall ever again approximate the cost of Government which we had a few years ago; so if any of us are so optimistic as to look forward to the day when we shall be back to a billion-dollar Budget again, forget it. That cannot come, nor should it come. We are a growing, expanding Nation. Almost with every day new demands come, many of them with great merit, and many of them that should be continued. There is hardly the most partisan critic that would wish to abandon some of these splendid enterprises.

I have already alluded to many of them—these new services: Rural electrification service, agricultural assistance, social security, railroad retirement, motor-vehicle regulation, regulation of securities by the Securities and Exchange Commission, protection of our natural resources by the Federal Power Commission and other agencies, assistance given to education and to youth, protection for labor, and many of these other splendid, fine enterprises which we do not wish to abandon.

But there is something we can do about it, and something we should do about it. In the first place, it is the duty of the House of Representatives to look after appropriations and to curtail public expenditures. It is the legislative function—not only the legislative function but peculiarly the function of the House of Representatives. I wish to say to you, my colleagues, with no intention to reflect upon the other body, that you may not look to the other end of the Capitol with any degree of hope that

the Court of Claims under the acts approved March 19, 1924 [illegible] done to our economic fabric, and how far it would be neces-

public expenditures will be curtailed there. I cannot seem to recall at the moment any instance when an appropriation bill ever traveled back this way from the other end of the Capitol less in amount than what it was when it went over there.

I do not mean that as any particular indictment of the other gentlemen, but it is the duty and function of this branch of the Congress. Not only is it the duty of the House of Representatives but there is an unusual duty upon the Committee on Appropriations, of which I have the honor to be a member. That brings me to say this, the members of the Appropriations Committee are your agents and your servants. We seek to bring you the best information and judgment we have upon matters submitted to us. We do not wish you to accept it without question, but we do ask, and we have a right to expect that you will give it that consideration which a long, painstaking effort on the part of that committee would justify you to give it. We ask you to cooperate with us in trying to hold down, as much as possible, the reasonable and necessary expenses of government. If expenditures are to be reduced, they will be reduced in the House of Representatives. This will be the place it will happen, if it happens at all.

In the second place, it is the duty of the House of Representatives to see that Government bureaus and departments are given no more funds than are necessary to carry out the functions for which they are created. In this connection it is my judgment that there should be the closest cooperation between the Bureau of the Budget and the House and the Comptroller General. Under the present set-up those agencies act more or less independently of each other. I have commented upon that at length on other occasions. I believe that the Comptroller General is an agent of the Congress. We should be able to rely upon him not only to police public expenditures and to prevent unlawful expenditures but to report to us and recommend to us from time to time duplicated efforts and points where savings could be made. Under no circumstances should this House ever consent to weaken or disarm the agency of the Comptroller General of the United States. [Applause.]

Wherever possible we should curtail governmental activities and, without hesitation, insist upon a liquidation of these emergency agencies when their usefulness has terminated. I am not one of those who believe that an appreciable savings will ever be made by the reorganization efforts. I think, undoubtedly, there are places where Government efficiency will be increased by some regrouping of activities. There are, undoubtedly, duplicated efforts that may be eliminated with a consequent small saving; but any savings which will make a dent in the ever-growing public expenditures will have to be made by holding down, eliminating, and curtailing expenditures in the House of Representatives.

Fourth, and most important of all, we should view with painstaking care and discriminating judgment and skepticism, if you please, all proposals which call for new undertakings and for new authorizations. That is where the real damage is done. I cannot too strongly urge this upon you, my friends, in the next few years when we are still being called upon to appropriate further for relief and for assistance. I believe we should abandon any idea of erecting monumental designs, memorials, and things of that sort that can be postponed and put off until we are upon a firmer economic basis.

There is no one thing that this Congress can do that will so promote our national security for the future, that will so strengthen the foundations of our Government against another such economic assault, if it should come, as to make a real serious effort to hold down and curtail the costs of government. By so doing not only shall we actually curtail expenditures, but what is of equal value, our countrymen will be heartened when they observe the legislative branch of our Government emerging out of the emotionalism and hysteria which of necessity must have characterized some of our earlier actions in those first hectic days. Their faith in us will be strengthened when they see us about our tasks again, serious-minded and frugal. If we can succeed in this effort to hold down public expenditures, then, in my judgment, in a reasonable time with the natural increase in revenues and tax collections which will come from a revival of business, our Budget will be reasonably in balance. If we do not succeed, if we shut our eyes and plunge forward blindly in the future, then we must become reconciled to one of two alternatives: Uncontrolled inflation or burdensome taxation, either of which will be detestable in the eyes of the people of America. [Applause.]

Mr. Speaker, we have progressed far on this highway of recovery; we move on, not yet to complete victory, if you please, but we have traveled a great distance. One can never realize how far one has gone up a gradual ascent until one stops and looks back, until one looks over one's shoulder toward whence one came. It is a far cry today to those dark, hectic, shadowy days of 4 years ago. There is yet high ground to be gained, but we move on; and we move on under the hand of a peerless and undaunted leader. [Applause.]

We move on under a leader who is undismayed and unafraid of criticism and denunciation, we move on under a leader who is "thrice-armed because he hath his quarrel just", we move on in this great cause.

I am amazed sometimes when I view the fury, the bitterness, the impatient intolerance which is heaped upon the head of this man. It is hard to understand. My mind goes back to a story told in the Book of Books: A great king sat upon his throne in judgment of a man who had been before him charged with heinous crimes and whose life was demanded as a forfeit. The king said to the people: "What has He done, what has He done that you are so furious, that you are demanding His life in payment?"

And they said: "Why, great king, this man is preaching strange doctrines that we never heard of before. He sets Himself up as a leader, a King of Kings. He speaks in a strange tongue. It shocks our orthodox ideas that have come rolling down to us through all these generations past. Why, He actually says the first shall be last and the last shall be first. Whoever heard of such blasphemy? Why, He actually harps about loving your neighbor as yourself and being kind and considerate; and He concerns Himself with feeding and clothing people; and what is most shocking of all, O king, He is upsetting our ancient institutions. Why, He actually went down to our great temple there and with His own hand laid the scourge upon the backs of the money-changers. And so we think it is about time to put an end to this man. We would like to have Him crucified."

Is it not strange?

What had Abraham Lincoln done to deserve the assassin's bullet? He tried to save a nation, he tried to preserve a union; and I, as a southern man steeped in all the blessed and glorious traditions of the land I love, do not hesitate to say that.

What had Woodrow Wilson done to call down upon his head the wrath and fury of the powers that be of that day until they almost literally and physically tore him limb from limb?

What has this man in the White House done? Name an act that he has done.

He has tried to save a great, stricken people. Aye! Not only tried but one needs only to be fair and honest, square and just; one needs only to be willing to give reasonable credit where credit is due to see that the phenomenal recovery we have made up to this good hour is due in the very largest measure to the dauntless courage, the humanitarian purpose, and the matchless leadership of Franklin D. Roosevelt. [Applause.]

No criticism or no aspersions today, no matter where they come from, can dim the luster of that service. The people of America trusted him in 1932 and, thank God, they did not trust him in vain. They continued to trust him in 1934 and again in 1936, and in 1937 the people of America look for continued leadership, not in Congress, not in any other branch of the Government, but in the White House of this Nation. Mr. Speaker, in these hectic days in which

we live, when we act quickly and impulsively, I hope we will try to give credit where credit is due.

I hope this House in its wisdom and its judgment—and its ultimate judgment is usually good and sound—will take seriously, very seriously, if you please, this problem of governmental spending and governmental financing and see if we cannot from now on turn the tide back, go back to a more even balance between our expenditures and our receipts.

Mr. Speaker, if I have any time remaining I shall be glad to yield. [Applause.]

Mr. RICH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. RICH. What recommendations has the gentleman and spokesman for the administration with reference to the enormous expenditures of government in trying to bring those expenditures back to where they were in peacetimes and formerly in order that we might eventually be able to get a balanced Budget so far as the Government is concerned?

Mr. WOODRUM. I may say to the gentleman, in the first place, I do not think we can ever hope to get back to the billion-dollar Budget or the two or three billion dollar Budget. We have set our hands to tasks from which we do not wish to retreat. If we can hold down the public expenditures so that they will not increase on us, if we can liquidate these emergency organizations that should be liquidated, now that the emergency has passed, cut down the employed personnel of the Government and let them be absorbed by industry, hold down our expenditures and watch the constant effort to embark the Government on new undertakings, then with the natural increases that will come to us in the way of revenue from tax measures already upon the books I believe our Budget will come reasonably into balance. It may be necessary for some restatement of tax policy, but certainly it will not be necessary to embark upon any burdensome tax program, if we can prevent further increases in appropriations.

Mr. MAY. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Kentucky.

Mr. MAY. Mr. Speaker, I have enjoyed immensely this remarkably interesting address, and I agree with it practically in its entirety. But I am a little disappointed in one statement by my distinguished friend from Virginia, and I am sure he did not mean it exactly as stated.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. WOODRUM] may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAY. Mr. Speaker, I refer to the gentleman's statement with respect to the marvelous leadership of the President of the United States, with all of which I heartily agree, but I am afraid he has inadvertently failed to give proper credit to the House of Representatives unless there is correction made in one statement when he said that the people of this country are not looking to the Congress of the United States for leadership but to the President. I know the gentleman, as an able member of the Appropriations Committee, knows that the President of the United States, as the head of the executive department, would be wholly impotent and helpless if it were not for the Congress of the United States, and particularly the appropriating branch of the Congress; that no function of government can carry on without the cooperation of this House. I feel that the gentleman should extend his statement in regard to the Congress. I feel that the people of America are looking to the House of Representatives today for continued leadership. I think that leadership has been glorious, along with the leadership of the President of the United States, during the past 4 years.

Mr. WOODRUM. I can subscribe to what the gentleman says. Unquestionably the legislative branch of the Government has its functions to perform. In these hectic days often we had to yield judgment to leadership on account of the need for speed in action. Now we should get back to a resumption of our legislative functions.

Mr. Speaker, I yield to no man in this body for a genuine appreciation of this great body which comprises, as it does, a cross section of all the American people; but after all, the people of America look to Franklin D. Roosevelt and his leadership. [Applause.] I do not retreat from that position that they look to the President for leadership for formulation of policies and for guidance—not meaning to underestimate for one instant the part that the Members of the House of Representatives play.

Mr. COCHRAN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Missouri.

Mr. COCHRAN. I think the gentleman's statement comes at an opportune time and I hope the legislative committees of the House will take notice, especially in view of the fact that only this morning, according to the RECORD, one of our committees is meeting to consider a new Federal-aid project which means at the outset an annual Federal-aid appropriation of $200,000,000.

Mr. MAY. Will the gentleman yield further?

Mr. WOODRUM. I yield to the gentleman from Kentucky.

Mr. MAY. Mr. Speaker, I want my distinguished friend from Virginia to understand I do not detract in the slightest from the leadership of the President. What I am trying to emphasize is the statement that the President of the United States could not operate the White House if it were not for the appropriating authorities of the House of Representatives.

Mr. RICH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. RICH. What effort can be made with the various departments of Government, as they now exist, to get them to hold down on the requests for appropriations which they are asking, which might seem trivial at first, but which are going to amount to more than $200,000,000 in the case of many projects, including the one that the gentleman from Missouri talked about? We are going to have lots of those projects come before the House before the present Congress adjourns. I can see them coming.

Mr. WOODRUM. I may say to the gentleman you do not have to make any effort so far as the departments are concerned. It is all up to the Appropriations Committee and the House of Representatives. We hold the key and we can do the job. [Applause.]

Mr. RICH. Yes, but the Appropriations Committee will not do it.

[Here the gavel fell.]

CONTESTED ELECTION—WILLIAMS v. MAAS

The SPEAKER laid before the House the following communication from the Clerk of the House, which was read, referred to the Committee on Elections No. 1, and ordered printed.

The Clerk read as follows:

MARCH 30, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

SIR: I have the honor to inform the House that in the Fourth Congressional District of the State of Minnesota at the election held November 3, 1936, Melvin J. Maas was certified as having been duly elected as a Representative in the Seventy-fifth Congress, and his certificate of election in due form of law was filed in this office. His right to the seat was questioned by another candidate, Howard Y. Williams, who served notice upon the returned Member of his purpose to contest the election. During the time allowed by law for the taking of testimony the Clerk of the House received a statement dated February 27, 1937, by the contestant Howard Y. Williams and by his attorneys, withdrawing the contest and asking that it be dismissed. This notice of withdrawal will be transmitted to the Committee on Elections, to which this case shall be referred.

Yours respectfully,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

in us will be strengthened when they see us about our | of this Nation. Mr. Speaker, in these hectic days in which

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1938

Mr. COLLINS, from the Committee on Appropriations, reported the bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes (Rept. No. 483), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. TABER reserved all points of order on the bill.

EXTENSION OF REMARKS

Mr. HOUSTON and Mr. ALLEN of Delaware asked and were given permission to extend their own remarks in the RECORD.

The SPEAKER. Under previous order of the House, the gentleman from Arkansas [Mr. FULLER] is recognized for 10 minutes.

INVESTIGATION OF LIQUOR INDUSTRY

Mr. FULLER. Mr. Speaker, I have introduced a resolution authorizing a committee of five to be appointed with authority to determine as to whether or not the distillers and their associates have a monopoly upon the liquor business and are violating the antitrust laws and as to whether or not they are receiving special favors and are being aided and the law evaded by Government officials under their control and domination.

There is no doubt of the existence of a Whisky Trust and a Bottle Trust. These powerful monopolies are not only violating the Sherman antitrust law but are dictating to the Treasury Department all rules and regulations governing the manufacture, sale, and distribution of liquors. The Whisky Trust is one of the biggest monopolies ever known in this country and is rapidly becoming a national scandal. It maintains a powerful lobby with millions for expenses and employs at unreasonable and shocking salaries influential executives with strong political connections.

The Owens Illinois Glass Co. produces 85 percent of whisky bottles and its president and vice president are directors of the National Distillers.

Eighty percent of the liquor in the United States is produced by nine distillers. The National Distillers produces 22 percent; Schenley, 16 percent; and Seagrams, 9 percent. These same distillers were favored by Dr. Doran and permitted to manufacture during the prohibition period, thereby making millions and accumulating a big surplus, which is now being sold at outrageous prices. They have purchased practically all of the famous distillers and brands in the United States and dominate and regulate the price of all liquor.

For 30 years Dr. James M. Doran was in the Treasury Department, administered the law during prohibition, and built up the personnel of the Alcohol Unit in the Treasury Department, in which there is practically no Democrat holding a key position. He was appointed on the interdepartmental board and drew the rules and regulations for the N. R. A. alcohol control, as well as the orders of the Treasury Department, and now appears at all hearings, and as a result of his influence no ruling has been made except with his approval. When he had well performed his task to the great satisfaction of the Liquor and Bottle Trust he was hired by the Distiller Spirits Institute at a salary of $30,000 per year and has since been raised to $50,000 annually.

R. E. Joyce, one of his subordinates and who issued permits under the Federal Alcohol Control Administration to the favored few, is now the manager for National Distillers in Washington.

These distillers, who constitute the Whisky Trust, own and dominate an institution known as the Distilled Spirits Institute. Recently W. Forbes Morgan resigned as treasurer of the Democratic National Committee and accepted a position as president of the Distilled Spirits Institute at a guaranteed salary of $500,000 for the next 5 years. Under his leadership, the distillers will influence public opinion by educational methods on legislation affecting the industry and problems of liquor control, according to Mr. Morgan's recent statement. Mr. Morgan is not experienced in the liquor business and everyone knows that he was guaranteed this unreasonable and outrageous salary, which is much more than that paid the President, in order to obtain his influence with the Democratic administration and, if possible, the President. The American people will now be educated by the Whisky Trust.

Schenley Products Co. announces the appointment of Mr. Leo R. Sack, retiring United States envoy extraordinary and minister plenipotentiary to Costa Rica, as vice president. Mr. Sack will be in charge of public relations for all Schenley affiliated companies.

Grover Whalen, influential New York Democratic politician, close to Democratic chieftains and prominently mentioned as the next mayor of New York City, draws $75,000 a year as chairman of the board of Schenley, for which salary he is probably only used for window dressing and for political influence in obtaining special favors.

Harry L. Lourie, formerly in the Treasury Department, and who helped to draw the liquor codes, has resigned and been awarded a handsome position with The Importers.

Small distillers, anxious to make a good grade of liquor and sell cheaper, are barred from a permit to operate. This whisky monopoly is selling 4-year-old whisky for $24 per gallon which costs only $1 to make and carry for 4 years—shrinkage, evaporation, and interest included. Add to this $2 for Federal tax and $1 for bottling and labels and observe the enormous $20 per gallon profit. No wonder the Distilled Spirits Institute now has over $400,000 in its treasury and pays such enormous salaries to those capable of administering political pressure. I sometimes wonder as to whether or not this money will be used to kill my resolution which they have been anticipating. From now on they will flock to Washington like the Egyptian locusts.

There is not a person in the liquor business in the United States that does not know that it is controlled by a trust. Only the chosen few were granted permits as distillers. Small distillers are not able to qualify due to the fact that the Treasury Department, under its assumed authority to enact laws, known as rules and regulations, requires a bond of at least $60,000 from the distiller and a $100,000 bond for his warehouse. The bond must be furnished by a surety company which exacts the deposits of Federal bonds for protection; thus the distiller is required to furnish $160,000 in Federal bonds, deposit them with the surety company, and pay a premium for his bond.

It is clearly the object of the liquor interests to ruthlessly eliminate all distillers and all brands except a few, which they own, comparable to the number of cigarette brands on the market.

The Federal Alcohol Administration, which it was thought would be independent and able to make its own rules and regulations, is still under the Treasury Department, due to the fact that the members of the Board have not been appointed. This Administration had two Republican chairmen, both of whom resigned, as it is understood, because of the Whisky Trust and interference by the Alcohol Tax Unit of the Treasury Department.

My resolution has been referred to the Committee on Rules. I will insist upon an early hearing. [Applause.]

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD regarding the Honorable Benjamin Kurtz Focht, late a Representative from the State of Pennsylvania.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. O'MALLEY] is recognized for 30 minutes.

SELECT COMMITTEE TO INVESTIGATE REAL ESTATE BONDHOLDERS' REORGANIZATIONS

Mr. O'MALLEY. Mr. Speaker, I want it distinctly understood today that the remarks I am about to make are not made in any partisan sense whatsoever. I am a member of the Select Committee to Investigate Real Estate Bondholders' Reorganizations and upon that committee serve two Republican Members of the House. These Members served both the committee and the interests of the bondholders as efficiently and diligently as any of the Democrats. I say this in deserving compliment to my two Republican colleagues who have worked with us without stint of time or effort in the arduous duties imposed by the committee's responsibilities.

On Thursday last the committee of which I am a member, and in particular the chairman of that committee, was subjected to an attack upon the floor of this House the like of which I have not known in the three terms in which I have been a Member of this body. The chairman of our committee directly and by innuendo was charged by the gentleman from Evanston, Ill., with neglect of duty, dilatory tactics, harming the interests of the bondholders, and his motives and honesty were impugned in the most direct terms. Unfortunately, because of urgent official business with a governmental department, I was not present at the time of the remarks of the gentleman from Evanston, but I was able to read them in the RECORD the following morning.

Now, Mr. Speaker, as long as I have been a Member of this body I have endeavored to conduct myself in accordance with what I considered the ordinary decencies of legislative courtesy. Whenever I have felt called upon to criticize a Member or a committee I have first brought my criticisms to the committee itself, submitted my charges, and requested an explanation. In addition, I have diligently endeavored to inform the Member or committee I proposed to criticize of the fact that I should talk about them so they might be present and make reply if I were incorrect in any statement. This procedure I have felt to be the conduct of gentlemen serving together in a parliamentary body.

I realize now that the gentleman from Evanston does not share this opinion of mine as to legislative conduct, because neither I nor any other member of the committee was informed in advance that he intended to take the floor to make his vitriolic attack upon our chairman or our committee. The fantastic charges and studied innuendo of the gentleman from Evanston deserve careful examination before discussion, but the first consideration that I shall give is to wonder at his purpose in making his sudden attack upon both the integrity of the chairman of our committee and the good faith and activity of the committee itself.

More than a week ago, March 22 to be exact, the House Judiciary Committee gave notice that they would hold a hearing this week upon our proposed bill to amend section 77B in the interest of the millions of defaulted bondholders of the Nation. This bill of ours proposes to take out of the custody of the racketeers now operating these defaulted properties the control of the bonds and create conservators to administer the properties until the bondholders shall have been paid. I hope it was not the purpose of the gentleman from Evanston to withhold his attack upon our committee until such time as the proposed legislation was ready for hearing, so that our committee's recommendations might be adversely affected by the stigma he has attempted to attach to our work, our suggestions, and our recommendations.

The attack of the gentleman from Evanston was without warning. It was made from the ambush of a unanimous-consent request which gave no indication of his purpose. His ammunition was hoary with age, consisting of editorials from special privilege newspapers whose own attorneys have been subpenaed, investigated, and subjected to examination by us because of their operations in the field of defaulted bonds. The law cases he cited as the basis for criticisms of our chairman were, as shown yesterday, started long before the committee was in existence. What has impelled the courageous gentleman from Evanston to hold himself back so long from launching his attack until the very eve of the hearings upon our proposed bill? What has enabled him to carry the great weight of his implied tremendous revelations for so long a time without bringing his charges to the attention of the House or our committee long before this? Surely the gentleman reads the newspapers regularly and must have noted these editorials when they first appeared more than 2 years ago. Or is he a master strategist holding his fire until the crucial moment in the committee's work on behalf of the bondholders when corrective legislation is pending?

Now, Mr. Speaker, I am the only member of the investigating committee who is not a lawyer. The gentleman from Evanston is a lawyer. I have become wise enough in the past 2 years of service with the investigating committee to take much to heart the revised adage "that when lawyers fall out, common men like myself must beware", but when the gentleman from Evanston attacks the good faith and the efforts of the committee of which I am a member, in the very hour when the committee's work is about to bear fruition, I have a right to wonder at the sudden zeal which impelled his attack and inspired his charges.

Our investigation, if Members will take the time to study the record of our hearings, shows that a majority of the bondholder and foreclosure cases in Cook County emanate from one principal firm, the Chicago Title & Trust Co. Our investigation likewise discloses that a majority of cases affecting this company have with surprising regularity seemed to find their way before certain State and Federal judges in Chicago. The accusations, entirely unsubstantiated, that the chairman of our committee has used his office to influence law cases toward the firm of which he is a member quite properly give me the right to wonder as to whether or not a display of friendliness toward these firms and judges might not also have its effect. I would not want to paraphrase the old prayer, "Praise firms and judges from whom all lucrative law cases seem to flow in Cook County", but the work of our committee in exposing these bond racketeers certainly would wipe out any hope of any member of our committee getting any legal business from these monopolists of the foreclosure law business in Chicago.

I would like to believe the attack of the gentleman from Evanston upon our committee and its members was entirely unpremeditated, and prompted only by his zeal for the welfare of the millions of bondholders, holding as the only evidence of their lifetime savings almost worthless certificates of deposit issued by these racketeering committees which our committee has not only investigated but in many instances put out of business in the last few years. I would like to believe that his zeal for the poor and downtrodden, the defrauded, and misled bondholder had caused him to diligently study all the hearings and records of our committee only to dig up the insinuating and questionable material which he inserted in the RECORD last Thursday. I would like to believe that the gentleman from Evanston rose in his place to challenge our integrity and our service on this committee, to assail and impugn an elderly and sick man, unequipped physically to answer him, after having first brought these matters to the attention of those most concerned in his implications. I would like to believe all these things because I know the caliber and intelligence of the constituency of the gentleman from Evanston. I wanted to believe in his protestations in the interest of the bondholders so sincerely that I took the trouble not only to examine his charges word for word but to look up his legislative record in connection with bondholders' legislation.

I quote the gentleman from his remarks as they appear in the RECORD.

All of us were in favor of this investigation.

Now I am sure he did not intend to give the impression that he helped bring about the investigation. If he did I must correct such impression. The gentleman from Evanston was neither a Member of Congress nor had he anything to do with the passage of the bill calling for the investigation and creation of the committee by the Seventy-third Congress. The original bill to create such a committee was introduced by myself and with the aid and assistance of the dean of the House, the gentleman from Illinois. The Rules Committee was finally prevailed upon to report a resolution to the House and our committee was created. Since the creation of that committee, more than 20 public hearings have been held extending over 56 full days. I was present

at approximately 15 of these hearings or more than half for a total of more than 42 days. Many of these hearings were held within a few miles of the "silk stocking" district represented by the gentleman from Evanston, and never once did I note his appearance at any of these meetings. I shall refer to this striking contrast with his protested interest in the bondholders a little later in my remarks.

Let me quote the gentleman from Evanston again. He says in his remarks concerning the committee—

That was in 1934. Since then those reorganizations have either been completed or soon will be completed.

Apparently the gentleman is as backward in his reading of our committee's report as he has been in catching up on the newspaper editorials that he uses in assailing our committee's work. The report of our committee to the House last year shows that more than 75 percent of the defaulted properties have never gone into court to petition for a reorganization under 77B. Instead these so-called protective committees have continued to operate these properties to the detriment of the bondholders, perhaps in the hope that our investigation would cease and there would be no watch or check on their fairness to the bondholders and the size of their fees when they finally went into court to reorganize these properties.

The gentleman makes another statement, unsubstantiated by any evidence, and I quote him:

The only thing we have done is to delay and retard legislation for the bondholders by the activities of our committee.

In this statement the gentleman charges not only myself, but the other members of the committee, including the Republican members, with retarding and delaying legislation.

His information on legislation concerning the bondholders is as faulty as this assumption of his. Early last year our committee prepared and had referred to the Committee on Banking and Currency, a bill proposing to correct the evils we had uncovered. We were unsuccessful in getting that committee to act upon our bill. A little later a bill was presented and referred to the Judiciary Committee. Many hearings on this bill were held by the Judiciary Committee, but the gentleman from Evanston, even though his heart overflowed with pity for the poor bondholder—thousands of them in his own district, as he says—was present at none of these hearings, although the press which he reads and from which he clips aged and bewhiskered editorials, gave full notice of these hearings, even reporting extracts from them day to day. Where was the gentleman from Evanston when this proposed legislation was before the Judiciary Committee?

Why had he no amendments or improvements to suggest that might help the bill? He charges that legislation was retarded. No member of the Judiciary Committee with whom I have discussed this question recalls even a letter from the gentleman urging the favorable report of our bill, and although the bill lay in committee for months the gentleman, who knows the rules of this House as well as I, did not take advantage of the discharge rule to file a petition with the Clerk to bring the bill to a vote even though, as he says, "I have carefully gone through the hearings held before the Judiciary Committee because also of my desire to see corrective legislation enacted."

No one will deny that he must have studied the hearings most assiduously, because throughout the many pages of the hearings he was able to dig up a few sections and use them to reflect upon the chairman, our dean of the House. But nowhere in his remarks does his study of the hearings indicate that he analyzed the bill or found some ways by which the bondholders, whom he professes so much interest in, might be more efficiently aided by our proposed legislation. He is a lawyer and he says in his own remarks:

All of us who are to the slightest extent acquainted with reorganization procedure • • • know that the greatest curse to the completion of a plan • • • is the so-called shyster lawyer.

Surely he, of all Members of the House, in this one instance alone, would have been able to make valuable suggestions to our committee as to how our proposed bill should deal with the shyster lawyer and curb the activities of such ugly ornaments of the bar. But never a word, never a suggestion, never a proffer of help to us in our difficult responsibility. Until Thursday all the gentleman's knowledge of the real-estate bondholder racket was hidden, not only from we humble members of your select committee but from the House. I would be a most unpleasant person if I were to think of this again in contrast to the gentleman's statement of Thursday:

I asked that question because of my interest in securing such legislation as may be necessary to help the bondholders.

But in spite of our loss in not having the courageous and energetic help of the gentleman from Evanston, nevertheless, after protracted hearings, the Judiciary Committee reported our bill to the floor in the last session. In the haste of adjournment and despite the efforts of every member of the committee with the leadership of the House, we were unable to secure passage of our bill. No fault attaches to anyone, because every Member knows the difficulties of controversial legislative consideration in the closing days of a session. Yet the gentleman from Evanston, who should be familiar with all these things, has charged our committee with retarding legislation. Well, the duty that the gentleman claims he owes his constituents who are bondholders, and which he claims as the justification for his attack Thursday, still rests upon his shoulders. His performance of that duty in connection with our proposed legislation, not only last year but this year, I leave to the judgment of his constituents and the Members of this House.

The gentleman from Evanston was not, so far as I can learn, present at a single one of the committee hearings to urge a favorable report on our bill. Yet he protests much his feeling for the bondholders. Only a native sense of humor restrains me from further comment on his "great love."

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

Mr. O'MALLEY. I yield.

Mr. FULLER. Is it not a fact that every other Member of the House from Chicago came to our committee meetings and gave us the benefit of their assistance?

Mr. O'MALLEY. I will say to the gentleman from Arkansas that that is the fact, so far as I can recall. The only unrepresented Member from Chicago was the gentleman from Evanston.

Now let me turn to another portion of the gentlemen's remarks of Thursday. He gets much excited about the fact that our committee availed itself of the services of a number of lawyers in Chicago who offered to serve the committee without pay in helping it do its work. Our appropriation was limited. More than 10,000 separate protective committees needed our attention and more than a million bondholders clamored for our investigation into the committees handling their property.

The gentleman's remarks, and I hope I have interpreted them correctly, would indicate that he believes no lawyer would serve his country, the public welfare, or a committee of Congress without expecting in some way to profit either in the present or in the future. Not being a lawyer myself, as the gentleman from Evanston is, I leave it up to him to attack the motives and ethics of members of his own profession. The fact remains, however, that although the law offices of the gentleman from Evanston are in the same building with those of the chairman of our committee, there is no record to show that he ever volunteered his services to the committee to help expose and correct the evils that the bondholders suffer from, nor that he gave one single day of his time as a capable and, I am sure, skilled lawyer to the work of the committee in Chicago. I regret, as I am sure that the other members of the committee do, that never once did he have a day to spare from his arduous personal duties to help us salvage from the bond racketeers some of the savings of his own constituents whom he protests to love so much. I might add to this that since 1934 there has been a vacancy on our committee from the Republican side, caused by the defeat of the gentleman from Pennsylvania. Our committee membership when the gentleman from Evanston became a Member of the House has comprised four Democrats and two Republicans, although the original committee was set up with a membership of seven. I can find no record that the gentleman from Evanston ever sought to be appointed to this vacancy on the Republican side of the committee, and this raises another regret in my mind. Had he been a member of our committee, or had he sought the vacancy to which the Republican side was entitled, and become a member of our committee, I am sure that he might have saved us from the mistakes he claims were made. He might have guided us to more effectively serve the bondholders, and all our efforts might have been more successful through his membership upon the committee. Of course, I do not need to make any comment, because I do not know why the gentleman failed to seek appointment upon our committee when a vacancy was in existence, but I think in view of his remarks of Thursday that I am entitled to wonder why his burning ambition to help the bondholders was not evidenced by a similar ambition to get on the committee, where his efforts could be more effective.

Our service on this committee has not been one calculated to make any member popular with the special-privilege press or with the "sacred cows" of business that we have been forced to investigate and question. You know, I have had some experience in newspaper work, and in every town and with every newspaper there are sacred cows that must not be criticized or attacked by anyone, no matter what they do or whom they rob. In Detroit we prodded some of these sacrosanct cattle, and the Detroit News, from which the gentleman from Evanston quotes, rose in indignation to condemn our committee; but later, when we proved out of their own mouths that some of these whited sepulchers were looting the properties they were entrusted with, there were no editorials. That is not surprising, considering who controls most modern newspapers. I have even had a newspaper print the speech of another Member of the House in its columns and charge me with having made it and attack me in an editorial for something I had not said. I have a thick skin, however, grown thicker as a result of 3 years' training upon a most unpopular investigating committee, so the press or its opinions of my legislative service never causes me a moment's loss of sleep.

The gentleman from Evanston, in quoting the editorial attacking our chairman, says:

I am advised that that is a typical description of the hearings in Chicago.

He admits by this statement that although the Chicago hearings were held but three blocks away from his law office, he got all his information for his tirade against our committee second-hand from the newspapers, and never troubled himself to attend any of the hearings to find out whether the newspaper reports were correct. I wonder how much of the rest of his attack of Thursday is based upon "advices" from outside sources rather than personal knowledge or experience of his own.

Our committee has unquestionably annoyed people in the silk-stocking and gold-coast district that the gentleman represents and in other high places. Now these people want to retaliate and assail our chairman. I do not have to stand here and defend the chairman of our committee from any of the charges of the gentleman from Evanston. He himself has answered them much better than I could in his remarks of yesterday, but the charge that the people are sick of the investigation and want no more of it ought to be supported by evidence from the bondholders themselves rather than from newspaper editorials that were probably written in law offices right after we had released some of these "gold coast" corporation lawyers from committee custody and uncomfortable questioning.

I repeat that the gentleman from Evanston says the people are sick of this investigation. It may surprise him, but in the last few months since our committee's functioning was curtailed by lack of funds I have received many letters from bondholders beseeching the committee to continue, but I have not yet received a single letter from anybody who was subpenaed and examined asking us to continue the committee and keep investigating their corporations. I know one gentleman, an officer of the Chicago Title & Trust Co., who for more than a year, in spite of his agreement with the committee that he would produce papers on trust 17400, kept his special police turning our process servers out of the sumptuous offices of his company. Finally, my native disposition getting the best of me, I took the subpena myself and served it personally, and he had me forcibly ejected from his office. But I forgive him, reminding him only that I regret I had the dignity of the House to preserve, and could not show him who was the better man at this throwing-out business.

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

Mr. O'MALLEY. Yes.

Mr. LUCAS. Does the gentleman care to speculate as to whom he thinks is sick of this investigation?

Mr. O'MALLEY. I would hazard the guess that some lawyers are sick of it, that the Chicago Title & Trust Co. is sick of it, that some of the banks in Chicago are sick of it, and, mind, you, the gentleman from Evanston, who is most concerned about Chicago, seems to imply that he is sick of it, too. He did not have any criticism of us while we were in Philadelphia, where the committee got 19 indictments, or in New York, or in any other place. The sickness, the upset of the stomach, the nausea that seems to be afflicting those who attack the committee, comes from Chicago.

It may be only a coincidence that the chairman of the committee has his home there, but it is also a coincidence that most of our witnesses live in the Evanston gentleman's "silk stocking" district. Perhaps that is why they are feeling so ill in dear old Evanston, Glencoe, and points north. I know this gentleman who had me thrown out of his office by his special police is probably sick of our committee. I sent a truck and had the papers removed from his office when he failed to keep his promise for a year. I know that he would not like to have this investigation continue. And I know a member of a Chicago law firm who wrote to Milwaukee just before the 1934 election and said, "What can you get on that fellow O'MALLEY that we can use." He's another fellow who probably has cramps when our committee is mentioned. I know these fellows would not like to see the investigation continue, because they figure I might get mad at them and annoy them some more with unpleasant questions. I do not care what they think of me, because the special-privilege gang and the prostituted press has screamed invective at me for years in my district, but so far have not been able to fool our people into believing their lies, gossip, and dirty innuendo. I know there are a lot of people who would like this investigation discontinued. Now, my friends, I have served on the committee for about 2½ years. I have attended three-quarters of their hearings. When the gentleman from Evanston uses a newspaper editorial to insinuate that our chairman "is found at the receiving end of a substantial fee for legal services of questioned value" he makes a statement that he ought to be able to support.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'MALLEY. When the gentleman from Evanston says, "I demand full disclosure of the facts because certain factional information which I have in my possession does not square with statements made on the floor of this body by the chairman of the committee", he ought to produce those facts. I heard rumors about our committee from the first day it was created. That is the old game of crooks to spread rumors to save themselves. I took the trouble to personally make a thorough investigation of these old rumors that the gentleman from Evanston has put in the RECORD, and I say in this particular case in which $6,400 was supposed to be the fee, that I personally saw the papers, and that that case was filed in court 2 years before our committee was created. I made that investigation at the request of a Member of the House who

our committee as to how our proposed bill should deal with | Our committee membership when the gentleman from Ev-

penaed and examined asking us to continue the committee | investigation at the request of a Member of the House who

is no longer here, but who trusted me enough to ask me to check into these scurrilous charges. I heard those rumors, and I also noted that shortly after our committee criticized Judge Barnes about the handling of certain cases in his court and took him to task for the way he passed on the fate of millions of poor people who had their life savings invested in these bonds, that this judge saw fit to vacate a fee that had been allowed a long time ago. Whether or not the judge was venting his spleen upon the chairman of our committee, or whether he thought the court had made a mistake when it first granted the fee, is for the judge to answer, not me. He is a Chicago judge, and my opinion of Chicago justice were better unsaid.

Mr. KELLY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. O'MALLEY. Yes.

Mr. KELLY of Illinois. I remind the gentleman from Wisconsin that Judge Barnes, since his name has been brought into this discussion, was sitting as a Federal judge, and did receive a fee of $35,000 from the Chicago Title & Trust Co.

Mr. O'MALLEY. Our committee was informed of that, and an attorney of our committee, using that as a basis, asked for a change of venue in a bondholders case and the judge refused to grant the change of venue.

Of course, I have no purpose here to air the soiled linen of any other State. The conduct of Federal judges in Chicago is the business of the Members from Illinois, just as the conduct of any Federal judges in my State would be the business of the Members from Wisconsin.

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

Mr. O'MALLEY. I yield.

Mr. CULKIN. It was suggested that Judge Barnes received a fee of $35,000 after he was on the bench. Was that matter ever submitted to the proper committee of Congress?

Mr. O'MALLEY. All I know is that when that was brought to our attention our record indicated that the Members who were sitting at that time in Chicago suggested that our chief investigator submit that to the Judiciary Committee.

Mr. CULKIN. Might I suggest to the gentleman that that act of receiving that fee while he was on the bench exactly parallels the charges upon which Judge Ritter, of Florida, was removed from the Federal bench.

Mr. O'MALLEY. I do not know the details of Judge Barnes being on the receiving end of the fee. I did not investigate it myself. I figured that he was a Chicago judge and that the Chicago and Illinois Members ought to be able to take care of their own judges, and if they are guilty of wrongdoing, take the floor here and impeach them.

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

Mr. O'MALLEY. Just as soon as I have finished my statement.

Mr. CHURCH. Will the gentleman clarify the statement he just made?

Mr. O'MALLEY. I presume to conduct myself in the same manner as the gentleman from Evanston conducted himself when he made his remarks on Thursday, so I cannot yield to him.

Mr. Speaker, innuendo is a weapon of stealth. It destroys men's reputations. By imputation and without production of a single fact, the gentleman from Evanston made a long statement in the RECORD which could be taken to affect the integrity of our chairman. He attacks an investigator of the committee whom I had nothing to do with hiring and whom I never met until after he served us faithfully for months. He gives the impression that this Mr. Tupy got $45,000 as his fee, but nowhere does he show any factual evidence of these charges. The impression he leaves was that here was an investigator of the committee, working on the committee, getting $45,000 for his share of the bondholders' fee, and yet yesterday the chairman of our committee proved by letters from the very members of that protective committee that no such fee was ever asked nor had a penny ever been paid to anyone. But still that unfair implication rests in the RECORD. It is part of the records of the United States and will never be destroyed. That is the thing I object to; I object to such vicious innuendoes, to putting in half facts and saying half truths about people that in the future may be further distorted to injure their reputation.

On page 2791 the gentleman from Evanston says:

A great deal was heard about the Chicago Title & Trust Co.

Mr. CHURCH. Mr. Speaker, will the gentleman yield on the Tupy matter?

Mr. O'MALLEY. I cannot yield. I said a good many things about the Chicago Title & Trust Co., and everything I said is in the record, as well as the statements of the other members of the committee, and yet nowhere in the remarks of the gentleman from Evanston does he take a single line or a single question from the printed record of the committee as a basis for his criticism of our actions. What has happened to his trained legal mind that he could not quote our hearings to harm us? Or were our hearings too good to substantiate his attack?

When he says no indictments were made in Chicago, I want to inform him that at most of our hearings, at the request of the committee, was a representative not only of the United States district attorney's office but of the State attorney's office. I want to say to him, of course, if no indictments or prosecutions were made, I, as one member of the committee, am not responsible for the method by which they dispense justice in Illinois. There were indictments in Pennsylvania. There were indictments in New York. Because the statute of limitations had run on most of these gentlemen when we had a hearing is not the responsibility of our committee. It is impossible to prosecute gentlemen who have been clever enough, some of them through their friends in the State legislature and in other important places, to keep out of the clutches of the prosecuting authorities until the statute had run. It is not up to me to comment upon the processes of justice in Chicago, but I do know that we have time after time submitted to the proper prosecuting authorities facts that we had produced and requested that they make investigation and bring about prosecutions.

Our committee never had any punitive power. I submit that it is unfair to charge our committee with neglect of duty simply because we are not able to go into court and prosecute some of these fellows. We produced the facts; the duty to punish rested upon another branch of the Government.

The last report of our committee, which I have before me, shows that we have forced reduction of fees in over 600 cases, and in the Paramount-Publix case alone we forced a reduction of a fee, when the judge was ready to grant it, of $3,000,000, and that money went back into the assets of the bondholders, and the bondholders will eventually receive it in interest and dividends.

The last report of our committee which I hold in my hand gives a comprehensive summary of the work we have performed. We have investigated thousands of reorganizations. We have forced reduction of fees in scores of cases by submitting to the judges sitting on these cases facts which our investigators produced in the course of the hearings. Many of the judges—not in Chicago, of course—have written our committee praising us for the aid we have been to their courts in seeing that justice was done the bondholders.

I am going to conclude by saying this about the chairman of the committee, under whom I have been proud to serve: He has conducted this committee without fear or favor to anybody. Never once, when I have asked for a subpena or the production of a witness or a paper, has he ever so much as suggested that I forego that request and that that person should not be brought before the committee. I want to say more about the chairman in that he has been in a most difficult position. He has leaned backward in every incident to be fair and courteous and he has treated racketeers who have openly said to our committee that, "Yes; they have done things prejudicial to the interest of the bondholders; but what could we do about it?" He has treated some of these

clever and greedy gentlemen with a great deal more courtesy than they would have received from me were I chairman of the committee.

He has sat upon the committee and seen men whom he has known all his life subpenaed before the committee and subjected to the most arduous cross-examination upon some of their operations, but he has never attempted in any way to interfere with any member of the committee, he has never attempted in any way to stop the committee from going into any subject, and I submit to you today that if it becomes a question between the gentleman from Evanston and the gentleman from Illinois, the chairman of this committee, as to which has served the people of the country the better, I am proud to stand on the side of our dean as I think most other Members of this House will agree.

He needs no defense from the remarks or the innuendo of the gentleman from Evanston. I do not think any other member of the committee needs any defense. We have been entitled, however, to full and fair notice of this attack upon us and our service to the people in our capacity as Representatives, and when the gentleman from Evanston says in his remarks, "These are things that should be investigated by our Rules Committee", he ought by this time to have the resolution for such investigation introduced in the House and before the Rules Committee. When after the long tirade he says, "If they are true we ought to know about them", and by that statement alone convicts himself of making charges that he himself hesitates to stand squarely behind, but seeks the aid of another committee of the House to help him prove his contentions. I have regretted a great deal that I have felt impelled to take this time to analyze the attack of the gentleman from Evanston upon our chairman and our committee. I refer you to the RECORD of yesterday wherein the remarks of the chairman of our committee, together with the letter he introduced, completely refutes the material introduced in the RECORD by the gentleman from Evanston. I want to say for myself that the allegations and insinuations of the gentleman from Evanston against our chairman carry no weight with me in view of his own legislative record in connection with all our long efforts to pass legislation in behalf of the bondholder. I want to reiterate my own confidence not only in the integrity of our dean of the House but say that I have never served under a chairman of a committee during my service who has more faithfully, energetically, and skillfully carried out the responsibility placed upon his shoulders when he was given the chairmanship of this committee and designated by the House to perform a most difficult and arduous duty.

I hope that never again will any Member of the House be subjected to the statements, the innuendoes, and the implications that appeared in last Thursday's RECORD under the remarks of the gentleman from Evanston. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under the previous order of the House the gentleman from Colorado [Mr. MARTIN] is recognized for 5 minutes.

WHO IS THIS MAN?

Mr. MARTIN of Colorado. Mr. Speaker, surely you know him, this man who found a nation ridden with fear and brought it through to new confidence;

Who summons courage equal to the hour, either to close the banks or to cross good souls by offering beer to thirsty White House guests; who lashes out at his enemies with hard scorn, yet whose heart melts when he sees a lonely young girl at her first East Room party and tells her, by his order, to command the most handsome young man on the adjoining terrace to waltz with her;

Who speaks before throngs with such seeming assurance, yet whose hand, we see, trembles while he waits out the long applause; who stands with dignity before the world, yet who, as a kindly host, draws a familiar crumpled pack of cigarettes from his pocket and, with apologies, offers them to the lady on his left, even as you and I;

Who lives with human warmth in a thousand flashing moments on and off the national stage as scenes come tumbling into memory; visiting, on the eve of his first inauguration, an obscure ship in New York Harbor to ask an old Negro to come with him to Hyde Park and pack his beloved ship prints for the journey to Washington; winding through crowds which press about his slowly moving automobile with their echoing murmur, "I almost touched him"; back from a Pacific cruise, leaning, tanned and smiling, on the bridge of the cruiser *Houston* as it warps to dock at Portland, Oreg., sighting on shore a Harvard classmate of 30 years ago and calling out as one old grad to another, "Hello, Curtis—class of 1904"; pausing during a speech from the rear platform of his train to explain, "I'll have to wait a minute, there's a grand kid fight going on down here"; reluctantly revealing his election guesses in which he grossly underestimates his own popularity; laughingly arguing with his staff that he could make a better campaign against himself than his opponent does, because he knows his own weaknesses; driving for hours in an open automobile under a drenching rain and dismissing it as a trifle with the remark, "I don't mind having my shoes full of water, but I don't like to sit in a bathtub with my clothes on"; solicitous over the poor, careworn fellow on the curb in Philadelphia who, in a gesture of gratitude, tosses his watch into the automobile; imploring the police to find the man and return it; moving, day after day, in the East and in the West, in the North and in the South, always through seas of countless unknown thousands, a living symbol of democracy;

Who, born in luxury, linked by family to 10 Presidents, has made himself the champion of forgotten men and women, using his talents, as was said of Benjamin Franklin, in an attempt to subdue the ugly facts of society to some more rational scheme of things; at peace with himself and at ease in his job; fixed in purpose, flexible in method; concerned not so much that the rich shall sleep peacefully in their beds but that everyone shall have a bed in which to sleep;

Who, afflicted so that he is unable to move a step without support, is yet a man of action, who has traveled more, been seen and heard by more, been voted for by more free men and women than anyone else before him;

Who wants to bring about in his time a world which shall venture some few paces on into the vistas of hope which science and man's ingenuity have opened to us, to write in the pages of time his small message, as a friend who is with us for a few bright hours before he travels on.

Mr. Speaker, we all know who this man is. The eulogist did not need to name him. I do not need to name him. We all know there is only one living man to whom this matchless eulogy applies.

He is the man who is responsible for the feeble remnant of the once Grand Old Party, and for the most overwhelming Democratic majority in this House of the people's Representatives in the history of the American Congress.

He is the man to whom I pledged my support flat-footed to the last ditch. I hope I may keep the faith; and I hope every Member of this House similarly situated may keep the faith.

Judicial events as of date Monday, March 29, 1937, would seem to justify that faith. The old order changeth. [Applause.]

Mr. Speaker, I have recited the splendid eulogy on the President written by Raymond Clapper, Washington News correspondent, because I felt it worthy of preservation in the permanent records of the Government. It should take a place among great eulogies.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

Mr. LAMBETH. Mr. Speaker, by direction of the Committee on Printing, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 7

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Joint Committee on Internal Revenue Taxation be, and is hereby, empowered to have printed for its use 5,000 additional copies of its report entitled "The Taxing Power of the Federal and State Governments."

Mr. LAMBETH. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, it is a pleasure for me to introduce this resolution; and I want to thank the chairman of the committee and his colleagues on the committee for reporting this resolution promptly and favorably.

The only purpose I had in mind in introducing this resolution was to perform a real service to the Members of Congress. I hold in my hand a copy of one of the finest pieces of work that I think has been performed by any committee or commission set up by the House. As the title states, it deals with the taxing power of Federal and State Governments. This work has attracted very wide and favorable consideration from experts on taxation. It has had the commendation of deans of law schools throughout the country. It is in fact a monumental work condensed into a small pamphlet of 125 pages.

I know that every Member of the House will be anxious to obtain copies of this work and will wish to study it himself, because it deals with the rules of taxation as construed by the Supreme Court of the United States and deals also with the taxing powers of the States. You undoubtedly will have many requests from constituents and from people particularly interested in the subject of taxation. I hope that this resolution may receive the unanimous support of the House, for I am confident that once you have examined the pamphlet you will feel that your action here today, in supporting this resolution, was a very wise one not only for yourself but also for the people whom you have the honor to represent.

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

Mr. REED of New York. I yield.

Mr. HARLAN. When was the pamphlet published, and by what committee?

Mr. REED of New York. It was published by the Joint Committee on Taxation, composed of five Members from the Senate and four Members from the House of Representatives.

Mr. HARLAN. When was it issued?

Mr. REED of New York. The edition I hold in my hand was printed in April 1936. It is practically up to date.

The SPEAKER. The question is on the resolution.

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

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

Mr. DOCKWEILER. Mr. Speaker, reserving the right to object, did the gentleman from New York indicate on any previous legislative day that he desired this time?

Mr. CULKIN. Mr. Speaker, I refer the gentleman to the majority leader.

Mr. DOCKWEILER. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BONDHOLDERS' PROTECTIVE COMMITTEE

Mr. CULKIN. Mr. Speaker, I was greatly impressed this morning by the very able patriotic address of the distinguished gentleman from Virginia. I was particularly impressed with his reference to the duty and to the destiny of this House of Representatives. May I say that I am of the belief that the continuance of popular government in America depends upon the integrity, upon the reputation, upon the standing of this House of Representatives. If this House of Representatives fails to meet the popular standards of integrity, then, indeed, is popular government doomed to pass and fascism will come; so it becomes important that the charges made here on this floor a few days since in regard to the integrity of one of its Members, and the integrity of a committee of this House, should be met and met fearlessly. It is true that it is suggested that the gentleman in question simply sought to enjoy a brief hour of limelight. If that was his motive, of course it meets the condemnation and the scorn of all reputable citizens and of all thinking Members of the House.

Some months ago at the request of the distinguished minority leader I went upon this Sabath committee for the purpose of investigating the issues of real estate bonds and the maladministration of the committees that had been in charge. I did so unwillingly, but under the urge of the distinguished minority leader I entered upon that task.

The situation in America then was appalling. Approximately $10,000,000,000 of these bonds were in default. These bonds were held not by the conventional stock market gambler but by people who had reached the evening of life, people who had invested their little all for old-age security, retired school teachers, retired businessmen, under the high-powered salesmanship of that group that peddled these bonds. They were assured that these bonds rested upon the soil, upon the land, and that in their values they were eternal.

So this investment reached to the life savings, to the life earnings of some 4,000,000 people of America, who, as I said, had reached the evening of life.

Mr. Speaker, what did we find in this investigation? We found that bonds totaling some twelve to fourteen billion dollars had in fact been issued on deliberately inflated values. These bonds were predestined to default. When the dark hours of 1929 and subsequent years came they did default.

Then what happened? Protective committees were formed by the houses of issue, which called the bonds in and obtained powers of attorney from these far-scattered bondholders.

What did the protective committees do next? They made a trip to the bank, in most cases the house of issue, and borrowed on these bonds all the tariff would bear. If the issue was for $10,000,000, they borrowed $1,000,000. If the issue was for twenty or thirty million dollars they borrowed a proportionate amount, perhaps 10 or 15 percent. Having obtained this money and doing nothing for the bondholders or nothing to protect these properties or the unhappy investors therein, they made a pilgrimage to the courts and there, on false representation, divided among the lawyers, the trustees and receivers, the proceeds of the loans which, of course, had already prejudiced the standing of the bondholders.

May I say, in passing, that reference has been made to the fact no legislation has been presented or suggested by this committee. That suggestion and statement, of course, falls of its own weight and is unqualifiedly false. I hold in my hand legislation which was introduced early in the last session. It has the endorsement of the Judiciary Committee of the House. This legislation died in the last hours of the Congress. The legislation, may I say, strengthens the arm of the court and does not take away the functions of the court. It gives the court administrative aid in unraveling the labyrinth of these tremendous bond issues, reaching sometimes as high as $50,000,000.

What did these gentlemen who brought about this debacle and peddled these investments to the public do after they had whacked up the proceeds of these loans? The next procedure was to get in bed with some underworld financial crook who desired to take over the property at a nominal sum. The houses of issue sent their bright young men around anew among these same investors and bought these bonds at 8, 10, or 15 cents on the dollar, telling them that the case was hopeless and that they should dispose of the bonds at that time.

The bonds were then turned over by these houses of issue to the real-estate sharks who usually bought the property at 15 cents on the dollar or less. The mortgage was foreclosed, and then another pilgrimage was made to the court and another division of proceeds was made. Thus, the bondholders were wiped out.

Mr. Speaker, I have no criticism to offer of the court, because the court hears these cases ex parte, sometimes 15 or 20 of them of similar magnitude on the same day, has not the machinery for unraveling the facts. One of the

suggestions which I hope will be written into legislation at the present session of Congress is one giving the courts, either through the Comptroller's Office or some other agency, administrative and clerical aid for the purpose of putting the courts in possession of all the facts.

Mr. Speaker, this is what was occurring to the bondholders when the committee, which the gentleman from Evanston condemned, came into the picture. Perhaps this committee was not completely formal in some of its performances. I wish the Members of the House could have attended one of these hearings and seen the bondholders who were there present. People past the evening of life, all hope gone, who had invested in these bonds on the theory they had permanent security. I wish the Members might see this group, and perhaps they themselves would not have been very kindly in dealing with these crooks from the financial underworld who were rooking these people.

Mr. MOSER of Pennsylvania. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Pennsylvania.

Mr. MOSER of Pennsylvania. The gentleman is making a splendid statement, and I should like to ask him to add at the point he has now reached this fact: When they offered to buy these bonds at 8 or 10 cents on the dollar, what did these people give the poor victims in exchange?

Mr. CULKIN. Sometimes they gave them oil stock that was worthless, of course, and sometimes they gave them 8, 10, or 15 cents on the dollar.

Mr. MOSER of Pennsylvania. Did the gentleman find any instances in which these people received any cash?

Mr. CULKIN. Yes; I think there were some cases. I believe in the California cases they did.

Mr. MOSER of Pennsylvania. There might have been some instances, but they were very remote. In most cases they traded them equally worthless securities.

Mr. CULKIN. Yes. But the significance is that the people this committee found in the saddle, and for whom the gentleman from Evanston ostensibly speaks, were the men who had rooked these people when they sold the bonds. They rooked them, if you please, when they made this pilgrimage to the courts and secured court allowances. They rooked them again when they bought the bonds at a nominal figure and then returned again to their vomit when they sold the investors out and paid them little or nothing on the dollar.

This committee threw itself wholeheartedly into that situation, and I make no apology to the gentleman from Evanston or any other Member of this House for my part in that performance. I believe if that sort of financiering is to be continued in the United States of America, then, indeed, the death knell of this Republic has already struck.

Mr. CHURCH. Will the gentleman yield?

Mr. CULKIN. I will not yield. The gentleman would not yield to the gentleman from Illinois [Mr. SABATH] the other day, and I cannot yield to him.

I was impressed when I saw these bondholders who were cursing, if you please, the impotence of the Federal and State Governments. When this bond committee came into being we stopped that sort of performance. We were not always polite. We called a spade a spade. We were vigorous, but we stopped the performance. Mr. Speaker, we saved these bondholders at least $2,000,000,000 as a result of our labors.

[Here the gavel fell.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CULKIN. Of course, these crooks, these bright young men, these high-powered salesmen who put over this thing and participated in this terrible debacle, are resentful of this committee. They feel the committee should be disciplined. They feel it should be smirched. I wish I might have time to review some of the performances which we uncovered. May I say, Mr. Speaker, that in the hearings in which I participated I did not find—and I searched in vain, and have had some experience in this sort of thing——

Mr. CHURCH. Mr. Speaker, will the gentleman yield there?

Mr. CULKIN. I cannot yield; I am right in the middle of a sentence.

Mr. CHURCH. When the gentleman finishes; pardon me.

Mr. CULKIN. I found but one honest administration. That was the one involving the Press Building here in Washington. May I just recite the case of California? California was not as bad as was the East. California has a corporation commissioner who functions rather admirably. Inflated values were not so terrible in that area. However, I did discover that the men who sold these bonds were the old Strauss outfit, who were still in command—and they were ever getting in bed with the underworld but well-financed types who were waiting for these properties to drop into their laps.

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

Mr. CULKIN. I mentioned California, so I will yield to the gentleman.

Mr. KRAMER. The Strauss outfit which the gentleman has just mentioned, the gentleman perhaps knows originated in Chicago, Ill., close to where the gentleman from Evanston [Mr. CHURCH] resides. They then came to California, imbedded themselves in our country, and started to connive to rob the poor who had put up a few dollars for a rainy day, to take their few dollars away from these poor people by giving them some of these "no good for nothing" bonds.

Mr. CULKIN. Yes; and may I say to the gentleman, in order to complete the story, that our committee by rapid-fire operations drove them out of the picture.

Mr. KRAMER. I know the gentleman is correct on that statement.

Mr. CULKIN. Yes. We drove them out of the picture in California, so the bondholders in California have had a breathing spell.

Mr. KRAMER. However, they are trying to come back again, as the gentleman probably knows.

Mr. CULKIN. We hope to prevent their reappearance.

Mr. CHURCH. Mr. Speaker, will the gentleman yield.

Mr. CULKIN. I wish I might have time here to go into some of the other proceedings that went on in California and the eastern cities.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. CULKIN. Yes; I yield to the gentleman from Illinois for just a question.

Mr. CHURCH. The gentleman did not attend the hearings this last year in Chicago?

Mr. CULKIN. No. I did not go to Chicago. That is right.

Mr. CHURCH. Thank you.

Mr. CULKIN. May I say that Carlyle or some other celebrity stated the press was the virgin daughter of liberty. I suggest to the House that with respect to certain newspapers whose editorials have appeared in this RECORD, that those particular "virgin daughters of liberty" have been seduced so many times they have become members of the oldest profession. [Laughter.] Therefore, I trust the next time we have a Presidential campaign—by the way, I was in Chicago trying to elect Landon with all my might—some of these papers which are referred to here will be against the Republican candidate. I think their opposition will be good for 500,000 additional Republican votes in the city of Chicago. So these editorials do not mean anything. They are just the same old hog-wash on the part of the newspapers, which have completely lost the confidence of the public.

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

Mr. CULKIN. I yield.

Mr. LUCAS. As the gentleman is well aware, considerable has been said, which is not a part of the record, attacking

the integrity of the committee as well as besmirching the character of the chairman of this committee.

Mr. CULKIN. May I interpolate here that, with the consent of the Chair, I am going to ask the gentleman from Illinois [Mr. CHURCH] if he does attack the members of the committee other than the chairman?

Mr. CHURCH. Mr. Speaker, I certainly do not attack any member of the committee, including the chairman, except insofar as stated in my remarks last Thursday, and anyone reading those remarks will see that I quote from records, which is as far as I go. When this committee started I had the highest respect for its good intentions. If the gentleman now holding the floor had been on the committee at its hearings in Chicago last year, I would have had much more respect for its proceedings there.

May I say further I call on this committee to bring legislation to the floor this session. I went to the Judiciary Committee this morning when the gentleman from New York [Mr. CULKIN] was not there and when no other member of the select committee was present except the chairman and the gentleman from Illinois [Mr. DIRKSEN]——

Mr. CULKIN. May I say right there I was attending a session of another committee?

Mr. CHURCH. Mr. Speaker, I went there to urge legislation. I hope legislation in behalf of the bondholders is brought before the House. I hold no brief for these other people the gentleman condemns.

Thank you for this opportunity to make a statement. I am sorry the gentleman from New York [Mr. CULKIN] did not come to Chicago to attend any of the hearings held this last year by the committee. The gentleman has just stated that perhaps this committee was not completely ethical in some of its performances. Please develop that.

Mr. CULKIN. I understand the Chicago situation, but I could not get there. The proceedings there were in good hands.

Mr. CHURCH. Will the gentleman yield?

Mr. CULKIN. No; I am sorry.

May I say to the gentleman that I received a thousand letters of protest against the oppressive methods in Chicago of that sacred codfish, the Chicago Title & Trust Co. Many of these letters suggested there was a collusive relation between the Chicago Title & Trust Co. and certain members of the Federal bench. I do not say there was such a relation, but this was the claim which was made.

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

Mr. CULKIN. No; I cannot yield any more. I am sorry.

Mr. CHURCH. I will ask for more time for the gentleman.

The SPEAKER. The gentleman declines to yield.

Mr. CHURCH. They adjourned on me.

Mr. CULKIN. Now, in the conduct of the affairs of this committee, I have been greatly impressed with the sound character and absolute decency of the distinguished chairman, Judge SABATH. [Applause.] I am going to stay on the side of Judge SABATH in this controversy. I have not always agreed with Judge SABATH on the proceedings of this committee. We have differed.

May I say that reference has been made to the $110,000 that was given this committee? We had, you may say, hundreds of thousands of inquiries requiring a great clerical force, and we also had travel expenses. In New York recently they had a district attorney superseded by a new prosecutor who conducted an investigation and the lawyers in that case were paid $100,000 for one murder case.

[Here the gavel fell.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CULKIN. Mr. Speaker, I believe the sum allowed this committee for the vast field it covered was nominal. I believe the sum should have been greater. I also believe that when a committee of this kind, with duties of such magnitude, is put to work, it should employ the best counsel that is available in America, an outstanding man with a flair for the rights, if you please, of the common man, a real lawyer of a seagoing type so far as the humanities are concerned. I believe this would be conducive to a more orderly investigation. I insist that, working with the tools it had, this committee has done a splendid job; not always, perhaps, entirely formal in its methods, but ever on the side of the bondholders, and ever against these oppressive, high-powered groups, these ghouls who were picking the carcasses of these properties even as did the carpetbaggers that of the fallen Confederacy.

I salute Judge SABATH, and I resent, with all the force of which I am capable, this unjust attack upon him. I am fond of the gentleman from Illinois [Mr. CHURCH], and I regret this mistaken stand on his part.

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

Mr. CULKIN. I yield.

Mr. FARLEY. This attack on Judge SABATH has been in the making for many months. I happen to have some connections with an investment banker in Chicago, and I know. Do not let anything happen now that will make the bondholders' committee look lily white and you gentlemen look black.

Mr. CULKIN. No; and that is why I am speaking here today. I would not have taken up this time except for the fact we must not lose the ground we have gained. If anybody chooses to get in bed with these thieves and this financial underworld, this committee will lash them unsparingly.

I believe out of this discussion and out of this investigation will come splendid things for the moderate investor of America. As I see it, however, unless the brakes are put on these crooks—and I use the word feelingly and advisedly—it seems to me that the very continuance of our Government is, in fact, imperiled. [Applause.]

[Here the gavel fell.]

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the time of the gentleman from New York [Mr. CULKIN] be extended 1 minute for a question.

Mr. O'MALLEY. I object, Mr. Speaker.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I have served on the Sabath committee from its inception. I have attended every hearing in Chicago, every hearing in Detroit and in Milwaukee, and some of the hearings in New York and Philadelphia. I could speak an hour this afternoon upon the accomplishments of the distinguished chairman of the committee, and when it was all over it could be boiled down into these words: I have found him to be of unimpeachable integrity ever since he has been a member of the committee and ever since he has been a Member of this House. [Applause.]

It is not necessary for me to defend the chairman of this committee. It is not necessary for me to defend myself or my colleagues on the committee. It is not necessary for me to defend any Member of this House. I say categorically that when the day comes that it shall be necessary for me to defend the integrity of anybody in this House, perhaps I ought to walk out of that door. One comes here in his first term flushed with victory and somehow suffused with a certain eagerness to buckle on the armor and the mail of Sir Galahad and go out as a crusader and a reformer. For a little while one may be a bit of an opportunist, given to close discernment of political expediency that might enhance his political fortunes in his district and in his State. In a little while, as you mature and mellow among the membership of this House, you begin to cherish a high regard for the superb integrity that exists here, and the longer I serve the more impressive becomes the individual and collective integrity of this body. So it is not necessary for me to defend my distinguished colleague from Illinois, the chairman of this committee. He and his 30-year record of service are their own defense.

I shall allude to only one thing that may be of interest. This committee delved into a situation in one of the Northeastern States where men, who it is alleged bore my own

party label, had been dipping into the treasury of a defunct corporation long after it had gone into insolvency, and dissipated the money of the stockholders to the extent of several million dollars. It came to our attention just shortly before election day, 1934. The distinguished chairman of this committee, who is a Democrat, out of respect for any sensibility that the minority members might have and to repel the faintest breath of suspicion that the committee was being used as an instrument for political advantage, said to us that he would let this matter ride until election day was over. Mr. Arthur Brisbane, of lamented memory, great editorialist and columnist, learned of this affair and assaulted our chairman editorially in all of the Hearst newspapers of the country. It is only added evidence of the great and fine spirit with which the chairman conducted this committee and how solicitous he was about the interests of the minority members.

He has labored early and late, in season and out, at the expense of his own health to achieve an excellent piece of work. He has listened patiently to the pathetic stories of humble people and fought courageously in their behalf. No one can divest him of that glory.

I shall not trespass upon the time of the House further this afternoon except to say that in my estimation this attack is lamentable, it was regrettable, it was ill advised, it was unfounded. And, oh, how tragic, how sad, among the membership of this House, where a fine spirit and feeling have always prevailed, that we among ourselves by such intemperate and unfounded attack should add to the distrust and to the suspicion in the world in this joyous Easter season. [Applause.]

LEGISLATIVE APPROPRIATION BILL, 1938

Mr. DOCKWEILER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes. Pending that, I ask unanimous consent that general debate be equally divided between and controlled by the gentleman from New Jersey [Mr. POWERS] and myself, and that general debate continue throughout the day.

The SPEAKER. The gentleman from California moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5966. Pending that, he asks unanimous consent that general debate upon the bill shall continue during the remainder of the day, one-half the time to be controlled by himself and one-half by the gentleman from New Jersey [Mr. POWERS]. Is there objection to the unanimous-consent request?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from California.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5966, with Mr. LUCAS in the chair.

The Clerk read the title of the bill.

Mr. DOCKWEILER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOCKWEILER. Mr. Chairman, I yield myself 15 minutes.

We come now to the consideration of a supply bill which has to do entirely with our own official housekeeping. The Bureau of the Budget, in this one particular instance, has no jurisdiction to review the appropriations for our own expenditures. This bill is peculiar in that respect. The law exempts the estimates of appropriations for the legislative branch from Executive control. For that reason, as well as the desire to omit all unnecessary items, the subcommittee on Appropriations for the legislative establishment, and your chairman, have tried their best to curtail appropriations without doing any great injury to the operations of the Government so far as they apply to us. As is well understood, this supply bill cares for the Senate expenses in all of the ramifications of its activities, for the House of Representatives, the Capitol Police force, the Joint Committee on Printing, the Joint Committee on Internal Revenue Taxation, the office of the legislative counsel, the Architect of the Capitol, the Botanic Garden and the Library of Congress, and last the Government Printing Office. The total of the estimates considered by the committee in the preparation of the bill was $24,947,764. This sum is composed of $24,558,166 transmitted in the regular Budget, only in a formal way, but there were supplemental estimates totaling $389,598. The amount of money recommended to be appropriated by this supply bill is $24,001,734, and compared with the appropriation for 1937 that sum is $1,413,724 less than for the current fiscal year; and, interesting to note, it is $946,030 less than the total amount of the estimates. I doubt very much whether any supply bill that has come before you, or will come before you in this session of Congress, will show a greater proportional decrease under the appropriations for 1937.

At this juncture I pause to give my meed of thanks to the members of the subcommittee who are associated with me—Mr. POWERS, of New Jersey, on the Republican side of this committee; Mr. RABAUT, of Michigan; Mr. FERNANDEZ, of Louisiana; and Mr. SNYDER of Pennsylvania. Mr. SNYDER, in the latter days of our hearings, was elevated to the position of membership on Subcommittee for Deficiencies of the Committee on Appropriations, and in his place the chairman of our committee selected the gentleman from Kansas [Mr. HOUSTON]. To these gentlemen is due largely the credit of the preparation of this appropriation bill.

When you read the report you will note that so far as Senate items are concerned, we have not, as members of the subcommittee of the House for the legislative establishment, done anything whatsoever. The custom has been, through the years, to let the Senate take care of its own fiscal necessities. So, in mentioning the Senate operations and Senate expenditures, I shall pass over them very quickly. The amount recommended, however, for the Senate for 1938 is $3,334,084, which is $284,000 less than the current year and $600 under the Budget estimate.

The House of Representatives is awarded a total of $8,308,078, a net reduction of $19,030 under the 1937 appropriation and $20,690 below the estimates.

In a very cursory way I shall give you the break-down of the House of Representatives total.

Under the first heading comes Members' salaries, where the amount is the same. Members' mileage, which is the same as previous years. Salaries for the Speaker's office, which is the same; Speaker's table expenditures, amounting to the same. Clerk's office salaries, amounting to the same. Annual employees of committees, an increase of $3,480, which increase was provided for by a resolution of the House at this session. Sergeant at Arms' office, the amount is the same. House Office Building police force, for the same items. Doorkeeper's office, the same. Special and minority employees, the same as last year. The post office of the House of Representatives, an addition of $360.

In this case we provided the postmaster of the House of Representatives with an additional registry and money-order clerk. He had been giving this service in both the new and the old House Office Buildings, where there are branches of the post office, but he had no money-order clerk in the House Office Building, and he used one of his messengers for this service. We felt that, since this service was being rendered adequately by this messenger, we would provide the salary he had been receiving prior to a decision of the Comptroller General.

Official reporters of debates, the expenditure is increased by $2,760. This is accounted for by a resolution adopted in the House of Representatives last year. The committee stenographers have an increase of $1,920, due to a House resolution respecting their office. Members and Delegates' clerk hire is the same as last year and previous years.

magnitude, is put to work, it should employ the best counsel that is available in America, an outstanding man with a

This committee delved into a situation in one of the Northeastern States where men, who it is alleged bore my own

So far as the contingent expenses of the House of Representatives are concerned, we have had to increase the item of furniture repairs and furniture in the sum of $18,950, $2,200 of which will go to new equipment in connection with the improvements which will take place in the press gallery if this supply bill is passed.

The packing-box item is the same. The miscellaneous items, however, show an increase from $75,000 to $95,000, or a total of $20,000. This is due principally to the fact, as you Members understand, that when the death of some employee occurs it has been the rule to give the widow or the family of that employee 6 months' salary and an allowance for funeral expenses. We have had more than the normal amount of deaths in the past year.

Reporting hearings is exactly the same as last year.

Expenses of special committees—it might be interesting to note what the committee has done in that regard. Last year we gave to the contingent fund $100,000. This year we have only provided $60,000, or a decrease of $40,000. According to our committee hearings it developed that a very small part of the $100,000, awarded in last year's bill for current expenditures for special committee expenses, had been spent, so we reduced the amount accordingly. We think that the special committees now operating under resolution of the House of Representatives will be able to get along with this sum, unless, of course, the House of Representatives might deem it necessary to appoint more of these special committees of investigation.

The Joint Committee on Internal Revenue Taxation has an increase of $2,000. Mr. Parker, in charge of this activity, came before our committee and said he felt that because of the tremendous interest which the Nation is taking in revenue enactments and in the revenue laws so far passed by this administration, it was necessary for him to have this extra sum in order adequately to serve the Committee on Finance and the Committee on Ways and Means.

Telephone and telegraph is the same as last year, $95,000. It does seem like a lot of money for our establishment to expend in telephone and telegraph. It is no more than last year. It is no more than previous years, but I might at this juncture admonish the Members of the House of Representatives that very frequently they might be able to conduct their official business by correspondence instead of finding it necessary at all junctures to send telegrams. I have thought, and it was discussed in our committee, that perhaps Members of the House should be given an opportunity to utilize air mail instead of the telegraph.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DOCKWEILER. Mr. Chairman, I yield myself 5 additional minutes.

As chairman of the subcommittee I thought of this expediency, that the Postmaster General might be authorized by law to give each Member of the House a certain number of token air-mail stamps.

I know that if a Member of the House, particularly one from the West, had available air-mail stamps to attach to his communications, knowing that they would be delivered in the West the next morning, he would consider it as good a service as the telegraph. It is, however, only a thought I cast into these remarks; but I feel that this intermediary service of a token air-mail stamp privilege on the part of the Congressmen might save a considerable sum of money which would otherwise annually have to be appropriated to take care of telegraph bills.

The rest of that item, stationery, is the same; medical supplies are the same; postage for officers is the same; folding speeches is the same; editing the code is the same; services, various compilations is the same; the amount allowed for the Speaker's automobile is the same, and the amount allowed for portraits of Speakers of the House is the same.

The item, Capitol Police, is not increased whatsoever. The joint committee on inaugural ceremonies this year is eliminated. The amount awarded to the Joint Committee on Government Organization is eliminated this year because of the creation of a special committee of the Congress having in its membership both Senators and Representatives, and which is now making this study. We are giving the office of the legislative counsel the same money it has received heretofore, the amount for salaries and expenses being the same, and the amount for statement of appropriations being the same.

We have, however, granted an increase to the Architect of the Capitol. The Architect of the Capitol requested an item of $7,868 to make certain improvements in the House press gallery. Similar improvements were made 2 years ago in the Senate press gallery. These improvements are very much needed and the alterations in the House press gallery will be made by the Architect of the Capitol under the terms of this bill.

Air conditioning: No further appropriations for air conditioning are necessary because a sufficient amount has been heretofore provided. The work is under contract and we are informed that the air conditioning should be finished by June of this year.

Included under the Architect of the Capitol is a large item for the Capitol power plant. We find that an additional sum of $313,750 is needed to take care of a new steam-line conduit to the new annex of the Government Printing Office and the new Government Printing Office warehouse. We questioned the Architect very closely on this subject, feeling that, perhaps, a power plant established down there might in a cheaper manner take care of the heating and lighting expenses of these new buildings, but the Procurement Division of the Treasury made a study of the subject and reported that it would be better to make the extension of the steam lines from the Capitol power plant than to install a separate power plant at the Government Printing Office.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I yield myself 5 additional minutes.

We now come to the Library of Congress. After careful consideration we have awarded to the Librarian, Dr. Putnam, who is doing such a splendid job in developing and dignifying with his great talents and his fine institution, the Library of Congress, 18 new employees. He asked for 41 new employees. He asked for 41 new employees last year and the year previously, but we have not given him any additional help for several years. We find now that it is absolutely necessary so to do, particularly in the catalog and classification divisions. He finds that many items and accretions to his Library are bottlenecked in these particular departments. As you know, two copies of every book that is copyrighted in the Copyright Office under his jurisdiction are deposited in the Library of Congress. During the course of a year this represents many thousands of books. The accumulations in the Library are so great that, of necessity, these books and whatever gifts are made to the Library—and there are many during the course of a year, some very splendid gifts on the part of people who have spent their lives in collecting works—that these books could not be treated, could not be cataloged with the help available. Needless to say, those items are of no service to the Nation or to ourselves as Members of Congress, or to the Government departments if they cannot be found, even though we have them there; and they cannot be found if they are not cataloged and classified. So, of these 18 new employees, we gave him 9 for the Catalog Division and 3 for the Document Division. We gave the Law Library 1 extra clerk.

We allowed the Library a general sum of $100,000 for the purchase of new books and we allowed the Law Library $60,000 for additional law material.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes; I yield to the gentleman from Ohio.

Mr. HARLAN. How does that compare with the allowance that we gave them last year?

Mr. DOCKWEILER. We gave him $115,000 last year for general increase and $50,000 for law.

Mr. HARLAN. How does that compare with similar libraries such as the Harvard law library, for example, or the University of Michigan?

Mr. DOCKWEILER. The Harvard Law Library has but one operation; that is the collection and accumulation of law books. I just stated that we allowed $60,000 to the law library. This makes a total allowance of $160,000 for accessions.

Mr. HARLAN. What I have in mind, if the gentleman has the time, is that the law library of Harvard University spends in the neighborhood of $100,000 a year. It is hopeless for us to try to maintain an adequate law library on an allowance of $60,000 a year.

Mr. DOCKWEILER. The year before last we allowed $90,000 and last year $50,000. If you will read the hearings with respect to the law library, you will find that we have had splendid justification for the increment of $10,000, but since the committee did not increase the amount of money awarded to the general library, and decreased the allowance from $115,000 to $100,000, we felt we were not justified in a greater increase to the law library than $10,000.

I hope that answers the gentleman's question.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I yield myself 1 additional minute.

It can be readily understood that in this very brief statement it is difficult to take up every item of appropriation. We have increased the salaries of 260 employees at the request of the Architect of the Capitol, these employees being under his jurisdiction and compensated under the Classification Act; but in no case have we allowed increases in grades where the step-ups were more than $60 per annum and in no case where the $60 would build the salary beyond $2,000. The committee has been very sympathetic with all of the low-paid employees.

If there are any questions I shall be glad to answer them as best I can.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield 25 minutes to the gentleman from Massachusetts.

PHILIPPINE INDEPENDENCE

Mr. TREADWAY. Mr. Chairman, for the past several weeks Hon. Emanuel Quezon, President of the Philippine Commonwealth, has been in this country. Recently he was the guest of honor at a large dinner given by our former colleague and popular friend, Hon. Harry B. Hawes. Those attending the dinner were, for the most part, the Members of both branches of Congress who were present at President Quezon's inauguration in November 1935.

In the course of his remarks at this dinner, Mr. Quezon spoke of the eventual complete independence of the Philippines. Since then he has been quoted as saying that he and his fellow countrymen would be gratified to have this condition become an accomplished fact during the next 2 years.

Probably this possibility has been the subject of conversations between representatives of the State Department and Mr. Quezon. It is rumored the President of the United States is considering a trip to the islands in the autumn, which would indicate that the administration desires to study conditions there at first hand.

It is not too early to bring this subject to the attention of Congress. While I am in no way a student of far eastern problems, it was my good fortune to have been a member of the congressional party attending President Quezon's inauguration in 1935. My personal observations gave me some very definite opinions. But before expressing them let me very briefly sketch the background.

As everyone knows, the Philippines came into our possession as a result of the War with Spain in 1898. We fought that country in the capacity of an elder brother protecting our island neighbors to the southeast, the people of Cuba. When war was declared Commodore George Dewey was in command of a small squadron of American vessels off the coast of China. He sailed at once for the Philippines, which were then a Spanish possession. In the face of the supposedly impregnable defenses of Manila Harbor, both on land and sea, he made an attack on the Spanish vessels and won a complete victory.

Dewey's success at Manila, combined with continuous victories in Cuba, in which Col. Theodore Roosevelt and Lieutenant Hobson were the outstanding heroes, soon terminated the war. The Philippines fell into our laps. What to do with them has been a problem ever since.

After much hesitation, President McKinley's administration decided to hold the Philippines as a dependency. This was a new policy for the United States, and was at once attacked by many in this country as imperialism. On the other hand, it was argued that the Filipinos were not fit for self-government, and that American sentiment would not tolerate returning the islands to Spain.

We have here in our own country ample area to take care of our people. We are not a colonizing nation, but we are a sympathetic people. For 39 years we have controlled the islands, gradually increasing their rights of self-government.

After the surrender of Manila to Commodore Dewey a provisional American government was set up. However, undisputed control was not established at once due to the Filipino Insurrection. In 1899 the first Philippine Commission was appointed by President McKinley to study conditions in the islands and recommend a course of action. The next year a second commission, known as the Taft Commission, was appointed to assume both legislative and executive functions in the islands. Later William Howard Taft, who headed the second commission, was named the first civil governor of the islands.

The legislative functions were retained by the civil commission until 1907, when, under the Cooper Act, the first elective assembly was inaugurated. The legislature then consisted of this elective assembly as the lower house and the civil commission as the upper house, the latter being presided over by the Governor General. In 1913 the share of the Filipino people in their government was enlarged further when they were given a majority of the appointees on the civil commission, thus enabling them to control both branches of the legislature.

Under the Jones law, passed in 1916, the Philippine Commission was abolished and the Philippine Senate created in its stead. This placed the legislative function completely in the hands of the Filipinos themselves. The Governor General, however, continued to act as the chief executive officer, but was relieved of his duties as presiding officer of the upper legislative body.

This form of government continued until November 15, 1935, when the Commonwealth of the Philippines was inaugurated under the Independence Act passed by Congress in 1934.

Mr. Chairman, we have spent fabulous sums in making the Filipinos an independent people. For defense, for sanitation, for education, and for all the attributes of improvement and development we have been most generous. On February 20, 1934, the gentleman from Texas [Mr. KLEBERG] inserted in the RECORD a table showing the expenditures of the United States on account of the Philippine Islands. This table, which was prepared by the Bureau of Insular Affairs of the War Department, shows that from May 1, 1898, through June 30, 1933, we had spent a total of $822,000,000 for and on account of the Philippine Islands, not counting the $20,000,000 which we paid to Spain on their cession to us following the Spanish-American War. Think of it—nearly a billion dollars!

Not only have we spent hundreds of millions of dollars in the Philippines in the interest of the Filipino people, but we have contributed further to their wealth by consistently buying more of their products than they have bought from us. In this connection I quote the following paragraph from the recent report of the United States Tariff Commission on United States-Philippine trade:

The Philippines have generally sold more goods to the United States than they have purchased from the United States. Their credit trade balance with the United States amounted to $47,800,000 in 1933, $42,500,000 in 1934, and $20,770,000 in 1935.

During the entire time we have had the Philippine Islands under our jurisdiction the people of the islands who would wield power there have been urging independence. Every President of the United States, from McKinley to Franklin D. Roosevelt, has favored eventual independence. Acting upon their advice, Congress from time to time has endeavored to legislate toward that end.

In the Seventy-second Congress a bill was passed providing for Philippine independence, but certain conditions contained therein were not approved by the Filipinos in a referendum on the measure. With slight changes, the same measure was again passed in the Seventy-third Congress and submitted to the Filipino people and was this time accepted. The outstanding provisions of the Independence Act are as follows:

First. Authorization for the adoption of a constitution and the institution of the government of the Commonwealth of the Philippine Islands pending the withdrawal of American sovereignty and the establishment of complete independence at the end of 10 years.

Second. After 10 years, the final and complete independence of the Philippines is to be recognized.

Third. A High Commissioner to be appointed to represent the United States in the islands pending complete independence.

Fourth. Pending independence, trade relations between the Philippines and the United States to be on the same basis as previously existing, except that quotas for free entry of Philippine sugar, coconut oil, and cordage are established, amounts imported in excess of quotas to be subject to regular duties.

Fifth. After the Philippines have become fully independent, the regular tariff duties on foreign imports are to apply to Philippine products; provided, that at least 1 year prior to independence a trade conference between Philippine and American representatives shall be held to discuss and make recommendations regarding future trade relations.

Sixth. The United States to relinquish all military reservations in the islands upon the establishment of complete independence, with the discretionary right to retain and maintain naval bases and fueling stations.

Mr. Chairman, I will say frankly that I have grave doubts whether the vast majority of the Filipinos are competent to pass judgment upon so momentous a question as whether they wish to be a free and independent nation and assume all the burdens and responsibilities incident thereto. Of course, the Filipinos with whom we come in contact in this country, as well as those with whom visitors to the islands normally come in contact, are an educated and cultivated group. But there are really three classes of Filipinos. There is the small percentage of very brilliant and highly educated leaders. Then there is a moderately small percentage of what might be termed the "middle class", composed of clerks, storekeepers, and so on. Finally, there is the very large percentage of what would appear to the average American as the uncivilized group. This latter class inhabits the hundreds of islands which make up the Philippine Archipelago.

When visiting the Philippines in 1935 it was my privilege to make two excursions into the country, one to Baggio, which is about 150 miles north of Manila. The other lay to the southeast, across the country toward the Pacific Ocean. On both these excursions I very distinctly came in contact with the real life of the islanders. I do not believe that people living as these natives do, where women are put to work crushing stones by hand power for the repair of roads, and where the men sit almost naked by their huts with only a shirt and gee string, are able to make so important a decision as the one they were required to make under the Independence Act. Nor do I believe that people whose only cover is a shack made by sticking a few bamboo poles in the ground and laying some rattan strips for flooring, with thatched roof above, live under conditions suitable for independence. The result will be that while we are supposed to have set up a republic, in effect we are acquiescing in an oligarchy, because the few of the first class I have mentioned are sure to control the entire civil structure.

But these opinions of mine are not important now. The fact is that, whether for good or bad, a majority of the Filipino people have by their mandate accepted the provisions of the Independence Act and have set up a government under their own constitution. As I have already said, they will have complete independence in 10 years.

Some of the Filipino leaders are now becoming restless and want independence sooner—within 2 years. They also want to secure modification of the Independence Act in other respects.

Mr. Chairman, I, for one, fail to see what is to be accomplished by a continuation of our 10,000-mile remote, indefinite control over the Philippines before actual independence comes. I can, of course, see its benefit to the Filipinos, but I can see no existing obligation on our part to assume further responsibility for their safety from internal or external attacks. If the Filipino people want independence in 2 years, I am in favor of givng it to them.

Of course, the Filipino people would be glad to have their cake and eat it, too. They would like to be independent, but they hesitate to shoulder the responsibilities of independence themselves. However, speaking as an American legislator, I cannot approve of that situation. This Government has to all intents and purposes turned over to the Filipinos the right to govern themselves but, at the same time, we continue to be responsible to the nations of the world for the well-being of the islands. This involves military, naval, and partial civil control. It involves the possibility of the conduct of the Filipino people aggravating some nation to the extent of bringing about hostilities, which would require American intervention and action. We should not have an American protectorate over the islands for 10 years which has such possibilities of trouble, expense, and unnamed difficulties. I am ready at any moment to vote for a reduction of the 10-year period before Philippine independence becomes an accomplished fact. The shorter the period, not to exceed 3 years, the better.

The Filipino people want one-sided independence. They want independence without responsibility. They want to be free, but they want to continue to receive the economic and military advantages they receive by being an American protectorate. I, for one, would not consent to that kind of an arrangement. Either the Philippines should be free or they should not. And if they are to be free, the sooner the better.

So far as other modifications of the Independence Act are concerned, I express no opinion except as they may apply to changes in the tariff arrangements provided. I would be absolutely opposed to granting further tariff concessions to the Filipinos. It should not be forgotten that one of the major considerations in granting independence was that our farmers and workers would not thereafter have to suffer from free and unbridled competition with competitive Philippine products produced by cheap oriental labor.

There is no question but what the thought of being on a foreign-country basis so far as our tariff laws are concerned, beginning in 1945, is one of the things that is most disturbing to the Filipinos in connection with their independence. They want to continue to have free access to the rich American market and undoubtedly we will be asked to make some exceptions in their behalf. Perhaps Secretary Hull will extend the "good-neighbor policy" of the Reciprocal Tariff Act to the Philippines and thereby nullify the tariff policy set up by Congress in the Independence Act. Of course, until 1945 our tariff wall will not apply, and, in the meantime, some of us hope to see the Reciprocal Tariff Act repealed.

It is probable that the Filipino people may soon rue the day when they adopted the referendum granting them independence. That remains to be seen. From the purely business standpoint, the American taxpayer has reason to rue the day we took jurisdiction over the islands, since, as I have pointed out, we have spent nearly a billion dollars

in protecting and promoting the welfare of the Filipino people. However, we are a charitable people, and it was only our interest in protecting the weak against the strong that led us into the war which brought the Philippines under our jurisdiction. Hence, I would not suggest that we are glad to get rid of the Philippines purely from the business standpoint.

While the Filipinos may some day rue their independence, there are also large American interests in the islands which do not relish the idea of losing American control and protection. In 1935, according to the United States Tariff Commission, the total American investments in the islands amounted to $163,000,000. Mining investments represent 23 percent of this total; public utilities, 19 percent; sugar, 12 percent; plantations, 12 percent; and merchandising, 11 percent. These five industries account for over three-quarters of the total American investment.

I do not see where we have any responsibility to protect these investments. They were made by people who were familiar with the uncertainty as to the time when we would relinquish control over the islands, and they took the risk that some day American protection would no longer be furnished. I, for one, would not vote to send any American troops for war purposes outside the continental United States, and I am opposed to sending soldiers to the Philippines to protect $163,000,000 of American investments.

Mr. Chairman, in closing, I repeat, if the Filipinos want independence now, instead of in 1945, give it to them; but they should be independent rather than under the further protection of our people and our flag. [Applause.]

Mr. DOCKWEILER. Mr. Chairman, I yield 20 minutes to the gentleman from North Carolina [Mr. COOLEY].

A DRAMATIZATION OF CRIME—A ROMANCE OF VIOLENCE

Mr. COOLEY. Mr. Chairman, ladies, and gentlemen, once again I am about to abuse your patience by asking that you hear me for a few brief moments as I discuss a very novel and profoundly important subject, the Sit-Down Strike; a Dramatization of Crime, a Romance of Violence.

It is very difficult by logic or learning, by the fluency of words or the elegance of diction, or even by the sparkling language of eloquence, to stop or to stay the strong arm of violence. I appreciate, therefore, the weakness of words even when spoken in this historic forum. Mere words when spoken even by the chief executive of a sovereign State appear to be impotent and as sounding brass and tinkling cymbals when directed to the lawless spirit which is responsible for the great demonstration of violence which is now prevalent in certain sections of the Nation.

What I am about to say, therefore, will have little or no effect upon those who are responsible for the condition of which I complain. Your hearing me will perhaps serve but one purpose, that of permitting me the privilege of audible expression of my disapproval of certain vicious assaults which are now being committed upon the majesty of the law.

The tyranny of a mob is as odious as is the tyranny of a monarch. There is no place for either in this Republic. In this Nation the only emperor, the only king, the only sovereign, is the majesty of the law, and for it all men must have reverence and respect. Only by maintaining law will we be able to protect our institutions, our properties, our homes, our reputations, and our lives.

As Congressmen we are champions of the law, the law under which our Nation has grown great and without which our Nation will perish. This is a government of law. The law is the bulwark of our strength—the safeguard of our liberty. The law must at all hazards be maintained and vindicated.

America is an asylum for the oppressed of every land, and nowhere else beneath the bending sky is there another such haven. When law is destroyed America is lost and humanity's last and best hope is gone. I therefore desire to ask this question: Shall we remain silent when the basic fabric of our civilization is threatened by an alien spirit which is incompatible with the genius of our Government? Shall the enemies of law and order continue to occupy the center of the stage while we, the guardians of the law, remain silent?

I, for one, cannot feign an indifference to this perilous situation which exists. I, for one, cannot accept with smug complacency these outrages upon constituted authority. Nor can I countenance these assaults upon the law. This dramatization of crime, this romance of violence is ladened with evil and loaded with dynamite.

I realize that from a superficial view one might become unduly alarmed and discouraged. While I do not believe that this lawless spirit will devour our civilization, yet I behold a solemn and impressive spectacle, a spectacle which I hope I may discuss with some degree of temperance.

I am admonished to be tolerant; to have patience; to be charitable. While I realize that charity is the paramount virtue and in tolerance there is something of the divine, I am unable to accept philosophically the conditions that exist and by accepting, encourage them. Those who love the law and our great American institutions will not yield to the suggestion that they be tolerant while the law is flaunted and private property is confiscated in a high-handed and unlawful manner.

If we are to permit our forbearance to cause us to tolerate the tactics and technique which are employed by those who are infatuated by a lust for power; if we are to permit our institutions to be prostituted; the law to be lynched and public justice to be outraged; if we are to admit that the battalions of the law are unable to withstand the onslaughts of violence, we might as well tear from the walls of our courtrooms the ancient and classic form of the Goddess of Justice and throw it into the street to be trampled upon by the hoofs of communism, which will finally grind this Republic into pulp.

In this conquest those who are responsible for this lawlessness are neither commissioned nor commanded by a fiat of fate, but are moved only by a thirst for power which causes them to want to rule or ruin. I was very much pleased to read in the morning paper that William Green, a responsible labor leader, has expressed very definitely his disapproval of sit-down strikes, thus showing that he is a real friend of labor.

Surely America is at the cross road. One road leads to restoration and reform. The other leads to Moscow and to Rome; to repudiation and to revolution and to the jungles of anarchy. In this crisis our choice is clear. If this lawless spirit has the audacity to invade the courtroom in an effort to intimidate the judge upon the bench, and is permitted to do so with impunity, it may soon invade this sacred Chamber and the legislative halls in the 48 States.

Who can speak the language of tolerance when all that the Nation holds dear is threatened; when beautiful and noble reverences are destroyed in the minds of groups of our citizens; when the courts are challenged as cowards and public justice is made a mockery? Who can be patient when the will and the impulse to obey the law is annihilated in the breast of men; when hatred and distrust is engendered in the public mind; when the courts are intimidated and justice sits trembling in its ancient citadel and the very foundations of the temple of free government shiver in the presence of reckless and wanton men?

Unless this spirit of lawlessness is checked and stopped our ship of state will soon be sailing in shallow waters and will crash upon the sunken rocks of communism. If men are to be permitted to take the law in one hand while they brandish a bush ax or a shotgun in the other and openly set law at defiance while they seek to accomplish by force and violence that which the slow processes of the law denies them, neither your home nor my home, nor the home of the humblest citizen will longer be safe and secure from the ravages of reckless men. We will no longer have a government of law but only a land of lawlessness and chaos.

Mr. COFFEE of Washington. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield briefly for a question.

Mr. COFFEE of Washington. The gentleman speaks of his reverence for the majesty of the law. Has the gentleman signed the petition for the consideration of the anti-lynching bill?

Mr. COOLEY. I have not; and, furthermore, I have never signed a petition to take any bill from any standing committee of this House. I am not talking about an antilynching law. I am trying to drive home the fact that the law itself is being lynched by mobs in certain sections of the country.

I have no apology to make for my friendship for labor. My labor record is as good as that of any man or woman in this House. If I may express my sentiment with reference to the subject by paraphrasing the language of Lord Mansfield, I will say: "The air of America is too pure to be breathed by an economic slave." I yield to no man my sympathy for the underprivileged. Labor's cause is a just and righteous cause, but its high objectives must be accomplished by reason rather than by brute force. Group action often intensifies the vices rather than the virtues of men. I am very much afraid that the moral psychology will be adversely, potently, and permanently affected by these insurrections against the State. While I am a friend of organized labor, I cannot go along with those who would pervert and prostitute its high purposes. Once again may I reiterate the warning of the wise man of old—"Where there is no vision, the people perish; but he that keepeth the law, happy is he."

A peaceful termination of these battles is a consummation devoutly to be wished. I hope that labor will achieve greater victories and more lasting laurels than it is now accomplishing by temporarily staying the arm of the law. Labor must draw its own specifications, chart its own course, and be its own architect. It will be ruled by reason or ruined by recklessness.

Lip love for labor is not sufficient. Labor's problem is national in its scope and we must in justice and of necessity establish an adequate mediation system to the end that labor may be accorded the due processes of law and given its day in court. This must be done and it must be done now. It must be done by law and not by force of arms. Labor must be given a place in the sun.

If the evils of the economic system under which we are living have driven honest American workers to the desperation of outlaws, surely the evils must be eradicated and the systems must be improved. If industry has displayed a medieval disregard of the rights and privileges of those it employs, the laboring man has a right to look to the Government and to the law for a correction of the system under which he is forced to live. If industry has armed itself with blackjacks, tear gas, machine guns, and other deadly weapons for the purpose of an offensive warfare against the lawful rights of the laboring man, then America must unarm industry and strip it of its deadly weapons and unlawful purposes. As we cannot tolerate the confiscation of private property by labor, neither can we tolerate gas bombs and shotguns in the hands of hired strikebreakers aiding industry in its indefensible violation of the human and lawful rights of men.

Again I repeat, these struggles and these controversies must be settled upon the basis of right reason, human justice, and common sense, and under laws characterized by simplicity and equality.

If we believe in the perpetuity of our Nation we must believe in the necessity of preserving the law, the foundation upon which it rests—our governmental structure.

The crisis calls for courage. May the hearts of statesmen be brave. May reason rule and relieve and ransom the oppressed of this Nation as we go forth to retrieve the law.

If we as lawmakers are willing to give aid and comfort to the lawless spirit which is permeating this Nation today, we should resign our commissions, hang our heads in shame, and join the ranks of those who would defile and despoil the heritage which we hold in trust for posterity. Shall statesmen lie in lethargy while ills and evils flourish and spawn a multitude of other wrongs, or shall we by bold and courageous action and under the rule of reason correct them?

I think that it is well-settled law in the United States that when an undertaking which is privately organized and privately owned and operated becomes charged with a public interest, then the public may supervise and control it—not by force and arms but by law. If this is true, why, then, cannot either the State or the Federal Government establish by law maximum hours, minimum wages, and the abolition of sweatshops?

Corporations are creatures of the law. They derive their power from the State, and surely the State has not created a "Frankenstein" which is to rise up in its might and power and destroy its creator. Corporations are legal entities, and as such are impressed with a moral and public responsibility. If the power granted to corporations to use is actually abused and the corporation in the exercise of its granted corporate power abuses the rights and the privileges of men and women who, by the necessities of their situations, are forced to earn their livelihoods by working for this creature of the law, and by doing so have undermined and impaired their health and that of their children yet to be born by working under undesirable conditions, and for long hours under a speed-up and stretch-out system which not only destroys their health but the last vestige of human happiness, and must do their work at the master's bidding and under the threat of the loss of their jobs in the event they complain, and under the threat of being blackjacked in the event they strike, as under the law they have a right to do, then surely the power that creates the legal entity should have the right to control it in the exercise of the privileges granted and to lay down certain rules and regulations to govern it in the exercise of its power over the lives and destinies of those whom it employs. Herein lies labor's hope.

Whatever our situation may be, no one can safely contend that any act of any branch of the Government—either the legislative, the executive, or the judicial—justifies the conduct of those who are either openly or secretly violating the laws established for the protection of orderly and organized society. Anyone who argues this is only encouraging violence which, if not checked and controlled, will lead to an expenditure of blood as well as a wealth of treasure.

To contend that nonaction on the part of the Government in failing in all respects to enforce the antitrust laws justifies the debauching of authority is tantamount to saying that the failure to apprehend and to punish all of those who do murder gives a license to the citizen to kill and to plunder as he pleases. This logic would lead to a complete break-down of all law and order.

Law is liberty's noblest champion. The heart that beats with bitterness has no right to mount to the summit of success. While the hour calls for calmness, surely it calls for courage. While respect for law and constituted authority is taught to those in the cradle and around the fireside of our homes, it must find its culmination only in righteous judgments in our temples of justice.

Mr. POWERS. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, it was said by one who sat in the convention which framed our Constitution—

> That of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues and ending tyrants.

From time to time throughout history there have appeared men endowed with mysterious power to fascinate, charm, and beguile certain types of emotional individuals, and by the use of this subtle gift to gain for a time a complete mastery over their minds. Many modern students interested in this phenomena have given careful study to it in an effort to fathom this strange and ofttimes dangerous power which clever, strong-willed, recklessly ambitious characters in times past have exercised over susceptible minds.

It is important to plumb the depths of this phenomena, because many events in history can be explained in no other way. It is important to understand this, for there never was a time when those who love liberty should give more serious consideration to the probable results of mass mind control than now.

Unless citizens can detach themselves from the inflammatory mob-mind spirit long enough to understand what the present movement portends, they eventually will realize how history repeats itself, and how in consequence the liberties of the people are destroyed. Free government cannot long withstand the crushing pressure and demoralizing effect of widespread mob violence. And let us not forget that he who seeks despotic power has generally attained his goal by permitting, and, what is more deplorable, encouraging, mob disorder and disrespect for law. It is only in distressing times that such a man steps forward, appeals to prejudice, arrays class against class, poses as the leader of a new order, captures the imagination of an excited group, and takes complete control of government.

One student who has delved deeply into the phenomenon of the mob mind and the mysterious control which some men exercise over it states that—

> To know the art of impressing the imagination of crowds is to know at the same time the art of governing them.

The man who would become the master of the mob mind, bend it to his purpose and then enslave it, does not appeal to reason; instead he appeals to the passions, the prejudices, and the imagination of those whom he would control. It is by dethroning reason that he gains dominion over the incited mob spirit and then works his will upon it.

If this strange power over mental emotionalism were something new in the annals of history, or so remote and isolated as to have little bearing upon present-day conditions, it might be dismissed as of no particular importance, but such is not the case. Within a very short time we have seen the devastating trends and ultimate force of this kind of personal power, supplemented by the arsenals of modern propaganda, overthrow one government after another, and in every such case constitutional government has been replaced by one-man rule.

And I may add that in every such instance there has followed persecution, intolerance, violence, and loss of individual liberty. The most striking and deplorable feature of gaining emotional control by appealing to the hatreds and passions is that it tends to reduce the intelligence of the intellectual persons, when part of a mob, to the level of the weakest and lowest mentality of the mob. Witness the followers of Robespierre applauding at public executions.

Some of you may feel that it is safe to ignore the gathering storm now plainly visible on the horizon, but remember that this is the very danger George Washington cautioned his countrymen to heed. Washington did not ignore the danger signals of his day, for upon his retirement he issued this fatherly admonition:

> The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissensions, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction more able or more fortunate than his competitors turns his disposition to the purposes of his own elevation on the ruins of public liberty.

I do not wish to convey the impression that the United States is at this moment ready for a ruthless Robespierre. I am, however, convinced that we have been placed on a road which, if we follow it to its end, will lead to violence, destruction, bloodshed, and death.

The pattern that is being fashioned here is the very same pattern which was used in France in an earlier day, and in many countries of the Old World at much later dates. I do not for a minute think the President of the United States is himself fashioning a pattern of violence, but I am gravely concerned over the intentions of some of his followers who are now attempting to use the President to prepare the way for a violent change in our constitutional government. Those forces are at work; they are sowing the seed. The present times, superheated as they are with emotionalism, require from every citizen a firm resistence to the appeals made to prejudice and class hatred. The deplorable consequences that will otherwise follow should cause minority groups, racial and religious, to pause and think. Every minority group is now protected by the Constitution and the courts, but let these legal barriers to oppression be destroyed, then what? The answer to this question is being recorded day by day in other lands.

It would seem that two oceans ought to insulate against the madness that afflicts some foreign countries, but the insulation is futile unless our leadership within is sane and sound. The example of chaos caused abroad by reckless leaders who have destroyed individual liberty to gain power ought to deter men from pursuing a similar course here. We should view with distrust any man who seeks power by ignoring the constitutional restraints placed upon him by a free people.

It is obvious to all of us that President Roosevelt enjoys a measure of personal prestige comparable to that of any political leader in the old world. Clothed with a prestige which the name and fame of a predecessor has bequeathed to him, possessed of a personal charm that disarms suspicion, and endowed with unlimited faith in his own infallibility, he takes his place among those unique personalities who appeal to the imagination and the emotional elements of the Nation.

To a man fired with ambition for unlimited political power, these weapons for procuring it are not neglected. We have already seen the President play upon the passions with the skill and effect of a "master." It is by the use of a mixture of forceful, clever, and artful methods which confound the thoughtful and beguile the thoughtless that he has already obtained powers that many a monarchial ruler of several generations ago would have envied.

He has gained that power in the name of emergency, and, praiseworthy as the heralded objectives of his program for "a more abundant life" are, his methods have worked to perpetuate and aggravate that emergency. In the name of this emergency he now asks for additional extraordinary powers—more power—after having enjoyed and wielded unprecedented power for 4 years.

Turning again to the Farewell Address, we hear Washington giving this firm but fatherly admonition:

> The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.
>
> A just estimate of that love of power, and the proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of the truth of this position.

Already the American citizens have seen two departments, the executive and the legislative, consolidated into one. It is the executive department that now drafts legislation, controls the purse strings, and allocates funds. To the credit of the Supreme Court, the attempt to also control and dominate the citizens and to rule by bureaucratic decrees instead of by laws enacted by the Congress, was defeated. The vendor of the little brown hen, the pants presser, the baker, the little producer of electrical supplies and hosts of other American citizens found their only refuge from persecution in the people's court, the Supreme Court of the United States.

Now the issue before the American people is whether the third and last department of the Government, the judiciary, shall be "stacked" to make it the tool of the Executive.

The proposal has been made, the issue is joined. When the President sent his message to Congress asking power to appoint six more Supreme Court Justices, the people, including thousands who loyally supported him last year, were amazed, shocked, and grieved.

Amazed, shocked, and grieved as they were then, I venture the statement that they will be equally amazed, shocked, and grieved when they learn the full import of the President's plan to reorganize the administrative departments of the Government. The bill is now locked in the fastness of executive session and will not become public until the committee reports it out. The first reorganization bill sent down from the White House was incredible in its challenge to legislative authority. So incredible that it was soon withdrawn and a second bill, less obvious in its intent, substituted.

I see real danger to our democratic form of government in that one bill alone, but when that bill is coupled with the bill to enlarge the Supreme Court—and they should be coupled—then the danger becomes terrifyingly imminent.

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It has been very properly said that "we do not want a dictator in this country, not even a good one." It is alarming indeed to contemplate vesting the enormous powers sought by these two reorganization bills in the hands of the President, where they will remain for the use of Presidents yet unknown.

The individual who plays a game in which his life, liberty, and property are the stakes, and his opponent deals the cards out of a stacked deck, need not expect to win.

I ask every American citizen who believes in fair play to recall the case of Hon. William Humphrey. Here was a distinguished man with spotless reputation and character serving as a Federal Trade Commissioner, and as such he was a quasi-judicial officer. His term of office would not expire until September 1938. What did the President attempt to do this public servant, and for what purpose? I do not need to answer that question. I shall let the President tell you in his own words in a letter written to Judge Humphrey on August 31, 1933. Here is what the President said in that letter:

You will, I know, realise that I do not feel that your mind and my mind go along together on either policies or the administering of the Federal Trade Commission, and I think it best for the people of this country that I should have full confidence.

What happened? Judge William Humphrey, as an upright man with an unimpeachable record, could not forfeit his honor by prostituting his independence and honest judgment to the wishes of the President.

It was his sworn duty to hear and decide cases on their merits. He declined to resign. Then what did the President do? Listen to the President's own words addressed to Judge Humphrey:

Effective as of this date you are hereby removed from office as Commissioner of the Federal Trade Commission.

Judge Humphrey died, but his case was taken to the Supreme Court and by its unanimous decision, the name of this honest man was vindicated.

The President's own words and actions conclusively indicate what he expects from the men whom he hopes to appoint to the Supreme Court. His proposal, if adopted, is equivalent to abolishing the Supreme Court, and vesting the judicial power in him.

But what do the sponsors say is their real purpose in wishing to enlarge the Supreme Court with men whose minds will go along with that of the Chief Executive? They insist that under this arrangement acts of Congress will not be declared unconstitutional by the Court.

I ask every American this question: Do you want to put your personal liberties in the hands of Congress and in your State legislature?

To those who think this is a wise thing to do, I call attention to the fact that 10 times since the year 1867 Congress, or one of its branches, has violated the provisions of the Bill of Rights. It has tried to authorize illegal searches and seizures of private papers. It has tried to authorize criminal prosecution of a man after compelling him to testify before a grand jury. It has attempted to take property for public use without due and full compensation. It has attempted to authorize imprisonment of persons at hard labor without an indictment by a grand jury. It has tried to deprive the defendant in a criminal prosecution of his right to be confronted with the witnesses against him. It has attempted to allow an appeal by the Government in a criminal trial after the accused had been found not guilty by a jury. It has attempted to make a crime out of an act which was not a crime when committed. It has attempted to imprison a man without a jury trial for publishing a letter containing matter alleged to be defamatory of the House of Representatives. Three times it has enacted statutes violating the constitutional provision against bills of attainder. The only power that stood between the citizens and these tyrannical acts of Congress was the Supreme Court of the United States.

I cannot believe that in this period of world-wide dizziness the citizens of this Nation wish to destroy the only department of government which can protect them from mob violence and encroachment. I do not believe that the average citizen desires to trust his most cherished liberties to either an Executive, who demands arbitrary power to rule, or to a Congress under the absolute domination and control of such an Executive.

I turn now to a consideration of what the framers of the Federal Constitution had in mind when they placed restraints upon those whom they felt obliged to trust with power. It is impossible to read the Constitution without coming to the conclusion that their main desire was to formulate a plan of government so organized as to make liberty secure, and to make difficult, if not impossible, the despotism of faction or emotion.

Why was this one of their main objectives? They had seen class warfare fanned and fostered in other nations until the consuming flames of passion had destroyed every vestige of justice, charity, mercy, philanthropy, and religious toleration. They knew that disorders of this character had brought to other nations the black night of lawlessness, violence, and ruin.

To be more specific, they knew of governments where one-man power had tolerated and, worse still, encouraged hanging, drowning, and burning of men and women for entertaining religious beliefs and political doctrines that did not conform to the opinion of the man who ruled.

They had before them object lessons in America to warn them of the danger of vesting too much power in those who govern. Had they not seen, during a period of 7 years prior to the signing of the Federal Constitution, the legislatures of four States deprive their citizens of the right to jury trials? They had seen one State impair the freedom of the press by confiscatory taxation. They had witnessed all this and more.

They had seen the State legislatures of several States pass bills of attainder, sentencing men to death and banishment without a criminal trial by jury.

With these examples of tyranny and oppression and numerous others before them, they consecrated their talents to the task of preventing by constitutional restraints those who were to be entrusted with power from encroaching upon the liberties of the people. This they did with such consummate skill that for almost a century and a half the rights of the people have been preserved, protected, and defended from Executive and legislative tyranny.

During all this time, whenever an attempt has been made to encroach upon the liberties of the citizen, the Supreme Court of the United States, recognized by every civilized nation as the greatest judicial tribunal in the world, has come to his defense and sustained his rights.

In concluding, I want to leave one thought with you. I have mentioned but a few, a very few of the cases in which the Supreme Court has upheld the rights of the individual against legislative encroachment. The Supreme Court reports are filled with similar cases—cases where Congress and State legislatures sought to take away rights secured to the individual by the Constitution. Why has the Supreme Court been called upon so many times to protect these rights? It is because legislative bodies, spurred sometimes by racial and religious hysteria, have attempted to take away these rights from the people. And the fact that so many attempts have been made in the past is sufficient proof that many similar attempts will be made in the future. [Applause.]

Mr. DOCKWEILER. Mr. Chairman, I now yield to the gentleman from West Virginia [Mr. RAMSAY].

Mr. RAMSAY. Mr. Chairman, I want to discuss for a short time three phases of a speech delivered sometime ago before this House by my friend and colleague from Florida [Mr. WILCOX]. The gentleman from Florida said, among other things, that—

The Supreme Court has established its own economic views as the yardstick by which the constitutionality of acts of Congress have been measured.

Will the gentleman contend that this action of the Court is constitutional? If not, does the gentleman desire to continue these same men in their capacity as Judges, to force

upon the American people economic views that have been overwhelmingly repudiated by the American people in the last three national elections?

I know not what the gentleman proposes to do to curb this unlawful and unconstitutional power. But, so far as I am concerned, I am willing to enact any law or measure that is constitutional under the organic law of our land to restore to the representatives of the people the right to function and enact into law the economic theories of government believed in by the people who elected me to Congress to serve as their Representative.

Secondly, the gentleman declared:

If we should accept the President's policy and adopt it into law, then future administrations, which may be headed by a Communist, Fascist, or dictator, will be authorized to follow the precedent established.

Are we now to be instructed that Communists, dictators, and Fascists follow precedents? We know, by the assumption of power by the courts to supervise legislation and dictate its course, that the courts have become, not a coordinate branch of the Government under the Constitution but have created themselves the supreme and absolute power in our land without either check or balance.

Again, the gentleman exclaims, "Remove the doubt by adopting amendments to the Constitution." This is the challenge of every member of the opposition party and every leader of the vested interests, who hail the Court as "blessed" every time it nullifies any forward-looking act of Congress. This is the challenge of every foe of the New Deal.

And why is this challenge so blithely made by the opposition, when they well know the Constitution now, without amendment, provides ample authorization to the legislative body to check and curb this arbitrary power of the courts, first, in the manner now proposed by the President, and, secondly, in making exceptions and reservations to the appellate jurisdiction of the Supreme Court.

Of course, the opposition to the President oppose action along these two lines, well knowing that they cannot defeat either and by either course the Court would be checked and silenced in proclaiming their economic views and would permit the President and his administration to carry out their campaign promises to the people and bring relief to a long-suffering Nation. Why submit this question to a constitutional amendment when the Constitution already points the way?

Of course, the only answer is delay and the almost certain knowledge of the opposition that they could bring certain defeat to this administration by the submission of such amendment by the necessary delay and time consumed for its submission.

Thirteen years ago the child-labor amendment was submitted to the States. It yet remains unratified. Seventeen years expired before the income-tax amendment could be ratified.

The opposition party are solidly massed against any act or amendment that would curtail the powers of the Supreme Court to set aside acts of Congress, because the Supreme Court has decided on acts of Congress exactly as the opposition party voted on these acts.

In other words, the Court issue is a party issue, and no constitutional amendment can be adopted in this country, if the amendment becomes a party issue. This the opposition to the President well know; hence the constant challenge of amendment.

Again, they well know that 12 of our States contain only 5 percent of the people of this country, and under the circumstances they well know they are playing with a stacked deck in their favor, at a ratio of better than 20 to 1.

The gentleman says, "During the past 150 years Congress at one time or another has enacted laws which violated every one of the first 10 amendments to the Constitution and that the untrammeled judiciary stood between the people and their rights."

I do not charge the gentleman with lack of knowledge of this subject, but the records of the Supreme Court show that amendments nos. 1, 2, 3, 8, 9, and 10 have never been passed upon by this Court relative to an act of Congress. That amendments 4, 5, 6, and 7 have come before the Court upon the following subjects:

The fourth amendment to the Constitution provides—

That the people shall be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

Upon this amendment there has been one decision of the Supreme Court declaring an act of Congress void. The act required that a party to suit, on motion of Government attorney, could be required to produce in court private papers where allegations of fraud were charged against custom duties. Court held this unconstitutional because it was criminal process. Boyd against United States, One Hundred and Sixteenth United States Reports, page 616.

The fifth amendment to the Constitution provides—

That no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, nor be subjected for the same offense to be twice put in jeopardy of life or limb, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for a public use without compensation.

Upon this amendment eight cases have been declared unconstitutional or void, as follows:

Fifth amendment (eight cases).

First case: Law provided that in condemnation proceedings, franchise accruing from the collection of tolls should not be considered in fixing compensation for land taken. Held unconstitutional under fifth amendment (*Mon. Navigation Co.* v. ——, 148 U. S. 312).

Second case: Law made it a criminal offense for carrier engaged in interstate commerce to discharge employee for becoming member of labor union. Held void because of fifth amendment (*Adair* v. *United States*, 208 U. S. 161).

Third case: Law undertook to tax land held by Indians, held by them under patents that exempted land from tax. Held void because of fifth amendment (*Choate* v. *Trapp*, 224 U. S. 665).

Fourth case: Provided that upon evidence of illegal sale or manufacture of liquor, a tax should be assessed and collected against the person in double the amount of tax. Held void because of fifth amendment (*Lipke* v. *Lederer*, 259 U. S. 557).

Fifth case: Law provided minimum-wage law for women occupied in District of Columbia. Held void because of fifth amendment (*Adkins* v. *Children's Hospital*, 261 U. S. 525).

Sixth case: Law authorized tax on estates transferred before passage of law. Held void as to estates that were to be conveyed after death as a violation of fifth amendment (*Nicholas* v. *Coolidge*, 274 U. S. 531). Also case similar in *Untmeyer* v. *Anderson* (276 U. S. 440). Held decided by Nicholas against Coolidge, above.

Seventh case: Another gift tax case, similar to Cohen case. Held void. Violation of fifth amendment (*A. B. Small* v. *American Sugar Refining Co.*, 267 U. S. 233).

Eighth case: Law provided first for a summary hearing before judge or commissioner of Chinese persons regarded unlawfully within the United States for their deportation if found guilty, and secondly imprisonment at hard labor for a period of 1 year and then deportation thereafter. Held acts were void, because of the fifth and sixth amendments (*Wong Wing* v. *United States*, 163 U. S. 228).

The sixth amendment to the Constitution provides—

That in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial by an impartial jury.

Upon this amendment, there has been one decision of the Supreme Court, as follows:

During the World War, there was a law passed attaching penalty for any person who made an unjust and unreasonable charge for necessities of life. Held void because of sixth amendment, on the ground that persons accused of crime shall be adequately informed of charge (*United States* v. *Cohen Grocery Co.*, 226 U. S. 81).

Under the fifth and sixth amendments, the following cases were held void:

First case: Law provided that a conviction for embezzlement from the United States should be considered conclusive

evidence that the property was stolen from the United States. Held void as against fifth and sixth amendments (*Kirby* v. *United States*, 174 U. S. 47).

Second case: Law provided that in trials for misdemeanors six jurors should serve in cases tried in Alaska. Held void because of the fifth and sixth amendments (*Rasmussen* v. *United States*, 197 U. S. 516).

The seventh amendment to the Constitution provides:

> That in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Upon this amendment there has been one decision of the Supreme Court declaring an act of Congress void.

The act provided that in habeas corpus process the case could be removed from the State court to the Federal court, and further provided for new trial. Court held same null because it would place defendant in jeopardy because it required new trial (*The Justices* v. *Murray*, 9 Wall. 274).

Some of the decisions were five to four, to which the gentleman himself objects, and I believe the first thought of the average lawyer and layman will be that the Court was wrong in most of them; at least everyone must be impressed with the fact that not one of these cases show that Congress was attempting to take away from the people any liberty or freedom, as charged by the gentleman, but, on the contrary, was trying to make law and order more effective and to protect the interest of the general public.

I believe in the Constitution of the United States. I believe in it so much that I believe the power to enact legislation should be taken from the courts and restored to Congress.

I also believe that the Supreme Court of the United States ought to be deprived of the power to violate the Constitution by destroying acts of Congress.

Under the Constitution of the United States Congress represents the people and must answer to them every 2 years. To say that Congress cannot be trusted to protect and respect the organic laws of the land is, in effect, to say that our form of government is a failure and that the people themselves cannot be trusted to protect and preserve their own Government.

If I could believe that the members of the Court could rise above politics and exercise this great and absolute power in a clear and judicial manner, then I would say, "Amen, let the Court alone", and I would trust implicitly. But I know the Court consists of mere men, and no mere man should be given this power without check or restraint.

Like Jefferson, I believe the people, and the people alone, should be the final arbiter. If this power should be invested in acts of Congress, the people can finally decide, as they have a check in the elections every 2 years. But in a court occupying a life tenure, there is no check or balance, and the Court (in the words of one of its members) "is only checked by their own restraint."

The Court, by its recent ruthless setting aside of acts of Congress has proven to the people that we cannot rely on the Court to restrain itself whenever the members of the Court have an opportunity to assert their economic views.

Every great Judge of the Court, including Mr. Taft, bears me out in this view. Also every great President, including Jefferson, Jackson, Lincoln, and Theodore Roosevelt. Can any reasonable man question the sanity or patriotism of these great Americans?

Personally, I believe the powers granted to the Congress of the United States by the Constitution are to be taken as broadly granted, and as carrying with them the authority to pass those acts which may be reasonably necessary to carry them into full execution. Further, that the Supreme Court does not, and should not, have the right to prevent Congress from fully carrying out its constitutional functions.

I also believe the power to regulate interstate commerce includes the power to control things that are not in themselves interstate commerce, if such things affect such commerce. This the Court once fully recognized during other administrations (see especially *Northern Securities Co.* v. *United States*, 193 U. S. 196), and other cases I could cite. But the Court, now composed of men with different economic views, in the Guffey Coal case hold otherwise. Therefore, I am driven to the conclusion that the Court, upon these great questions of national policy, are not governed by the law or the Constitution.

What does my friend propose as a remedy—delay and more delay?

Mr. Chairman, even the gentlewoman from Massachusetts has offered a remedy. She would deny the right of the Lord High Chancellor of Great Britain to sit upon the Supreme Court. But my friend from Florida would await the time the members of this Court become conscious of their sin and decide to lead a new and better life.

What is the matter with the President's plan? Is it unconstitutional? No. Does it take away any of the rights, prerogatives, and duties of the Court? No. What, then, is the matter with it? If the President's plan is adopted into law, the chances are the Court would deny itself the power to dictate the kind and character of legislation Congress can adopt, and would refuse to lend itself to partisan decision; refuse to confine all legislation of Congress to the economic theories of the Mark Hanna period.

The President's plan will remove from the paths of progress a rock that stands in its way, like the Rock of Gibraltar to the gateway of the Mediterranean. It will make it possible for Congress to remove forever from the marts of trade and industry child labor, to aid the unemployed, conserve the Nation's lands, waterways, and resources, and be assured of the right to aid the aged and helpless.

Of course, the courts at the present time can impede the passage of laws on these subjects, but they will be acted upon whenever public opinion is sufficiently strong enough to enforce them. "Time marches on!" A new day dawns, which has brought new problems that must be solved. Kings, courts, and governments pass away whenever they refuse to meet the problems of their times. The world and its people cannot remain static. Onward and forward are the constant marching orders of our civilization. [Applause.]

Mr. DOCKWEILER. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. PHILLIPS].

Mr. PHILLIPS. Mr. Chairman, I call the attention of the House to a situation affecting the safety of the traveling public on interstate motor busses. All of us read in the daily newspapers a few days ago of a terrible accident which befell those traveling in an interstate bus. It so happened that I received a letter from Mr. John L. Rogers, Director of the Bureau of Motor Carriers of the Interstate Commerce Commission, on this subject. This letter arrived in my office either the day when the terrible accident was reported or the day after—at the moment I forget which. With the permission of the Committee I shall read a one-paragraph letter which I wrote Mr. Rogers and his reply to me.

The CHAIRMAN. Without objection, it is so ordered.

Mr. PHILLIPS. Mr. Chairman, this is my letter to Mr. Rogers:

MARCH 18, 1937.

Mr. JOHN L. ROGERS,
Director, Department of Motor Carriers,
Interstate Commerce Commission, Washington, D. C.

MY DEAR MR. ROGERS: I would appreciate it if you would inform me as to what requirements are made of interstate bus transportation companies as regards their providing for emergency safety doors on their busses, i. e., how many doors are required, the capacity of these doors as means of egress for passengers in case of emergency, position of the releases which open them, and other pertinent details.

Thanking you in advance, I am,

Very sincerely,

ALFRED N. PHILLIPS, JR.

Here is the reply to my letter:

INTERSTATE COMMERCE COMMISSION,
BUREAU OF MOTOR CARRIERS,
Washington, March 23, 1937.

Hon. ALFRED N. PHILLIPS, Jr.,
House of Representatives, Washington, D. C.

MY DEAR SIR: This will acknowledge receipt of your letter of March 18, inquiring as to the requirements of interstate busses with regard to emergency safety doors.

The regulations recently issued by this Commission, a copy of which is enclosed herewith for your information, do not mention safety doors or their location. This matter is a part of the whole subject of cab and body design, which our limited facilities have not yet permitted us to study in any detail. We well realise its importance, however, and are keeping it in mind for early attention. A perusal of the initial regulations enclosed will show clearly, I trust, our approach to the complex problem of motor-vehicle safety, and our concentration at the outset upon those basic items on which we have felt we could make an immediate and beneficial contribution to the great majority of the diverse operations under our jurisdiction.

We shall be glad to receive your comments upon our initial regulations and upon any other matters which you desire to call to our attention, and we appreciate greatly your interest in our work.

Very truly yours,

JOHN L. ROGERS, *Director.*

In my office I have the regulations which the gentleman enclosed. They are contained in a booklet about half an inch thick, and may I honestly say that if a 15- or 16-year-old child could not compile the regulations which that booklet contains, then I think that child ought to have its sanity examined into. The regulations are absolutely elementary in character. They deal with proper examination of bus drivers, brakes, and say that drivers shall not drive busses in dangerous conditions of ice, and so on. Nothing is said about safety doors. There is no regulation about protecting people from terrible accidents such as occurred recently, or the accident which occurred 2 months ago when a bus went off the Tamiami Trail in Florida and so many passengers on the bus were drowned.

Mr. Chairman, I have prepared a bill upon this subject. I do not say it is perfect. I respectfully solicit the thought and attention of Members of the House on this subject so that this bill may be passed or amended and passed, or so that some bill may be introduced and passed covering this matter. Briefly, the bill in one paragraph requires interstate busses after July 1, 1937, to have at least four doors, two on each side, with releases easy to get at and easy to operate, so that the passengers in interstate busses, when such busses are completely loaded, can obtain egress in 60 seconds through any two doors, after the doors are opened.

The bill is H. R. 5936, and has been referred to the Committee on Interstate and Foreign Commerce.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I suppose if it were possible for me to change the opinion of every Member in the House right now it would not make much difference. It would not affect any legislation; yet I do want to take issue—and I dislike to do it—with some remarks that were made and general conclusions drawn by the gentleman from North Carolina a little while ago. I want to speak on the opposite side of this sit-down strike situation.

Mr. Chairman, the present barrage against sit-down strikes is a barrage against trade-unionism itself and against the right of collective bargaining. The resolution offered by the gentleman from Texas [Mr. DIES] and the remarks he and other gentlemen have made on the floor of this House are calculated not only to discredit the tactic of the sit-down strike but to discredit the entire labor movement. It is no accident that the main editorial support for the resolution calling for an investigation of sit-down strikes is to be found in the Hearst press.

This resolution prejudges the sit-down strike. Its author has also introduced a bill outlawing the sit-down. The attitude and animus of the author, as clearly expressed on the floor, and the very wording of the resolution indicate that it will not be used to determine through an impartial finding of facts the causes and conditions which lead up to and compel the sit-down. It will be used by the reactionaries for the purpose of conducting a fishing expedition into union affairs. It will be used in an attempt to bring into disrepute the entire labor movement, and especially the Committee for Industrial Organization, one of the most progressive forces in the country, which is providing the opportunity to join unions to thousands and thousands of workers who have never before had the benefits of organization and collective bargaining. This Dies resolution will be used by Hearst in his campaign against the trade-unions and the democratic rights of the people.

THE SIT-DOWN IS SUCCESSFUL

What is troubling the opponents of the sit-down strike is not the so-called technical violation of the laws of trespass. These gentlemen and the forces they represent are worried mostly by the effectiveness of the sit-down. For the sit-down is successful. It is winning for workers what they have not had before, in spite of the fact that it is guaranteed to them by law. It is winning for workers what the companies, in utter disregard for the law, have until now succeeded in denying them. It is winning for them the right to join unions for their mutual aid and protection and to bargain collectively with respect to the terms and conditions of their employment. The New Republic, in its issue of March 31, states the situation accurately. It says:

> The outcry against the sit-down comes, 95 percent of the time, from those who have never in the past supported collective bargaining. They demand that labor should give up this effective weapon, but they have no alternative to propose. What they really want is the open shop; what they really object to is the fact that the sit-down is singularly effective.

Mr. Chairman, every weapon which labor has employed to better its conditions has been held at its inception to be illegal. Every new method of labor has been denominated lawless by the reactionaries. Thus, in Anglo-American law the boycott was once illegal; before that, peaceful picketing was considered lawless; before that, to threaten or to engage in a strike was a criminal act; before that, it was considered conspiracy for workmen to combine to raise wages; and until a little over a hundred years ago, it was illegal for a worker, acting singly, even to demand higher wages. Today these acts are legal. Their legality has been recognized by the courts and by the Congress in the Norris-LaGuardia Anti-Injunction Act and in the National Labor Relations Act. Only yesterday, in upholding the Railway Labor Act, the Supreme Court again recognized the fundamental right of workmen to organize and bargain collectively.

And shortly the legality of this new and most effective weapon, the sit-down strike, will be no longer open to question. Already Prof. Leon Green, dean of the Northwestern Law School, has indicated his belief that the sit-down is legal; already Prof. James M. Landis, next year's dean of the Harvard Law School, has spoken of "new concepts and mechanisms to meet the needs out of which this type of economic pressure has been born."

THESE MEN ARE NOT TRESPASSERS

The arguments which the lawyers advance to support the legality of the sit-down strike are peculiarly convincing to those of us who are not lawyers. For we laymen see the picture very clearly. We see the workers who have spent their lives coming daily to the plants to produce the goods which will yield to the employer a profit. We see them demanding the right to bargain collectively, to be heard through representatives of their own choosing on questions affecting hours and wages and conditions of work, which is their right according to law. We see the employers disregarding that right, refusing to recognize their unions, discriminating against them for union activity, forming company unions to disrupt their own organizations, hiring spies to enter their ranks and provocateurs to bring them into disrepute. We see the employers willfully violating the law. And we see the workers enforcing their rights in the only way that is left to them which is effective—by remaining peacefully and without damage to physical property at their places of work until the employer shall agree to negotiate with them and recognize their rights to organize and bargain collectively. We laymen are unwilling to call such persons lawbreakers.

But the layman realizes also that to limit the debate solely to the legal issue—to the question of whether or not there is a technical violation of the laws of trespass—is to evade and disregard the main issue: How are the workers

to secure their rights? How are the employers to be made to abide by the law of the land? How are we to deal with the fact that from 1934 to 1936 General Motors paid $839,764 to Pinkerton spies? Mr. Chairman, the sit-down strike which deserves the most condemnation is the sit-down strike of some unscrupulous employers against the law of the land.

If the workers engage in a walk-out strike, they are faced with organized strikebreaking and provocation. They are faced with the armed thugs of the company who perpetrate all manner of violence upon them. They are faced with discrimination and the blacklist in case their strike should be broken by these lawless methods. By the sit-down these worst abuses of the company are prevented or diminished. Violence is less likely to occur. An amicable settlement is hastened, and each side suffers less on account of the dispute.

EMPLOYERS BEAR RESPONSIBILITY

Mr. Chairman, I say the employers bear the responsibility for the present wave of sit-down strikes. The employers, because of their flagrant and willful denial of the basic rights of their workmen, have rendered any other course of action by their workmen ineffective. The employers can stop sit-down strikes. They can stop them not by sending the militia or their private gunmen to take the lives of workmen who are defending their jobs and their livelihood. They can stop them by the simple agreement to enter into collective bargaining with their workmen through representatives of the workmen's own choosing, as is required by law.

The sit-down is not illegal. Rather it is the workers' answer to the illegal activities of the employers. [Applause.]

I yield back the balance of my time, Mr. Chairman.

Mr. DOCKWEILER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, I suppose it would be too obvious to require a statement from me to say that the time in which we live is one of great difficulty.

It is not my purpose this afternoon to speak at length about the problem of labor unrest which we have already heard about from two or three speakers this afternoon. But I would like, if I may, to point out briefly two or three ideas that seem to me to be fundamental, and which it is most important for us to bear in mind as we attempt, dispassionately and wisely, to approach this problem.

The first of those ideas is that there comes a time in history when among every free people, among every people who are eager to satisfy the basic desires of humanity, changes in the old way of doing things, in the old relationship of people, inevitably must take place. I believe that the age in which we live is one in which the birth of a new relationship between the man who works for wages and the employer for whom he works is inevitable. I believe the time has come in our America when we must recognize, if we recognize anything, that the right of the man who works for wages to organization and to collective bargaining, his right to that feeling of standing on an even basis with the man for whom he works, has come as a thing that must be recognized as here to stay.

The second idea I want to present is this: That in industries where that right has been unquestionably recognized for a long period, there has not occurred a condition of labor strikes or stoppage of industry. I give you as an example the railway industry, where the right of organization and collective bargaining has been in effect a long time. I submit that in that industry there has not been a serious stoppage for many years. Why? Probably because the basic right of the worker in that industry is taken for granted.

Under those circumstances it becomes the part of wisdom among those who are responsible for governmental policy to see to it that this basic justice to the worker is guaranteed by governmental action. If so, then we will have very largely removed the cause of industrial conflict which lies in certain injustices in social relationship. The Congress did take that action in the passage of the National Labor Relations Act. That act, however, due to injunctions and due to decisions on the part of courts that manufacturing is a local matter and therefore not fit for Federal legislation, is in many cases virtually inoperative. Because of that fact we find that the remedy which the Congress itself has provided, the remedy dealing with the basic cause of industrial unrest, because it gives to the worker his basic right, has been prostrated. I leave you with these remarks, and ask you what the Congress of the United States is going to do. But I merely suggest that these facts cannot but fortify the position of those who in this day are insisting that something be done to assert the right of the Congress of the United States to have the laws which it passes become effective. At present we are in the rather ridiculous position of being called upon to take some action with regard to strikes, when the action already taken by this body is itself rendered of no effect by the action of the judicial branch of Government. For my part I hope Congress will stick to its guns, will insist upon its National Labor Relations Act, and will provide thus a guaranty of the right of collective bargaining and the provision of orderly mediation of labor disputes.

But if it is our job, then with our responsibility must go corresponding power; and, as I say, this implies constructive action in dealing with the problem of the nullification of acts of Congress by the courts.

I imagine that I share with many other Members of this House a feeling of admiration for the very able address that was delivered this morning by the gentleman from Virginia [Mr. WOODRUM]. It is difficult for some of us, perhaps, to see just how it is going to be possible to cut very much from Government expenditures. Some of us naturally harbor the fear that when we talk about cutting down appropriations we mean cutting down provision of useful public work for the unemployed and money for social security, which things, it seems to many of us, are absolutely essential to be continued, if not expanded; but I suppose that all of us who are conscientious about our jobs will take to heart the remarks of the gentleman from Virginia this morning and understand them as meaning that in the measures that we advocate we necessarily assume responsibility for knowing where the money is coming from in addition to making our appeal for the use of that money for some social or humanitarian purpose.

I believe that there are certain matters in our Nation today, already pointed out to us by the President and others, which deserve serious consideration. One of them is that the basis is laid already for the possibility of inflation, a thing we must provide means to control. The profits of the large corporations are today, perhaps, as great as they have been in almost any period in our history. We still have in many industries a wage that is far too low. We still have 10,000,000 unemployed. We still have 160,000 people about to lose their homes through Government foreclosure. I read a little item in the paper yesterday about how a strike in New England was called off because the workers were granted a minimum wage of only 30 cents per hour.

The question is, of course, "What are we going to do about it?"

CAN WE PROFIT FROM PAST MISTAKES?

I think one pattern of historical facts should be constantly in our minds as we face this problem—this problem of keeping America on an upward path, of preventing another 1929. That pattern of facts is this: The wage scale, the scale of farmers' income, the income of the aged and the unemployed during the 1920's was not high enough in proportion to total production, nor high enough in proportion to profits to prevent the collapse of the home market, the piling up of a great superstructure of consumers' indebtedness in installment buying, and the appearance on the stock shelves of industry of a thing that was erroneously called a surplus.

These facts have a bearing on tax policy, on the present labor situation, on the future program to be adopted with regard to unemployment, and on the whole great question of social security and old-age pensions.

It is about the last of these questions that I wish to speak a few plain words. I venture to say that at least two-thirds

of the Members of the House were elected to this body after having repeatedly stated, at the least, that they were in favor of a system of adequate Federal old-age pensions. Some Members were definitely endorsed by one or another of the national old-age pension movements. Others like myself were, no doubt, opposed quite bitterly by some of these national organizations, but nevertheless declared themselves as believing a workable national system of direct pensions should be established, and thus did gain the support of many pension-minded people and were elected partly by their votes.

The question now arises, What are we going to do about it? Are we going to breathe a sigh of relief and say that we are thankful that the organized pension movement is no longer as strong as it used to be? Or are we going to take the position that we have a pledge to fulfill and that, regardless of pressure or lack of it, we will sincerely carry out that pledge to the best of our ability?

All of us know that this old-age pension question is nowhere near as simple as it sounds. We know that money to pay the pension will have to come from somewhere. We know that in the end it will come out of the purchasing power of the rest of the population, or certain segments of it. We know that if our production is large and the distribution of buying power fair and equitable, the raising of money for the pensions can be accomplished without working undue hardship. We know that the size of the pension must, therefore, depend on the production of wealth in the Nation and that to fix an arbitrary figure is dangerous.

ESTABLISH PRINCIPLE OF FEDERAL PENSIONS

We know, therefore, that if we are to make good on our statements in the campaign regarding old-age pensions we have three things to do: First, to do everything we can to stimulate production; second, to continue to develop a tax system which will tend to give the Nation a decent distribution of buying power, and which will be fair and which will not defeat our whole purpose by putting a crushing load on those least able to bear it; third, to get passed a piece of legislation which will at least establish the principle of general Federal old-age pensions, paid direct by the Federal Government and not second-hand through State and county charity organizations.

There have been, I believe, some 20 or 25 old-age pension measures introduced into the House. There is the McGroarty bill, the General Welfare Act, and a number of bills aiming to amend the Social Security Act.

My own position is that, while I have my own opinion, and while I would prefer a certain type of legislation, I stand ready to cooperate fully with every Member of this House who has declared himself for old-age pensions, to the end that all such Members may unite their strength and accomplish something.

I believe a real service has been performed by those, both in this body and out of it, who have focused the attention of the Nation on the appalling problem of old-age insecurity.

But the present situation is most unfair to millions of old folks who have had their hopes raised so high, and who still today are of the opinion that the particular measure upon which they have pinned their hopes can be passed. I think the truth should be told.

HOW WE CAN'T AND HOW WE CAN PASS A PENSION LAW

Every one of us knows, and the old folks of the Nation are entitled to know, that there is not enough strength behind any one of the various old-age pension bills which have been introduced to enact that measure into law. I believe, however, that there is enough strength and enough intelligence here so that if differences were buried, and if some hard thinking were done, it would be possible to pass a workable measure by the united effort of all who are committed in one way or another to this worthy cause. The hard thinking I speak of must, of course, be applied not merely to the question of payments but also to the matter of revenue to make the payments possible.

I hope we can get down to cases. I hope we can put practical results first and propaganda second. Campaign promises and statements should be sacred things to us. And I believe the time has come to put it down in black and white that to insist at this time on any pet plan that may be in your mind or mine is to defeat the cause of old-age security, and to substitute political expediency for the statesmanship we owe to those who sent us here. I feel sure that no Member of the House wants to do this. Everyone recognizes that the Social Security Act is a start in the right direction. Everyone recognizes that it is not, in its present form, the final answer to the problem.

Let us unite to establish it as a principle of American government that this, the greatest nation on earth, will not see her aged people condemned to pauperism as their permanent lot in life. Let us do the best we can. Let us then explain fearlessly why it is the best we can do at this time. But let us not hide behind a situation, which now exists, which will enable us to go back home when Congress adjourns and say that we did not do anything because the other fellows would not agree to do it our way. [Applause.]

Mr. POWERS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. SHAFER] such time as he may desire.

GOVERNMENT BY PRINCIPLES OR BY PERSONALITIES—A DISCUSSION OF THE FUNDAMENTAL PROBLEM INVOLVED IN THE PRESIDENT'S PROPOSAL TO TAKE DOMINION OVER THE JUDICIAL DEPARTMENT OF GOVERNMENT

Mr. SHAFER of Michigan. Mr. Chairman, beneath the avalanche of words, the torrent of theories and argument loosed by President Roosevelt's proposal that he be given power by this Congress to alter the personnel of the Federal judiciary is a fundamental problem upon which this Congress and the citizens of this Nation must make a choice. Upon that choice depends the soundness of the structure of our free Republic, the welfare and the liberties not alone of this generation but, to a vastly greater degree, the future of our democracy and the liberties and the happiness of generations who will follow us.

Stripped of camouflage, subterfuge, and the cloud of controversy that has enveloped the President's demand and reduced to its actual essentials of meaning and purpose, Mr. Roosevelt's proposal is now recognized to be a demand by the Executive for the power to set aside the historic independence of the Federal judiciary as a constitutional department of the Government and, through ability to alter the personnel, particularly that of the Supreme Court, to assure to himself such interpretation of the Constitution as will be in accordance with his policy of experimentation under a new philosophy of government.

That his policy is one of experimentation has too many times been so defined by the President himself to be denied, and I take it that no one now questions that fact. In an address in Baltimore, April 13, 1936, President Roosevelt declared:

> • • • I say to you, do something; and when you have done that something, if it works, do it some more; and if it does not work, do something else.

The Congress and the country should clearly understand and should carefully consider these significant facts: The President's proposal to impair the independence of the Federal judiciary, the unprecedented effort to destroy the confidence of the Nation in the judgment of the Federal courts and in the integrity and impartiality of the Justices are experimental, but they are not temporary devices. If this Congress gives the Chief Executive power over the judiciary personnel, it can be taken from him only by a two-thirds vote of each House of this Congress. The men whom he will appoint, whether two or six, will remain on the Supreme Bench for many years. The damage done to the confidence the country has always had in the Constitution and in the Federal judiciary will not be undone within this generation.

So, then, this proposal, while purely experimental, is not temporary in its nature; and if, as Mr. Roosevelt says, "It doesn't work", a grave, if not fatal, mistake will have been made.

The problem raised by the President's proposal, insofar as its essentials are concerned, is not one of motives but of modes. Regardless of whether or not the President is correct in his theory of an experimental policy of government, altered from time to time to meet emergencies or changing

injustices in social relationship. The Congress did take that action in the passage of the National Labor Relations Act.

It is about the last of these questions that I wish to speak a few plain words. I venture to say that at least two-thirds

promises and statements should be sacred things to us. I altered from time to time to meet emergencies or changing

conditions, the fundamental question involved in Mr. Roosevelt's demand for dominion over the personnel of the judiciary remains the same.

Mr. Roosevelt, in his "fireside chat" over the radio on March 9 last, made it clear that he believes the Republic "is under a Constitution, but the Constitution is what the judges say it is." He quoted a Justice of the Court, I believe, in using that phrase, but the President made it clear that such is his conception of our democracy as it stands today. Therefore, it is an inescapable conclusion that the President's purpose in presenting his proposal to take dominion over the judicial personnel is to possess himself of the correlative power to select judges who will say that the Constitution is what he wants them to say it is. If this is not the President's purpose, then his demand for dominion over the judicial personnel becomes pointless and his effort futile, because claims that the courts are not keeping abreast of their work have been shown to be without any real foundation, and his contention that the mere passage of years inexorably operates in every case to incapacitate judges mentally and physically to the point of incompetence has been equally discredited. Indeed, these contentions have been almost wholly abandoned by the President's spokesmen. Fundamentally, the objections of Mr. Roosevelt are not to the age of the Justices who voted to invalidate New Deal legislation. Charles Warren, the eminent historian, in his work, The Supreme Court in United States History, accurately described the Rooseveltian attitude when he said:

> The real grievance felt by the Court's critics is not the number of Justices who joined in setting aside the Federal statutes; it is rather in the fact that the statute was set aside at all.

The essence of this problem the President has presented to the Nation, which should engage the grave and thoughtful consideration of every citizen in and out of this Congress, is:

Shall we depart from a government based upon principle and adopt a government based upon personalities? Shall we depart from a government by organic law and embrace a government by men?

The principle of government embedded in the Constitution is as sound, as unchanging, and as essential to continued liberty under a democracy as is the principle of mathematics to the rules of that science. The Constitution, as the expressed will of the people to impose upon themselves a wise self-restraint, to protect themselves from their own passionate and unwise action in a time of excitement, panic, or inflamed public opinion, is embedded in the consciousness of this Nation. So long—and only so long—as the policies and the laws enacted by the Congress are within the limitations and in accordance with the spirit and the letter of the Constitution will the foundations of this Republic remain unimpaired, and the liberties of its citizens be impregnable against the assaults of organized self-seeking minorities, or the ravages of impatient and vehement majorities.

My thought can be expressed in no better language than to quote that remarkable student of American Government, James Bryce, who wrote more than half a century ago in his American Commonwealth:

> The Supreme Court is the living voice of the Constitution—that is, of the will of the people expressed in the fundamental laws they have enacted. It is, therefore, as someone has said, the conscience of the people, who have resolved to restrain themselves from hasty or unjust action by placing their representatives under the restriction of a permanent law. It is the guaranty of the minority, who, when threatened by the impatient vehemence of a majority, can appeal to this permanent law, finding the interpreter and enforcer thereof in a court set high above the assaults of faction.
>
> To discharge these momentous functions, the Court must be stable, even as the Constitution is stable. * * * It must resist transitory impulses, and resist them the more firmly the more vehement they are. Entrenched behind impregnable ramparts, it must be able to defy at once the open attacks of the other departments of government and the more dangerous, because impalpable, seductions of popular sentiment.

The moment, Mr. Chairman, that we depart from the sound historic practice of conforming our legislative policies and acts to the unswerving principles of organic law laid down in the Constitution, and adopt the practice of interpreting the Constitution to conform to such policies and acts as an impatient majority or a highly organized and effective minority may regard as necessary under any given circumstances, just that moment we will destroy government by principle and set up government by personalities. If that happens—and I cannot believe that this Nation will permit it to happen—the greatest principle of free government "ever devised by the mind of man" will have been expelled from the Constitution, and that organic law will become an instrument subject to the bias of political and of personal judgments, desires, and motives, and a potential instrument for curtailment of the liberties, rights, and privileges of the minorities, and will inevitably become the means of oppressing all the people of this Nation.

Mr. Roosevelt himself, in a radio address delivered in 1930 during his second term as Governor of New York, defined perfectly the present problem raised by his proposal when he said:

> The doctrine of regulation and legislation by "master minds", in whose judgment and will all the people may gladly and quietly acquiesce, has been too glaringly apparent at Washington during those last 10 years. Were it possible to find "master minds" so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices—men almost godlike in their ability to hold the scales of justice with an even hand—such a government might be in the interest of the country; but there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history.

No more profound and accurate estimate of the dangers of government by personalities has ever been uttered, or ever will be uttered, than those words of the man who, much to my regret, has turned his back upon those principles and now urges the very doctrine he then condemned.

History is, indeed, strewn with the wreckage of nations whose peoples departed from government by principle and were ruined by government by men.

Once abandon impartial and independent judicial interpretation of the Constitution as the organic law of government, and hand over to any individual or group of individuals, no matter how sincere may be their motives, the government under a constitution to be construed to suit their changing policies and purposes, and you have established rule by oligarchy. That oligarchy will, by the very nature of men, seek more and more power; that oligarchy will, by the very nature of oligarchic government, require more and more power; that oligarchy will, by the very nature of unrestrained power, more and more oppress opposing minorities until, as truly as it is true that the past is the prologue of the present, and history the prophecy of the future, democracy will totally disappear from our American way of life and despotism, oppression, revolution will follow.

Even if it is true that some broadening of the Constitution may be necessary to adapt its limitations to conditions which admittedly the founding fathers could not possibly have foreseen, the prescience of the framers of the Constitution still stands today as one of the spiritual marvels of all history. But grant that some broadening of the Constitution is necessary. There is an orderly way provided in the very organic law itself for that—and that way is by amendment. I have no patience with the contention that the process is too slow. Too many amendments have been proposed and ratified within a year or 18 months, when the people wanted to so amend their organic law, for that argument to carry any weight. Therefore, if any change be needed in the Constitution, let us not abandon the spirit and the principle of that organic law; let us proceed in the orderly constitutional manner to amend it as may be wise and necessary, and retain our government by principle; let us not yield to the seductions and promises of those who would set up over this great Nation a government by men. [Applause.]

Mr. DOCKWEILER. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE of Washington. Mr. Chairman, much has been said on this floor concerning the merits and demerits of the sit-down strikes. This afternoon the learned gentleman from North Carolina [Mr. COOLEY] gave vent to

some utterances in which he reflected upon the legality and the wisdom of the sit-down strikes. In the course of his remarks I saw fit to interrogate him on one point when I asked him whether or not he had signed the petition to discharge the committee from further consideration of the antilynching bill. He replied that he had not. The reason I asked him that question was because I felt that he had spoken so eloquently concerning his reverence for the majesty of the law that he should be consistent by proceeding to advocate the adoption of the antilynching law; for, if he is concerned that the majesty of the law is involved in sit-down strikes, certainly he should be equally concerned in seeing that the members of the colored race be not subjected with impunity to violation of the majesty of the law in his own State.

Members of this House have been eloquent in dilating upon their reverence for the majesty of the law. I do not take a back seat to anyone in my respect for the law, but at a time when we are apotheosizing the supremacy of the law, why not get at the cause of the sit-down strike instead of curbing the results? What is it that provokes the sit-down strikes? What are the economic injustices that bring them about? To this end, Mr. Chairman, I have prepared a few remarks in which I have attempted to show the legal basis for sit-down strikes and in which I have undertaken to suggest and have had the temerity of asserting to this august body that sit-down strikes are legal in contemplation of the law.

Mr. Chairman, during the last 2 weeks the attention of this House has been occupied at length by the question of sit-down strikes. The gentleman from Texas [Mr. DIES] has introduced a resolution calling for an investigation of sit-downs by a special committee of this House. The same gentleman has introduced a bill making sit-down strikes violations of the Federal antitrust laws. A number of other gentlemen have variously condemned and attacked sit-down strikes, sit-down strikers, the Committee for Industrial Organization, and the labor movement in general.

The resolution, the bill, and the remarks were predicated upon a single premise, that sit-down strikes are illegal. Mr. Chairman, I rise to challenge that premise. I say that the sit-down strike is a lawful method by which workingmen, in the face of refusal by the employer to abide by the law of the land and respect their rights, seek to protect their rights and improve their conditions. The sit-down is as American as the attempt to throttle the democratic rights of the people is un-American. This is true despite the fulminations of those labor leaders who are now attacking the sit-down strike as an un-American labor tactic. It is surprising, indeed, to note their attack is couched in substantially the same language as that employed by the National Manufacturers Association in a simultaneous denunciation appearing in this week's press.

Before entering upon my argument, I should like briefly to refer to the resolution offered by the gentleman from Texas, which, as I understand, will be heard before the Rules Committee on Wednesday. Mr. Chairman, I am altogether opposed to this resolution and to the spirit with which it was offered. In the first place, the premise of illegality is entirely unfounded and unless this premise is discarded no investigation can be undertaken in the spirit of impartiality, fairness, and justice. In the second place, the assumptions contained in the whereas clauses of the resolution are based on untruths and are slanderous of the American labor movement.

And in the third and most important place, this investigation would provide the means for a virtual "witch hunt" into unions and union affairs and would be used as a weapon for the reactionaries against the labor movement.

Mr. Chairman, I base my contention that the sit-down strike is legal on three fundamental principles which are recognized by our court decisions and statutes as the law of the land:

First. The sit-down strikers are invited onto the premises of the company as employees, they remain employees during the course of the dispute, and they can in no way be considered trespassers.

Second. Employees have a property right in their jobs which the law entitles them to protect by appropriate means.

Third. The action of the sit-down strikers is justified under the law as is any other collective action by employees to better their conditions.

STATEMENT OF FACTS

The legal arguments which I shall present are based upon the following state of facts which are typical of the recent important sit-down strikes. The employer has refused to negotiate with the union regarding terms or conditions of employment. In this, as well as in other activities which interfere with the employees' right of self-organization and collective bargaining, the employer is unlawfully denying the established legal rights of the workingmen. In face of open defiance by employers of the laws establishing these rights of labor to organize and bargain collectively, the employees are obliged to resort to self-help to secure their rights. Strikes of the ordinary kind have been rendered ineffective because of unemployment, strikebreaking, laws against picketing, and violence used against strikers by hired agents of the employers. The sit-down strike has so far proven labor's most effective method of protecting its legal rights and improving its economic condition.

The facts of the typical sit-down are simple. The employees cease to work and peacefully and quietly remain at their places, awaiting the adjustment, through negotiations, of their differences with the employer. They scrupulously care for the physical property of the employer. They are prepared to leave the plant or to resume work the moment the employer proves that he is willing to abide by his legal obligations and to bargain collectively with them.

The lawfulness of the sit-down is proven by the well-established legal doctrines that follow.

ARGUMENT

I. THE STATUS OF THE SIT-DOWN STRIKERS AS EMPLOYEES

The employment relation is not terminated by a strike or by any other incidents of a labor dispute. Sit-down strikers are on the company's premises in the status of employees; their presence there is an incident of their employment relation, and they can in no way be treated as trespassers.

A. The employment relation is not terminated

The employment relation is not terminated by a labor dispute or by an attempted discharge of employees who are participating in the dispute.

It is beyond question that the employment relation is not severed by the existence of a strike, that employees retain their status as such during the existence of a labor dispute. In *Michaelson* v. *U. S.* (266 U. S. 42 (1924)), the Supreme Court, reversing the decision of the C. C. A. (291 Fed. 940, 1922), held that workers on strike are employees within the meaning of section 20 of the Clayton Act. See also *Duplex Printing Press Co.* v. *Deering* (254 U. S. 443 (1921)). Likewise in *Dail-Overland Co.* v. *Willys-Overland, Inc.* (263 Fed. 171), it was held that:

> As long as conditions are such that what is called "settlement" might seem reasonably possible between the company and its late workmen, the latter, it seems, should be considered "employees", within the meaning of that term in the Clayton Act.

See also *Matter of Columbian Enameling, etc., Co. and Enameling, etc., Union* (1 National Labor Relations Board Decisions 181 (1936)). In *Gillner* v. *Becker* (133 Kan. 170 (1931)), the Court held that:

> The petitioner, defendant in the injunction action, having been an employee of the plaintiff until 3 months before the issuing of the restraining order, was such as to come within the provisions of the statute.

Which was similar to section 20 of the Clayton Act.

These decisions are in accord with the realities of the situation, for "in common parlance, the words 'employer' and 'employee' are applied to the parties in a strike because neither side contemplates nor desires a permanent abandonment of the relation. Each desires the resumption of the prior relation on its own terms." (37 Harvard Law Review 486, at 488, 1924.)

Similarly a lock-out by the employer does not terminate the employment relation or destroy the status of the locked-out

workers as employees. As was said by Grosscup, J., in his concurring opinion in *Iron Molders Union* v. *Allis-Chalmers Co.* (C. C. A. 7, 1908, 166 Fed. 45 at 52):

> A strike is cessation of work by employees in an effort to get for the employees more desirable terms. A lock-out is a cessation of the furnishing of work to employees in an effort to get for the employer more desirable terms. Neither strike nor lock-out completely terminates, when this is its purpose, the relationship between the parties. The employees who remain to take part in the strike or weather the lock-out do so that they may be ready to go to work again on terms to which they shall agree—the employer remaining ready to take them back on terms to which he shall agree. Manifestly, then, pending a strike or lock-out, and as to those who have not finally and in good faith abandoned it, a relationship exists between employer and employee that is neither that of the general relation of employer and employee nor again that of employer looking among strangers for employees or employees seeking from strangers employment.

Even an attempted discharge of strikers does not sever the employment relation or destroy the status of the strikers as employees. As was said by Chief Justice Taft in *American Steel Foundries* v. *Tri-City Central Trades Council* (257 U. S. 184 (1921)), referring to section 20 of the Clayton Act:

> It is clear that Congress intended to forbid the use by the Federal courts of their equity arm to prevent peaceable persuasion by employees, discharged or expectant, in promotion of their side of the dispute * * *

Moreover, used as a means of weakening an organization of employees, or as a means of refusing to negotiate with them about terms and conditions of employment, the right to fire has no place and is unlawful under sections 7 and 8 (1) and (3) of the National Labor Relations Act (49 Stat. 449, 1935). The latter of these sections provides that it is unfair labor practice for an employer—

> By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization.

Therefore a discharge of strikers because of a labor dispute cannot be deemed effective so as to cut off the employees' rights in their status and in their employment relation. See *Matter of Bell Oil & Gas Co. and Local Union 258* (1 National Labor Relations Board Decisions 562 (1936)); *Matter of Foster Bros. Manufacturing Co. and Federal Labor Union* (1 National Labor Relations Board Decisions 880 (1936)).

An attempted discharge of striking employees is, in practical and legal effect, equivalent to a lock-out. See *Matter of Sands Mfg. Co. and M. E. S. A.* (1 National Labor Relations Board Decisions 546, at 558), where the company was said to have "locked out, discharged, and refused employment" to their union employees. As has already been shown, the action of the employer in locking out his employees will not operate to sever the employment relation or destroy the employee status.

The foregoing rules regarding the continuance of the employment relation during a labor dispute were concisely enacted in the statutory law by Congress in section 2 (3) of the National Labor Relations Act, which provides:

> The term "employee" shall include * * * any individual whose work has ceased as a consequence of, or in connection with any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment.

It is, therefore, clear that sit-down strikers retain their status as employees and continue to enjoy all the rights and privileges incident to their employment relation. Since they remain employees of the company, having the rights and privileges accompanying that status, it is impossible to hold them trespassers on account of their peaceful and temporary presence on the company's premises.

B. Occupation is incident of employment relation

Occupation of a plant, in good faith and peacefully, by employees awaiting the adjustment of difference growing out of their employment is but an incident of the employment relation and is in no sense unlawful.

Sit-down strikers do not come upon the premises of the company as uninvited strangers who have no claim of right to be there. They are invited upon the premises as the employees of the owner, and their remaining there is an incident of their employment relation. If more were needed it may properly be said that as a matter of law they have a license coupled with an interest in the premises devoted to the industrial enterprise. As has been shown, they remain, during the full period of the dispute, the employees of the owner of the premises.

The sit-down strikers remain in their place of employment as men with a stake in their jobs, which they are seeking to retain and improve. This is their right. For their jobs—their employment relations—constitute property rights. Their sole purpose, rather than to sever the relationship, is to maintain it and better it.

The historical development of the principle that employees have a property right in their job is strikingly shown in a series of Massachusetts Supreme Judicial Court cases (*Corneleier* v. *Haverhill Shoemakers Ass'n*, 221 Mass. 554; *Plant* v. *Woods*, 176 Mass. 492; *Worthington* v. *Waring*, 157 Mass. 421) culminating in *Bogni* v. *Perotti* (224 Mass. 152). In the last-mentioned case the court declared unconstitutional an early anti-injunction statute which declared that the employment relation was a personal and not a property right. In the course of the opinion, the court said:

> That the right to work is property cannot be regarded longer as an open question * * *. The right to work is property * * * as much property as the more obvious forms of goods and merchandise, stocks, and bonds * * *. To the extent that the laborer is not given the same security to his property by the law that is granted to the landowner or capitalist, to that extent discrimination is exercised against him * * *. It is primary and fundamental in any correct conception of justice that the laboring man stands on a level equal with all others before the courts. Whatever may be his social or economic condition outside, when he enters the court, the law can permit no rule to fetter him in the prosecution of his claims or the preservation of his rights which does not apply equally to all others respecting the same kinds of claims and rights.

Substantially the same language is to be found in the cases of *State* v. *Stewart* (59 Vt. 273), *Erdman* v. *Mitchell* (207 Pa. 79), *Auburn Draying Co.* v. *Wardell* (227 N. Y. 1), *Hilton* v. *Sheridan Coal Co.* (132 Kans. 525).

The property interest of a person in his job or employment has explicitly been held to constitute a legal limitation upon the power of an owner of land with respect to control of the land. In *Carnes* v. *St. Paul Union Stockyards Co.* (164 Minn. 457) the plaintiff sued for an injunction to restrain the interference with his employment by the defendant stockyard owner, who attempted to exclude the plaintiff from his land by refusing to make contracts with the plaintiff's employers. The court entered a decree for the plaintiff, saying:

> The courts generally hold that a man's occupation or means of gaining a livelihood is his property.

Speaking in broader terms, the sit-down strikers in protecting and seeking to improve their jobs are protecting their livelihood and the means of subsistence for themselves and their families. These workmen, in the great majority of cases, have spent years training their hands and senses to specialized skills, have set up habitations located suitably to their places of work, have assumed the obligations and burdens of rearing and supporting families, have, in short, developed disciplines and ordered their lives to the end that the properties essential to the industry might yield to the owner a profit and to themselves a living. This is their investment in the industrial enterprise. Their outlays in daily work may be less visible and spectacular and less easily measured in dollars than those of capital made by the owner. Yet their contribution is no less essential to the function and operation of a going concern than that of the owner.

In the famous case of *Iron Molders Union* v. *Allis-Chalmers Co.* (C. C. A. 7, 1908, 166 Fed. 45), the court said that—

> Dividends and wages must both come from the joint product of capital and labor.

The owner of this going concern has a right to protect, or to have protected by law, that which he has contributed—capital and physical property—from unjustified interferences. He is entitled to immunity from physical damage, immunity from unfair competition, the right as against strangers to a free flow of labor and access to raw materials and consumers' markets, the right to insist upon competent service by employees, and, finally, the right to wind up the enterprise.

Likewise the employees have the right to protect, or to have legally protected, their interests in the enterprise: their right to safe premises on which to work, to a living wage, and to fair treatment by the employer, and their right to carry on their group organizations for betterment of their conditions without interference by discharge, blacklist, or other coercion by the employer, and, finally, they have an inalienable right to insist that the employer negotiate with them the differences between them and to adopt those means reasonably necessary to induce the employer so to negotiate.

The sit-down strikers, then, are temporarily occupying, peacefully and in good faith, the plant devoted to the common enterprise. They are remaining on the premises as employees and awaiting the adjustment of differences growing out of their employment. They are seeking to protect and improve their jobs, in which they have a property right. Their presence on the premises of the company is but an incident of their employment relation and is in no sense unlawful.

II. LEGAL JUSTIFICATION FOR INTERFERENCES WITH PROPERTY INTERESTS

Sit-down strikers, because of the full legal justification for their acts, clearly do not remain upon the premises of the company in violation of the law.

A. Doctrine of justification

An act which would otherwise be a legal wrong is not such if it is legally justified.

It is well established that the mere causation of harm, whether physical or pecuniary, does not necessarily entail civil or criminal liability. Even intentional causation of harm does not in all cases involve civil or criminal liability.

Such liability follows only if a harm is caused, in the traditional language of the law, "without just cause", without legal "justification", without any "privilege" to do so, or, as typical criminal statutes, "without right", or "wrongfully." As was said by Lord Bowen in the leading case of *Mogul Steamship Co.* v. *MacGregor, Gow & Co.* (1889), L. R., 23 Q. B. D. 598:

> Assume that what is done is intentional and that it is calculated to do harm to others, then comes the question, Was it done with or without "just cause or justification"? * * * If the real object were to enjoy what was one's own, or to acquire for one's self some advantage in one's property or trade, and what was done honestly, peaceably, and without any of the illegal action above referred to (violence, breach of contract, fraud, etc.), it could not, in my opinion, properly be said that it was done without just cause or excuse.

Mr. Justice Holmes called it a "commonplace" that:

> The intentional infliction of temporal damage, or the doing of an act manifestly likely to inflict such damage, and inflicting it, is actionable if done without just cause. ("Privilege", Malice and Intent, 8 Harv. L. R. 1 (1894); Collected Legal Papers, at 119 (1921).)

As Mr. Justice Brandeis, dissenting in *Truax* v. *Corrigan*, 257 U. S. 312 (1921), said:

> The employer has, of course, a legal right to carry on his business for profit, and incidentally the subsidiary rights to secure and retain customers, to fix such prices for his product as he deems proper, and to buy merchandise and labor at such prices as he chooses to pay. This right to carry on business—be it called liberty or property—has value; and he who interferes with the right without cause renders himself liable. But for cause the right may be interfered with and even be destroyed. Such cause exists when, in the pursuit of an equal right to further their several interests, his competitors make inroads upon his trade, or when suppliers of merchandise or of labor make inroads upon his profits.

See also *Cohn & Roth Electric Co.* v. *Bricklayers Union* (92 Conn. 161 (1917)).

Other illustrations of this principle are legion. One may intentionally commit a battery upon another without civil or criminal liability if he is acting in self-defense or in defense of a relative or in defense of his property against the aggression of the other. (For illustrations see American Law Institute, Restatement of the Law of Torts, vol. 1, chap. 4, secs. 63–156.)

Invasions of the right to exclusive possession of land are no exceptions to this rule. Entries upon land are not actionable trespasses if they are justified or privileged by law, even in the absence of the owner's consent. In chapter 6, topic 2, of the Restatement of the Law of Torts, supra, examples of this principle are given: Privilege of entry upon land by a traveler, even if forbidden by the owner, if the highway is impassable, or if he "reasonably believes" the highway to be impassable, sections 192, 195; right of entry to protect one's self from personal injury, 197; to retrieve a chattel, 199; to abate a nuisance, 201; to perform a public duty, 202–204, 211; to prevent crime, 205–207; to serve process, 208, 209. The Restatement specifically states:

> These rules are not intended to be exclusive. There may be other circumstances which give rise to such a privilege. (Restatement, p. 319).

Indeed, the owner of land is himself subject to liability if he resists an entry upon his land by a person who has just cause therefor (*Vincent* v. *Lake Erie Transportation Co.*, 109 Minn. 456 (1910); *Ploof* v. *Putnam*, 81 Vt. 471 (1908), 83 Vt. 252, 494 (1910)).

B. Justification in Labor Disputes

In labor disputes, collective action which constitutes an invasion of the employer's interests is not a legal wrong if it is justified and if the purposes are lawful and the means are lawful.

A labor dispute justifies harm to the employer—justifies an invasion of his property interests—if the invasion is for a valid purpose and if the means employed are proper. It does not matter what property interest is invaded. The employer has a "property right" in his business (*Truax* v. *Corrigan*, 257 U. S. 312 (1921); *Duplex Printing Press Co.* v. *Deering*, 254 U. S. 443 (1921)). He has a similar interest in a free labor market (*Hitchman Coal & Coke Co.* v. *Mitchell*, 245 U. S. 229 (1917)); and in access to the consumers' market (*Gompers* v. *Buck Stove & Range Co.*, 221 U. S. 418 (1911); *Loewe* v. *Lawlor*, 208 U. S. 274 (1908)). These property rights of an employer are of equal dignity before the courts with his property right in his land. They are given as full legal protection. Yet they are not immune from justified harms inflicted in the course of a labor dispute. It necessarily follows that in the case of a sit-down strike the company's interest in its land is not immune from a justified invasion where the purposes of the strikers are lawful and their means are lawful.

1. The lawfulness of the purpose

The employees' purpose in a typical sit-down strike is a legal one—to advance their own interests by establishing their legal right of collective bargaining and by strengthening their union. In *Exchange Bakery and Restaurant, Inc.*, v. *Rifkin* (245 N. Y. 260 (1927)), the court declared:

> The purpose of a labor union to improve the conditions under which its members do their work; to increase their wages; to assist them in other ways, may justify what would otherwise be a wrong.

In *Campbell* v. *Gates* (236 N. Y. 457), the court held that, in order to maintain an action for inducing breach of contract, the plaintiff must show "the intentional doing of a wrongful act without legal or social justification." In the case of a sit-down strike, the legal justification for the interference with the employer's property rights is that the employees are seeking only to advance their own interests; the social justification is that they are seeking only to improve the conditions under which they work and live.

The classic statement of the principle of justification was made by Mr. Justice Holmes more than 40 years ago in *Vegelahn* v. *Guntner* (167 Mass. 92 (1896)). In his dissent he said:

> In numberless instances the law warrants the intentional infliction of temporal damage because it regards it as justified. * * * The policy of allowing free competition justifies the intentional inflicting of temporary damage, including the damage of interference with a man's business, by some means, when the damage is done not for its own sake but as an instrumentality in reaching the end of victory in the battle of trade. * * * I have seen the suggestion made that the conflict between employers and employed is not competition. But I venture to assume that none of my brethren would rely on that suggestion. If the policy on which our law

employees of the owner, and their remaining there is an immunity from unfair competition, the right as against

is founded is too narrowly expressed in the term "free competition", we may substitute "free struggle for life." Certainly the policy is not limited to struggles between persons of the same class competing for the same end. It applies to all conflicts of temporal interests. * * * One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services, and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is patent and powerful. Combination on the other is the necessary and desirable counterpart, if the battle is to be carried on in a fair and equal way.

An important case following this principle is *Cohn & Roth Electric Co.* v. *Bricklayers Union* (92 Conn. 161 (1917)). In refusing to enjoin defendants from carrying on a strike to achieve the closed shop, the court in that case said:

The end the defendants had in view by their bylaws was the strengthening of their unions. * * * There was no indication that the real purpose of the defendants was injury to the plaintiff or the nonunion men. * * * Whatever injury was done the plaintiff was a consequence of trade competition and an incident to a course of conduct by the defendants, begun and prosecuted for their own legitimate interests.

The ends that sit-down strikers have in view are to advance their own interests, to strengthen their union, and to secure for themselves the right of collective bargaining. Clearly these ends are lawful.

As has been shown, sit-down strikers remain on the company's premises as employees, seeking to protect and improve their jobs. They have a property right in these jobs (see above). Their primary purpose is to safeguard this property right, and not to injure the company. That the company does, in fact, suffer a temporary invasion of its interest in its land is merely incidental. This invasion is justified under the law.

The typical sit-down strike arises out of the refusal of the company to negotiate with the union and to abide by the law of the land as set out in the National Labor Relations Act. The workmen demand that the company obey the law; they insist that the company recognize their union as their agent for collective bargaining (National Labor Relations Act, secs. 7, 9); that the company refrain from discrimination against any of them because of union activity (id., sec. 8 (1), (3)); and that the company refrain from engaging in any of the other activities proscribed by the act, which interfere with their right of collective bargaining.

A denial of this fundamental right of collective bargaining justifies, by way of self-defense, peaceful and temporary interference with the property interests of the owner who denies this right.

The right of organization into unions for the purpose of collective bargaining has long been recognized by the courts. Mr. Chief Justice Taft, speaking for the United States Supreme Court, stated the law as follows:

Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers an opportunity to deal on equality with their employer (*American Steel Foundries* v. *Tri-City Central Trades Council*, 257 U. S. 184 (1921)).

Likewise in *Iron Molders Union* v. *Allis-Chalmers Co.* (C. C. A. 7, 1908, 166 Fed. 45) Judge Baker said:

To whatever extent employers may lawfully combine and cooperate to control the supply and conditions of work to be done, to the same extent should be recognized the right of workmen to combine and cooperate to control the supply and the conditions of the labor that is necessary to the doing of the work. In the fullest recognition of the equality and mutuality of their rights and their restrictions lies the peace of capital and labor.

The right to organize and bargain collectively has also been denominated a property interest by the United States Supreme Court. In the case of *Texas and New Orleans R. Co.* v. *Railway Clerks* (281 U. S. 548 (1930)), in which the union sought to enjoin the company from interfering with its right to collective bargaining by means of a company union, the Supreme Court affirmed a decree for the plaintiff union, saying, in part:

If it could be said that it was necessary in the present instance to show a property interest in the employees in order to justify the Court in granting an injunction, we are of the opinion that there was such an interest, with respect to the selection of representatives to confer with the employer in relation to contracts of service, as satisfied the statutory requirement. [Sec. 20, Clayton Act.]

This was a unanimous opinion written by Chief Justice Hughes, Justice McReynolds not sitting in the case; and was cited in *Virginian R. Co.* v. *System Federation* (84 Fed. (2d) 641 (C. C. A. 4), for the proposition that—

The right of self-organization and representation in the matter of rates of pay, hours of labor, and working conditions is a property right, the loss of which would result in irreparable damage to complainants.

Not only have the courts recognized the rights of workers to organize and bargain collectively but also Congress has guaranteed to them these rights. Section 1 of the National Labor Relations Act declares:

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Behind the National Labor Relations Act is a long history of the recognition of the rights of workers to organize and bargain collectively. The Industrial Commission established by Congress in 1898 pointed out in its Final Report (1902, vol. 19, p. 844) the great "advantage which comes from the practice of periodically determining the conditions of labor by collective bargaining. Similar conclusions were reached by the Anthracite Coal Strike Commission (Report, 1902, S. Doc. 6, 58th Cong., special sess., p. 64). The National War Labor Board declared as its policy that—

The rights of workers to organize in trade unions and to bargain collectively, through chosen representatives, is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the employers in any manner whatsoever.

This policy was also followed during the war by all other governmental agencies concerned with labor relations, including the Shipbuilding Labor Adjustment Board, the Director General of Railroads, the National Adjustment Commission, which worked with the United States Shipping Board, and the Division of Marine and Dock Industrial Relations of the same Board. (See National War Labor Board, Principles and Rules of Procedure, 1919, p. 4; Bulletin No. 283, U. S. Bureau of Labor Statistics, pp. 98–102. See also, Final Report of Commission on Industrial Relations (1916), S. Doc. 415, 64th Cong., 1st sess., vol. I, pp. 61–68, 162, 215, 235, and Report of Industrial Conference called by the President (Mar. 6, 1920), pp. 15–24.)

State legislatures and administrative bodies have similarly recognized and have sought to guarantee the workers' right to organize and bargain collectively. (See 30 Illinois Law Review 854–883 (1936).)

It cannot be questioned, therefore, that the purposes of sit-down strikers to advance their own interests, to strengthen their organizations, and to improve the conditions under which they work and live are entirely proper. They are seeking ends which our courts have repeatedly declared lawful; they are attempting to exercise rights which Congress and the legislatures have expressly guaranteed. In peacefully and temporarily remaining upon the premises of the company, in order to induce the employer to bargain collectively with them, they are acting to protect these established rights. To hold sit-down strikers under these circumstances to be trespassers would be not only to brand as law-breakers men, who are acting within their rights, but also to deny them these rights.

2. The lawfulness of the means

Not only, in the typical sit-down strike, are the strikers' purposes legal, but also the means employed by them to effect these purposes are legal. They are peacefully waiting on the premises of the company until their complaints are considered through negotiations between their representa-

tives and the representatives of the company. They do not operate nor injure the owner's physical property. They make no adverse claim to possession of the premises upon which they remain.

The law has undergone vital changes in the past 100 years respecting the rights of workers and the means which they are privileged to use in their collective struggle for a better life.

In England a workingman struggling to improve his condition, even when acting singly, was confronted until 1813 with laws limiting the amount of wages he might demand. Until 1824 he was punishable as a criminal if he combined with his fellow workmen to raise wages or shorten hours or to affect the business in any way, even if there was no resort to a strike. Until 1871 members of the union who joined in persuading employees to leave work were liable criminally, although the employees were not under contract and the persuasion was both peaceful and unattended by picketing. Until 1871 threatening a strike, whatever the cause, was also a criminal act. Not until 1875 was the right of workers to combine in order to attain their ends conceded fully. * * * Not until 1906 was the ban on peaceful picketing and the bringing of pressure upon an employer by means of a secondary strike or a boycott removed. In 1906 also the act of inducing workers to break their contract of employment (previously held an actionable wrong) was expressly declared legal. * * *

In the United States the rules of the common law governing the struggle between employer and employee have likewise been subjected to modifications. These have been made mainly through judicial decisions. The legal right of workingmen to combine and to strike in order to secure for themselves higher wages, shorter hours, and better conditions received early general recognition. But there developed great diversity of opinion as to the means by which, and also as to the persons through whom, and upon whom pressure might permissibly be exerted in order to induce the employer to yield to the demands of the workingmen. * * * The earliest reported American decision on peaceful picketing appears to have been rendered in 1888; the earliest on boycotting in 1886. * * * The prevailing judicial opinion in America * * * inclines toward the legality of peaceful picketing. * * * In some States, notably New York, both peaceful picketing and the boycott are declared permissible. (Mr. Justice Brandeis dissenting in *Truax* v. *Corrigan*, 257 U. S. 312 (1921).)

The test of the lawfulness of the means used by employees to advance their interests and enforce their rights is whether those means constitute "reasonable conduct under all the circumstances" (*White Mountain Freezer Co.* v. *Murphy*, 78 N. H. 398 (1917)). Or, as was said in *Kemp* v. *Division No. 241*, 255 Ill. 213 (1912):

If it is proper for workingmen to organize themselves into such combinations as labor unions, it must necessarily follow that it is proper for them to adopt any proper means to preserve that organization.

In the typical case the employer, a powerful corporation, has been abusing its power in refusing to bargain collectively with the representatives of the employees. In so doing it is violating the policy and law of the land. In the absence of enforcement of this policy and law by public authorities the employees, after exhausting all other means, seek in a peaceful and orderly manner to take those steps necessary to protect the rights and privileges conferred upon them by the law of our court decisions and statutes. In the light of these facts it cannot be said that a sit-down strike is not "reasonable conduct under all the circumstances", or that these are not "proper means to preserve their organization."

In the case of a sit-down strike, the only possible charge of impropriety or illegality is the mere fact of the invasion of the owner's property interest in his land. But that invasion by itself cannot make the sit-down strikers' means illegal, because such an invasion is present in all cases, including those which are concededly legal. Thus, peaceful picketing, which is obviously an invasion of the employer's property right in his business, is a recognized legal means. Peaceful picketing is used and is effective only insofar as it is designed to cause the employer loss—loss of custom, or loss of free access to the labor market. But "resulting injury [from peaceful picketing] is incidental, and it must be endured." *Stillwell Theatre, Inc.*, v. *Kaplan* (259 N. Y. 405 (1932)). As was said in *Pickett* v. *Walsh* (192 Mass. 572 (1906)):

The fact that the business of a plaintiff is destroyed by the acts of the defendants [union members] done in pursuance of their right of competition [for jobs] is not decisive of the illegality of the acts.

Compare *Martell* v. *White* (185 Mass. 255). Likewise Judge Amidon in *Great Northern Railway* v. *Brosseau* (286 Fed. 414 (1923)), speaking of the Clayton Act, said:

Given the existence of such controversy as the law specifies [a labor dispute concerning terms or conditions of employment], then the doing of the acts named in it is rightful, notwithstanding such conduct causes obstruction to commerce and the mails and inflicts irreparable injury upon the company and the public.

In a sit-down strike the employees inflict no greater injury upon the property interests of the company than what was held to be lawfully inflicted in the foregoing and other cases. It follows, therefore, that if the only charge of illegality or impropriety in the case of a sit-down strike is that the means used invade the owner's property interests the charge is insufficient. And, inasmuch as the purpose is legal, the temporary invasion of property interests is justified.

It has thus been demonstrated that this temporary invasion of the company's property interests is justified because the purposes of the sit-down strikers are proper and because the means used are "reasonable under all the circumstances" and necessary and proper to preserve the union organization. And since temporary invasions of property interests which are justified are not unlawful, it must be concluded that the sit-down strike is not unlawful.

SUMMARY AND CONCLUSION

The sit-down strike is a lawful method by which workingmen, in the face of refusal by the employer to abide by the law of the land and respect their rights, seek to protect their rights and to improve their conditions. Sit-down strikers are not trespassers because they come upon the premises as employees at the company's invitation and because they remain throughout the labor dispute in the status of employees of the company. As employees they enjoy all the legal rights and privileges which accompany the employment relation.

Moreover, sit-down strikers have a property right in their jobs which the law permits them to protect by appropriate means. They also have a property interest in the right to organize and bargain collectively.

The purposes of a sit-down strike, to secure the fundamental right to bargain collectively through representatives of their own choosing, are conceded by all to be lawful. The means employed by sit-down strikers to carry out these purposes are the only effective and reasonable means under all the circumstances and are also within the law which permits peaceful activities by workingmen, even if they temporarily interfere with the property interests of the employer.

Whether there is an interference with the property interests of the employer is not the issue, for such interference is present in the case of the strike, picketing, the boycott, or other concededly legal collective action by employees to better their conditions. The issue is whether this interference is justified. The lawfulness of the sit-down strikers' purposes, and the fact that the unlawful activities of the employer leave them no other means which are reasonably effective, provide the justification for the temporary interference with the company's property interests.

Therefore the sit-down strike is legal. [Applause.]

Mr. DOCKWEILER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. COLDEN].

Mr. COLDEN. Mr. Chariman, I was very much gratified this afternoon to hear two of my colleagues from California [Mr. SCOTT and Mr. VOORHIS] discuss the other side of this question of sit-down strikes. For many days I have been listening to criticisms of the Secretary of Labor and particularly of the sit-down strikers in this country. I have often felt that we do not go far enough into this question. I am not here to defend the breaking of the laws of this country, I am here to call the attention of the House to something that is even deeper than the law of this country, and that is the foundation of justice upon which the law of this land is based.

I do not believe that the sit-down strikers have been the only ones who have offended this principle of government. We have witnessed the spectacle of many of the big industries of the country locking the doors of their plants and

union, the Supreme Court affirmed a decree for the plaintiff union, saying, in part:

on the premises of the company until their complaints are considered through negotiations between their representa-

disregarding the rights of labor. When the man who owns a factory finds he is not making a profit, it frequently suits his purpose to close the doors regardless of the rights of those who have made his industry and his wealth possible. Not only have captains of industry been guilty of violating the rights of labor, but we also have the spectacle of many very prominent men in the financial affairs of this country ruthlessly breaking the laws of the country. It has been done so often. The workingman has seen his wages depressed. He has lost his savings in the banks. He has even lost his home because of the disregard by others of his rights in life. He has also witnessed numerous injunctions, and sometimes it seems to the layman an abuse of the power of the courts and of the law in depriving labor at least of its moral rights.

For instance, take the tobacco industry, in which there appears one of the most startling revelations I have ever listened to on this floor. I refer to the immense profits of the tobacco trust and the miserable starvation wages that are paid to the employees and to the farmers who produce the product. It riles me and I feel that my own rights, as well as the rights of my fellow citizens are being violated by these ruthless practices indulged in by men of great wealth in this country. If labor has indulged in some excesses, assuming they have violated the law, they have a thousand precedents by others in the past on which they may feel they were justified in doing some of the things they did to obtain their rights.

Mr. Chairman, many years ago I read a book on philosophy and economics by Henry George on the single tax. I never was convinced that Henry George's theory was a remedy for our industrial and economic ills, but I did learn one thing from him. I learned something about unearned increment and I learned something about social values in this country. I have come to the conclusion that all values and all wealth is largely a matter of society. Henry George speaks of land alone, but I call your attention to the fact that the Steel Trust, the automobile companies, or any other industrial enterprise in this country would have no value if it were not for population and the buying power of society. The social value reaches out far beyond the land and into every activity of our country.

It seems to me one of the wrongs of our industrial life is that a few men manage and control enterprise and take all its profits.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. COLDEN. Mr. Chairman, I believe that a worker has a moral right to a portion of the profits of these great enterprises. If we had a proper distribution of wealth in this country the worker who helps produce this wealth would also share in it and I think it is morally wrong that a few men should take unto themselves all the profits of these great enterprises.

We have heard a great deal on this floor about supremacy of law, but I repeat, there is something more grand, there is something nobler, than supremacy of law. That is the supremacy of justice to labor in this country as well as to those who revel in the wealth of this Nation. [Applause.]

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUCAS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 5966, the legislative appropriation bill for the fiscal year 1938, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RAMSAY, for 3 days, on account of business.

To Mr. CULLEN, for the balance of the week, on account of serious illness in family.

To Mrs. JENCKES of Indiana, for 1 week, on account of important official business.

SETTLEMENT OF CLAIMS ON ACCOUNT OF CIVILIAN CONSERVATION CORPS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2773, to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

E. C. WILLIS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3630) for the relief of E. C. Willis, father of the late Charles R. Willis, a minor, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

MARY DALEY

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 635) for the relief of Mary Daley, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

AMENDMENT OF NATIONAL FIREARMS ACT

Mr. COOPER. Mr. Speaker, I offer a resolution for immediate consideration.

The Clerk read as follows:

House Resolution 170

Resolved, That the bill (S. 1905) to amend the National Firearms Act, passed June 26, 1934, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives and is an infringement of the prerogatives of this House, and that said bill be respectfully returned to the Senate with a message communicating this resolution.

The resolution was agreed to.

LEGISLATIVE APPROPRIATION BILL, 1938

Mr. DOCKWEILER. Mr. Speaker, I ask unanimous consent that on tomorrow, when consideration of the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes, is resumed, general debate may proceed for 2 hours, the time to be equally divided between the gentleman from New Jersey [Mr. POWERS] and myself, and that the bill be then read for amendment under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 102. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam; to the Committee on Coinage, Weights, and Measures.

S. 451. An act for the relief of Farley J. Holloman; to the Committee on Claims.

S. 673. An act for the relief of S. T. Dickinson; to the Committee on Claims.

S. 790. An act to repeal section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935; to the Committee on Interstate and Foreign Commerce.

S. 812. An act for the relief of E. P. Conroy and Graham Conroy; to the Committee on Claims.

S. 893. An act for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor; to the Committee on Claims.

S. 1077. An act to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1081. An act for the relief of H. G. Carriere, Charles E. Livingston, and John Latham; to the Committee on Claims.

S. J. Res. 64. Joint resolution defining the jurisdiction of the Court of Claims under the acts approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes; to the Committee on Indian Affairs.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S. J. Res. 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937; and

S. J. Res. 75. Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on Monday, March 29, 1937, present to the President, for his approval, bills of the House of the following titles:

H. R. 1088. An act for the relief of the Baker-Whiteley Coal Co.;

H. R. 1089. An act for the relief of Charles M. Perkins;

H. R. 1091. An act for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy; and

H. R. 1094. An act for the relief of Clark F. Potts and Charles H. Barker.

ADJOURNMENT

Mr. DOCKWEILER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 39 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 31, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m., Wednesday, March 31, 1937. Business to be considered: Hearings on H. R. 1658, to amend the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.", approved May 16, 1928 (45 Stat. 590), as amended, and for other purposes.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary at 10 a. m., Wednesday, March 31, 1937, on the antilynching bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will hold continuation of hearings at 10 a. m., on Wednesday, March 31, 1937, on aviation bills, in room 1334, New House Office Building.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary at 10 a. m., Friday, April 2, 1937, on the bills H. R. 4894, to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff; and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 a. m., in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

EXECUTIVE COMMUNICATIONS, ETC.

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

473. A communication from the President of the United States, transmitting amendments to the estimates of appropriation for the District of Columbia, contained in the Budget for the fiscal year 1938 (H. Doc. No. 177); to the Committee on Appropriations and ordered to be printed.

474. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to two existing appropriations of the War Department, namely, "Barracks and quarters, 1937" and "Air Corps, Army, 1937" (H. Doc. No. 178); to the Committee on Appropriations and ordered to be printed.

475. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1937, to remain available until June 30, 1938, for the Department of Agriculture, Bureau of Entomology and Plant Quarantine, amounting to $100,000 (H. Doc. No. 179); to the Committee on Appropriations and ordered to be printed.

476. A letter from the Secretary of Labor, transmitting a proposed bill to authorize the Department of Labor to continue to make special statistical studies upon payment of the cost thereof, and for other purposes; to the Committee on Labor.

477. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 23, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of waterway and turning basin of suitable dimensions from Intracoastal Waterway, Jacksonville to Key West, to a point at or near Jacksonville Beach, Fla., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 180); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

478. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 25, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Long Island Intracoastal Waterway from East Rockaway Inlet to Great Peconic Bay, N. Y., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 181); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

479. A letter from the Secretary of Agriculture, transmitting a recommendation for the enactment of legislation to authorize the Secretary of Agriculture to designate in writing the Director of Finance of the Department of Agriculture or, in his absence, the officer acting in his

stead, to sign requisitions upon the Secretary of the Treasury for disbursing funds, and such requisitions shall be as valid as if they had been signed by the Secretary of Agriculture; to the Committee on Agriculture.

480. A letter from the Secretary of Agriculture, transmitting a preliminary report of the results of the study and research and of the studies of uniform motor-vehicle laws throughout the country; to the Committee on Roads.

481. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for the acquisition by the United States on behalf of its Wind River or Shoshone Indian irrigation project, certain of the tribally owned lands of the Indians of the Shoshone Reservation, Wyo.; to the Committee on Indian Affairs.

482. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend section 3 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); to the Committee on Indian Affairs.

483. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks"; to the Committee on the Public Lands.

484. A letter from the national president, American War Mothers, transmitting report of the American War Mothers for the year of October 1935 to October 1936; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DOXEY: Committee on Agriculture. H. R. 256. A bill authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes; without amendment (Rept. No. 482). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLLINS: Committee on Appropriations. H. R. 5996. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes; without amendment (Rept. No. 483). Referred to the Committee of the Whole House on the state of the Union.

Mr. LAMBETH: Committee on Printing. House Concurrent Resolution 7. Concurrent resolution authorizing the printing of additional copies of the report of the Joint Committee on Internal Revenue Taxation entitled "The Taxing Power of the Federal and State Governments"; without amendment (Rept. No. 484). Referred to the Committee of the Whole House on the state of the Union.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4291. A bill to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes; without amendment (Rept. No. 487). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 2696. A bill authorizing an appropriation to carry out the provisions of section 26 of the agreement with the Muskogee or Creek Tribe of Indians, approved March 1, 1901; without amendment (Rept. No. 488). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TURNER: Committee on Military Affairs. H. R. 1938. A bill for the relief of Capt. Robert E. Coughlin; without amendment (Rept. No. 485). Referred to the Committee of the Whole House.

Mr. RUTHERFORD: Committee on Military Affairs. H. R. 3090. A bill for the relief of Peter Haan; without amendment (Rept. No. 486). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3917) granting World War veterans' compensation to John Paszczuk; Committee on War Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 1724) for the relief of Charles Augustus Lathrop; Committee on War Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 715) granting a pension to Johnnie M. Mezzel; Committee on War Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 712) granting death-compensation benefits to Lena Klotz; Committee on War Claims discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FERGUSON: A bill (H. R. 5997) to authorize an appropriation for the survey and construction of small reservoirs, well-irrigation projects, and diversion dams under the Federal reclamation laws; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 5998) to amend the Flood Control Act of 1936 to provide for the construction of small reservoirs on public and private property; to the Committee on Flood Control.

By Mr. McCORMACK (by request): A bill (H. R. 5999) to permit deductions in computing net income for amounts paid or credited to purchasers under title III of the Revenue Act of 1936 to be taken in the taxable year of realization of the income from sales to such purchasers; to the Committee on Ways and Means.

By Mr. MAHON of South Carolina: A bill (H. R. 6000) to authorize the coinage of 50-cent pieces in commemoration of the twentieth anniversary of the organization of the Thirtieth (Old Hickory) Division, United States Army; to the Committee on Coinage, Weights and Measures.

By Mr. MASON: A bill (H. R. 6001) to eliminate the requirement under the unjust-enrichment tax that repayments or credits after June 1, 1936, by taxpayers to their vendees be made in pursuance of written agreements made prior to March 3, 1936; to the Committee on Ways and Means.

By Mr. SHEPPARD: A bill (H. R. 6002) authorizing the establishment of town sites for recreational or seasonal home sites, and for other purposes; to the Committee on the Public Lands.

By Mr. SPENCE: A bill (H. R. 6003) authorizing and directing the Reconstruction Finance Corporation to set aside for use under the direction of the President $50,000,000 for relief and rehabilitation in the areas devastated by recent floods of the Ohio and Mississippi Rivers; to the Committee on Banking and Currency.

By Mr. ROMJUE: A bill (H. R. 6004) authorizing a preliminary examination and survey of the South Fabius River, in northeast Missouri, with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. COLMER: A bill (H. R. 6005) authorizing the exchange and sale of certain land in the city of Biloxi, county of Harrison, State of Mississippi, on behalf of the United States of America; to the Committee on World War Veterans' Legislation.

By Mr. SCHNEIDER of Wisconsin: A bill (H. R. 6006) authorizing the Secretary of the Treasury to establish a Coast Guard air station at Two Rivers, Wis.; to the Committee on Merchant Marine and Fisheries.

By Mr. LEMKE: A bill (H. R. 6007) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. McGRANERY: A bill (H. R. 6008) to increase the minimum salary of deputy United States marshals to $2,000 per annum; to the Committee on the Judiciary.

By Mr. FULLER: Resolution (H. Res. 169) creating a select committee to investigate the distillers, brewers, and rectifiers, and for other purposes; to the Committee on Rules.

By Mr. CROSBY: Resolution (H. Res. 171) to make H. R. 4199, a bill to provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retiring certain citizens from gainful employment, improving and stabilizing gainful employment for other citizens, stimulating agricultural and industrial production and general business, and alleviating the hazards and insecurity of old age and unemployment; to provide a method whereby citizens shall contribute to the purchase of and receive a retirement annuity; to provide for the raising of the necessary revenue to operate a continuing plan therefor; to provide for the appropriation and expenditure of such revenue; to provide for the proper administration of this act; to provide penalties for violation of the act; and for other purposes, a special order of business; to the Committee on Rules.

By Mr. BLOOM: Joint Resolution (H. J. Res. 299) to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session; to the Committee on Foreign Affairs.

By Mr. FISH: Joint resolution (H. J. Res. 300) to prohibit the shipment of arms, ammunition, and implements of war from any place in the United States; to the Committee on Foreign Affairs.

By Mr. TOBEY: Joint Resolution (H. J. Res. 301) granting the consent of Congress to the minimum-wage compact ratified by the Legislatures of Massachusetts and New Hampshire; to the Committee on the Judiciary.

By Mr. SADOWSKI: Joint Resolution (H. J. Res. 302) to provide for the preparation, printing, and distribution of pamphlets containing the history of Brig. Gen. Casimir Pulaski, Revolutionary War hero, on occasion of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, on October 11, 1929, with certain biographical sketches and explanatory matter; to the Committee on Printing.

By Mr. CASE of South Dakota: Joint resolution (H. J. Res. 303) proposing an amendment to the Constitution of the United States to fix the number of Justices of the Supreme Court, to limit their power to declare acts repugnant to the Constitution, and to provide for their retirement; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Nevada, memorializing the President and the Congress of the United States to consider their Senate Joint Resolution No. 13; to the Committee on the Public Lands.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States with reference to House bill 1565; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Resolution No. 10; to the Committee on Education.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 70; to the Committee on the Territotries.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States with reference to House bill 2520; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States concerning House bill 1562; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDRESEN of Minnesota: A bill (H. R. 6009) for the relief of James A. Crotty, as administrator of the estate of Elbert R. Robinson, deceased, and James A. Bedford; to the Committee on Patents.

By Mr. BACON: A bill (H. R. 6010) for the relief of William Sullivan; to the Committee on Claims.

By Mr. DISNEY: A bill (H. R. 6011) for the relief of E. C. Beaver; to the Committee on Claims.

By Mr. DRIVER: A bill (H. R. 6012) granting authority to sell and dispose of certain unappropriated public lands in the State of Arkansas; to the Committee on the Public Lands.

By Mr. GASQUE: A bill (H. R. 6013) for the relief of J. Ruby Parker; to the Committee on Claims.

By Mr. GILCHRIST: A bill (H. R. 6014) for the relief of Stuart C. Peterson; to the Committee on Claims.

Also, a bill (H. R. 6015) for the relief of Harry McCauley; to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 6016) for the relief of Lavina Karns; to the Committee on Claims.

By Mr. IZAC: A bill (H. R. 6017) granting a pension to Neville S. Tout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6018) for the relief of Arthur L. Hecykell; to the Committee on Naval Affairs.

By Mr. KELLY of New York: A bill (H. R. 6019) granting an increase of pension to Elizabeth A. Schlick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6020) granting an increase of pension to Elvie I. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6021) granting an increase of pension to Eva E. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6022) granting an increase of pension to Emma J. Deo; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 6023) for the relief of Mrs. Conrad H. Bruncke; to the Committee on Claims.

By Mrs. O'DAY: A bill (H. R. 6024) for the relief of Annie Riley Hale; to the Committee on Military Affairs.

By Mr. PEYSER: A bill (H. R. 6025) for the relief of Adele Muller; to the Committee on Claims.

By Mr. SCHUETZ: A bill (H. R. 6026) for the relief of Stanley and Mary Boraca; to the Committee on Immigration and Naturalization.

By Mr. VOORHIS: A bill (H. R. 6027) granting a pension to Della Means; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 6028) for the relief of J. H. Yelton; to the Committee on Claims.

Also, a bill (H. R. 6029) for the relief of J. E. Creech; to the Committee on Claims.

PETITIONS, ETC.

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

1429. By Mr. ASHBROOK: Petition of the Woman's Club of Sunbury, Ohio, endorsing President Roosevelt's Supreme Court proposal; to the Committee on the Judiciary.

1430. Also, petition of Mr. and Mrs. Arch Rodgers and O. P. Rodgers, of Walhonding, and Mrs. Huston McClain, of Warsaw, Ohio, protesting against any law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1431. By Mr. BIERMANN: Petition of the Allamakee County (Iowa) Agricultural Association, requesting sufficient appropriation to make an effective farm program; to the Committee on Appropriations.

mittee of the Whole House.

1432. Also, petition of Joseph Sesulka and others, protesting against the President's proposal affecting the Supreme Court; to the Committee on the Judiciary.

1433. Also, petition of numerous citizens of Fayette County, Iowa, protesting against any enlargement of the Supreme Court; to the Committee on the Judiciary.

1434. Also, petition of many citizens of Decorah, favoring the Townsend national recovery plan; to the Committee on Ways and Means.

1435. By Mr. BEITER: Petition of the Amalgamated Clothing Workers of America, Cutters Local 201, representing 350 members in the Forty-first Congressional District, urging the enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1436. Also, petition of the Brotherhood Railway Carmen of America, New Deal Lodge, No. 380, urging the enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1437. By Mr. BOYLAN of New York: Resolution adopted by the board of directors of the Grand Street Boys' Association, New York City, N. Y., urging favorable action on the Wagner-Steagall public housing bill; to the Committee on Banking and Currency.

1438. Also, letter from the Federation of Architects, Engineers, Chemists, and Technicians, New York Chapter, New York City, protesting against the Dies resolution to appoint a committee to investigate and propose legislation against sit-down strikes, etc.; to the Committee on the Judiciary.

1439. Also, resolution adopted by the Independent Retail Tobacconists' Association of America, New York, N. Y., favoring passage of the Miller-Tydings bill; to the Committee on the Judiciary.

1440. Also, letter from the chairman of the National Committee for Music in Education, favoring an appropriation for the organization and maintenance of a Division of Fine Arts in the office of the Commissioner of Education; to the Committee on Appropriations.

1441. By Mr. COFFEE of Washington: Petition of the Board of County Commissioners of Kittitas County, Wash., endorsing House bill 4009, providing Federal assistance to States for control of noxious weeds; to the Committee on Agriculture.

1442. Also, petition of the University of Washington Teachers' Union, Local 401, American Federation of Teachers, supporting wholeheartedly the President's proposals for reform of the Federal judiciary; to the Committee on the Judiciary.

1443. Also, petition of the Carmen's Local, No. 16, Spokane, Wash.; approving the President's proposals for reform of the Federal judiciary; to the Committee on the Judiciary.

1444. Also, petition of the board of directors of the Washington Public Utility Commissioners' Association, requesting legislative enactment of a Federal power policy incorporating and providing for Federal construction and control of transmission lines for distribution of power direct to public agencies representing electric energy consumers; to the Committee on Interstate and Foreign Commerce.

1445. Also, petition of the Young Men's Democratic Club of King County, State of Washington, endorsing the President's recommendations for reform of the Federal judiciary; to the Committee on the Judiciary.

1446. Also, petition of the King County Pomona Grange, No. 13, endorsing the President's plan for liberalization of the Federal judiciary, and urging its support by all Congressmen and Senators from the State of Washington; to the Committee on the Judiciary.

1447. Also, petition of the Brotherhood of Railway and Steamship Clerks, Puget Sound Lodge, No. 1185, Tacoma, Wash., expressing the belief that the members of the Federal Supreme Court base their interpretation of unconstitutionality upon their personal reaction to legislation based upon their economic background rather than upon an impartial and impersonal interpretation of the law, and therefore urge that the Congress forthwith pass Senate bill 1392 and House bill 4417, the President's judiciary reform legislation; to the Committee on the Judiciary.

1448. Also, petition of the Seattle Scandinavian-American Democratic Club, expressing hearty approval of the President's judiciary proposals; to the Committee on the Judiciary.

1449. Also, petition of the Tacoma District Council Lumber and Sawmill Workers, Tacoma, Wash., endorsing the President's proposals for reform of the Federal judiciary; to the Committee on the Judiciary.

1450. By Mr. CULKIN: Petition of Pearl N. Congdon and other members of the Woman's Christian Temperance Union, in Dexter, N. Y., supporting the Capper-Culkin bills to curb liquor advertising over the radio; to the Committee on Interstate and Foreign Commerce.

1451. Also, petition of Pearl N. Congdon and other members of the Woman's Christian Temperance Union of Dexter, N. Y., opposing the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1452. By Mr. CULLEN: Petition of the Grand Street Boys' Association, New York, N. Y., urging favorable action on the Wagner-Steagall public housing bill; to the Committee on Banking and Currency.

1453. By Mr. CURLEY: Resolution of the board of directors, Grand Street Boys' Association of the city of New York, urging passage of the Wagner-Steagall public housing bill; to the Committee on Ways and Means.

1454. Also, resolution of the Board of Aldermen of the City of New York, memorializing the Congress to act favorably on House bill 4739, by Mr. CURLEY, relative to providing additional home-mortgage relief; to the Committee on Ways and Means.

1455. By Mr. FITZPATRICK: Petition of the Grand Street Boys' Association, Inc., of New York City, urging favorable action on the Wagner-Steagall public housing bill; to the Committee on Ways and Means.

1456. By Mr. HOOK: Resolution adopted by the Michigan House of Representatives on March 4, 1937, memorializing Congress to enact certain changes in the naturalization laws; to the Committee on Immigration and Naturalization.

1457. By Mr. HULL: Memorial of the Wisconsin State Legislature, memorializing the Congress of the United States to authorize the construction of the Kickapoo Valley project and to make an appropriation therefor; to the Committee on Appropriations.

1458. Also, memorial of the Wisconsin State Legislature, memorializing the Congress of the United States to provide a moratorium on foreclosure of mortgages held by the Home Owners Loan Corporation; to the Committee on Banking and Currency.

1459. Also, memorial of the Wisconsin State Legislature, memorializing the Congress of the United States to reduce the payments for interest and principal on farm and home loans; to the Committee on Banking and Currency.

1460. Also, memorial of the Wisconsin State Legislature, memorializing the Congress of the United States to modify the Works Progress Administration so as to provide needy taxpayers preferred employment on works projects; to the Committee on Ways and Means.

1461. By Mr. JOHNSON of Texas: Petition of E. J. Jenkins, president, Bryan Board of Education; C. M. Bethany, chairman, County Board of Education of Brazos County; S. M. Brown, superintendent, Bryan city schools; Hon. F. L. Henderson, former member, State board of education; and Mrs. W. E. Neeley, county superintendent of Brazos County, all of Bryan, Tex., favoring the Harrison-Black-Fletcher bill for Federal aid to public schools; to the Committee on Education.

1462. By Mr. KEOGH: Petition of the Grand Street Boys' Association, New York City, concerning the Wagner-Steagall public housing bill; to the Committee on Banking and Currency.

1463. By Mr. PETERSON of Georgia: Petition of citizens of Jenkins, Bulloch, and Chatham Counties, Ga., concerning the old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1464. By Mr. PFEIFER: Petition of the Grand Street Boys' Association, New York City, urging favorable consideration of the Wagner-Steagall public housing bill; to the Committee on Ways and Means.

1465. By Mr. QUINN: Resolution of the Labcr's Nonpartisan League of Allegheny County, Pa., favoring enactment of the Supreme Court reform measure as promulgated by the President of the United States; to the Committee on the Judiciary.

1466. By Mrs. ROGERS of Massachusetts: Petition of the General Court of the Commonwealth of Massachusetts, memorializing Congress and the President of the United States to allocate to the Commonwealth of Massachusetts a reasonable proportion of the total revenues voted by Congress for social purposes; to the Committee on Ways and Means.

1467. Also, petition of the General Court of the Commonwealth of Massachusetts, memorializing Congress in favor of restoring certain women to citizenship; to the Committee on Immigration and Naturalization.

1468. Also, petition of the General Court of the Commonwealth of Massachusetts, memorializing Congress in favor of the appropriation of additional funds by the Federal Government for the continuation of Emergency Unemployment Relief projects; to the Committee on Ways and Means.

1469. By Mr. RUTHERFORD: Petition of the citizens of Meshoppen, Wyoming County, Pa., protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1470. Also, petition of the residents of Centralia, Columbia County, Pa., protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1471. Also, petition of the citizens of Wyalusing, Bradford County, Pa., protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1472. By Mrs. ROGERS of Massachusetts: Petition of the Roosevelt Council, No. 45, of the Sons and Daughters of Liberty, protesting against any interference of the activities of the United States Supreme Court except in a manner provided in the Constitution of the United States; to the Committee on the Judiciary.

1473. By Mr. SADOWSKI: Petition of the Common Council of Detroit, Mich, endorsing House bill 5528; to the Committee on Banking and Currency.

1474. By Mr. SWOPE: Petition of Lottie L. Stine and 16 other citizens of Cumberland County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1475. Also, petition of Charles Banks and two other citizens of Dauphin County, Pa., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1476. By Mr. TURNER: Petition of the citizens of Maury, Williamson, and Lawrence Counties, Tenn., urging the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1477. Also, resolution of Council of the City of Knoxville, Tenn., requesting Congress to enact the United States Housing Act of 1937 (S. 1685); to the Committee on Banking and Currency.

SENATE

WEDNESDAY, MARCH 31, 1937

(Legislative day of Monday, Mar. 29, 1937)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, March 30, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting several nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 635. An act for the relief of Mary Daley;

H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War; and

H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 7), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Joint Committee on Internal Revenue Taxation be, and is hereby, empowered to have printed for its use 5,000 additional copies of its report entitled "The Taxing Power of the Federal and State Governments."

The message further announced that the House had agreed to a resolution (H. Res. 170), as follows:

Resolved, That the bill (S. 1905) to amend the National Firearms Act, approved June 26, 1934, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives, and is an infringement of the prerogatives of this House, and that said bill be respectfully returned to the Senate with a message communicating this resolution.

(Pursuant to the above House resolution, the message returned Senate bill 1905 to the Senate.)

ENROLLED BILLS SIGNED

The messages also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 635. An act for the relief of Mary Daley;

H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War; and

H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, in order to assure the presence of one.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	King	Pepper
Andrews	Dieterich	Lee	Pittman
Ashurst	Duffy	Lewis	Pope
Austin	Ellender	Lodge	Radcliffe
Bachman	Frazier	Logan	Reynolds
Bankhead	George	Lonergan	Robinson
Barkley	Gerry	Lundeen	Russell
Bilbo	Gibson	McAdoo	Schwartz
Bone	Glass	McCarran	Schwellenbach
Borah	Green	McGill	Sheppard
Brown, Mich.	Guffey	McKellar	Stelwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulkley	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Townsend
Burke	Hayden	Moore	Truman
Byrd	Herring	Murray	Tydings
Byrnes	Hitchcock	Neely	Vandenberg
Capper	Holt	Norris	Van Nuys
Caraway	Hughes	Nye	Wagner
Chavez	Johnson, Calif.	O'Mahoney	Wheeler
Clark	Johnson, Colo.	Overton	White

Mr. LEWIS. Mr. President, I am called on to announce the absence of the Senator from Ohio [Mr. DONAHEY], caused by illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BLACK], the Senator from New York [Mr. COPELAND], the Senator from Iowa [Mr. GILLETTE],

the Senator from South Carolina [Mr. SMITH], and the Senator from Massachusetts [Mr. WALSH] are detained from the Senate on important public business. I ask that this announcement go in the RECORD for the day.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent on official business and that the Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

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

CHOPAWAMSIC RECREATIONAL DEMONSTRATION PROJECT, DUMFRIES, VA.

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

REPORT OF THE AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate a letter from the national president of the American War Mothers, transmitting, pursuant to law, the report of that organization for the period from October 4, 1935, to October 4, 1936, which, with the accompanying report, was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Public Lands and Surveys:

Joint memorial of the Senate and House of Representatives of the State of New Mexico to the Congress of the United States of America, requesting not to pass any measure now pending before said Congress which seeks additional lands in the State of New Mexico for use by the Indians

Whereas there have been introduced in the Congress of the United States certain bills which have for their purpose the increasing or extending of the Navajo Indian Reservation in the State of New Mexico by some 3,500,000 acres; and

Whereas the Federal Government for several years has been purchasing large tracts of lands in the State of New Mexico, and, particularly, has been purchasing large tracts of lands in old Spanish land grants, to be designated for the use of the Indians; and

Whereas the continuation of the policy of the Federal Government in acquiring large tracts of land and in the extension of the Navajo Indian Reservation in New Mexico by 3,500,000 acres is detrimental to the economic and social welfare of the citizens of the State of New Mexico, and would work a hardship upon stockraisers and upon those industries closely associated and connected with the stock-raising industry; and

Whereas the continuation of the policy of the Federal Government in obtaining large tracts of land in New Mexico necessarily takes all of said lands off the tax rolls of New Mexico, and the revenue derived therefrom as taxes is lost to the citizens of New Mexico: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the State of New Mexico respectfully and earnestly memorialize and request the Congress of the United States of America not to pass any measures now before said Congress which seek additional lands for the use of the Indians in the State of New Mexico; and be it further

Resolved, That copies of this memorial be sent to the President of the United States Senate, the Speaker of the House of Representatives of the United States, the Secretary of the Interior, and to the respective Senators and Representative of New Mexico in the Congress.

The VICE PRESIDENT also laid before the Senate the following resolution of the General Court of Massachusetts, which was referred to the Committee on Immigration:

Resolution memorializing Congress in favor of restoring certain women to citizenship

Whereas certain women who were citizens of the United States, either by reason of being American born or by naturalization of a parent while they themselves were minors, lost said citizenship by marriage to alien husbands between March 2, 1907, and September 22, 1922; and

Whereas many of said women are still noncitizens because their husbands did not become naturalized between said dates of March 2, 1907, and September 22, 1922, and they themselves have not since September 22, 1922, secured papers in a court competent to grant naturalization restoring their citizenship; and

Whereas the securing of said papers by said women entails much inconvenience and expense and is repugnant to many of said women, who have been reared and educated in this country and who regard their exclusion from citizenship as a discrimination against them when other American women who married aliens before March 2, 1907, or since September 22, 1922, retained their citizenship; and

Whereas consistency in the policy of "once an American, always an American" requires that all American women who have married aliens be given the rights of citizenship: Therefore be it

Resolved, That the General Court of Massachusetts hereby respectfully requests that the Congress of the United States speedily enact specific legislation removing the discrimination against all said women and restoring their citizenship; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the Clerk of each branch of Congress and to each Senator and Representative in Congress from this Commonwealth.

The VICE PRESIDENT also laid before the Senate a resolution of the General Court of Massachusetts, favoring the appropriation of additional funds by the Government for the continuation of emergency unemployment relief projects, which was referred to the Committee on Appropriations.

(See resolution printed in full when presented today by Mr. LODGE (for himself and Mr. WALSH).)

The VICE PRESIDENT also laid before the Senate a resolution of the General Court of Massachusetts, memorializing the President and Congress to allocate to the Commonwealth of Massachusetts a reasonable proportion of the total revenues appropriated for social purposes, which was referred to the Committee on Appropriations.

(See resolution printed in full when presented today by Mr. LODGE (for himself and Mr. WALSH).)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Board of Commissioners of the city of Camden, N. J., favoring the enactment of pending legislation providing low-cost housing, which was referred to the Committee on Education and Labor.

He also laid before the Senate a letter in the nature of a memorial from M. Duvivier, secretary of the Asociacion de Empleados de San German, of San German, P. R., remonstrating against the appointment or retention of Enrique Rossy as acting postmaster at San German, P. R., which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented memorials of sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

Mr. LODGE (for himself and Mr. WALSH) presented the following resolution of the General Court of Massachusetts, which was referred to the Committee on Appropriations:

Resolutions memorializing Congress in favor of the appropriation of additional funds by the Federal Government for the continuation of emergency unemployment relief projects

Resolved, That the General Court of Massachusetts hereby urges the Congress of the United States to appropriate immediately additional funds so that emergency unemployment relief projects may be continued without interruption; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to the Members thereof from this Commonwealth.

Mr. LODGE also (for himself and Mr. WALSH) presented the following resolution of the General Court of Massachusetts, which was referred to the Committee on Appropriations:

Resolutions memorializing Congress and the President of the United States to allocate to this Commonwealth a reasonable proportion of the total revenues voted by Congress for social purposes

Whereas the Congress of the United States has for the past several years voted large sums of money to the Executive to be spent for social purposes, always hitherto the proper function of the several States of the Union, to wit, relief, local public works, low-cost housing, farm benefits, etc.; and

Whereas the Congress of the United States has spent during the calendar year 1936 on the average nearly $350,000,000 monthly for these purposes, as shown by the United States Treasury figures annexed hereto; and

Whereas the Commonwealth of Massachusetts recognizes that the taxing power of the Federal Government may spread the burden of collecting funds for such social purposes more equitably than the taxing facilities of the several States; and

Whereas the Commonwealth of Massachusetts also recognizes its own primary duty to care for the welfare of its citizens and the impracticability of performing that duty when Federal bureaus and officials invade a broad part of the field in which that duty must be performed—said invasion changing continuously and without advance information in complete disregard for the responsibilities of the properly constituted State and local authorities, thus placing our elected officials completely at the mercy of Washington bureaus: Therefore be it

Resolved, That the General Court of Massachusetts hereby most respectfully petitions the Congress of the United States and the President of the United States to allocate directly to the sovereign Commonwealth of Massachusetts a reasonable proportion of the total revenues voted by the Congress for the social purposes enumerated in this petition, in order that the elected officials of the Commonwealth may carry out a well-rounded program for the benefit of its citizens in conformity with the responsibilities and duties delegated to them by the Constitution of the United States, free from the imposition of Federal administrative authority; and be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to each Member of the Congress and to the President of the United States.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 1263) to authorize the award of a decoration for distinguished service to George J. Frank, reported it with an amendment to the title and submitted a report (No. 275) thereon.

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 1538) to correct the military record of John Pate, reported it with amendments and submitted a report (No. 276) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 1572) for the relief of Frank Fisher, reported it without amendment and submitted a report (No. 277) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 5299) to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes, reported it without amendment and submitted a report (No. 278) thereon.

Mr. DIETERICH, from the Committee on the Judiciary, to which was referred the bill (S. 1431) limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases, reported it without amendment and submitted a report (No. 279) thereon.

BILLS INTRODUCED

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

By Mr. STEIWER:

A bill (S. 2032) granting a pension to John W. Bragg; to the Committee on Pensions.

By Mr. POPE:

A bill (S. 2033) for the relief of Dr. F. F. McAtee; to the Committee on Public Lands and Surveys.

By Mr. SHEPPARD:

A bill (S. 2034) relating to personal-injury suits by seamen; to the Committee on Commerce.

A bill (S. 2035) to amend section 5 and section 33 of the Longshoremen's and Harbor Workers' Compensation Act; to the Committee on the Judiciary.

By Mr. GUFFEY:

A bill (S. 2036) for the relief of W. A. Merrill Sons & Co., Inc.; to the Committee on Claims.

By Mr. BULOW:

A bill (S. 2037) for the relief of E. E. McKean; and

A bill (S. 2038) for the relief of Jonathan L. Whitney; to the Committee on Claims.

By Mr. TRUMAN:

A bill (S. 2039) granting a pension to Gilbert Messick; to the Committee on Pensions.

By Mr. GREEN:

A bill (S. 2040) to authorize the erection of a United States veterans' hospital in the State of Rhode Island; to the Committee on Finance.

By Mr. LEWIS:

A bill (S. 2041) for the relief of the heirs of the late Capt. N. C. Brooks; and

A bill (S. 2042) for the relief of Lester B. McAllister; to the Committee on Claims.

CHANGE OF REFERENCE

Mr. POPE. Mr. President, the bill (S. 433) to provide for a survey of the Cabinet Gorge on the Clark Fork of the Columbia River was referred to the Committee on Commerce. Last year a similar bill was referred to the Committee on Irrigation and Reclamation. That committee is entirely familiar with the bill, it having reported it last year, and the bill then having passed the Senate. I ask that the Committee on Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Irrigation and Reclamation.

The VICE PRESIDENT. Without objection, the change of reference will be made.

CROP INSURANCE SYSTEM FOR FRUITS AND VEGETABLES

Mr. PEPPER submitted a resolution (S. Res. 108), which was ordered to lie over under the rule, as follows:

Resolved, That the Secretary of Agriculture is requested to transmit to the Senate, at the earliest practicable date, a plan and recommendations for the establishment of a system of crop insurance for fruits and vegetables, and to make such studies as may be necessary in connection therewith.

MARCELLA J. M'GINN

Mr. McNARY submitted the following resolution (S. Res. 109), which was referred to the Committee to audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Marcella J. McGinn, widow of James W. McGinn, late an employee of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THE BRONSON CUTTING MEMORIAL LECTURES

Mr. HATCH. Mr. President, during the winter months Mrs. Cutting, the mother of former Senator Bronson Cutting, has been providing a series of lectures as a tribute and as a memorial to her son. The lectures have been most valuable, and what she has done has been a fine and splendid thing. At the opening lecture the senior Senator from Nebraska [Mr. NORRIS] made some brief remarks concerning the work of Senator Cutting. I ask unanimous consent that the remarks made by the Senator from Nebraska at that time be printed in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

It is difficult for the mortal mind to reconcile the justice of the decree of a cruel fate that so tragically ended the career of Bronson Cutting in the early morning of his life. Those of us who knew him best and who loved him most had in our hearts for him so much of hope for the future, believing that much good for humanity would have come from his work had the span of his life not been cut short by a cruel and unheralded accident. The good he had accomplished, the work he had already performed in his courageous battle for the upbuilding of humanity and the betterment of civilization were so great that hope for the accomplishments of the future led the human mind into the realm of imagination.

When Senator Cutting passed into the limitless realm of eternity, struggling millions of the toilers of humanity lost an outstanding leader, a brave defender, and a courageous advocate. A man of wealth, his great heart beat in unison with the downtrodden and the oppressed and those who toil for their daily bread. All along the pathway of his life there are emblems of his charity, his generosity, his justice, and his mercy.

He never inquired into or considered the popularity of any cause. He was moved to action by what he conceived to be justice and righteousness. A man of superior educational qualifications, he never hesitated to come to the relief of those who were denied by poverty the opportunity to develop the mind as well as the heart.

He was a friend of education and of the public schools. He made a wonderful fight in the Senate to secure a definite guaranty that no public school should be closed for want of funds.

There was no limit to his courage. When his brilliant analytical mind determined upon the course that should be pursued in the fight against oppression and in behalf of a higher and better civilization, he never thought of the dangers or the hazards of the fight, but put his whole soul and his great manhood into the struggle regardless of personal consequences. When he became a Member of the Senate he was a stranger to most of its Members, but soon he commanded the respect and admiration of both friend and foe. The nobility of his character was recognized at once. The ability of his trained mind to solve difficult questions of politics or government soon became so apparent that, although young in years and service, he soon became a leader in that great legislative assembly.

He won this leadership not from social standing, not from wealth, not from political power, not from any of the methods of partisan political warfare, but from true merit. His intellectual ability gave him leadership; the truthfulness of his heart, the honesty of his purpose, and the courage of his assault brought respect and followers to his banners. In all the struggles of his career, honesty was his shield, wisdom was his weapon, and justice was his goal. I have no fear of contradiction when I say no Member of the Senate ever doubted his sincerity of purpose in any legislative struggle in which he participated. With a modesty that was unsurpassed, with a purpose that was undisguised, and with an honesty that was unquestioned, he always commanded the unlimited respect and admiration of all the Members of that distinguished body.

The world is better because Bronson Cutting lived. His heroic fight for equality before the law, his courageous attack upon the citadel of entrenched wealth and special privilege, his constant pleading for the rights and privileges of the poor and unfortunate, and his fervent appeal for the downtrodden and oppressed have given renewed hope and renewed vigor to millions of struggling mortals. No cold marble monument could commemorate properly the story of his life. It is the belief of his friends that the lesson of his life, his influence upon progressive thought and legislation in the past, may be put to more useful service by carrying on the teachings of his creed by planting in the hearts of men and women the ideals of justice and humanity for which he fought and with the hope that these ideals may grow and bloom as flowers along the pathway of the discouraged and distressed, and thus bring hope, happiness, and joy, where otherwise would be despair, desolation, and failure.

These lectures are intended in a modest way to plant the seeds of Bronson Cutting's philosophy in the hearts of the people whom he loved, that they may bear fruit years after all those who now live have passed through the portals that separate humanity from eternity. We want to carry forward his doctrine, his philosophy of life, his ideas of government, in order to bring about a higher sense of justice, a greater comprehension of the duties we owe to our country, to our brethren, to ourselves, and to humanity.

The story of Bronson Cutting's life will lighten the burden of future generations by silently, perhaps unconsciously, but nevertheless forcefully and irresistibly influencing the hearts, the minds, and the souls of unborn generations. The modest, unassuming, but penetrating and courageous lesson of his life will become the strong, upholding influence of many a hand in the unseen future as it carries aloft the torch of justice and of freedom. Thus the influence of his life, the lessons it taught, the example it set, will become the guiding star that shall ever lead onward and upward.

Mr. HATCH. I also ask that there be printed in the RECORD at this point in my remarks, and not in the Appendix, certain editorials concerning the Bronson Cutting memorial which have appeared in newspapers throughout the country.

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

[From Labor for Mar. 16, 1937]

BRONSON CUTTING'S UNIQUE LIVING MEMORIAL—WASHINGTON AUDIENCE HEARS NORRIS PAY TRIBUTE TO FAMOUS PROGRESSIVE; DR. CHARLES A. BEARD, GREATEST OF AMERICAN HISTORIANS, AND MAYOR LAGUARDIA OPEN LECTURE COURSE

By Charles M. Kelley

Washington has erected many monuments, in bronze and marble, in honor of the great and near great, but there is none more significant than one dedicated this week to Senator Bronson Cutting, New Mexico progressive, who lost his life in an airplane crash 2 years ago.

As the Senator—a great Democrat—might have wished, his memory is to be kept green by a series of lectures each spring for 3 years on social and economic problems. The object is to create interest in and increased knowledge of fundamental problems which are pressing for solution. If the experiment works out as expected, it probably will be continued indefinitely.

GIFT OF DEVOTED MOTHER

This practical and living memorial was made possible by Mrs. W. Bayard Cutting, a devoted mother who shared the ideals and progressive convictions for which her talented son so valiantly fought.

The opening lecture attracted what Washington newspaper writers like to describe as a "distinguished" audience. Present were members of the Cabinet, United States Supreme Court, and diplomatic corps, and scores of Senators and Congressmen.

Even more important, there was a vast concourse of plain people who wished to pay homage to their champion. They turned out in such force that it was necessary to arrange an overflow meeting as large in numbers as the main audience.

DRAWN BY LOVE AND ESTEEM

This unprecedented testimonial was spontaneous and not the result of ballyhoo. There had been practically no publicity of the event. The Senator's friends and admirers needed no urging to show their love and esteem.

Senator Cutting was both a scholar and a man of action, and he was mightily troubled by the present-day assaults upon popular government here and abroad. It was therefore fitting that the opening lectures should be on subjects close to his heart.

DEMOCRACY CAN SURVIVE

Dr. Charles A. Beard, one of the Nation's outstanding historians, discussed Can Democracy Survive? To avoid any misunderstanding that pessimism was implied by that title, let it be stated that the answer was an emphatic "yes."

"Democracy in Action" was the theme of a magnificent speech by Fiorello A. LaGuardia, New York City's fighting liberal mayor.

Senator GEORGE W. NORRIS, veteran battler for progressive causes, paid a tribute to Senator Cutting's exceptional qualities as a man and as a far-seeing, bold, and courageous statesman.

"When Senator Cutting was cut down in the prime of his physical and mental powers," Senator NORRIS said, "struggling millions of the toilers lost a great leader, a brave defender, and an advocate who knew no fear." He added:

"A man of wealth, his great heart beat in unison with the downtrodden and oppressed, for those who toil for their daily bread. All along his pathway of life there are emblems of his charity, generosity, justice, and mercy."

Dr. Beard declared that Senator Cutting combatted efforts to whittle at the pillars of popular government and would have been the first to violently dissent from Mussolini's recent declaration that "Democracy is only a mask for capitalism."

ROOTED IN PLAIN PEOPLE

Democracy, Dr. Beard insisted, has its roots deep in the soil and aspirations of plain people.

"In England", he said, "democracy was advocated by obscure and humble persons called 'levelers' and thoroughly despised by the possessing classes. In these struggles we do not find either capitalists or landlords.

"This is also true of American history. Here the movement received its strength from farmers and industrial workers whose names do not loom large in history but who left us a priceless heritage.

"Descendants of those Americans, refusing to take at face value the old maxims of new upstarts, are determined to preserve democratic processes."

DEMOCRACY VERSUS DESPOTISM

Dr. Beard—as did Mayor LaGuardia—clearly had in mind the controversy over court reform when he asserted that democracy must be alive to changing conditions and have the courage to meet them, while despotisms, "under whatever name they masquerade", are efforts to freeze history, to stop change, to solidify and imprison the human spirit.

"There is only one way by which a despotism can be altered", he declared. "That is by revolution, by the kind of violence employed in its creation."

Declaring that democracy is dynamic, and that when it stops it either crumbles or changes its form, Mayor LaGuardia said it must be "alert, active, and moving forward all the time."

"When we hear people say that this or that was never intended by the founders of our Constitution", he continued, "we ask: How do they know? As a matter of fact, they know no more about it than the rest of us."

FATHERS DIDN'T KNOW

Contrasting the conditions with which the founding fathers were familiar with the complex problems of an intricate economic system, LaGuardia declared:

"The Constitution was as perfect a document as imperfect human beings could live under. But it could not provide for conditions that could not be foreseen—poverty, child labor, and other forms of exploitation.

"Without economic security, democracy cannot last very long. You can't talk patriotism to a man with a hungry family.

"Subtle forces can hold democracy back. It has been retarded by corrupt political machines, great abundance, and universal ignorance. We have gone all through those phases.

BLOCKED BY COURTS

"The fourth factor blocking the progress of democracy is the courts. Their fine distinctions were never intended by the Constitution or its framers. We cannot accept that situation.

"We cannot continue keeping millions on relief. Other problems demand adjustment and cannot be denied.

"We have the resources and the genius to eradicate poverty, and until that is done this country cannot be regarded as fit for true democracy."

[From the New Republic of Mar. 31, 1937]

Senator Bronson Cutting of New Mexico, who was killed in an airplane accident in May 1935, was one of the ablest of the group of American progressives. After his tragic death, a spontaneous movement arose among his friends for a memorial to him of a character appropriate to his qualities and outlook. The group hit upon the happy idea of a series of memorial lectures to be held in Washington. With the financial asistance of his mother, Mrs. W. Bayard Cutting, these are now under way and the overwhelming success thus far achieved demonstrates the value of the plan. Dr. Charles A. Beard, Mayor Fiorello LaGuardia, of New York, and Prof. Harold J. Laski are among the chief speakers already selected and others appearing at the early meetings were Senators George Norris and Robert La Follette and Edward F. McGrady, Assistant Secretary of Labor. Admission has been without charge but tickets had to be requested in advance. The response was so tremendous that it has been necessary to have each speech delivered twice, and even so, hundreds of applications for tickets have necessarily been rejected. This is the more remarkable since every professional lecture agent regards Washington, the fountainhead of political oratory, as one place where the inhabitants can't be dragged to a public lecture. In the audiences have been noted some 60 representatives of 17 embassies and legations, a thousand Government officials, Members of the House and Senate, and many students in Washington colleges. We can think of no finer memorial project for a man like Senator Cutting and we hope a precedent has been set that will be widely followed in other parts of the country.

[From the Washington Post of Mar. 26, 1937]

A WORTHY MEMORIAL

The large and enthusiastic attendance at the two stimulating lectures given by Prof. Harold J. Laski at Constitution Hall, coupled with the similar reception for the earlier address by Prof. Charles A. Beard, is convincing evidence of the wisdom of those who planned a Bronson Cutting memorial in the form of lectures.

For a city around which so much of the life of the Nation revolves, Washington has been rather conspicuously lacking in such forms of intellectual entertainment. Partly this is the natural reaction of a community drenched in professional oratory. Partly it is attributable to the fact that the local college communities are not yet the thoroughly integrated and dominant part of municipal life they form elsewhere. Whatever the cause, it is healthy that this new institution, like the Town Hall and other agencies, is breaking down the tradition that Washingtonians are apathetic to public discussion.

Mrs. W. Bayard Cutting, who made possible this living memorial to her famous son, has reason to be convinced of the wisdom of the belief that in this practical and constructive manner the life and spirit of a truly great American is best commemorated. The turn-out for this year's memorial lectures constituted a splendid tribute to Senator Cutting. And the speakers have happily exemplified the vigor and vitality of the democratic spirit to which he was so thoroughly devoted.

[From the Washington Daily News, Mar. 3, 1937]

THE CUTTING MEMORIAL

We can think of no more fitting memorial to the late Senator Bronson Cutting of New Mexico than the series of memorial lectures to be given in Washington each spring for the next 3 years. And the first topic, "Can Democracy Survive?" is one that the young statesman himself might have suggested. Dr. Charles A. Beard, scholar, and New York's Mayor Fiorello LaGuardia, man of action, will deliver the first two talks on this subject. Senator Cutting was both a scholar and a man of action, and he was mightily troubled by the present-day assaults upon popular self-government both here and abroad.

BRONSON CUTTING hated all of democracy's enemies—war, economic greed, demagogery, racial prejudice, and intolerance. He knew, with Walt Whitman, that, to survive, democracy must take the offensive. Better than any personal tribute in fine marble is this marshaling of Cutting's dreams and purposes and sending them into action.

REORGANIZATION OF FEDERAL JUDICIARY

[Mr. HOLT asked and obtained leave to have printed in the RECORD an address relative to the proposed reorganization of the Federal judiciary, delivered by himself at the University of North Carolina, Chapel Hill, N. C., on Tuesday, Mar. 23, 1937, which appears in the Appendix.]

INDUSTRIAL DEMOCRACY AND INDUSTRIAL PEACE

Mr. WAGNER. Mr. President, because of the urgency of the labor problems now confronting the country, I feel justified in taking some time of the Senate for the presentation of my views upon the subject. As my views are the product of no little experience, and as the facts supporting them are extensive, I cannot be very brief.

THE RELATIONSHIP BETWEEN EMPLOYER AND WORKER: A GREAT NATIONAL PROBLEM

During 1935 and 1936 almost 2,000,000 American workers were involved in labor disputes. Considering that the average loss of employment was 15 days per man, nearly 30,000,000 idle days were substituted for productive days because of strikes. If we examine the first 2 months of the current year alone, we find that 200,000 men and women laid down their tools voluntarily and that 4,000,000 days of potentially creative effort were spent in industrial warfare.

The most disconcerting aspect of the economic strife of today is not its rising incidence, but rather its changing character. The strikes of today differ fundamentally from those of 10 years ago. They are more sudden in their inception, more drastic in their methods, and more violent in their repercussions. Above all, they are more electrifying and more contagious in their influence. The relationship between employer and employee has today become a great national problem.

The recognition that we are confronted by a Nation-wide problem demanding a national remedy has flashed with surprising suddenness upon the consciousness of the whole country. We know now that when men go on strike in persistently larger numbers domestic tranquillity is threatened. We know that when factories stop running, commerce stops flowing. The impact of hard fact is shattering the concept of a hair-splitting distinction between direct and indirect effects upon national commerce. As said by Mr. Justice Brandies, the logic of words is giving way to the logic of realities.

Nothing in the current situation has impressed me more than the recent statement of the National Association of Manufacturers, setting forth a plan for Federal intervention in labor disputes. I recall the vehement protestations of this organization when the National Labor Relations Act was before Congress on the ground that all dealings between employers and workers in manufacturing were of purely local concern. If they and others were right when they claimed that the National Labor Relations Act was unconstitutional in toto, then the Federal Government has no jurisdiction to do anything whatsoever about strife in industry. If they and others are now right when they clamor for Federal action in situations analogous to the General Motors conflict, then both they and the 53 Liberty League lawyers who pronounced the National Labor Relations Act unconstitutional in toto were wrong. I cannot infer that any responsible group of citizens would say that Federal intervention is constitutional in protection of what they believe to be their interests but unconstitutional to safeguard what they believe to be the interests of others. I gladly give the National Association of Manufacturers the benefit of every doubt. I presume they realize better than they did 2 years ago the national significance of justice and peace in all our Nation-wide industries.

All recent experience has shown us that there are two major ways of dealing with great national problems. When an army of the unemployed marched upon Washington 5 years ago, one way of meeting them was with bayonets and tear gas. The other way was to search for the underlying causes of Nation-wide unemployment and to seek to remove those causes by the application of a national remedy. When poverty-stricken farmers were seizing milk trucks by force and spilling their contents upon the road, one WAY to meet this problem was by swearing out warrants of arrest. The other way was to search for the underlying causes of the bankruptcy of agriculture and to seek to remove these Nation-wide causes by the application of a national remedy. When home owners with mortgages around their own necks were threatening to tie nooses around the necks of sheriffs seeking to evict them, one way of meeting this problem was to regard the home owner as a common intruder and evict him from the premises. The other way was to search for the underlying causes of Nation-wide bankruptcy and to seek to remove these causes by the application of a national remedy.

These two contrasting methods of dealing with discontent on the part of large portions of our people may be called, respectively, the do-and-die method and the reason-why method. I propose to apply the reason-why method to the rising tide of industrial unrest. I do not say that either the

problems or the actions of the worker are in all respects analogous to those of the farmer, the home owner, or the unemployed. But I do say that they are problems equally penetrating in their roots and requiring equal vision and intelligence for their solution. Widespread conflict between industry and labor cannot be handled on the same plane as a dance hall brawl. Why does a man go on strike? Why are there more strikes now than there were before? What are the underlying causes for this Nation-wide condition, and how may we remove these causes by the application of a national remedy?

COLLECTIVE BARGAINING: THE FUNDAMENTAL RIGHT OF A FREE WORKER

Certain basic facts must ever be borne in mind as fundamental to this inquiry. The unemployed hunger marcher, the bankrupt farmer, and the distressed home owner were seeking only to limit or invade the so-called property rights of others, or to extend their own human and property rights. They were not voluntarily surrendering any of their own enjoyments or privileges. But the worker who goes on strike does more than that. He bears a self-inflicted wound. He damages his own property interest in his job. He cuts off, at least temporarily, his own pay envelope. He runs grave risk of never again obtaining the employment which supports his wife and family. He faces, in many instances, substantial physical danger. Without saying anything at this stage about the legality, justice, or wisdom of the sit-down strike, all these things are equally true whether the worker sits down in the plant or stands up outside the plant.

Anyone who understands human nature, and who has studied or observed the history of labor in America, knows that men in large numbers in widely separated places will not run these terrible risks for light and transient causes. No leader, no amount of propaganda, no degree of incitement, can stampede men into taking these risks if their sensibilities have not been repeatedly lacerated by causes which they believe to be deep and abiding. If strikes and other evidences of industrial discontent have become a common occurrence, the underlying cause is just this: Great masses of American workers feel frustrated in those aspirations which American society has taught them to regard as part of the common American heritage.

What is our common American heritage? We believe in individual initiative and reward corresponding to merit; but at the same time we are committed to the fair distribution of our wealth among the great masses of our citizens. We believe that every advance in science and technology should be translated, not into swollen private fortunes, but into greater leisure and comfort for all society. We believe that America has the material means and human energy to lift poverty from 10,000,000 American homes. We believe in political democracy as the form of government best devised to attain these ends; and we hold that political democracy will become a sham and a delusion unless there is economic democracy in industry itself.

For almost 100 years, our law and public opinion have both regarded the right of the worker to associate with his fellows and to bargain collectively as an essential part of this American heritage. Every step in the growth of large-scale industry has made this right less of an abstract ideal and more of a concrete practical necessity. The isolated worker today is a mere connection link in an impersonalized and heartless machine. He is powerless to defend himself against the occasional wrong of the corporation which controls him; and in the vast majority of the cases where the corporation wants to do what is right, the isolated worker is expressionless to convey to the management what his problems are. Effective contact between the two is physically impossible. That is why the right to bargain collectively is a necessary implement not only to social justice for the worker, but equally to the wise and rational conduct of business affairs. That is why the observance or denial of this right means the difference between democracy in industry on the one hand, and tyranny, or at best, benevolent despotism on the other. Today there is not a single responsible man in public life who would deny that the worker's industrial freedom must be preserved if we are to preserve the essence of liberty in America.

THE AMERICAN WORKER: LAW ABIDING DESPITE LEGAL ADVERSITY

How has the worker sought to preserve these rights? In historical perspective, faith in and obedience to law have always been characteristics of the American worker. He has believed that his industrial rights, once they received recognition from the Government, would be protected by the Government. He has believed that the development of new rights to meet new economic situations should be through the orderly processes of judicial pronouncement and statutory enactment. Practically every major statute of the past half century designed to redress social wrongs has received its inspiration and support from the masses of the common people. In historical perspective, the outstanding examples of organized circumvention of the law in America have never emanated from the common people.

Is there a change today? Have the millions of toilers lost faith in the capacity of law and government? Have these plain and honest people, who were always the first to honor the law, now become the last to respect it? Have the millions of workers who stood in the trench lines to protect America's safety, and who now stand in the human belt-lines of our mass-production industries to create America's wealth, now forsaken the spirit of American institutions? I profoundly believe that this is not so. The facts prove beyond peradventure of doubt that it is not so.

Let us survey the significant events in labor's relationship to the law. That survey will set forth in bold relief the underlying causes for industrial discontent—causes which exist on a Nation-wide scale and require a national remedy.

The antitrust laws, beginning in 1890, marked the first attempt of contemporary significance to prevent entrenched wealth from gaining supreme power over the lives of the small-business man, the worker, and the consuming public. With high hopes labor hailed the enactment of this soundly conceived statute. With growing dismay labor witnessed its tragic demolition at the hands of the courts.

In one line of decisions the Supreme Court held that monopoly in manufacture did not affect interstate commerce, for which see *United States* v. *E. C. Knight Company* (156 U. S. 1 (1894)); that control by one corporation of 95 percent of the shoe-machinery business was beneficent and legal, for which see *United Shoe Machinery Corporation* v. *United States* (251 U. S. 417 (1920)); and that a so-called good trust was immune from the law, no matter how large, for which see *United States* v. *International Harvester Company* (274 U. S. 693 (1926)). Under the protective coloration of its "rule of reason" doctrine, the Court ruled out the clear intent of Congress and substituted the untrammeled rule of legislation by judiciary. For 40 years monopoly was smiled upon under the antitrust statutes as it had never been favored at common law before those statutes were passed.

In a second line of decisions running concurrently with the first, the Supreme Court seized the weapon aimed at predatory power and wielded it unstintingly against the common man. Injunction upon injunction cut short the struggles of men and women to obtain better hours or higher wages through collective action. Despite polite acceptance of the general theory of collective bargaining, peaceful picketing was held under certain conditions to be illegal. When Congress, through the Clayton Act, sought to curb the inequitable use of the injunction in equity the Court held in *American Steel Foundry* v. *The Tri-City Central Trades Council*, printed in 257 U. S. 184 (1921), that the Clayton Act was merely "declaratory" of the very decisions it had been enacted to overrule. Finally, the time came when from the liberal wing of the Supreme Court itself there was issued this indignant note of protest:

> It was urged that the real motive in seeking the injunction was not ordinarily to prevent property from being injured, nor to protect the owner in its use, but to endow property with active militant power, which would make it dominant over men. In other words, that under the guise of protecting property rights the employer was seeking sovereign power.

I have just read from the dissenting opinion of Mr. Justice Brandeis in *Truax* v. *Corrigan* (257 U. S. 312 (1921)).

Labor patiently observed these decisions, distorted though they were. For 7 long years labor devoted itself to the advocacy of the Norris-La Guardia Anti-Injunction Act. That splendid statute stands today as an ineffaceable declaration of the public policy of the United States.

But the struggle for industrial liberty was only just begun. Denied improper entry into the Federal courts, the anti-union cohorts shifted their efforts to the State courts. Here they were successful in rearing a second barricade against the workers' march to freedom.

A very recent case is illustrative of the lengths to which the inferior courts have commonly gone. It prohibited even the selling or giving away of a newspaper presenting the workers' side of an industrial controversy. I call attention to Thrifty Drug Stores, Inc., against Los Angeles Pharmacists' Union, Local 840, et al., in the Superior Court of Los Angeles County, no. 409906, cited in the International Juridical Association Monthly Bulletin for January 1937, at page 3.

These adverse decisions in local courts the workers of America bore with a patient shrug. They awaited another opportunity to embody their unrecognized rights in an enforceable code of law. That opportunity came when, as a product of a decade of experience, struggle, and disaster, the famous section 7 (a) was written into the National Industrial Recovery Act. The wisdom of many portions of that act is now the subject of controversy and doubt. But if the only question before Congress today were whether the principles of section 7 (a) should be the law of the land, it would be approved more overwhelmingly than in 1933.

No statute of Congress was ever flouted with greater impunity than section 7 (a). Misconstrued by its friends and misrepresented by its enemies, dishonored by the courts, lacking the teeth of adequate enforcement provisions, section 7 (a) was immediately reduced to a ghostlike unreality, haunting the worker with its promise of fair treatment, and disappearing from his grasp when he sought to avail himself of it.

What were the consequences? By the end of 1934, as we all recall, industrial combination had become so disproportionately strong that economic unbalance again threatened the Nation. While pay rolls stood at only 59 percent of normal, dividends had risen to 149 percent. Warfare raged in the automobile industry, on the west coast, and elsewhere throughout the land. As 1935 moved forward, hostilities seemed imminent in many major industries. Under the compulsion of this national crisis the National Labor Relations Act was passed.

THE NATIONAL LABOR RELATIONS ACT—ITS ESSENTIAL WORKABILITY

The provisions of the National Labor Relations Act are surprisingly simple. It restates the time-honored doctrine that the worker shall be free to join or refrain from joining a union. It forbids the employer from discriminating against the worker for exercising this freedom of choice. It outlaws the dummy union financed and dominated by the company. It provides for majority rule in the choice of representatives, and it empowers the Labor Board to hold elections to determine which representatives the majority prefer. It imposes the duty to recognize the practice of collective bargaining. Finally, it makes every order of the Board subject to complete review in the Federal courts.

These provisions were not pulled out of thin air. For years they had all been tested by the Railway Labor Board and other Government agencies. Long experience in the transportation industry had proved conclusively that bitter and prolonged conflicts arose almost entirely from the denial of the right to bargain collectively, and that where that fundamental right was guaranteed, the settlement of other questions was feasible without public intervention, through the mutual efforts of industry and labor. The very recent solution of the thorny problem of employment rights in connection with railway consolidation, and the amicable agreement upon the subject of railway pensions, illustrate that between friends and equals strife is rarely necessary. The history of the National Labor Relations Board substantiates this view. The substantive scope of the statute has never been found inadequate where the Board's powers have been recognized. An outstanding example is the very recent case involving a plant of the General Electric Company located at Schenectady, N. Y. A dispute arose between an outside union and a plant union as to which represented the majority of the workers. By common consent and with the cooperation of the management, the Board held a secret election on company property during working hours. The outside union won by the vote of 5,111 to 4,033. Despite this close vote all the parties at once recognized the right of the majority union to represent all, and the minority union yielded amicably. Thus the reasonable solution offered by the Labor Relations Act triumphed over the alternative recourse to trial by combat, with its prospect of certain hatred and possible bloodshed.

COMPANY UNIONS BREED NATION-WIDE INDUSTRIAL DISCONTENT

Contrast this happy disposition of a difficult situation with the case involving the Pennsylvania Greyhound lines. As soon as section 7 (a) was enacted, this mammoth transportation agency formulated its company-dominated union plan. The general manager of maintenance circulated the following letter among his subordinates:

> The management has decided to set up a plan of employee representation. * * * Before the plan can be set up the management must be requested by the employees of the various divisions to do so. * * * It is to our interest to pick out employees to serve on the committee who will work for the interest of the company and will not be radical. This plan of representation should work out very well, provided that the proper men are selected.

Pursuant to this disingenuous plan for helping their men get organized, the management wrote the constitution for the men; the management provided that the constitution could not be amended without its consent; the management stipulated that the representatives selected by the men must necessarily be in the employ of the company, and therefore not have the economic independence which the independent spokesman needs.

Shocked by this mockery flaunted in their faces, some of the employees did the only thing that bold and resolute men could be expected to do—they joined an outside union. Immediately they were told by their foreman that "the Greyhound has plenty of money and will stop at nothing to break your union." Following this their attendance at union meetings was spied upon by undercover men given special employment for that purpose. Finally a number of employees, all of whom had previously been threatened or warned about their union activities, were discharged on that account.

The union did not call a strike. Patiently and trustingly it submitted the case to the National Labor Relations Board, as reported on the first page of the first volume of the Board's decisions, 1935. In December 1935 the Board sought enforcement of the law in the Circuit Court of Appeals for the Third Judicial Circuit. After 15 months the court has done nothing.

Mr. President, the case I have just cited does not represent the labor policy of a small and obscure concern. The Greyhound system boasts that it "serves more millions of people, more territory, more cities, and national playgrounds than any other travel system in the United States." Certainly a strike in this vast network would be of Nation-wide concern. And yet, the employees of this great transportation industry have in effect been told that they have no legal redress whatsoever against wrongs which the National Labor Relations Act of Congress for 2 years has covered specifically and in full—wrongs which will eventually drive them to a strike of national significance if they are not redressed.

COMPANY VIOLENCE AND INTIMIDATION FOMENT NATION-WIDE INDUSTRIAL DISCONTENT

Mr. President, no fair-minded lawyer will deny, particularly after the decision 2 days ago by the Supreme Court in the Virginia Railway case, that where the employees are themselves engaged in interstate commerce the National Labor Relations Act may be validly applied. The

fundamental principles of this law have, in fact already been affirmed generally by the lower courts. But that is not the whole picture. The devastating burdens upon interstate commerce which have come to national attention in recent weeks have arisen from industrial strife in our great mass-production industries. Let us examine some instances of these cases and see how the Board's work has been crippled in the courts.

In 1934 the employees of the Jones & Laughlin Steel Corporation took seriously the pledge of the Government that they would be allowed to organize and bargain collectively. Many of them joined a lodge of the Amalgamated Association of Iron, Steel, and Tin Workers. At once they were subjected by the corporation to a veritable reign of terror. The more important union officers were hounded by permanent shadows. The home of the union's financial secretary, at which an organizational meeting had been held, was surrounded day and night by the Jones & Laughlin private police. It became impossible for the men to exercise their constitutional right of assembly until complaint had been made to the Governor and State police sent in.

The corporation made no bones of its position. Every economic strangle hold known to the company town was applied. Employees were told that if they continued their union affiliations the corporation would evict them for the slightest delinquency in rent and that local merchants would not extend them credit. Finally, in July 1935, the union's president and vice president were discharged, and thereafter a number of other union members met the same fate.

There was no strike. Patiently and trustingly the case was submitted to the National Labor Relations Board, which found that 10 discharges were in violation of the act. The holding of the Board is printed on page 503 of the first volume of its decisions, 1936. The order of the Board was referred for enforcement to the Circuit Court of Appeals for the Fifth Judicial Circuit. The court had before it the opinion of Mr. Justice Sutherland in the Carter coal case, decided just 1 month before and embodied in Two Hundred and Ninety-eighth United States Reports at page 238. In that tremendously important case Mr. Justice Sutherland said:

> Much stress is put upon the evils which come from the struggle between employers and employees over the matter of wages, working conditions, the right of collective bargaining, etc., and the resulting strikes, curtailment and irregularity of production, and effect on prices; and it is insisted that interstate commerce is greatly affected thereby. * * * The relation of employer and employee is a local relation. At common law it is one of the domestic relations. The controversies and evils, which it is the object of the act to regulate and minimize, are local controversies and evils affecting local work undertaken to accomplish the local result. Such effect as they may have upon commerce, however extensive it may be, is secondary and indirect. An increase in the greatness of the effect adds to its importance. It does not alter its character.

Upon the authority of this decision the circuit court held that the Federal Government had no jurisdiction whatsoever over the labor relations of the Jones & Laughlin Co. For this case see Eighty-third Federal Reports, second, at page 998. The case is now awaiting decision by the Supreme Court. Two years after enactment the National Labor Relations Act is still not the law of the land with respect to the great steel industry.

Mr. President, the Jones & Laughlin Steel Corporation is not a small and obscure concern. It ranks fourth in the production of steel in the United States. It has manufacturing plants in Pennsylvania, mines in Minnesota, fabricating shops in New Orleans, boats on the Great Lakes, and sales offices in 30 cities throughout the United States. Who can say, in the light of recent developments, that a strike in such an industry would not be a matter of Nation-wide concern? Who can agree with Mr. Justice Sutherland that the case has nothing to do with the case? And yet, for all practical purposes, the employees of the Jones & Laughlin Corporation have been told that they have no national remedy against wrongs covered specifically and in full for the past 2 years by the National Labor Relations Act of Congress—wrongs which will eventually drive them to a strike of national significance if they are not redressed.

COMPANY SPIES AND ESPIONAGE PROVOKE NATION-WIDE INDUSTRIAL DISCONTENT

Early in 1934 the Fruehauf Trailer Company, manufacturing automobile trailers in Detroit, decided on its own motion that its employees ought not to belong to the United Automobile Workers, a Federal Labor Union affiliated with the American Federation of Labor. The company did not consult the views of Congress that the worker should make his own decision. Consequently, the management hired from the very helpful Pinkerton Detective Agency a secret operative, whose duty it was to ferret out the union activities of the men and keep the boss informed. Posing as an employee of the plant, this spy gained the union's confidence, was admitted to its membership, and eventually became its trusted treasurer. Several times each week he supplied the management with lucid reports of the union meetings, which were burned after they were read. In addition, he furnished to the company's officials lists of the union membership; and from time to time these officials circulated throughout the factory with these lists in their hands, warning their employees against union activities. The double-crossing detective carried his deception so far as to solicit and "sign up" members for the union during working hours.

Completely armed with the ill-gotten information, the management summarily discharged nine men because of their union activities. This included all the officers of the union except, strange to relate, its trusted treasurer. The company atoned fully for its prior deception in employing the Pinkerton men. It was brutally frank in telling all the discharged men that they were fired for daring to enter the union. When these sordid details became generally known, suspicion, unrest, and confusion were rife within the plant.

The union did not go on a strike. Patiently and trustingly it referred the case to the National Labor Relations Board, whose decision and order are contained in the first volume of the Board's decisions, 1935, at page 68. The order of the Board was referred to the Circuit Court of Appeals for the Sixth Judicial Circuit, and was held to be unenforcibly on June 30, 1936, for which see Eighty-five Federal, second, at page 391. The court felt that it was bound by Mr. Justice Sutherland's opinion in the Carter coal case that—

> The evils which come from the struggle between employers and employees over * * * the right of collective bargaining, and the resulting strikes * * * are local controversies and evils.

Realism gave way to legalism. The Fruehauf case is now in the Supreme Court. Two years after enactment, the National Labor Relations Act is still no more effective than a scrap of paper with respect to the great automobile industry.

Mr. President, the Fruehauf Trailer Company is not a small or obscure concern. It is the largest enterprise in the United States engaged in the manufacture, assembly, and distribution of automobile trailers for commercial purposes. The evidence is simply overwhelming that its practices have been typical of the practices prevailing throughout the area where it is located, namely, the automobile area. Who will agree, under conditions as they are today, that a strike in this vast company would not be a matter of grave national importance? Who will agree with Mr. Justice Sutherland that the relation of employer and employee, like the domestic relation, is purely of local concern? Yet here are the employees of this great Nation-wide industry suffering from malpractices which the National Labor Relations Act, passed 2 years ago by Congress and signed by the President, covers specifically and in full; and yet these same workers for all practical purposes have no remedy against the wrongs done them—wrongs which will inevitably drive them to a nationally significant strike if they are not redressed.

SYSTEMATIC SUPPRESSION OF THE WORKERS' RIGHT TO BARGAIN COLLECTIVELY—THE UNDERLYING CAUSE FOR NATION-WIDE INDUSTRIAL DISCONTENT

The Fruehauf case, involving as it does automobile trailers, provides background for an understanding of the General Motors controversy. It is illustrative of the commonly known fact that for years our largest mass-production industries have paid only the barest lip service to the principles of industrial democracy. It adds conclusive weight to the statement by Governor Murphy, of Michigan, made this very year concerning the "historic opposition in this area to any organization of any kind."

This "historic opposition to any organization of any kind" characterized the traditional labor policies of the General Motors Corporation. As late as March 15, 1934, at a hearing before the National Labor Board, the forerunner of the present Board, Mr. W. S. Knudson said:

> We have no right to bargain with the Labor Board in respect to how our employees may choose to be represented, and must decline to make any commitment or accept any obligation with respect to any election that may be resorted to.

Thus early did the General Motors Corporation register its predetermined defiance of any order or election of any agency of the Federal Government which might be based upon the law rather than upon the voluntary consent of the company. That position was maintained toward the National Labor Relations Board throughout the recent crisis. So far as anyone can tell, it is still maintained today.

In 1933, when section 7 (a) became law, the General Motors Corporation proceeded to set up a ramifying system of company-dominated unions throughout its plants. These unions, in all their essential features, were quite as completely the marionettes of the employer as the stuffed dummies of the Greyhound Co. One rather unique feature of the Michigan variety was that in case of any disagreement at a collective-bargaining conference between employer and employee representatives, the whole matter should be referred for settlement to the "central office of the Fisher Body Corporation in Detroit." In other words, after the stage play of collective bargaining to give the appearance of law observance, the curtain was rung down and the employer alone was to "settle" all differences behind the scenes.

Certainly American workers could not have been expected forever to tolerate such impostures. It was only natural that, under the lash of treatment received, they entered the organizations of their own choice and relied upon the protection of the law. But when they did so, the corporation introduced an elaborate network of Pinkerton spies, and extended this network until G. M. C. became the detective agency's best customer. These spies shadowed and tapped the wires of union leaders, union meetings, and Federal mediators indiscriminately. They masqueraded so cleverly as hard-working laborers that they were elected to all of the five offices in the Lansing local. The conscientious manner in which they addressed themselves to their honorable posts as union officials soon reduced the membership in the local from 100 percent of the employees in the plant to zero. When the resolution was passed by Congress for the La Follette investigation, General Motors destroyed the damaging record of its labor espionage.

On top of these injuries, the General Motors Corporation repeatedly refused to bargain collectively with the representatives of any independent union except through the managers of its local plants. Since these managers had no authority whatsoever except to report tentative results to the real powers of the corporation for ratification, the proposal amounted to the same fictitious negotiations that had been practiced by the old company unions. After the stage play of free bargaining was over, the employer was to decide the case in camera. Having endured these conditions for many years, the men went on strike.

THE NATIONAL LABOR RELATIONS BOARD—AN AGENCY FOR PEACE AND JUSTICE STRIPPED OF ITS POWERS BY THE COURTS

How was the National Labor Relations Board prevented from coping with the General Motors crisis? Long before the General Motors strike commenced the Board started, upon widespread complaint, an investigation of industrial practices in that industry. But when in June 1936 the Board sought to conduct a preliminary hearing in the St. Louis area, where some of the General Motors plants were located, it was tied up by a temporary injunction in the Circuit Court of Appeals for the Eighth Circuit, issued on July 6, 1936. The court did not wait to find out whether the facts revealed by the Board would indicate an impending strike. The court enjoined the Board from even trying to get the facts. And this injunction suit was filed by the General Motors Corporation itself.

When the General Motors strike came the Board filed a petition asking that the injunction be lifted. This petition said in part:

> In view of the present emergency situation and the occurrence of the stoppage of interstate commerce which the National Labor Relations Board sought in June to avoid, all of which has occurred since the order of this court staying the Board from proceeding under the National Labor Relations Act, it is submitted that every consideration of equity, as well as of paramount public interest, indicates that the stay herein should be vacated and the National Labor Relations Board allowed to administer the applicable law of the United States.

The Board's petition was denied by the court.

Such was the Board's inability to act in the Eighth Circuit, where some of the General Motors plants were located. In the Sixth Circuit, where the Flint plant involved directly in the strike was situated, the Board had staring it in the face at the time of the strike the decision of the Circuit Court in the Fruehauf case, decided only a few months previously, and cited above. That decision, as I have said, held categorically that the Federal Government had no jurisdiction over automobile workers, on the authority of Mr. Justice Sutherland's opinion in the Carter coal case that both the employment relationship and strikes flowing from it were matters of local concern.

Mr. President, I seek to propound these questions: Could workers, having public knowledge of these two decisions against the Board's power to act, reasonably expect the Board to help them in the very jurisdictions where these decisions were the law? Could General Motors in the hour of danger expect help from the law, when in the hour of supposed safety it had joined with others in paralyzing the effectiveness of the law through court action? Could the Board itself, in any good conscience, assume the tremendous responsibility of injecting itself into a delicate strike situation, when it knew that under the circuit court decisions and the attitude of the company, it would take at least 2 years, even in the event of a favorable decision when the case finally arrived in the Supreme Court, to enforce any finding or order or decision that the Board might make? And so the Board was forced by the courts to stand by idly during 44 perilous days of bitterness and danger and economic loss, while at the same time the counsel of another great automobile company, the Fruehauf Company, was arguing in the Supreme Court that industrial relations in manufacturing were purely of local concern.

Certain definite conclusions force themselves upon every fair mind as a result of studying the General Motors situation. Here raged a great industrial conflict, dangerous to the community and painful to the Nation. Here was the 2-year-old National Labor Relations Act of Congress. The Act outlawed the vicious practices which by their repetition brought on the crisis. If it had been obeyed from its inception, there would have been no crisis. The Acts also contained the mechanism by which to avert the calamity even after the crisis arose. But because the courts had permitted the Act to be disobeyed, and would not allow it to be enforced, industry, labor, and the general public paid the price. And when the peace finally came, it embraced the very principles of decent industrial relations and collective bargaining that are embodied in the Act. What greater proof could there be of the soundness of the National Labor Relations Act?

The General Motors' workers found that by striking they could secure those industrial liberties which neither they nor other workers were able to get by recourse to the law. Do we want that kind of a lesson uppermost in the minds of over 20,000,000 working families? Or do we want them to be sure that the National Labor Relations Act will be so interpreted in the courts that it will provide a peaceful remedy for the settlement of controversies which disrupt the commerce of the Nation?

In the present Chrysler controversy, there is only a single issue—whether the United Automobile Workers of America, which represents by universal agreement more than 90 percent of the employees concerned, is entitled to be the sole bargaining agency for them all in the appropriate unit concerned. The National Labor Relations Act contains the complete answer to that question in its provision for majority rule, a rule applied successfully by the War Labor Board 20 years ago, as well as under the Railway Labor Act, and consistently reaffirmed by Congress on the basis of plentiful experience, and upheld by the Supreme Court 2 days ago in the Virginian Railway case.

Because the Board could not act in the Chrysler case—for the same reasons of court interference that it could not act in the General Motors strike—the war came. Can anyone say, in the face of the present facts, that the Chrysler strike does not concern the Nation? Do we not all know that the closing of motor plants in Michigan has caused closing of interdependent plants in other States? Is it not a shame that this huge company should be able to perpetuate and aggravate the controversy by refusing absolutely to accept the majority rule—a rule which our highest court 2 days ago said was not only constitutional, but also fair and conducive to industrial peace? Is it not clear that the only way to avoid industrial strife is to have the 2-year-old National Labor Relations Act of Congress so interpreted in the courts that its healing provision for majority rule, and its other salutary provisions, may be applied on a Nation-wide scale to the promotion of industrial peace?

These examples are typical. The latest figures of the Bureau of Labor Statistics show that, in terms of workers involved, 70 percent of all strike situations flow from the issue of collective bargaining rather than wages or hours. Make men free, and they will be able to negotiate without fighting.

ECONOMIC TRENDS TODAY—THE CHALLENGE TO WORKERS' SECURITY

Mr. President, all these cases, dramatic though they may be, disturbing though they are, are merely superficial and external compared to the deep-moving undercurrent of our economic life. What are these economic tendencies today? What is there in them which makes the worker's problems so serious, which makes him struggle so desperately for the preservation of the liberties which democratic government offers him for their solution?

First and foremost, there is the problem of technological change, the age-old clash between man and the machine. The present century has multiplied the rate of scientific progress beyond the wildest dreams of earlier fancy. To take a few common examples, in the boot and shoe industry two men can turn out the work that three were required for in 1920; in slaughtering and meat packing, three can accomplish today what five could do 17 years ago; and in the production of rubber tires and tubes, the single worker's output has doubled during the same lapse of time. The depression, by placing additional emphasis upon the reduction of costs, has accelerated even further the rate of change. In the short period since 1929, the effectiveness of the individual anthracite coal miner has risen by 17 percent; the output of the individual worker in the electric-power industry has mounted by 32 percent; and if we take industry as a whole, it is estimated that four men today can accomplish as much as five men in 1929.

Machinery has always offered two alternative prospects to the worker. Placed at the services of the masses of the people, it opens the way to unlimited plenty and social security. If made an instrument for the exploitation of the masses, it means deep human suffering accompanied by an unchallenged and irresponsible plutocracy.

Which of these two alternatives is to prevail in America rests upon equality of bargaining power. It is very easy to mistake the volume of talk for the volume of accomplishment. It is easy to fall into the delusion, because of much discussion and a few dramatic experiences, that the monopoly of capital has been succeeded by a monopoly of labor. Let us look at the facts. They will demonstrate.

An ideal illustration is afforded by the tobacco industry, which is manned largely by unorganized workers. Nineteen hundred and thirty-six was, indeed, a banner year for the industry. The annual return on invested capital surpassed that of 1929. Profits increased by 26 percent over those of 1935. At the present rate, 153,000,000 cigars and cigarettes are being manufactured annually for every 100,000,000 that were made each year in the period 1923–25. But, despite this huge increase of 53 percent in production, there are only 61 workers in the industry for every 100 employed in that earlier period. Has the employed tobacco worker of today benefited by this amazing technological advance? On the contrary, the average full-time employee is receiving a wage 20 percent below the 1923–25 level. Has the consumer benefited? On the contrary, he is paying the same old price for his smoke or a little more. Who has gained? The owners, and the owners alone.

Let us turn next to the iron and steel industry, which until the present year has been notoriously antiunion. Last year steel prices hit a 10-year high. Profits rose from $52,000,000 in 1935 to $152,000,000 in 1936, representing a gain of 191 percent. The rate of annual return on invested capital tripled within 12 months. But during this same glorious year 1936, the individual worker in the steel industry received not a single penny of increase in his hourly wage. He got a 14 percent increase in his full-time weekly wage, compared with the 191 percent increase in profits, but he "paid through the nose" for this slender increase by the addition of 5 full hours to his workweek. Even today, after the effective application of the new wage and hour agreement of March 2, 1937, the total volume of goods produced by the steel industry is 36 percent above the 1923–25 level, while employment is only 3 percent and wages are only approximately 13 percent above that level. The widening gulf between production and purchasing power is glaringly apparent.

Judged by profits alone, the wearing apparel industry is also glowing with prosperity. Its earnings in 1936 were greater than those of 1935 by 43 percent. The rate of return on invested capital arose from 6.3 to 9.6 percent annually. But what has been the individual worker's share of this gain? Two hours more were added to his workweek in 1936, making an added burden of 5 hours since the end of the N. R. A. In return for this added effort his weekly wage during 1936 increased by the munificent sum of 18 cents. His hourly wage was actually reduced. While the total volume of wage payments in the industry is barely at the 1923–25 level, the volume of goods produced is 34 percent above that level. These are figures, Mr. President, not conjectures. Cigarettes, steel, textiles, everywhere the same story, varying in degree alone.

Everyone is aware that the past year smashed all records in the automobile industry. The annual yield on invested capital reached the incredible figure of 26 percent, shooting beyond the 1929 mark. Profits rose from $199,000,000 in 1935 to $301,000,000 in 1936, a gain of 51 percent. So far as the ownership was concerned, 1936 in the automobile industry made 1929 look sick. But if we look at the individual worker's side of the picture we find that his full-time wage was 12 percent lower in 1936 than in 1929. Twelve dollars per year subtracted from every $100 per year that he had earned in the old prosperity era was his tax contribution toward the "new prosperity" of the industry. And for good measure the automobile worker today is working 4½ hours a week longer than he did in the days of the N. R. A. Do these figures indicate the imminence of a "labor monopoly"?

These key industries are indexes of general conditions. While industrial production is now running at 17 percent above the 1923–25 level, factory pay rolls are lagging at 5 percent below that level. While the profits of 940 representative industrial corporations increased 51 percent in 1936 over 1935, factory pay rolls rose less than 16 percent, factory employment less than 7 percent, and the per capita earnings of the individual factory worker on full time less than 8 percent. Standard Statistics estimate another 50 percent rise in the profits of these representative concerns during the first quarter of 1937.

Once again, as in the hectic period between 1922 and 1929, profits are running far ahead of production. Comparing

1933 with 1934, industrial production rose 4 percent and the profits of these 940 representative concerns rose 64 percent. Comparing 1934 with 1935, industrial production rose 14 percent and these profits mounted 50 percent. Comparing 1935 with 1936, as I have said, industrial production rose 17 percent and these profits soared 51 percent. In short, production is lagging behind profits because consumer income is too low and prices too high for more goods to be sold. Because there is no ready market for more production, there is no adequate stimulus to the reinvestment of profits in industry. Excess profits thus become frozen surpluses. And that is the sure road to depression.

THE TECHNIQUES OF INDUSTRIAL CONFLICT—WHO VIOLATES THE LAW

In summation, what is the situation today? The worker sees his fair share in the products of industry denied as it has been in the past by the greed of monopoly capital. He finds his hours growing longer while millions remain unemployed. He visualizes the horrors of another depression brought on by these distortions in our economy. He observes his right to organize and bargain collectively—his only salvation in a modern economic world—trampled upon. Under these circumstances, strikes have occurred.

In some of these strikes, the sit-down technique has evolved, as mass picketing and other techniques evolved in the past. Whether or not a particular technique is wise or foolish as a matter of pure industrial policy is not for me to say. What techniques will be approved by the law of the future no man in the world can say. I believe that today everyone should obey the law of today; and it is for each jurisdiction to say what the law is within its boundaries. I advocate obedience to law and court orders and court decisions by all people, everywhere, at all times. But in the current situation these all-important facts stand out above all others: The sit-down has been used only in protest against repeated violations of industrial liberties which Congress has recognized. The sit-down, even in the few cases where labor has used it effectively, has succeeded in winning for labor only such industrial liberties as both law and morals have long sanctioned. The sit-down has been provoked by the long-standing ruthless tactics of a few great corporations who have hamstrung the National Labor Relations Board by invoking court actions, which they have a perfect legal right to do; who have openly banded together to defy this law of Congress quite independently of any court action, which they have neither the legal nor the moral right to do; and who have systematically used spies and discharges and violence and terrorism to shatter the workers' liberties as defined by Congress, which they have neither the legal nor the moral right to do. The organized and calculated and cold-blooded sit-down against Federal law has come, as always, not from the common people, but from a few great vested interests. The uprising of the common people has come, as always, only because of a break-down in the ability of the law and our economic system to protect their rights.

Under these circumstances any narrow and overlegalistic discussion of property rights which neglects the human and social considerations involved is a short-sighted discussion. I believe in the institution of private property and want to see it preserved. It is the best system. But let me call attention to the words of Mr. Justice Holmes, uttered in an opinion which is pertinent here because it was a dissent against the misuse of the injunction against the right of working people. That great American said, in Truax against Corrigan, to which I have referred:

> Delusive exactness is a source of fallacy throughout the law. • • • An established business no doubt may have pecuniary value and commonly is protected by law against various unjustified injuries. But you cannot give it definiteness of contour by calling it a thing. It is a course of conduct and, like other conduct, is subject to substantial modification according to time and circumstances both in itself and in regard to what shall justify doing it a harm.

The industrial warfare of today is the result of a long course of conduct in the history of American industrial enterprise. Two wrongs never make a right. But all wise government consists in determining which evil is the underlying cause and which the effect. Deal only with the effect, attempt to force the effect underground, and the underlying causes are fertilized and multiplied. Deal with the underlying causes and the evil effects disappear. The National Labor Relations Act is directed against the proved causes of Nation-wide industrial conflict. Let the Federal Government have the power and the determination to enforce that law on a national scale and the Nation-wide conflict will subside.

THE REMEDY FOR INDUSTRIAL DISCONTENT: NOT NEW LEGISLATION BUT, RATHER, LAW ENFORCEMENT

On all sides there is talk of additional Federal legislation. It is relevant, under the circumstances, to inquire what type of legislation might be needed.

Is it proposed to remedy the often alleged "one-sidedness" of the National Labor Relations Act by giving employers substantive rights equivalent to those which workers are accorded under that Act?

Have not employers already made manifest their right to organize and bargain collectively through monster corporations and Nation-wide networks of trade associations? Have not employers secured their right to choose their own representatives absolutely free from interference by workers? Have not employers the right to apply the principle of majority rule to their corporate affairs, and to the selection of their spokesmen for purposes of dealing with their workers? If these questions sound hollow, it is only because the rights for which labor is now struggling so desperately have been exercised by business for so long that they are taken for granted.

Is it proposed to afford the employer legal remedies similar to those which labor is accorded under the National Labor Relations Act?

Labor's only remedy under the act is to receive injunctive relief in the Federal courts against violations of the right to bargain collectively, wherever that violation affects interstate commerce. Is there not a plentitude of power in these same Federal courts, except for the abuse of the injunction prohibited by the Norris-LaGuardia Act, to enjoin strikes and strike practices interfering with interstate commerce? Is not the injunctive remedy ever open to employers in the State courts? Is not the police power of the several States available to meet force with force, and violence with violence, in the protection of the property rights of the employer, as well as the human rights of the worker? And in whose behalf has this force of the State been most commonly invoked?

Those who insist upon immediate new forms of Federal action or legislation, therefore, are too likely to have in mind, not new power through court orders, but rather new power through physical force. They are likely to have in mind the throwing of Federal troops into the scales of labor controversy. Should this Federal force be used against employees who are striking because the National Labor Relations Act is violated? Should this Federal force be used against employers whose violation of the law of Congress lies at the root of the trouble? The answer is that this type of Federal force should not be used at all.

Mr. President, new legislation is never a remedy for the disobedience of existing law. The lack of power in the Federal Government to enforce the National Labor Relations Act today, and not any weakness in existing law, is the root cause of the present economic warfare. Let the Federal Government have the power and the determination to enforce that law on a Nation-wide scale, and we shall have on a Nation-wide scale the methods of justice and peace.

Two years ago, when the National Labor Relations Act was before Congress, I said, and my words can be found on page 37 of the hearings on S. 1958, Seventy-fourth Congress:

> If we allow section 7 (a) to languish we shall be confronted by intermittent periods of peace at the price of economic liberties, dangerous industrial warfare, and dire depression.

I was not an idle prophet then. I make the same prediction today. Let us not be detoured from the correct course by unessentials. There is no short-cut to the solution of great problems. Let us make the National Labor Relations Act in truth the law of the land. Let us follow consistently

Let us look at the facts. They will demonstrate.

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government consists in determining which evil is the under-

Act in truth the law of the land. Let us follow consistently

the only path which leads to industrial peace and economic justice for industry, labor, and the general public.

TRANSFER OF FRENCH ISLANDS IN ST. LAWRENCE RIVER AS CREDIT ON THE FOREIGN DEBTS

Mr. LEWIS. Mr. President, it seems almost profanation to intrude a foreign subject into that which has been presented with such sagacity, strategy, and eloquence by the able Senator from the State of New York [Mr. WAGNER]. The subject matter of his address may well make its appeal to the spirit of the times, and national consciousness will confess that the suggestions tendered and remedies suggested afford in themselves a complete solution that should be satisfactory and compensating to all those interested.

I join my able friend the Senator from Michigan [Mr. VANDENBERG], who has just expressed commendation of this splendid utterance on the part of the able Senator from New York—this Senator from New York who is ever the voice of the rights of toilers.

But, Mr. President, I am permitted by the able Senators in charge of the coal bill—the Senator from West Virginia [Mr. NEELY] and the Senator from Pennsylvania [Mr. GUFFEY]—to inject my intended observations at this moment, prior to the consideration of their bill. I express both my admiration and my sense of gratitude to both Senators.

I rise, Mr. President, with the indulgence of this honorable body, which has so often beyond my deserts allowed me to entertain it on subjects that may be said to be oftentimes wholly foreign to the discussion before the body. I am moved to bring to the attention of this day's session, for one or two moments, what I feel is worthy of serious consideration. The basis affording this discussion springs forth this morning. It is only on this late day brought to my attention. I announce that the information justifies me in presenting at this moment the subject and recommendation to those who will find some interest in the revelation.

Mr. President, I have often, and perchance at the irritation of the patience of this honorable body, made reference to the debts to the United States of various foreign countries. As to this, I have asserted, and with the aid of eminent Senators on this floor proven, not only the refusal of the debtors to pay but recalled their constant declination even to recognise the honorable obligation they bear this United States, and to observe that never comes an expression of appreciation from the debtors, and equally never a voice of gratitude on the part of the debtors. Today I desire to say a word that gives some little opportunity to one or two of these great debtors to make a gesture, at least, of honest faith, if payment or adjustment is to be carried out at any time.

Mr. President, we know that there is a treaty pending this morning in aid of trade to France, and one which France tenders as service to us. These treaties have for their purpose the exchange of trade—something, sir, that will bring from each to the other that which it is assumed will lead to profit in the future of what we speak of as commerce; nothing as tender of payment of debt in friendship.

Mr. President, the literary scholars around me recall the interesting dialogue between Shylock and Bassanio. When the request is made by Bassanio that Shylock dine with himself and Antonio, and Antonio seeks to be a debtor of Shylock, we have the following reply in refusing the invitation to dine with Antonio or Bassanio:

> I will buy with you, sell with you, talk with you, walk with you, and so following, but I will not eat with you, drink with you, nor pray with you.

Here we have a situation where these debtors are willing to buy with us and sell with us, but nothing will they do that will join in a prayer with us for some continuous peace and a degree of human accompaniment of justice between these nations.

Mr. President, there are two islands in the St. Lawrence River, approximately at the shore of the United States of America. These islands are known as St. Pierre and Miquelon. These islands are separate governments, so far as local government organization can define a government as separate, from that either of Canada or of France, though they nevertheless are owned by France, and are allowed to conduct their affairs in such manner as those in occupation of the islands shall themselves design.

During the days of the prohibition law of the United States of America these islands were the foot place and base for the smuggling of the products, particularly the wines of France which came over to this country—that is, using the words "this country" in the sense of our sphere—and from those islands would be transferred, by way of the nearest port in the United States, to this, our country, the smuggled products to the American parties to the offenses, in violation of the laws of the United States.

There came a time, sir, when, after having repealed the prohibition amendment and after we proceeded to conduct the commerce in spirituous liquors in such manner as the sense of our own people seemed to suggest, or at least to approve, there was not such a call for the smuggling of wines and liquors. Those of these islands, beholding that they were put out of commission, turned courageously to their own country to complain that they were, like Othello, "without occupation", when his occupation of killing human beings had been denied him further as a warrior.

From time to time, this matter proceeding, France has lately returned a privilege to those of the islands that they may continue their occupation of smuggling—or handling, we may say, in their own method—such produce as serves their commercial desires and their personal needs, meretricious as they are. Thus the previous system of smuggling has been taken up of bringing in alcohol, importing this alcohol from such foreign country as is agreeable, and then smuggling it into the United States of America, greatly to the disservice of our own land, to say nothing of the loss of such revenues from alcohol as our internal-revenue laws afford the United States of America in the execution of its own legitimate congressional acts.

Mr. President, when some action is taken, or some is sought, to stay this form of smuggling, we are met by the great Government of France with the very frank announcement that they are perfectly powerless. We have a repetition—if I may be pardoned for touching upon a bit of poetic sentiment on this subject—of what is given us in the opera Carmen, where the smugglers between the two lands of Spain and France have exemption from punitive law, and thus the privilege to pursue their course, upon the announced doctrine of each country that they are powerless to disturb them. It is confessed in the history that if they are disturbed—as we gather, sir, from the treatise which all of us know as The Cigarette Maker of Seville—if they are disturbed in their enjoyment and privilege of smuggling, they will turn to be offenders against the law, criminals in one form or the other, and forage upon the lands both of France and of Spain, and to avoid these results their privilege as smugglers is not to be interfered with by government!

We now have it from a great government of law and order, it is believed, and constitutional authority—the nation of France—that the smugglers of these two islands are to be allowed to pursue their course upon the theory that they were brought down to great need when they were prohibited, and unless they shall now be encouraged or allowed they will in some form forage upon the near Government, Canada, on the one hand, or produce some offense of some nature for which France, the mother country of the islands, will be held responsible.

The question before us, then, is one which I bring to the attention of the Senate, a solution put in a very frank form. I therefore at this time, here, when the distinguished Governor General of Canada is our guest today, a gentleman of great eminence in letters, a scholar in statesmanship, and one who in the newspaper world has been histrionic as well as the representative of history—and may he greatly enjoy his visit—at the same time the new Ambassador of France, Monsieur Bonnét, a renowned statesman and a distinguished diplomat, is now in our midst, newly assuming his duties, naturally announcing his position as one in which he is

working to produce through his office the greatest harmony between his country and this of ours—sir, in this aspect, I suggest that these two ambassadors shall quickly come to some understanding, and these two countries, the British Empire—particularly England—and its interest in Canada, together with France, join in the knowledge that now and here is an opportunity to pay something on the debts and discharge much of their obligation.

The treaty which is now being negotiated to give these countries the right to buy with us and sell with us, but not to pray with us, notwithstanding affords them the opportunity which I now rise to present to my honorable colleagues—that France proceed to deed to the United States these islands which are in the St. Lawrence River; that France recognize the juxtaposition which these islands hold to the United States; and that Canada recognize the relationship of the islands to the shores of Canada, and that she join in behalf of the British Empire, at the instance of England, and with its consent, to grant to the United States such a portion of Canada along the St. Lawrence as will give the United States such territory as not being occupied there by citizens as will in quantity afford us a base where we can establish a government that will adjoin the United States and yet confront the St. Lawrence, through which we can govern these islands, protect the property which belongs to our honorable opponents, if we may speak of them as such, as debtors—either France or Canada—and preserve our own interest in maintaining a government there consistent with the institutions of this our United States of America. Here, by this, we enjoy to a great degree that which partakes of some credit to us in behalf of the debts to which these distinguished Governments, for some reason, find themselves wholly unable to contribute in money anything.

Mr. President, lately we have had the statement made on this floor from eminent source that there was a move afoot to consider these debts on the part of the debtors. May I be so bold—let me add the word "audacious"—as to assume the nothing done in the long lapse of time since the promise is because of no opportunity. Therefore, I put it that while the Governor General of part of the British Empire is with us, and likewise the new Ambassador from France, it is now the convenient hour when we may consider the carrying out of something in connection with this treaty presented and the promise heretofore presented.

I have heretofore on this floor boldly asserted that it was my intention to press upon the Republic of America that they grant no trade treaty that gave preferences to any land which owed us money which they had taken from our people, and even refused to pay the money, at the same time affronting us with the insult that we were "Shylocks" and that thus we were seeking to impose upon them by oppressing their people in our demands for our rights.

I therefore suggest that since a new treaty of trade between ourselves and France now is under consideration, France add to that treaty that these islands in the St. Lawrence to which we have alluded be transferred by France to the United States; that this transfer be credited for such just value as will be ascertained as just upon the debt; also that the British Empire shall, through its agent and one of its daughters, in the exercise of justice and sweet humanity, contribute such portion of the shores nearby on the St. Lawrence as will enable us to have a base on which we can establish a government out of our own borders to take care of these islands. In this system we protect the property of any foreigner and the citizens of any foreign nation and the subjects of any foreign country. For the time has come when we should have now some evidence of good faith on the part of these lands.

I wish to quote the distinguished Senator from Idaho [Mr. BORAH], who now with this full-seated Senate sits before me, in his speech a short time ago on this floor touching this subject called attention to the fact that there was one duty:

> Either pay these debts, make a movement toward their adjustment, or if you do not feel you can, or if you do not feel you will, then let it be understood that you do not intend to pay them, by which we may rid the subject of further painful consideration.

Mr. President, I desire to say that here is an opportunity which has suddenly arisen, and if these distinguished debtors wish to find a way by which they may make a contribution wholly consistent with what might be called the law of nations and the justice between people who affect to be friends, this is the hour.

Mr. President, the world at present is too much agitated in the conflict between nations not to realize how a little thing, how a very little thing, can continue these conflicts and awaken new strife between nations. Therefore, there is submitted to us now the thought that where nations have been friends and the evidences of such friendship have been given, as we have given them, allowing the raids upon our Treasury, enhanced at that time by what we thought was the necessity—but justified, as we thought, upon the ground of friendship, sir, I say that now, when the opportunity comes, they may knit a new friendship, revive themselves a new confidence, and give some show to the United States of a desire to hold us in companionship by their deeds of friendship and justice.

We turn to the Holy Scripture to remind them that they are commanded—

> Come, let us reason together—
>
> That righteousness may at last obtain.

I thank the Senate for allowing me to intrude my views on the subject I present at this particular moment.

REORGANIZATION OF FEDERAL JUDICIARY—THE SUPREME COURT

Mr. MINTON. Mr. President, I think it is a truism of politics that whenever one is bitten by the insect which is known to buzz around one's bonnet and put in his ear aspiration to be President of the United States he never gets over the bite. This has been true of eminent men, even of distinguished jurists who have sat upon the bench of the Supreme Court of the United States. It was true of Mr. Justice McLean, of Ohio, who was always running for President. It was true of Chief Justice Chase, who, as he tottered to his grave at the ripe old age of 81, I believe, was still running for President. It was true of Mr. Justice Davis, of Illinois, who ran for the United States Senate while upon the bench, and then sought the nomination of his party for the Presidency after he left the bench.

I wish to invite the attention of Senators today to the fact that the great and distinguished Chief Justice—and he is great and distinguished—who now honors and graces the bench of the Supreme Court of the United States was once a candidate for President, and I venture to think that he has never forgotten the many lessons he learned so well in the arena of politics.

When the distinguished senior Senator from Montana [Mr. WHEELER] by some method of inquiry reached the ear of the Chief Justice of the United States, the Chief Justice could not resist the great temptation to get into a good political fight. So, as is said in the vernacular of the prize ring, the Chief Justice "led with his chin." He wrote a letter to the Senator from Montana, and that letter, like ancient Gaul, was divided into three parts—facts, fiction, and dictum.

The facts were those which the Chief Justice had to turn to the Clerk of his Court to obtain. They were facts which that distinguished and experienced statesman who is chairman of the Judiciary Committee of the Senate, the Senator from Arizona [Mr. ASHURST], had already asked from the only source from which they could be obtained, namely, the Clerk of the Supreme Court. But the Chief Justice took his Sunday to dig out the facts in order that when this new champion of the Supreme Court went into the arena on Monday morning he would find in his corner seconding him the Chief Justice of the United States. So he spent his entire Sunday getting together facts for the Senator from Montana in order that the Senator might appear with them before the Committee on the Judiciary on Monday; and those facts, of course, had already been requisitioned and were furnished by the Clerk of the Court to the committee yesterday.

The fiction was that part of the Chief Justice's letter in which he would have us believe that all of the petitions for certiorari that come up to the Supreme Court receive consideration at the hands of the Justices of the Court, when everyone knows that such petitions are handled very largely by the law clerks of the Justices.

The dictum in that letter was the advisory opinion which the Chief Justice essayed to give us on a proposition that was not even before the United States Senate or the House of Representatives. So when day before yesterday he handed down the opinion for the majority of the Court, in which the Court reversed itself on the question of the minimum wage—the Court today does not believe what it did 10 months ago—it is not surprising that the Chief Justice of the United States in justifying this about face on the part of the Court should resort to some kind of explanation that did not explain.

In other words, the Chief Justice in trying to explain why the Supreme Court has made this about face, has at least hinted in the opinion that it was due to the fact that the Adkins case, when the Tipaldo case came before the Court last June, was not before the Court for consideration, that is to say that the petition for certiorari in that case only asked a hearing to distinguish the Adkins case, and not for a reconsideration of it, and therefore the question was not before the Court. In that respect I think perhaps the Chief Justice is a little disingenuous in his methods and perhaps not altogether frank. We find in the Washington minimum-wage case decided day before yesterday, the case of West Coast Hotel Co. against Parrish, that the Supreme Court at long last has upheld State minimum-wage legislation for women and has reversed the position it had taken in the New York minimum-wage case—Morehead against Tipaldo—last June, and the District of Columbia case—Adkins against Children's Hospital—14 years ago.

Those who have accused President Roosevelt of seeking to amend the Constitution must now admit that the Supreme Court itself has in effect amended the Constitution.

We were told no later than the last campaign that the decision of the Supreme Court in the Tipaldo case made it absolutely necessary that we go to the people and seek an amendment in order that we might have minimum-wage legislation in this country. Mr. Landon was so impressed with the force of that argument that he amended the platform of his party by saying that he wanted the convention to understand that if he were the nominee of the convention he would go to the people and tell them that we ought to seek an amendment to the Constitution in order that the States might have the right to enact this kind of legislation.

This present judicial amendment of the Constitution was brought about by a shift in the vote of a single Justice, because the Court in the Washington case divided 5 to 4. So it happens that the Constitution on Monday, March 29, 1937, does not mean the same thing that it meant on Monday, June 1, 1936. What position would we be in today had we followed the political preachments of the last campaign and submitted to the people of this country a constitutional amendment in order that we might have the minimum-wage legislation only to have the Supreme Court, by an about face, make an amendment wholly unnecessary?

Mr. President, on Monday, June 1, 1936, the Court stated:

> The decision (the Adkins decision in 1923) and the reasoning upon which it rests clearly show that the State is without power by any form of legislation to prohibit, change, or nullify contracts between employers and adult women workers as to the amount of wages to be paid.

And on Monday, March 29, 1937, the Court declared that the Adkins decision is no longer the law of the land.

Of course, the Chief Justice, who spoke for a majority of the Court in the Washington case, might have explained that the change of heart was due to the fact that both the Democratic and Republican Parties vigorously dissented from the interpretation given by the Court to the Constitution in the Morehead case on June 1, and that the election returns in November had conclusively demonstrated that the people of the United States were not prepared to accept the Court's narrow interpretation of the Constitution.

So, as was pointed out in an editorial published in the Christian Science Monitor of yesterday, there is at least one Justice of the Supreme Court who follows election returns.

The Chief Justice, however, was somewhat disingenious in explaining why some members of the Court had determined to yield their own personal economic predilections to a higher law of political expediency. The Chief Justice stated:

> The Court (in the Morehead case) considered that the only question before it was whether the Adkins case was distinguishable and that reconsideration of that decision had not been sought. Upon that point the Court said: "The petition for the writ sought review upon the ground that this case (Morehead) is distinguishable from that one (Adkins). No application has been made for reconsideration of the constitutional question there decided. The validity of the principles upon which that decision rests is not challenged. This Court confines itself to the ground upon which the writ was asked or granted * * *. Here the review granted was no broader than that sought by the petitioner * * *. He is not entitled and does not ask to be heard upon the question whether the Adkins case should be overruled."

It is very strange, however, that the Chief Justice did not choose to explain why the Court had refused to entertain a petition for rehearing in the Morehead case, which was made not only by the State of New York, whose statute was immediately involved, but by the State of Illinois, whose statute was necessarily affected by the Morehead decision. The petitions of both States begged the Court not to permit the rights of millions of workingwomen to be jeopardized and obscured by legal technicalities. The petition for rehearing by the State of New York stated:

> On a constitutional issue of such importance the decision of this Court should not be left obscured by possible doubts on principles essential to the legal rights and welfare of millions of citizens. In the light of the quoted excerpts from the petition from the writ of certiorari which this Court granted; in the light of the fact that four members of this Court sought to have the issues thus presented determined, it is earnestly urged on the Court that the apparently restricted basis of the Court's opinion be enlarged to cover the truly vital issues presented.
>
> Because of the importance of the issues herein, whatever be the ultimate determination of this Court, there should be a finality to its decision on the principles of constitutional law involved. It should be free of possible misconstruction by reason of procedural technicalities.
>
> The New York statute at issue was framed with a zealous regard for private rights and with a deep respect for the decisions of this Court as found in prior cases. The New York Court of Appeals certified that its decision was based upon the Adkins case. Surely, before such statute is finally struck down, a deliberate and full reconsideration should be given of the issues on the merits, and a decision reached that will leave no doubt where the way lies and where action by legislation may or may not tread.
>
> Wherefore on the foregoing grounds it is respectfully urged that this petition for a rehearing be granted and that the judgment on such reconsideration be reversed.

The petition in support of this rehearing filed by amicus curiae on the part of the State of Illinois emphasizes the same proposition, and in that petition for rehearing earnestly plead with the Court to review and reconsider the Adkins case.

The petition in support of rehearing by the State of Illinois stated:

> When the immediate welfare of millions of American workingwomen and the constitutional powers of the States of the Union are at stake, it seems imperative that there be not even the remotest ambiguity as to the scope of a decision of this Court. * * *
>
> The prevailing opinion in this cause was expresely based upon a supposition that the State of New York had not asked this Court to reconsider the constitutional questions decided in *Adkins v. Children's Hospital* (261 U. S. 525) and that the validity of the principles upon which the Adkins decision rested were not challenged. In its petition for rehearing the State of New York has clearly indicated that it desires this Court to reconsider the Adkins case and the principles therein declared and to review all constitutional issues involved in the instant proceeding without limitation or restriction. No technical obstacle now stands in the way of such a reconsideration.
>
> The State of Illinois is not unmindful of the proper regard which must be given to orderly appellate procedure. But the decision of this Court in this case does not merely discharge the relator, Tipaldo, from custody. Although it does not technically affect the validity of the legislation of Illinois and other States, the decision will unquestionably obstruct the enforcement of minimum-wage legislation throughout the Union until such time as this Court authoritatively restates the principles declared in the Adkins case and determines their application to existing legislation. As a practical matter, the Tipaldo decision affects the interests and the welfare of millions who are not familiar with the niceties of legal procedures. Four members of this Court were of the opinion that no procedural difficulty stood in the way of a clear-cut decision on the merits. Certainly, it is now within the power of this Court without violence to the requirements of orderly appellate procedure to consider the substantive constitutional issues. * * *
>
> Whatever may be the ultimate decision of this Court, the issues involving the constitutional rights of the States and welfare of millions of their citizens are too significant and momentous to be decided with apparent finality without full consideration of the merits.

Thus after 20 years of unabated struggle, minimum-wage legislation is for the first time sustained by the Supreme Court by a bare majority vote. Four members of the Court still insist upon putting upon the words "due process" and "equal protection of the law" an interpretation that is difficult for lawyers to understand and impossible for the laymen to grasp. Only by the vacillating vote of a single Justice was the constitutional right of the State legislatures reinstated after what seemed to be a hopeless struggle—to paraphrase Justice Holmes—to educate the Justices "in the obvious." Four out of the nine Justices have dramatically revealed that they still entertain a view of the Constitution strikingly at variance with that of Chief Justice Marshall and the founding fathers, because the view of the four dissenting Judges would obviously make it impossible for the Constitution "to endure for ages to come and to be adaptable to the various crises of human events", as stated by Chief Justice Marshall. Unless the present personnel of the Court is enlarged, every new and debatable constitutional issue will come before the Court with four Justices definitely hostile to any theory which would permit the Constitution to be adapted to the needs of the time. On the other hand, there would be four who would adopt the views of Chief Justice Marshall and hold that the Constitution should be construed in the light of changing conditions; while one Justice moves around we know not where. If there should be any difference among any one of the five Justices whose minds are at all open regarding the applicability of the Constitution to new problems, the efforts of the legislatures, State or Federal, to meet those problems will be nullified. It is intolerable that in this period of social and economic change the adaptability of the Constitution and the continuity of legal growth should rest upon the vacillating judgment and human frailty of a single Justice.

The history of minimum-wage legislation before the Supreme Court has shown that it is perfectly futile to attempt to avoid the rigors of the decisions of the Court which are determined by the economic views or prejudices of the Justices by improved draftsmanship. The New York minimum-wage statute was drafted with the greatest care and competency to meet the objections specifically raised by the Court in the Adkins case. And Chief Justice Hughes, dissenting in the Morehead case, expressly took note of "its"—the New York statutes—"provisions for careful and deliberate procedure" and found that the New York statute was free of the feature so strongly denounced in the Adkins case. Yet the majority struck down the carefully drawn statute in the Morehead case with even greater alacrity than it struck down the statute in the Adkins case. And then in the Washington case it reverses itself and sustains a statute which contains the very feature which, more than any other, as the Court stated in the Adkins case, stamped the statute as arbitrary and invalid. Economic predilections do not yield to skilled draftsmanship, although sometimes they yield to political expediency.

Now, may I call the attention of the Senate to the strange quirk of fate in the history and course of the minimum-wage proposition. Last night I turned, in a reminiscent mood, to a recent volume published by Drew Pearson and Robert S. Allen, called "The Nine Old Men", and refreshed by recollection about the course of minimum-wage legislation and how in the first instance by a mere whim of fate the minimum-wage law happened to be declared unconstitutional. I quote from this book:

> Luck dealt its first blow against minimum wages—
>
> Say Pearson and Allen in their Nine Old Men—
>
> when the Oregon Minimum Wage Act came before the Supreme Court in 1914.
>
> Justice Brandeis had been counsel for the minimum-wage advocates and now abstained from voting, making the Court's vote a tie, 4 to 4, which sustained the Oregon law, but left the final fate of minimum-wage legislation uncertain. Industrial interests, anxious to defeat the law, hoped that a change of personnel among the Nine Old Men might swing luck their way.
>
> Meanwhile, other States had adopted minimum-wage laws, and every one of their supreme courts—Massachusetts, Minnesota, Arkansas, and Washington—upheld its constitutionality unanimously or by large majorities. Meanwhile, also, Congress adopted a minimum-wage law for the District of Columbia. This was tested in the Circuit Court of Appeals for the District of Columbia on June 6, 1921, and here for the second time the hand of fate intervened. Justice Robb had been thrown from his horse, was absent from the bench, and Justice Stafford, of the District of Columbia Supreme Court, was designated to sit in his place. He and Justice Smith voted to uphold the minimum-wage law, Justice Van Orsdel dissenting.
>
> But June 9, 3 days later, counsel for those opposing the District of Columbia minimum-wage law appeared before Justice Robb, who had now recovered, and asked for a rehearing. Justice Robb is a close friend of Justice McReynolds, for years lived in the same apartment house with him, and is famous as one of the few justices as reactionary as McReynolds. Counsel opposed to the minimum-wage law knew, therefore, that it would get sympathetic consideration from Robb, which it did. Robb joined with Van Orsdel, and, although the chief justice objected, ordered the case reheard.
>
> This, it should be recalled, was in June 1921. If Justice Robb had not been thrown from his horse, and if the case had been appealed directly to the Supreme Court, it would have been argued during the winter term of 1921 or early 1922, at which time six Justices—Taft, Holmes, Brandeis, Clarke, Day, and Pitney—all favorable to minimum-wage legislation, were on the bench. Even with Brandeis abstaining, five favorable Justices remained—sufficient to approve the bill.
>
> But luck had intervened. The case was delayed. And during the time required for the rehearing, Justices Pitney, Clarke, and Day all resigned. They were replaced by one Justice who favored social legislation—Sanford; and by two vigorous reactionaries—Sutherland and Butler. So finally, when Justice Robb and Van Orsdel finished mauling the Minimum Wage Act in their lower court, it limped up to the Nine Old Men and, on April 9, 1923, Sutherland, one of the newly-appointed Justices, handed down the majority opinion against it.

And so we see it came about that a judge thrown from his horse amended the Constitution.

Mr. President, a few weeks ago I pointed out on the floor of the Senate the fact that three times previously in the history of our country the Supreme Court had come in conflict with the avowed policy of Congress and three times the verdict of history was against the Supreme Court. Now the fourth time the Supreme Court has come in conflict with the avowed policy of Congress and of the States, and the verdict of history is against the Court. I refer in the four instances to the Dred Scott decision, reversed by the Civil War; the Legal Tender decision, reversed by the Supreme Court itself within a period of a few months; and I may add that by its reversal Chief Justice Hughes said in his book on the Supreme Court the Court itself then and there inflicted upon the Court a mortal wound, which leads me to observe that perhaps the decision of day before yesterday may have inflicted another one.

Then there was the decision concerning the income-tax law, which was held unconstitutional because one judge changed his mind overnight. That decision of the Court was reversed by constitutional amendment. Finally the minimum-wage legislation, first held unconstitutional, and last June its unconstitutionality was reaffirmed, and day before yesterday the Supreme Court reversed itself to declare such legislation constitutional.

So, for an institution that has to support a halo that is a pretty bad record.

I wish to invite attention, in conclusion, to one other fact of history—that in the four instances to which I have alluded three times a judge from Pennsylvania played the leading role. I first refer to Justice Strong, who was placed upon the Supreme Court by Grant in order that the *Legal Tender*

cases might be upheld. After the legal-tender decision in Hepburn against Griswold had been handed down declaring the act unconstitutional, Mr. Justice Strong and Mr. Justice Bradley ascended the bench, and, with three Lincoln appointees upon the bench, the cases were reopened and reheard; and Mr. Justice Strong, of Pennsylvania, wrote the opinion that reversed the Supreme Court and upheld the Legal Tender Acts and inflicted the mortal wound referred to by the Chief Justice.

So when the Income Tax case was before the Supreme Court and was argued, the Court stood 4 to 4. Mr. Justice Jackson was ill at the time. Then when Justice Jackson returned to the bench and the case was reargued he voted to sustain the act, and it became apparent that Justice Shiras, who had voted to hold the act constitutional, had changed his mind in the meantime, and finally held the income-tax law unconstitutional, and Justice Shiras was from Pennsylvania.

So in the historic opinion of day before yesterday the Constitution is amended, as the Philadelphia Record says, by the act of Mr. Justice Roberts, of Pennsylvania.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. MINTON. I yield.

Mr. BORAH. That is no reflection on the Guffey bill which is pending, is it?

Mr. MINTON. I hope not; and I have high hope that that bill will be received kindly not only by judges from Pennsylvania but elsewhere.

So, Mr. President, I am unwilling that the policy of this country shall be committed to the instability of Mr. Justice Roberts' mind. I am further unwilling, Mr. President, that a state of affairs shall exist in this country whereby the Constitution may be amended by the horsemanship of the Justices; and further, Mr. President, I am unwilling that the destiny of this Nation shall ride with the power that fate so often puts in the hands of Justices from Pennsylvania.

Mr. SCHWELLENBACH. Mr. President, in view of the fact that the Senator from Indiana [Mr. MINTON] has so ably pointed out to the Senate the situation which exists, I desire to add that I think no unbiased, fair-minded individual can carefully study the opinions of the Court for the last few years, particularly taking into consideration the language of the minority opinion in the Washington minimum-wage case of Monday, and deny that the one man in the United States who has more power than anybody else is Associate Justice Owen Josephus Roberts.

In the past few weeks there have been some who have talked about fear of a dictatorship, who have told us that we are faced with the possibility of someone like a Hitler or Mussolini gaining power in this country. So far as the decisions upon important fundamental questions are concerned, Associate Justice Roberts today has just as much power as any Mussolini or any Hitler.

I think it might be well at this point to place in the RECORD something about the life of Associate Justice Roberts. I take what he himself has written for the record in "Who's Who in America", not with the idea that it casts any reflection upon Justice Roberts, but in order that we may pause for a moment and consider whether or not the people of the country would want to place these absolute dictatorial powers in the hands of such a man, if they had the right to choose him, in view of the cloistered life Justice Roberts has led, in view of the fact that never at any time in his life has he had an opportunity to come in contact with the people of the country so as to be able to understand their problems, and their nature, and their emotions. I read:

Roberts, Owen Josephus, Justice, Supreme Court of the United States. Born at Philadelphia, Pa., May 2, 1875.

Then his parents' names are given. He began the practice of law at Philadelphia 1898; first assistant district attorney, Philadelphia County, 1901–04; assistant professor of law, University of Pennsylvania, 1898–1918; appointed special deputy attorney general to represent United States Government in prosecution of cases arising under espionage act and served in that capacity until 1924 when he was appointed to prosecute the oil cases, and in June 1930 was appointed to the Supreme Court of the United States.

This is the life record, written by himself, of the man who today wields more power and more influence than anybody in the United States.

REGULATION OF BITUMINOUS-COAL INDUSTRY

The Senate resumed consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

Mr. GUFFEY obtained the floor.

Mr. NEELY. Mr. President, before the Senator from Pennsylvania begins his discussion of the important matter now before the Senate, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	King	Pepper
Andrews	Dieterich	Lee	Pittman
Ashurst	Duffy	Lewis	Pope
Austin	Ellender	Lodge	Radcliffe
Bachman	Frazier	Logan	Reynolds
Bankhead	George	Lonergan	Robinson
Barkley	Gerry	Lundeen	Russell
Bilbo	Gibson	McAdoo	Schwartz
Bone	Glass	McCarran	Schwellenbach
Borah	Green	McGill	Sheppard
Brown, Mich.	Guffey	McKellar	Steiwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulkley	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Townsend
Burke	Hayden	Moore	Truman
Byrd	Herring	Murray	Tydings
Byrnes	Hitchcock	Neely	Vandenberg
Capper	Holt	Norris	Van Nuys
Caraway	Hughes	Nye	Wagner
Chavez	Johnson, Calif.	O'Mahoney	Wheeler
Clark	Johnson, Colo.	Overton	White

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

Mr. GUFFEY. Mr. President, the bill for the regulation of the bituminous-coal industry, which the Senate is now considering, is one which has aroused my intense personal interest. My boyhood days were spent in the coal fields of western Pennsylvania.

Associations in later years brought me in close touch with men whose lives have been spent in the coal industry. The squalor and misery of mining camps in the past is vividly pictured in my mind from actual experience. I know only too well the conditions which have prevailed in the mining districts in time of labor disorders resulting from the effort of the miners to secure fair wages and decent working conditions. Too long bankruptcy, starvation wages, strikes, and public disorders have been the tokens by which the bituminous-coal industry is known.

In 1935, when I first took my seat as Senator from Pennsylvania, I considered it both a duty and a privilege to introduce a bill for the regulation of bituminous coal. That bill, after lengthy hearings, became the Bituminous Coal Conservation Act of 1935. When early in May 1936 the Supreme Court of the United States declared the principal provisions of that act to be invalid and inoperative, despite the clear holding of four of the Justices that the price provisions were valid and were separable from the labor provisions I immediately reintroduced the bill, deleting the labor provisions which had been found objectionable by the Court. In due course that bill passed the House of Representatives and was favorably reported by the Senate Committee on Interstate Commerce, but the adjournment of Congress came before consideration could be given by the Senate.

On the first day of the present legislative session I again introduced a bill for regulation of the bituminous-coal industry, patterned after the bill of 1936, but modified in minor particulars to reflect the results of further study and administrative experience. That bill has passed the House of Representatives by an overwhelming majority; in fact, without a record vote. The Interstate Commerce Committee of

the Senate has reported the bill with certain amendments, and the measure now comes before us for consideration and final action.

It is not my purpose to discuss at length the detailed provisions of the bill relating to the regulation of interstate commerce in bituminous coal. As to the power of the Congress to enact such a measure, it is sufficient for me to voice my belief that the measure is clearly within our power to regulate commerce among the several States. As the Chief Justice of the United States said in his dissenting opinion filed in the Carter case:

Undoubtedly transactions in carrying on interstate commerce are subject to the Federal power to regulate that commerce, and the control of charges and the protection of fair competition in that commerce are familiar illustrations of the exercise of the power as the Interstate Commerce Act, the Packers and Stockyards Act, and the Antitrust Acts abundantly show. The Court has repeatedly stated that the power to regulate interstate commerce among the several States is supreme and plenary.

The measure which we are considering is not one hastily drawn in the light of a temporary emergency. It is the fruit of years of study by men eminent in public and private life. It bears the endorsement of an overwhelming majority of producers in the coal industry, and it is supported by the men who gain their livelihood through working in the mines, because of their firm belief that only through a stabilization of coal prices and the prevention of unfair trade practices and indiscriminate price cutting can the producers of coal be maintained in a position where they are able to pay fair wages and provide adequate working conditions in the mines.

To a person unfamiliar with the coal industry, its methods of doing business are difficult of comprehension. Coal men are the same the world over, as is proven by the fact that in other countries governments were long ago forced to adopt regulatory measures. In this country, whether producers come from Pennsylvania, Alabama, Kentucky, or Colorado, they are all imbued with the same strange desire to drive themselves into bankruptcy through continued selling of their coal at less than production costs. Their sole ambition appears to be the wresting of tonnage from their competitors; and success or failure is measured not in terms of profit or loss but in terms of tons of coal which they have been able to produce and sell.

We are considering a measure for relief of a Nation-wide industry, representing an investment today of more than three and one-half billion dollars; an industry which in times of prosperity as well as depression continues an unending practice of operating at a loss. Only in times of emergency, when strikes, disruptions of transportation facilities, or war conditions intervene, has the industry been able to report profits instead of losses.

In the year 1929, when the total number of producing units in the industry exceeded 8,000, only 1,214 companies made reports to the Internal Revenue Department, showing a total net income from the industry of $249,000,000, resulting in an income-tax liability of $76,000,000.

In the year 1933, 1,996 companies reported a net operating income of $7,250,000; but from the reports of others there appears a net loss for the industry in that year of $47,550,000. Certainly sound national economy cannot permit the continued operation of a basic natural-resource industry under such conditions.

The experience of our Nation during the past few years has taught us a costly lesson. As a country, we have been blessed with natural resources which have been the envy of many of the nations of Europe, and these resources have done much toward assuring our national prosperity. But scientists tell us that supplies of these resources are not inexhaustible.

In the case of the bituminous-coal industry we are told that the coal fields which are closest to the consuming centers are beginning to show the effects of years of operation, and that before long those industries dependent upon coal for their supplies of energy and raw material must seek more distant coal fields, with attendant higher transportation costs, or must accept and use coals of lower grade and more costly to mine, which now are being rejected. Engineers tell us also that in the coal industry we are today carrying on the business of mining that resource with an annual avoidable waste of almost 150,000,000 tons, one-third of the amount of coal which we use each year.

Therefore I believe that it is a clear responsibility and duty of the Congress to take steps looking toward the conservation of our natural resources. We must end the indiscriminate mining of coal, done under the pressure of competition, which forces coal producers to mine only that coal which is cheapest and most readily produced.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. GUFFEY. Certainly.

Mr. POPE. A few minutes ago the Senator referred to the fact that the Supreme Court overruled what the Senator called the price-fixing features of the Bituminous Coal Conservation Act of 1935 by a 5-to-4 decision. What was the decision on the labor features of the act?

Mr. GUFFEY. The Court did not overrule the price-fixing features; they refused to rule on them. They said the price-fixing features were not separable from the labor provisions. They declared unconstitutional the labor provisions, and therefore the whole act failed.

Mr. POPE. They refused to recognize the separability clause of the act?

Mr. GUFFEY. That is true.

Mr. POPE. And therefore held the whole act inoperative?

Mr. GUFFEY. Yes; although four of the nine Justices said that the price-fixing features were separable from the others.

There are other impelling reasons for action by the Congress. Bituminous coal has been a subject of concern to the National Government for many years. At least 20 investigations and hearings have been held by committees and agencies of the Congress. Their findings are indisputable. We have under consideration an industry now supplying one-half of the heat and energy for our Nation, and one which in the future must serve as our primary source of light, heat, and power.

It is an industry employing directly almost half a million men, with hundreds of communities throughout 28 coal-producing States enjoying prosperity or suffering distress as the fortunes of the coal industry rise or fall. Our railroads, which for years have been a ward of the Government under the Interstate Commerce Act, derive more than 20 percent of their revenues from the transportation of coal; and in the list of commodities transported no more profitable item is to be found. The purchase of equipment and supplies for the mines involves the expenditure of millions of dollars annually, and many industries in sections remote from coal areas feel the effects of distress in the coal industry.

The picture of labor relations in the industry in past years is not a pretty one. Men have worked long hours in the mines, often under most adverse conditions, only to find their pay envelopes empty after payment of their debts to company stores. Many of the mining camps for years were mere prisons in which miners and their families dragged out a dreary existence, lacking many of the necessities, enjoying none of the luxuries of life. And let me say here that there is no guaranty or assurance that these conditions will not return; for it is inevitable that unless the coal industry attains some degree of prosperity, unless the coal producers are able to sell their product at a price which will permit the payment of fair wages, the vicious circle of price cutting and wage reduction will begin again.

It is hard for me to believe that democracy has reached its goal when we find men engaged in a major national industry earning as little as an average wage of $560 per year. That was the average earning of the coal miner in 1933. As a result of operation of the National Recovery Act, in 1934 this was increased to $834, and in 1935 to $911—an amount pitifully inadequate to support a miner and his family according to American standards of living, and to repay for the hazards which coal mining involves.

And we cannot overlook general conditions in mining communities dependent upon the coal industry. Both in times of general prosperity and of depression these communities have waged a battle for continued existence, and dependent as they are upon the miners and their families, they too must succeed or fail with the industry.

From my study of bituminous coal I find nothing which leads me to the belief that the coal producers themselves can or will ever correct these conditions by voluntary action. In fact, the same causes which brought about demoralization will prevent operators, individually or collectively, from taking any constructive action. The coal-producing States are also helpless to deal with conditions in the marketing of coal.

Although the subject has frequently been considered, there exists no record of any successful action by an individual State or by any group of coal-producing States in dealing with the problem of coal. Here again long-standing economic and sectional differences preclude the possibility of concerted action. Therefore, it has long been my opinion that if any situation in the industrial world requires intervention of the strong arm of the Federal Government, it is to be found in the case of bituminous coal today.

In the United States District Court for the District of Columbia, when the Carter case was heard, that court found that—

> Coal is the Nation's greatest and primary source of energy, vital to the public welfare, of the utmost importance to the industrial and economic life of the Nation and the health and comfort of its inhabitants; and that its distribution in interstate commerce should be regular, continuous, and free of interruptions, obstructions, burdens, and restraints.

The court also found that there existed—

> A condition of unrestrained and destructive competition in the system of distribution and marketing such coal, and of destructive price cutting, burdening and restraining interstate commerce and dislocating and diverting its normal flow.

In the Supreme Court, Mr. Justice Cardozo, in a dissenting opinion filed in the Carter case, which expressed the belief that the conclusion of the majority members of the Court was incorrect, described the conditions of the industry as follows:

> Overproduction was at a point where free competition had been degraded into anarchy. Prices had been cut so low that profit had become impossible for all except a lucky handful. Wages came down along with prices and with profits. There were strikes, at times Nation-wide in extent, as other times spreading over broad areas and many mines, with the accompaniment of violence and bloodshed and misery and bitter feeling * * * the plight of the industry was not merely a menace to owners and to mine workers—it was and had long been a menace to the public, deeply concerned in a steady and uniform supply of a fuel so vital to the national economy.

And I fully concur with the learned Justice when he said:

> Congress was not condemned to inaction in the face of price wars and wage wars so pregnant with disaster. Commerce had been choked and burdened; its normal flow had been diverted from one State to another; there had been bankruptcy and waste and ruin alike for capital and for labor.

And the learned Justice closed with this significant statement:

> The liberty protected by the fifth amendment does not include the right to persist in this anarchic riot.

I am one of these millions of Americans who have a broad conception of the powers and duties of government. It is not enough that the National Government maintain an Army and Navy for our defense; that we administer the public lands and safeguard our rivers and harbors; nor does complete fulfillment of its duties lie in a mere preservation of harmonious relations among the 48 States of the Union.

Our Nation has grown in population and in wealth; inventive genius has brought us the advantages and the problems of the machine age; the accumulation of wealth has led to the growth of industrial and financial combinations, Nation-wide in their scope, whose assets run into figures exceeding our power of conception.

The complexities of modern economic life no longer permit the isolation of communities or districts. Surely the depression, which came to its crisis in the last year of President Hoover's administration, has made that clear. As was said in the case of *Appalachian Coals, Inc.*, v. *United States* (288 U. S. 344):

> When industry is grievously hurt, when producing concerns fail, when unemployment mounts, and communities dependent upon profitable production are prostrated, the wells of commerce go dry.

Truly the "wells of commerce" in the bituminous-coal industry have long been dry, and the resultant misery and suffering can never be calculated in terms of money.

I am, therefore, convinced that the Federal Government has an urgent duty to perform for the bituminous-coal industry, not merely on behalf of labor in the industry, not solely in the interest of coal producers, but for the safeguarding of our most valuable natural resource, for the preservation of the health and welfare of large numbers of our people, for the preservation of a vitally important industry, and the assurance of adequate and dependable coal supplies to our industries and homes.

Through the power of the Federal Government, and only through that power, can these purposes be accomplished, and our chief concern should be whether the method of regulation proposed in the bill is one within the powers of the Congress and adequate to the needs of the situation.

The bill is drawn so as to bring it clearly within the light of limitations which constitutional interpretation has imposed upon the power of Congress. The desired purpose is to be accomplished by the establishment of minimum prices and the regulation of trade practices in accordance with standards and by methods of procedure which are clearly set forth in the bill.

I am well aware that some men eminent in public life view the principle of price regulation with great concern. It may be argued by opponents of the measure that for more than a century the prosperity of our Nation has been based upon a principle of "free and unrestricted competition." I call attention to the fact that no industry has ever enjoyed unrestricted competition more than bituminous coal, and there is no greater proof of the folly of that theory than this industry which produces and distributes bituminous coal.

Speaking of business and industry generally, we do not today have free competition in fact in this country. Consider for a moment the situation which prevails almost universally in the marketing of gasoline. If free competition determines prices, then it is merely a strange coincidence that competing companies in communities without number sell their comparable products at the same price.

Again, I recall reading in the newspapers a short time ago of an increase in the price of certain steel products. It must have been by some miraculous coincidence that all the producing companies advanced their prices the same amount on the same day. I also recall that in testimony presented before the Senate Interstate Commerce Committee in 1936 leading coal producers called attention to the fact that in their purchases of supplies they very frequently found prices to be the same regardless of the source of supply. I recall also that not so many months ago a distinguished member of the President's Cabinet complained in no uncertain terms of the fact that in the case of hundreds of commodities on which bids were submitted to the Government striking similarities of price existed.

Despite the broad prohibitory laws against restraints of trade which have been enacted in the past 50 years, private industry today, in utter disregard of those restraints, is generally engaged in fixing prices by one method or another. Either less intelligence prevails in the coal industry, or the producers are influenced by different factors than in other industries, for here we find nothing but demoralized prices and vicious circles of price and wage cutting.

Review, if we will, the history of natural-resource industries, and we shall find, as I have found, that there can be only one result of so-called free competition—a monopoly of the industry in the hands of a favored few. I repeat that not all the broad prohibitory laws which can be enacted will prevent the gradual monopolization of the coal industry if the present free and unrestricted competition is to continue.

Today there are less than 6,000 substantial producers of bituminous coal in the United States, and of these less than 100 produce one-third of the Nation's coal; and every week of continued free competition is marked by the bankruptcy of more producers. To me the future of coal, unregulated by the Federal Government, is clear—a straight and certain path to monopoly, hedged in only by the graves of those who have met financial death at the hands of their more rugged and more powerful competitors.

Today we are dealing not with a theory but with a fact. Our action must be determined by principles which fit modern conditions. The theory of "let business alone" may have served a useful purpose in an earlier generation; but if our economic system is to survive, if democratic government is to perform its true function, if the people of the United States are to remain a free and prosperous people, and if we are to preserve liberty and real opportunity to the average American, then the arm of the Federal Government must be raised to guarantee them, not free competition, but fair competition; and that is the precise principle upon which this bill for the regulation of the bituminous-coal industry is based.

The bill does not plan the banning of individual initiative and action; on the contrary, it seeks to preserve a fair competitive opportunity to the men engaged in the coal industry by barring the use of unfair-trade practices, and by forbidding particularly favored or less scrupulous units from wiping out their competitors by indiscriminate price cutting.

For years the coal industry has been cursed by the presence of a small group of men whose only motto is, "Let the strongest survive"; who count their victories in terms of tons of coal and not of dollars earned; who think nothing of the misery and suffering imposed by low wages upon those who are depending upon the coal industry for their livelihood; who act in utter disregard of the national interest, which requires us to have at all times adequate and dependable supplies of coal for homes and industries. Again, the coal producer who is fair and intelligent finds himself constrained by forces which he can neither combat nor control, and pressure from consuming interests for price concessions has long dictated the policies of the coal industry.

A few days ago I reviewed with interest the annual report for the year 1936, published by one of the largest and strongest companies in the coal industry, endowed with all the advantages of geographical location, with adequate facilities for the mining and preparation of coal, possessing unequaled opportunities for marketing, and with strong financial relationships in consuming markets.

The report indicates a substantial gain in coal tonnage, but that gain was accompanied by a heavier financial loss. I find that in recent years the same company has maintained an unenviable record of continuing losses, with the single exception of the year 1934, in which year the National Recovery Act forced it to make a profit. A study of the industry will quickly reveal the fact that in the case of a large majority of the coal companies their statements reveal a similar condition.

The bill which the Senate now has under consideration proposes to regulate interstate commerce in bituminous coal by providing for the establishment of minimum prices below which the coal producer may not sell his commodity. Those prices are to be based on average costs of production, determined in the manner prescribed in the bill, thus affording protection not only to labor in the industry but particularly to the smaller operator as against his larger competitor.

From the consumer's standpoint, I find nothing in the measure which inspires me with fear or concern. I believe it to be a sound principle of any business—a principle which government should endorse and support—that the product of an industry must generally be sold at prices which at least equal costs of production; and I believe no fair-minded consumer of coal who is considerate not only of his own future interests but also of the general welfare of the country can deny that the bituminous-coal industry is entitled to a price for coal which at least meets its costs.

Regulation of commerce through the medium of prices is not a new principle in our law. As Mr. Chief Justice Hughes said in his dissenting opinion filed in the Carter case:

> Whether the policy of fixing prices of commodities sold in interstate commerce is a sound policy is not for our consideration. The question of that policy, and of its particular application, is for Congress. * * * We are not at liberty to deny to the Congress, with respect to interstate commerce, a power commensurate with that enjoyed by the States in the regulation of their internal commerce.

The Supreme Court unhesitatingly upheld, in the case of *Nebbia* v. *New York* (291 U. S. 502), the power of a State to prescribe minimum prices for milk when "the conditions or practices in an industry make unrestricted competition an inadequate safeguard of the consumers' interests, produce waste harmful to the public, threaten ultimately to cut off the supply of a commodity needed by the public, or portend the destruction of the industry itself." I ask the Senate to note the striking similarity between the conditions which the Court describes as existing in the milk business and those which we all know prevail in the coal industry.

To me, the need for regulation of the bituminous-coal industry is clear, and the authority of the Congress to deal with the industry in the manner prescribed in the bill is likewise unquestioned. It is the duty of the Federal Government to safeguard and conserve our greatest natural resource. It is a proper function to destroy those insidious influences in the coal industry which have driven the industry to bankruptcy, and which will, if unchecked, eventually drive it to monopoly. It is our humane duty to safeguard the national public interest by restoring health to a sick industry by bringing greater safety and more decent standards of working and living to hundreds of thousands of miners and their families, and by safeguarding for consumers, both present and future, adequate supplies of a necessary commodity at fair prices.

These reasons should compel every clear-thinking American citizen to favor the legislation which I have proposed. Its legality is clear. Its adequacy is testified to by the overwhelming weight of opinion in the industry. Its opponents have found no substantial flaw in the methods proposed. The fairness of the principles involved cannot be denied.

Today the sea of future business regulation lies immediately before the Congress, unknown and uncharted. The problem of bituminous coal affords us an opportunity to chart our course upon that sea, and our action on this measure will undoubtedly serve as a most valuable guide for future reckonings.

I believe approval of the pending measure will mark substantial progress toward the port of true economic freedom in America; and it is therefore my sincere hope that the Senate will concur in the action of the House of Representatives by promptly passing the measure as it has been reported by the Committee on Interstate Commerce.

The PRESIDING OFFICER (Mr. HERRING in the chair). The bill is before the Senate and the clerk will state the first amendment of the committee.

The first amendment of the Committee on Interstate Commerce was, in section 2, under the heading "National Bituminous Coal Commission", on page 3, line 12, after the word "attorneys", to insert "managers and employees of the statistical bureaus hereinafter provided for", so as to read:

> SEC. 2. (a) There is hereby established in the Department of the Interior a National Bituminous Coal Commission (herein referred to as commission), which shall be composed of seven members appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years. The commission shall annually designate its chairman, and shall have a seal which shall be judicially recognized. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor in office. The commission shall have an office in the city of Washington, District of Columbia, and shall convene at such times and places as the majority of the commission shall determine. Two members of the commission shall have been experienced bituminous coal mine workers, two shall have had previous experience as producers, but none of the members shall

have any financial interest, direct or indirect, in the mining, transportation, or sale of, or manufacture of equipment for, coal (whether or not bituminous coal), oil, or gas, or in the generation, transmission, or sale of hydroelectric power, or in the manufacture of equipment for the use thereof, and shall not actively engage in any other business, vocation, or employment. Not more than one commissioner shall be a resident of any one State, and not more than one commissioner shall be a resident of any one of the districts hereinafter established, but a change in any of the boundaries of the districts, made by the commission as hereinafter provided, shall not affect the tenure of office of any commissioner then serving. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The commission is authorized to appoint and fix the compensation and duties of a secretary and necessary professional, clerical, and other assistants. With the exception of the secretary, a clerk to each commissioner, the attorneys, managers and employees of the statistical bureaus hereinafter provided for, and such special agents, technical experts, and examiners as the commission may require, all employees of the commission shall be appointed and their compensation fixed in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended. No person appointed without regard to the provisions of the civil-service laws shall be related to any member of the commission by marriage or within the third degree by blood. The commission is authorized to accept and utilize voluntary and uncompensated services of any person or of any official of a State or political subdivision thereof. The members of the commission shall each receive compensation at the rate of $10,000 per year and necessary traveling expenses. Such Commission shall have the power to make and promulgate all reasonable rules and regulations for carrying out the provisions of this act and shall annually make full report of its activities to the Secretary of the Interior for transmission to Congress. A majority of the commission shall constitute a quorum for the transaction of business, and a vacancy in the commission shall not impair the right of the remaining members to exercise all the power of the commission. No order which is subject to judicial review under section 6, and no rule or regulation which has the force and effect of law, shall be made or prescribed by the commission, unless it has given reasonable public notice of a hearing, and unless it has afforded to interested parties an opportunity to be heard, and unless it has made findings of fact. Such findings, if supported by substantial evidence, shall be conclusive upon review thereof by any court of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 16, after the words "United States", to strike out:

The commission may establish divisions deemed necessary for the proper dispatch of its business, and may refer any matter to an individual commissioner, who shall exercise all the powers and authority of the commission in the premises: *Provided*, That any person in interest may, upon written petition, secure a review by the commission of the report, finding, or order of such commissioner.

And to insert in lieu thereof:

The commission may establish divisions, each of which divisions shall consist of not less than three of its members, as it may deem necessary for the proper dispatch of its business. Each such division shall exercise all the powers and authority of the commission in the premises: *Provided*, That any person in interest may, upon written petition, secure a review by the commission of the report, finding, or order of such division. The commission may by its order assign or refer any matter within its jurisdiction under this act to an individual commissioner, to a board composed of employees of the commission, or to an examiner, to be designated by such order, for hearing and the recommendation of an appropriate order in the premises. Each individual commissioner, board, or examiner, when so directed by order of the commission, shall have power to administer oaths and affirmations, to examine witnesses, and receive evidence. The commission is authorized to make contracts for personal services in the District of Columbia and elsewhere and to establish and maintain such offices throughout the United States as it deems necessary for the effective administration of this act.

Within the limits of such appropriations as are made from time to time, the commission is hereby authorized to initiate, promote, and conduct research designed to improve standards and methods used in the mining, preparation, conservation, distribution, and utilization of coal and the discovery of additional uses for coal, and for such purposes shall have authority to assist educational, governmental, and other research institutions in conducting research in coal, and to do such other acts and things as it deems necessary and proper to promote the use of coal and its derivatives.

Mr. McNARY. Mr. President, I am not familiar with the purport of this amendment. However, I know that the Senator from Idaho [Mr. BORAH], who is present, and the Senator from Vermont [Mr. AUSTIN] desire to discuss the bill, probably the philosophy of it, and some of the committee amendments. Is the Senator from West Virginia anxious that the Senate consider or finally adopt the committee amendments this afternoon?

Mr. NEELY. Mr. President, it is the desire of those who favor the passage of the bill to dispose of all the committee amendments this afternoon. The Senator from Vermont [Mr. AUSTIN] has a number of amendments which he wishes to offer. He will have an opportunity to present them tomorrow.

Mr. McNARY. Did the committee as a whole agree to the amendments which are now being considered?

Mr. NEELY. The committee agreed to all of them, and to the most of them by a unanimous vote.

Mr. McNARY. The opposition goes to the general intent and purpose of the bill rather than to the amendments?

Mr. NEELY. That is correct.

Mr. BARKLEY. Mr. President, I will say in that connection, if the Senator will yield for that purpose, that the Senator from Vermont [Mr. AUSTIN] offered an amendment in the committee, and gave notice that he would offer in the Senate an amendment to one of the committee amendments; and, in view of that fact, when we reach the amendment, I think it ought to be passed over until the Senator from Vermont can be given an opportunity to offer an amendment to the committee amendment.

Mr. McNARY. If the matter is protected in that fashion, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 4, line 16.

The amendment was agreed to.

Mr. WHITE. Mr. President, I desire to say a word. I understood the clerk was reading on page 4 of the bill. There was an amendment on page 3, was there not?

The PRESIDING OFFICER. That amendment was agreed to.

Mr. WHITE. Someone must have worked fast, because I missed it.

Mr. President, if there is an amendment pending now I wish to say a word about this amendment on page 3, although it is too late to do any good.

This is another instance where we are permitting the employment of an unlimited number of persons by the organization created by the bill without any reference whatever to the civil-service laws of the United States. I think that at some time, if we are to have any civil service left, there should be a halt called in this tendency. I am utterly unable to see why employees of a statistical bureau should not be appointed as a result of civil-service examination and should not be appointed because of merit. If there is any character or kind of work the qualifications for which can be determined by an examination by the Civil Service Commission, it seems to me it is that required of an employee of a statistical bureau.

Although the amendment has been adopted, I wish to voice my protest against any such provision.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the committee.

The next amendment was, in section 3 (e), page 9, line 24, after the word "The", to strike out "taxes" and insert "tax", and in the same line, after the word "by", to insert "subsection (a) of", so as to make the paragraph read:

(e) The tax imposed by subsection (a) of this section shall not apply in the case of a sale of coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions. Under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, a credit against the tax imposed by subsection (a) of this section or a refund may be allowed or made to any producer of coal in the amount of such tax paid with respect to the sale of coal to any vendee, if the producer has in his possession such evidence as the regulations may prescribe that such coal was resold by any person for the exclusive use of the United States or of any State, Territory of the United States, or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions.

The amendment was agreed to.

The next amendment was, on page 10, after line 22, to insert the subhead "Bituminous Coal Code."

The amendment was agreed to.

The next amendment was, in section 4, page 11, line 4, after the word "members", to insert "except as otherwise provided by subsection (h) of part II of this section", so as to read:

Producers accepting membership in the code as provided in section 5 (a) shall be, and are herein referred to as, code members, and the provisions of such code shall apply only to such code members except as otherwise provided by subsection (h) of part II of this section.

The amendment was agreed to.

The next amendment was, in section 4, paragraph (a), page 12, line 15, after the word "elected", to insert "The commission shall have power to remove any member of any district board upon its finding, after due notice and hearing, that said member is guilty of inefficiency, willful neglect of duty, or malfeasance in office"; in line 22, after the word "from", to insert "within or without", so as to make the paragraph read:

PART I. ORGANIZATION

(a) Twenty-three district boards of code members shall be organized. Each district board shall consist of not less than 3 nor more than 17 members. The number of members of the district board shall, subject to the approval of the commission, be determined by the majority vote of the district tonnage during the calendar year 1936 represented at a meeting of the code members of the district called for the purpose of such determination and for the election of such district board; and all code members within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be code members or representatives of code members truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the code members of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output of the code members in the district, for the calendar year preceding the date of the election: *Provided*, That not more than one officer or employee of any code member within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees representing the preponderant number of employees in the industry of the district in question. The term of district board members shall be 2 years and until their successors are elected. The commission shall have power to remove any member of any district board upon its finding, after due notice and hearing, that said member is guilty of inefficiency, willful neglect of duty, or malfeasance in office.

The district boards shall have power to adopt bylaws and rules of procedure, subject to approval of the commission, and to appoint officers from within or without their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve, as such, without compensation but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of the 23 districts are set forth in the schedule entitled "Schedule of districts" and annexed to this act.

Whenever the commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the territorial boundaries or limits of any district of minimum-price area are such as to make it substantially impracticable to establish minimum prices in accordance with all the standards set forth in subsections (a) and (b) of part II of this section, and that a change in such territorial boundaries or limits or a division or consolidation of such districts or minimum-price areas would render the establishment of minimum prices in accordance with all such standards more practicable, it shall by order make such changes, divisions, and consolidations as it finds will substantially aid in such establishment of minimum prices.

The amendment was agreed to.

The next amendment was, in section 4, paragraph (c), page 14, line 6, after the word "board", to insert "or officer thereof"; and in line 9, after the word "member", to insert "or officer", so as to make the paragraph read:

(c) Nothing contained in this act shall constitute the members of a district board partners for any purpose. Nor shall any member of a district board or officer thereof be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the district board. Nor shall any member or officer of a district board, exercising reasonable diligence in the conduct of his duties under this act, be liable to anyone for any action or omission to act under this act except for his own willful misfeasance or for nonfeasance involving moral turpitude.

The amendment was agreed to.

The next amendment was, in section 4, paragraph (d), page 14, line 15, after the word "effect", to insert "by its terms"; and in line 17, after the word "board", to insert "or officer thereof", so as to make the paragraph read:

(d) No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

The amendment was agreed to.

The next amendment was, in "Part II. Marketing", paragraph (a), page 15, after line 6, to strike out "In each district there may be established by the commission a statistical bureau which shall be an agency of the commission" and insert "For each district, or group of districts designated by the commission, there shall be established by the commission a statistical bureau which shall be operated and maintained as an agency of the commission", so as to read:

The commission shall have power to prescribe for code members minimum and maximum prices, and marketing rules and regulations, as follows:

(a) All code members shall report all spot orders to such statistical bureau hereinafter provided for as may be designated by the commission and shall file with it copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the commission may authorize or require. All such records shall be held by the statistical bureau as the confidential records of the code member filing such information.

For each district, or group of districts designated by the commission, there shall be established by the commission a statistical bureau which shall be operated and maintained as an agency of the commission. Each statistical bureau shall be under the direction of a manager, who shall be appointed by the commission. No producer, employee, or representative of a producer, and, except as the commission may specifically approve, no member of a district board or employee or representative thereof shall be an employee of any statistical bureau.

Mr. McNARY. Mr. President, I should like to ask the Senator in charge of the bill the number of districts involved in this amendment?

Mr. NEELY. There are 23 production districts and 10 minimum-price areas.

Mr. McNARY. So there will be 33 in all?

Mr. NEELY. Yes; but the price areas will have no boards, and no significance except in relation to prices.

Mr. BARKLEY. The price areas overlap the districts which would be set up.

Mr. NEELY. That is true.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 15, line 6.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was in "Part II, Marketing", paragraph (a), on page 15, line 24, after the word "to", to strike out "mines and" and insert "mines"; in the same line, after the word "market", to strike out "areas" and insert "areas, values as to uses and seasonal demand"; and on page 16, line 9, after the word "compensation", to insert "occupational-diseases compensation", so as to read:

Each district board shall, from time to time on its own motion or when directed by the commission, propose minimum prices free on board transportation facilities at the mines for kinds, qualities, and sizes of coal produced in said district, and classification of coal and price variations as to mines, consuming market areas, values as to uses and seasonal demand. Said prices shall be proposed so as to yield a return per net ton for each district in a minimum price area, as such districts are identified and such area is defined in the subjoined table designated "minimum-price-area table", equal as nearly as may be to the weighted average of the total cost, per net ton, determined as hereinafter provided, of the tonnage of such minimum price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, occupational-diseases compensation, royalties, depreciation and depletion (as determined by the Bureau of Internal Revenue in the computation of the Federal income tax), and all other direct expenses of production, coal operators' association dues, district board assessments for board operating expenses only levied under the code, and reasonable costs of selling and the cost of administration.

Mr. POPE. Mr. President, I should like to ask the Senator in charge of the bill a question. Since the majority of the Supreme Court did not pass upon the price-fixing features of the Coal Regulation Act of the last Congress, which

act was declared to be unconstitutional, and since, as I understand, the price-fixing feature is the substantial part of the pending bill, would the Senator say, from his investigation, that there is authority for upholding that feature of the pending bill in other decisions of the Court?

Mr. NEELY. Yes; there is. In the Carter case the Supreme Court clearly indicated that there was authority for the exercise of such power on the part of Congress.

Mr. POPE. I observe in the majority opinion the statement that the majority of the Court wanted it to be distinctly understood that if that question were presented as a separate issue there was no indication that they would hold it constitutional. I will refer to the exact words if I can find them.

Mr. BORAH. Mr. President, if I may be permitted to say a word, the minority of the Court, including Chief Justice Hughes, held that price fixing was valid, but the majority of the Court did not pass upon that question at all. The majority of the Court passed solely upon the question of labor and the fixing of wages, and held that the provisions of the act were inseparable, and therefore that the entire act fell.

Mr. POPE. I had in mind a paragraph in the majority opinion in which the Court used this language:

> The price-fixing provisions of the code are thus disposed of without coming to the question of their constitutionality; but neither this disposition of the matter, nor anything we have said, is to be taken as indicating that the Court is of opinion that these provisions, if separately enacted, could be sustained.

In the light of that statement by a majority of the Supreme Court, my question is if the Senator from West Virginia thinks there is sufficient authority from other decisions of the Supreme Court on the price-fixing feature to warrant us in believing that a majority of five of the Court will hold it constitutional in this instance?

Mr. NEELY. In the light of the important history which the Supreme Court made yesterday, I am not willing to say that there is sufficient authority in any of its decisions to justify a belief concerning the validity of this or any other proposed legislation. But I invite the attention of the able junior Senator from Idaho to certain language used by Mr. Chief Justice Hughes in the Carter case, which, to my mind, strongly indicates that he feels there is authority for price-fixing regulations such as are contained in this bill. I read from Mr. Chief Justice Hughes' opinion, as follows:

> Undoubtedly transactions in carrying on interstate commerce are subject to the Federal power to regulate that commerce, and the control of charges and the protection of fair competition in that commerce are familiar illustrations of the exercise of the power, as the Interstate Commerce Act, the Packers and Stockyards Act, and the antitrust acts abundantly show. The Court has repeatedly stated that the power to regulate interstate commerce among the several States is supreme and plenary (*Minnesota Rate Cases*, 230 U. S. 352, 398). It is "complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution" (*Gibbons v. Ogden*, 9 Wheat. 1, 196). We are not at liberty to deny to the Congress, with respect to interstate commerce, a power commensurate with that enjoyed by the States in the regulation of their internal commerce. (See *Nebbia v. New York*, 291 U. S. 502.)
>
> Whether the policy of fixing prices of commodities sold in interstate commerce is a sound policy is not for our consideration. The question of that policy, and of its particular applications, is for Congress. * * *

I trust that what I have just read answers the Senator's question.

Mr. POPE. In this decision, which I have not had an opportunity to read fully, did Mr. Justice Roberts make any expression of opinion except insofar as he concurred with the majority?

Mr. NEELY. Mr. Justice Roberts filed no separate opinion.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment which was last stated by the clerk.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the committee.

The amendment was agreed to.

The next amendment was, under the heading "Minimum-price-area table", on page 19, line 8, after the word "charges", to insert "or when otherwise required by this act,", so as to read:

> As soon as possible after its creation, each district board shall determine, from cost data submitted by the proper statistical bureau of the commission, the weighted average of the total costs of the ascertainable tonnage produced in the district in the calendar year 1936. The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936. Such determination and the computations upon which it is based shall be promptly submitted to the commission by each district board in the respective minimum-price area. The commission shall thereupon determine the weighted average of the total costs of the tonnage for each minimum-price area in the calendar year 1936, adjusted as aforesaid, and transmit it to all the district boards within such minimum-price area. Said weighted average of the total costs shall be taken as the basis, to be effective until changed by the commission, for the proposal and establishment of minimum prices. Thereafter, upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton of 2,000 pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, or when otherwise required by this act, the commission shall increase or decrease the minimum prices accordingly. The weighted average figures of total cost determined as aforesaid shall be available to the public.

The amendment was agreed to.

The next amendment was, under the same subhead, paragraph (b), page 19, line 24, after the word "commission", to insert "and as directed by the commission"; and on page 20, at the beginning of line 14, to insert "values as to uses, seasonal demand", so as to read:

> (b) District boards shall, under rules and regulations established by the commission, and as directed by the commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules and regulations proposed by them, respectively, under subsection (a) hereof. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices proposed for any kind, quality, or size of coal for shipment into any common consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, shall reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coal produced in the various districts, taking into account values as to uses, seasonal demand, transportation methods and charges, and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy; and shall preserve as nearly as may be existing fair competitive opportunities.

The amendment was agreed to.

The next amendment was, in the same paragraph, on page 21, line 1, to insert "and so far as practicable shall be not less than."

Mr. BORAH. Mr. President, I ask that the amendment at the top of page 21, which has just been stated, and also the amendment on the same page, beginning in line 12 and extending to line 5, on page 22, be passed over for the present.

The PRESIDING OFFICER. Without objection the amendments will be passed over, and the clerk will state the next amendment reported by the committee.

The next amendment was, under the same subhead, in paragraph (d), page 22, line 19, after the word "board", to insert "or member thereof"; in line 21, after the word "with", to strike out "such" and insert "the"; in line 24, after the word "by", to strike out "the" and insert "any minimum or"; in the same line, after the word "prices", to strike out "estabilshed" and insert "established"; and in line 25, after the word "to", to strike out "subsection" and insert "subsections (d) or (c)"; so as to make the paragraph read:

> (d) If any code member or district board or member thereof, or any State or political subdivision of a State, or the consumers' counsel, shall be dissatisfied with the coordination of prices or rules and regulations, or by a failure to establish such coordination of prices or rules and regulations, or by any minimum or maximum prices established pursuant to subsections (b) or (c) of part II of this section, he or it shall have the right, by petition, to make complaint to the commission, and the commission shall, under rules and regulations established by it, and after notice and hearing, make such order as may be required to effectuate the purpose of subsections (b) and (c) of part II of this section. Pending final disposition of such petition, and upon reasonable showing of necessity therefor, the commission may make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of this act.

The amendment was agreed to.

The next amendment was under the same subhead, paragraph (e), page 23, line 18, after the words "prior to", to strike out "January 6, 1937" and insert "June 16, 1933. Any contract made on or subsequent to said date which provides for a price below such established minimum price shall be unenforceable as to such price provision", so as to read:

> (e) No coal subject to the provisions of this section shall be sold or delivered or offered for sale at a price below the minimum or above the maximum therefor established by the commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of the code: *Provided*, That the provisions of this paragraph shall not apply to a lawful and bona-fide written contract entered into prior to June 16, 1933. Any contract made on or subsequent to said date which provides for a price below such established minimum price shall be unenforceable as to such price provision.

Mr. BORAH. I ask that that amendment also go over.

The PRESIDING OFFICER. The amendment will be passed over.

The next committee amendment was, under the same subhead, paragraph (e), page 23, at the beginning of line 23, to strike out "A" and insert "The making of a", so as to read:

> The making of a contract for the sale of coal at a price below the minimum or above the maximum therefor established by the commission at the time of the making of the contract shall constitute a violation of the code, and such contract shall be invalid and unenforceable.

The amendment was agreed to.

The next amendment was, in paragraph (f), on page 25, line 1, after the word "commission", to insert "and to the office of the Consumers' Counsel", so as to make the paragraph read:

> (f) All data, reports, and other information in the possession of any agency of the United States in relation to coal shall be available to the commission and to the office of the consumers' counsel for the administration of this act.

The amendment was agreed to.

The next amendment was, in paragraph (g), on page 25, line 7, after the word "companies", to insert "or agencies"; in line 7, after the word "intermediaries", to strike out the word "or"; and in line 8, after the word "instrumentalities", to insert "or devices", so as to make the paragraph read:

> (g) The price provisions of this act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or agencies or other intermediaries, instrumentalities, or devices, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof. The commission is hereby authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make this subsection effective.

The amendment was agreed to.

The next amendment was, on page 25, after line 13, to strike out:

> (h) The commission shall prescribe the price allowance to and receivable by persons (whether or not code members) who purchase coal for resale, and resell it in not less than cargo or railroad carload lots; and shall require the maintenance by such persons, in the resale of coal, of the minimum prices established under this act.

And to insert:

> (h) The commission shall, by order, prescribe due and reasonable maximum discounts or price allowances that may be made by code members to persons (whether or not code members), herein referred to as "distributors", who purchase coal for resale and resell it in not less than cargo or railroad carload lots; and shall require the maintenance and observance by such persons, in the resale of such coal, of the prices and marketing rules and regulations established under this section.

The amendment was agreed to.

Mr. McNARY. Mr. President, wherein does that differ in practice from the language that has been stricken out?

Mr. NEELY. The Senator from Oregon will note that the original language is:

> The commission shall, by order, prescribe maximum discounts or price allowances.

The amendment says that:

> The commission shall, by order, prescribe due and reasonable maximum discounts or price allowances.

The modification consists of the insertion of the words "due and reasonable."

Mr. WHITE. Mr. President, the Senator will also have in mind the change in the last line. That language differs from the language in the portion stricken out.

Mr. NEELY. Yes; in that it requires the persons indicated to observe the marketing rules and regulations established by the commission.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment of the Committee on Interstate Commerce was, under the subtitle, "Unfair methods of competition", in subsection (i), paragraph 1, page 26, line 14, after the word "following", to strike out "class" and insert "classes", so as to make the paragraph read:

> UNFAIR METHODS OF COMPETITION
>
> (i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of the code:
>
> 1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided, however*, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

Mr. TYDINGS. Mr. President, this amendment comes under the heading "Unfair methods of competition." It appears from the reading of the subtitle, and paragraphs following, that an attempt has been made to write into the bill as many of the provisions of the Sherman antitrust law as is possible in order to protect the fixing of prices. Is that correct?

Mr. NEELY. That is correct.

Mr. TYDINGS. Was this language taken in part from the Sherman antitrust law?

Mr. NEELY. It was taken from that part of the act of 1935 which was not declared to be invalid by the Supreme Court.

Mr. TYDINGS. Can the Senator tell me to what extent the provisions of the Sherman Antitrust Act are absent from the present bill?

Mr. NEELY. I have not compared the bill with the Sherman Act. But, so far as practicable, the former is in harmony with the latter.

Mr. TYDINGS. As I read it, rebating and combinations to fix prices within the maximum and minimum limits are prohibited by the terms of the bill.

Without having much chance to study the bill, it appears that an attempt has been made by the authors of the bill to keep in the bill as many as possible of the Sherman Antitrust Act provisions.

Mr. NEELY. Let me add that the draftsman also endeavored to retain as much of the act of 1935 as possible without subjecting the bill to the Supreme Court's condemnation.

Mr. BARKLEY. Mr. President, while the bill does not attempt to track the language of the Antitrust Act and is not intended to do so literally, the act of 1935, from which this language is very largely copied, was intended to include those practices which are not only outlawed in the antitrust law, but which have been passed upon by the courts and have become a sort of code of fair practices under the antitrust law.

Mr. TYDINGS. I thank the Senator from Kentucky. I notice in a former part of the bill provision is made for the fixing of minimum prices. Provision is also made in certain

price-area table", on page 19, line 8, after the word

cases for the fixing of maximum prices. Therefore there is a latitude between what the minimum and maximum prices might be on coal.

Mr. NEELY. That is correct.

Mr. TYDINGS. It is my understanding, from reading these particular provisions and the other provisions, that between the maximum and minimum prices an attempt has been made to prohibit the operators from fixing prices in violation of the Sherman Antitrust Act. At least it appears that way to me.

Mr. NEELY. An effort has also been made to prevent producers from fixing prices that would be unfair to the consumer.

Mr. TYDINGS. The reason why I asked the question is that the price might be fixed at 5 cents a ton under the maximum price. If I read the bill correctly, the intention is to fix the price at a minimum price and only to employ the maximum price in the event the operators should attempt to get around the Sherman Antitrust Act provision.

Mr. NEELY. Or attempt to impose upon the public by charging unreasonable prices.

Mr. BARKLEY. Mr. President, will the Senator from West Virginia yield?

Mr. NEELY. Certainly.

Mr. BARKLEY. Of course, they would only come in contact with the antitrust law where they did that by combination or agreement, but this provision would apply to any individual operator who undertook to do such a thing.

Mr. NEELY. That is true.

Mr. WHITE. Mr. President, will the Senator from West Virginia yield for a question?

Mr. NEELY. Certainly.

Mr. WHITE. As I recall, the Federal Trade Commission Act declares unfair methods to be unlawful. It does not declare what they are, but leaves that to be determined by administrative judgment and court interpretation. Is this an exclusive enumeration of things which constitute unfair methods of competition in the coal industry? Is this an attempt to give an exclusive enumeration of the practices which would constitute unfair methods of competition in the coal industry?

Mr. NEELY. In my opinion, no. The commission might determine that practices which are not mentioned in the bill are improper, and consequently prohibit them.

Mr. WHITE. Is it true that under the terms of the bill there would be authority in the coal commission to declare certain things to be unfair methods of competition, and that there is also left in the Federal Trade Commission authority to determine what is or is not an unfair method of competition?

Mr. NEELY. The bill does not attempt to diminish the authority of the Federal Trade Commission, or to interfere with that agency in any manner whatsoever.

Mr. TYDINGS. Mr. President, will the Senator from West Virginia yield further?

Mr. NEELY. I yield.

Mr. TYDINGS. I think the Senator from Maine [Mr. WHITE] and I are talking about the same paragraph and perhaps we can get it cleared up.

On page 22, subsection (c) reads as follows:

(c) When, in the public interest, the commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the commission shall have the power to establish maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not yield a fair return on the fair value of the property.

The Senator from Maine and I want to know if it is the understanding of the Senator from West Virginia [Mr. NEELY] and the Senator from Pennsylvania [Mr. GUFFEY] that the coal commission will use this particular power to prohibit coal operators from fixing prices above the minimum prices which would not be in the public interest and would be in effect a violation of the Sherman Antitrust Act.

Mr. GUFFEY. The Senator from Maryland is correct.

Mr. WHITE. My question was rather directed to the language beginning on page 26, under the title "Unfair methods of competition." What I am trying to find out is whether the 12 or 13 practices which are here declared to be unfair methods of competition are an exclusive enumeration of unfair practices within the jurisdiction of the coal commission.

Mr. NEELY. In my opinion, they are not.

Mr. WHITE. Then can the coal commission declare to be unfair methods of competition other things than those mentioned here, and can the Federal Trade Commission also do the same thing?

Mr. NEELY. Undoubtedly.

Mr. WHITE. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 26.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, on page 28, after line 22, to insert:

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

It shall not be an unfair method of competition or a violation of the code or any requirement of this act (1) to sell to or through any bona-fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency to any such cooperative organization; or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by the code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.

Mr. SCHWELLENBACH. Mr. President, with reference to this amendment I should like to ask the Senator from West Virginia [Mr. NEELY] if he is willing to have an understanding with me that if by tomorrow I prepare an amendment along the lines I have discussed with him which is satisfactory to him he will agree that action on this amendment may be reconsidered. I do not desire to hold it over.

Mr. NEELY. Mr. President, I have discussed the matter to which the Senator from Washington refers with some of the friends of the bill. They think that the amendment which the Senator has suggested might, if adopted, be used by certain producers as a shelter for improper activities.

Mr. SCHWELLENBACH. I will say to the Senator from West Virginia that I asked the persons interested to prepare another amendment, and the inquiry I make is based upon the theory that that amendment will be satisfactory to the Senator from West Virginia. I am simply asking, If I do prepare one that is satisfactory, whether or not the Senator will agree that action on this amendment may be reconsidered?

Mr. NEELY. Certainly, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, beginning in line 23, page 28, and ending in line 17, page 29.

The amendment was agreed to.

The next amendment was, on page 29, line 20, after the word "board", to insert "or member thereof", so as to make the paragraph read:

(j) The commission shall have jurisdiction to hear and determine written complaints made by any code members, district board, or member thereof, State or political subdivision of a State, or the consumers' counsel, which charge any violation of the code specified in part II of this section. It shall make and publish rules and regulations for the consideration and hearing of any such complaint, and all interested parties shall be required to conform thereto. The commission shall make due effort toward adjustment of such complaints and shall endeavor to compose the differences of the parties, and shall make such order or orders in the premises, from time to time, as the facts and the circumstances warrant. Any such order shall be subject to review as are other orders of the commission.

The amendment was agreed to.

The next amendment was, on page 30, after line 17, to strike out:

SEC. 4-A. Whenever the commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the prices of coal sold by producers in transactions in intrastate commerce cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, the commission shall by order so declare and thereafter coal sold in such intrastate commerce shall be subject to the provisions of section 4 relating to prices.

And to insert:

SEC. 4-A. Whenever the commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that transactions in coal in intrastate commerce cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce in coal on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce in coal, or in any manner directly affect interstate commerce in coal, the commission shall by order so declare and thereafter coal sold, delivered or offered for sale in such intrastate commerce shall be subject to the provisions of section 4.

Mr. TYDINGS. Mr. President, the striking out of section 4 (a) as printed in the bill, on page 30, and the insertion of a new section 4 (a), on page 31, cover the same general situation. From reading the new section 4 (a), on page 31, it appears that the commission, in addition to regulating interstate commerce in coal, if it finds that prices are lower on coal in intrastate commerce, may then regulate the traffic in coal within a State. My purpose in calling this provision to the attention of the authors and sponsors of the bill is to ask if they do not feel that perhaps that provision may jeopardize the validity of the act, at least in that respect.

Mr. NEELY. Mr. President, I do not think so.

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

Mr. TYDINGS. Yes.

Mr. BARKLEY. That is practically writing into the law the principle laid down in the Shreveport case.

Mr. TYDINGS. That is true; in the railway case the same principle was applied; but, so far as I know, while the Court has applied the principle with reference to railroads, I do not think it has ever gone so far as to apply it to a commodity within a State. Perhaps I am mistaken.

Mr. BARKLEY. Probably the Court has not gone so far in the application of the doctrine to commodities as it has to the facility by means of which the commodity is transported; but Congress has the same power with respect to the commodity transported that it has with respect to the facility that transports it.

Mr. TYDINGS. That may be true; but I would disagree with the Senator from Kentucky and say that I believe the right to have control over a line of communication is a more comprehensive right than the right to have control over a commodity which may not in any stage pass over a line of communication over which Congress normally has exercised jurisdiction.

I am not criticising this provision nor the philosophy of those who sponsor it. I rise simply to point out that this provision may cause the act to be invalidated when, perhaps, without the provision the act would stand.

Mr. BARKLEY. Even according to the recent decisions of the Court, if the situation here described, based on the Shreveport case, should directly affect interstate commerce, it would still, regardless of the Shreveport case, be within the power of Congress to regulate it.

Mr. TYDINGS. I was referring particularly to the Schechter case under the N. R. A., where the chicken was traced after it got into New York commerce.

Mr. BARKLEY. But in that case the Court for the first time laid down the doctrine of the difference between direct and indirect effect on interstate commerce.

Mr. TYDINGS. The provision is on the border line. I am not criticizing it; but it seemed to me that if the commission should attempt to regulate the price of coal produced and sold within a State, perhaps it would be going a step further than the courts would sustain.

Mr. NEELY. Mr. President, I believe that the following paragraph from the opinion of the Supreme Court in the Carter case will allay the fears of the Senator from Maryland upon this point. What I am about to read is from the findings of the lower court, but it was quoted with approval by the Supreme Court:

Other findings are to the effect that such coal is generally sold f. o. b. mine, and the predominant portion of it shipped outside the State in which it is produced; that the distribution and marketing is predominantly interstate in character, and that the intrastate distribution and sale are so connected that interstate regulation cannot be accomplished effectively unless transactions of intrastate distribution and sale be regulated.

The court further found the existence of a condition of unrestrained and destructive competition in the system of distribution and marketing such coal, and of destructive price-cutting, burdening and restraining interstate commerce and dislocating and diverting its normal flow.

Mr. TYDINGS. Mr. President, in support of this contention, let me add to what the Senator has said the further thought that the power conferred by section 4 (a) is an optional power which the commission may exercise, and not a mandatory power; and it might be that the commission never would exercise this power, in which event, of course, it would not come into question.

Mr. NEELY. That is true.

Mr. WHITE. Mr. President, I desire to ask the Senator from West Virginia whether this is not one of the sections to which the Senator from Vermont [Mr. AUSTIN] wished to offer an amendment.

Mr. NEELY. Mr. President, I confess, with regret, that I do not remember the amendment which the Senator from Vermont expressed a desire to modify; but I have sent him a request to obtain an excuse from his important committee hearing, if possible, and come to the floor.

Mr. BARKLEY. Mr. President, I have here a collection of amendments offered by the Senator from Vermont. I am unable to find one which relates to this committee amendment.

Mr. WHEELER. Mr. President, with reference to section 4 (a), I desire to say that in my judgment it does go further than anything that has been decided by the Supreme Court up to the present time. However, if the philosophy of the bill is correct, and we are going to seek to do the things that it is desired to do with reference to interstate shipments of coal, and coal in general, then, in my judgment, unless the commission should be given the power to do the things described in section 4 (a), the whole bill would completely break down. In other words, so much of the coal of this country is used only in intrastate commerce that if those who produce it could break the price and cut the price of coal in intrastate commerce, and coal could be regulated only in interstate commerce, the bill would be completely ineffective.

Mr. President, while I am on my feet I desire to say just a few words with reference to another matter.

The PRESIDING OFFICER. The Senator from Montana is entitled to the floor.

CHICAGO GREAT WESTERN RAILROAD

Mr. WHEELER. Mr. President, on Thursday of last week, the senior Senator from Idaho [Mr. BORAH] presented a resolution directing the Committee on Interstate Commerce to inquire into the refusal of the trustees of the Chicago Great Western Railroad to pay certain awards made by the National Railroad Adjustment Board in favor of employees who are members of five of the standard railroad labor organizations—the Engineers, the Firemen and Enginemen, the Conductors, the Trainmen, and the Switchmen's Union of North America. The resolution came before the committee, and we are about to take it up and set it down for hearing; but I am glad to be able to report that since the Senator from Idaho introduced his resolution the trustees of the Chicago Great Western Railroad have agreed to pay the awards in full, thus ending the unfortunate

controversy. I have no doubt that the action of the Senator from Idaho in calling the matter to the attention of this body had a most wholesome influence, and contributed materially to the result achieved. In fact, I am sure it was the only thing that compelled the trustees to agree to settle on the basis on which they were justly entitled to settle.

The amount involved in this case was not great—approximately $50,000—but the principle was of major importance.

When Congress enacted the amended Railway Labor Act a few years ago, we endeavored to set up machinery which would facilitate the speedy adjustment of disputes between the carriers and their employees. The law recognizes in the most definite way the railroad worker's right to join the labor organization of his choice. It bans company-supported unions and outlaws the vicious "yellow dog" contract. Finally, it sets up what the Senator from Idaho, in his resolution, very happily described as "a supreme court for railroad labor." We may later wish to destroy all the courts; but the act sets up what is commonly recognized by the railroad employees as a supreme court for railroad labor. This is what is known as the National Railroad Adjustment Board. It consists of 36 members, 18 selected by the carriers and 18 by the standard railroad labor organizations.

When a dispute arises concerning the proper interpretation of an agreement entered into between a carrier and a union the law contemplates that the representatives of the carrier and the union shall endeavor to reach an understanding. If that proves impossible, then an appeal may be taken to this supreme court—a tribunal made up of equal numbers of representatives of the carriers and the employees—and all men thoroughly familiar with every phase of railroad work. Should that tribunal become deadlocked, a referee may be called in.

It is difficult to imagine a fairer, a saner, method of adjusting industrial disputes. That the system has worked is evidenced by the fact that there has been no serious interruption of interstate traffic since this salutary law was enacted.

The National Railroad Adjustment Board has rendered a great number of decisions. Some were in favor of the unions, and some were in favor of the carriers. As I understand, the unions in every case have accepted the verdict of the Board. In some cases the carriers have not.

Perhaps the most flagrant example of a carrier's attempt to flaunt decisions of the National Railroad Adjustment Board is to be found in this case on the Chicago Great Western. The awards were made last June and July. They involved a number of individual grievances. The employees were so clearly right that in only one instance did the Board find it necessary to call in a referee.

Nevertheless, the trustees refused to pay the awards. I am informed they even appealed to Federal Judge Charles E. Woodward, the judge responsible for their appointment. Judge Woodward made the grave mistake of advising the trustees that it was not necessary for them to pay the awards until they were instructed to do so by a court of competent jurisdiction, notwithstanding the fact that he himself was a court of competent jurisdiction. Of course, that meant a lawsuit, and the unions, very properly, in my judgment, refused to become parties to long and expensive litigation.

They held that if the awards of the National Railroad Adjustment Board were not accepted, and if carriers persisted in appealing to the courts, the elaborate system which Congress had devised for the adjustment of disputes between carriers and their employees would be weakened and possibly destroyed.

So the unions polled their members, and the members voted to strike if the trustees did not accept the awards made by the National Railroad Adjustment Board. At that point the President of the Unied States appointed an emergency board to inquire into the facts, and that board, finding the facts substantially as I have stated them, endeavored to persuade the trustees to enter into fresh negotiations with the unions' representatives.

These negotiations dragged, and a few days before the Senator from Idaho introduced his resolution the trustee suggested they would settle on the basis of 10 cents on the dollar. Of course, the unions rejected that offer, and now the trustees have paid 100 cents on the dollar.

In my judgment they paid it only because of the fact that they were threatened that an investigation into the whole matter would be taken up by the Committee on Interstate Commerce.

All through these proceedings the representatives of the unions exhibited the patience and good judgment which we have come to associate with the leadership of the standard railroad labor organizations. Sorely provoked, they might have ordered the strike which their members had authorized them to call. Had they done that, we would have had another serious industrial struggle on our hands, and all because two trustees, appointed by a Federal court, refused to comply with the letter and spirit of a law which has won such widespread approbation that even the National Association of Manufacturers—an organization noted for its opposition to trade unionism—has suggested that it might be used as a model for a Federal law to govern all industries.

I am sure we are all glad the trustees of the Chicago Great Western have retreated from their untenable position. It is to be hoped that the managements of other railroads will follow their example.

We cannot afford to permit the amended Railway Labor Act, or any of its essential features, to be weakened or destroyed by short-sighted employers who, in order to gain a temporary advantage, are willing to invite an industrial war.

Of course, we should take exactly the same attitude toward the unions should they attempt to scuttle this beneficent legislation. There is not much danger of that, however. It is to their credit that the standard railroad-labor organizations sponsored the amended Railway Labor Act—the legislation with which the country is now so pleased. I am sure they will never do anything to jeopardize the structure they assisted in erecting.

I am sure that if other industrial organizations and other unions would adopt the same methods which have been adopted by the railroad brotherhoods and the railroads, many industrial disputes, such as those from which the country is now suffering, would be avoided, and we would generally be in a very much happier and better state.

Mr. LEWIS. Mr. President, permit me to say, in connection with the remarks of the able Senator from Montana [Mr. WHEELER], that this subject matter arose in a jurisdiction which I have the honor in part to represent. When the able Senator from Idaho [Mr. BORAH] presented his resolution I assumed then to state to the Senate that I had been informed that the difference between the company, the trustees, and the men was very slight, and I felt that it could be composed, but that there was a difference as to the facts. The Senator from Idaho stated he was quite sure the resolution would give opportunity of investigation which would reveal the real facts.

Since then, while I have been in the Senate, I have been advised by the trustees and the counsel for the companies that a composure has been effected, as the Senator from Montana has just related, and I am pleased to join with him and with the officers of the company likewise in felicitations that complete peace and mutual confidence have followed between the company and its men.

Mr. WHEELER. Mr. President, I wish to say just a word. An award was made by the Board and the company offered 10 cents on the dollar in settlement of it. The President of the United States appointed a mediation board, and still the company refused to settle. It was only after a resolution was introduced in the Senate for an investigation of the situation that the Chicago Great Western finally paid the award, which had been made some time last June.

I hope that when other disputes of this kind arise the parties will settle them among themselves, following an award by the Board, regardless of whether the award is in favor of the unions or in favor of the companies, and that it will not be necessary every time, in order to get them to settle the award, to have a resolution introduced in the Senate for an investigation of the situation.

Mr. TYDINGS obtained the floor.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. I cannot let the opportunity pass without just a word of gratification over the result of this legislation, not only before the Supreme Court but in its operations throughout the country. The cause of my gratification is that it was my good fortune to introduce in the House of Representatives the bill, like one introduced in the Senate by Senator Howell, of Nebraska, and which became known throughout the country then as the Howell-Barkley bill. The railroads desperately fought the measure in the House at that session, and were able to defeat it, but at the end of the session it was suggested by Members of the House and the Senate that the railroads and their employees get together during the recess of the Congress and see whether at the next session legislation of this character might not be enacted without serious opposition.

As a result of that suggestion the railroads and their employees, after many conferences during the recess, came to an agreement on the principle of the original bill, with very slight amendments, and the bill was enacted at the next session of the Congress. It is gratifying to all those who had any hand in the enactment of the law that it has been one of the most successful laws for settling labor disputes that has ever been placed on the statute books of the United States.

It is to the credit of both the railroads and the employees that they have in most cases tried in good faith to observe the spirit of the law. We all know that the standard railway brotherhoods are among the highest class of organized employees in the United States, and the success of the law and its final justification before the Supreme Court in a unanimous decision offer hope that in the near future we may be able to work out legislation which will solve all other industrial disputes with as much efficacy and with as much peace and lack of disturbance.

Mr. WHEELER. Mr. President, I do not think the Senator from Kentucky was in the Senate when I first spoke, but he refreshes my memory. After the railroad brotherhoods and the railroads agreed upon this particular piece of legislation and both sides came before the Committee on Interstate Commerce of the Senate, the attorney for the National Association of Manufacturers came before the committee and opposed the proposed legislation, notwithstanding the fact that both sides had agreed to it. Now we find the National Association of Manufacturers lauding the law, stating that it is a good law and that it ought to be worked out in industrial organizations. I am extremely glad to see that the National Association of Manufacturers have finally seen the light and are coming to the conclusion that 'his is a good law.

Mr. BARKLEY. Mr. President, it is not out of order for even private organizations to reverse themselves, in the light of the reversals which are now in progress in public bodies.

Mr. WHEELER. Mr. President, as I have listened to some of the statements today I have been led to reflect that everybody is pleased with the decisions which were handed down by the Supreme Court on Monday, at least all those who are opposed to packing the Supreme Court are. The only ones I know of who regret that the Supreme Court decided some of these cases favorably have been some of those who have favored adding six new members to the Court. They seem to be very sorry and very sore and very sad that the Supreme Court has decided as they wanted them to decide, because it has taken from them some of their arguments.

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

Mr. WHEELER. Just a moment, and then I will yield.

Mr. McKELLAR. Mr. President——

Mr. WHEELER. As a matter of fact, the only argument Mr. Landis used before the Committee on the Judiciary, as I recall his testimony, was that he wanted to have such a Court as would decide that minimum-wage laws are valid, and that the States should be permitted to enact minimum-wage laws. That is one of the peculiar aspects of the situation. The Supreme Court has decided that the States may enact minimum-wage laws, and all the boys are going around looking sad and sorry because of that fact.

Mr. BARKLEY. Mr. President, the bitterest lamentations I have heard from anyone come from those who are opposed to the President's plan.

Mr. TYDINGS. Mr. President, I cannot yield. For once the Senator from Maryland is going to be bold enough to overrule the discussion of the Supreme Court.

Mr. McKELLAR. Will not the Senator from Maryland yield to me in order that I may say that I am glad of the Supreme Court's opinion?

Mr. BARKLEY. And will not the Senator also yield to me so that I may say I, too, am glad?

Mr. MINTON. Mr. President, my only apprehension is that Mr. Justice Roberts might backslide.

Mr. TYDINGS. I now know how the minority is going to feel.

Mr. BORAH. Mr. President, who will guarantee the six will not backslide?

REGULATION OF THE BITUMINOUS-COAL INDUSTRY

The Senate resumed the consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

Mr. TYDINGS. Mr. President, I should like to ask a questions or two of those who have charge of the bill.

The Senator from Pennsylvania [Mr. GUFFEY] and the Senator from West Virginia [Mr. NEELY] will recall that under the N. R. A. codes about 1,100 regulations were promulgated by the code authority, and provisions for punishment and fine accompanied those regulations. May I ask if it is the intention that the coal board shall likewise be in a position, without the sanction of Congress, to levy fines against violators of this proposed act?

Mr. NEELY. Mr. President, in my opinion, the commission's only authority to punish refractory operators is expressly and explicitly stated in the bill.

Mr. TYDINGS. How would they be punished? Is the penalty for the punishment fixed in the bill itself, or is the commission to be authorized to fix those punishments in accordance with rules and regulations which it may promulgate?

Mr. NEELY. The commission's power to punish is limited to the revocation of membership in the code and revocation of exemption from the taxes imposed by section 3 (b) of the bill.

Mr. TYDINGS. One more question—and these questions arise from the fact that I have not had time to read the bill other than very hastily, and I am not as familiar with it as I should like to be. As I understand, the Commission cannot fix any punishments in addition to those provided in the bill, so far as violations of provisions of the bill are concerned; and no grant of authority to make rules and regulations providing for penalties or punishments, other than those contained in the bill itself, is to be given to the commission?

Mr. NEELY. The Senator's understanding is 100 percent correct.

Mr. TYDINGS. One more question. Referring again to page 26, under the heading "Unfair Methods of Competition", there are a number of paragraphs defining what is unfair competition. I should like to ask what punishment is provided, if any, and how it is to be dealt out to potential violators of the fair-code practices.

Mr. NEELY. As previously stated, so far as the commission is concerned, punishment is limited to revocation of membership in the code, and the benefits which code members enjoy.

Mr. TYDINGS. And the assessment of a fine of $1 a ton, I believe, is provided.

On page 27, subdivision 6, it is provided that—

The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension

to persuade the trustees to enter into fresh negotiations with the unions' representatives.

favor of the unions or in favor of the companies, and that it will not be necessary every time, in order to get them to

recall his testimony, was that he wanted to have such a

to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances—

is declared an unfair method of competition. Assuming that some operator violates that particular provision, then, as I understand, the penalty is that he is to be kicked out of the association, and a fine of $1 a ton is to be imposed on the coal which he sold in violation of the code. Is that correct?

Mr. NEELY. No; not a dollar a ton. The penalty is "double" the amount of the tax specified in section 3 (b) of the bill.

Mr. TYDINGS. There is a provision in the bill fixing a penalty of a dollar a ton for coal sold under the minimum price, or at a rebate. I have not the provision at my fingers' ends.

Mr. NEELY. The penalty provision which the Commission is empowered to administer is on page 35. It is as follows:

(c) Any producer whose membership in the code and whose right to an exemption from the tax imposed by section 3 (b) of this Act shall have been revoked and canceled may apply to the Commission and shall have the right to have his membership in the code restored upon payment by him to the United States of double the amount of the tax provided in section 3 (b) upon the sales price at the mine, or the market value at the mine if disposed of otherwise than by sale at the mine.

Mr. TYDINGS. What happens when the license of the individual operator who has violated the code is suspended? Can he then operate his mine?

Mr. NEELY. Certainly he could operate, but he would be deprived of the tax exemption which code members enjoy.

Mr. TYDINGS. And he gets no refund? In other words, the penalty goes really with the tax?

Mr. NEELY. Correct.

Mr. TYDINGS. But there is nothing in the bill, so far as the Senator knows, nor have I been able to discover anything, which permits the Commission to make what are in effect criminal laws, except as specifically defined in the bill itself, as to penalties for offenses.

Mr. NEELY. The Commission cannot make criminal laws.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on pages 30 and 31 striking out section 4 (a), as printed in the bill, and inserting a new section 4 (a).

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, under the heading "Organization of the code", on page 35, line 8, after the word "of", to strike out "one and one-half times" and insert "double", and in line 24, after the word "amount", to strike out "of" and insert "to", so as to make the paragraph read:

(c) Any producer whose membership in the code and whose right to an exemption from the tax imposed by section 3 (b) of this act shall have been revoked and canceled may apply to the commission and shall have the right to have his membership in the code restored upon payment by him to the United States of double the amount of the tax provided in section 3 (b) upon the sales price at the mine, or the market value at the mine if disposed of otherwise than by sale at the mine, or if sold otherwise than through an arm's length transaction, of the coal sold or disposed of by the code member in violation of the code or regulations thereunder (but in no case shall such sales price or market value be taken to be less than the minimum price established by the commission for such coal and in effect at the time of such sale or other disposal), as found by the commission under subsection (b) hereof. The commission shall thereupon certify to the Commissioner of Internal Revenue and to the collector of internal revenue for the internal-revenue collection district in which the producer resides the amount of the required payment as found under clause (5) of subsection (b), and upon payment of such amount to the commissioner or the collector such officer shall notify the commission thereof.

The amendment was agreed to.

The next amendment was, on page 36, line 7, after the word "has", to strike out "an agent," and insert "a place of business", so as to make the paragraph read:

(d) Any code member who shall be injured in his business or property by any other code member by reason of the doing of any act which is forbidden or the failure to do any act which is required by this act or by the code or any regulation made thereunder, may sue therefor in any court of competent jurisdiction where the defendant resides, or is found or has a place of business, without respect to the amount in controversy, and shall recover threefold damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

The amendment was agreed to.

The next amendment was, in section 7, on page 40, line 14, after the word "refunds", to strike out "relating to the collection and disposition of internal-revenue taxes" and insert "applicable in respect of the taxes imposed by section 600 of the Revenue Act of 1926", so as to make the section read:

SEC. 7. All provisions of law, including penalties and refunds applicable in respect of the taxes imposed by section 600 of the Revenue Act of 1926, shall, insofar as applicable and not inconsistent with the provisions of this act, be applicable with respect to taxes imposed under this act.

The amendment was agreed to.

The next amendment was, in section 9, page 43, line 1, after the word "without", to strike out "restrain" and insert "restraint", so as to read:

SEC. 9. (a) It is hereby declared to be the public policy of the United States that—

(1) Employees of producers of coal shall have the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions through representatives of their own choosing, without restraint, coercion, or interference on the part of the producers.

The amendment was agreed to.

The next amendment was, on page 44, line 14, after the word "producers", to insert "and distributors"; in line 16, after the word "producers", to insert "or distributors"; in line 20, after the word "producer", to insert "or distributor"; in line 22, after the word "producer", to insert "or distributor"; and on page 45, line 2, after the word "producer", to insert "or distributor", so as to make the paragraph read:

SEC. 10. (a) The commission may require reports from producers and distributors and may use such other sources of information available as it deems advisable, and may require producers or distributors to maintain a uniform system of accounting of costs, wages, operations, sales, profits, losses, and such other matters as may be required in the administration of this act. No information obtained from a producer or distributor disclosing costs of production or sales realization shall be made public without the consent of the producer or distributor from whom the same shall have been obtained, except where such disclosure is made in evidence in any hearing before the commission or any court and except that such information may be compiled in composite form in such manner as shall not be injurious to the interests of any producer or distributor and, as so compiled, may be published by the commission.

The amendment was agreed to.

Mr. NEELY. Mr. President, the Senator from Arkansas [Mr. ROBINSON] has an amendment which he wishes to offer, to which the sponsors of the bill have no objection. I ask unanimous consent that the amendment may be considered at this time.

Mr. McNARY. Mr. President, I am not advised as to the attitude of some of the Members on this side of the Chamber who desire to be present when individual amendments are considered.

Mr. ROBINSON. Mr. President, I desire to make a statement regarding the amendment. The amendment which I should like the privilege of offering now, because it is not certain that I can be here tomorrow, is on page 8, line 10, to strike out all after the word "tax", down to and including the word "coal" in line 15, page 8, and to insert in lieu thereof the following: "of 1 cent per ton of 2,000 pounds."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 8, line 10, it is proposed to strike out all after the word "tax" down to and including the word "coal", on page 8, line 15, and to insert in lieu thereof the following:

Of 1 cent per ton of 2,000 pounds.

Mr. ROBINSON. The purpose of the amendment, as I conceive it, is to make more equitable and satisfactory arrangements with regard to the tax. It levies the tax on the quantity of the product.

Mr. BARKLEY. The effect, if the Senator will yield, is to make a straight tax of 1 cent per ton instead of having one-half of 1 percent of the sale price, whatever the sale price may be.

Mr. ROBINSON. Yes. It levies the tax on the quantity of the product rather than on its price.

Let me say, in support of the amendment, that, according to my information it is acceptable to the proponents of the bill and to all parties who are directly interested in the bill. So I ask that the amendment may be considered now, in order that I may be able to be absent a part of the time tomorrow, if it shall be found imperative for me to do so.

The PRESIDING OFFICER. Is there objection to considering at this time the amendment offered by the Senator from Arkansas? The Chair hears none, and the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment of the Committee on Interstate Commerce was, in section 10, paragraph (c), page 45, line 13, after the word "producer", to insert "or distributor"; in line 16, after the word "for", to strike out "thirty" and insert "fifteen"; in line 17, after the word "producer", to insert "or distributor"; in line 18, after the words "sum of", to strike out "$50" and insert "$100"; in line 23, after the word "producer", to insert "or distributor", so as to make the paragraph read:

(c) If any producer or distributor required by this act or the code or regulation made thereunder to file a report shall fail to do so within the time fixed for filing the same, and such failure shall continue for 15 days after notice of such default, the producer or distributor shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the producer or distributor has his principal office or in any district in which he shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeiture.

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to insert a new paragraph, as follows:

(d) Any person, firm, or corporation or other entity who shall knowingly purchase coal from any code member in such manner that the sale of such coal constitutes a violation of the code on the part of such code member shall be deemed guilty of a misdemeanor and upon conviction thereof shall suffer a fine not exceeding $1 for each ton of coal so purchased.

The amendment was agreed to.

The next amendment was, on page 46, after line 10, to strike out:

SEC. 12. Any combination between producers creating a marketing agency for the disposal of competitive coal in interstate commerce at prices to be determined by such agency or by the agreement of the producers operating through such agency, shall be unlawful as a restraint of interstate trade and commerce within the provisions of the act of Congress of July 2, 1890, known as the Sherman Act, and acts amendatory and supplemental thereto, unless such producers have accepted the code provided for in section 4 and shall comply with its provisions and unless such marketing agency shall have been approved by the commission after a finding that such agency will not operate to impose undue restrictions on competition.

And in lieu thereof to insert:

SEC. 12. Any combination between producers creating a marketing agency for the disposal of competitive coals in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency, or by the agreement of the producers operating through such agency, shall, after promulgation of the code provided for in section 4, be unlawful as a restraint of interstate trade and commerce within the provisions of the act of Congress of July 2, 1890, known as the Sherman Act, and acts amendatory and supplemental thereto, unless such producers have accepted the code provided for in section 4 and shall comply with its provisions.

Subject to the approval of the commission, a marketing agency may, as to its members, or such marketing agencies may, as between and among themselves, provide for the cooperative marketing of their coal, at prices not below the effective minimum prices nor above the effective maximum prices prescribed in accordance with section 4: *Provided*, That no such approval shall be granted by the commission unless it shall find that the agreement under which such agency or agencies propose to function (1) will not unreasonably restrict the supply of coal in interstate commerce, (2) will not prevent the public from receiving coal at fair and reasonable prices, (3) will not operate against the public interest, and (4) that each such agency and its members have agreed to observe the effective marketing regulations and minimum and maximum prices from time to time established by the commission and otherwise to conduct the business and operations of the agency in conformity with reasonable regulations for the protection of the public interest, to be prescribed by the commission.

The commission may, by order, upon complaint of any code member, district board, or member thereof, any State or political subdivision thereof, the consumers' counsel or any other interested person, or on its own motion, suspend or revoke its prior approval of any such marketing agency agreement upon finding that the regulations and orders of the commission or the requirements of this section have been violated. Unless and until the approval of the commission is suspended or revoked, neither the agreement creating such marketing agency nor any agreement between such agencies, which has been approved by the commission, nor any act done in pursuance thereof, by such agency or agencies, or the members thereof, and not in violation of the terms of the commission's approval, shall be construed to be within the prohibitions of the antitrust laws of the United States.

Mr. BORAH. Mr. President, I should like to invite the attention of the Senator having charge of the bill to the amendment beginning on page 46, after line 23, inserting a new section 12, reading in part:

SEC. 12. Any combination between producers creating a marketing agency for the disposal of competitive coals in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency, or by the agreement of the producers operating through such agency, shall, after promulgation of the code provided for in section 4, be unlawful as a restraint of interstate trade and commerce within the provisions of the act of Congress of July 2, 1890, known as the Sherman Act, and acts amendatory and supplemental thereto, unless such producers have accepted the code provided for in section 4 and shall comply with its provisions.

It seems to me that the words "unless such producers have accepted the code provided for in section 4 and shall comply with the provisions" should be stricken out. As the bill now reads it provides that if the producers sign the code they may violate the Sherman Antitrust Act.

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

Mr. BORAH. I yield.

Mr. TYDINGS. Further than that, would not the situation occur that one part of the people would be subjected to a criminal law and another part of the people would be exempted from it, and that would call the law in question?

Mr. BORAH. I think that is true; but, as I read the amendment—and I think I am correct in my construction of it—it is proposed to exempt those who join the code from the operation of the Sherman antitrust law, or within the construction of the Sherman antitrust law. If those who join the code should in any respect violate the Sherman antitrust law, they should not be exempted from the operation of the law; and I do not think we could exempt them. I do not want the antitrust law emasculated or repealed. I do not want a portion of the people amenable to the law and another portion not.

Mr. WHITE. Mr. President, I take it, from what I have heard of the discussion of this bill, that that is precisely what the proponents of the measure intend and what they have accomplished by this language if it can be accomplished.

Mr. NEELY. Mr. President, to strike out the language indicated by the able Senator from Idaho would, in my opinion, mean the destruction of section 4, which is vital to the bill.

Mr. BORAH. I do not think so. I did not have any idea that it would have that effect.

Mr. BARKLEY. Section 4, beginning at the bottom of page 10, sets out what shall be contained in the code.

Mr. BORAH. Yes.

Mr. BARKLEY. And the code sets out what can and what cannot be done. If we strike out the language on page 46, which applies to marketing agencies that may be recognized by the coal commission, we would make it impossible for section 4 to be operative. It would be impossible to get any such agencies to agree to operate as agencies if they were to be subject to prosecution under the antitrust law.

Mr. BORAH. Yes; exactly. I am not proposing to strike out all of section 12; I am proposing to strike out only the words "unless such producers have accepted the code provided for in section 4 and shall comply with its provisions."

Mr. BARKLEY. That would accomplish the very thing we are talking about, because the language in that amendment prior to that line makes the acts set forth unlawful under the Sherman Antitrust Act unless the parties have signed the code, whereas in the event they have signed the code the particular things specified do not become unlawful under the Sherman Antitrust Act. If we strike out that language, we might as well strike out section 4.

Mr. BORAH. Leaving the Sherman antitrust law on the books unrepealed and unmodified, how can we say that anybody shall be exempt from the operation of the law?

Mr. BARKLEY. I think we can say that those who sign the code and comply with its provisions, without which there might be a possibility of violation of the antitrust law, and who operate under it, may be lifted out from the provisions of the Antitrust Act.

Mr. BORAH. What would happen is that we would have the Sherman antitrust law in operation and binding all the people of the United States except those who would be members of this code. It is not proposed to repeal the Sherman antitrust law by any provision of this bill?

Mr. BARKLEY. The bill sets out, somewhat in detail, in section 4, which provides for the code, provisions that are somewhat similar, although in different language, to those of the antitrust law itself. The marketing agencies which are recognized and set up in this bill, if they operate together, might be said technically to violate the antitrust law. After having set up a code under which they must operate, the violation of which would result in a penalty in the matter of the tax and in other ways, the bill provides that if they comply practically with the provisions of section 4, which are, in a form, a rewriting of the Antitrust Act, then they shall not be subject again to the provisions of the Antitrust Act as written.

Mr. BORAH. If section 4 is in conflict with the Sherman antitrust law, then, insofar as it is in conflict with that law, it repeals the Sherman antitrust law. The latter statute would repeal the former law if it were in conflict with the former law.

I do not think section 4 is in conflict with the Sherman antitrust law. It undertakes to provide that certain things shall constitute unfair competition, but those things which it says shall constitute unfair competition are not in conflict with the Sherman antitrust law, but in harmony with it, in my judgment; and I assume they are put in there for the purpose of making it definite and certain as to what the Sherman antitrust law is considered to be. If we put in the bill a number of provisions which repeal the Sherman antitrust law, then we have repealed it pro tanto for the entire United States. We cannot repeal it for John Doe and leave it operative as to Richard Roe. I shall look more carefully at section 4. But if it conflicts with the antitrust laws it is highly important to know what we are doing.

Mr. WHITE. Mr. President——

Mr. BORAH. I yield to the Senator from Maine.

Mr. WHITE. I think whatever can be done as a matter of law, it is perfectly clear what the proponents of this measure are undertaking to do. They have undertaken to provide that a group of corporations shall subject themselves to a code, to particular provisions of law, which are entirely apart from and have no application to all the other citizens of the United States, and that to those who join the code and subject themselves as code members to rules and regulations, which have the force of law under this bill, the provisions of the Antitrust Act shall not apply. It is said that the provisions of the Antitrust Act shall apply to them unless they join the code and subject themselves to the provisions of the code. Whether they can do it or not may be a matter of discussion, but that is unquestionably the purpose of the proponents of the bill.

Mr. BORAH. I do not think the law can be suspended. We must either repeal it or change it, or it binds the people throughout the country. We cannot suspend its operation as to certain people. In my opinion that is a thing that cannot be done. At least it ought not to be done.

Mr. TYDINGS. Mr. President, I should like to suggest, while it may not be an entire cure for the point raised by the Senator from Idaho, that if it were to read, "Any combination between producers, except that provided for in section 4, creating a marketing agency for the disposal of competitive coals" and so forth, it would to some extent relieve the objection which he raised. In other words, if the exception in section 4 were inserted after the word "producers", on page 46, line 24, so it would read, "Any combination between producers, except as provided in section 4, creating a marketing agency for the disposal of competitive coals" and so forth, every producer would come under section 4 and have to subscribe to certain fair-trade practices. I think that would materially reduce the objection. Does the Senator from Idaho think likewise?

Mr. BORAH. I think it would mollify it.

Mr. TYDINGS. In other words, instead of qualifying the whole Sherman Antitrust Act at the end of the paragraph and then making certain exceptions, it would read: "Any combination between producers, except as provided in section 4, creating a marketing agency", and so forth. This would bring the result which the sponsors of the bill desire without excepting anybody from the Sherman Antitrust Act.

Mr. BORAH. Then the language at the end of the paragraph should be stricken out:

Unless such producers have accepted the code provided for in section 4 and shall comply with its provisions.

Then nobody would be exempted from the provisions of the code in a general way.

Mr. BARKLEY. The language in the first paragraph of section 12 is carried over from a bill passed in the last Congress. The following part of that amendment provides that with the permission of the commission marketing agencies may be set up and with the permission of the commission more than one producer may be permitted to use the same marketing agency under certain circumstances.

Mr. TYDINGS. I quite appreciate that, and that is what I am trying to work out. The Senator from Idaho brought out the point that the Sherman antitrust law in this case would be a criminal statute which would apply only to certain people. In view of the fact that the Senator from Kentucky [Mr. BARKLEY] has pointed out that these combinations can go on if they conform to certain trade practices which are already covered by the Sherman antitrust law, if the exception is made after the word "producers" instead of at the end of the paragraph, the Sherman antitrust law would still stand on the books, but those who comply with its provisions as set forth in section 4 would have the right to engage in the marketing and sale of coal as provided in this bill.

Mr. BARKLEY. As the antitrust law stands now, any such cooperation between producers or among producers who have the same marketing agency for the sale of their coal might be technically a violation of the antitrust law. The commission cannot permit them to use the identical marketing agencies unless they have become code members and have agreed to the code under which their transactions are regulated. If it is desired to provide in this bill that coal producers may, with the permission of the commission, use the same agency for the sale of their coal, under circumstances which the law presumes would be justified, and at the same time leave the antitrust law in effect so that such use and such cooperation would be regarded as a violation of the antitrust law, then we have nullified one of the main purposes of the bill.

Mr. BORAH. The Senator will recall the Appalachian Coal case in which the Supreme Court held that just such an agency as prescribed here was not within the Sherman antitrust law.

Mr. BARKLEY. It was not within it in that particular case, but it depended on the circumstances and practices involved in that case. It might not be identical as to marketing agencies, and they might not operate in the same fashion.

Mr. BORAH. If that is the desire of the Senator from Kentucky, why not say that the condition which is described in this language in the bill shall not be regarded as within the terms of the Sherman antitrust law?

Mr. BARKLEY. I am not particular about the language except that I do not want to try by this measure to hold out the hope that the coal producers may use the same agencies in a cooperative way for the disposition of their coal under terms that are agreed to by a commission which is supposed to be a public body and representing the public as well as the producers and miners, and then find that if they comply with that rule and abide by it they are at the same time guilty of a violation of the antitrust law.

Mr. BORAH. I cannot forget that when the bill first intruded its presence into this body it repealed the Sherman antitrust law as to coal, and, in my opinion, that is what is being accomplished here. It ought to be said in plain terms that the Sherman antitrust law is modified or repealed to a certain extent so that the people may act accordingly. There are other sales agencies than those relating to coal.

Mr. BARKLEY. This provision applies only to sales agencies for coal, and, even though it could be construed to repeal the antitrust law, it would only repeal it insofar as it applied to the coal industry, insofar as it applied to code members of the industry. It would have no effect whatever on the coal producers who were not members of the code.

Mr. BORAH. The Senator, of course, agrees that has the effect of taking the coal dealers of the United States from under the provisions of the Sherman antitrust law, while all other business people of the United States remain under the Sherman antitrust law.

Mr. BARKLEY. Yes; and even coal dealers and coal producers who would not come under the terms of the bill would still be under the provisions of the antitrust law. The language is supposed to be sufficiently comprehensive to affect the interests of the people sufficiently to do no harm by lifting the code members out from under its provisions.

Mr. BORAH. We must admit that what we are doing is to provide a different trust law for the coal operators and producers of the United States than we provide for all other people in the United States. It seems to me that is precisely what we are asked to do. I do not want to do that. Perhaps I cannot prevent it, but I must record my protest against placing a part of the people of the United States under the operations of a drastic law, while the rest of them, if they do a certain thing which is provided by the bill, may not be guilty of a violation of the law.

Mr. McKELLAR. Mr. President, if the Senator will yield, does he not think the transportation of language as suggested by the Senator from Maryland a few moments ago would effect the purpose he desires? It seems to me it would.

Mr. BORAH. Has the clerk the language?

The PRESIDING OFFICER. The amendment suggested by the Senator from Maryland will be stated.

The CHIEF CLERK. On page 46, line 24, after the word "producers", it is proposed to insert "except as provided for in section 4"; and on page 47, line 8, after the word "thereto", it is proposed to strike out "unless such producers have accepted the code provided for in section 4 and shall comply with its provisions."

Mr. BORAH. Will the clerk be kind enough to read the committee amendment as it would read with that amendment adopted?

The PRESIDING OFFICER. The clerk will read, as requested.

The CHIEF CLERK. As proposed to be amended, section 12 would read:

Any combination between producers, except as provided for in section 4, creating a marketing agency for the disposal of competitive coals in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency——

Mr. BORAH. That is sufficient.

Mr. TYDINGS. Mr. President, I desire to offer a perfecting amendment. I should like to strike out "section 4" and say "except as provided herein", so that in the event the code is in some other part of the bill the same result will be attained.

Mr. BARKLEY. Why not say "in this act"?

Mr. TYDINGS. Very well; "in this act."

Mr. BORAH. Mr. President, if it will not too greatly inconvenience the proponents of the bill, I should like to have an opportunity to go back and analyze section 4, where these exceptions are provided for, by tomorrow morning.

Mr. NEELY. Mr. President, there is no objection to this amendment going over until tomorrow morning.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. TYDINGS. May I ask if the amendment is the pending business?

Mr. BORAH. It is.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, in section 17, page 51, after line 17, to insert:

(e) The term "marketing agency" shall include any association of coal producers or any corporation or other joint enterprise whose stockholders or members are coal producers, which association, corporation, or other joint enterprise exercises the functions of marketing or distributing coal.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, subsection (f) of section 17 is one of the committee amendments to which the Senator from Vermont [Mr. AUSTIN] has offered an amendment; and I, therefore, suggest that subsection (f) go over until tomorrow.

The PRESIDING OFFICER. Without objection, the amendment designated as subsection (f) will be passed over. The clerk will state the next amendment of the committee.

The next amendment was, in section 17, page 52, after line 3, to insert:

(g) The term "antitrust laws of the United States" shall include the act of Congress of July 2, 1890, known as the "Sherman Act", and the act of Congress of October 15, 1914, known as the "Clayton Act", and acts amendatory and supplemental thereto.

The amendment was agreed to.

The next amendment was, in section 20, page 53, line 11, after the word "hereby", to strike out "authorized to be appropriated for the administration of this act" and insert "transferred and made available for the uses and during the periods for which appropriated, in the administration of this act by the National Bituminous Coal Commission and the office of the consumers' counsel herein created", so as to make the section read:

SEC. 20. (a) The Bituminous Coal Conservation Act of 1935 is hereby repealed, but such repeal shall not be effective until the consumers' counsel and a majority of the members of the Commission have been appointed.

(b) There is hereby authorized to be appropriated from time to time such sums as may be necessary for the administration of this act. All sums heretofore or hereafter appropriated or made available to the National Bituminous Coal Commission and to the consumers' counsel of the National Bituminous Coal Commission established under the Bituminous Coal Conservation Act of 1935 are hereby transferred and made available for the uses and during the periods for which appropriated, in the administration of this act by the National Bituminous Coal Commission and the office of the consumers' counsel herein created.

(c) The records, property, and equipment of the National Bituminous Coal Commission and the consumers' counsel, respectively, established under the Bituminous Coal Conservation Act of 1935 are hereby transferred to the commission and the consumers' counsel, respectively, established under this act.

The amendment was agreed to.

The next amendment was, under the heading "Annex to act—Schedule of districts", on page 60, after line 12, to insert "All coal-producing counties in California", so as to make the paragraph read:

NEW MEXICO

District 16. The following counties in New Mexico: Grant, Lincoln, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro.

The following counties in Arizona: Pinal, Navajo, Graham, Apache, Coconino.
All coal-producing counties in California.

The amendment was agreed to.

The PRESIDING OFFICER. That concludes the committee amendments not passed over.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HERRING in the chair) laid before the Senate messages from the President of the United States submitting several nominations under the Works Progress Administration, which were referred to the Committee on Appropriations.

(For nominations this day received, see the end of Senate proceedings.)

REPORT OF A COMMITTEE—POSTMASTER AT OSWEGO, N. Y.

The PRESIDING OFFICER. Reports of committees are in order.

Mr. McKELLAR. From the Committee on Post Offices and Post Roads I report back favorably the nomination of a postmaster in the State of New York and, at the request of the New York Senators, ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the nomination.

The legislative clerk read the nomination of James H. Mackin to be postmaster at Oswego, N. Y., in place of R. W. J. Mott.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the nomination? The Chair hears none, and, without objection, the nomination is confirmed.

Mr. McKELLAR. I ask that the President may be notified of the confirmation of the nomination.

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

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of Floyd Sharp to be State administrator in the Works Progress Administration for Arkansas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

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

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until tomorrow, Thursday, April 1, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 31 (legislative day of Mar. 29), 1937

WORKS PROGRESS ADMINISTRATION

John K. Jennings, of Indiana, to be State administrator in the Works Progress Administration for Indiana, vice Wayne Coy, resigned.

Carl Watson, of Ohio, to be State administrator in the Works Progress Administration for Ohio.

W. J. Jamieson, of Arizona, to be State administrator in the Works Progress Administration for Arizona.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 31 (legislative day of Mar. 29), 1937

WORKS PROGRESS ADMINISTRATION

Floyd Sharp to be State administrator in the Works Progress Administration for Arkansas.

POSTMASTERS

NEW HAMPSHIRE

Leon H. Watt, Goffstown.

NEW YORK

James H. Mackin, Oswego.

SOUTH DAKOTA

Glen G. Lounsbery, Centerville.
Ruth B. Vernon, Fort Meade.
William W. Brady, Marion.
Walter H. Fergen, Parkston.
Ole Peterson Ronning, Valley Springs.
Bernard F. Moran, Woonsocket.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 31, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Lord and Master, bow down Thine ear and let us breathe our prayer to a patient, loving Heavenly Father. We pray that these moments may not be shadowed by a passing cloud of doubt. Thou wilt keep him in perfect peace whose mind is stayed on Thee. May we ponder this promise and revalue it in our hearts. The still, small voice is more commanding than the sound of many trumpets. Give us strength to master temptations and subdue fears. Bridge our faults and forgive our failures. Let Thy will be done; so often our wills are blind and erring and Thine is infinite in wisdom. O Lord God, make us worthy to come and go before our people as cleansing, uplifting forces for goodness; saturate us with balanced understanding, pulsating with light and brimming with a cheerful, joyous outlook. Bless our broad and growing country. May our national life be a song, a poem of human brotherhood, and free from unwelcome strife. We pray that all homes may burst into higher forms and glow in richer colors. In the name of our Savior. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1397. An act to create a Federal Crop Insurance Corporation, and for other purposes.

PUBLIC POWER BLOC MEETING

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I wish to say to the members of our public power bloc that we are going to have a meeting on Friday night at 7:30, in room 356 of the old House Office Building, which is the Veterans' Committee room, at which time we will be addressed by Dr. R. H. Montgomery, of the University of Texas, a man who has put in more time studying the power question and the utilities question generally, and probably has more information on the subject

than any other man in private life in America. I invite every Member of the House, including the Members of the minority, to be present.

THE COMMITTEE ON THE JUDICIARY

Mr. O'BRIEN of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during sessions of the House for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. DUNN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point by including therein a joint resolution which I have introduced today.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The matter referred to follows:

Joint resolution proposing an amendment to the Constitution in relation to the power of the Federal and State courts to pass on the constitutionality of certain Federal statutes, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States:

"ARTICLE —

"SECTION 1. No court of the United States, or of any State, shall declare unconstitutional or void any law passed by at least 60 percent of the Members of each House of Congress and approved by the President. All laws of the United States so enacted and so approved shall remain in full force and effect throughout the United States until similarly repealed or amended by a future session or sessions of the Congress and the President, or until vetoed or repudiated by the people through referendum vote.

"SEC. 2. Congress shall enact referendum election laws in order that the people of the various States may vote upon such acts of Congress."

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing in the Appendix thereof a radio speech delivered by me last Saturday night.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE LEGISLATIVE APPROPRIATION BILL, 1938

Mr. DOCKWEILER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5966, with Mr. LUCAS in the chair.

The Clerk read the title of the bill.

Mr. POWERS. Mr. Chairman, I yield 40 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

THE MARCH OF TIME

Mr. GIFFORD. Mr. Chairman, about a year ago I made certain remarks on this floor, taking as my theme the familiar phrase "Time marches on." In the intervening 12 months time has continued to march at a fast tempo, and certain men and events have moved furiously and far with it.

I now ask you to review some of those events with me, since the happenings of the present and the prospects for the future can always best be judged and measured by the events of the past.

In the days which preceded the election last November the most skillful spellbinder and politician that this country has probably ever known successfully persuaded the people that the New Deal was a great success and that he had saved the Nation from the actual chaos and ruin which he pictured as having existed at the time he took office on that much-mentioned March 4, 1933. In his harangues he assured the voters that the Nation had previously been under the complete control of business monopoly, financial monopoly, speculators, selfish and unscrupulous bankers, class antagonism, sectionalism, and war profiteers. He declared that in him these forces had met their match, and that they would, if he were reelected, meet their master. They were, he asserted, unanimous in their hatred for him, and he boldly declared, "I welcome their hatred." This appeal held the masses spellbound, as always, seemingly, does this age-old appeal. And all these challenges and assertions were uttered in a radio voice matchless for its diction and persuasive appeal. Forgotten or ignored were most of the views which he had held, most of the promises which he had made during the campaign 4 years previous. They had served their purpose and been discarded. Ignored was the fact that his acts had been in almost complete negation of the expressed views and pledges which had swept him into office previously. New lurking dangers were conjured up and millions were convinced that they existed, even though they had not previously even imagined their existence.

He called the "roll of honor" of those who had stood with him 4 years before, conveniently forgetting, however, certain rather notable recalcitrants. Soon, as he doubtless expected, millions more were to be added to that honor list—millions who had received assistance, at enormous cost to the Federal Treasury. On this additional roll were to be countless home owners, who had received at least temporary relief by a transfer of their mortgages to the Government; a host of farmers, who had been given billions in largesses and actually paid to remove land from production; millions who had directly or indirectly benefited by payments for so-called made work.

He found in the accomplishments, through which this new honor roll had been created, a cause for boasting, but ignored the fact that he had also piled up evidences of national debt—which he had himself so severely criticised in 1932—to the staggering amount of $13,000,000,000, of which less than two billion is actually recoverable. I would remind you that these evidences of debt can properly be called by no other name than postponed taxes.

However, he was swept back into office with such a majority that perhaps it is small wonder that he seems now to have lost his power to restrain himself.

Time marches on. Following the election, the Congress convened early in January. The President appeared in person to deliver his message. He spoke persuasively, as always, but in terms which were widely described as vague and general. There was less of the prima donna in it. He thanked the Congress for its cooperation during the previous 4 years. Inwardly he must have been chuckling when he said that. Of course, no fully informed person could have claimed that during that period the Congress was other than a rubber stamp approving all suggestions. He requested—and unquestionably expects—that this kind of cooperation be continued. He painted a glowing picture of the needs of additional slum clearance, the creation of new opportunities for recreation and culture, further rehabilitation of the farmers, and the ownership of land by tenant farmers, and continued large contributions for work relief to the needy. Many of these utopian objectives were, of course, commendable per se. Yet he failed to mention the more and more billions which would have to be provided by the Treasury and, eventually, by the Nation's already overburdened taxpayers in order to accomplish these aims.

He expressed a desire to control overproduction, underproduction, and speculation; but more utopian ideals which could be achieved, if at all, only by further huge subsidies. All this occurred less than 3 months ago, at which time he must have known, or should have known, that the destructive forces of inflation, due largely to the huge borrowings already made, were creating an immediately dangerous condition.

At this point I call attention to the gentleman from Virginia [Mr. WOODRUM]. The greatest eulogy ever pronounced on a human being was perhaps pronounced by him, and yet he carefully informed the President that probably future cooperation was not to be had. It was a marvelous speech, and I congratulate the gentleman from Virginia. Few could have made it, and he did it splendidly; but I think the message that he intended to convey to the President was unmistakable. We shall hold the gentleman to it.

At the same time he made merely a broad hint that only "an enlightened view with reference to the Constitution" was needed. There was nothing in that statement to cause alarm to anyone, and it left the Nation wholly unprepared for the bombshell which was to be thrown so soon after. We felt that he was still of the same mind that he had seemingly been last November and that he had then been sincere in his declaration that only a clarifying amendment would be sought should that be found necessary.

Perhaps part of the fault was ours. We should have read behind that broad smile of confidence, bred of the mandate given him in reelection. We should have applied the yardstick of very recent history to his statement, and borne in mind the fact that for the 4 years just ended we had not had a government of the people or by the people, but merely "for" the people. It should have been obvious to us by that time that, in his mind, a government "for" the people as conceived and carried out by him constitutes the real democracy. One may compare it with the phrase employed by Mussolini, "If by democracy you mean government for, and in the interests of, the people, then our system—and ours alone—is truly democratic."

Doubtless there are such conceptions of democracy; honest ones. But they are not those of our forefathers who created our form of government.

Time marches on.

A few days later the Budget message was sent up to us. It created widespread interest for it evidenced the fact that the President now had a $7,000,000,000 Government permanently established. That Budget message revealed that, due to the large revenues from imposts on liquor—acquired during his administration—and many other new forms of taxes imposed during that period, the national receipts might reach a total of seven and three-tenths billions in the fiscal year of 1938. However, it likewise made certain that—if further relief funds were to be appropriated to the amount of one and one-half billions, as suggested—the minimum necessary—and all or any of his proposed new ventures were to be financed, another large deficit was certain. And certainly no provision was made for even the beginning of the reduction of the present enormous debt.

Apparently there was a ready acknowledgment of the fact that all which had been done had failed miserably to solve the problem of unemployment, or even materially to reduce the number of the unemployed. But it came to the people of the Nation as a great shock to learn the plain and unpleasant truth that not only would the present oppressively high taxes continue to prevail, but that they must be further increased.

Although business ratios had returned to nearly normal, there was no encouraging suggestion forthcoming that we might now begin to save something against another possible depression. Rather we were told that the Government expenses would now remain constant, at this new high point. The recently recruited huge army of Federal job holders seems now to be a permanent organization, to be paid by the contributions of the helpless, hapless taxpayers.

Nothing changes the affections like an empty treasury or pocketbook and I here call the attention of your Commander in Chief, when you have no more money as was suggested by the gentleman from Virginia [Mr. WOODRUM] yesterday, to the old illustration. After having been married for 4 years the husband said, "There was something about me that you did like, wasn't there?" "Yes", she replied, "there was." And he said, "Yes, I know it, but I have spent it all."

Time marches on.

Shortly thereafter another message, containing the greatest demand of individual power ever made on the Congress by any Chief Executive and fraught with most serious consequences, came up in the form of the Brownlow report, so-called. It contained what is, in effect, a demand that the Executive should have an absolutely free hand in the expenditure of governmental funds by the abolition of the office of Comptroller General, the one official heretofore representing the control of Congress over the funds appropriated by it.

COMMENT ON WOODRUM REMARKS

This report also suggests that the President should have full authority to do exactly as his own will and desires may dictate with all independent commissions and other similar governmental agencies. The suggestion of such a surrender of absolute power by the Congress to the Executive is not only untenable but there are the gravest doubts as to the constitutionality of such a procedure. That is, if we are to continue to live under the Constitution as America has known it.

The gentleman from Virginia [Mr. WOODRUM]—and I congratulate him—said yesterday:

> The Comptroller General is an agent of the Congress and under no circumstances should this House ever consent to weaken or disarm the agency of the Comptroller General of the United States.

And that is the chief thing the President asked for in the Brownlow report.

While corrective measures are, from time to time, desirable and necessary and there is unquestionably a great deal that should be done, it would be a highly dangerous proceeding for the Congress to hand over such absolute power to act in this matter to an Executive who has shown himself to be so careless of expenditures—and of his own earlier promises to reduce governmental bureaus and commissions. We know how such agencies have been spawned during the past 4 years.

When the Members of Congress are fully awakened to what this proposal really means, even those who are now primarily stirred up by the President's Supreme Court proposal are likely to exclaim, "We ain't seen nothing yet."

Time marches on.

Now another message is received by the Congress, accompanied by a letter from the Attorney General. Therein appeared the startling allegations that at least six of our Supreme Court Justices were afflicted with hardening of the arteries; that they were living wholly in the past and were hence unable to visualize the present or explore the future. It was further alleged that the Court was behind in its work and that more and younger members were needed in order that the docket might be cleared. This latter claim by the Attorney General, at least, has already been amply refuted and it is now generally accepted that the Court is fully abreast of its work.

This arrogant demand that he be allowed to pack the Supreme Court staggered the Nation.

Hosts of his former supporters roar their disapproval. Does he hear? Will he be deterred from this madness?

No man could accept, no man can resign without suspicion of predetermined opinions and subservience to the appointing power. No Justice could now resign and retain respect.

Time marches on.

And now comes the famous $100-a-plate dinner. Once more loyal Democrats were assessed heavily for the plums which had been handed them. There, surrounded by idolatrous friends and hopeful partisans, the President rose to remarkable heights of oratory. The mask fell off entirely. His long-pent-up hatred for the Supreme Court burst forth in fury. Others before him have yielded to the intoxication of rhetorical moments, spurred on by applause. So it was now with him. However, when his words were later read by the cool light of reason, and carefully analyzed, many a reader decided that the whole speech should properly be consigned to the wastebasket labeled "balderdash."

A host of even his warmest friends realized that, although the dust bowl might be blowing now, that although the floods might be upon us now, that although many of our people might still be ill clad, ill fed, and ill housed now, still all these regrettable things had no real connection with the Supreme Court. It would be no more illogical to assert that the President himself was personally responsible for all those things—floods, destruction, ruin. Has he not been in power while they were occurring? We cannot forget that a former President was blamed, by many, as personally responsible for America's share in a world-wide depression, which was as much due to economic forces as these newer catastrophes have been caused by natural ones.

Certainly they cannot, with propriety, be used as an excuse for the rape of our Supreme Court, now the one coordinate part of the Federal Government which has, throughout our history, been held in almost unswervingly high regard by the American people. History records that the criticism of Presidents and of the legislative body has been frequent and often bitter. But only in the rarest instances have the people themselves expressed fears regarding their Supreme Court. Disrespect for law is the father of anarchy. Law is not a static thing. It is essentially a thing of steady growth and change, but that it does this slowly makes for strength. It has well been compared to a sturdy tree which spreads its branches protectingly in all directions. But if you try to force its growth, artificially like a hothouse plant, you will assuredly get a spindling thing, without vigor, without power to endure.

This President of ours will undoubtedly go down in history as one who has done much that is good—and as one who had done more harm than any other that has held that office. And the greatest injury to the Nation's "moral climate", which he has thus far occasioned, is his unwarranted attack upon the Court, since it has disturbed the confidence of the uninstructed masses in our form of government.

Then the Nation was regaled by another of the famous fireside chats. But such a storm of protest and criticism had been stirred up by the victory-dinner speech that this one was delivered in a vastly different tone. It has rightly been characterized as the "wheedling speech."

The three branches of our Government were likened to three horses plowing a furrow. But most people quickly realized which one of the three was a bucking bronco, who meant to force the other two horses to plow the furrow exactly where, exactly in the direction, and to the exact depth that he desired. He complained that any clarifying amendment to the Constitution would take a considerable time to enact. In this was a plain hint that we must act now, while the Nation has a President so capable, so intelligent, so willing, so versed in economic conditions, so brave, so strong against the forces of greed that it would be unwise to leave anything to be achieved by his successor in the office, whoever he might be.

However, this is essentially something for the Democratic Party to determine, since it is in such complete control of the Congress. It must assume full responsibility either for checking these vaulting desires for power or permitting him to carry on according to his will or whim. The Republicans cannot be charged with the responsibility and must acknowledge that they can do little except point out the dangers to our Republic and our democracy.

Time marches on.

Another astounding message came to us from Governor Eccles, of the Federal Reserve Board—the man who had endorsed and encouraged spending to get us out of the pains of deflation, but he had gone so far that even he and others of the administration startled the country by saying, "Thus far and no farther." There are to be no more borrowings, as that would be highly dangerous, and we agree with him; and in my remarks the other day I went into that matter so completely that I shall not repeat. I again appreciate the time has now arrived even when the great spenders see the danger.

Time marches on.

Anarchy is abroad in the land. Law and order and government itself are challenged by one group of our citizens. A new dictator appears on the scene, directing the lives of millions of workers by his dictates affecting the industrial life of the whole Nation. He wields more power—and wields it more ruthlessly—than ever did any so-called monarch of industry. It is a repetition of what has happened often in history. A group, once small and feeble, through a valiant and praiseworthy fight, lasting for centuries, wins its way from serfdom to freedom and gains for itself many things which it fully deserved to have. But comes the time when it has become so powerful that it feels it can make use of a reminiscent phrase regarding those whom it considers to be its opponents, "They have met their match. Now they will meet their master."

I held a picture of that ruthless dictator up before you one day here, and I asked you then, did I not, whether he appeared to you like a man to whom you could sing a lullaby?

To this group the new dictator's word is law. By their almost unanimous votes, and a campaign contribution of nearly a half a billion dollars, he had helped to elect the President last fall. He had waited for but 1 day after the inauguration to begin his demands for what amounted to payment for services rendered. At that time the President cleverly sidestepped, replying that it was "no time for headlines." Then followed the statement made by one of his own Cabinet, who must be regarded as his spokesman in the matter, who said in effect that it had not yet been determined whether a sit-down strike had a legalistic status or not. The words are equivocable, but the implication at that time and under those circumstances was unmistakable. The strikers in Michigan had still green in their memory the speech which the President made in Detroit before election. There he raised the issue of class antagonism and alined himself with labor, begging the support of its dictatorial leader. How could they have done otherwise than believe that they were now free to go to extreme lengths in an effort to accomplish their aims without having much to fear from the Federal Government?

Of late we must have been reminded of the familiar expression, "He sowed the wind; now he is reaping the whirlwind."

Industry has been forced to grant the many new demands of labor, imposed by strikes which have increased appallingly in number and extent since the year 1933, but in so doing has advanced prices and will probably make even greater, temporary, profits than before. Its leaders realize, however, that the end—an end which cannot be contemplated with equanimity—is now in sight. Collective bargaining has become generally accepted. It is certainly a necessary right of labor. But when large masses of our workers are persuaded, or commanded, to pursue their demands by methods subversive and illegal, all law-abiding citizens must anxiously await word from the President on the subject and a frank expression of his intentions in the matter. Especially should this be expected from one who claims a mandate from the people so great that he has felt justified in demanding for himself more and more power to act in every field as heretofore pointed out.

Is he lacking in courage at this critical moment?

This present silence on his part is, indeed, ominous. We have been patient during the recent days of anxious waiting, hoping that the President would ponder and make a decision. May we hope for some such courageous statement as was made under like conditions by Grover Cleveland and Theodore Roosevelt. "Democracy? Ah! It has been said—and we are beginning to realize the full significance of the statement—that if Grover Cleveland was a Democrat he was everything that this President is not. Their viewpoint and their actions are diametrically opposite on all matters of grave public importance. The President has not heretofore been lacking in courage and a readiness to challenge those who differ with him. In the present critical conditions of lawlessness—conditions acclaimed by Communists, Socialists, and others of the left wing—the President has his great

opportunity. Will he seize it? We await his decision. We can only exclaim, "Fire-side when ready, Mr. President." [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. DOCKWEILER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Chairman, if it were not for the fact that I wish to enjoy the unusual pleasure of addressing this House on a question, for which I will ask unanimous consent, I might suggest in answer to the last statement by the gentleman from Massachusetts [Mr. GIFFORD] that if Abraham Lincoln were a Republican, practically every Republican President since, except Theodore Roosevelt, has been anything else.

The thing I wanted to talk about, however, is the subject of war debts.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. When I have finished.

Mr. GIFFORD. No. Will the gentleman yield right now?

Mr. HARLAN. I cannot.

Mr. GIFFORD. Abraham Lincoln is accepted by the Republican Party.

Mr. HARLAN. I trust that will not be taken out of my time.

The gentleman from Illinois [Mr. DIRKSEN] spoke the other day on the question of war debts. I should like to talk a little bit about the proposition that he raised at that time, but before that I should like to talk a little on the subject of bargains and spending money.

Two or three centuries ago we are told that our ancestors bought Manhattan Island for two barrels of whisky. That was a pretty good bargain in those days. A little later we bought the Louisiana Purchase for 4 cents an acre. That was also a pretty good bargain. Seventy years ago yesterday we bought Alaska for $7,000,000. Will Rogers made the statement just before he died that comparing the value of Alaska with the value of Manhattan Island, the Indians were considerably overpaid.

About 17 or 18 years ago we bought at the price of $11,000,000,000 a piece of education for 130,000,000 people that was a far bigger bargain than any of those I have mentioned.* When you can teach 130,000,000 people that an amateur has no business sitting down in a poker game with no limit, with experts, you have certainly purchased some education. That is the lesson we learned at the close of the World War. At least, I hope we learned it. If we never recover a dime of that $11,000,000,000, we have made a very good purchase even as it is, because I hope that on Armistice Day from now on we have some speaker recall to our public mind just what we did when we began to tamper with European nations when they are trying to stir up trouble among themselves.

That has evidently persuaded us that we must preserve our neutrality. We have passed a neutrality bill which will undoubtedly become law, in some form or other, as an earnest endeavor to keep out of European quarrels. That, however, is going to add an additional cost to us. We cannot take the position in this world of not selling anything to any foreign country when they are engaged in war without facing the immediate possibility of other countries retaliating and refusing to sell to us in case we are involved in war. That is just one of the costs we are going to have to pay for neutrality. Self-preservation and reasonable foresight tell us to lay by stores of those things which we will need in time of war, that we do not have now, in anticipation of an international embargo against us. That is only one of the things we are going to have to pay for neutrality. I have before me a list of 23 articles that we must have in the event of war, beginning with aluminum and ending with wool. Of those 23 articles a number are nonperishable; that is, articles that can be stored and can be kept. Those articles are produced very largely among countries that are our present debtors. By our tariff policy and by our mistake in granting a moratorium, we have given European countries, particularly France, a fine excuse for not paying us anything. They say, "You put up a tariff wall that kept our goods out. You granted a moratorium to Germany without consulting us, embarrassing us financially, so that we cannot pay." Those two things are the excuses. However, weighted against these mistakes on our part we have made two great concessions to the European countries. In the first place, we cut down their amortized debt about 50 percent. That ought to be some concession for some of our mistakes. In the second place, we devalued our gold dollar, which cut it almost down half again. So that if those European countries have been wronged by our tariff policy or if they have been wronged by our adopting a moratorium against German debts without consulting France, we have certainly paid, and the thing ought to be on an even basis now.

If they have any intention of paying these debts at any time, if we can make it possible for them to do so without a serious drain upon themselves, I submit that there is no legitimate excuse that can be advanced at this time.

The gentleman from Illinois the other day suggested to this body that our tourists buy their foreign exchange in this country, and that we then should take that fund that the tourists expend in their trips abroad and allow the foreign nations to apply that on their obligations to us. He said that that would not interfere with our industries here at home, because it would not necessitate importing any commodities and it would not mean transferring any money from the foreign countries. Unfortunately, Mr. Chairman, the result of that policy would be to deprive our American exporters of $500,000,000 annually with which our American exporters are paid; so that, so far as affecting this country is concerned, it would have exactly the same effect as if we had simply bought their goods. In one case it would throw our workers out of a job if the goods were manufactured in competition with foreign importations, and in the other case it would throw our workers out of a job if they were employed in the manufacture of goods for export. Thus I cannot agree with the gentleman on that proposition.

Let us, however, return to these goods that we need in the conduct of war. We could well afford to propose to European countries that they send us such things as aluminum, chromium, ferromanganese, mica, nickel, nux vomica, opium, optical glass, rubber, quicksilver, tin, and tungsten. All of these things we need just as much as we need battleships, because they are indispensable. They will keep indefinitely.

Great Britain produces aluminum, ferromanganese, mica, nickel, nux vomica, optical glass, quinine, rubber, tin, and tungsten. France produces chromium and nux vomica. Italy produces quicksilver. Yugoslavia produces opium. Russia produces mica. All of these commodities, with the possible exception of rubber, are capable of being stored indefinitely, and we could even use rubber without disturbing our present industrial imports by exchanging the supply in the Government warehouse with the industrial users at convenient intervals, thus keeping the Federal supply constantly fresh and the industrial demand constant. The best information available to me is that raw rubber can be stored for a period of 6 years without deterioration. This Government could afford to agree to take those things, not use them in industry at all, but store them in this country. If we did not use them in industry, it would not interfere with normal imports from those countries.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Ohio.

Mr. HARLAN. These materials could be stored in warehouses. Their importation would not disturb normal international trade or exchange. They would not interfere with foreign trade at all, because we would not use them in industrial processes. It would give us protection in time of war that we do not have now, and it would protect us in a most vulnerable spot. It would also, in fact, be a help to some of these foreign countries, because these commodities are produced in the dominions of Great Britain and France, and it would stimulate their local trade in the home countries. It would have the effect in those countries of keeping their industries going.

Now, if there is any intention on the part of these foreign countries to do anything but welsh on their debts after we have cut their debts in half by reducing their interest rates and their amortization charges, after we have again reduced them almost another half by devaluing our gold coin—if they do not show intention to comply with as reasonable a proposition as this, it seems to be that the deductions are obvious.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield.

Mr. COLDEN. The gentleman in the earlier part of his remarks spoke about real-estate investments this country had made. I wonder if it would not be a good settlement of the war debts to secure some of the real estate owned by these foreign nations in the Americas.

Mr. HARLAN. Our experience with foreign possessions has been of such a nature that it is questionable. If we could take the real estate without taking the people on it, it would be all right. Unfortunately, when we come to mixing other races with our institutions, it does not work.

Mr. COLDEN. How about the Bahamas and the Bermudas—land like that?

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LANZETTA].

Mr. LANZETTA. Mr. Chairman, on the 11th day of February 1937 I introduced bill H. R. 4634, to amend the Naturalization Act of June 29, 1906, and provide for the admission to citizenship of aliens who came into this country prior to February 5, 1917. The bill reads as follows:

That the second paragraph of section 4 of the Naturalization Act of June 29, 1906 (34 Stat. 596), as amended (U. S. C., Supp. VI, title 8, sec. 402), is amended as follows: "*Provided further*, That where an alien who came into the United States of America prior to February 5, 1917, for permanent residence, has filed a declaration of intention or a declaration of intention and petition for naturalization before the passage of this amendment, and who is now 50 years of age or over he may upon petition or application be admitted to citizenship, the expiration of the time limit of 7 years from the date of filing his declaration of intention notwithstanding, where such expiration was due to the alien's inability to qualify for citizenship because of lack of knowledge of the English language, or lack of knowledge of the laws of the United States of America, or lack of education, and such alien shall not be required to sign the petition or application in his own handwriting."

The purpose of this bill is to amend the present naturalization laws so as to admit to citizenship persons who came to the United States prior to February 5, 1917, and who have failed to qualify for citizenship because they lack the educational requirements as prescribed by the present law.

Before the passage of the Immigration Act of February 5, 1917, our immigration laws did not provide for any literacy test, and aliens were admitted into the United States without regard to their educational qualifications. As a result thousands of immigrants who came to our shores lacked even a primary education. These men and women who came to make their way into the new world were in most cases persons of mature age, and they were compelled because of necessity to engage in gainful occupations soon after their arrival. Thereafter the burden of providing for themselves and families left them very little time to acquire the necessary knowledge of our language and our institutions to admit them to citizenship.

It is a fact that there are today thousands of persons who have lived in the United States 20, 30, and 40 years or more, and who are still unable to speak and understand the English language sufficiently and intelligently to meet the educational requirements of citizenship. In most cases these men and women have severed all relationships with their mother country so that in truth and in fact this country is their country. Many of their children have honorably served this country during the World War and have reached high stations in life. To continue to deprive them of the right to become American citizens solely because of their educational deficiencies is tantamount to exiling them from the country where they have lived the greater part of their lives, whose laws they have obeyed and upheld, whose taxes they have helped to pay, and to whose material wealth they have substantially contributed. They love this country because it means everything to them—liberty, freedom, family, friends, peace, and security.

The men and women included in this legislation are persons of 50 years of age or more, who have already declared their intentions to become American citizens and who have made every effort within their power to comply with the educational requirements of our naturalization laws. Because of their advanced years and lack of even a primary education in most cases, they have now reached a stage where no amount of preparation or schooling will enable them to pass satisfactorily the tests which they must undergo before they can become citizens. It is reasonable to assume that if they have been unable to acquire the necessary knowledge for citizenship during their early years of life that they will never be able to do so in their declining years.

Unless our present naturalization laws are amended as suggested in my bill, these men and women will never become American citizens. In view of this impasse, is it just and fair for a true and free democracy, such as this Government of ours, to insist upon certain educational requirements as a condition precedent to granting the full protection of its laws to persons who by their every act during their long residence in this country, have shown themselves fit and most anxious to become its loyal citizens?

Mr. Chairman, February 5, 1917, is not an arbitrary date chosen at random. It is the date which marked a definite change in the immigration policies of this country. It was then for the first time that our immigration laws imposed educational requirements upon aliens coming into the United States. Under the Immigration Act of February 5, 1917, aliens over the age of 16 who cannot read or write the English language, or some other language or dialect, are excluded. Since the enactment of this law no alien has been admitted to the United States who did not have at least a primary education.

To allay the fears of those who may feel that by the passage of this amendment to our naturalization laws, our standards of citizenship would be lowered for all times, it is pointed out that the group of aliens who stand to benefit by this legislation is definite in number and is limited by three very important requirements: First, that they must be 50 years of age or over; second, that they must have come into the United States prior to February 5, 1917; and third, that they must have filed their declarations of intention to become American citizens prior to the passage of this amendment.

The provision in this bill that an applicant from this limited group of aliens shall not be required to sign the petition or application for admission to citizenship in his own handwriting, is not a new one in our naturalization laws. The Naturalization Act of June 29, 1906, section 4, second paragraph, contained a similar provision which applied to persons who had filed their declarations of intention before the passage of that act. Congress at that time was confronted with the same situation which we are faced with today, i. e., whether the right to citizenship should be further denied to aliens who had been welcomed with open arms and who had been permitted to enter the United States without as much as having to sign their names.

Mr. Chairman, if the Fifty-ninth Congress, in all its wisdom, saw fit to suspend certain educational requirements in our naturalization laws by the act of June 29, 1906, so as to admit to citizenship that group of aliens who had entered this country under the same conditions as the aliens included in my bill, H. R. 4634, let the Members of the Seventy-fifth Congress likewise do justice to this present group of men and women who also entered the United States at a time when our immigration laws did not provide for any literacy test.

Mr. KENNEDY of New York. Mr. Chairman, will the gentleman yield?

Mr. LANZETTA. I yield.

Mr. KENNEDY of New York. I know we have all enjoyed the talk the gentleman has just made. I am wondering whether he has had an opportunity of compiling any figures as to the number of aliens who might be eligible under his amendment?

Mr. LANZETTA. I never had that opportunity. I might say to the gentleman from New York that I do not imagine the figures would be much over 50,000.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. LANZETTA. I yield.

Mr. MEAD. Along that line, I believe it would be interesting to compile a list of those mentioned in the gentleman's bill who had children in the service during the World War. It is my opinion that he would find that about 75 percent of that 50,000 he talks about are parents of war veterans.

Mr. LANZETTA. I agree with the gentleman.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield the gentleman from Illinois [Mr. DIRKSEN] such time as he may desire.

Mr. DIRKSEN. Mr. Chairman, when the Ohio River reached the highest flood stage in its history recently and destroyed hundreds of millions of dollars worth of property, it made the entire country flood conscious and brought forth a host of suggestions as to how floods might be controlled. Two flood-control ideas have been emphasized. One is the engineering idea of bigger and better levees so that floodwaters might be hastened on their journey to the sea. The other is the idea of upstream engineering, reservoirs, and reforestation so that heavy rainfall and melting snows might be fixed in the soils by interception, by trees and vegetative cover, and thus slowed in its run-off into the watercourses. These two philosophies of flood control are of more than academic interest to the people of Illinois because the future flood-control policies to be applied in the Illinois Valley will determine the ultimate fate of that valley and of the Illinois River. The time has arrived when it must be determined once and for all whether bigger and better levees are to be built along the Illinois River at public expense to control floodwaters and protect a few hundred thousand acres of leveed bottom lands, or whether these lands should be taken over by the Federal Government once and for all as flood-reservoir areas, thereby also restoring these lands for fish and game purposes and making the Illinois Valley what it once was—one of the greatest outdoor recreation spots in the entire country.

Let it be said at the outset that the question of navigation is not involved in this matter. The Illinois River has already been made a part of the inland waterway system and deepened to give the channel a mean depth of 9 feet. Dams have been authorized, and are now in process of construction, whereby an adequate depth for navigation purposes will be maintained after January 1, 1938, when the diversion of water from Lake Michigan by the Sanitary District of Chicago will be reduced to 1,500 cubic feet per second. That whole program is being carried out as decreed by the Supreme Court of the United States so that the navigation question is in nowise involved. I want that fact emphasized so that nobody will be under any misapprehension on that score.

Now, let us dispassionately consider the past, present, and future of the Illinois River and its relation to the people of the State, for, after all, they are the real parties in interest.

The State of Illinois was once part of a vast area in the Northwest, including Canada, which belonged to France. In 1763 this vast region, including what is now our State of Illinois, was ceded by France to Great Britain. Later this same area, with the exception of Canada, became a part of the United States. In 1787, just 150 years ago, it was organized into what is known as the Northwest Territory. It included what is now the area embraced by the States of Illinois, Wisconsin, Indiana, Michigan, and Ohio. The Continental Congress adopted what is known as the Ordinance of 1787 for the government of this domain, and article IV of that ordinance provided that—

> Navigable waters leading into the Mississippi and St. Lawrence Rivers and the carrying places between the same shall be common highways and forever free as well to the inhabitants of the said Territory as to the citizens of the United States.

In 1800, by act of Congress, the Northwest Territory was divided and the Territory of Indiana was created, of which the area now embraced in the State of Illinois was a part; in 1809 the Territory of Illinois was created. In 1818 Illinois was admitted to the Union as a State.

It is about 385 miles long, has an area of 35,667,520 acres, and has a river system consisting of about 280 streams, the largest of which is the Illinois River. This river drains about 42 percent of the entire area of the State.

This beautiful river is about 273 miles in length, and traverses the State diagonally. In those early days it was a great fish-producing stream. In its natural state it was pure and clean and unpolluted by sewage. Not only was it a great stream for commercial fishing but for outdoor sports as well. Older folks will remember with much pleasure the days when one could fish up and down this river and catch a mess of fish with a plain willow fishing pole. Along this river old and young alike could find recreation and indulge the natural instinct of pursuit. The bottom lands were a veritable labyrinth of brush, copsewood, lakes, and clear, quiet pools where the people could spend quiet days and get away from the artificialities of the city. In those days our citizens could venture forth and shoot an occasional mess of mallards, teal, bluebills, and canvasback without fear of trespassing upon private property and without fear of setting foot on land that was protected by a Federal injunction. Those were happy days indeed, and hundreds of thousands of our citizens disported themselves along this vast, natural recreation ground in the Illinois Valley and found communion with Nature.

Those who engaged in fishing as a commercial enterprise found the Illinois River a real fish-producing stream. The report of the Bureau of Fisheries of the United States for 1899 indicates that the catch for that year was 14,775,915 pounds. This catch included varieties of which we no longer hear in our valley. There was crappie and drum, eels and black bass, carp and buffalo, sunfish and catfish, pike and pickerel, paddlefish and hickory shad, rock bass and white bass, sturgeon and frogs, perch and turtle, terrapin, and a host of others.

In those days we had an abundance of fish because there was a place for fish to spawn and reproduce. In the 400,000 acres of bottom land along the river were quiet pools, shaded ponds and sloughs refreshed from year to year as the spring rise flowed into these places. In and around these pools was an abundance of natural feed, not only for fish but for ducks and geese and other wild fowl. Wild rice, duckweed, pickerel weed, and other varieties of vegetation grew in great profusion. So attractive was this vast natural outdoor playground that thousands of people from adjoining States were in the habit of finding their recreation along the Illinois River, and even President Grant was attracted to Spring Lake, in the lower end of Tazewell County, by the outdoor delights which were afforded. To men whose only interest is in land this paradise might be considered as a "frog pond", but to hundreds of thousands of our people it represented a place to go to wash out the imperfections of the spirit and find surcease from the mad rush of the world.

Then things began to happen to our river—your river and mine. In 1899 the Legislature of Illinois permitted the Sanitary District of Chicago to flush its sewage into the river, and in a few years it became a living sewer, a breeder and carrier of disease, a slithery ribbon of water that was filled with the domestic and industrial waste of the cities which were established along the river. Sewage developed gas, which took the oxygen out of the water and began to destroy fish life. Only the hardier types of scavenger fish, principally carp, could endure; and little by little we witnessed a virtual destruction of the commercial fishing and a destruction of the recreational fishing and facilities in this river. Sewage, the great destroyer, made it abhorrent to man and fish alike.

Then came another destructive factor. As far back as the Civil War small levees not much larger than sweetpotato ridges had been built with team and scraper to keep the water out of some of the bottom lands in the spring so that limited areas might be farmed. There was, however, no concerted effort at systematic reclamation of these bottom lands for farming purposes until about 1904. From that time on drainage districts were organized up and down the river so that the lands and lakes which constituted the recreation grounds for our people might be given over to the plow. Engineers were employed to survey these lands so that they might be organized into districts under the State laws, bonds were issued to raise money with which to build huge earthen levees, dig ditches, and erect pumping stations, and in the space of a few years 201,000 acres—more than one-half of all the bottom lands in the Illinois Valley—were nestling behind levees. Today there are 332 miles of such levees and 376 miles of open ditches to make possible the tilling of these rich alluvial lands. Landowners were assessed for a total of almost $12,000,000 so that these bottom lands might be reclaimed, and it is estimated that the value of these lands, with their improvements, will aggregate about $23,000,000.

Now, consider the result of this program of pollution and reclamation which has been under way these last 38 years.

For practical purposes, fishing has been virtually destroyed. Where the annual commercial catch was nearly 15,000,000 pounds in 1899, it went down to 4,853,925 pounds in 1931, and it is fair to assume that year after year the catch will become smaller. Once our river was second to the Columbia River as a fish-producing stream. Today the Columbia River continues to increase its yield of fish, while the Illinois River continues to decrease its yield. Think of the hundreds of commercial fishermen who have thereby been deprived of a livelihood and think of the thousands of our citizens who can no longer find outdoor pleasure in the reaches of our once majestic river. More and more our people must journey long distances into Wisconsin, Michigan, and elsewhere to find a bit of recreation with a fishing rod and pay heavily for the pleasure. Those quiet pools where fish could spawn are gone. They are now given to the production of grain, and there is little hope, under existing conditions, for a restoration of fish life such as the adults of this generation knew when they were in knee pants.

Gradually the natural wild feed on which the wild fowl subsisted has been destroyed and is in process of complete extinction. There are ducks in our Illinois Valley in season, but they are seemingly not meant for the common folks. These ducks must be lured by feeding, as evidenced by the thousands of dollars' worth of corn that is fed every year by the hunting preserves up and down the river. Virtually every spot of any consequence where our people might bag a few ducks now and then has been converted into a private duck preserve, where memberships run high and exclusive. The public is virtually denied the opportunity to indulge the sport of hunting wild fowl, and in a little while this, too, will be an extinct pleasure. It will be little more than a memory.

And what has been the aggregate benefit of this program of reclamation and pollution for which so heavy a price has been paid in the form of destruction of our wildlife and outdoor recreation in the Illinois Valley? Excluding the East Peoria Drainage District, which is in reality a community rather than a drainage district now, there are slightly more than 3,000 residents in these drainage districts who make a rather precarious living from the land. I say precarious because there is the ever-present menace of floodwaters and the continual assessment for repairs to levees and pumping stations and the need for cleaning ditches and installing tile. I say precarious because nobody, not even the most versatile engineer, can foretell when heavy rains will send the river to flood stage and menace lives and property in these districts. As evidence of this fact, think of the assurances that were given to people in the Ohio Valley year in and year out that a perfect system of flood control was in operation and that by no conceivable means could there be such floods as were experienced in the past. Then comes Nature, as she did in 1937, to take back what was snatched from her and sends a flood that went to the highest stage in the history of that river and played havoc to the extent of an estimated billion dollars or more. Then comes the inevitable assault upon the Federal Treasury for funds with which to build higher and stronger levees, for funds with which to carry on relief, for funds with which to rehabilitate stricken homes and business enterprises, for funds with which to rebuild roads and bridges. These funds come from the pockets of the taxpayers in the form of direct or hidden taxes, and therefore it must be apparent that the citizen who pays taxes has more than a casual interest in this matter.

In the Illinois Valley we have had recurring floods. Extremely high water was recorded in 1904, 1913, 1922, 1926, and 1927. As more lands were leveed, the flood menace increased. Until 1902 but 22,000 acres were leveed. Then came the floods. In 1922, 99,000 acres of leveed lands were inundated. In 1927, 105,000 acres were flooded, and who shall say when the next flood will occur?

Let me emphasize that floods are of more than academic concern to the taxpayers. As a taxpayer you may live a thousand miles from a flooded area, but you help pay the bill. The landowners in the drainage districts that are flooded are not the only parties in interest. Whenever the Congress of the United States appropriates money for relief of flooded areas or for the building or enlarging of levees, that money comes from the general funds of the Government and is raised in the form of income taxes and general taxes of all kinds, both direct and indirect.

With that in mind, let us look at the cost of reclamation in the Illinois Valley. Since 1900 the Federal Government has expended $1,550,000 for flood control. This does not include $18,563,894 expended for navigation, nor does it include $8,292,582 for the Illinois-Michigan Canal. The State of Illinois and local subdivisions have in that time expended $7,100,000 out of the general revenues of the State for similar purposes. This also comes out of the pockets of the taxpayers. Add to this the losses that have been experienced and you get a tragic picture. The gradual destruction of fish life can be estimated at $10,000,000 in the last 37 years.

The trapping of fur-bearing animals in these bottom-land areas which was once a considerable industry has been immeasurably reduced by the reclamation of these areas. Trapping yielded a handsome income to many people, but today there is little or no trapping along the Illinois River and hence it can be said that the reclaiming of these drainage areas has resulted in substantial income loss to many of our citizens.

Gullible people who bought drainage bonds, thinking they were an excellent investment, found that they held but pieces of paper. For proof I cite the fact that the Reconstruction Finance Corporation has assisted in the refinancing of some 19 drainage districts along the Illinois River and on this refinancing losses to holders of the bonds will aggregate $2,000,000. In the case of the Chautauqua Drainage District in Mason County, the original investment of $264,000 is entirely gone, and this district is being taken over by the Biological Survey of the Department of Agriculture for a wildlife refuge. The contractor who built this levee is still holding an unpaid statement for $37,232.22.

As to losses occasioned by floods, you have your choice as to the amounts estimated. The Illinois Planning Commission, in its report to the Governor in December 1934, estimates the damages in the 1922 flood at $5,630,000 and $12,250,000 for the floods of 1926–27. Mr. William F. Mulvihill, former supervisor of waterways, estimates the aggregate damages for the period 1922–39 at $30,000,000. Other items of loss such as interest on invested capital in these drainage districts might be multiplied to show that during the last 37 years the losses and the costs involved in this problem of flood control have been enormous, and that these losses and costs in considerable part are taxed upon the taxpayers

of the Nation. By way of corroboration, I submit that on March 29, 1937, there came to my desk a letter from the Ohio and Mississippi Rivers Flood Sufferers Commission to which was attached a bill that they want introduced. In that bill they ask that $500,000,000 be appropriated out of the Federal Treasury to indemnify the flood sufferers. All of which indicates that when floods do their damage, citizens look to the Federal Treasury for aid and the money in that Treasury is raised by taxation on all of the people of the land.

Perhaps all this might be condoned in the light of misunderstanding and lack of knowledge or lack of consistent State and national policies, but it will be nothing short of criminal if we continue with policies which are at cross purposes and which fall heavily and needlessly upon the taxpayers of the land, and that, after all, is the point to this presentation. Are we to continue a hodgepodge of State and national policies involving flood control, reforestation, recreation, and soil conservation which are at variance with each other, or shall there be some coordination in the development of such policies which takes into account the long-range needs of the people and displays proper regard for economy and efficiency?

In that connection let me quote from the report of Charles F. Thompson, director of the department of conservation for the State of Illinois, as set forth in the Illinois Blue Book for 1935–36:

The protection of our streams, our forested areas, and our agricultural acres is a major part of a program of conservation, and must also be accomplished educationally. Restoration of replaceable resources must at least keep pace with, or preferably, it should surpass destruction or utilization.

A discussion of the merits of engineering or other artificial and scientific means employed during recent years to change or improve upon Nature has no place here. Agencies in both Federal and State Governments, unfortunately, in many instances operate so independently that the aims of each are often wholly or in part defeated by the projects recommended and carried on by others. A demand for building, on one hand, is often ineffectual by reason of opposing theories calling for destruction and extermination.

Swamplands, ideal as environment for waterfowl and fish life, and an important factor in the maintenance of the water level, have been drained. Streams have been dredged and straightened until they are only sewers or canals, instead of waters, steadied by winding courses and the small obstructions accumulated by Nature. Century-old trees and grasses, holding the soil and its richness, preventing erosion and the silting of streams, and, it is held by many authorities, controlling the rainfall in some measure, have been removed.

Let us first estimate what is ahead. The Illinois Planning Commission, in its very sound and basic report of 1934, estimates that by 1960 the population of Illinois will be about 9,000,000, 80 percent of whom will be living in cities, and 65 percent of whom will be living in cities with populations over 10,000. Now, it must be a patent fact that you might coop our people into large cities with their synthetic and artificial recreational facilities, but you cannot destroy their instinct for outdoors. The very fact that that instinct is cribbed and confined through lack of outdoor recreational facilities only subverts these instincts and makes for trouble. That same report calls attention to the alarming increase in juvenile delinquency with the comment that it is largely an urban problem. How can it be otherwise when the opportunity to get into the fields and forests and to the streams with a prospect for fishing and hunting and other outdoor pursuits has been almost entirely destroyed? That same report indicates that less than 10,000 acres of State parks are available for the entire population of the State and that a program for the expansion of such parks should be inaugurated. It calls attention to the further fact that fish and game propagation in the State of Illinois is wholly inadequate to the needs of the people, and recommends that 5,000,000 acres be devoted to forest areas, wildlife refuges, game preserves, and recreation sites.

A very natural question arises in connection with this recommendation. Was the State of Illinois and its people once blessed with all these things and if so what has happened to them? The answer is an emphatic yes. Once upon a time, all these things existed in Illinois. Only a hundred years ago, we had 14,000,000 acres of forest lands in our State. Today we have but two and one-third million acres. Our forests were destroyed before we were generally conscious of what trees and forests really meant from the standpoint of soil conservation, soil erosion, fixation of moisture, and for other purposes. Now we know, and today the Government in cooperation with the State is trying to undo the damage. The Illini Forest Unit and the Shawnee Forest Unit in southern Illinois have been marked out and the lands are being purchased. When completed, these two units will embrace approximately 575,000 acres but the cash with which to buy them back for the people will be taken out of the Federal Treasury. In other words, it will require the money of the taxpayers to undo the destructive work which was done during the last 100 years and this is but a beginning.

We had wildlife refuges and sanctuaries, we had lakes and streams that abounded in fish and required no appropriations from the State or Federal Treasury for their propagation but they are gone. Those lakes have been drained and converted into cornfields, enthroned behind huge levees. We begin now to appreciate what wildlife means to the people of this Nation. A special committee of Congress has spent several years in exploring the prospects for the restoration of what has been destroyed. The Bureau of Biological Survey is now provided with millions to carry on a program of land acquisition so that what little outdoor life we have might be preserved coupled with the hope that what we once had might be restored. And may I say at this point that the country is fortunate in having at the head of the Biological Survey a man like Dr. Ira Gabrielson, of Iowa, who has vision, who has courage, and who foresees the absolute need of a far-flung, long-range program of restoration and conservation. The problem of the Biological Survey is not to find upland where quail and pheasant and other birds can be propagated but to find lands along our watercourses where a program for the restoration of wild fowl and fish can be carried on and where the people of the State may have an opportunity to fish and hunt without the guilty feeling of being trespassers upon some private domain.

As I think of these 200,000 acres of leveed drainage lands along the Illinois River in their relation to Federal functions, I cannot but think of the fantastic variances which are involved. Under the A. A. A., cash benefits were paid out of the Federal Treasury to take some of this land out of cultivation because we had a surplus of corn at ruinous prices. At the same time, hope ran high that the Federal Treasury might be tapped for an additional $3,000,000 or more to set back and enlarge the levees so that a larger floodway might be provided and added safety assured to those who were farming behind these levees. Meanwhile, the Biological Survey is hoping fervently for a long-range program of land acquisition along watercourses on which to restore and conserve wild fowl and fish. At the same time, Congress is preparing to appropriate $25,000,000 for the Soil Conservation Service so that it might initiate erosion-control programs and lessen the liklihood of future floods. The United States Forestry Service is seeking millions and millions to carry on its program of reforestation, erosion control, and restoration of vegetation so as to intercept the rain water and fix it in the soil and thus minimize floods. Every known plan, program, and device has been adopted to meet problems of flood control, recreation, conservation, restoration, and crop control except the feasible plan of buying these lands, which nature provided as reservoirs, giving them back to the people for wild fowl, fish, and recreation and thereby relieving the Treasury of future demands for crop-control benefits, flood-control levees, maintenance, damages, and losses.

Now, mark you, good people of Illinois, this is a serious matter. The same Illinois Planning Commission, referred to above, estimates that the cost of a program which is designed to set back the levees along the Illinois River at the taxpayers' expense, in order to hasten the run-off of floodwaters and afford a wider floodway in our Illinois River, estimates the cost at $8,000,000. Every hunter, every fisher, every lover of outdoors will help pay this bill. Once this program of setting back the levees at public expense for the

sake of hastening the journey of floodwaters to the sea and for the purpose of protecting 200,000 acres of drainage lands, occupied by something over 3,000 residents, is undertaken, it will be the kiss of death to any restoration of wildlife, restoration of fishing, and the restoration of hunting and recreation in the Illinois Valley. It will constitute the end to all hope.

It will mean that the interest of 3,000 residents of drainage lands along the Illinois River is made paramount to that of hundreds of thousands of our citizens who buy hunting and fishing licenses annually in the hope of finding a spot where that instinct of pursuit can be given free play.

When I say hundreds of thousands of families, I mean exactly that. In 1933, 280,525 resident hunting licenses and 354,927 fishing licenses were issued in our State. Since then it has been on the increase. Here are hundreds of thousands who pay for the privilege of hunting and fishing, but where shall they fish and hunt unless the State and Federal Government can provide a place for them? They cannot hunt on the farms of the State because farmers for the most part have posted their lands with "no trespass" signs. They cannot hunt on private duck preserves or on land protected by Federal court injunctions. They cannot hunt ducks on sandy uplands, nor can they fish in streams that have but a trickle of water. They must hunt ducks in the habitat of ducks, and they must fish where fish are available or can be made available, and that means particularly in the Illinois Valley.

If a program for setting back the levees along the Illinois River is once undertaken at public expense to the extent of millions of dollars, there will be no power in heaven or earth that can ever undo it. The time to stop it is before it starts. The time to protest is now. The time to put an end to this proposed permanent destruction of the wildlife resources and outdoor facilities, which in truth and in fact belong to the people of our State, is now. The time to make certain that these resources will be recaptured for the people by a long-range joint program between the State and Federal Government is now, and it calls for action.

May I remind you that $2,998,000 has already been authorized in the Flood Control Act of 1936 to start this levee set-back program and pay for damages to lands, but the money has not yet been appropriated? Think of it. Almost three million more of public money to insure safety to drainage lands and hasten the run-off of floodwaters. Once that money is appropriated it will put the seal of death upon the hopes of hundreds of thousands of hunters, fishers, and lovers of the outdoors. It will mean that any program for restoration and conservation in the future will require the undoing of this proposed work at enormous expense to the taxpayers. I therefore issue this solemn warning that the time is at hand for action if we expect to prevent this ghastly mistake. The time has come for the people and for the outdoor organizations in Illinois to become sustainedly vocal in this matter and let the Federal Government know what they want.

If I may be so presumptious as to say it, I believe I have an idea of what they want. I believe the people of the State, instead of seeing additional millions of public money expended to set back and enlarge the levees that now enclose 200,000 acres of land that were once the property of the people of the State and constituted a vacation land where they could hunt and fish and picnic, want to see these lands restored to the river, to the fish and wildfowl, and made public lands. I believe they would like to see the Federal Government take them over now and place them under the supervision of the Biological Survey so that fishing and hunting might be restored. I believe they would like to see these lands restored to the river so that they might be available as flood reservoirs in time of high water. I believe they want to see a program that will provide for the purchase of these lands at the fair cash market value so that equity might be done to the present owners. I believe the taxpayers are tired of seeing millions of public moneys spent at cross purposes and are quite disgusted with the fact that enough money has been spent and lost on these drainage lands in the last 30 years to purchase them outright more than twice over. I believe the people of Illinois want to see the problem of flood control and conservation solved by a single expenditure of money that will put title to these lands in the Federal Government for the use of the people. To that end I have introduced a resolution, which was passed by the Committee on Rivers and Harbors of the House of Representatives, requesting the Board of Engineers for Rivers and Harbors to furnish data showing the cost of purchasing these leveed lands outright, in the hope that this program can be developed and ultimately adopted. I have informally discussed this proposal with Secretary Wallace and with Dr. Ira N. Gabrielson, Chief of the Bureau of Biological Survey, and, while I cannot speak for them, I feel satisfied that they are sympathetic with such a program. It will take the earnest and sustained effort on the part of every citizen of Illinois who is interested in wildlife and in the outdoors if such a program is to materialize. The time has come for action.

There will be opposition, of course. First will come opposition from those who have the engineering point of view and who believe in bigger and better levees and faster drainage of floodwaters. The best answer to this is in the billion-dollar tragedy which befell the people in the Ohio Valley this winter. Another answer to them is in the words of Prof. P. A. Herbert, member of the planning commission for the State of Michigan and professor of forestry at Michigan State College, who said recently:

We will continue to have more and better floods if engineers are permitted to dominate flood-control policies. The present floods are proof of the fallacy in the engineering approach.

Then there will be opposition from some drainage-land owners who may be under some misapprehension as to what is proposed to be done. The Illinois Association of Drainage and Levee Districts has already submitted a resolution to the War Department and to the Committee on Rivers and Harbors of the House of Representatives.

In this resolution they set up the fact that both the State and Federal Government have already invested $2,000,000 each in the present levee system for flood-control purposes. Right there they confess the whole case. If more money is expended on set-backs and levee enlargement, how much more difficult it will be to ever convert these lands into flood reservoirs, hunting and fishing grounds, refuges and sanctuaries for waterfowl.

In this resolution the association states that when these levees are enlarged with a "million dollars more" of taxpayers' money, "flood disasters, as they have been known in the past, will never be such in the future." That should be $3,000,000 instead of $1,000,000. What about the Ohio Valley, where floods reached the highest known stage on record this year?

In that resolution they state that the very thought of allowing these leveed lands to revert to a state of nature is "preposterous" and "absurd." It seems to me that in times past, when President Theodore Roosevelt inaugurated a conservation and reforestation policy to save our forests from destruction, it was regarded as absurd. Today the Federal Government is spending millions and more millions to save what forests we have and to undo the work of the despoilers who said that Theodore Roosevelt's policies were absurd.

In that resolution they point out that the—

Landowners of the Illinois River Valley are under no obligation to any other people to provide free hunting grounds, swimming pools for fish, ponds for the frogs, or a feeding site for the wild duck to be shot in Canada or fed to the hogs in the lower Mississippi.

The answer to that is simple enough. Nobody contends that the landowners are under obligation to furnish these. The program I have in mind calls for the purchase of these lands and their restoration to the people. It is a matter that is invested with a public interest, and the owners of these lands cannot be permitted to stand in the way of public policy any more than one landowner could be permitted to prevent the State or the Federal Government from condemning his land for public use. Ever since the beginning of this Government State and Federal laws have uniformly

provided that no man's property shall be taken for public use without due process of law, and there is no hint here that any other policy is to be pursued. I have stated repeatedly that I believe in the acquisition of these lands at their fair value, and there is ample precedent to show that such has been the policy of both State and Federal Governments.

Opposition to this program of buying these lands outright and getting away from the continuing public expense which is incident to their maintenance, and thus solving several problems at one stroke, is to be expected. So many things which are in the interest of the common people of our State and Nation meet with opposition that it is not at all surprising. It means, of course, that the people of Illinois must get busy if they expect to preserve for themselves and for their children the outdoor delights of the Illinois Valley which once belonged to them. It means that the people of Illinois must become articulate in an emphatic way if they expect to help end this business of spending public money for programs that are at cross purposes.

As individuals and as members of organizations, they must make it definitely known to the Senators and Members of Congress from Illinois what they want. They must make it known to the President and to the War Department. They must make it known to the Secretary of Agriculture and to the Chief of the Biological Survey. It is their problem, and I hope they will respond in such might and in such volume as will definitely get under way a program which is designed to give the Illinois Valley back to nature and to the people for their rightful enjoyment.

Is it asking too much that the Federal and State governments undertake a long-range program under which these lands shall be purchased at a probable cost of less than $25,000,000? Is it asking too much for the preservation of the outdoors and the wildlife, the hunting and fishing, for this generation and for the millions yet unborn? Is it too much to ask for the hundreds of thousands of our citizens, when this Government can afford to spend $50,000,000 for the building of a single battleship? We ask for less than one-half of that amount.

To the Izaak Walton Leagues of Illinois, to the Rod and Reel Clubs, to the hunters and fishers, to the lovers of outdoors, to the discerning people who appreciate that in years to come we must have some place for our people to employ their leisure, to the social workers who appreciate the mounting tide of juvenile delinquency, to those who see in the outdoors an antidote for social unrest, be it said that this is your problem, and the time to act is now.

I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. POWERS. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. BURDICK] such time as he may desire.

PRESIDENT ROOSEVELT WILL CONTROL THE COURTS

Mr. BURDICK. Mr. Chairman, those who are close to the situation here in Washington have little doubt but what the Senate and House will pass the Supreme Court enlargement bill and that the President will appoint six new judges who are known to be in favor of the New Deal. The measure will pass the House by an overwhelming vote, as do all measures which the President sponsors. Some of the Senators are independent and cannot be driven, but others are too afraid of their seats next time to endanger them by opposing the President, and when the show-down comes we will find the majority of the Senate voting for the bill. Over in the House it will be fast and furious, and I doubt very much if 150 votes can be secured to defeat the bill.

The reason why the Members of Congress will follow the President are as follows:

First, the President was elected by such a landslide that he has every reason to believe the people are with him on anything he asks for. While he kept silent in the last campaign about the Supreme Court, he feels that he has up speed enough to coast through on any measure.

Secondly, the whole administration, with its countless numbers of bureaus and corollary organizations, are going the limit out in the country to create public opinion behind the President in case any such public opinion is needed. In North Dakota it is easy to see who is carrying on the campaign to line up the people. There is the P. W. A. organization, the W. P. A., the Resettlement, the Soil Conservation organization, the Farmers' National Grain Corporation and its business feeder like the Farmers Union cooperatives. The Government has financed the Farmers' National Grain Corporation by unlimited credit at less than 1-percent interest, and the Farmers Union cooperatives work through the Farmers' National, and thus the chain is completed back to the Government. When the President wants action, Wallace takes action, the Farmers' National Grain Corporation takes action, and all the Farmers Union feeders get busy. The leaders of these business activities are all drawing salaries, some directly through the Agricultural Department, some through the Farmers' National, and the others from the feeders to the Farmers' National.

These officials get busy and hold meetings in the country and build sentiment. There is a one-sided argument put up by men under pay to do the job, then the farmer is ready to express his opinion.

What is true of the Agricultural Department is no less true with respect to Resettlement and W. P. A., although the directness of the undertaking is not as noticeable as in the Agricultural Department.

With all the Government forces backing what the President wants, there isn't the slightest chance of defeating the President's program, and in this system of Government support, is the danger to the Republic. It conclusively demonstrates that one in the position once as President, could perpetuate himself in office indefinitely, or just as long as he had public opinion supporting him, and, of course, he would shape public opinion just as the Government bureaus, subbureaus, and feeders are doing today.

The bill will pass for a third reason; the economic condition of the country is worse today than it was 3 years ago, and it will be worse 3 years from now than it is now. This is true for the reason that the President's New Deal is not sound. This will be demonstrated in time to the complete astonishment of many who shout for it and do not know what it is. Here are a few high lights of the New Deal: Forced scarcity of food products in a land teeming with hungry people; paying an annual interest toll to the international financiers of almost a billion and a half dollars; putting the aged of the land on a miserable dole as a substitute for a decent and honorable compensation; failure on the part of the President to recognize that it is the duty of the Government to plan and offer useful work to every man and woman who wants to work and who must have work to live. There is no use delaying action in the unfounded hope that private industry, as now operated, will again employ the great army of unemployed. This army is increasing annually because of inventions, and today with 12,000,000 out of work, private industry, if going as perfect as it thought it was in 1929, could not possibly employ more than 2,000,000 of these unemployed. If that is true, what about the other 10,000,000 men and women?

There are only two ways to bring about the employment of these extra 10,000,000 people. First, cut the price of fabricated merchandise so the workers can buy more merchandise, thus demanding more workers to fabricate more merchandise. In other words, raise the labor wage and the farmers' income, or lower the price of fabricated merchandise, or do both, and a stagnated business will be revived. Second, offer necessary work, scientifically planned, to all those who want to work, and pay them with labor-hour currency which has no tax free, interest-bearing attachments.

Divide this planned work into two divisions; first, emergency work to take up the slack until private enterprise can be released from the fetters of a strangling monetary system. Second, plan work in the nature of wealth-producing enterprises. Pay those working on the first classification with

new emergency-work currency; pay those working in the second division currency denominated wealth-producing series.

Retire the first class of currency through taxation of the higher brackets of income and redistribute the wealth; retire the second class of currency from the income from the wealth-producing improvement. In no case will the currency cost the people one cent. The first class of currency redeemed through taxation will not be as big a drain on the people as the present plan of emergency relief through taxation, for the simple reason that this entire plan will in a few months of its operation remove those on the unemployed list to the list of the employed; then taxation for this purpose will stop.

There is nothing difficult about this, and, in my judgment, we will either accept this method of operation or private industry will disappear entirely. If that is what the people want, we are headed in this direction with full steam ahead.

Fourth, the President, when he assumed office, made a great contribution to the Government. He revived hope that had been lost by his speeches against the Hoover administration. Hoover had lighted the spark of revolution when he drove the bonus army out of Washington, resulting in the death of one of the army and the destruction of what little property they had assembled on the banks of the Anacostia. Roosevelt restored sane thinking, and the Nation went ahead with renewed confidence that at least one President had appeared who sympathized with the people. No one should want to detract from the President any glory of this important achievement.

The people, therefore, looked upon the President as the savior of the Republic, and hence anything he did had, and still has, their approval. The President started out on his New Deal, and it was unfortunate that it was not sound. It has not worked—it never will work. The Supreme Court found some of it, the worst of it, unconstitutional. The President then said the Supreme Court stopped him and that the New Deal would have worked had it not been for the opposition of the Supreme Court. The people, of course, believed the President; and when he tells them now to give him control of the Court or his New Deal will result in not only failure but conditions—as the President himself says—worse than 1933, the people still believe him.

I hold no brief for the Supreme Court—I am sure they have rendered many unfortunate decisions; but I am also sure that the New Deal will not bring back prosperity and happiness in this country, no matter if we could abolish the Supreme Court entirely.

If I were looking upon this matter purely in a political way and wanted to bring embarrassment to the Democratic Party, which I do not, I would suggest that this bill be passed and let the President have his own way—fill the Court with New Dealers, and sustain any law the President wants, because there is no power on earth to make a deal work that is wrong in its inception. The President then would have no alibi.

On principle alone, I oppose the measure, first, because I know the New Deal is wrong in principle, and, secondly, I deem it dangerous to our liberties to permit any one man to absolutely control every department of government.

Every Communist in America is solidly behind the President's program to take over the Supreme Court. I would like a picture of one who was opposed to the President on this issue. They support him not because they think that will cure our troubles, but because they believe it will make our troubles greater. Anything that will tend to injure the Government they are for, no matter what it is. They freely admit here and elsewhere that we cannot "patch up the profit system." They desire a labor dictatorship. If this were accomplished, they would discard Roosevelt as quickly as they discarded Kerensky. They see in this Supreme Court move a chance to "bore from within", as they call it, and finally procure a collapse of the Government.

In this country no dictatorship of any kind is necessary. We can preserve our institutions of society, the State, the home, the school, the church, and our business activities if we abolish our present monetary policy and adopt a standard for the issuance of money that will be fair to every endeavor in the Nation, namely, the labor-hour value of money, as provided in H. R. 3297.

This bill will put buying power in the hands of everyone who wants to work, the shackles of devastating interest burdens will be broken, and the unconscionable profits arising to private business by reason of the free use of Government credit will end. The grave menace of this interest system can be realized when we state that of every dollar spent by a purchaser over the counter of business today 51 cents of it goes for interest and taxes. This situation must end if we are to perpetuate this Government.

Has the President any notion of changing the money system? Has he any notion of depriving the international money changers of the right to buy Government bonds with the Government's own money? Who is his chief monetary counsel? The people, however, do not stop to think of this, but say, "Support the President in his fight to control the Supreme Court." Here is another curious fact: The President could stop every foreclosure in America tomorrow in which the Government has any interest by proclamation or by giving his approval to my own resolution before the House to stop foreclosures for 2 years. He takes no action. The foreclosures are going ahead unmolested in North Dakota and elsewhere. Yet these same farmers say—even those who are fighting against foreclosure—"Support the President in his fight against the Supreme Court."

This is strange psychology; and there is nothing to do about it except wait until the farmers get enough of what they are getting.

As long as the President makes no move to dislodge the international bankers from the control of the Government's credit for their own private profit there can be no recovery in this Nation.

Mr. DOCKWEILER. Mr. Chairman, I yield the gentleman from Oklahoma [Mr. JOHNSON] 10 minutes.

PROTESTS CLOSING C. C. C. CAMPS

Mr. JOHNSON of Oklahoma. Mr. Chairman, I am grateful to the chairman of the Subcommittee on Appropriations for the kindness and courtesy in allowing me a few minutes at this time. It will not be surprising to some to announce that I propose again to discuss the situation with reference to the Nation's C. C. C. camps. It is true that I have discussed this matter on several previous occasions. Only a few days ago I addressed the House on this important subject, but inasmuch as it is, in my judgment, a matter very near and dear to the hearts of the members of the committee as well as the people of the Nation, I feel justified in again discussing some problems in connection with the C. C. C. camps of the country. May I say that I feel today somewhat like the minister who went to his new pastorate? On the first Sunday he preached on the subject of repentance. His congregation semed to like his first sermon very well. On the next Sunday he again preached on repentance. After he had preached repentance three or four times, some of the brethren went to him and asked why he could not find another subject to discuss. The new pastor replied, "Well, when the people of this place decide to repent, then I shall discuss another subject."

For the past year and more I have been talking about C. C. C. camps and the move on foot to gradually disband them. The fact is, as I stated here once before, in the fall of 1935, when Members interested heard 1,000 C. C. C. camps were scheduled to be closed January 1, 1936, a committee from the House called at the White House and interceded for the life of the C. C. C. camps. Instead of closing the entire 1,000 camps at that time, the Executive order was modified to abandon only about 300 camps. Since then repeated efforts have been made to get rid of the C. C. C. camps. Finally, as many of you will recall, it was necessary to call a meeting of all the Members of this House who were especially interested and, although we were told over and over again that our wishes could not be complied with, the fact remains that the camps were not closed.

Mr. Chairman, my purpose in rising at this time is to announce that 84 C. C. C. camps will be closed today, each

camp having an average of about 165 men. If the men in these 84 camps, as well as those in others scheduled to close soon, are not absorbed by other camps or by business generally, they are destined to be thrown back on relief. July 1, it is proposed to close 630 C. C. C. camps in the United States unless this Congress takes firm action. One hundred and twelve of the 630 to be closed will be soil-conservation camps. These camps are especially desirous to be retained. They are making a great contribution in the Nation-wide problem of combatting soil erosion.

Mr. Chairman, may I emphasize the fact once more that these camps have not finished the task or work program which they set out to perform. As stated on the floor of this House last week, Mr. Robert Fechner, director of the E. C. W. program in the United States, appeared before the steering committee and gave valuable information concerning the work of the C. C. C. activities in the United States. Mr. Fechner did not pretend to say that all of the 84 camps closing today have actually finished their program. But they are being closed just the same. And mind you, 630 camps are going to be closed on or before July 1 unless the Congress takes some definite action to the contrary.

Not very long ago a subcommittee of the House steering committee called again at the White House. It is needless to say that we found the President deeply interested in the welfare of C. C. C. camps and appreciates the good work it is and has been doing. This is known as his pet hobby. However, the proposition or suggestion has been put straight up to Members of Congress to find the money to maintain the camps. May I once more call the attention of the Members of the House to the fact this money must be found to keep the camps open or we will lose 630 of them before July 1?

Mr. KENNEDY of New York. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from New York.

Mr. KENNEDY of New York. Will the gentleman tell us what the cost of continuing these camps will be, and I refer to the proposed 630 camps about which the gentleman just spoke?

Mr. JOHNSON of Oklahoma. The cost will be in the neighborhood of $50,000,000. On July 1 there will be a reduction of 50,000 C. C. C. boys and, roughly speaking, it costs about $1,000 to keep each boy in these camps.

Mr. KENNEDY of New York. Has there been any estimate made as to the value of the work which has been done by these C. C. C. camps?

Mr. JOHNSON of Oklahoma. That depends upon what is meant by "estimate." I am quite certain that the value of the actual work done by the 350,000 enrollees in the 2,086 camps in the United States during the past year far exceeds the money incurred in maintaining all the camps for the same period.

Mr. KENNEDY of New York. The intrinsic value of the work.

Mr. JOHNSON of Oklahoma. Yes. Many Members of Congress have estimated the work done by C. C. C. camps of the country are the most valuable and far-reaching undertaking of the entire national administration. When future generations look back upon this administration—the actual work done—the C. C. C. activities will undoubtedly stand out as the one shining star among the many worthwhile activities of this administration.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I am pleased to yield to my good friend from Oregon.

Mr. PIERCE. As I understand, the total appropriations last year were $403,000,000. Is that correct?

Mr. JOHNSON of Oklahoma. I do not just recall at this moment the exact figures, but I believe that is about correct.

Mr. PIERCE. The demand of the administration is that this amount be reduced to $300,000,000, or a saving of $100,000,000 on the C. C. C. camps. Is that correct?

Mr. JOHNSON of Oklahoma. I believe it is correct. I cannot give the figures in money, but I can do so as far as the personnel of the C. C. C. camps is concerned. At this time there are 350,000 enrollees in the 2,086 C. C. C. camps. After today there will be approximately 2,000 C. C. C. camps, and by July 1 there will be only 300,000 enrollees in 1,456 such camps in the United States.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I am delighted to yield to the gentleman from Texas.

Mr. GARRETT. Is it not true also that unless some provision is made whereby these camps can be continued the men in the camps will be put on relief, and probably their families also?

Mr. JOHNSON of Oklahoma. There is no question about that. Please bear in mind that these 350,000 boys or their families were on relief until the boys enrolled and began sending $25 per month home, at which time the families were, of course, taken off relief. It is absurd to contend that business will absorb the 50,000 enrolleees to be virtually kicked out of the C. C. C. camps July 1. All of us know that will not be done. These 50,000 boys, or at least the great majority of them, will go back on relief unless they are permitted to be kept in the camps.

Mr. GARRETT. In other words, about $25 of the $30 being paid each enrollee goes to his family, which has been on relief?

Mr. JOHNSON of Oklahoma. That is correct; $25 per month of the enrollee's salary goes to his own family.

Mr. PIERCE. Mr. Chairman, will the gentleman yield for one more question?

Mr. JOHNSON of Oklahoma. Certainly; I shall be delighted to yield.

Mr. PIERCE. Is it not really a question of who is to spend the relief money, Harry Hopkins or the C. C. C.?

Mr. JOHNSON of Oklahoma. Well, I prefer not to get into that phase of the discussion; but will say I favor giving Harry Hopkins every dollar he actually needs to take care of hungry people. I feel, however, that the C. C. C. camps should be cared for by a regular appropriation of this Congress and should not be treated as a relief measure hereafter. Certainly the camps have justified their existence and should be kept as a very important part of our regular governmental activities. Legislation to make the camps permanent is now in the making. So let us not get the program mixed up with the relief program. On the other hand, I am unwilling to spend fifty to sixty million dollars for one battleship, when the same amount would keep open all the C. C. C. camps which are going to be closed July 1, and pay the entire cost incurred in keeping 50,000 needy but worthy young men of America.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. HOUSTON. May I again commend the gentleman for his interest in this matter. Every great movement has to have a sponsor. May I say the gentleman from Oklahoma has shown more interest in this matter than any other Member of Congress during the last year and a half. We are all grateful for it.

Mr. JOHNSON of Oklahoma. I am deeply grateful to the gentleman from Kansas for his very kind and generous statement. May I say I have visited many C. C. C. camps in more than a dozen States, and am deeply interested in the good work being done by them. But even more so am I interested and concerned in what is being done for the young men who are now in and have gone through the camps. The gentleman from New York asks about the value of the work accomplished by the camps. Let me say that the good work done for the 2,000,000 young men who have been in the camps cannot be measured in dollars and cents.

Mr. HOUSTON. Has the gentleman any idea where we can get the money to continue these camps?

Mr. JOHNSON of Oklahoma. The gentleman has asked a very pertinent question, how can the balance of the 630 camps be retained? I tried to make it clear in my remarks on the House floor a few days ago that the camps cannot be retained unless this Congress can find the money within the Budget. None of us want to be compelled to raise additional taxes for any purpose. But this Congress can find ways and means to keep these camps open without raising additional taxes or going outside of the estimates of the Bureau of the Budget if it really wants to do so. I realize full well that it is extremely difficult to cut the estimates of the various departments of Government, but I am certain that it can be done. Let me say again that I am going to do my best, in my humble way, to do that very thing.

I have remarked many times that Congress might economize by eliminating one or two battleships that will be out of date and useless within a few years, and take the money saved and keep every C. C. C. camp in the United States open. Surely we could at least postpone the construction of just one $60,000,000 battleship for a couple of years.

Mr. HOUSTON. Is it not possible for the Chief Executive to transfer funds from one department to another in order to continue this activity?

Mr. JOHNSON of Oklahoma. That could be done; certainly.

Mr. HOUSTON. What would be in order, then, to attempt to have this done?

Mr. JOHNSON of Oklahoma. If the gentleman from Kansas will recall, that very thing was done 1 year ago, when Members became greatly aroused over the prospects of having 700 C. C. C. camps abandoned. Let me again suggest that if Members of Congress would get together as was done a year ago and demand that no more camps be closed and let the "powers that be" know we really mean business, it could be done and we could still stay within the Budget.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Certainly.

Mr. CASE of South Dakota. I was interested in the gentleman's remarks about a battleship. As I understand, the naval appropriation bill is now in conference, and has not finally passed. Is it not possible we may appeal to the conferees for sufficient savings, out of the conference on the bill to provide the funds needed?

Mr. JOHNSON of Oklahoma. I am pleased the gentleman has asked that question. That, of course, would help some, but I know of no way under the present situation to cut off even one of those $60,000,000 battleships. I wish it could be done.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I yield 1 additional minute to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. After our conference at the White House some members of the Naval Appropriation Committee, handling the bill, said, "We will do our best to try to cut the naval appropriation below the Budget estimate." When the bill came onto the floor, the committee, so I understand, had whittled the naval appropriation some $38,000,000 below Budget requests, but the appropriation, in my judgment, was still unreasonably and inexcusably high.

When the naval bill went to the body at the other end of the Capitol more than the $38,000,000 which had been saved was added, so we hear. This is what happens on nearly all of the appropriation bills. The bill is now in conference, and there will be no chance of saving anything like $38,000,000, to say nothing of one or two of those big useless battleships that will take several years to construct; that is, if the conferences between the two Houses run true to form and go as they usually do.

Mr. CASE of South Dakota. Does not the gentleman think it might be possible that if we could keep the naval appropriation bill within the House recommendations the money saved might be used for C. C. C. purposes?

Mr. JOHNSON of Oklahoma. Well, I will say to the gentleman that I should like to see that thing occur. But let me say in closing that if the C. C. C. camps are to be saved Members interested should meet, as we did last year, organize and make our purpose and plans known and felt. I plan on calling such a conference soon, and I here and now invite all Members interested to join me in such a call. [Applause.]

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, as there are no further requests for time, I ask that the Clerk read the bill for amendment.

The Clerk read as follows:

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska, $171,000.

Mr. MITCHELL of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL of Tennessee: On page 11, line 19, strike out "$171,000" and insert in lieu thereof "$85,000."

Mr. MITCHELL of Tennessee. Mr. Chairman, some 50 years ago, or about that time, the custom obtained of allowing Members of the House 20 cents per mile as mileage. As I recall, the first appropriation was made in about 1880. Since that time, I call the attention of my colleagues here on the floor to the fact that conditions are very different from those that obtained at the time the appropriation was first made.

I have offered this amendment in the best of faith. I think, as Members of the House, we can well afford to give this matter due consideration, and I hope the members of the committee will thoughtfully consider this recommendation that the mileage of Members, both in the House and at the opposite side of the Capitol, be properly fixed at not exceeding 10 cents per mile.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Tennessee. Yes.

Mr. COLLINS. The gentleman knows that the mileage allowed Members of the Senate and the House is less than the cost of transporting Army officers and their families from post to post, does he not?

Mr. MITCHELL of Tennessee. I am not prepared to state the expense incident to transporting Army officers.

Mr. COLLINS. I was wondering why the gentleman does not go after worth-while items instead of trivialities.

Mr. MITCHELL of Tennessee. Well, this is not such a large matter, I concede, but it is one that affects each one of us and the taxpayers, and if we are anxious to have economy I do not see why we should not set the example.

What I have in mind is that the actual expense of the Members incident to going and coming would be proper. When the 20 cents per mile was allowed, it was in the "horse and buggy" days and in the days of the toll gates and hacks and considerable time was required to get to Washington. At this time we have the modern highway, the automobile, and most of us own our own conveyance, and we recognize it does not require anything like 20 cents per mile in going and coming to the Nation's Capital.

I have offered this amendment with the idea that this amount of $85,500 will amply cover the actual expense because of the changed conditions that now obtain on account of the automobile, the highway, and closer train connections. Formerly a much greater time was consumed by the Members in going and coming to the Capital.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Tennessee. I will be very pleased to yield.

Mr. HOUSTON. As I understand, the gentleman's amendment proposes to reduce the mileage?

Mr. MITCHELL of Tennessee. From 20 cents per mile to 10 cents per mile; yes.

Mr. HOUSTON. Has the gentleman ever returned any of his mileage to the Government?

Mr. MITCHELL of Tennessee. I will say, frankly, I have not; but I may say that I think now is a good time for each and every Member to begin to practice economy.

Mr. HOUSTON. There is no law against returning some of the mileage.

Mr. MITCHELL of Tennessee. And in this way we would set an example of economy to the other departments of the Government.

Mr. HOUSTON. There is no law against returning part of the mileage.

Mr. MITCHELL of Tennessee. That is true.

Mr. HOUSTON. But the gentleman has not returned any of it.

Mr. MITCHELL of Tennessee. No; I have not. Pass this amendment and let all Members share——

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I desire to be heard on the amendment.

I presume the gentleman from Tennessee is perfectly honest and sincere in his proposal. The gentleman wishes to cut down the amount set forth on page 11 of the bill under the heading of "House of Representatives, salaries and mileage to Members", the particular paragraph reading as follows:

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico and for expenses of the Delegate from Alaska—

The gentleman wants to cut the amount from $171,000 to $85,500, or one-half.

The amount of a Member's mileage is the amount fixed by law, 20 cents per mile. If the gentleman from Tennessee is sincere, I wish he would propose a legislative amendment to the act that established the mileage at 20 cents per mile. This is the place where the amendment should apply.

What will be the effect if the gentleman's amendment here is adopted and reduces this amount from $171,000 to $85,500? It will mean only that some of the Members will receive the full amount of their mileage, according to present law, while some of the Members will not receive it, because there will be an exhaustion of funds and they will not receive the appropriate mileage due them under the law, and then, of course, some agency of the legislative establishment will have to appear before the deficiency committee of our Appropriations Committee to secure the balance of the sum required.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. O'MALLEY. The gentleman's amendment does not provide for the manner in which those shall be distinguished who shall receive the full amount or only part of it.

Mr. DOCKWEILER. That is the point I make, that the first half of the membership to get to the window first will consume the $85,000, and then the other half will go away empty-handed.

Mr. MITCHELL of Tennessee. But the gentleman is cognizant of the fact that it would not require anything like the $85,500.

Mr. DOCKWEILER. That is beside the point—whether it actually costs a Delegate from one of these possessions 20 cents per mile. The gentleman's argument about the increased facilities of travel is beside the point in this bill. If the gentleman wishes to change the original measure that provided for mileage, I wish the gentleman from Tennessee would offer an amendment to that measure.

Mr. MITCHELL of Tennessee. I have so introduced a bill, and it is pending before the committee, and I have asked for a hearing.

Mr. DOCKWEILER. That demonstrates the gentleman's sincerity on this point, and I hope he will succeed; but I must object to the amendment being inserted in this appropriation bill at this time, and I hope the Committee will turn it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. MITCHELL of Tennessee) there were—ayes 2, noes 67.

So the amendment was rejected.

The Clerk read as follows:

COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, $5,300; assistant clerk, $2,460; janitor, $1,560. Agriculture—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Appropriations—clerk, $7,000 and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $5,000 and $1,000 additional so long as the position is held by the present incumbent; three assistant clerks at $3,900 each; assistant clerk, $3,600; two assistant clerks at $3,300 each; messenger, $1,560. Banking and Currency—clerk, $3,760; assistant clerk, $1,740; janitor, $1,260. Census—clerk, $2,760; janitor, $1,260. Civil Service—clerk, $2,760; janitor, $1,260. Claims—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Coinage, Weights, and Measures—clerk, $2,760; janitor, $1,260. Disposition of Executive Papers—clerk, $2,760. District of Columbia—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Education—clerk, $2,760. Election of President, Vice President, and Representatives in Congress—clerk, $2,760. Elections No. 1—clerk, $2,760; janitor, $1,260. Elections No. 2—clerk, $2,760; janitor, $1,260. Elections No. 3—clerk, $2,760; janitor, $1,260. Enrolled Bills—clerk, $2,760; janitor, $1,260. Expenditures in Executive Departments—clerk, $3,300; janitor, $1,260. Flood Control—clerk, $2,760; janitor, $1,260. Foreign Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Immigration and Naturalization—clerk, $3,300; janitor, $1,260. Indian Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Insular Affairs—clerk, $2,760; janitor, $1,260. Interstate and Foreign Commerce—clerk, $3,900; additional clerk, $2,640; assistant clerk, $2,100; janitor, $1,560. Irrigation and Reclamation—clerk, $2,760; janitor, $1,260. Invalid Pensions—clerk, $3,300; assistant clerk, $2,880; expert examiner, $2,700; stenographer, $2,640; janitor, $1,500. Judiciary—clerk, $3,900; assistant clerk, $2,160; assistant clerk, $1,980; janitor, $1,500. Labor—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Library—clerk, $2,760; janitor, $1,260. Merchant Marine and Fisheries—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Military Affairs—clerk, $3,900; assistant clerk, $2,100; janitor, $1,560. Mines and Mining—clerk, $2,760; janitor, $1,260. Naval Affairs—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Patents—clerk, $2,760; janitor, $1,260. Pensions—clerk, $3,300; assistant clerk, $2,160; janitor, $1,260. Post Office and Post Roads—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Printing—clerk, $2,760; janitor, $1,560. Public Buildings and Grounds—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Public Lands—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Revision of the Laws—clerk, $3,300; janitor, $1,260. Rivers and Harbors—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Roads—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Rules—clerk, $3,300; assistant clerk, $2,100; janitor, $1,260. Territories—clerk, $2,760; janitor, $1,260. War Claims—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Ways and Means—clerk, $4,620; assistant clerk and stenographer, $2,640; assistant clerk, $2,580; clerk for minority, $3,180; janitors—one, $1,560; one, $1,260. World War Veterans' Legislation—clerk, $3,300; assistant clerk, $2,460; in all, $299,480.

Mr. HANCOCK of New York. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Page 14, line 22, after the word "janitor", strike out "$1,500" and insert in lieu thereof "$1,560."

Mr. HANCOCK of New York. Mr. Chairman, I understand that this amendment is acceptable to the committee. If that is true, I have no comments to make about it.

Mr. DOCKWEILER. Mr. Chairman, I have discussed this matter with the gentleman from New York. The amendment represents an increase of $60 a year to be paid to the janitor of the Committee on the Judiciary. He seems, for some unknown reason through the years, to be the only janitor for a major committee who is receiving $60 less than the other janitors.

Mr. HANCOCK of New York. He is the only janitor to a major committee receiving $1,500.

Mr. DOCKWEILER. The committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. HANCOCK of New York. Mr. Chairman, I suggest that the total at the end of the paragraph be increased the necessary $60.

Mr. DOCKWEILER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DOCKWEILER: Page 15, line 21, strike out "$299,480" and insert in lieu thereof "$299,540."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

CLERK HIRE, MEMBERS AND DELEGATES

For clerk hire necessarily employed by each Member and Delegate, and the Resident Commissioner from Puerto Rico, in the discharge of his official and representative duties, in accordance with the act entitled "An act to fix the compensation of officers and employees of the legislative branch of the Government", approved June 20, 1929, $2,190,000.

Mr. COLLINS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COLLINS: Page 19, after line 19, insert a new paragraph, as follows:

"For additional services in the office of each Member and Delegate and the Resident Commissioner from Puerto Rico, in the discharge of his official and representative duties, at a rate not to exceed $1,800 per annum, as to each such office, $783,000."

Mr. COLLINS. Mr. Chairman, I ask recognition.

The CHAIRMAN. The gentleman from Mississippi.

Mr. WARREN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from North Carolina rise?

Mr. WARREN. I rise to make the point of order that it is not authorized by law.

Mr. FRED M. VINSON. The point of order comes too late, Mr. Chairman.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. WARREN. I make the point of order, Mr. Chairman.

Mr. COLLINS. And I make the further point of order that I had secured recognition from the Chair before the point of order was made, and therefore the point of order comes too late.

The CHAIRMAN. The gentleman had not begun his remarks. The Chair will hear the gentleman from Mississippi on the point of order.

Mr. COLLINS. Mr. Chairman, I make the point of order that the point of order comes too late. I was on my feet and had been recognized by the Chair, as will be shown by the stenographic notes.

The CHAIRMAN. The Chair does not believe that the point of order comes too late. The gentleman from North Carolina was on his feet seeking recognition at the time the gentleman rose.

Mr. COLLINS. On the contrary, I had secured recognition from the Chair and was approaching the Well of the House for the purpose of speaking to my amendment before the gentleman addressed the Chair, all of which will be shown by the stenographic notes.

The CHAIRMAN. The gentleman from Mississippi had not begun debate on the amendment, and even though the Chair had recognized the gentleman from Mississippi, the gentleman from North Carolina was on his feet at practically the same time, and the Chair does not believe that the point of order has been raised too late.

Mr. COLLINS. Mr. Chairman, I assert that the Chair had gone so far as to address me and recognize me. I had gone so far as to say "Mr. Chairman."

The CHAIRMAN (Mr. LUCAS). The attention of the Chair has been called to a ruling that was made on April 18, 1904, upon this same subject matter. It specifically states—

To preclude a point of order, debate should be on the merits of the proposition.

This opinion was made by Chairman Crumpacker, and at that time he had this to say in section 6901 of volume V of Hinds' Precedents:

The Chair is of the impression that the discussion was not upon the merits of the bill, but informally with a view of determining some preliminary matters, and under those circumstances it would seem that Members would have the right to make the point of order.

In other words, this even goes further, as the Chair sees it, than the matter that is before us at this time.

Mr. COLLINS. With all due deference to the Chair, I think the Chair misunderstands the meaning of the language he has just read. The Chair had gone so far, in the instant case, as to say, "the gentleman is recognized for 5 minutes", as will be verified by a number of Members whom I hear speaking at the present time.

The CHAIRMAN. The Chair calls attention to another decision which the Parliamentarian has given him, which is section 6906, as follows:

Although a point of order may not be made after debate has begun, yet the Chair does not permit a few sentences of debate to preclude a point of order made by a Member who has shown due diligence.

Mr. COLLINS. But he has not shown it.

The CHAIRMAN. The Chair disagrees with the gentleman from Mississippi because, as the Chair stated, the gentleman from North Carolina [Mr. WARREN] was on his feet at the same time that the Chair recognized the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, let us be perfectly frank about this thing. The gentleman from North Carolina [Mr. WARREN] was waiting for somebody else to make the point of order. Nobody else made the point of order and I was recognized by the Chair and had reached the Well of the House for the purpose of speaking on my amendment before the gentleman from North Carolina made the point of order. These are the facts that everyone in this Chamber knows.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. O'MALLEY. I want to recite to the gentleman that I distinctly heard the Chair say that the gentleman was recognized for 5 minutes, and that in a similar instance in the Seventy-fourth Congress I made a point of order that a point of order had come too late, and I was proceeding from my place to the Well of the House, and the Chair held that the point had come too late, even though I had not yet begun my remarks.

Mr. COLLINS. I have been in this House for 16 years, and I have seen this same question arise not once but hundreds of times.

The CHAIRMAN. The Chair is ready to rule on the point of order made by the gentleman from North Carolina. In the opinion of the Chair, there is no authorization under the law for the additional clerks as is proposed by the amendment offered by the gentleman from Mississippi [Mr. COLLINS]. Obviously, it is an attempt to pass legislation upon an appropriation bill. The Chair sustains the point of order made by the gentleman from North Carolina [Mr. WARREN].

Mr. COLLINS. Mr. Chairman, I appeal from the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and on a division (demanded by Mr. SNELL) there were ayes 72 and noes 23.

So the decision of the Chair stood as the judgment of the Committee.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. As I understand it, the gentleman from Mississippi [Mr. COLLINS] offered an amendment, to which the gentleman from North Carolina [Mr. WARREN] made a point of order. Then I understand the gentleman from Mississippi made the point of order that the point of order made by the gentleman from North Carolina came too late. Did the Chair overrule the point of order made by the gentleman from Mississippi? I should like to have that matter clarified as to what the vote was taken on.

The CHAIRMAN. The Chair overruled the point of order made by the gentleman from Mississippi and sustained the point of order made by the gentleman from North Carolina.

Mr. BOILEAU. That is as I understood it, but as to the vote the gentleman from Mississippi asked for an appeal and the vote was taken on the appeal. On which of the points of order was the appeal taken?

The CHAIRMAN. Obviously the appeal was taken upon the point of order made by the gentleman from North Carolina [Mr. WARREN]. That is the way the Chair stated it.

Mr. BOILEAU. That is the way the Chair stated it, but I was not sure that the Members of the House understood it.

Mr. O'MALLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'MALLEY. I will confess I did not hear the point of order stated by the gentleman from North Carolina, and I am in doubt as to whether the stenographic notes will show what his point of order was.

The CHAIRMAN. The gentleman from North Carolina made the point of order that it was legislation.

Mr. O'MALLEY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair will ask the gentleman from North Carolina just what he did say.

Mr. WARREN. Mr. Chairman, I very distinctly stated, and certainly those sitting around me heard me, that I made the point of order on the ground that it was not authorized by law, and the stenographer's notes will so show.

The CHAIRMAN. That is as the Chair understood it.

The regular order was demanded.

Mr. COLLINS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. COLLINS. Mr. Chairman, on the question of clerk hire for ourselves, I think we should provide our own offices with capable assistants and a sufficient number of them to perform properly our work, and this we are not doing now. Government officials in various departments come to us and ask for clerk hire and assistants sufficient to perform the duties of their offices, and we very willingly and liberally grant these requests. And it is done as a matter of course, but when it comes time for us to provide ourselves with adequate clerical assistance so that we can perform the every-day functions of our offices then we slink away in a cowardly fashion and refuse to provide it, because we fear that the people back home do not approve. This is a species of cowardice about which we should feel ashamed. I think it is time that somebody should venture to tell the truth about this and speak out in the open as to our needs.

At present I am spending over $3,000 per year out of my own limited income in order to staff adequately my office and answer the letters that come to me and do the other official work that I must do.

This is a bill making appropriations to the legislative establishment and therefore the proper bill to provide money for additional help. I will go anywhere to present our needs, but certainly there should be some place open to us to present our case and secure that which should be given as a matter of simple justice.

I do not agree with the Chair in the ruling of the Chair today. I do not think any point of order was made before I reached the Well of the House after beginning a speech upon my amendment. Furthermore, I do not see the necessity of being so extraordinarily technical about this amendment, because all of us know that each and every other appropriation bill, including this one, is filled to overflowing with legislative enactments that have been carried, some of them for nearly 100 years, all of which are subject to points of order, and no points of order are made except in this instance.

Mr. Chairman, the time is here when we must provide ourselves with additional clerks. The Social Security Act alone will put upon our desks at least 25,000 cases that we must handle for the people of our districts who will write us about their claims; and if we do not provide ourselves with this help now I do not know what is going to become of us or the people whom we represent, whose claims will be dropped in our laps to handle for them.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. HOUSTON. Mr. Chairman, I agree with everything the gentleman has said about the necessity for additional clerk hire. It seems as though we legislate and appropriate for everything on earth downtown that they ask or desire, but when it comes to ourselves, we run off and hide.

Mr. COLLINS. Absolutely.

Mr. HOUSTON. The time has come when we should meet this need and take care of it.

Mr. COLLINS. We can get additional Capitol policemen anytime. Right now we could get 25 additional Capitol policemen, although the Capitol is now full of them, but we cannot get funds to provide competent assistants to help us with research and other important every-day business, because we fear that some opponent will criticize us in the next campaign. And we should realize that the people back home are intelligent and know our needs about as well as we do.

Mr. HOUSTON. If the gentleman will permit a further interruption, Mr. Chairman, I call attention to the fact that in the bill before us we are creating 15 additional positions in the Library of Congress, but we cannot provide for an additional clerk in our own offices where we need them. I agree with the gentleman. I hope some way is worked out whereby additional help can be furnished.

Mr. WARREN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. WARREN. Mr. Chairman, I may say to the gentleman from Mississippi that I have considerable sympathy with what the gentleman has in mind. I made the point of order because it was very proper that I should protect the committee of which I am chairman, and also in view of the vote that was taken in the House a little over a year ago on this same question. Personally, I will welcome the cooperation of the gentleman from Mississippi and other Members, if they can aid us in working out some attack on this problem that we realize is especially acute in the case of at least certain Members of the House.

Mr. COLLINS. I am very happy to hear the statement that the gentleman from North Carolina has made, for it is the first ray of sunshine on this perplexing problem that I have seen. I shall therefore introduce this afternoon or tomorrow morning a bill to give to each Member of the House an additional clerk.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLINS. My bill will be introduced within the next 24 hours. I promise this. I should like to know when the gentleman will take up this bill for consideration by his committee.

Mr. WARREN. The committee, of course, has other matters to be considered. It is a matter which will be considered in the usual way. I wish the gentleman to understand that I am not committing myself to any bill that he might introduce.

Mr. COLLINS. I understand that.

Mr. WARREN. I am telling him that I will see that he gets a prompt and early hearing, and I will welcome his cooperation in trying to work out something.

Mr. COLLINS. I am very thankful to the gentleman, and I do hope the assistance that we look for and the sympathy my friend expresses will be adequate.

Mr. Chairman, I yield back the balance of my time.

By unanimous consent, the pro-forma amendment was withdrawn.

The Clerk read as follows:

Legislative garage: For maintenance, repairs, alterations, personal and other services, and all necessary incidental expenses, $9,280.

Mr. HOUSTON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HOUSTON: Page 26, line 11, after the sign and figures "$9,280", insert the following: "*Provided*, That no part of this appropriation shall be expended to maintain, repair, or operate this garage to provide parking space for any privately owned, motor-propelled, passenger-carrying vehicles not the personal property of a Senator, Representative, Delegate from a Territory, or the Resident Commissioner from Puerto Rico."

Mr. HOUSTON. Mr. Chairman, I am offering this amendment because it has been called to my attention by various Members of the House that it is impossible to get space in this legislative garage. It was stated to me a moment ago an application has been pending for 3 years to get a Member the right to put his car in this garage. I understand 96 Senators and 80 Members of the House have the right to use the garage. Possibly some of the Architect's cars are situated there. There are also a good many cars of the secretaries to the Senators garaged there. In fact, I have been told recently that the place is cluttered with cars belonging to Senators' secretaries. I think it is no more than right the Members of the House should have the privilege of using this garage for which we appropriate the money. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. HOUSTON].

The amendment was agreed to.

The Clerk read as follows:

House Office Buildings: For maintenance, including equipment, miscellaneous items, and for all necessary services, $350,290.

Mr. DOCKWEILER. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. DOCKWEILER: Page 27, line 3, strike out "$350,290" and insert in lieu thereof "$351,370."

The committee amendment was agreed to.

The Clerk read as follows:

The purchase of supplies and equipment and the procurement of services at the Botanic Garden may be made in the open market without compliance with sections 3709 and 3744 of the Revised Statutes of the United States in the manner common among businessmen, when the aggregate amount of the purchase or the services does not exceed $50 in any instance.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I move to strike out the last word of this item which relates to the Botanic Garden in order to ask the chairman of the Subcommittee on Appropriations a question which I confess I have been asking off and on for 16 years.

Why should the House of Representatives run a greenhouse and what is the function performed there?

Mr. DOCKWEILER. I think I know what the gentleman has in mind and I have about the same attitude of mind the gentleman has. It will be noted the committee has appropriated less this year for the operation of the Botanic Garden than ever before.

The only justification for the Botanic Gardens, so far as I can see, is that it raises and supplies plants and shrubs to supplement dying plants, trees, or shrubbery around the grounds here on Capitol Hill. In 1931 the Botanic Garden cost for maintenance about $195,000. This has been gradually reduced to the $101,000 we recommend here. I believe that for $101,000 we could supply all the plants necessary to take care of the landscaping around the Capitol and the Congressional Library. This should be transferred to the Department of Agriculture if the activity is worth anything.

Mr. WADSWORTH. I remember asking the same question of the chairman a year or two years ago, and making the suggestion that perhaps this activity could be transferred to the Department of Agriculture and taken away from the Congress. It does not belong under our jurisdiction at all. To me it is a standing joke, and will be as long as it is carried in this bill.

Mr. DOCKWEILER. The gentleman from New York might be interested to know that for the last few years we have not continued to fill the vacancies which have occurred in this particular activity. There are only a few employees left, and as an employee retires or demises we do not fill the place. We have an agreement with the Architect of the Capitol that he shall not fill these places when they become vacant. In this bill we have dropped the salary of the Director of the Botanic Garden, which represents $4,600 a year. It is an activity that the Architect has been undertaking. The position has not been filled during the last few years. We have practically done away with that position, and it will not be refilled.

Mr. WADSWORTH. Does the Garden distribute plants or flowers gratis to anybody?

Mr. DOCKWEILER. It does not distribute gratis one single plant. Some of these hothouses are filled with plants for display purposes only.

Mr. WADSWORTH. I cannot see that it is of any use at all then.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

For the Register of Copyrights, Assistant Register, and other personal services, $251,900.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I make reference to a small item appearing on page 20 of the bill, reading as follows:

For payment of one-half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, $29,000.

The Joint Committee on Internal Revenue Taxation in the two branches of Congress expends the sum of $58,000.

May I call the Committee's attention to the saving that this committee brings about in connection with rebearings of refund cases? The law provides that refunds in excess of $75,000 shall be referred to this joint committee. I think we should recognize the fact that the committee has as its experts some of the leading tax men of the country. The head of the committee is Mr. L. H. Parker, who is recognized throughout the country as a great tax expert.

He is absolutely independent and impartial in his judgment. Men who are employed under him are of the greatest assistance to the Committee on Ways and Means and to the Senate Committee on Finance, as well as to our joint committee. I am saying this simply in justification of this small item of appropriation.

Our records show that during the several years this committee has been in existence we have, conservatively estimated, saved directly for the Federal Treasury at least $2,000,000. Indirect savings have been many times greater. An item in one case now pending before the Bureau raised by the staff involves something like $700,000 in tax and interest and is illustrative of the importance of the technical work of the joint committee.

I think as a member of the minority I owe these few words to the majority in respect of the employees we have on this Joint Committee on Internal Revenue Taxation. I for one am pleased to bring to the attention of the House the interest these men take in their work and the results that come from it. An appropriation such as this is money very well expended.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. ANDRESEN of Minnesota. Has this special committee ever reduced the amounts of refunds recommended by the Internal Revenue Bureau?

Mr. TREADWAY. That is exactly what they do. They reach a compromise in some of the larger cases, especially in the very large cases, and very frequently they reduce the recommendations made by the Department, by this action checking up on the Department.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

LEGISLATIVE REFERENCE SERVICE

To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and Members thereof, and for printing and binding the digests of public general bills, and including not to exceed $5,700 for employees engaged on piece work and work by the day or hour at rates to be fixed by the Librarian, $160,490.

Mr. COX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COX: Page 21, line 8, after the word "to", insert the word "hereafter", and after the word "persons", in line 9, insert a comma and the following: "including a Director at $8,000."

Mr. DOCKWEILER. Mr. Chairman, I reserve a point of order on the amendment, as I believe it changes the existing law.

Mr. COX. Mr. Chairman, it is barely possible the amendment is subject to a point of order. However, I trust that after my brief statement the gentleman reserving the point will not insist upon making it.

The purpose of the amendment is simply to reclassify the position of Director of the Legislative Reference Service in the Library of Congress. The duties described by the Code as falling within this grade are as follows:

Grade 6 in this service * * * shall include all classes of positions the duties of which are to act as assistant head of a major professional or scientific organization, or to act as administrative head of a major subdivision of such an organization, or to act as head of a small professional or scientific organization, or to serve as consulting specialist, or independently to plan, organize, and conduct investigations in original research or development work in a professional, scientific, or technical field * * *. The annual rates of compensation for positions in this grade shall be $5,600, $5,800, $6,000, $6,200, and $6,400, unless a higher grade is specifically authorized by law.

Mr. Chairman, the duties of the Director are more properly described under grade 8 of the professional service:

Grade 8 in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the administrative head of one of the largest and most important professional or scientific bureaus, or to perform professional or scientific work of equal importance, difficulty, and responsibility. The annual rates of compensation for positions in this grade shall be $8,000, $8,500, and $9,000, unless a higher rate is specifically authorized by law.

In 1923, Dr. Putnam, the Librarian, in his annual report, said:

The office of Director has never been filled, for the lump-sum appropriation has not sufficed to afford a salary necessary to secure a competent man. It requires knowledge of law, economics, political science, linguistic equipment, and the sort of judgment, discretion, and experience which readily fetch from $7,500 to $12,000 (e. g., for the directors of research in the Chamber of Commerce of the United States).

The Legislative Reference Service is a Government service consisting of a staff of 51 members. It was created by the Congress 20 years ago (see 38 Stat. 1005) for the purpose of furnishing the Congress with information and data for or bearing upon legislation. Hence it is concerned with the highest type of research in all matters of economic, political, and social science, history, and law. It includes among its staff lawyers, economists, statisticians, and historians. It is constantly engaged in furnishing Congress with highly technical information concerning Federal and State laws, finance, taxation, economics, political science, constitutional history and law, American and European history. It serves Congress to the extent of replying to approximately 5,000 inquiries annually, these responses involving the widest range of human endeavor and activity. The demands upon the Service are as comprehensive as are the needs of Congress.

The Service assembles a vast mass of information from a large number of scientific and technical journals, from analytical indexes of Federal and State statutes, and from reference lists of published material. It gathers data from committee reports, from debates in Congress, from the messages of the Presidents, and from communications from executive officers; from financial and economic publications of many foreign countries; from the reports of executive bureaus and departments; from publications and statements issued by bar associations, economic associations, educational societies, and all national organizations discussing pending or proposed legislative measures. This collected material constitutes the primary source of Legislative Reference Service information. It is made available to Members in the form of specially prepared manuscripts and photostatic reproductions. The manuscripts prepared in the Service represent the results of highly technical research. Upon the Director of the Service falls the burden of transmitting information in innumerable instances directed by phone from his own fund of information and from his knowledge of sources and the availability of material.

Inquiries are received from Members on many questions of constitutional law and on the history of the Constitution and its clauses, and responses to these inquiries involve the preparation of extracts and digests from authorities on various aspects of the Constitution and notes on the interpretation of various constitutional questions by the Federal courts. Inquiries of this character are important and require careful research.

During the months of February and March 1937 the Service responded to more than 300 inquiries relating in some way to the President's message on the Federal judiciary, these inquiries involving an extensive knowledge of the constitutional and legal history of the United States, of Federal court procedure, and fundamental concepts of American Government.

The section of the Service devoted to the indexing of State laws covers the entire field of State legislation. The Service publishes biennially an index of the laws of all 48 States, together with a digest of important changes in the substantive law, by means of which a Member is able to gather prompt and accurate information as to what the State law is on a given subject and to ascertain the trends of legislation in all the States. A special section of the work indicates changes in administrative law.

The work of the Foreign Law Section is to answer with promptness and accuracy inquiries from Members concerning the laws of foreign countries and to make comparison of such laws with those of the United States. There is involved not only research in the original language of these laws but also translation into proper English legal terminology. It is work which requires a knowledge not only of important foreign language but requires on the part of the Director the ability to determine whether the translations carry proper import and significance. There is constant demand from Members for data on foreign law in many fields.

The Service maintains for Congress a bill-digest section, devoted to the digesting and indexing of all bills of public general interest currently introduced. These digests, together with a cumulative subject-matter index, are published periodically during the session. Special attention is given to indicating the modification of existing law proposed for enactment. The bill-digest section keeps a record of legislative action on all bills, and this record is substantially complete from the Sixty-eighth Congress to date.

The economics and history section of the Service is called upon many times daily not only during the congressional session but when Congress stands in recess as well. It furnishes Members of Congress with a vast amount of information on all phases of history and economics, and especially with current information.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. That the present Director of the Service possesses the qualifications described by the Librarian is evident from the fact that since the present Director took office, to wit, November 1, 1935, the Service has responded satisfactorily to almost 5,000 inquiries from the Congress, an increase over any similar period of almost 2,000 inquiries. At present these inquiries from Congress average about 600 monthly.

But that the description of the duties of P-6, under the Classification Act—the grade in which the present Director is classified—does not accurately describe the duties performed by the Director of the Legislative Reference Service is readily apparent.

Moreover, it is of importance to note that the Librarian has provided for the "consultants" of the Library compensation far in excess of that paid to the Director of the Legislative Reference Service. The "consultants" of the Library, or "holders of chairs", as the Librarian describes them, never respond to the demands of the Congress—few of them have more than a secretary. According to the report of the Librarian (hearings on the legislative establishment appropriation bill, 1931, p. 206), these consultants—

Serve only in a special relation, necessarily informal, possibly temporary, certainly tentative, and * * * would be embarrassed if they were subject to all the incidents of the regular service * * *.

And yet the compensation paid these consultants exceeds by far that paid the Director of the Legislative Reference Service, who is subject to all the incidents of the regular service, and who, during a busy session of the Congress, is compelled to devote approximately 10 hours daily to the duties of his office, and to supervise the activities of one of the largest divisions of the Library of Congress.

Further, it is important to note that the salaries paid to the chiefs of bureaus in all other departments of the Government are far in excess of that paid the Director of the Legislative Reference Service. And yet none of these officers performs more responsible duties nor is called upon to respond to more urgent demands than those to which the Director of the Legislative Reference Service is constantly compelled to respond; for, while the functions and duties of each of these officers are confined within narrow limits, the duties of the Director of the Legislative Reference Service are as wide as the legislation presented during a complete session of Congress. The legislative counsel are paid at the rate of $10,000 per annum.

That the present Director possesses the qualifications described by the Librarian as requisite for the position may be judged from the fact that he holds the doctorate of jurisprudence and a baccalaureate degree in political science. His academic training includes courses in the physical and applied sciences, in agriculture, and in medicine. For 25 years he held the chair of political science and history at a prominent State university. In 1927–28 he was in charge of the research conducted by the House Committee on Flood Control, and in 1928 he conducted the research in both House and Senate incidental to the passage of the Boulder Dam legislation. In 1930 he was assigned to the Senate during the consideration of the legislation culminating in the Smoot-Hawley Tariff Act. He is the author of a number of studies in history and political science, and he has written numerous articles on medicine.

The effect of the amendment which I have offered is simply to increase the Director's salary about $2,000.

I am sure, Mr. Chairman, the Members of Congress are acquainted with the work of the Director of the Legislative Service, that gentleman in charge of this legislation may see their way clear to let the amendment be submitted to the committee, and that the committee will adopt it.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. COX. I yield.

Mr. SNELL. Who is this great man the gentleman is talking about? I did not get his full name.

Mr. COX. I do not mean to say that he is necessarily a very great man, but he is a very extraordinary one.

Mr. SNELL. The gentleman read his record, and it seemed to me he is too big a man to be buried in the Library of Congress.

Mr. COX. He is Dr. George J. Schulz, and is a valuable public servant.

Mr. SNELL. I just wanted to find out who this great man is.

Mr. COX. I do not mean to unduly applaud him as the greatest of men, but he is a very able one, as I happen to know from my acquaintance with him and from having availed myself of the services which he has been rendering.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I have reserved the point of order against the amendment that it changes existing law, irrespective of the fact that this gentleman, Dr. Schulz, may be a splendid official. If we attempt to give him a salary of $8,000 by this bill, it would certainly place his salary completely out of line with the salary of the other heads of divisions, such as the Law Librarian, the Chief of the Copyright Office, and the like. The position he occupies of Director of Legislative Reference, like all other positions in the Library, comes under the provisions of the Classification Act. The law requires the Classification Division of the Civil Service Commission to assign these positions to pay grades of the Classification Act. This position has been allocated to a grade where the salary ranges are from $5,600 as a minimum to $6,400 as a maximum. That is the law. Therefore, I feel that under the circumstances I must make a point of order——

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. COX. If the gentleman insists upon his point of order, and if the gentleman and the other members of the committee are not willing to accept the amendment, I ask unanimous consent to withdraw the amendment, and at the same time I ask unanimous consent to extend my remarks in the RECORD.

Mr. DOCKWEILER. I have no objection to the gentleman withdrawing the amendment.

The amendment was withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia to extend his own remarks in the RECORD?

There was no objection.

The Clerk read as follows:

INCREASE OF THE LIBRARY

For purchase of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, by purchase, gift, bequest, or exchange, to continue available during the fiscal year 1939, $100,000.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I notice the heading of this paragraph is "Increase of the Library." Since I have been in Congress I have seen the volumes of books in the Library increase quite considerably. I think when I first came here the personnel numbered 350 or 400, and I am now informed the number is about 1,200 or 1,500. I am not objecting to this. I think our country should have the greatest library in the world, and there is no question now but that we do have it, but I would like to know how this army of employees is appointed.

Mr. DOCKWEILER. They are appointed by the Librarian of Congress, Dr. Putnam.

Mr. JENKINS of Ohio. Are there any civil-service requirements in connection with such appointments in the Library?

Mr. DOCKWEILER. None whatever. Their grade and rate of pay are fixed under the Classification Act of 1923, as amended.

Mr. JENKINS of Ohio. How are they classified?

Mr. DOCKWEILER. The Civil Service Commission classifies the work they do and assigns the position to the grade under the act and the pay for each grade is specified by the act.

Mr. JENKINS of Ohio. But all the appointments must be made by the Librarian?

Mr. DOCKWEILER. Yes.

Mr. JENKINS of Ohio. Is there any other place in the Government where such a condition exists? Is there any other case where any one man has the right to appoint twelve or fifteen hundred employees?

Mr. DOCKWEILER. I am not familiar with that situation, I may tell the gentleman from Ohio. Of course, the Librarian does not undertake to do all this work himself. He has a personnel officer and has division chiefs.

Mr. JENKINS of Ohio. Has he a personnel officer, as a matter of fact?

Mr. DOCKWEILER. Yes; and the personnel office has had a great deal more work to do because of the large number of applications they have to consider whenever a vacancy occurs. As I understand the practice, the personnel officer does his best in recommending to the Librarian the proper sort of person to fill a vacancy.

Mr. JENKINS of Ohio. I have been a Member of Congress for a good many years, and I know men who have been here much longer than I, and I understand from them that

the head of the Library never seems to think there is anybody from their respective sections of the United States qualified to serve in the Library. The same is true as to my district. How does this come about?

Mr. DOCKWEILER. I may say to the gentleman from Ohio that I had heard similar stories until I became personally acquainted with Dr. Putnam, and I must say that my mind has been completely disabused of any such idea. It is true that he has this large number of employees, but there is not a large turn-over in the course of a year, and his personnel officer tries to recommend the most appropriate person.

Mr. JENKINS of Ohio. Can the gentleman tell me how many employees there are in the Library now?

Mr. DOCKWEILER. I have a list of them here somewhere.

Mr. JENKINS of Ohio. While the gentleman is locating that list let me ask the gentleman this further question, because I am in earnest about the matter. I do not yield to anybody in the Congress in my loyalty for the Library. I used to work in a library myself and I certainly have the best interests of the Library at heart, but from what I hear from various Members, they are more or less critical of the Library because it seems there is some sort of a coterie that handles all of this patronage. If civil service is worth anything, and in my opinion it is, I do not see why any one man should have the authority to appoint 1,200 or 1,500 people without some congressional control somewhere along the line. I think this is too large a number for any one man to handle, and I know I am reflecting the sentiments of others who are, perhaps, more interested in this than I and who have been here much longer than I have, and these men have indicated that they have heard rumblings from home and other places because many sections do not have any representation in the Congressional Library.

Mr. DOCKWEILER. The gentleman has asked how many employees there are in the Library. In the Library proper, including its activities as such, there are, as I understand, 426 positions. In addition to these there is the force in the Copyright Office of 133 positions, the Legislative Reference Service, the Card Index Division, and one or two other small activities. These bring the total up to 675 positions. The custodial force, including guards and charwomen, totals 161. So in all there are 836 positions.

Mr. JENKINS of Ohio. I understand from what I believe to be reliable authority that there are 1,200 employees, all employed by one man. Has the gentleman's committee any authority or would it be unusual for it to make some recommendation to the Congress that that ought to be changed so that we might know? I find that everybody is afraid to ask this great man how he manipulates all these things. Maybe I have made a serious mistake in bringing this matter up, but he cannot hurt me, because I do not think anybody from my district ever got a foot inside the Library; but I should like to know whether the committee has canvassed that situation with the idea of making a recommendation that this might be changed.

Mr. DOCKWEILER. I can inform the gentleman to this extent: We have not made any recommendation this year as to any change that should be made, legislatively or otherwise, so far as the procurement of personnel is concerned in that Library. But since the Congressional Library is operated and completely supervised and controlled by Dr. Putnam, the gentleman can rest assured that the committee has in the past, and as I know from my own personal experience this year, questioned the doctor very carefully as to his activities. We compel him repeatedly to give us a list of every one of his employees, the position, and rate of pay, and whether or not there is a step-up in the amount of salary, and whether there are reallocations of the positions by the Civil Service Commission. Whenever he asks for a reallocation and step-up in salary we are careful in investigating and getting the information. It is set forth also in the Budget each year.

Mr. JENKINS of Ohio. I believe that the Library should not be a football of politics. But I insist that it should not be operated as a thing apart which everybody should look upon as something above or beyond the representatives of the people. There are many millions of Government money invested in that Library. This is the people's money and the Librarian, however powerful he has become, is not more powerful than the people. This man should not be encouraged in his tendency to arrogate infallibility to himself and I should like to know whether this committee has had a chance to satisfy itself as to whether there is a special coterie that selects the personnel of the Library force from among certain favorite groups from certain favored universities or fraternities. If the committee has not looked into this, I think it should do so. Is this great institution to be manned in a way that the people and their rights are fully respected? That is what I want to know.

Mr. DOCKWEILER. I would say from what we glean from our own hearings of Dr. Putnam and the heads of his divisions, I have not found, as a personal matter, that any clique or coterie in the Library is doing the selecting and filling the vacancies, and if the gentleman wishes to change the situation as to how appointments are made, the law would have to be changed. We are not a legislative committee. The law must be changed, because under the law the Librarian has the right to make these appointments. I have not found any impropriety in the selections or that any coterie or clique over there are controlling these selections, and I am being very frank with the gentleman when I say that, because I have heard the same rumors. Rumors have reached me similar to those that the gentleman has spoken of.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. DOWELL. How much has this increased in the last year?

Mr. DOCKWEILER. Does the gentleman mean in personnel?

Mr. DOWELL. Personnel and in amount.

Mr. DOCKWEILER. The increase amounts to 18 extra persons. The Librarian asked for 41 and we gave him 18, and the increase for personnel amounts to a total of $27,540. We have added other items which increase the annual expenditure for the Library for next year to the extent of $45,400, including the new personnel.

Mr. DOWELL. Is that in the Library, or does that include all of the branches covered in the Library?

Mr. DOCKWEILER. All branches, the Copyright Office, every activity in the Library. The 18 new employees are scattered through those activities.

Mr. DOWELL. Does the gentleman's committee increase the number of employees and permit him to fix the pay as he may? Is that the policy of the committee?

Mr. DOCKWEILER. Our committee determines every new position, but there is no new position created unless the money is supplied for it. However, the amount of pay for the position is fixed by the Classification Act under finding by the civil service.

Mr. DOWELL. Does the committee make an investigation of the needs of the Library, or is the committee just simply taking his recommendations?

Mr. DOCKWEILER. That is a very appropriate question and I am very glad the gentleman has asked it. In the 3 years that I have been a member of this Subcommittee on Appropriations the doctor has made a similar request for anywhere from 28 to 41 further employees. The last 3 years we have refused those requests until now, and we felt it is necessary to grant this request. We do not give him all that he asked for. No doubt he needs all he asked for, but we give him 18, and the gentleman will note that those 18 employees are placed in those divisions in the Library where essential work is necessary respecting every book or document.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOCKWEILER. Mr. Chairman, I ask unanimous consent that the time be extended for 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOCKWEILER. Of those 18 we gave 9 new employees to the Catalog Division. Every book that comes in there has to be treated. There is no use having millions of volumes and pamphlets unless they can be treated and cataloged and classified and placed where they can be reached. So we have given the bulk of these 18 new places to the Catalog and Classification Division.

Mr. DOWELL. As I understand the gentleman, during the 3 years he has been a member of the committee there has been no increase in the number of employees in the Library until this time. Is that correct?

Mr. DOCKWEILER. That is correct.

Mr. DOWELL. There has been no increase whatever except this time?

Mr. DOCKWEILER. Yes. Over the previous 5 years the average annual increase amounted to four per year. There were 20 new employees in 5 years previously, an average of 4 each year.

The Clerk read as follows:

For the purchase of books and for periodicals for the law library, including payment for legal society publications and for freight, commissions, and all other expenses incidental to the acquisition of lawbooks, $60,000, to continue available during the fiscal year 1939.

Mr. HARLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARLAN: Page 34, line 4, after the word "books", strike out "$60,000" and insert "$70,000."

Mr. HARLAN. Mr. Chairman, we are located at the Capital of a great Nation, the seat of our Supreme Court, the location of our legislative body, the location of many embassies in which questions of international law, international treaties, and all sorts of questions pertaining to litigation and law making arise. We have a law library containing 300,000 volumes. Many of those are duplications. That is 200,000 less than Harvard University has and much less than the University of Michigan, although I do not have the exact figures. It is also less than the library of the bar of New York City. In fact, there are a number of places in the United States much better equipped with lawbooks than we are at the Capital. In Los Angeles County, with which the chairman of the subcommittee is very familiar, there is appropriated somewhere in the neighborhood of $100,000 a year for this purpose.

We have a library that is functioning with less personnel than any similar library in the country. We have 17 people in the law library. At Harvard University they have 30, and at other different libraries they have comparable numbers.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. I yield.

Mr. DOCKWEILER. Of the new employees carried for the library in this bill, one of them is assigned to the law librarian.

Mr. HARLAN. That is true, but we are talking about the purchase of books. This library is supposed to perform the most important function in the country and it has not only a very limited personnel, but a disproportionate number of books. The personnel is very limited. It is embarrassing if someone comes here and goes to the Congressional Library to get a book and not be able to get it and have to send to Harvard University or New York City or the University of Michigan and bring it here to the United States law library where you and I have to work.

That library must remain open every hour that Congress is in session. If we have a night session the law library must remain open, under the law. It is a part of our work, as well as theirs. It is the working tools of this body, and I think we should not be niggardly with that group. Last year we appropriated $115,000 for the entire library. We took $15,000 off of the general appropriation this year and added $10,000 to the law library. I believe those figures are correct. In view of the fact that books are increasing in price, I think we ought to restore this $5,000 to the law library and add $5,000 for additional cost. You save no money by being penurious with the law library, because the opportunity to purchase books is when they are for sale. If we have no fund out of which to buy the books that are needed at the time they are for sale, they go into other libraries and the opportunity is lost to us forever. What we are doing now is keeping up our reports, our periodicals, and our encyclopedias. They cannot do much more than that. We are not accumulating a working library such as comparable situations would demand. I urge upon you the necessity of adding at least $10,000 to this appropriation for the working tools of this body. If we are expected to function, we certainly ought to supply ourselves with the tools with which to do it.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I move to strike out the last word. I do not want to rise in opposition to the amendment offered by the gentleman from Ohio. I think the reason this committee did not want to go any stronger than $60,000 for the law library of Congress was due largely to the fact that this subcommittee was more or less trying to make a record for good housekeeping. We have reduced the bill some $946,000 under the estimates for next year. I suppose mainly because this is our particular appropriation bill that affects each and every Member of the House and Senate, and it is our own domestic business, we felt that we should break the record in trying to save money without doing any great injury to the legitimate processes of Government. So when we came to this provision, whether or not we should award $60,000 or more for the law library, we said it should remain at $60,000. There is no doubt in my mind that everything the gentleman from Ohio has just said is true. Never before in the hearings, to my knowledge, has there been more testimony rendered in behalf of an increase in the law library than was done in the hearings this year.

Some very distinguished gentlemen representing bar associations—the Bar Association of the District of Columbia, the American Bar Association, and others—appeared before the committee; and it is in the face of their testimony that we gave an increase over last year's budgetary item of only $10,000. Last year the law library received $50,000. This year we are giving it, under the terms of this bill, $60,000. Very distinguished people, however, appeared before us to make a plea for a greater sum of money; so I cannot with any great vigor oppose the amendment submitted by the gentleman from Ohio. As chairman of the committee I would say that the committee does not have any opposition, but I should like to ask the ranking minority member of the committee, the gentleman from New Jersey [Mr. POWERS], if he has any objection?

Mr. POWERS. Mr. Chairman, I do not feel that I can oppose the amendment, for I feel very much as does the gentleman from California, the chairman of the committee. I am willing to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of books and periodicals for the Supreme Court, to be a part of the Library of Congress, and purchased by the Marshall of the Supreme Court, under the direction of the Chief Justice, $7,000.

The CHAIRMAN. The Chair directs the attention of the gentleman from California to a misspelled word, "Marshall", on page 34.

Mr. DOCKWEILER. Mr. Chairman, I offer an amendment correcting the spelling.

The Clerk read as follows:

Amendment offered by Mr. DOCKWEILER: Page 34, line 8, strike out one "l" in the word "Marshall."

The amendment was agreed to.

The Clerk read as follows:

In order to keep the expenditures for printing and binding for the fiscal year 1938 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the

printing of annual or special reports under their respective jurisdictions: *Provided*, That where the printing of such reports is discontinued the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the committee. At the top of page 42 is a provision authorizing the heads of executive departments to discontinue the printing of annual or special reports under their respective jurisdictions. How much money will be saved by this provision?

Mr. DOCKWEILER. Replying to the question of the gentleman from Iowa, I may say that the cost of printing those reports does not come within the jurisdiction of the legislative subcommittee. Such printing cost is chargeable to the department itself and is handled by the subcommittee handling appropriations for the department in question. Have I answered the gentleman's question?

Mr. DOWELL. In other words, the gentleman's committee has no jurisdiction over the printing of the reports from the departments.

Mr. DOCKWEILER. That is right.

Mr. DOWELL. Then, why is this provision in the bill authorizing the discontinuance of the printing of certain reports, especially if this matter is handled by other committees, and the gentleman's committee has no jurisdiction over it? Why is this provision carried in the bill?

Mr. DOCKWEILER. I am informed by the clerk of this committee, who has been with it for many years, that a similar provision has been carried in this bill from year to year. There is no explanation for it other than it has been carried from year to year.

Mr. DOWELL. Then we may understand that the provision is meaningless?

Mr. DOCKWEILER. It has served a useful purpose in the past and is likely to again under certain circumstances, but it has just been carried from year to year.

Mr. DOWELL. As I understand it, however, it is not enforced in any way and no one pays any attention to it.

Mr. DOCKWEILER. That is right. It is discretionary authority that sustains existing practices.

The Clerk concluded the reading of the bill.

Mr. DOCKWEILER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUCAS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DOCKWEILER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was, on motion of Mr. DOCKWEILER, laid on the table.

EXTENSION OF REMARKS

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter on the Supreme Court controversy written by me to a Connecticut newspaper.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the mileage of Members of Congress.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal and the disposition of matters on the Speaker's table, I may be permited to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PEARSON. Mr. Speaker, I ask unanimous consent that on April 9, after the disposition of business on the Speaker's desk, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on April 6, after the disposition of business on the Speaker's table and the previous orders heretofore entered, the gentleman from South Dakota [Mr. CASE] may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. GARRETT asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief statement made by Dr. John A. Vieg, of the University of Chicago, on the judiciary proposal of the President.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address made last evening by the Honorable Harllee Branch, Second Assistant Postmaster General.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JENKINS of Ohio. May I ask whether the rule has been changed with reference to the insertion of extraneous matter in the RECORD? I notice the last three or four gentlemen who have asked permission to extend their remarks have indicated they want to include the statements of people who are not connected with the Congress in any way. A day or two ago I received a request from a prominent gentleman, formerly a Member of this House, who wished to have inserted in the RECORD a certain compilation that he and another distinguished lawyer had made. I wrote to him and told him I did not think I could have the matter included in the RECORD. Now I am awakening to something I did not know about, apparently.

The SPEAKER. In answer to the parliamentary inquiry of the gentleman, the Chair may say that the rule is if a Member desires to extend his remarks by incorporating therein any extraneous matter, such as editorials, excerpts from newspapers or otherwise, he must obtain the permission of the House to do so. If objection is made to the incorporation of such matter by another Member of the House, the request is denied.

Does that answer the gentleman's inquiry?

Mr. JENKINS of Ohio. Yes. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert therein a statement compiled by Henry T. Bannon, formerly a very distinguished Member of the House.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by Mr. Herbert S. Phillips, United States district attorney in my district.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SENATE BILL REFERRED

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

S. 1397. An act to create a Federal Crop Insurance Corporation, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 635. An act for the relief of Mary Daley;

H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War; and

H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 8 minutes p. m.) the House adjourned until tomorrow, Thursday, April 1, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, April 1, 1937, at 10:30 a. m. to hold hearings on the following projects: Providence River and Harbor, R. I.; St. Jeromes Creek, Md.; Saginaw River, Mich.; and Pamlico and Tar Rivers, N. C.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary at 10 a. m. Friday, April 2, 1937, on the bills (H. R. 4894) to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff and (H. R. 4895) to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 a. m. in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will continue hearings on aviation bills at 10 a. m. Thursday, April 1, 1937, in room 1334, New House Office Building.

There will be a meeting of the Business Research Subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Monday, April 12, 1937. Business to be considered: Hearing of H. R. 4954, business-research bill.

EXECUTIVE COMMUNICATIONS, ETC.

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

485. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal years 1937 and 1938 amounting to $319,750, and drafts of proposed provisions pertaining to existing appropriations, for the Department of State (H. Doc. No. 183); to the Committee on Appropriations and ordered to be printed.

486. A letter from the Attorney General, transmitting recommendation for legislation to abolish the right of appeal from a final order in a habeas corpus proceeding brought to test the validity of a warrant of removal. Also a draft of a bill to effectuate this result; to the Committee on the Judiciary.

487. A letter from the Acting Secretary of the Interior, transmitting draft of a proposed bill to provide for the operation of the recreational facilities within the Chopawamsic recreational-demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes; to the Committee on the Public Lands.

488. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to amend paragraph 1 of section 22, part 1, of the Interstate Commerce Act, as amended; to the Committee on Interstate and Foreign Commerce.

489. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a proposed bill to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors; to the Committee on the District of Columbia.

490. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 25, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of, and review of reports on, Carrabelle Bar and Harbor, Fla., with a view to providing a channel of 25 feet across the bar and in the channel to the docks at Carrabelle, authorized by the River and Harbor Act approved August 30, 1935, and requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 16, 1935 (H. Doc. No. 184); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

491. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 25, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Vandemere Harbor and Bay River at Bayboro, N. C., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 185); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

492. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 24, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of McCreadys Creek, Elliott, Dorchester County, Md., Goose Creek, Md., Farm Creek, Md., and channel in Southeast Branch of Fox Creek, Dorchester County, Md., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 186); to the Committee on Rivers and Harbors and ordered to be printed, with an illustration.

493. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 22, 1937, submitting a report, together with accompanying papers and illustrations, on studies of beach erosion at Blind Pass, Pinellas County, Fla., made by the Beach Erosion Board, in cooperation with the State of Florida, acting through the engineering experiment station, University of Florida, and the Board of County Commissioners of Pinellas County, Fla., as authorized by the River and Harbor Act approved July 3, 1930, and the act of Congress approved June 26, 1936 (H. Doc. No. 187); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WALTER: Committee on the Judiciary. H. R. 5695. A bill for the relief of the State of Pennsylvania; without amendment (Rept. No. 516). Referred to the Committee of the Whole House on the state of the Union.

There was no objection.

formerly a very distinguished Member of the House.

printed.

the Whole House on the state of the Union.

Mr. CHANDLER: Committee on the Judiciary. H. R. 5969. A bill to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; without amendment (Rept. No. 517). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. S. 308. An act for the relief of the estate of Alice W. Miller, deceased; without amendment (Rept. No. 489). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. S. 463. An act to settle claims of four persons arising from First Army maneuvers, August 1935; with amendment (Rept. No. 490). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 525. An act for the relief of Harry King; without amendment (Rept. No. 491). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. S. 784. An act for the relief of Amelia Corr; with amendment (Rept. No. 492). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 843. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department; without amendment (Rept. No. 493). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. S. 1038. An act for the relief of Victor M. Ruiz C and Luz Elena Robles; with amendment (Rept. No. 494). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 1057. An act for the relief of Joseph A. Ganong; without amendment (Rept. No. 495). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 1310. An act for the relief of Cesaria Del Pilar; with amendment (Rept. No. 496). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. S. 1311. An act for the relief of Norman Hildebrand; with amendment (Rept. No. 497). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard; with amendment (Rept. No. 498). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. S. 1414. An act for the relief of Jack J. Wick; with amendment (Rept. No. 499). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 1423. An act for the relief of G. A. Trotter; without amendment (Rept. No. 500). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 417. A bill for the relief of Arthur C. Knox; with amendment (Rept. No. 501). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 544. A bill for the relief of Charles Dancause and Virginia P. Rogers; without amendment (Rept. No. 502). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 561. A bill for the relief of Fay Pledger; with amendment (Rept. No. 503). Referred to the Committee of the Whole House.

Mr. JACOBSEN: Committee on Claims. H. R. 705. A bill for the relief of William E. Graham; with amendment (Rept. No. 504). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 710. A bill for the relief of C. A. Jones; with amendment (Rept. No. 505). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. H. R. 860. A bill for the relief of Nettie McGlothlin; with amendment (Rept. No. 506). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 1780. A bill for the relief of Mary E. Cavey; with amendment (Rept. No. 507). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 1945. A bill for the relief of Venice La Prad; with amendment (Rept. No. 508). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 2108. A bill for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White; with amendment (Rept. No. 509). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 2223. A bill for the relief of Walter B. Johnson and others; with amendment (Rept. No. 510). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 2436. A bill for the relief of Anna V. Bivans; with amendment (Rept. No. 511). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 2472. A bill for the relief of Mr. and Mrs. Vernon Waldrep; with amendment (Rept. No. 512). Referred to the Committee of the Whole House.

Mr. JACOBSEN: Committee on Claims. H. R. 4329. A bill for the relief of George T. Heppenstall; with amendment (Rept. No. 513). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 4522. A bill for the relief of John J. Warner and W. B. Warner; with amendment (Rept. No. 514). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 4778. A bill conferring jurisdiction on certain courts of the United States to hear and determine the claim of the owner of the coal hulk *Callizene*, and for other purposes; with amendment (Rept. No. 515). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GREEN: A bill (H. R. 6030) to authorize and direct the Secretary of Agriculture to sell at public sale Sea Horse Key Island, near Cedar Key, Fla.; to the Committee on Agriculture.

By Mr. COLLINS: A bill (H. R. 6031) to provide for the taxation of incomes in the District of Columbia, and to repeal certain provisions of law relating to the taxation of intangible personal property in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 6032) to require companies and associations issuing contracts of insurance against hazards in the District of Columbia to obtain licenses or certificates of authority, to file annual statements, and to pay taxes; to the Committee on the District of Columbia.

Also, a bill (H. R. 6033) to require the registration of motor vehicles in the District of Columbia, to prescribe registration fees based upon the weight of such motor vehicles, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 6034) prescribing privilege taxes to be paid to the District of Columbia by corporations doing or seeking to do business in said District; prescribing the method and basis of computing such taxes; requiring certain annual reports to be filed by corporations; providing for the collection and disposition of the moneys received under this act and prescribing penalties for noncompliance with the provisions thereof; to the Committee on the District of Columbia.

Also, a bill (H. R. 6035) to provide a tax on the transfers of estates of decedents; to the Committee on the District of Columbia.

Also, a bill (H. R. 6036) to amend section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, and for other purposes, by adding a new paragraph thereto to be designated and known as paragraph 35 (a); to the Committee on the District of Columbia.

Also, a bill (H. R. 6037) to increase the motor-vehicle fuel tax in the District of Columbia, and to provide for the better administration thereof; to the Committee on the District of Columbia.

Also, a bill (H. R. 6038) to provide a license tax upon the operators of certain places of amusement in the District of Columbia, and for the administration of this act; to the Committee on the District of Columbia.

By Mr. BLAND: A bill (H. R. 6039) to establish a Fishery Cooperative Loan Corporation, to promote the cooperative production and merchandising of aquatic products in interstate and foreign commerce, and to provide for organizations within the Bureau of Fisheries of the Department of Commerce for services in connection therewith; to the Committee on Merchant Marine and Fisheries.

By Mr. SPARKMAN: A bill (H. R. 6040) to provide for the naturalization of certain alien spouses of citizens of the United States and to validate the naturalization of certain persons; to the Committee on Immigration and Naturalization.

By Mr. CASE of South Dakota: A bill (H. R. 6041) to amend the Social Security Act to increase grants to States for aid to dependent children; to the Committee on Ways and Means.

By Mr. DIMOND: A bill (H. R. 6042) making further provision with respect to the funds of the Metlakahtla Indians of Alaska; to the Committee on Indian Affairs.

By Mr. McCORMACK: A bill (H. R. 6043) to authorize the erection of United States Veterans' Administration hospital in or near the city of Boston, Mass.; to the Committee on World War Veterans' Legislation.

By Mr. ALLEN of Pennsylvania: A bill (H. R. 6044) to authorize the Postmaster General in the public interest to establish experimental air-mail feeder routes for cities and towns not receiving direct air-mail service; to the Committee on the Post Office and Post Roads.

By Mr. IGLESIAS: A bill (H. R. 6045) authorizing and directing the Secretary of Commerce to transfer to the government of Puerto Rico a portion of land within the Catano Rear Range Light Reservation, P. R., and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FORAND: A bill (H. R. 6046) to authorize the erection of a United States veterans' hospital in the State of Rhode Island; to the Committee on World War Veterans' Legislation.

By Mr. HILDEBRANDT: A bill (H. R. 6047) to authorize the consolidation of the lands on the Sisseton Indian Reservation, North and South Dakota; to the Committee on Indian Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 6048) to provide for the establishment of a Coast Guard station in the vicinity of Fort Myers, Fla.; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Washington: A bill (H. R. 6049) to amend the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: A bill (H. R. 6050) to designate a building site for the National Conservatory of Music of America, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. LUDLOW: Resolution (H. Res. 172) providing for an additional assistant to the superintendent of the House press gallery; to the Committee on Accounts.

By Mr. MERRITT: Joint resolution (H. J. Res. 304) authorizing Federal participation in the New York World's Fair, 1939; to the Committee on Foreign Affairs.

By Mr. DUNN: Joint resolution (H. J. Res. 305) proposing an amendment to the Constitution in relation to the power of the Federal and State courts to pass on the constitutionality of certain Federal statutes, and for other purposes; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to consider their Senate Joint Memorial No. 3, on the proposal for a Federal leasing system on mining property; to the Committee on Mines and Mining.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to consider the Senate Memorial No. 5, concerning Civilian Conservation Corps camps; to the Committee on Labor.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to consider the Senate Memorial No. 4, relating to Federal aid for the States for educational programs and purposes; to the Committee on Education.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to consider the Senate Memorial No. 1, relating to the development of war minerals; to the Committee on Roads.

Also, memorial of the Legislature of the State of Minnesota, memorializing the President and the Congress of the United States urging the enactment of Senate bill 1685 and House bill 5033 (United States Housing Act of 1937); to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States favoring the enactment of the United States Housing Act of 1937 (S. 1685 and H. R. 5033); to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to consider their Senate Concurrent Memorial No. 2, for the relief of certain property owners of Santa Cruz County; to the Committee on Claims.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 59, concerning fisheries; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 57, concerning tin-mining industry; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 39, concerning rivers and harbors; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 50, concerning duty on certain commodities; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 19, concerning Coast Guard stations; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their Senate Joint Memorial No. 17, concerning fur farmers; to the Committee on the Public Lands.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of

the United States to consider their House Joint Memorial No. 30, concerning aviation fields; to the Committee on Appropriations.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their House Joint Memorial No. 2, concerning Sitka Cold Storage Co.; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their Senate Joint Memorial No. 13, concerning the organic act of Alaska; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to consider their Senate Joint Memorial No. 12 concerning the Organic Act of the Territory of Alaska; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of Illinois: A bill (H. R. 6051) granting an increase of pension to Cathrine A. Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6052) granting an increase of pension to Georgiana M. De Groff; to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 6053) for the relief of Dorothy Clair Hester, daughter of E. R. Hester; to the Committee on Claims.

By Mr. CHAMPION: A bill (H. R. 6054) for the relief of William J. Fisher; to the Committee on Military Affairs.

By Mr. CLARK of Idaho: A bill (H. R. 6055) for the relief of Marion Stephens; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 6056) for the relief of Sidney S. Steinberg and Leon Steinberg; to the Committee on Claims.

By Mr. GREEN: A bill (H. R. 6057) granting a pension to William S. Gandy; to the Committee on Pensions.

By Mr. HILDEBRANDT: A bill (H. R. 6058) for the relief of E. E. McKean; to the Committee on Claims.

By Mr. LANZETTA: A bill (H. R. 6059) for the relief of Edith Jordan; to the Committee on Claims.

By Mr. RUTHERFORD: A bill (H. R. 6060) granting an increase of pension to Almira Kshinka; to the Committee on Pensions.

By Mr. SUTPHIN: A bill (H. R. 6061) for the relief of Mary Dougherty; to the Committee on Claims.

By Mr. WOODRUM: A bill (H. R. 6062) for the relief of Harry P. Russell; to the Committee on Claims.

PETITIONS, ETC.

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

1478. By Mr. BEITER: Petition of Beverage Bottlers and Drivers Local Union, No. 194, urging the enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1479. Also, petition of the Jeffersonian Club of Buffalo, Inc., urging the enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1480. By Mr. CARTER: Petition of the Federal Labor Union, No. 18534, by Carl Hedquist, secretary, of Richmond, Calif., favoring the President's recommendation for judicial reform; to the Committee on the Judiciary.

1481. Also, petition of the Riverside County Bar Association, by Earl Redwine, president, and Russell S. Waite, secretary, of Riverside, Calif., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

1482. Also, petition of the system board of adjustment, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, by George DeYoung, general chairman, and 11 others, endorsing the proposal of the President for the reorganization of the judicial branch of the Government; to the Committee on the Judiciary.

1483. Also, petition of the Richmond Retail Clerks Union, No. 1179, by Esther Charlesworth, secretary, Richmond, Calif., endorsing the judiciary reform program of the President; to the Committee on the Judiciary.

1484. Also, petition of the Contra Costa County (Calif.) Democratic Central Committee, by John L. Garaventa, secretary, Concord, Calif., favoring the program of President Roosevelt with reference to the United States Supreme Court; to the Committee on the Judiciary.

1485. Also, petition of the International Union United Automobile Workers of America, Local No. 76, by Frank Slaby, president, and A. L. Soderlund, secretary, of Oakland, Calif., endorsing the President's program of Supreme Court reform; to the Committee on the Judiciary.

1486. By Mr. CASE of South Dakota: Petition of H. A. Looby and 27 other citizens of Martin, S. Dak., protesting against the President's proposal to increase the size of the Supreme Court and urging that an independent judiciary be retained; to the Committee on the Judiciary.

1487. By Mr. CITRON: Petition of the Bridgeport Master Plumbers Association, Inc., concerning Works Progress Administration; to the Committee on Ways and Means.

1488. Also, petition of the Bridgeport Master Plumbers Association, Inc., favoring the extension of title I of the National Housing Act; to the Committee on Banking and Currency.

1489. By Mr. FITZPATRICK: Petition of the Brotherhood of Railroad Trainmen, Empire City Lodge 197, urging Congress to support the President's program to liberalise the Supreme Court and the Federal judiciary; to the Committee on the Judiciary.

1490. By Mr. GOODWIN: Petition of 90 students of the Monticello High School, Monticello, N. Y., urging Congress to stand by the policies set forth in legislation with respect to the rights of Indians; to the Committee on Indian Affairs.

1491. By Mr. HILDEBRANDT: Petition relative to the Supreme Court; to the Committee on the Judiciary.

1492. Also, petition relative to the Townsend plan; to the Committee on Ways and Means.

1493. Also, petition relative to the Supreme Court; to the Committee on the Judiciary.

1494. By Mr. HOOK: Petition of John Swanson and 46 other residents of Sidnaw, Mich., urging speedy enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1495. Also, resolution adopted March 3, 1937, by the Michigan House of Representatives, urging Congress to authorise additional Justices of the Supreme Court in certain instances in accordance with the program of the Honorable Franklin D. Roosevelt; to the Committee on the Judiciary.

1496. By Mr. JOHNSON of Texas: Petition of J. D. Carroll, John M. Smith, Don Humphries, Max Almond, W. S. Curtis, Sam L. Spikes, George Wooten, W. H. Moore, Louise E. Hervey, and Dr. O. C. Bowmer, all of Corsicana, Tex., favoring House bill 5030; to the Committee on Pensions.

1497. By Mr. KEOGH: Petition of the National Lumber Dealers Association, concerning the extension of title 1 of the National Housing Act; to the Committee on Banking and Currency.

1498. Also, petition of the Twenty-eight Ward Taxpayers' Protective Association, of Brooklyn, N. Y., favoring the Barry bill, for the restoration of the uniform 2-cent postage rate within the city of New York; to the Committee on the Post Office and Post Roads.

1499. By Mr. LAMBETH: Petition of citizens of Moore County, N. C., favoring enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1500. By Mr. LANZETTA: Resolution adopted by the board of directors of the Grand Street Boys' Association of New York City, urging favorable action on the Wagner-Steagall public housing bill; to the Committee on Banking and Currency.

1501. By Mr. LAMBETH: Petition of citizens of Union County, N. C., favoring enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1502. By Mr. LORD: Petition of the Bar Association of Delaware County, N. Y., protesting against the President's proposal to revamp the Supreme Court; to the Committee on the Judiciary.

1503. By Mr. QUINN: Resolution of the Penn Township (Pa.) Democratic Club, approving the change of the Supreme Court as originally proposed by President Franklin D. Roosevelt; to the Committee on the Judiciary.

1504. By Mrs. ROGERS of Massachusetts: Petition of the Nashoba Fruit Producers' Association of Massachusetts, urging a sufficient increase in Federal funds to continue the services of one pest-control specialist in the New England States; to the Committee on Agriculture.

1505. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, favoring the establishment of a 5-day week and a 6-hour working day; to the Committee on Labor.

1506. Also, petition of the General Court of Massachusetts, favoring the restoring of certain women to citizenship; to the Committee on Immigration and Naturalization.

1507. Also, petition of the General Court of Massachusetts, favoring the appropriation of additional funds by the Federal Government for the continuation of emergency unemployment relief projects; to the Committee on Ways and Means.

1508. Also, petition of the General Court of Massachusetts, memorializing Congress and the President of the United States to allocate to this Commonwealth a reasonable proportion of the total revenues voted by Congress for social purposes; to the Committee on Ways and Means.

1509. By the SPEAKER. Petition of the Commonwealth of Massachusetts, favoring the appropriation of additional funds for the continuation of emergency unemployment relief projects; to the Committee on Appropriations.

1510. Also, petition of the San Francisco Housing Association, favoring the United States Housing Act of 1937; to the Committee on Banking and Currency.

1511. Also, petition of the city of New Kensington, Pa., favoring Senate bill 4424 and House bill 5033, the United States Housing Act of 1937; to the Committee on Banking and Currency.

1512. Also, petition of the Commonwealth of Massachusetts, favoring the restoring of certain women to citizenship; to the Committee on Immigration and Naturalization.

1513. Also, petition of the Territory of Alaska, requesting consideration of their House Joint Memorial No. 60, requesting a hospital for their district; to the Committee on Indian Affairs.

1514. Also, petition of the Territory of Alaska, requesting consideration of their House Joint Memorial No. 66 with reference to mining laws and boundaries; to the Committee on Mines and Mining.

SENATE

THURSDAY, APRIL 1, 1937

(Legislative day of Monday, Mar. 29, 1937)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 31, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed a bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, as the coal bill is before the Senate, and it is necessary to have a quorum, I ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	King	Pittman
Andrews	Davis	Lee	Pope
Ashurst	Dieterich	Lewis	Radcliffe
Austin	Duffy	Lodge	Robinson
Bachman	Ellender	Logan	Russell
Bankhead	Frazier	Lonergan	Schwartz
Barkley	George	Lundeen	Schwellenbach
Bilbo	Gerry	McAdoo	Sheppard
Black	Gibson	McCarran	Stelwer
Bone	Glass	McGill	Thomas, Okla.
Borah	Green	McKellar	Thomas, Utah
Brown, Mich.	Guffey	McNary	Townsend
Brown, N. H.	Hale	Maloney	Truman
Bulkley	Harrison	Minton	Tydings
Bulow	Hatch	Moore	Vandenberg
Burke	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Norris	Walsh
Capper	Holt	Nye	Wheeler
Caraway	Hughes	O'Mahoney	White
Chavez	Johnson, Calif.	Overton	
Clark	Johnson, Colo.	Pepper	

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY], occasioned by illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from New York [Mr. COPELAND], the Senator from Iowa [Mr. GILLETTE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are necessarily detained on important public business.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness and that the Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

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

VISIT OF GOVERNOR GENERAL OF CANADA TO THE SENATE

The VICE PRESIDENT. The Chair asks the indulgence of the Senate for a moment while he makes a statement.

The Chair is advised by the State Department that His Excellency the Governor General of Canada will probably visit the Senate end of the Capitol about 3:15 p. m. today and, if agreeable to the Senate, will probably desire to come to the Senate Chamber. It is the opinion of the Chair, in view of that situation, that it might be advisable to appoint a committee to arrange the matter. So, without objection, the Chair would like to appoint the Senator from Arkansas [Mr. ROBINSON], the Senator from Nevada [Mr. PITTMAN], and the Senator from Oregon [Mr. MCNARY] as the committee. Is there objection? The Chair hears none, and the committee is appointed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Agriculture and Forestry:

Joint resolution relating to Federal aid for the planting, preservation, and restoration of wood lots on farms

Whereas the recurring droughts and floods in the United States, with their increasing toll of destruction, desolation, and economic loss, constitute a problem requiring the immediate attention of the National Government and the exercise of all of its powers to prevent, if possible, the recurrence of these great disasters; and

Whereas the President has recommended to Congress the enactment of legislation for a comprehensive national flood-control program of 10 years' duration and costing well in excess of $1,600,000,000, which includes provisions for flood-control reservoirs on the tributaries of all major streams subject to floods, and dikes and floodways to protect river cities and centers of population; and

Whereas this great program would be more effective if it also included plans for meeting the basic problem of conserving our soil and waters in our great agricultural areas, especially on lands at the headwaters of the feeder streams of our river systems; and

Whereas this purpose could be secured at a minimum of public expense if farmers and other landowners would devote to forestry, under proper forest management, the millions of acres of overgrazed wood lots and denuded slopes which are so be found intermingled with good agricultural lands in many parts of the country; and

Whereas the denuding of these lands, which in the public interest should be forested, is proceeding at an alarming rate and experience has demonstrated that farmers and other landowners cannot or will not practice proper forest management unless they are afforded a financial inducement to do so; and

Whereas the State of Wisconsin has gone as far as it can to promote sound conservation practices, through according tax exemptions for limited areas of farm wood lots devoted to sound forestry practices; and

Whereas the President has often recognized the need for the reforestation of the denuded slopes at the headwaters of our streams, and provisions to this effect are included in the legislation for the development of the Tennessee River Valley: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of Wisconsin memorializes the Congress of the United States to enact legislation to encourage the reforestation of farm wood lots and slope lands, the discontinuance of grazing thereon, and the planting of shelterbelts, by providing Federal aid to the States to remunerate farmers and other landowners for using these lands and adopting practices which will result in reforestation and the conservation of the soils and waters of our major agricultural regions; be it further

Resolved, That properly attested copies of this resolution be transmitted to the President, the Secretary of Agriculture, both Houses of the Congress of the United States, and to each Wisconsin Member thereof.

The VICE PRESIDENT also laid before the Senate a resolution of the General Court of Massachusetts, memorializing Congress in favor of the establishment of a 5-day week and a 6-hour working day, which was referred to the Committee on Education and Labor.

(See resolution printed in full when presented today by Mr. WALSH (for himself and Mr. LODGE.))

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Council of the City of St. Paul, Minn., and the San Francisco (Calif.) Housing Association, favoring the prompt enactment of pending legislation providing low-cost housing, which were referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Youngstown (Ohio) Slovak Political Club, favoring the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate a statement in the nature of a memorial of the Minnehaha County Bar Association, Sioux Falls, S. Dak., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation that might tend to impair the independence of that Court, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented resolutions adopted by a meeting of citizens of East Texas assembled at Tyler, Tex., favoring the adoption of the President's court and judiciary proposals, which were referred to the Committee on the Judiciary.

Mr. LODGE (for himself and Mr. WALSH) presented a resolution of the General Court of Massachusetts, favoring the prompt enactment of legislation restoring certain women to citizenship, which was referred to the Committee on Immigration.

(See resolution printed in full when laid before the Senate by the Vice President on Mar. 31, 1937, p. 2936, CONGRESSIONAL RECORD.)

Mr. WALSH (for himself and Mr. LODGE) presented the following resolution of the General Court of Massachusetts, which was referred to the Committee on Education and Labor:

Resolutions memorializing Congress in favor of the establishment of a 5-day week and a 6-hour working day

Whereas the present conditions existing throughout the country with respect to unemployment are causing serious want and great distress; and

Whereas such conditions are in fact due to the lack of sufficient work to furnish employment to all who desire it; and

Whereas the shortening of the working day and week would make it possible to employ more people in gainful occupations: Therefore be it

Resolved, That the General Court of Massachusetts hereby records itself in favor of the establishment of a 6-hour working day and a 5-day week; and be it further

Resolved, That the secretary of the Commonwealth send engrossed copies of these resolutions to each Member in Congress from this Commonwealth and to the presiding officers of both branches of Congress.

Mr. CAPPER presented the following concurrent resolution of the Legislature of the State of Kansas, which was referred to the Committee on Military Affairs:

Concurrent resolution relating to the continuation of the Civilian Conservation camp located near Scammon, Cherokee County, Kans.

Whereas under the emergency conservation work of the United States Government, familiarly known as the Civilian Conservation Corps, a C. C. C. camp was located near Scammon in Cherokee County, Kans.; and

Whereas the purpose of this conservation work is to relieve acute conditions of distress and unemployment and to provide for the restoration of the natural resources of the country and the advancement of an orderly program of public works; and

Whereas the nature of the work in said C. C. C. camp is that of leveling off old coal dumps and strip pits and the planting of trees; and

Whereas in the strip pit coal mining a large portion of the land in that part of the State had been shoveled up and laid waste, causing much devastation and loss of tax revenues from such lands; and

Whereas the continuation of said C. C. C. camp would be a worthy contribution toward reforestation and restoration of natural resources, and it is desirable that such a program be continued: Now, therefore, be it

Resolved by the Senate of the State of Kansas (the house of representatives concurring therein), That we urge and request the continuation of the Civilian Conservation camp near Scammon, Cherokee County, Kans., for the purpose of leveling off coal dumps and strip pits and the planting of trees; be it further

Resolved, That the secretary of state be directed to transmit a copy of this resolution to Hon. Robert Fechner, Director, Emergency Conservation Work, Washington, D. C.; and one copy each to Hon. ARTHUR CAPPER and Hon. GEORGE MCGILL, United States Senators from Kansas; and one copy each to Hon. W. P. LAMBERTSON, Hon. U. S. GUYER, Hon. EDWARD W. PATTERSON, Hon. ED H. REES, Hon. JOHN M. HOUSTON, Hon. FRANK CARLSON, and Hon. CLIFFORD R. HOPE, Representatives in Congress from Kansas.

REPORTS OF COMMITTEES

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (S. 890) for the relief of Walter S. Hendershot, reported it with an amendment and submitted a report (No. 280) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 772) for the relief of F. P. Delahanty, reported it with an amendment and submitted a report (No. 281) thereon.

He also, from the same committee, to which was referred the bill (S. 1316) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the naval training station, Hampton Roads, Va., on February 21, 1927, reported it without amendment and submitted a report (No. 282) thereon.

INVESTIGATION AND COORDINATION OF EXECUTIVE AGENCIES—LIMIT OF EXPENDITURES

Mr. BYRD, from the Special Committee to Investigate Executive Agencies of the Government, reported an original resolution (S. Res. 110), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the special committee authorized by Resolution No. 217, Seventy-fourth Congress, agreed to February 24, 1936, to investigate the executive departments and agencies of the Government, hereby is authorized to expend from the contingent fund of the Senate $25,000 in addition to the amount heretofore authorized for the same purpose.

ENROLLED JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 30, 1937, that committee presented to the President of the United States the following enrolled joint resolutions:

S. J. Res. 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937; and

S. J. Res. 75. Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

EXECUTIVE REPORTS OF THE COMMITTEE ON APPROPRIATIONS

As in executive session,

Mr. MCKELLAR, from the Committee on Appropriations, reported favorably the following nominations, which were ordered to be placed on the Executive Calendar:

W. J. Jamieson, of Arizona, to be State administrator for Arizona in the Works Progress Administration;

John K. Jennings, of Indiana, to be State administrator for Indiana in the Works Progress Administration, vice Wayne Coy, resigned; and

James H. Crutcher, of Louisiana, to be State administrator for Louisiana in the Works Progress Administration.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. BORAH:

A bill (S. 2043) granting a pension to Laura Willitts (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 2044) granting an increase of pension to Emily L. Watkins; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 2045) authorizing the exchange and sale of certain land in the city of Biloxi, county of Harrison, State of Mississippi, on behalf of the United States of America; to the Committee on Finance.

By Mr. MCNARY:

A bill (S. 2046) to amend section 17 of the Federal Highway Act; to the Committee on Agriculture and Forestry.

By Mr. FRAZIER:

A bill (S. 2047) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. WALSH:

A bill (S. 2048) for the relief of Mr. and Mrs. Harold Huddleston; to the Committee on Claims.

A bill (S. 2049) to authorize the establishment of a naval air station on San Francisco Bay, Calif., and for other purposes; to the Committee on Naval Affairs.

A bill (S. 2050) granting a pension to Alice L. Tourtellotte (with accompanying papers); to the Committee on Pensions.

By Mr. GIBSON:

A bill (S. 2051) for the relief of John F. Fitzgerald; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 2052) for the relief of Henry E. Rennts; to the Committee on Claims.

By Mr. STEIWER:

A bill (S. 2053) authorizing the establishment of a revolving loan fund for the Klamath Indians of Oregon, and for other purposes;

A bill (S. 2054) establishing per-diem payments in lieu of compensation and expenses for members of Klamath business committee and official Klamath delegates to Washington; and

A bill (S. 2055) to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation; to the Committee on Indian Affairs.

By Mr. ADAMS:

A bill (S. 2056) to increase the limitation of cost upon the construction of buildings in national parks; to the Committee on Public Lands and Surveys.

By Mr. MCKELLAR:

A bill (S. 2057) to remove the discrimination against certain married persons with respect to dismissal from and appointment to the service of the United States or the District of Columbia; to the Committee on Appropriations.

By Mr. CLARK:

A bill (S. 2058) for the relief of the Edwin F. Guth Co.; to the Committee on Claims.

By Mr. MCNARY:

A joint resolution (S. J. Res. 121) to extend the lending authority of the Disaster Loan Corporation to apply to flood or other disasters in the year 1936; to the Committee on Banking and Currency.

HOUSE BILL REFERRED

The bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRINTING OF REPORT—THE TAXING POWER OF THE FEDERAL AND STATE GOVERNMENTS

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 7, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Joint Committee on Internal Revenue Taxation be, and is hereby, empowered to have printed for its use 5,000 additional copies of its report entitled "The Taxing Power of the Federal and State Governments."

Mr. HAYDEN. I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the concurrent resolution (H. Con. Res. 7) was considered and agreed to.

MORATORIUM ON FARM MORTGAGES—OPINION OF SUPREME COURT (S. DOC. NO. 47)

Mr. FRAZIER. I ask unanimous consent to have printed as a Senate document the opinion of the Supreme Court of March 29, 1937, on the constitutionality of section 75, subsection (s), of the Bankruptcy Act, as amended by the so-called Frazier-Lemke Act (Aug. 28, 1935, c. 792, 49 Stat. 943–945), being the case of Robert Page Wright, petitioner, against Vinton Branch of the Mountain Trust Bank of Roanoke, Va., et al., on certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

REPORT ON TRAFFIC CONDITIONS (S. DOC. NO. 48)

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed as a Senate document a letter from the Secretary of Agriculture, dated March 23, 1937, with the accompanying preliminary report on traffic conditions and measures for their improvement.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

CONGRESS, THE COURT, AND THE CONSTITUTION—ADDRESS BY SENATOR ROBINSON

[Mr. MCADOO asked and obtained leave to have printed in the RECORD a radio address on the subject the Congress, the Court, and the Constitution, delivered by Senator ROBINSON on the evening of Mar. 30, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY

[Mr. LEE asked and obtained leave to have printed in the RECORD an article appearing in the Oklahoma News of Sunday, Mar. 21, 1937, by John Alley, head of the department of government of the University of Oklahoma, regarding the President's proposal to reorganize the Federal judiciary, which appears in the Appendix.]

IDAHO'S PHOSPHATES—ADDRESS BY H. P. TAYLOR

[Mr. POPE asked and obtained leave to have printed in the RECORD an address on the subject of Idaho's Phosphates, delivered by H. P. Taylor at the Pacific Northwest Conference of the Farm Chemurgic Council, on Mar. 23, 1937, which appears in the Appendix.]

REGULATION OF BITUMINOUS-COAL INDUSTRY

The Senate resumed consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

Mr. BORAH. Mr. President, when the Senate adjourned last evening we were inquiring about the provisions of this bill as they relate to the antitrust law. I am of the opinion that possibly we proceeded with the debate upon a wrong

theory as to the effect of the amendment on page 47; at least, I had a wrong idea, to some extent. However, I find another provision in the bill which I wish to read in connection with the remarks which I have to make. It is found on page 14 and is as follows:

(d) No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

Mr. President, let us reread the Sherman antitrust law and inquire what possible reason there can be in dealing with this commodity, coal, to modify the terms of that act. That act reads in section 1:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof—

And so forth. Section 2 reads:

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor—

And so forth.

Mr. President, we are dealing with a commodity which is essential to the health and comfort, and even the life, of millions of people in the United States. We are setting up a commission which shall have power to fix prices, maximum and minimum. What possible justification can there be, therefore, for going further and saying that all laws with reference to restraint of trade or with reference to building up monopolies shall be abrogated so far as this subject is involved? We are to have a commission which will increase prices and we are to permit monopolies and combinations to drive out the small producer.

The purpose of the bill, the objective to be attained, is an increase in price. It is contended that the life of the industry depends upon an increase in the price of the commodity produced. I am not prepared to dispute that suggestion, but a commission is being created for the purpose of passing upon the price of the commodity, and it is proposed that the commission shall establish a minimum price and, under certain circumstances, a maximum price. What can be the necessity or the justice of going further and saying that those for whom we are to establish a price shall have a right to make combinations and form conspiracies in restraint of trade and for the purpose of carrying on, through monopolistic practices, illegal transactions?

The amendment to which I am now referring, it seems to me, is a most extraordinary one. I refer now to the amendment as a whole. It will be recalled that the Supreme Court of the United States in the Appalachian case held that certain things were not within the Sherman antitrust law; for instance, that the right existed to agree upon a common agent, which common agent had a right to deal with the question of prices as between the competing parties. In this bill it is said, in effect, and I am not quoting the exact language, that the decision of the Supreme Court in that respect shall not be binding upon the members of the code, but that those who are not members of the code shall be bound by the decision of the Supreme Court. Let me read the language:

SEC. 12. Any combination between producers creating a marketing agency for the disposal of competitive coals in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency, or by the agreement of the producers operating through such agency, shall, after promulgation of the code provided for in section 4, be unlawful as a restraint of interstate trade and commerce within the provisions of the act of Congress of July 2, 1890, known as the Sherman Act, and acts amendatory and supplemental thereto, unless such producers have accepted the code provided for in section 4 and shall comply with its provisions.

It is said that the creating of this common agency for the purpose of expediting the trade and eliminating to some extent the controversies arising between the different producers shall be included within the terms of the Sherman antitrust law as to all those outside of the code, but that those who join the code shall not be bound by that provision. In other words, that is equivalent to saying that those who are not members of the code may not have a common agency to transact business, and so forth, although it has been held valid by the Supreme Court, but as to those within the code, they may have such a common agency or a common institution for the purpose of marketing their coal.

Mr. LOGAN. Mr. President——

Mr. BORAH. Just a moment. Let us bear in mind that the bill is opposed by a very large group of coal producers and coal operators. It is estimated that about 60 percent of the coal operators or the coal producers are in favor of the bill and some 40 percent are opposed to it. Is it common justice to say that that which the Court has held to be valid and expeditious and just as to marketing agencies shall obtain with reference to the 60 percent and shall not obtain with reference to the 40 percent?

I yield now to the Senator from Kentucky.

Mr. LOGAN. I think the Senator has answered my question before I asked it. The amendment takes from those who do not belong to the code the rights which were granted them by the opinion in the Appalachian coal case.

Mr. BORAH. It does.

Mr. BARKLEY. Oh, no, Mr. President; that is not correct. It leaves them where they are now and where they have been since that decision. It does not give any exemption from the Sherman antitrust law because they are not in the code.

Mr. BORAH. Perhaps the answer which I gave would create a wrong impression, but the provision has the same effect. What the provision does is to say that the creating of this common agency shall not be within the Sherman antitrust law; that it shall not apply to those who are outside of the code.

Mr. BARKLEY. It shall not apply to those who are inside the code.

Mr. BORAH. Exactly.

Mr. BARKLEY. There is quite a difference.

Mr. BORAH. No; not a great difference. We create by law a different status for two groups of people dealing in coal. That cannot be controverted. We say to one group, "You shall have a common agent", and to another group, "You shall not have a common agent", notwithstanding the fact we have a commission for the purpose of fixing rates, both minimum and maximum, and for dealing with the entire subject matter of the production and sale and distribution of coal.

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

Mr. BORAH. I yield.

Mr. MINTON. To the one group which we say may have a combination we say, "You are placed under the regulations of the bill", and in that sense they are distinguished from the other group.

Mr. BORAH. If that be true, then there is no occasion for this particular provision because the bill has already specified what their rights and duties and obligations are, and a commission is being created for the purpose of carrying into effect those things. That is provided for in the bill in numerous provisions preceding this one.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield.

Mr. BARKLEY. In the Appalachian coal case the court decided that the particular marketing agency there set up was not an unreasonable restraint on interstate commerce in coal and, therefore, did not come within the Sherman antitrust law. The Supreme Court validated by its opinion, which was a reversal of the lower court, the existence of that marketing agency.

The bill only authorizes a combination in the formation of a marketing agency. That is all it does. It provides that any number of coal operators may adopt the code which

is to be set up under the bill, which not only recognizes the principles written in the Sherman Antitrust Act but goes further and provides that those who submit themselves to the regulation of the coal commission are not subject to prosecution under the Sherman antitrust law for the combination and formation of a marketing agency which might be illegal in the technical sense if it were not for the fact that they are under the code. Those who do not come under the code, those who are unwilling to be regulated by this proposed law and by the commission set up under it, are left where they are now, subject to prosecution if they violate the antitrust law. It certainly is not fair to require the coal industry, which the bill recognizes——

Mr. BORAH. Let us observe the language and see whether that is the effect or not. The language is:

Any combination between producers creating a marketing agency for the disposal of competitive coals in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency, or by the agreement of the producers operating through such agency, shall, after promulgation of the code provided for in section 4, be unlawful as a restraint of interstate trade and commerce within the provisions of the act of Congress of July 2, 1890, known as the Sherman Act, and acts amendatory and supplemental thereto.

The bill is not amending the Sherman antitrust law and saying that those things shall be lawful.

Mr. BARKLEY. It shall be unlawful, not as to those within the code and under the regulation of the commission, but only as to those outside of the code and outside of the regulation of the commission, and who have not accepted the terms of this bill.

Mr. BORAH. When we read that language in connection with the following provision on page 14—

No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

If these two provisions do not take the coal industry out from under the Sherman antitrust law, then I am unable to construe what seems to me plain language.

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

Mr. BORAH. I yield.

Mr. WHITE. I think we all ought to bear in mind, in connection with this matter, that it is not proposed that there shall be any coal operators outside of the code; for there is not only the provision to which the Senator from Idaho has just referred, which seeks to lift the code members out from under the provisions of the antitrust statutes, but there is the tax in the nature of a penalty of 19½ percent levied upon the sales of noncode members. In other words, that is a coercive provision designed to make it absolutely essential, if one is to live in the business, to come in under these codes.

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

Mr. BORAH. I yield.

Mr. NEELY. May I inquire what are the specific terms of the bill to which the Senator from Idaho objects on the ground that the acts which they authorize would constitute a violation of the Sherman antitrust law?

Mr. BORAH. I do not know that there is anything that constitutes a violation of the Sherman antitrust law. What I am speaking to are the provisions which repeal the Sherman antitrust law as to this business. Last night I went over the provisions with reference to what constitutes fair competition, and I have no objection whatever to those provisions. What I am discussing and hope to have seriously considered is the proposition that this commodity or this business is taken from under the Sherman antitrust law.

That is done after a tax has been levied for the purpose of driving in under the code all who are engaged in this business. I have upon my desk numerous letters from coal dealers, who say they must either come in or quit business; that they cannot live unless they come in. The result is, then, Senators, that we are entirely removing the Sherman antitrust law from this industry. Next will come the textile industry, and they will set up their commission, and they will have their men sitting on their commission. Next will come the steel industry. Next will come another industry; and eventually the country will be operating under commissions, with the Sherman law entirely repealed.

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

Mr. BORAH. I yield to the Senator from Indiana.

Mr. MINTON. I desire to point out to the Senator that this bill does not repeal the Sherman antitrust law, but rather broadens the scope of its operation, in that it takes away the exemption accorded to those who operate as they did operate in the case which reached the Supreme Court, known as the Appalachian coal case. In other words, if this bill should go into effect, such a combination as that would be condemned and would be within the purview of the Antitrust Act. Therefore, instead of repealing the Antitrust Act, the scope of the Antitrust Act would be enlarged.

Mr. BORAH. Mr. President, I think that would be true in a sense if it were not for the previous provision, found on page 14, which says that no acts of these persons shall be considered to be within the Sherman Antitrust Act.

Mr. MINTON. If they are not in it, the Senator means, they would be excluded from punishment?

Mr. BORAH. No; what I mean is that the provision reads:

No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

Mr. BARKLEY. That is the section of the bill which authorizes the creation of district boards to be composed of code members and legalizes them. Certainly we would not undertake here, in dealing with the business of coal or any other business, to authorize the setting up of district boards composed of producers who are code members, permit them to do certain things as a board in the distribution and sale of their coal, and then leave them subject to prosecution if they do those things.

Mr. BORAH. I ask, then, is it true that the board members are expected to form combinations and conspiracies in restraint of trade? Is it expected that the board members shall form monopolies and carry on monopolistic practices? If it is not expected that they will do that, why exempt them from the operations of the bill?

Mr. BARKLEY. Not only do we not expect them to do that, but they are prohibited from doing it. In the very code we set up for them they are prohibited from forming unlawful combinations in restraint of trade, or in unreasonable restraint of trade. In the Appalachian case, where the combination merely related to the formation of a selling agency representing some 64 producers, a very large proportion of all the Applachian coal producers in the United States, the Court held that that form of selling agency, agreed to by these 64 companies, was not an unreasonable restraint of trade, and therefore did not come within the provisions of the Antitrust Act.

Mr. BORAH. Mr. President, it must not be forgotten that these local boards may be constituted in their membership of coal producers, with the exception of one. There may be as many as 17 members of a board, and all but 1 of them may be coal producers, and they may make such findings and such proposals as they see fit. Is it to be said that the 16 members of the board who are coal producers may form combinations, or may carry on monopolistic practices, and shall not be subject to the law applying to monopolies?

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

Mr. BORAH. I yield.

Mr. NEELY. But the Senator, of course, realizes that the findings and determinations of the district boards to which he has referred are in every instance subject to the approval of the commission, whose members will be appointed by the President and confirmed by the Senate.

Mr. MINTON. Mr. President, if the Senator from Idaho will permit me to make a further observation by way of

illustration, if carriers wish to file tariffs for the transportation of commodities in interstate commerce, they may get together and agree upon tariffs and file them, but that does not mean that the tariffs go into effect unless they meet with the approval of the Interstate Commerce Commission. Utilities file their rates—it does not make any difference whether they combine or do not combine—with the public service commission. The rates usually go into effect, under the laws, whether the commission passes on them or not if nobody raises a question regarding them; but they are always subject to the regulatory power of the commission. That is true under this bill.

Mr. BORAH. Yes.

Mr. MINTON. While the district boards composed of producers may get together and agree upon what is a minimum price and a fair price within their respective areas, that price is not absolute. It is subject, in its final analysis, to regulation by the commission.

Mr. BORAH. Mr. President, the commission has a supervisory power, that is true; but 23 district boards are constituted by the bill, and their membership may be composed of the producers. What I am asking is this: If the proponents of the bill are afraid those men are going to violate the Sherman antitrust law, what is it they have in mind that the men may do? Why take the Sherman antitrust law off of them if it is anticipated that they are going to do something that is in violation of the Sherman antitrust law? What is it that it is expected they will do? There are very limited things which they can do which would come under the Sherman antitrust law. They cannot form monopolies.

They cannot form conspiracies in restraint of trade. They cannot make combinations in restraint of trade. Why is it that it is proposed to take the Sherman antitrust law off of them unless it is anticipated that they are going to do those very things?

Mr. MINTON. They might do those very things if they were not in some manner subjected to the regulatory power of the commission.

Mr. BORAH. Then if the regulatory power of the commission can take the Sherman antitrust law off of them, and if they are exempt when the regulatory power acts upon them, why permit them to indulge in criminal practice until they get to the regulatory power?

Mr. MINTON. It is not a criminal practice.

Mr. BORAH. Oh, yes; it is. The Sherman antitrust law is a criminal law.

Mr. MINTON. It is not a criminal practice, because this bill makes valid the thing they do if it is done under the supervision and direction and with the approval of the commission created by the bill. That could not be illegal. That could not be a violation of any criminal law; and to that extent I think the Senator is correct in saying that the Sherman antitrust law is limited. I think that proposition cannot be denied; but to the extent that the Sherman antitrust law is made to apply to those who do not come within the code, the provisions of the Sherman antitrust law are extended, and persons are brought in who otherwise would not be under the Sherman antitrust law. Of course, however, to the extent that we regulate, necessarily we do it at the expense of the Sherman antitrust law.

Mr. SCHWARTZ. Mr. President, I wonder if this amendment would not obviate the objection of the Senator:

In section 12, page 46, line 24, after the word "combination", insert "authorized by this section"; then, on page 47, in line 4, after the word "shall", insert the word "not"; and then strike out the clause beginning with the word "unless", in line 8; then the section would read:

Any combination authorized by this section between producers * * * shall not, after promulgation of the code * * *, be unlawful as a restraint of interstate trade and commerce within the provisions of the act of Congress of July 2, 1890, known as the Sherman Act—

And so forth.

If that is done, we affirmatively limit the combination to one that is authorized by the code and provide that it shall not be a violation of the Sherman Antitrust Act, and we strike out all reference to those who are not within the code.

Mr. BORAH. I think that amendment is an improvement on anything that has been suggested, if I correctly understand it. The language is: "Any combination authorized"——

Mr. SCHWARTZ. "Authorized by this section." The remainder of the section specifically states what kind of a combination may be entered into.

Mr. BORAH. Under the suggestion of the Senator from Wyoming, the provision would read:

Any combination authorized by this section between producers creating a marketing agency for the disposal of competitive coals in interstate commerce or intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency * * *——

Mr. SCHWARTZ. "Shall not."

Mr. BORAH (continuing reading):

shall not after the promulgation of this code provided for in section 4 be unlawful restraint of interstate trade and commerce within the provisions of the act—

And so forth.

That would hold that not to be unlawful which the Supreme Court has held unlawful.

Then we have the second paragraph, which has been called to my attention:

Subject to the approval of the commission, a marketing agency may, as to its members, or such marketing agencies may, as between and among themselves, provide for the cooperative marketing of their coal, at prices not below the effective minimum prices nor above the effective maximum prices prescribed in accordance with section 4: *Provided*, That no such approval shall be granted by the commission unless it shall find that the agreement under which such agency or agencies propose to function (1) will not unreasonably restrict the supply of coal in interstate commerce, (2) will not prevent the public from receiving coal at fair and reasonable prices, (3) will not operate against the public interest, and (4) that each such agency and its members have agreed to observe the effective marketing regulations—

And so forth.

I should be inclined to accept the amendment which has been proposed by the able Senator from Wyoming as altogether helpful in construing this provision as I think it ought to be construed, in the protection of the outside operators. I am only interested in giving those who do not see fit to go into the code the same right which they have always had under the Sherman antitrust law, under the decisions of the Supreme Court, and I am of the opinion that under the clause on page 14 we would be permitting the local boards to trespass upon or to invade the principles of the Sherman antitrust law. So far as this particular amendment is concerned, I should accept the amendment of the Senator from Wyoming.

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

Mr. BORAH. I yield.

Mr. KING. I invite the attention of the Senator to the suggestion made by the Senator from Indiana. I may not have understood its implications, but, as I understood his statement—and I desire to obtain the view of the Senator from Idaho—it was to the effect that the marketing agreement referred to might be in violation of the Sherman antitrust law, but if those entering into it received the pontifical blessing of the commission, then the action would be validated, and the combination would be relieved of any criminal prosecution. Is not that the effect of the position taken by the Senator from Indiana? Would it not have that effect?

In other words, the marketing agreement might be monopolistic in character, might be intended to raise prices to the consumer, yet, if it were referred to the commission, and the commission approved of it, it would be validated and relieved of any criminality. I would like to have some explanation, because if the bill provides that a marketing agreement receiving the approval of the commission may be monopolistic in character, it seems to me we ought not to make any provision for the validation of acts which are monopolistic and in violation of the Sherman antitrust law.

Mr. BORAH. I did not understand the Senator from Indiana to go that far.

Mr. MINTON. I did not go that far.

Mr. KING. I so understood him. I hope I am in error.

Mr. MINTON. All I intended to say, and say now, is that when there is a desire to regulate an industry of this kind, necessarily there must be some control of what would otherwise be monopolistic practices.

Mr. KING. Then, Mr. President, if I understand the Senator, the statement I made a moment ago interpreting his former observation is correct. The Senator now takes the position, if I understand him, that there may be a combination between the producers; but in view of the fact that there must be regulation under the measure before us, and a commission is set up as the regulatory body, a supreme court, so to speak, if it validates the acts of the producers, though those acts will tend to monopoly, and, indeed, may create a monopoly, the validation by the commission relieves the producers of any criminal intent or a charge of violation of any act.

Mr. MINTON. Mr. President, if I may be permitted a further moment, the regulation under the bill is just like the regulation of utilities or any other thing of a similar nature that is regulated by States or the Federal Government. Everyone knows that utilities are monopolistic. There are two courses. We may enact laws to condemn and punish for monopolistic practices, or we may put the industry under regulation and control their activities, so that the monopolistic practices may not be injurious to the public. That is what the utility commissions do, and that is what the proposed coal commission would attempt to do.

Mr. BORAH. Do the laws regulating utilities repeal the Sherman antitrust law?

Mr. MINTON. No; because they do not go into interstate commerce.

Mr. BORAH. Some of them do.

Mr. MINTON. We are dealing now with regulation in a field in which we think the Federal Government has a right to operate, and therefore its power is analogous to the power exercised by the States in fields of regulation over utilities, and we regulate the monopolistic practices of utilities. That is exactly what utility commissions are set up for, to regulate the monopolistic practices of utilities, and that is all we are proposing to do by this measure—set up a regulatory power to control what, if left uncontrolled, may become monopolistic practices to the detriment of the public.

Mr. BORAH. I should interpose no opposition to the bill on the score which I am now discussing if it were confined to the question of regulation. It is proposed to set up a commission, as I have said. There are to be district boards. It is a very great scheme—and I speak with all respect—it is a very ambitious plan to regulate the industry. I am willing to concede, for the purpose of the argument, that it ought to be regulated in that way, that there ought to be some power to fix minimum prices and possibly maximum prices; but when that is being done, and there is established from the industry machinery for the purpose of regulating it, why is there so much caution to provide that the Sherman antitrust law, which prohibits monopoly, shall not apply?

Mr. President, I think I know where these provisions came from. They were insisted upon from the beginning by a certain group of men who are engaged in the coal industry, and, in my opinion, when we take into consideration the standard by which we measure prices—that is, the deadweight value—and then give them the monopolistic power which they may have under this measure, there will not be an independent operator alive in 10 years.

For instance, suppose there were a group of mines which produced at $2.10 a ton, and another group of mines which produced at $2 a ton, and another group which produced at $1.90 a ton. According to the standard which is fixed here, the $2.10-a-ton producer would have to go out of business.

If the provision should be "a fair and reasonable price", that would take care of the matter. But a standard is fixed which takes into consideration the three rates of producing, and then it is provided that the district boards which undertake to operate this machinery in its initiation shall not be subject to the antitrust laws, or to prosecution for monopolistic practices under the antitrust laws. Why not confine it to the question of regulation? Why not eliminate the question of antitrust laws?

Mr. BARKLEY. Mr. President, in order to make an effort, whether a successful one or not, to clarify the situation, I wish to go back to page 14, to which the Senator from Idaho has referred, or even a little further back than that. On page 11, part I, section 4, it is provided:

Twenty-three district boards of code members shall be organized. Each district board shall consist of not less than 3 nor more than 17 members. The number of members of the district board shall, subject to the approval of the commission, be determined by the majority vote of the district tonnage during the calendar year 1936 represented at a meeting of the code members of the district called for the purpose of such determination and for the election of such district board; and all code members within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be code members or representatives of code members truly representative of all the mines of the district. The member of such producer members shall be an even number.

It goes on to describe the boards. It refers to the expense of operating and administering. This is what the boards would have the power to do:

The district boards shall have power to adopt bylaws and rules of procedure, subject to approval of the Commission, and to appoint officers from within or without their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve, as such, without compensation but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of the 23 districts are set forth in the schedule entitled "Schedule of Districts" and annexed to this act.

Whenever the commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the territorial boundaries or limits of any district or minimum-price area are such as to make it substantially impracticable to establish minimum prices—

It has power to reestablish the districts.

(b) The expense of administering the code by the respective district boards shall be borne by the code members in the respective districts—

The district boards are set up to administer the code which is provided for in the bill, and which is to be entered into by all the members of the coal-producing fraternity who come under the terms of this measure as members of the code, and are controlled by its terms, which are set out somewhat in detail. The bill provides for the expenses of the different boards. Then, there is this provision:

(c) Nothing contained in this act shall constitute the members of a district board partners for any purposes. Nor shall any member of a district board or officer thereof be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the district board. Nor shall any member or officer of a district board, exercising reasonable diligence in the conduct of his duties under this act, be liable to anyone for any action or omission to act under this act except for his own willful misfeasance or for nonfeasance involving moral turpitude.

Mr. POPE. Mr. President, from what page is the Senator reading?

Mr. BARKLEY. I am reading from page 14.

The language sets out the powers of the boards generally. They have no initiative power so far as the conduct of the coal industry is concerned. It is their duty to administer the code set up by the bill through the board of which they have become members and under the jurisdiction and approval of the coal commission.

I continue reading:

(d) No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

We are now recognizing in the bill that the coal industry occupies a special status; that it is so disorganized, so unstable, that from whatever cause there is so much chaos and confusion in the coal industry—an industry which is affected with a public interest—that legislation is required in order to stabilize it. In the process of stabilization we have undertaken to create 23 district boards. The bill undertakes to say what their duties shall be. All that this section on page 14 does is to provide that so long as the district

boards comply with the provisions of this measure, under the jurisdiction of the coal commission, they shall not be regarded as being violators of the antitrust law.

It would certainly be most insincere and hypocritical on the part of Congress to authorize or even to encourage the producers of coal to enter these codes and arrangements, under the jurisdiction of a Federal board which must be presumed to be a board appointed and acting in the interest of the public, and then say, "You may do these things, but if you do them you are still subject to prosecution under the Sherman antitrust law."

How many coal producers of this country would enter into such an arrangement?

Mr. BORAH. Mr. President——

Mr. BARKLEY. I yield to the Senator from Idaho.

Mr. BORAH. What is it that the coal producers may do as members of a district board which would subject them to the Sherman antitrust law?

Mr. BARKLEY. I do not know what they might do that would be regarded as a violation of the antitrust law outside of the terms of this bill; but so long as they confine themselves to doing what is authorized in the bill they would not be guilty of violation of the antitrust law.

Mr. BORAH. Mr. President, at most it seems to me that simply makes the provision excepting the application of the Sherman antitrust law mere surplusage.

Mr. BARKLEY. Mr. President, the Senator from Idaho referred to that matter in connection with the provision on page 47 of the bill, which I now wish to discuss.

I ask the Members of the Senate to bear in mind that the combination spoken of here is a combination only to the extent of agreeing on selling agencies. No combination is referred to there with respect to producing coal. No combination is referred to with respect to a reduction in the production of coal or an increase in the production of coal. It may be unfortunate that the bill uses the word "combination", which has some odium attached to it. However, in order to realize the situation with which we are confronted, we must recognize the fact that the combination referred to is only a combination among producers to form an identical selling agency for the sale and distribution of their product.

I should like to call to the Senator's attention the fact that the Sherman Antitrust Act forbids organizations and combinations in restraint of interstate commerce.

Under the rule of reason adopted by the the Supreme Court in the Appalachian coal cases, combinations of coal producers in the form of marketing agencies were held not to be, per se, unreasonable restrains on commerce and in violation of the Sherman Act. Although three judges in the circuit court of appeals below had unanimously decided that the combination or the selling agency created by the Appalachian coal producers, 64 in number, was a violation of the antitrust law, the Supreme Court reversed the decision and held that it was not an unreasonable restraint upon interstate commerce, and that the formation of these combinations per se within themselves did not constitute such a violation, implying, of course, if not stating, that the legality of the operations would depend upon the methods used by the producers in the performance of their duties. It might be possible for them to go outside the scope of their organization and really violate the antitrust law, but in the case before the Court it held that that was not a violation, because the organization of such a selling agency among the producers was not in itself a violation of the antitrust law.

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

Mr. BARKLEY. I yield.

Mr. NEELY. Of course, the Senator from Kentucky remembers that the agency whose activities were approved in that case was one which was utterly destitute of any governmental regulation.

Mr. BARKLEY. Oh, yes.

Mr. NEELY. And the activities contemplated under the bill before the Senate are to be under the direct supervision of a commission whose members are to be appointed by the President and confirmed by the Senate.

Mr. BARKLEY. I thank the Senator from West Virginia for his remarks.

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

Mr. BARKLEY. I yield.

Mr. MINTON. I have just refreshed my recollection as to the provisions of the Interstate Commerce Act, and its jurisdiction, and the exemptions from its jurisdiction. I find that by an act of Congress we have exempted the consolidation of railroads and the consolidation of motor carriers from the operations of the Sherman antitrust law. In other words, we have recognized in that great regulatory body just what we seek to recognize here. We have exempted certain practices that perhaps would have been monopolistic if carried on without restraint; but when we put the railroads and other organizations under the regulation of the Interstate Commerce Commission and gave the Commission supervision of the consolidation of railroads and the consolidation of motor carriers, of course we met a situation which caused the Congress to exempt those organizations from the operations of the Sherman Antitrust Act.

Mr. BARKLEY. Mr. President, I thank the Senator from Indiana.

I should like to quote very briefly from the decision of the Supreme Court, because the language which it uses more fittingly describes the present condition in the coal industry than anything I can say independent of it. The Court said:

> The mere fact that the parties to an agreement eliminate competition between themselves is not enough to condemn it. * * *
> It is therefore necessary in this instance to consider the economic conditions peculiar to the coal industry.

That is what we are doing in this bill.

> The district court found that organized buying agencies and large consumers purchasing substantial tonnage "constitute unfavorable forces." "The highly organized and concentrated buying power which they control and the great abundance of coal available have contributed to make the market for coal a buyers' market for many years past.
> The court below also found that it was the expectation that similar agencies would be organized in other producing districts, including those which were competitive with Appalachian coal, and that it was "the particular purpose of the defendants in the Appalachian territory to secure such degree of control therein as would eliminate competition among the 73 percent of the commercial production."

Mr. BORAH. Mr. President——

Mr. BARKLEY. I yield.

Mr. BORAH. In view of the fact that the commission is depended upon for so much in the way of holding coal operators within the Sherman antitrust law, I think certainly a majority of the commission ought to represent the public.

Mr. BARKLEY. That is not a matter now before us.

Mr. BORAH. It has a bearing on the question, because this whole argument is really based upon the proposition that this is a regulatory measure, and the commission is the supervising body with reference to it.

Mr. BARKLEY. That matter would be pertinent in connection with the formation of the commission itself, but it has only an indirect bearing upon this subject.

I continue to read from the decision:

> The evidence leaves no doubt of the existence of the evils at which defendants' plan was aimed—

This is the Supreme Court talking—

> The industry was in distress. It suffered from overexpansion and from a serious relative decline through the growing use of substitute fuels. It was afflicted by injurious practices within itself—

Certainly that is true now—

> practices which demanded correction.

The Senator said that under this bill it might be possible that within 10 years there would not be any independent producers of coal. The life of this bill is only 4 years, as I recall, and if the conditions which now obtain in the production of coal shall continue without regulation or stabilization, in 4 years there will be no independent or small producers of coal in this country.

Mr. BORAH. Mr. President, I am not controverting that statement; I am only seeking that in doing this we do not give the industry the power to do things that it ought not to do against the public.

Mr. BARKLEY. I am in sympathy with that objective, of course.

I read further from the decision:

> If evil conditions could not be entirely cured, they at least might be alleviated. The unfortunate state of the industry would not justify any attempt unduly to restrain competition or to monopolize, but the existing situation prompted defendants to make, and the statute did not preclude them from making, an honest effort to remove abuses, to make competition fairer, and thus to promote the essential interests of commerce. When industry is grievously hurt, when producing concerns fail, when unemployment mounts and communities dependent upon profitable production are prostrated, the wells of commerce go dry * * *.
> The fact that the correction of abuses may tend to stabilize a business, or to produce fairer price levels, does not mean that the abuses should go uncorrected or that cooperative endeavor to correct them necessarily constitutes an unreasonable restraint of trade * * *."

So the Supreme Court in rendering that decision might almost be assumed to have had in mind the conditions of the coal industry in the United States at this time.

Mr. President, in drafting the bill now before the Senate it is obvious that it would not be sound policy for the Congress to adopt a law regulating individual coal producers, and at the same time leave combinations of producers unregulated.

There is a belief among substantial numbers of producers that cooperative selling of coal through marketing agencies will definitely aid in stabilizing the industry, and should therefore be encouraged.

In drafting this bill section 12 was drawn in such a way as to permit organization and operation of marketing agencies, but only under strict supervision of the coal commission. This purpose is accomplished by two separate paragraphs in section 12.

In the first paragraph it is provided, in order to make clear that the marketing agency and all its members come under commission control, that unless every member of the agency accepts the code and complies with its provisions, then the agency is per se in violation of the Sherman Act.

However, any agency which passes this first test must then meet the further requirements laid down in the second paragraph of the section. The plan of organization and operation must in each case be approved by the coal commission, and the agency must agree to abide by the commission's reasonable regulations. The second paragraph lays down clear tests, which not only comply with the broad language of the Sherman Act but even go further in detail. The following specific standards must be met in securing approval of the agreement under which the agency proposes to function:

First. That it will not unreasonably restrict the supply of coal in interstate commerce;

Second. That it will not prevent the public from receiving coal at fair and reasonable prices;

Third. That it will not work against the public interest; and

Fourth. That each agency and its members must agree to observe the marketing regulations and the minimum and maximum prices established by the commission and otherwise conduct its business in conformity with reasonable regulations for the protection of the public interest to be prescribed by the commission.

It should also be borne in mind that an agreement cannot be entered into for the creation of these agencies to represent more than one producer without the approval of the commission, and the third paragraph of the section clearly vests authority in the commission to review and revoke or suspend any approval previously granted.

The section recognizes that marketing agencies have value. It recognizes the sound policy of the antitrust laws.

It refuses to permit marketing agencies to function unless every member of the agency has accepted the code laid down in the bill, and also requires approval by the commission of the plan of operation of the agency in accordance with detailed standards set forth in the section.

As a matter of practical operation, it substitutes for the lengthy and at times ineffective procedure of the courts a direct and adequate supervision by the coal commission. Before the full intent and effect of the section can be understood, all three paragraphs must be read and applied in the light of the language of the entire section.

In other words, Mr. President, the whole theory upon which this bill is based is that the coal industry needs stabilization; that it is a sick industry, and it has been a sick industry ever since the war, due, in large part, to the overdevelopment, probably, of coal properties and coal industries and coal deposits as a result of the high prices that ensued as a result of the war. Whatever may be the causes, the coal industry has been unstabilized and disorganized; it has been the subject of cutthroat competition of all forms and of practices designed and carried out by the stronger elements and units of the industry against the smaller and weaker units of the industry. The bill we are now undertaking to enact is designed to set up an agency which may supervise this industry in the interest of the industry itself, in the interest of the laborers who work for the industry, and in the interest of the general public.

In working out the processes by which the industry may be stabilized, the bill authorizes the creation of district boards; it authorizes and sets out in some detail the codes which the producers must enter and agree to; and then the bill provides that those who enter into this agreement, those who comply with the law that Congress may see fit to enact in order to stabilize their own industry in their own behalf and in behalf of the public, shall not, in addition, be subject to prosecution for a technical violation of the antitrust law if they do something we say they have a right to do under the law but which, without such a law, would be a technical violation and subject them to prosecution under the antitrust law. To eliminate that provision, it seems to me, would strike the very heart from this bill, because we cannot occupy the inconsistent position of inviting an industry to do certain things without saying, "If you do those things you will at least enjoy the protection of the reasonable regulations under the law which we have adopted and the administration of which we have committed to a public body created for that purpose, without fear that from some other source you may be harassed, prosecuted, and hindered in carrying out the provisions of the law we are now undertaking to enact."

Mr. NORRIS. Mr. President, if the discussion of this particular question has ended, I wish to make an inquiry of the chairman or other member of the committee. I do not desire to interject the question, however, into the subject under debate unless it has been concluded. Does the Senator from Idaho desire to speak on it further?

Mr. BORAH. On this particular amendment?

Mr. NORRIS. Yes.

Mr. BORAH. I will only occupy a moment.

Mr. NORRIS. Very well. I will not ask the question until we have finished the particular matter under discussion.

Mr. BORAH. Mr. President, to deal with section 14 we will have to wait until the amendments have been disposed of, because section 14 is not an amendment; it is in the bill as it passed the House and has been reported by the committee without amendment. So I will not discuss the matter further.

However, I wish to ask if those in charge of the bill would be willing to accept the amendment suggested by the Senator from Wyoming [Mr. SCHWARTZ]?

Mr. NEELY. That amendment cannot be accepted.

Mr. BORAH. That amendment, if adopted, would make section 12 read:

> Any combination authorized by this section between producers creating a marketing agency for the disposal of competitive coals in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency, or by the agreement of the producers operating through such agency, shall not, after promulgation of the code provided for in section 4, be unlawful as a restraint of trade.

May I ask, in all sincerity, what is the objection to that?

Mr. NEELY. Mr. President, the sponsors of this bill painstakingly endeavored to bring the provision which is now under attack by the able Senator from Idaho within the purview of the language of the Supreme Court of the United States in the Appalachian case, which was read just a moment ago by the able Senator from Kentucky [Mr. BARKLEY]. Those who are urging the passage of this bill believe that the amendment that has been offered would probably subject the bill, if it should become a law, to an attack that could not be justified by the language which the Supreme Court used in the Appalachian case. For that reason, we object to the amendment.

Mr. BORAH. Then I will say to the Senator from Nebraska that I will not discuss this matter further.

Mr. NEELY. May I inquire if the Senator from Idaho has an amendment which he wishes to offer at this time?

Mr. BORAH. I have proposed an amendment. I do not desire to discuss it any further at this time.

Mr. BARKLEY. Then, let us dispose of the pending amendment. If, however, the Senator from Nebraska wishes to discuss it, I will not insist on a vote.

Mr. NORRIS. I was unaware that there was an amendment pending. If there is one pending, I will call attention to the question I wish to raise after it shall have been disposed of.

Mr. NEELY. Mr. President, may we have a vote on the amendment proposed by the Senator from Idaho, which, as I believe, was pending when the Senate adjourned yesterday?

Mr. BORAH. I withdraw that amendment and ask the Senator from Wyoming [Mr. SCHWARTZ] to offer his amendment, or, if agreeable to him, I, myself, will offer it.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. There is pending an amendment offered by the Senator from Maryland [Mr. TYDINGS], and until that amendment is disposed of the amendment of the Senator from Wyoming would not be in order. If it is desired to vote upon that amendment when it shall have been acted upon, the amendment of the Senator from Wyoming will be in order.

Mr. NORRIS. May we have the amendment which was offered yesterday by the Senator from Maryland stated?

The PRESIDENT pro tempore. The amendment which has been offered by the Senator from Maryland will be stated.

The CHIEF CLERK. In section 12, on page 46, line 24, after the word "producers", it is proposed to insert "except as provided for in this act"; and on page 47, line 8, to strike out the words "unless such producers have accepted the code provided for in section 4 and shall comply with its provisions", so as to make the paragraph read:

> Any combination between producers, except as provided for in this act, creating a marketing agency for the disposal of competitive coal in interstate commerce or in intrastate commerce directly affecting interstate commerce in coal at prices to be determined by such agency, or by the agreement of producers operating through such agency, shall, after promulgation of the code provided for in section 4, be unlawful as a restraint of interstate trade and commerce within the provisions of the act of Congress of July 2, 1890, known as the Sherman Act, and acts amendatory and supplemental thereto.

Mr. AUSTIN. Mr. President, I had intended to discuss the bill generally, but I realize that time is fast running and certain ceremonies are to take place during the afternoon, so I rise to speak only of the particular, specific amendment at this time, giving notice that before the bill comes to a final vote I desire to discuss generally the philosophy of the bill and perhaps its constitutionality, and to offer an amendment.

Referring to the particular committee amendment at the bottom of page 46, I ask the Senate to consider the amendment in its setting in a bill which does not merely involve regulation, does not merely involve supervision, does not merely lend sanction to a voluntary agreement entered into by competitors in the same line of business, but, beyond that, takes a very positive, definite step toward absolute authoritative command of the whole enterprise, the entire coal business. And then I ask the Senate to examine these words in the particular committee amendment on page 47, line 19:

> Will not unreasonably restrict the supply of coal in interstate commerce.

As bearing upon the question of whether the Congress can at all make such legislation valid.

Is not this particular element of the amendment an exceedingly dangerous element, in view of what we know has been the jurisprudence of the United States from the beginning of the Government down to this time? Does not this language in the amendment undertake to manage, by force of national power, the production of coal? Does it not nullify the effort which I know was earnestly and honestly attempted by the authors of the bill to bring it within constitutional limits? Is not a mistake being made here which it will be too late to correct if we do not correct it now? In other words, is not this a means of saying that there shall be Federal control of production if the restriction thereof is reasonable?

It is my theory that there cannot be even that degree of control of production which is regarded by anyone as reasonable. It is my proposition for consideration by the Senate that if the bill does in truth attempt the control of production even to a reasonable degree, it ought not to be passed, or at least that element in the bill should be removed from it before it is passed.

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

Mr. AUSTIN. Certainly.

Mr. BARKLEY. Under clause (1) an unlimited amount of coal might be produced and yet not be supplied to interstate commerce through some combination to hold it off the market. All that does is to provide—

> That no such approval shall be granted by the commission unless it shall find that the agreement under which such agency or agencies propose to function (1) will not unreasonably restrict the supply of coal in interstate commerce.

That is almost the exact language of the Court in the Appalachian case, that the agreement entered into there to form a selling agency did not unreasonably restrict interstate commerce.

Mr. TYDINGS. Mr. President, will the Senator from Vermont yield to me?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Maryland?

Mr. AUSTIN. Certainly.

Mr. TYDINGS. Yesterday, during the confusion incident to the antitrust provisions of the bill, I offered an amendment in good faith, thinking it would be a meeting ground for both the opponents and proponents of the bill in regard to the matter then under discussion. I understand now the proponents of the bill feel that my amendment would not accomplish what they originally thought it would in that connection. I have no desire to tear the bill to pieces, and if they want the bill without the amendment I do not desire to offer it. Under my right, therefore, I ask leave to withdraw the amendment.

The PRESIDENT pro tempore. The Senator from Maryland withdraws his amendment. No amendment is now pending.

Mr. AUSTIN. In order that my remarks may be applicable, I shall let them apply to the committee amendment, which probably will be the next question in order. Let me invite attention to the fact that, on page 54, the bill provides:

> (e) The term "marketing agency" shall include any association of coal producers or any corporation or other joint enterprise whose stockholders or members are coal producers, which association, corporation, or other joint enterprise exercises the functions of marketing or distributing coal.

We cannot read that paragraph of the bill very well without considering its setting and considering the other sections of the bill.

I believe that a fair interpretation applied by producers to the second paragraph, on page 47, would give them the right, if it is not barred by the Constitution, to agree to limit production going into interstate commerce for the purpose of stabilizing the price and the other features of the coal business.

That is all I care to say about the particular amendment. I object to the amendment because it contains that special feature of reasonable control of the production of coal. I object to it because it discriminates in favor of those who come into the monopoly created by the bill, that monopoly being not voluntary, but one that is coerced.

Later, as I have said, I shall want to discuss the bill generally.

Mr. BARKLEY. Mr. President, while the bill authorizes the formation of these agencies through the organization of associations or marketing agencies which produce coal, there is not a word in the amendment which authorizes any combination of any sort with respect to the production of coal. The mere use of the word "producers" is to describe those who now make arrangements for the sale and marketing of coal, and not for its production. It has no relationship whatever to the production of coal.

Mr. SCHWARTZ. Mr. President, I voted to report this bill favorably from the committee. It seemed to me the suggestion I made would clarify the thought of the Senator regarding this particular section. I realize, of course, that the suggested amendment would change the purpose of the section. I therefore do not care to offer the amendment.

Mr. BORAH. Mr. President, I will offer the amendment.

After the word "combination", on page 46, line 9, I move to insert the words "authorized by this section." On page 47—this is really one amendment—after the word "shall", in line 24, I move to insert the word "not", place a period after the word "thereto" in line 8, and strike out "unless such producers have accepted the code provided for in section 4 and shall comply with its provisions."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. BORAH. Mr. President, I move to strike out, beginning on page 46, in line 24, with the words "Any combination", and going down to the word "provisions" in line 10, on page 47. The amendment would strike out the entire paragraph.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on the committee amendment, beginning on line 11, page 46, and going down to and including line 18 on page 48, being section 12.

Mr. WHITE. Mr. President, in the existing situation there is not much encouragement to a discussion of the bill by one who is opposed to it. There is not much object in discussing particular provisions of the bill when one's objections really go to the fundamental philosophy underlying the measure. I wish, however, to summarize just as briefly as I can my views with respect to the proposed legislation and make a matter of record the grounds of my opposition to it.

Mr. President, the declared purpose of the bill is the regulation of the sale and distribution of bituminous coal in interstate commerce. The reasons asserted as justifying this regulation are that present methods of marketing and distribution are wasteful of the coal resources of the Nation and that they disorganize and obstruct interstate commerce in coal.

In my opinion the bill goes far beyond its alleged purposes. The remedies proposed and the powers conferred have in them more of harm to our institutions and our people than do the conditions complained of.

What are the powers sought to be given by the bill?

There is authorized to be established in the Department of the Interior a bituminous coal commission. Among many other powers, this commission is authorized to prescribe minimum and maximum prices for coal. It is empowered also to prescribe marketing rules and regulations. It is authorized to fix maximum discounts that may be allowed code members. It is directed to formulate codes under which the whole industry is to be conducted.

These are the major powers through which the purposes of the proposed legislation are to be effected.

Mr. President, the power to fix minimum prices is, in my view, the cornerstone of this plan of control and aid. By the terms of the bill, each district board proposes a minimum price, free on board transportation facilities at the mine for the kinds, qualities, and sizes of coal produced in the board's district.

The prices proposed are to be such as to yield a return per net ton for each district equal as nearly as may be to the weighted average of the total costs per net ton. The computation of costs is to include the cost of items enumerated in the statute, among which are the wages of labor, the costs of workmen's compensation, and occupational diseases compensation. The several boards are directed, under rules and regulations to be established by the commission, to coordinate in consuming market areas, upon a fair competitive basis, the minimum prices and the rules and regulations proposed for the guidance of the industry. The commission is further empowered, whenever it deems it in the public interest, to establish maximum prices.

The infinite details which enter into price determination for the different kinds and qualities and sizes of coal in the 23 districts established, the computation of which involves labor costs, supplies, power, taxes, insurance, and other details, and the problems of price relationship as between the different districts, are all committed to the commission.

There is further conferred upon the commission the other far-flung power to promulgate codes. It is not easy to determine the precise powers of code making given to the commission. It is certain that the commission may establish the minimum and the maximum prices as heretofore mentioned. It has a reviewing power over the acts of the district boards; but this is indefinite, because of the indefiniteness of the board's powers. It has power to make marketing rules and regulations. The bill enumerates some 13 practices which are declared to constitute unfair methods of competition and to constitute code violations, and the commission is to hear and determine complaints of violations of this nature. The commission may require producers or distributors to maintain uniform systems of accounting of costs, wages, operations, sales, profits, losses, and other details.

It is within the truth to assert that within the bounds of this proposed legislation this commission and the codes established by it will become a dictatorial authority over this industry in all its ramified activities.

Mr. President, the purposes and powers thus very hastily sketched give to an agency of government the power to fix prices throughout the United States in this industry, and by devious provisions subject the coal producers of America to the rules and regulations of a governmental commission. The bill forces all producers to become code members through burdensome penalties, described as taxes, levied upon all who are without the code, and through the denial to nonmembers of the rights of cooperative marketing efforts afforded to code members. It seeks to exempt code members from our antitrust statutes and invokes these statutes against other persons. In my view, it attempts to assert commission authority over transactions properly belonging to our States.

Mr. President, I am against price-fixing by government. I am against the management of the business life of America by government. I am against monopoly by government, as I am against monopoly by industry. I am against the application of our antitrust statutes to noncode members and the exemption therefrom of code members. I am against the constant encroachment of government upon the social, the financial, the economic, and the industrial life of our people. I am against a socialized state here in America.

This bill, in my opinion, will result in unjustifiable profits to the company owning mines advantageously located geographically, with deposits susceptible of mining at low cost—the mines with efficient operations and management. It will

artificially add to consumers' costs at a time when rising living costs already are sounding alarm to the people of this Nation. It is the beginning of the break-down of the anti-trust statutes of the United States. It is the longest step yet taken in this country along the road leading to the socialization of all industry here in America.

I am opposed to a piece of legislation having in it these inherent infirmities.

Mr. AUSTIN. Mr. President, it seems apparent that there is now an opportunity for me to express my views regarding the philosophy of the bill.

Mr. President, this bill, envisaged as a whole, presents to me a very definite trend. It seems to me that it is the most positive, clear-cut evidence of the direction in which a very large group in the United States are proceeding. I do not question their motives, I do not question their intelligence, and I even assert my own view with great diffidence, because one must admit that the United States of America is infected with the germ of political disease which has transformed Europe and Asia into two opposing camps of novel ideas; but in both camps one must observe that the underlying foundation principle is absolute authority. Apparently the disease has rendered governments of the Old World unable to govern any longer, and they have thrown up their hands and subjected themselves to the insistence of certain people that someone come in with authority, that some leader come forward with power, and make them secure. In other words, they have already parted with freedom, they have already voluntarily given up liberty, at the purchase price of what they thought would be security; and in that process they went through a type of economic evolution which corresponds so closely to that which is contemplated by the Guffey-Vinson bill that it seems to me we ought to pause before we accept its provisions.

Mr. VANDENBERG. Mr. President——

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

Mr. AUSTIN. I yield.

Mr. VANDENBERG. The Senator has stated the trend of the times to be to give up liberty in pursuit of security. I remind him that the very wise Benjamin Franklin suggested upon occasion that those who seek security at the expense of liberty probably will lose both.

Mr. AUSTIN. Mr. President, I thank the distinguished Senator from Michigan for that reminder. I am one of those who believe that a frequent recurrence to fundamental principles is absolutely necessary in order to keep government free and to preserve the blessings of liberty, and that is one of the fundamental principles which it will do us good to recur to frequently today.

Specifically, the pending bill does what the cartels of Europe did, and we know that the cartels of Europe afforded Mussolini and Hitler the ready means, the equipment, the implements, with which to seize both sides of industry, capital on the one hand and organized labor on the other, and both capital and labor lost their liberty.

I shall call attention to this feature of the matter later in connection with a discussion by Matthew Woll, to which I shall try to refer, asserting the interest of labor in the present situation. It will become important to consider that because the proponents of the Guffey-Vinson coal bill assert that one of the principal objectives of the bill is to elevate, to raise up, the standards of living of the laboring man and to put him in a better position than the one in which he now finds himself in the coal industry.

It will not do to regard this measure solely from the point of view of coal, because the measure in its terms affects other things, and also because the measure, if enacted, will have repercussions throughout the economic structure of our country. Will producers of oil stand by and see the product which competes with their own product have the advantage of a rise in price by virtue of the exercise of the power of the Government at Washington upon the industry? To ask the question is to answer it, and there will ricochet from this bill the same theory upon all elements of industry which are touched by it. Even the boiler which contains copper and steel and iron will be affected by it, because there is a physical connection with the product that is controlled by the bill.

The peculiar thing about our situation is that we are not dealing merely with cartels among private producers of coal; we are taking a step beyond that, we are taking a step which brings us still nearer to the authoritarian state—that is, the state in which authority entirely supplants liberty—because by this measure we are now asked to surrender to the Government itself—that is, surrender to a commission which is to be an agency, a hand, of the Government—the most important element of management there is in the coal industry or in any industry under the sun; that is, control of prices.

The bill would enable the Government to say not merely what should be the minimum price charged by the members of the code but it also might fix the maximum price, and we are upon notice that in the fixing of the minimum price there are certain elements of cost which shall be put together, including labor, and that no minimum price shall be allowed or permitted which is less than the weighted average of costs in the district. This means something right away to the consuming public. The consumer is put upon notice at once that this is a bill contrived at the outset with full knowledge and eyes wide open to give to producers of coal a minimum price higher than they have ever received before, provided they are efficient, provided they have so managed their business and so equipped it with devices, and so brought it up to date that the cost of production for them is below the weighted cost. In other words, "This is, Mr. Consumer, a bill for the benefit of the strong." This is the kind of a bill which any great man in any industry would desire. It is a Christmas present to him.

Mr. President, I myself have been in business to a sufficient extent to know what this can do for the producers of a product which comes out of the ground. The little fellow, the inefficient fellow, sometimes he is called the "independent fellow", whose costs are necessarily higher than the costs of the big fellow, those whose costs are higher because they are less intelligent, less efficient, less industrious, and less careful—they will suffer by the enactment of the measure, unless the commission shall utterly and completely disregard the provisions which appear to be set forth in this measure. Why? Because the minimum price is weighted with their costs.

One does not need to have a great imagination to see what takes place the moment the commission considers a proposal of the members of the district boards. The members of the district boards come right out of the industry. They represent the producers and the miners, and they make a proposal which includes a finding of fact, which includes a statement of what the costs are, embracing labor and all the other elements which are set forth in the bill. They total the costs of the poor little man, they total the costs of the inefficient man, they total the costs of all who have been limping along trying to compete against a great fellow who already enjoys a certain amount of monopoly, and thereupon they make a minimum price.

Mr. President, how long will the little fellows last with the big fellow starting off at a minimum price which is arrived at by averaging all these different elements?

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

Mr. AUSTIN. I yield.

Mr. NEELY. If the Senator believes that the bill is favorable to the large producers and unfavorable to the small ones, will he not explain to the Senate why the largest producing companies in the United States are bitterly opposed to the enactment of the proposed legislation?

Mr. AUSTIN. Mr. President, that is an ad hominem argument. I would not undertake to answer it if I could, but I cannot. That is something beyond my cable-tow. I am discussing this measure not merely from the point of view of taking care of a temporarily bad condition in the industry, but in an effort to discover what its effect naturally is going to be in the long run. Where are we coming out with

this thing? I see a picture of monopoly in its crudest form, monopoly that is encouraged by the State, monopoly that is aided and abetted by the State, monopoly that is managed by the State, because the State does that which is most effective in creating a monopoly—namely, fixes prices, maximum and minimum—and, of course, as is the history with every type of monopoly, the consumer pays the bill. When we wipe out competition entirely, when we suppress it, as we are bound to do by this type of legislation, the housewife feels the injury. Everyone who has to buy fuel feels the injury.

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

Mr. AUSTIN. I yield.

Mr. BORAH. I have here a letter from a small operator protesting against this measure. It is addressed to a Member of the House who was a member of the committee which considered the bill. The writer says in his letter:

> Is it amiss to call your attention to the fact that you have never yet had before your committee any small operator to present his views on the bill? I go further and suggest that this law will start its ravages on the smaller mines of the industry very early in its control of the industry, and that it will have wiped out many mines before there can be heard in Congress sufficient cries for its proper amendment.

Mr. AUSTIN. Mr. President, I thank the Senator from Idaho for that suggestion. The truth is that I have not had the advantage of listening to a single witness on the general character of this bill. I became a member of the committee only a short time ago, and all the testimony relating to the general character of the bill had already been submitted, and so I admit a deficiency in that respect. I have done such reading as I could do in the short time available to me and under the existing circumstances, having something else to do besides this. I have gathered the views I have from such study, and I must confess that perhaps I am more positive than I should be had I studied the testimony more thoroughly.

If these things are not reason, then they are not law. It seems to me that in considering legislation here we ought to be very careful about the effect upon the consumer in the matter of managing by Government the price of a necessity of life. We should always take into consideration that the maximum price or the minimum price, or any price that the Government fixes for this necessity of every house in the land, must be high enough to permit a fair return on the investment. Of course, that is good law. In that respect the bill complies with the holdings of the Supreme Court in many cases. If it did not do so, it undoubtedly would transgress the Constitution by depriving the citizens of this country of their property without any redress whatever, and by means of sheer force. But what about the consumer under this bill?

What is now proposed is not only a means of governing an industry but a means of stepping toward a political government of it, which some of us will never permit without objection. The centralized control of industry—one industry after another being acquired—is a means of centralizing government.

By depriving industries and the persons who constitute the personnel of those industries of their freedom and of their rights, and by subjecting them to authority, it is a means of subjecting them finally to political authority.

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

Mr. AUSTIN. I yield.

Mr. BONE. The Senator from Vermont is an able lawyer. I wonder if he thinks, from his experience as an attorney, that the business enterprises of this country that are now subject to what we call regulation would be willing to have that system of regulation abandoned, and to go back as nearly as possible to a state of free competition in those businesses which, by their nature, are now made the object of regulation.

Mr. AUSTIN. Not at all; not at all. I do not believe in that. I believe in regulation. I know we have arrived at the point where free competition has already developed a certain amount of private monopoly which needs control. It needs supervision. I am in favor of that. I hope, some time before I leave Congress, to be a party to a bill having control of monopoly for its object, having in mind definitely to keep within the limits of power which are vested in us, as the Congress of the United States, by the people.

Mr. BONE. Mr. President, I shall not interrupt the Senator any more if he desires to speak without interruption.

Mr. AUSTIN. No; I am glad to have my friend from Washington interrupt me.

Mr. BONE. I am very much interested in this question, and I think every Member of Congress ought to be, because over the years we have made so many departures from the old laissez-faire doctrine that it is pretty hard to discern the boundaries of the theories we have adopted in recent years.

I am not authority for the statement that the figures I am about to quote are accurate; but along in 1931 or 1932 I saw a certain statement in a reputable financial journal. The statement was that some 500 corporations in the United States did 80 percent of all the business in dollars and cents, which, of course, would indicate a tremendous concentration of business control. To be sure, the ownership may have been diffused in a wide stock holding; but these corporate enterprises, these corporations which are in themselves entities under the law, had become masters of the field in which they operated; and that is the tendency in this country. If 500 corporations—if these figures be correct—do 80 percent of the business of the country, and that under the Sherman antitrust law, which has been in operation for 40 or 50 years—since 1890, I believe—if that process of integration has been going on unchecked, as it has been virtually unchecked, the passage of the bill under consideration will not add much in the way of development of that condition, or, at any rate, not enough to make us so highly critical of the situation, because Congress for years has permitted this integration to go on.

Mr. President, we have permitted the growth of vast combinations, such as the Telephone Trust, the power monopoly, and monopolies in other fields. I realize that many brilliant and able men will say that such monopolies were natural, and that they grew up without anybody being vicious or bad; that they simply served better in that field because they were monopolies; and, recognizing that fact, we set about to regulate them. Nevertheless, they are monopolies, even though they be subject to regulation.

Mr. BORAH. We did what we are doing in this case. We got up to the point where we struck the monopoly, and then we quit.

Mr. LEWIS. Mr. President, I and others on this side of the Chamber would be very thankful if the extremely interesting conference taking place on the other side of the Chamber were extended, and in voice loud enough so that we could know what it is.

Mr. BORAH. I should certainly like the Senator from Illinois to know what it is. Let me read, in connection with the remarks of the Senator from Washington, a statement from the opinion of Mr. Justice Brandeis in the case of Liggett against Lee:

> The data submitted in support of these conclusions indicate that in the United States the process of absorption has already advanced so far that perhaps two-thirds of our industrial wealth has passed from individual possession to the ownership of large corporations whose shares are dealt in on the stock exchange; that 200 nonbanking corporations, each with assets of $90,000,000, control directly about one-fourth of all our national wealth; and that their influence extends far beyond the assets under their direct control; that these 200 corporations, while nominally controlled by about 2,000 directors, are actually dominated by a few hundred persons—the negation of industrial democracy.

Let me ask the Senator from Vermont and the Senator from Washington, What are these great corporations going to do with the regulators? They will regulate the regulators. There is only one remedy for monopoly, and that is to destroy it. It is not within the power of Government to regulate so great an enemy of economic freedom.

Mr. BONE. Mr. President, am I intruding on the Senator?

Mr. AUSTIN. No, indeed. I am very much interested in the colloquy.

Mr. BONE. I am, and have been, very much interested in what the Senator from Idaho has said; and I got myself

in trouble with numerous people in the West by employing those terms 20 years ago. I said that when any of these outfits were subjected to State regulation, the process would lead to the regulation of the regulators; that they would go into politics, and, being practical persons, would achieve the end they sought by the methods and mechanics of our political system. And that is precisely what happened. When it is undertaken to regulate a business such as that, it is not going to be regulated any more than it can help.

I very heartily agree with the conclusions of the Senator from Idaho and I think he has stated them as clearly as it is possible to state them; but as to the process of integration which the Senator from Vermont fears has been going on virtually unchecked in this country, let me say there are corporations with capitalization aggregating billions of dollars that have not been checked by the regulation which has been clamped down on them.

They make any rates they please, and if objection is made they go into court and fight to the last ditch. What I am about to say may shock the Senator from Vermont terribly; but when I was a small boy I used to read stories about the alchemists of the Middle Ages who claimed to possess the secret of transmuting base metals into gold. I never thought I would live long enough to see such a thing achieved in these modern times, but I have seen utility corporations, by the operation of the law and under this beautiful thing called "regulation", accomplish that very thing. They write millions and millions of dollars of wind and water into real capital value on which the people have to pay interest and dividends forever. I submit that whatever success the alchemists of the Middle Ages ever claimed to have achieved was just a milk-and-water affair compared to what has been done in these later days. When we can make phantom dollars into real dollars by the alchemy of legislation and court decisions and regulation, we do not need to teach our children that the alchemists of the Middle Ages were fakers. We make their performance very real right now, and those things will go on and on and on under the system of regulation we now have, which, apparently, well-meaning people are not challenging. I saw that in a case where a water company had invested something like $10,000,000 in a system, but under a judicial decree that was screwed up to $19,000,000. There is $9,000,000 of wind in that system, which was made very real by the alchemy of a judicial decree.

Mr. BORAH. Mr. President, how could a judicial decree do that?

Mr. BONE. Because a State regulatory body laid the foundation for it with the aid of clever engineers.

Mr. BORAH. State regulatory bodies, State legislatures, and the Congress repeal, emasculate, and destroy antimonopoly laws and then lay responsibility on the courts.

Mr. BONE. Oh, no. Let me give the Senator an illustration. I think the Senator from Idaho will agree with me——

Mr. AUSTIN. I hope the Senator from Washington will make his remarks brief.

Mr. BONE. My own State has a constitutional provision to the effect that no private monopoly shall ever be tolerated in the State of Washington; the Senator no doubt is familiar with it. The legislature passed a certificate of necessity and convenience act, which many of us protested. They said if Bill Smith has a certificate of necessity with the right to run a bus line nobody may go on that road, and if he does we will put him in jail. That was monopoly, made so by law. The Supreme Court sustained it and said that was proper under the constitution of the State of Washington.

I beg pardon of the Senator from Vermont.

Mr. AUSTIN. I have been very much interested in what the Senator has said.

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

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

Mr. AUSTIN. Certainly, I yield to the Senator from West Virginia.

Mr. NEELY. The Senator from Idaho has asked a number of interesting questions today, all of which I think have not been answered to his satisfaction. I trust he will press the Senator from Washington and the Senator from Vermont for a categorical reply to his question. What are the regulated eventually to do with the regulators? I hope the Senator from Idaho will follow that up.

Mr. AUSTIN. Mr. President, I will follow it just so long as the Senator from West Virginia will go along and bear it.

My observation of conditions today in Asia and Europe, from visiting there, and from study——

Mr. KING. And from living there for a while.

Mr. AUSTIN. Yes; from living there for a while—is that great organizations of private capital were ultimately taken right over by Mussolini and also by Hitler. There was a period in the story when the private organizations were powerful and had an idea they were going to be able to control the government, and so in Germany they made an alliance with Hitler; but before their plans were finished he had those corporations right under his control and was able to command them.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. AUSTIN. Yes, for a moment; but not for a speech longer than my own.

Mr. BONE. Does not the Senator think there is very great danger here of the very thing he mentions in Germany and Italy unless we very realistically meet the problems of better wages and better adjustment of working conditions which are the ultimate purposes this bill seeks to achieve?

Mr. AUSTIN. That is really aside from the question relating to this bill. Of course, I want to see workingmen receive all they can possibly obtain; I am in favor of their conditions of living being raised; and, although they now occupy a position that is superior to that of any workmen anywhere else on earth, I would not say that that is the place to stop. I would say go forward and continue to improve the standard of living, and anything that I can do to help in that direction I am ready to do.

Mr. BONE. When coal prices are so low that coal is put on the car at the mouth of the mine at 40 cents per ton, there cannot be any possible hope of decent wages in an industry that has descended to such levels in many places.

Mr. AUSTIN. I am discussing the means attempted to be employed by this bill. I have already indicated my willingness to participate in an effort to obtain the objective to which my friend refers, but I should like to see it tried within the Constitution and consistent with our American form of government. I am opposed to seeing it tried according to the European plan, which already has demonstrated that it is death to free government and death to individual liberty. That is the proposition.

Mr. HOLT. Mr. President——

Mr. AUSTIN. I yield.

Mr. HOLT. There is nothing in this bill, is there, that would even guarantee the laboring man any better wages? In other words, that question is, in the long run, dependent entirely upon the producer, even if this bill passes, is it not?

Mr. AUSTIN. That is true, of course. There is a labor provision in this bill. I have no doubt that those who drafted the pending bill intended to eliminate that feature of the original Guffey bill, which was declared by the Supreme Court to be unconstitutional, but I think they have entirely failed to do so. I think the labor feature of the bill taints the whole measure. The labor provision contains everything that the Guffey bill embraced excepting clause (g), which related to wages, hours of labor, and so forth. It contains a provision that the employees of all producers of coal—not merely code members but all producers of coal—shall have the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions, through representatives of their own choosing, without restraint, coercion, or interference on the part of the producers. That is hardly adequate, by the way;

it should have read "without interference from any source whatever", and saved to the laborer a quantum of the freedom which he has not had saved to him under the bill.

There are other features of the labor provision which I say to labor may prove harmful. I have a right to speak for labor. For 18 years my firm was one of the few firms in a railroad city to take, on behalf of labor, suits against large corporations. I have come to the "palace of justice" in Washington on behalf of labor, and when I speak in the interest of labor here I do not want any man to rise and point to some case where I have represented the employer and say that, therefore, I am biased against labor.

I say these provisions, intended, without doubt, to benefit labor, are a harm to labor, and in the long run labor will find itself right where labor has found itself in Italy, in Germany, in Rumania, in Poland, and in Russia. There were fine, strong labor unions in Germany. What became of them? They were abolished by edict of the political power into whose hands they threw themselves, as labor in this country is today throwing itself into the hands of the Federal Government. Oh, would that there were a Gompers to stand up and protect labor against what is going on today and what is imbedded in this bill! Although it merely declares a public policy, yet if that policy is not put into effect a boycott is to fall upon the heads of employers whose employees fail to have it carried into effect.

The bill bristles with coercion. The penalty of 19½ percent on every sale will sink any producer who has to pay it; yet it is doubled and made 39 percent for certain violations. It is trebled under the damage clause. If any producer finds himself injured by a competitor on account of a violation of the code, he may bring a civil suit and recover treble damages.

Then there is imprisonment under the internal-revenue laws for the taxes which are penalties, as well as the taxes which are, perhaps, properly called taxes, though they are not in truth proper taxes, are brought under the internal-revenue laws and all their penalties.

Mr. President, I desire to consider the question whether it is desired to pass a bill which contains such a labor provision, right in the teeth of the judgment of the Supreme Court in the Carter coal case. Is there any Senator who doubts that the provision for bargaining collectively was declared unconstitutional in the Carter coal case? Does anyone within the sound of my voice doubt that to be so? Does anyone doubt that the labor provision is the one thing upon which there was no dissent? Six Justices agreed, and the other three said nothing about that provision in the Guffey bill; but those six said it was unconstitutional because the Federal Government could not reach into the State of Pennsylvania, for example, and regulate and operate production of coal there, and that when it came to a matter of controlling bargaining among the miners of coal, then Congress was undertaking to regulate and manage local production, which belongs entirely to the several States.

The State of Washington fought for that principle, and fought successfully for it. Within a few days we have had the decision of the Supreme Court holding that the State of Washington had the sovereign power to regulate such matters as hours of labor and wages and the matter of local production.

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

Mr. AUSTIN. I yield.

Mr. SCHWELLENBACH. Where was there anything in the contention of the State of Washington or in the opinion of the Supreme Court which involved the question of the right of a State as opposed to the Federal Government in the matter of those activities which were not local in their nature?

Mr. AUSTIN. That is just the point exactly. The Federal law and the State statute cannot occupy the same field. One of them is supreme, as the Court has held time and time again. In *Lemke* v. *Farmers Grain Co.* (258 U. S. 50), in *Baldwin* v. *Sedig* (294 U. S. 511, 521), in *Nebbia* v. *New York* (291 U. S. 502), in *Borden's Farm Products Co.* v. *Ten Eyck*, February 10, 1936, and in the Carter case, the Supreme Court has recognized the doctrine that where sovereignty over local production may be exercised by the State itself, sovereignty over interstate commerce may not be exercised by the several States.

In the line of demarcation there is no confusion at all. The matter of production is outside of the reach of Federal power, and when a statute such as the one proposed here undertakes to say it is the policy of the Federal Government that employees of producers of coal shall have the right to organize and bargain collectively, and goes forward to impose other conditions upon their product, limitations upon their natural and common rights, and then adds boycott against the producer if he does not enforce those provisions, then I say that statute is knowingly willfully walking right into the Constitution, walking right into the teeth of the decision made upon an identical act.

Is that good legislation? I know, from sitting with those who are interested in the passage of this bill, that they do not want to take that hazard. I know they want a bill which will stand. That danger can be removed from the bill without hurting it. Someone said there is nothing in the bill that attempts to regulate wages. Then, why put something in the bill that simply makes a gesture at it, but makes a very bad gesture?

I invite attention to the language of a laborer, the great laborer Matthew Woll, vice president of the American Federation of Labor, and president of America's wage earners' protective conference. On February 24 last, in a radio broadcast, he made this statement. I shall not read it all, but only an excerpt bearing upon the point which I am discussing. He said:

> First, it should be made clear that the countries that today fall under the class of authoritarian states are Germany, Italy, Russia, Poland, Austria, Rumania, and, to a degree, Japan, with Spain hanging in the balance. Fascism, nazi-ism, and communism denote strict state control of the economic processes.

That is what we are designing. We are attempting now to make State control of economic processes in one industry relating to coal.

Mr. Woll continued:

> With the exception of communism, Fascist control was preceded in nearly all the other dictatorial powers by economic concentration. In Germany, Poland, and Austria, especially, concentration by economic power in the hands of combinations known as cartels preceded by a number of years the final concentration of economic power in the state. Indeed, it was centralization of the economic processes in the hands of compact private groups, in the form of cartels, which greatly facilitated the assumption of state control. Private groups devised and built up the machinery which came ready to hand for dictatorial usurpation at the proper time.
>
> These cartels were collective monopolies in which the constituent private concerns signed away to a central controlling body certain powers, such as price determination, limitation of production, and sales practices.

There is a dispute among us as to whether production is limited by the bill or intended to be so limited. It is my impression that it was intended to be limited within a reasonable degree, but certainly without controversy, price determination and sales practices are comprehended in the bill.

Mr. Woll continued:

> The existence of this undisputed economic power made the control of labor a comparatively easy matter. In Germany over 2,000 such cartels were in existence before the Hitler regime. In Poland probably 40 percent of industrial production fell under cartel control.

I am omitting some of his statements now, and taking up another section of Mr. Woll's address, where he said:

> In Italy, Mussolini, at first himself a radical though not a Communist, rallied support among the suffering masses, by vitriolic attacks on the concentrated economic power. On the other hand he aroused favor and support from members of the very order which he attacked because his ascendancy to power was looked upon as a rising bulwark against communism. Power was thus delivered into his hands by two opposing forces. Those workers who were not Communists, although greatly discontented, supplied the mass support. The industrialists and financiers, although opposed to his avowed policies, threw their strength behind him because he represented the only remaining hope against communism. Once in power, however, Mussolini dissolved the labor

organizations, destroyed labor's freedom, abolished the right to strike, and, through corporate form, forced labor to his will. While industry was saved from communism, it, too, was forced to submit to curbs on its previous freedom of action. With the announcement of the totalitarian state Mussolini was supreme.

In Germany, a similar process was under way but the ultimate success of Hitler was delayed a decade. As in Italy, a strong communistic menace was present, as well as a leader who catered to the discontented masses. The industrial and business interests were opposed to him until he, too, came to represent a bulwark against communism.

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

Mr. AUSTIN. Let me finish this first, and then I will yield.

When by a succession of elections Hitler approached a majority vote, the powerful industrial interests held the balance of power. On one side was communism. On the other were the cartels, representing steel, chemicals, coal, and other powerful groups. Between the two was Hitler. By throwing their support to Hitler, the industrial and financial interests could throttle communism and control Hitler himself; and this control over Hitler meant control over his followers. The combination was effected. Hitler was catapulted into power and given dictatorial authority. Like Mussolini, he dissolved the labor organizations and set up the totalitarian state.

I now yield to the Senator from Washington.

Mr. BONE. Mr. President, I wonder if the Senator does not believe that the growth of such things as the dictatorships he has described was the result of an economic breakdown which was the aftermath of the war.

Mr. AUSTIN. Partly that. I was undertaking to state what this great labor leader regards as the instrumentalities of centralization of political power. His doctrine is that to which I have been calling attention; namely, that the centralizations of economic power afford to a centralized government the means, the tools, with which to secure entire authority not only over business but over all the activities of the people. That is, the totalitarian state was made possible by and through these cartels of business, by and through these very compact organizations of labor.

Mr. BONE. I think a demoralization of business in any country, due to certain inherent evils in the business itself—I do not use the term "evils" in a moral sense but as meaning economic or financial evils that flow from a certain operation—is quite likely to bring about a demand for some sort of relief, whatever that may be, however intelligent it may be. We faced that sort of a break-down in this country; and, of course, the Senator is familiar with the declaration of his own party in 1932, when it said in its platform—

The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand.

To be logical, the Republican Party, had it been successful and done the extraordinary thing for a party to do—that is, to follow its own platform declarations—would have had to set up some kind of a Federal machine to bring about the thing it demanded, and which seemed perfectly logical.

Mr. AUSTIN. Yes. Mr. President, I will answer that in just a moment. Let me complete my reference to Matthew Woll. Then I will recur to that.

Mr. Woll makes an application to America in the following language:

We here in America are not free from the dangers that are world-wide in character, and which have as their ultimate objective world-wide control. Let the American people be aware and guard jealously those economic powers which by excessive concentration, both at home and across national lines, can gain a strategic balance of power against the forces of democracy, already so greatly weakened by trends and developments abroad.

That is all I care to refer to in Mr. Woll's address.

Recurring now to the remarks of the Senator from Washington, I think, as I said before, that there is no difficulty in the Federal Government exercising a regulatory power over interstate commerce. Why should there be? That is one of the things that were so important to the people of this country that they made an express grant of power for that purpose, and where there is a power I think there is a duty; and I will go along with the Senator from Washington in any reasonable plan of regulation of the coal industry or any other industry that crosses State lines and that has a public character, a public interest that justifies the exercise of regulation. I will go along with him, provided it is within the four corners of the Constitution, provided it is not against our constitutional philosophy and traditions. I do not want to support a plan, as I conceive this one to be, which centralizes in Washington management over a great industry by means of the power to fix prices top and bottom, not only of coal in interstate commerce but also of coal in intrastate commerce.

If this bill were limited to interstate commerce, it would have much more favor in my eyes than it has today; but there are features of the bill that crowd and reach and attempt to go beyond, by peculiar language, the commerce that runs and flows between the several States and the intrastate commerce that has a proximate influence upon interstate commerce, the commerce that is intrastate but has a direct effect upon interstate commerce. This bill seeks to overreach that. It seeks to create a new definition and to comprehend any matter or transaction in intrastate commerce that is in fact competitive with interstate commerce. I think that is going away beyond the powers which the people of this country vested in the Congress, and I shall offer a specific amendment upon that point.

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

Mr. AUSTIN. Yes; I yield to the Senator from Utah.

Mr. KING. I have been called from the Chamber upon several occasions, and I have not heard all the address of the Senator. Has he discussed the monopolistic features of the bill, particularly the point which was raised by the Senator from Idaho [Mr. BORAH] earlier in the day, that there seemed to be an attempt, subtly or otherwise—I am inclined to think subtly—to exempt some of the organizations that may be created under the bill from the operation of the Sherman antitrust law?

Only since I came into the Chamber a little while ago have I had an opportunity to read the bill; but I cannot divorce from my mind the thought that it aims primarily to establish monopolistic control of the prices of coal so that the consumers throughout the United States will be penalized to the extent of perhaps one or two hundred million dollars a year. Has the Senator discussed the question of whether or not the Sherman antitrust law is emasculated, or any of its power withdrawn, under some of the provisions of the bill?

Mr. AUSTIN. Mr. President, perhaps not exactly that. I have alluded to section 12. As I understand the bill, it is a sort of back-handed slap at the Sherman Act, a sort of misinterpretation of it. In 1932 the Appalachian case sustained the legality of such a marketing agency as is described in the bill, without the necessity of approval by any Federal commission whatever. On page 31, however, to which section 12 refers, as I understand and interpret it, we find section 4–A, which leads us subtly, as the Senator says, out of interstate commerce and into possible intrastate commerce alone in the scope of this monopoly.

Of course any one who reads the bill sees plainly that this is a statutory monopoly. Clearly it is nothing but a statutory monopoly. Section 4–A on page 31, it seems to me, crowds and overreaches and tries to get outside of the constitutional limitations placed upon Congress with reference to the regulation of commerce. Listen to it:

Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that transactions in coal in intrastate commerce cause—

What?—

any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce, on the one hand, and interstate commerce in coal on the other hand.

Then so-and-so shall be done.

I ask, Does not that seem to be an attempt to control and manage intrastate commerce if and when it possesses a natural advantage on account of the fact that it is in the State, and not across the State boundary? In other words, if a State is enriched by a natural deposit, and the State next to it has no such deposit, as between the two States,

one of them has the monopoly—a natural monopoly of a natural product. Then this bill, as I interpret it, would come right into effect:

Whenever the commission • • • finds that transactions in coal in intrastate commerce cause any undue or unreasonable advantage, preference, or prejudice—

Of course, it would be "undue"; of course, it would be "unreasonable"; and, of course, it would "prejudice", because there would not be any competition in it at all; it would be a monopoly, and between the absolute monopoly in a natural product due to geographical location and that remote limit of the least competition that could exist, where is the line to be drawn, and where is the Federal Government to step out of that limitation of its power which, in effect, says, "You cannot cross the State boundary and regulate the production of coal in my State"? Where is the Government to come in? By the proposed statute? I think this proposed statute could not be construed to permit the exercise of such a power validly.

Mr. KING. Mr. President, let us assume a situation of this character—and it is not fantastic—that in a given State there is a very rich deposit of coal, as there is in a number of States, where the coal vein, as in my State, for instance, in some parts of the State is 27 feet in thickness. The owner of the particular mine, we will assume, finds his market solely and exclusively with two or three smelters within the State; all of the output is sold to those two or three smelters. It is intrastate in the mining, it is intrastate in the shipment, it is intrastate in the consumption. Under the bill, would not an attempt be made to control the output of that mine to determine questions of labor and other conditions such as might be applied in purely interstate transactions?

Mr. AUSTIN. Mr. President, of course, I can do nothing but guess as to that. I would call the attention of the Senator from Utah to line 23 on page 51, relating to this subject. This is another committee amendment to which I intend to offer an amendment. It provides:

Matters and transactions "directly affecting"—

In quotation marks, the Senator will observe—

interstate commerce in coal include those matters and transactions in intrastate commerce in coal which are substantially competitive in fact with matters and transactions in interstate commerce in coal.

What is the use of Congress reaching out in that blind manner and trying to do more than the Constitution allows? Why enact legislation reading like that, which no man sitting here who has heard the reading of it can understand? What is meant by "matters"? "Matters" are elements, perhaps. "Matters" may include oil. "Matters" may include electricity. "Matters" may include wood. "Matters" may include anything that will generate steam.

Mr. BARKLEY. Mr. President——

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

Mr. AUSTIN. I yield.

Mr. BARKLEY. I do not see how the Senator can put any such interpretation on this language, because it says "matters and transactions 'directly affecting' interstate commerce in coal"—nothing else but coal—"include those matters and transactions in intrastate commerce in coal"—and nothing else but coal.

Mr. AUSTIN. No; it is not limited to coal.

Mr. BARKLEY. It not only does not mention or intimate any other product, but it is limited to coal in each instance.

Mr. AUSTIN. On the contrary, it does not mean coal in connection with "matters." "Coal" modifies "commerce." It does not have a thing to do with the subject of this sentence. The subject of the sentence is "matters and transactions." When it comes to using the term "coal", this is the connection and the context of it: "Matters and transactions 'directly affecting' interstate commerce in coal."

That is to say, interstate commerce in coal is affected by "matters and transactions", and there is no limitation on "matters" and no limitation on "transactions", excepting that they affect interstate commerce in coal.

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

Mr. AUSTIN. I yield.

Mr. BARKLEY. Of course, this is the definition section of the bill.

Mr. AUSTIN. That is why it is dangerous.

Mr. BARKLEY. The definitions of the words refer, of course, to the language used elsewhere in the bill, and there are no matters and transactions referred to elsewhere in the bill relating to any commodity except coal by implication, and this is the definition of that phrase when applied to coal.

Mr. AUSTIN. I supposed this was a measure which had to do with certain objectives. Certain objectives are considered.

Mr. BARKLEY. With respect to coal.

Mr. AUSTIN. No; not with respect to coal.

Mr. BARKLEY. Oh, yes.

Mr. AUSTIN. No; with respect to labor, with respect to the miner, with respect to the consumer. There is a consumers' council provided for.

Mr. BARKLEY. It all pertains to coal, revolves around coal; it relates to nothing else but coal.

Mr. AUSTIN. Not at all.

Mr. BARKLEY. The Senator has not read the bill if he insists on such an interpretation.

Mr. AUSTIN. What I want the proponents of the bill to do is to limit it, but they have something here which reaches out to all matters which affect interstate commerce in coal. That is what they have. I wonder that the Senator does not see it.

My suggestion to the proponents of the bill ought to be accepted as beneficial, and not critical. Its sole objective from my point of view, is for their benefit, not mine. I am opposed in theory and principle to the bill, and the worse it is, according to my lights, of course the easier it would be to defeat; but I have offered this suggestion, and contend that if a bill is so written that the Supreme Court must declare it unconstitutional, then what is going to happen to the defenses which naturally would be set up against triple damages? What is going to happen to the defenses which would naturally be set up against the penalties? The penalties set up in the bill are grievous, they are harsh. An unconstitutional statute is no defense. I suggest this for consideration.

Mr. WHITE. Mr. President, will the Senator yield to me?

Mr. AUSTIN. I yield.

Mr. WHITE. It seems to me that the language does not sustain the contention of the Senator from Kentucky. If we were to construe the section as the Senator from Kentucky construes it, I think we would have to say that "matters and transactions 'directly affecting' interstate commerce in coal" are matters and transactions in interstate commerce in coal. That would conform with the meaning the Senator from Kentucky gives to the section. But it says only that the matters and transactions include matters and transactions in interstate commerce in coal, and it does not exclude any other matters and transactions whatsoever. Is not that correct?

Mr. BARKLEY. Mr. President, does not the Senator realize that this is a form of definition used frequently in legislation? It does not include an omnium gatherum for everything else on the face of the earth, and then wind up by saying it also includes coal. All we are dealing with is coal; and this definition is the definition of two or three words, a phrase, or a clause, "matters and transactions", so as to understand, wherever those words are used in the bill, that we apprehend what they are talking about; and the words are not used anywhere in the bill except as to coal.

Mr. AUSTIN. Mr. President, that might be reasserted many times, and the only way to settle it is to sit down calmly and read the bill carefully. I am willing to leave it to a calm reading of this section of the bill. I confess I see only

one way to read it, and that is the way I have commented on it. But I have been wrong so many times in my life that I am willing always to have my work checked.

Mr. President, I intend to offer some amendments. Of course, I wish they might be favorably considered, but whether or not they are favorably considered, I intend to offer them, because I think it is the duty of the minority party here, holding views which it has declared definitely, and views in which it earnestly believes, to assert them on an occasion such as the present one, and when the opportunity shall be afforded I will offer these several amendments.

Mr. BARKLEY. Mr. President, personally I have no desire to engage in any lengthy discussion of the amendments which will be offered. I will say to the Senator frankly that it is our hope that the bill may be passed today, and that the Senate may adjourn over until Monday.

Mr. AUSTIN. If there is to be no discussion save an explanation of why I offer the amendments, I could offer them now.

Mr. BARKLEY. We still have half an hour.

Mr. AUSTIN. Does the Senator want me to offer the amendments now?

Mr. BARKLEY. Yes; we might occupy the time remaining.

Mr. AUSTIN. Mr. President, I send to the desk an amendment to the section last discussed. I ask to have it read at the desk.

The PRESIDENT pro tempore. Let the Chair state to the Senator from Vermont that the Senate is now considering the committee amendment in section 12, on page 46, and the Chair is informed that the amendment the Senator has sent to the desk does not have to do with the section under consideration. Therefore, with the permission of the Senator, the Chair will first put the question on the committee amendment found on page 46.

Mr. AUSTIN. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment in section 12, on page 46.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment offered by the Senator from Vermont [Mr. AUSTIN] will now be stated.

The LEGISLATIVE CLERK. In lieu of the language contained in the committee amendment, beginning on page 51, line 23, and extending down to and including line 3, on page 52, being subsection (f), it is proposed to insert the following:

Intrastate commerce in coal which proximately affects the price of coal in the flow of interstate commerce is subject to regulation under this act.

Mr. AUSTIN. Mr. President, briefly, it seems to me there must be a substantial relation between the object sought to be attained and the provision set forth in the measure. The learned Senator from Kentucky [Mr. BARKLEY], for whose opinion I have high regard, says that the purpose of this bill is limited to interstate commerce in coal. I ask the Senate to consider whether the amendment I have offered does not do exactly the thing desired to be done, and limit the definition to commerce in coal. This is the definition of my amendment:

Intrastate commerce in coal which proximately affects the price of coal in the flow of interstate commerce is subject to regulation under this act.

That is what is claimed for the words which read:

(f) Matters and transactions "directly affecting" interstate commerce in coal include those matters and transactions in intrastate commerce in coal which are substantially competitive in fact with matters and transactions in interstate commerce in coal.

I am offering as a substitute for that very obscure language, concerning which the Senator from Kentucky and I disagree, a sentence which has a clear, definite meaning and a substantial relation to the objects sought by the bill.

Mr. BARKLEY. Mr. President, we have already discussed this matter. Our differences are irreconcilable as to the interpretation of the language. This is a definition section, referring to phrases that are used in other places in the bill. I still insist that they are intended simply to clarify the meaning of the phrase wherever found in the bill. The adoption of the amendment proposed by the Senator from Vermont will entirely interfere with the definition of the words we are seeking to define in this particular part of the bill; and I hope the amendment will be defeated.

Mr. KING. Mr. President, I asked a question of the Senator from Vermont a moment ago and gave an illustration as a basis of the question. May I again advert to this matter. I am acquainted with coal districts which possess very thick veins and where the costs of mining the coal is less than the cost in other coal districts.

I am advised that substantially the entire output of several of the coal mines referred to is consumed in the State in which the coal is mined. The mining therefore is intrastate. There is competition because of the thick veins and favorable mining conditions and the coal can be produced and sold at prices considerably less than the cost of production in other mining sections.

By reason of these favorable conditions and the cheapness with which the coal is mined, transported, and sold, there is naturally competition with other coal regions, and in such competition some of the mines suffer from such competition.

My inquiry of the Senator is, in view of the condition briefly described, would not the coal mines, having these advantages, be subjected to the control of the organizations set up in the bill, even though in the production, distribution, and consumptions of coal there was no interstate commerce.

Mr. BARKLEY. There are several phases to the answer to that question. We have predicated this bill very largely upon a combination of decisions, one being the Shreveport case, in which the Court held that if intrastate commerce operates as a burden upon interstate commerce, Congress can regulate it; upon the Schechter case, in which the Court held by implication that if intrastate commerce directly affected interstate commerce, Congress could still regulate it. That is why the two words are in quotation. I myself do not see any need for the quotation. But it was put there in order to identify it with the interpretation of the Supreme Court in the Schechter case.

In the case cited by the Senator where the production is intrastate, the transportation is intrastate——

Mr. KING. And the consumption.

Mr. BARKLEY. And the consumption is intrastate—it is difficult to conceive how we could so affect the coal that is interstate as to bring it within the regulation of the commission, unless the practices with respect to the production, sale, or distribution of the coal intrastate were of such a character as to operate as a burden upon interstate commerce, coming into that same region from outside the State. In that case it might be possible to link it directly with the interstate coal business and bring it under the terms of regulation, because it is manifest that if any intrastate producer or if any combination of intrastate producers of coal could bring about such a condition to make it impossible for coal to be brought in from the outside and sold to the consumers, manifestly that would be such a burden upon interstate commerce as would cause such commerce to come within the regulation of the commission.

Mr. KING. Then if I understand the Senator, the State which has natural advantages over other States would be subjected to the same rules and regulations that apply in other States whose operations are marginal in character, when the costs of production are much greater.

Mr. BARKLEY. Of course, the only part of this bill that affects that is the provision concerning price areas, in which we have arbitrarily set off certain geographical regions within a price area. But these price areas and the prices to be fixed within them may be so adjusted and coordinated as to bring about a stabilization of the coal business in all these regions. It is not the purpose to have any sheer perpendicular lines drawn that would injuriously affect the coal production or distribution in any region of the country. The very object of the bill is to make it possible under the regulation of the commission to coordinate the coal business so as to give everybody a fair chance to do business.

Mr. NEELY. And also to improve conditions in the industry in all of the 26 coal-producing States of the Union.

Mr. KING. Mr. President, I recognize the futility of prolonging discussion upon the bill under consideration. There are powerful forces back of the bill, and its passage is assured. That the coal industry has been in an unsatisfactory condition for many years cannot be denied, but, in my opinion, that does not justify the passage of a measure containing so many drastic and oppressive features as the bill under consideration. Indeed, it contains provisions which were found in the former so-called Guffey coal bill which was successfully challenged in the courts. The interstate commerce clause of the Constitution confers considerable power to regulate interstate commerce, but it does not, in my view, confer authority to coerce individuals and deprive them of their constitutional rights. There is a great deal of difference between regulation and coercion, and oppressive measures which interfere with legitimate business and abridge the rights of individuals.

It is regulation run riot that attempts to canalize industries, and to compress them into one pattern, and to shape their proceedings and activities into one form. The progress of our country has resulted from the enterprise and genius of the American people. They have not been compelled to walk in the same path subject to rigid rules and regulations aimed at uniformity and standardization. There has not been a cartel system controlled by Government or by bureaucratic agencies endowed with governmental authority. Deviation from old paths and the development of new methods and of improved technology have raised the productive power of the United States to unprecedented heights and brought rich rewards to the American people.

The material development of this Republic has been the wonder of the world and representatives of many countries have visited the United States in order to learn of the methods employed, the result of which has been phenomenal industrial development. Under our political and economic system there have been afforded, as I have indicated, wide fields within which energetic and ambitious persons—young and old—might achieve important results and win deserved triumphs. The Government has not attempted except in recent years regimentation or the placing of individuals and business under beaucratic authority. However, there has been of late a tendency to interpose obstacles to legitimate enterprise and to individual progress. There have been individuals who have looked to lands beyond the seas and to rules and regulations there imposed, and have sought to introduce into the United States those foreign and retrogressive policies which have hampered industrial and economic progress and development and have been restraints upon legitimate individual liberty. It has become an obsession with some that we should be regulated and grouped and controlled and placed under bureaucratic authority in our individual activities and generally in our industrial life.

There are those who would prevent competition and, as I have indicated, superimpose upon individuals and upon every form of business the regulatory hand of governmental agencies. There is a growing disposition to disregard individual rights and the responsibilities and, indeed, the authority of sovereign States. Appeals are made to have the Federal Government assume control over all forms of business and determine the policies—economic and political—which are to be observed by individuals, groups, communities, and States. There are some who see something magic and supernatural in the hand of Federal authority and in the touch of bureaucratic forces. We have multiplied Federal organizations until their voices are heard in the remotest part of the United States and their power is felt in every community and, for that matter, by nearly every individual in this broad land.

We are impatient when economic problems are presented and demand the termination of the same by the exercise of political and governmental authority. Too often there is a lack of confidence in the capacities of individuals to work out their own salvation and to meet and solve the problems encountered by communities and States, and by the Government itself. There are many who scoff at traditions, at precedents, of tried and proven institutions, and of sound and solid constitutional declarations. Departures from constitutional government are demanded under the pretext that exigencies have arisen which warrant such departures. It were well if the lessons of history were not forgotten, and the rich heritage of liberty and constitutional government were not ignored, or frittered away.

It is not my purpose to discuss constitutional questions or the perils which must inevitably flow from the abandonment of what I am pleased to call democratic principles and democratic institutions, for state socialism and for policies which lead to a totalitarian state.

I briefly refer to the interpretation placed by the Senator from Vermont [Mr. AUSTIN] upon the provision of the bill which he discussed. I think he was substantially correct in stating that the provision referred to was designed to place intrastate activities in connection with coal mining and development under the control of the agencies set up by the bill. The provision attempts to expand the power and authority of the Federal Government in order that it may deal with matters which belong exclusively to the States or to individuals. That provision is a step in the direction of a cult which seeks the regimentation of the industrial life and activities of the people of the Republic by the Federal Government and the great army of bureaus and Federal employees, which are found in every part of the land.

Undoubtedly this measure seeks monopolistic control of one of the most important commodities of life, and this monopolistic control will cost the American people more than two hundred millions of dollars annually. Obviously the purpose of the bill is to increase the price of coal to the consumer, and the agencies which are created, will, I fear, be indifferent to the needs, and, indeed, rights of the consumers; and having the authority and the power, will be too much concerned in seeking advantages for the producers of coal and the various agencies aiding in its production and distribution.

Mr. President, not many years ago the American people revolted against the forces which sought monopolistic control of our economic and industrial life. The political parties responded to the demands of the people and declared from time to time, in their platforms that monopolies were harmful and, indeed, baneful things. Indeed, a strong declaration was made that a private monopoly was indefensible and intolerable. It seems to me that the measure before us not only will permit, but will result in monopolistic control of the bituminous-coal industry. Obviously it is sought by the measure to fix prices, and it contemplates the fixing of minimum wages. It seeks to revive important features of the N. R. A., regardless, as I believe, of the interest of the consuming public. But I shall not longer delay the Senate, other than to ask unanimous consent to have printed in the RECORD, as part of my remarks, two articles by Mr. John T. Flynn, a noted writer, appearing in the Daily News under date of March 30, and March 31, of this year, and excerpts from an article from the pen of Paul Mallon, in which they discuss the pending measure and various of its provisions and results that will inevitably follow if the bill becomes law.

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

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

PLAIN ECONOMICS—CONGRESS WARNED TO MOVE SLOWLY IN ADOPTING SUCH MEASURES AS GUFFEY ACT, GIVING EMPLOYERS POWER TO REGULATE INDUSTRY

By John T. Flynn

NEW YORK.—In our system of government we have operated thus far upon the principle that all power over society resides in the people only by the representatives of the people.

If laws governing the economic life of the people are to be made, they should be made by the representatives of the people. This is the democratic principle. Perhaps in any given case no regulation of economic life should be undertaken. Men might easily differ about any regulation. But if the regulation is made, all believers in the democratic system will agree that it ought to be done only by the constituted legislators of the democratic society.

This principle is under attack all over the world today. In Italy, Germany, Austria, Portugal, and several other countries the

principle is sneered at. And in this country there is a rising school which, while not sneering, is trying to force an entering wedge into this democratic structure in favor of an entirely new and different one.

This new idea is that the economic life of the people should be regulated not by Congress or legislatures, but by organizations of producers. This, I think, would be bad enough, but it is infinitely worse since they hold that the regulation should be made by representatives, not of all the producers in an industry, which includes the workers, but of the employers.

Of course they concede that this should be done under the "supervision" of the Government. But in practice this becomes a kind of necessary evil. And as the new system gets under way and is developed it is inevitable that the role of the Government, or at least of the democratic agencies in the Government, will grow less and less.

An example of this principle is the Guffey Act. Here the remedy proposed for the soft-coal industry is to organize it. It is to be regulated. It is to be subjected to price-fixing and production control. The machinery set up for this is to organize the employers into producers' associations or codes in each district. Each such group of producers will name their own boards. These boards are given legal status, although elected not by voters or citizens as such, but only by employers. They have the power to make rules and regulations having the force of law when approved by the commission, and it is intended that they shall get together and fix prices, subject to the approval of the commission.

The commission is a body which is to exercise Government supervision. But how much supervision there will be will depend entirely on the personnel and later on upon certain developmental factors which there is no space to examine here.

The worker is ignored. There is nothing about collective bargaining or living wage in the law. A lone provision provides that the district board shall have one worker representative, and as the boards may be as large as 17 members, it will be seen what a grim jest this is.

The point is that this is a beginning in the direction of recognizing the dangerous principle of so-called self-rule in business, which is the basis of the corporative state and is, as I have indicated, a departure from our traditional democratic technique. If we begin it we will have to develop along that road. This means that slowly we will find means to strengthen and extend and perfect that control of producer employers over our economic life. Congress should go mighty slow in setting its foot upon this new and perilous road.

PLAIN ECONOMICS—"TO SAY THAT THIS IS NOT TURNING THE ADMINISTRATION OF THE (COAL) INDUSTRY TO A TRADE ASSOCIATION OF PRIVATE PRODUCERS IS TO ATTEMPT TO ESCAPE THE PLAIN AND SIMPLE FACTS"

By John T. Flynn

NEW YORK.—At the moment one plan to revive the N. R. A. in a given industry is before the Senate. This is the much-discussed Guffey bituminous coal bill.

The essential and central idea in this bill is that found in the N. R. A.—to bring the coal industry under control thru the use of codes of practice. Under the N. R. A. producers in any given industry were formed into a code. The code was, in theory, prepared and adopted by the National Recovery Administration. In practice, however, it was prepared by the producers or employers and submitted to the N. R. A. for final adoption and proclamation by the President.

In this case a different rule has been followed. The code has been prepared in advance of the law and submitted to Congress and is incorporated in the bill.

Under the N. R. A., the code having been adopted, a code authority was act up, being named by the N. R. A. Or sometimes the N. R. A. permitted the code members to elect the code authority. There was an administrator, who was appointed by the N. R. A. itself. This code authority and the members of the code were then authorized to make certain rules and regulations affecting trade practices and in some cases prices and production.

In theory the code authorities did not actually fix prices, but merely made up schedules which had to be approved by the N. R. A. But in practice what happened was that the code authorities, producers themselves and representatives of producers, sat around and made up plans for fixing prices on their products. These were submitted to the N. R. A., which could accept or reject.

This is the actual pattern in the Guffey Act. The coal country is divided into 23 districts. In each district there is a code membership and a code authority. The code authority, however, is called the district board. And this district board is elected by the producers of the district.

In effect the producers of the district are formed into a trade association of private producers, which elects a board of directors, which becomes the code authority, endowed by law with certain definite powers under the law.

To say, as its proponents have, that this is not turning the administration of the industry over to a trade association of private producers is to attempt to escape the plain and simple facts.

The district board or code authority of private producers can make up schedules of prices. That is, the private producers can get together and take the first step in price fixing. It may also make rules and regulations about the sale of coal by members. Under this section it can make regulations which will regulate production as effectively as if quotas were fixed.

Of course, the bill's proponents say that the district boards can merely "propose" prices and rules and regulations and that the Bituminous Coal Commission has the final say. But the word "propose" is a euphemism. The price schedules and rules have to be approved by the commission just as the same regulations under the N. R. A. made by the code authorities had to be approved by the N. R. A. You might as well say that congressional committees take no part in legislation but merely "propose" laws, since Congress must approve and pass them. But in practice two-thirds of the laws passed are actually made by the committees.

The bill is a step in the direction of recognizing the principle that groups of employers should be recognized by the law as the proper bodies to govern the industries in which they participate. It is a dangerous principle and if once it gets a lodgment in our system, will, as it develops, result in widening and riveting the power of producing groups over our economic life.

[From Washington (D. C.) Star of Mar. 16, 1937]

GUFFEY-VINSON COAL BILL IS HELD MODEL FOR NEW N. R. A.

By Paul Mallon

The little-noticed Guffey-Vinson coal bill is supposed to contain a hidden key to President Roosevelt's N. R. A. revival plans. It passed the House last week without creating a ripple of interest. The debate dealt largely with extraneous matters. Leaders in charge neglected to offer the usual explanations of its provisions. Not even a record vote was taken.

Nevertheless, those who know more than they say publicly about administration plans believe the measure is likely to prove the model bill for the new approach to price fixing, maximum hours, and minimum wages.

Such a suspicion is bolstered by the announcements that John L. Lewis is now setting out to organize the electrical and oil industries. It has not been announced, but he also has his eye set on rubber, where the next break may come. His ally, Sidney Hillman, is going after textiles. The speed with which they are expanding is causing most observers to predict that the basic industries may be in his hands within a year.

If price-fixing codes are established for each of these industries along the lines of the coal bill, Mr. Roosevelt would have practically a new N. R. A., without packing the Supreme Court or rewriting the Constitution.

This Guffey-Vinson bill goes the whole way of the N. R. A. for the coal industry. It creates a national bituminous coal commission within the Government, and puts a sales tax of one-half of 1 percent on coal (raising about $4,000,000 a year) to support the commission. Self-supporting regional code committees are established. The antitrust law is suspended. Minimum prices are to be fixed, and, if necessary, maximum prices. A code establishing unfair methods of competition and marketing practices is written in the bill.

The only thing left out is the unconstitutional labor provision, but there is a trick in that. The new price fixing is to be done on a baisis of mining costs plus a fair return, and the bill says specifically that wage rates and hours of employment are to be considered in computing costs. That is all John Lewis will need.

The consumer may need something more. He is supposed to be protected by a consumers' counsel at the commission. The counsel will get $10,000 a year as a roving attorney for the consumer, but his power seems to be mainly that of objecting publicly by reporting to Congress.

Mr. KING. I also ask to have printed in the RECORD at this point a few excerpts from analysis made of the Guffey-Vinson coal bill, to which I have called attention, by E. M. Douthat, chairman of the committee, and opposing the present bill, which I understand are substantially correct.

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

3. PRICE FIXING—OUTLINE OF PROCESS

The stated purpose of the bill, on its face, is to provide for the fixing of minimum prices on all coal sold in interstate commerce and in intrastate commerce where the intrastate sales directly affect interstate sales. All other sections and provisions of the bill are subordinate and related to the fixing of minimum prices.

The real purpose of the bill is to fix the minimum prices of coal at figures sufficient to support the existing or future wage structures. This real purpose does not have any relation to interstate commerce as such. Accordingly, minimum prices are based upon cost of production.

The cost of production on which prices are based is not that of the individual producer but is the weighted average cost of all producers whose mines are located in each of certain arbitrarily defined minimum-price areas. For instance, price area no. 1 includes all the coal produced in fields east of the Mississippi (excepting only Alabama) and Iowa west of the river. In this area substantially 90 percent of the annual national bituminous coal production is mined.

Certain so-called unfair trade practices are prohibited. The prohibited practices are designed solely to prevent evasion of the minimum price provisions.

The commission is authorized to fix maximum prices at a uniform level above minimum prices, but sufficient to permit each

code member to earn all costs of production and sales, plus a reasonable profit. But there are no provisions in the bill giving the commission control of any item of cost.

* * * * * * *

The purpose and effect of this coordination are to establish a system of multiple basing points and to deprive consumers of the benefits which they might otherwise have from buying from producers located close to the markets or having low-production costs.

Such coordination will, of course, increase the return above the weighted average cost of the minimum-price area, but it cannot reduce the return to any district below the weighted average of the minimum-price area, unless necessary to prevent prejudice to the district, in which event a different basis for fixing prices can be adopted by the commission, subject to the limitation that the return for the district cannot be less than the production cost of all of the tonnage produced within the district.

There are a number of so-called standards which the commission is supposed to follow. The minimum prices are supposed to be "fair and equitable", "fair and competitive", not unduly "prejudicial or discriminatory"; they are to reflect "relative market values" at points of delivery in each consuming market area; and they are to afford the producers in the several districts "substantially the same opportunity to dispose of their coals upon a competitive basis as has heretofore existed."

As applied to minimum prices, these so-called standards are meaningless. In effect they authorize the commission to approve or fix any prices which, in its judgment, it thinks should be fixed.

It is significant that the basic factor for fixing minimum prices, namely, weighted average costs, in each minimum-price area, does not allow any return or profit to the producers as a whole. But, since an average cost is nobody's cost, the minimum prices may be expected to yield large profits to some of the low-cost or favorably located producers and substantial losses to some of the high-cost producers.

The commission is likewise given jurisdiction over the use of docks, storage and transportation facilities, and sales organizations of producers, for the purpose of preventing reductions in prices through lower transportation, handling or selling expenses.

4. ENFORCEMENT

On the face of the bill, the provisions of the code contained in section 4 may be accepted or not, as the producer chooses. However, the apparent right of election given to the producers is a patent fraud. The code is not intended to be a voluntary one but a compulsory one.

Compulsion is enforced through the following devices:

(a) If a producer does not accept the code and agree to abide by its terms, he is subject to a tax of 15 percent upon the selling price of all his coal, whether sold in interstate commerce or intrastate commerce. If he is a captive producer, that is, if the owner of the mine consumes the production thereof and does not make sale thereof, the tax is figured upon the fair value of the coal produced, as ascertained by the Commissioner of Internal Revenue (it is a mystery why captive producers are made subject to a price-regulation scheme when they, in fact, make no sales.

However, if a producer accepts the code, his tax is only 1½ percent. If a producer accepts the code and thereafter violates the same, he is subject to the 15-percent tax on all of his sales during the period of violation.

The Supreme Court has held, in the case of *Carter* v. *Carter Coal Company*, decided May 18, 1936, that this so-called tax is a penalty pure and simple and is not valid under the taxing power of Congress.

(b) The Government undertakes to boycott all producers who do not accept the code. The United States, and all departments and agencies thereof, are prohibited from buying coal unless produced at a code mine. Contractors performing public work or service for the United States, or for any department or agency thereof, are prohibited from buying coal for use in performing such work or service unless produced at a code mine.

* * * * * * *

(e) Code members who violate any provision of the code and injure any other code member are made liable for treble damages.

(f) If a producer accepts the code and violates it, the commission may bring an injunction proceeding against him in Federal court and enjoin continued violation, and thereby subject him to fine or imprisonment without trial by jury.

(g) If any producer fails to pay the tax, he is subjected to the monetary and criminal penalties applicable to failure to pay internal revenue taxes, these penalties being most severe.

(h) The Coal Commission is authorized to require detailed reports concerning the costs of production and distribution and any other information it wants. A producer failing to supply such information is liable to a monetary penalty of $50 per day.

* * * * * * *

The price provisions are substantially the same as were contained in the 1935 act. The regulatory provisions in the bill are intended to apply to all transactions in, or directly affecting, interstate commerce in bituminous coal. It is the expectation of the sponsors of the bill that the minimum prices will apply to substantially all coal produced, whether sold in interstate commerce or in intrastate commerce.

* * * * * * *

It is a certainty that the bill will increase substantially the prices of coal to the consumers over what these prices would be if open competition prevailed. If this were not the expectation, there would be no excuse for the adoption of the bill, and its real purpose would fail.

The provisions for administration of the price provisions, for uniform accounting and costs, for support of the district boards, the 1½-percent tax on code members, and the provision for coordinating delivered prices in different marketing areas, will add substantially to coal prices.

It is a disagreeable, but nevertheless true, fact that the higher coal prices are, the less coal will be sold and consumed. Oil, gas, and hydro power have already supplanted large tonnages of coal, and will supplant large additional tonnages if this bill is enacted. There is also active competition between bituminous coal, on the one hand, and anthracite coal and wood, on the other hand. Moreover, it is well known that increased delivered prices of coal bring about the installation of more efficient burning equipment, thereby decreasing the consumption of coal.

If production declines, production costs rise. Under this bill, the minimum prices would have to be increased to equal the higher cost.

But higher prices will result in a further restriction of demand and production, which will in turn bring about further increases in costs and higher prices.

Once this vicious circle of higher prices and higher costs is started, there is absolutely no way under the provisions of this bill whereby it can be broken.

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(D) THE END RESULT OF THE BILL IS TO AUTHORIZE THE COAL COMMISSION TO SAY HOW MUCH COAL EACH PRODUCER MAY PRODUCE, WHAT HE CAN SELL IT FOR, AND THE MARKETS IN WHICH HE CAN SELL

* * * * * * * *

Whatever general language and standards may be contained in the bill to control the actions of the commission, it is well recognized by everybody in the industry that the effect of the exercise of such power will be the determination by the commission of how much coal each district and each mine therein can produce, and the markets in which the coal produced can be sold. The power to fix minimum prices is likewise the power to exclude from commerce coal which cannot be sold for as much as the minimum prices. Power of this nature is too great to be entrusted to a governmental bureau.

In this connection attention is specifically called to the fact that the district boards are composed of representatives of producers, and that the members of the district boards can retain their connection with the producers by whom they are employed. This means that for most producers their minimum prices will be proposed by their competitors. The Commission will be controlled by the representatives of the operators and miners, they having four votes to the three other members not connected with the industry. They likewise are in a position to determine prices, production, and markets for their competitors.

Mr. BARKLEY. Mr. President, let us have a vote on the amendment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Vermont [Mr. AUSTIN].

The amendment was rejected.

Mr. AUSTIN. Mr. President, I have another amendment to offer to this amendment.

The PRESIDENT pro tempore. Is it an amendment to the same committee amendment?

Mr. AUSTIN. Yes.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In lieu of the language contained in the committee amendment beginning on page 51, line 23, and extending down to and including line 3, on page 52, being subsection (f), it is proposed to insert the following:

Intrastate transactions in distribution and sale of coal, which are so intimately and inextricably connected with interstate transactions in distribution and sale of coal that the regulation of such interstate transactions cannot be accomplished effectively without discrimination against interstate commerce, shall be construed as directly affecting interstate commerce.

Mr. AUSTIN. Mr. President, just a word. The foundation of that amendment is the following language in the dissenting opinion of Mr. Chief Justice Hughes in the Carter case, namely:

The court below also found that "the interstate distribution and sale and the intrastate distribution and sale" of the coal are so "intimately and inextricably connected" that "the regulation of interstate transactions of distribution and sale cannot be accomplished effectively without discrimination against interstate

commerce unless transactions of intrastate distribution and sale be regulated."

The purpose of the amendment is to try to make the statement in the minority opinion in that case the general rule.

Mr. BARKLEY. Mr. President, let us have a vote on the amendment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next committee amendment passed over.

The CHIEF CLERK. On page 21, line 1, after the word "approximate", it is proposed to insert the words "and so far as practicable shall not be less than."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee which has just been read.

Mr. AUSTIN. Mr. President, just a moment. I have six other amendments to offer.

The PRESIDENT pro tempore. The Chair understands the amendments which the Senator from Vermont desires to offer are not to the pending committee amendment.

Mr. AUSTIN. The Chair is correct.

The PRESIDENT pro tempore. Then, the question is on agreeing to the amendment of the committee, which has been stated.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The CHIEF CLERK. On page 21, line 6, after the word "shall", it is proposed to strike out "thereupon" and insert "thereafter"; and in line 7, after the word "established", to insert "and from time to time, upon complaint or upon its own motion, review and revise", so as to read:

The minimum prices proposed as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of this section by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum price area shall approximate, and so far as practicable shall be not less than, the weighted average of the total costs per net ton of the tonnage of such minimum price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission. The Commission shall thereafter establish, and from time to time, upon complaint or upon its own motion, review and revise the effective minimum prices and rules and regulations in accordance with the standards set forth in subsections (a) and (b) of part II of this section.

The amendment was agreed to.

The next amendment passed over was, on page 21, after line 11, to insert:

In the establishment of initial minimum prices and marketing rules and regulations, the Commission may proceed to establish such prices and regulations in any minimum price area and to make the same effective prior to like action for other price areas. The Commission may limit the application of established minimum and maximum prices in connection with contracts for the sale of coal to such periods of time as the Commission may by regulation prescribe.

On the petition of any district board or other party in interest or on its own motion, after notice to the district boards, the Commission may at any time conduct hearings to determine whether the minimum prices established in accordance with the foregoing provisions for any district are not in conformity with the standards hereinabove provided and are prejudicial to any district with respect to the fair opportunity of such district to market its coal. Should the Commission so find, it may take such action as is necessary to bring such prices into conformity with the standards and to remove the prejudice to such district.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment passed over was, on page 23, line 18, after the words "prior to", to strike out "January 6, 1937" and insert "June 16, 1933. Any contract made on or subsequent to said date which provides for a price below such established minimum price shall be unenforceable as to such price provision."

Mr. AUSTIN. Mr. President, I have an amendment to offer to that amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 23, line 19, it is proposed to strike out "June 16, 1933" and insert "the date of the approval of this act."

Mr. AUSTIN. Just a word of explanation. This is the portion of the bill which provides for the cancelation of contracts if the price specified in such contracts is greater or less than the price fixed by the Government. My amendment has for its objective to narrow the period of time to the date of the passage of the act; that is to say, that contracts heretofore entered into will be valid, whereas if the committee amendment should be adopted and the bill should pass in that form, it will be retroactive to 1933; that is, it will cancel all contracts made during the 3 or 4 years between June 16, 1933, and June 16, 1937.

Mr. McKELLAR. Mr. President, I am not sure that there will be a record vote on this bill, and so I wish to say a few words regarding my attitude.

When the former Guffey coal bill was acted on by the Senate I voted against it solely because I thought the measure unconstitutional. I favored the purposes of the bill then, but, under the decisions of the Supreme Court, there was no doubt in my mind that that bill would be declared unconstitutional. It was declared unconstitutional. The pending bill, in my opinion, conforms to the Constitution, and I shall give it my support and vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the committee amendment on page 23, line 18.

Mr. BARKLEY. Mr. President, the date fixed in this bill under the committee amendment is the date on which the coal code took effect in 1933. If the committee amendment should be eliminated, and the amendment offered by the Senator from Vermont should be adopted, it would mean that all contracts that have been entered into in anticipation of this legislation will be legalized, and, to a large extent, make it impossible for the commission to regulate the conduct of the coal business or for the law which we are about to pass to take effect. For that reason, I hope the amendment will be rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. AUSTIN] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the committee amendment.

The amendment was agreed to.

Mr. GUFFEY. Mr. President, I offer several amendments, which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated.

The CHIEF CLERK. On page 8, after line 15, it is proposed to insert the following:

The term "disposal" as used in this section includes consumption or use (whether in the production of coke or fuel, or otherwise) by a producer, and any transfer of title by the producer other than by sale.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment offered by the Senator from Pennsylvania.

The CHIEF CLERK. On page 9, line 2, it is proposed to strike out the words "market value of such coal" and insert in lieu thereof the words "fair market value of such coal at the time of such disposal or sale."

Mr. KING. Mr. President, will the Senator explain the reason for the change?

Mr. GUFFEY. Mr. President, the four amendments I have offered are clarifying amendments which have been suggested by the Treasury Department to make the bill easier of interpretation in connection with the tax provisions. They are not offered on behalf of the committee, but entirely at the request of the Treasury Department.

Mr. KING. The amendment just proposed does not change the obligation?

Mr. GUFFEY. It does not change the obligation at all.

Mr. BARKLEY. It is merely in connection with the tax.

Mr. GUFFEY. Yes; it is in connection with the tax.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment offered by the Senator from Pennsylvania will be stated.

The CHIEF CLERK. On page 40, line 14, it is proposed to strike out "section 600 of the Revenue Act of 1926" and insert "title IV of the Revenue Act of 1932, as amended."

The PRESIDENT pro tempore. The amendment offered by the Senator from Pennsylvania is to a committee amendment which has heretofore been agreed to. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The Chair hears no objection. The question is on the amendment offered by the Senator from Pennsylvania to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment offered by the Senator from Pennsylvania.

The CHIEF CLERK. On page 52, after line 8, it is proposed to insert a new paragraph, as follows:

(h) The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska, and Hawaii, and the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. GUFFEY. Mr. President, I offer another amendment in behalf of the senior Senator from Alabama [Mr. BLACK] and the junior Senator from Alabama [Mr. BANKHEAD].

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the end of section 5 (a), on page 33, after line 8, it is proposed to add the following:

No producer shall by reason of his acceptance or reinstatement of membership become liable for breach of any contract the performance of which may be invalidated as a result of such acceptance or reinstatement.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. BORAH. Mr. President, will the Senator from Pennsylvania explain, in a word, what the effect of that amendment will be?

Mr. GUFFEY. I was asked to offer the amendment by the two Senators from Alabama. I have not had time to consider the amendment carefully, but I think if it may be read again its effect will be understood.

The PRESIDENT pro tempore. The amendment will be again stated.

The amendment was again stated.

Mr. GUFFEY. The amendment, if adopted, will protect the producer from any action against him from the invalidation of a contract. That is the object of the amendment.

Mr. BARKLEY. And would protect him from the automatic invalidation by reason of the acceptance of the terms of this act?

Mr. MINTON. Mr. President, does not the Senator from Idaho understand that that would be the law in any event, whether any such provision were inserted or not?

Mr. BORAH. That would be my understanding, and so I did not see any necessity for the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

RECEPTION OF THE GOVERNOR GENERAL OF CANADA

Mr. ROBINSON (at 3 o'clock and 10 minutes p. m.). Mr. President, the Vice President, some hours ago, announced that a very distinguished visitor will call at the Senate this afternoon, the Governor General of Canada. In order that Senators may have an opportunity of meeting him informally, and that he may be permitted to express his appreciation of the opportunity afforded him, I now move that the Senate take a recess until called to order by the Chair.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas.

The motion was unanimously agreed to; and the Senate took a recess subject to the call of the Presiding Officer.

The Senate being in recess,

His Excellency Lord Tweedsmuir, Governor General of Canada, escorted by the committee appointed by the Vice President, consisting of Mr. ROBINSON, Mr. PITTMAN, and Mr. MCNARY, entered the Senate Chamber, accompanied by the Honorable Sir Ronald Lindsay, the British Ambassador Extraordinary and Plenipotentiary accredited to the United States; the Honorable Sir Herbert Marler, Canadian Minister accredited to the United States; Hon. Norman Armour, American Minister to Canada; Hon. Julius C. Holmes, Assistant Chief of Protocol, United States; Mr. Redfern, secretary to the Governor General; Col. Willis O'Connor, aide to the Governor General, Captain Purnell, American naval aide; Colonel Crane, American military aide; Lieutenant Rivers-Smith, aide to the Governor General; Captain Campbell-Preston, aide to the Governor General; Mr. Richey, secretary to the Canadian Legation; and Mr. Spruks, of the State Department.

The Governor General of Canada having been seated to the right of the Vice President and the distinguished visitors accompanying him having been escorted to places assigned them on the Senate floor on the left side of the Chamber,

The VICE PRESIDENT said: Senators, I have the privilege of presenting to you His Excellency the Governor General of Canada. [Prolonged applause, Senators rising.]

The GOVERNOR GENERAL OF CANADA. Mr. Vice President and Senators, you have done me today a great kindness and a great honor for which I am deeply grateful. This is the culminating step in what has been a most memorable visit. I have had the opportunity, in a place I used to know well, of renewing many old friendships and making some new ones.

I am told, Senators, that I am supposed to say something to you today. A Governor General is in a very curious position. Once I was like you; I was a free and independent politician. [Laughter.] I could liberate my mind on any subject, anywhere, at any time, at any length I pleased. I had an official character, and, like you, I had also a private character. I need not remind you that a man's official character does not do justice as a rule to the stalwart virtues which he possesses as a private citizen. [Laughter.]

I remember in my own country on the Scottish border there was an old minister who once a month thought it his duty to deliver a sermon upon the terrors of hell, when he fairly dangled his congregation over the abyss; but, being a humane man, he liked to finish on a gentler note. He used to conclude thus: "Of course, my friends, ye understand that the Almighty is compelled to do things in his official capacity that he would scorn to do as a private individual." [Laughter.]

Senators, I am in the unfortunate position now of having no private capacity, but only an official one. I am unable to express my views upon any public question of any real importance, at least not for publication. But there is one subject on which even a Governor General may express his views, and that is my gratitude for your kindness here and my admiration for your great country. I have known America for many years. I have had the privilege of the

friendship of many of your citizens. I have long been a lover of your history. I am quite sure that no American steeped in European history gets more of a thrill from Westminster Abbey than I get from Valley Forge and the Wilderness and the Shenandoah.

I have always believed that the secret of the future of civilization lies in the hands of the English-speaking people. I want these great nations not only to speak the same language but to think along the same lines, for that is the only true form of cooperation and friendship. I think that far too much is said about my country and yours being alike. It is much more important that they should be different. The strength of an alliance between two nations lies in the fact that they should be complementary to each other and each give the other something new. Therefore, I am always inclined to rejoice when I find great and real differences between your country and mine. But I think, when that has been said, that we have a wonderful basis for keeping together, especially on two grounds.

In the first place, we have the same definition of what constitutes greatness and goodness in human character. We admire the same qualities. We give our admiration and affection to the same type of leadership. Will anyone deny that your great men and our great men are singularly alike at bottom?

In the second place, we and you have the same tasks before us. I am especially struck in Canada to discover that nearly all our problems are paralleled by yours. We have the same economic problems. We have the same problems in the drought areas in the West. We have very similar constitutional problems and the task of harmonizing local interests and rights with national interests and duties.

Senators, I cannot imagine a greater bond between two nations than that they should engage in the same tasks and for the same purposes.

As I have said, I regard this afternoon as the culminating pleasure of a most delightful visit, and I offer you my sincerest thanks for your welcome today. [Prolonged applause, Senators rising.]

Mr. ROBINSON. Mr. President, I suggest that the Governor General of Canada stand in the area in front of the Vice President's desk in order that Senators and others may have the opportunity of greeting him personally.

The VICE PRESIDENT. If it is the pleasure of His Excellency, we shall be very glad to have that done.

The Governor General of Canada advanced to the area in front of the Vice President's desk, accompanied by the committee of Senators and by the Secretary of the Senate, and greeted the Members of the Senate as they were introduced to him by Mr. PITTMAN.

The Governor General of Canada and the distinguished visitors accompanying him were then escorted from the Chamber.

The VICE PRESIDENT (at 3 o'clock and 33 minutes p. m.) called the Senate to order, and the legislative session was resumed.

Mr. ROBINSON. Mr. President, during the recess of the Senate the Governor General of Canada appeared in the Senate Chamber, greeted Senators and others, and made an interesting and illuminating statement. I ask unanimous consent that the proceedings relating to the visit of the Governor General to the Senate Chamber, particularly including his remarks, be incorporated in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

REGULATION OF BITUMINOUS-COAL INDUSTRY

The Senate resumed consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

Mr. AUSTIN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 31, after line 5, and before section 4–A, it is proposed to insert the following:

(m) Anything herein to the contrary notwithstanding, no producer of bituminous coal shall be required to sell the coal produced by him at prices higher than will be sufficient to realize for such producer the aggregate cost of production and sale of such coal.

Mr. AUSTIN. Mr. President, briefly stated, this amendment is designed to protect the consumer. Under the bill the prices which each individual producer is required to charge for his coal are to be based not upon his own individual costs but upon the average of the costs of all the other producers, including his own costs, in the minimum-price area. N. R. A. statistics show that in the geographical area roughly corresponding to minimum price area no. 1 under the Vinson bill, the weighted average cost was approximately $1.85 per ton, whereas the individual producers' costs varied from approximately $1.52 to $3.18 per ton. This bill would require a producer whose cost was $1.52 to sell his coal on the $1.85 basis simply because other producers in his area have higher costs than he. Thus, by this bill, the consumers of coal will be deprived of the benefit of low-cost production by the efficient producer, and will be saddled with the higher costs of the inefficient producer.

Much more could be said on the subject; but I realize that the time is short, and I therefore have cut the explanation short.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was rejected.

The PRESIDENT pro tempore. The clerk will state the next amendment offered by the Senator from Vermont.

The CHIEF CLERK. On page 34, after line 12, it is proposed to insert the following:

The code shall be declared by the commission to be, and shall become, operative whenever acceptances for membership therein shall have been received from the producers of 66⅔ percent of the aggregate tonnage of bituminous coal determined by the commission to be subject to the provisions of this act.

Mr. AUSTIN. Mr. President, briefly stated, the objective of this amendment is to introduce into the proposed act the element of consent of the governed, which is, I believe, a fundamental principle of the Government of the United States, and which is excluded by the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The clerk will state the next amendment offered by the Senator from Vermont.

The CHIEF CLERK. On page 52, line 9, it is proposed to strike out the first sentence of section 18 and to insert the following:

Section 3 of this act shall become effective on the first day of the second calendar month after the enactment of this act, unless the commission shall not at that time have declared the code to be operative, in which event section 3 of this act shall become effective from and after the date when the commission shall have declared the code to be operative, which date shall be promulgated by Executive order of the President of the United States.

Mr. AUSTIN. Mr. President, this amendment has for its objective the promulgation of an agreement instead of the imposition of a mandate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The clerk will state the next amendment offered by the Senator from Vermont.

The CHIEF CLERK. On page 49, after line 24, it is proposed to insert the following:

Each producer shall file with the commission, on or before the 15th day of each calendar month, pursuant to regulations to be promulgated, and upon forms to be prescribed, by the Commission, a statement showing for the previous calendar month (a) the aggregate costs of production and sale of such producer; (b) the tonnage of each kind and size of coal shipped by such producer, whether individually or through an association, from each mine to each State, destination and use, and the free-on-board mines realization therefrom; (c) the average daily and monthly earnings of the persons continuously employed during the month in each occupation by such producer; (d) the average daily and monthly earnings of the persons not continuously employed during the month in each occupation by such producer; and (e) the average daily and monthly earnings of all persons employed during the month in each occupation by such producer.

The commission from such reports shall compile the data so obtained in composite form for each district and for all the districts, and on or before the 30th of each calendar month shall publish, and mail to each association and each producer at the address of such association or such producer on file with the commission, such compilation for the preceding calendar month. No such published compilation shall disclose any facts with respect to any individual producer.

Mr. AUSTIN. Mr. President, we claim that the consumer is entitled to know and entitled to have the means of finding out whether he is being exploited under the proposed act; and that is the purpose of the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. BYRNES. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert a subsection on page 44 between lines 12 and 13, as follows:

(e) It is further declared to be the public policy of the United States that no employee of any producer of coal whose employment has been terminated, or who for any reason has ceased to work for such producer, shall remain upon the property where he was employed after he has received written notice from such producer to leave such property.

Mr. BYRNES. Mr. President, the first subsection of section 9 of the bill declares it to be the public policy of the United States, first, that employees shall have the right to bargain collectively with respect to hours of labor, wages, and working conditions.

Subsection 2 of section 9 provides that no producer shall interfere with or coerce employees in the exercise of such right, or discharge or discriminate against any employee for the exercise of such right.

The third subdivision declares that—

No employee of any producer and no one seeking employment shall be required as a condition of employment to join any association of employees for collective bargaining in the management of which the producer has any share or direction or control.

Those three paragraphs declare that it is the policy of the Government to favor collective bargaining, to protect an employee against discrimination because of his membership in a labor organization, and declare further that no employee shall be forced to join a so-called company union.

No penalty is provided, because of the decision of the Supreme Court, I assume. In any event, the section provides no penalty other than the penalty which would result from the prohibition against the Government entering into any contract for the purchase of coal from a producer who violates these provisions.

I am in favor of every one of these declarations in behalf of labor. I voted for the Guffey coal bill when it was before the Senate at the last session. I intend to vote for the pending bill. I voted for the Wagner bill. I voted for every labor measure giving to wage earners the protection referred to in the three subsections I have read. I am in favor of collective bargaining and opposed to the company union.

I think as a declaration of policy no one could well object to the further declaration contained in my amendment, providing merely that it is a further declaration of public policy of the United States that no employee of any producer of coal whose employment has terminated, or who for any reason has ceased to work for such producer, shall remain upon the property where he was employed after he has received written notice from the producer to leave such property.

I hope that the Members of the Senate in charge of the bill will see their way clear to agree to the amendment.

Mr. DAVIS. Mr. President, I should like to inquire of the Senator from South Carolina whether or not a former employee, one who has been employed by a company and represents the other employees in their right of collective bargaining, would be denied a right to go on the property of the employer under this amendment.

Mr. BYRNES. Under the amendment, no one could be denied the right to go upon the property unless his employment had terminated, or if for any other reason he had ceased to work, and he had thereafter received written notice to leave the property. Unless the written notice were given him, the amendment would not affect him. If he was no longer in the employ of the company, were no longer working for the company, and remained upon the property, and written notice were given him to leave the property of the company, he would have to leave it. No penalty is provided, because the amendment conforms to the other provisions of the bill and is a declaration of policy.

Mr. DAVIS. Even though he represented the men who worked in the mine on a particular economic question?

Mr. BYRNES. If any man had been an employee but was no longer an employee, and came upon the property and was given written notice to remain off the property, he would come under the policy declared in the amendment.

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

Mr. BYRNES. I yield.

Mr. NEELY. I suppose that the amendment, if adopted, would cover the following situation: If a miner, because of intolerable working conditions, were to strike, and his employers were to serve notice on him immediately that because he had exercised his right to strike he was discharged from the company, he would then be within the condemnation of the amendment.

Mr. BYRNES. If he had notice to leave the property, no matter who he was, and remained upon the property, he would be in the position of a person remaining upon the Senator's property after notice to leave.

Mr. NEELY. Is it the Senator's intention to have the Senate, by passing on this amendment, express its approval or disapproval of the so-called sit-down strike?

Mr. BYRNES. The Senate by passing on the amendment would express its approval or disapproval of the language contained in the amendment, and nothing else.

Mr. BORAH. Mr. President, what does the language mean with reference to the sit-down strike?

Mr. BYRNES. The conclusion of the Senator from Idaho is for him to determine, because he and the Senator from West Virginia might have different views about what constitutes a sit-down strike. I answered the Senator from West Virginia that it would mean what the language says.

My construction of it would be just what the Senator from Idaho says. My construction of it would be that it would apply to any person who remained upon the property after receiving written notice to leave. If in a sit-down strike they did not receive written notice, it would not apply. If they did receive notice, it would apply.

Mr. BORAH. Under this amendment, if the owners of the property where the controversy is now going on should give notice to the employees to vacate, then the employees would be under obligation, so far as this provision contains any obligations at all, to vacate the premises.

Mr. BYRNES. Undoubtedly. Under the language of the section there is no penalty for the employers violating any of the sections which I have recited, I assume, because of the decision of the Supreme Court. I admit that there is no penalty in this amendment, because it follows the exact language of the three sections in the bill declaring a policy in favor of collective bargaining, against the company unions, and against discriminating against an employee because he belongs to a union.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. BYRNES. I yield.

Mr. BARKLEY. Does the Senator contend that Congress has any power to legislate with reference to the so-called sit-down strike?

Mr. BYRNES. If the Congress has the power to legislate, as it is legislating in this bill under section 9, to declare a public policy, then it would have the same right to declare a policy in this additional section.

Mr. BARKLEY. Suppose that is granted, there may be some parts of this declaration of policy upon which Congress might have the power to legislate. I will not undertake to delineate them now, but I think it is probably conceded that under the decisions of the Supreme Court, and as a matter of fact under the Constitution itself, it may be legitimately doubted whether Congress can pass any law governing the vacation of property in an industry where the Supreme Court has said that the employment of labor is a legal matter over which Congress has no jurisdiction.

Of course, I doubt that this amendment would have binding effect on anybody if it were adopted. It is simply a declaration of the opinion of the Senate, and of the House if it should be adopted by the House, that they do not approve of the so-called sit-down strikes. But this language, it seems to me, is much broader than a mere denunciation or disapproval of the so-called sit-down strikes. It would apply to any individual, no matter under what circumstances he might have severed his connection with the employing company, although he resigned as an individual and not in concert with anybody else; if the company notifies him that he should not return upon the premises either for the purpose of securing employment again or for any other legitimate purpose, he would not have the moral right to go back on those premises, and then there would be no penalty attached if he did go on the premises. I am wondering whether, even if the Senate adopts an amendment of this sort, it is prepared to go to the extent of saying that in the case of any individual who is either fired or who voluntarily relinquishes his employment, if for any reason the previous employer should serve notice on him to get off or stay off to remain off the premises, whether he would be violating the spirit of this amendment if he went back on the premises for any purpose.

Mr. BYRNES. It would be very clear, I think, under the language that no employee shall remain upon the property where he was employed after he has received notice from such producer to leave such property.

Mr. BARKLEY. Does that mean that if he did not remain but went off immediately and stayed off for a day or two or a few days, that he could come back temporarily, or what is the interpretation to be given to the word "remain"? Is it that he must continuously remain on the premises without interruption?

Mr. BYRNES. I think the Senator could give the proper interpretation to the word "remain." That upon being given notice the employee shall not remain on the property of another person.

Mr. BARKLEY. Shall not remain. I suppose that means for an indefinite period.

Mr. BYRNES. An indefinite period.

Mr. BARKLEY. It may mean an hour, or it may mean a week, or any time. Of course, this is simply a declaration having no force and effect and binding on nobody. I do not suppose it will ever be interpreted. I do not suppose anyone would have any right to bring it into a court which would interpret it.

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

Mr. BYRNES. I yield.

Mr. MINTON. Would it apply to a man who was occupying a company house?

Mr. BYRNES. It would apply to any person remaining upon property where he was employed—remaining on the property after receiving written notice to leave the property.

Mr. MINTON. Does that mean the place of work, or the property in which he lives or which he is occupying, and which belongs to the company?

Mr. BYRNES. The property where he was working.

Mr. BARKLEY. If he were living in a house owned by the producer, under the laws of the State it would be necessary to give him 30 days' notice to get out.

Mr. BYRNES. This amendment says property where he was employed. Referring to the Senator's suggestion as to a house, I do not suppose he would be employed in the house.

Mr. BARKLEY. He might not be actually employed in the house, but the house is furnished to him and he is required by the company to live in the house owned by it. I do not know what this language would mean with respect to that property.

Mr. BYRNES. It is very clear that it refers to the property where he was employed.

Mr. GUFFEY. In case a coal company is a large one, and operates over a wide area, owning thirty thousand or forty thousand acres of land, what is the employee going to do in case he is called upon to vacate his home? Is he going to be obliged to leave his home and be driven out into the cold of winter? Many coal companies own a great deal of land, and have their operations conducted on large areas which make it impossible decently to provide for their employees' comfort.

Mr. BARKLEY. Mr. President, I should like to ask the Senator another question. Does this amendment only apply to employees of coal companies?

Mr. BYRNES. Of course.

Mr. BARKLEY. Otherwise it would probably be subject to a point of order. It only applies to coal miners?

Mr. BYRNES. The language is the same as the other provisions in this section.

Mr. BARKLEY. I understand that. That raises the question whether we should make a declaration here with respect to a class of employees who have not been guilty of a sit-down strike?

Mr. BYRNES. Mr. President, if it applied to others there would be a point of order. We are attempting to make a declaration of policy as to the employees of producers of coal providing assurance to them of the right to bargain collectively; that there shall be no discrimination against them in that right; that there shall be no requirement that they join a company union; and for the same reason the amendment which I have offered would be entirely relevant and proper in this section.

However, Mr. President, I ask unanimous consent to modify the amendment because of the suggestion that has been made, in the fourth line, so as to strike out the word "where" and insert the words "upon which" so it will read:

Shall remain upon the property upon which he was employed.

So as to remove the question as to the house in which the employee lives, concerning which the Senator objects.

Mr. BORAH. Mr. President, I think the real purpose of this resolution must be to condemn what is called the sit-down strike. I cannot understand any other purpose or objective. It may be that the Congress has power to deal with the sit-down strike, and perhaps it wants to deal with the sit-down strike, but there are a great many complicated questions arising out of that proposition which I should want to know more about than I know now if I were either going to condemn it or approve it. Let us deliberately find what we have the power to do and what we want to do and when we speak provide a remedy insofar as we can provide a remedy.

This is but a general statement that—

It is further declared to be the public policy of the United States that no employee of any producer of coal whose employment has been terminated or who for any reason has ceased to work for such producer shall remain upon the property where he was employed after he has received written notice from such producer to leave such property.

I take it that amendment would never be here if it had not been for the sit-down strike. So far as I am concerned, I am not going to vote to condemn the sit-down strike until I know all the facts and factors which enter into the question, both legal, moral, and economic.

Mr. AUSTIN. Mr. President, I desire to make it clear that my vote is in accord with the views I expressed about section 9. I think it is ultra vires. I think we have no power to adopt section 9, either as it is now or as it would be with this amendment. For that reason I shall vote against the amendment.

Mr. ROBINSON. Mr. President, I do not approve of what is known as the sit-down strike. It has seemed to me that it is not a legal method of enforcing the demands of labor. This amendment, however, has received no consideration by any committee of the Senate. It is impossible of enforcement by Federal authority.

I should like to ask any Senator who has given study to the subject to say what the National Government would do in case a sit-down strike should occur in a coal field after the passage of this bill if it should include the amendment of the Senator from South Carolina.

It does not occur to me that there is any method by which any Senator, however much he may be opposed to the sit-down strike, can work out immediately a plan to enforce this policy. The language of the amendment, literally and fairly construed, means that should there occur a sit-down strike at any coal mine after the measure becomes a law, immediately following the service of the notice the laborer would have to vacate the premises. His home might be there; his wife and children might be on the property where he was employed. It is my understanding that such a situation exists with respect to thousands of miners in the United States. No arrangement is made in the amendment by which he could have a reasonable opportunity to remove his family from the property. After the notice is given he would become an outlaw instantly the notice was served.

I am willing to use the power of the National Government to suppress all forms of unfair labor practices both on the part of employers and on the part of employees. If we have the power to force discontinuance of such practices on the part of the employers as were described by the Senator from New York [Mr. WAGNER] in his address yesterday, I should like to have that power invoked, and, if we have the power to enforce a policy respecting the sit-down strike, I am willing to use that power; we should treat both sides in these controversies fairly and justly. Here, however, we are asked by the Senator from South Carolina to say that when one, whose wife and whose children depend upon the continuance of his employment, is discharged for any reason he must immediately take himself, his wife, his children and his possessions and get off the property where he was employed, and if he does not do that he is contravening the policy which is sought to be defined by this amendment.

Mr. BORAH. Mr. President——

Mr. ROBINSON. I yield to the Senator from Idaho.

Mr. BORAH. I do not know what the condition is now, but in former years there were a great many instances in which employees were living in small houses and cabins on the property of the employer. Would not this amendment, if adopted, require him to leave his home and possessions if he was residing on the company's property?

Mr. ROBINSON. Immediately after the notice was served on him he would be compelled to leave. Let us be reasonable about the matter. Take the case of a miner with a wife and children living on the property where he works in a company house; his home is owned by the mining company and is on the property where he is employed——

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

Mr. ROBINSON. Yes.

Mr. BARKLEY. And many of the companies require their employees to live in company houses in order that they may secure the work.

Mr. ROBINSON. Yes. He is discharged from employment, rightly or wrongly. Certainly, we do not wish to declare by an act of Congress that every time a laborer is discharged from employment we will put the power of the National Government behind the employer and drive the employee out into the night, his family out into the storm without any means or opportunity for protection.

What does this language mean? Take a coal field in Pennsylvania, West Virginia, or in Arkansas where hundreds of employees live in company houses on the property where the miners are employed. For one reason or another a miner is discharged and notice is served on him. Where can he go?

Where can he take his wife and his children to live? Within 1 minute, according to the language of the amendment, after the notice is served on him he is an outlaw violating the policy of his national government. If he says, "Give me until tomorrow to find a new home, give me a chance to take my family to another cover", and he does not move, what is going to be done about it? Will any Senator rise and tell me? I ask the Senator from South Carolina to say what he would do about it. What would the National Government do?

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

Mr. ROBINSON. I yield to the Senator from Oregon.

Mr. STEIWER. As I read the language of the pending amendment it is merely a declaration of policy. It would seem that, so far as criminal action is concerned, the Federal Government could do nothing.

Mr. ROBINSON. Let me say——

Mr. STEIWER. May I go just a little further?

Mr. ROBINSON. Yes.

Mr. STEIWER. I am not suggesting that as an answer to the Senator's argument. I rather think, on the whole, it makes the situation worse——

Mr. ROBINSON. That is what I was going to say.

Mr. STEIWER. Because it creates a situation where the operator might attempt to obtain a civil remedy in the Federal Court when he had no criminal remedy, and thus bring on ill feeling and misunderstanding, all without any definite accomplishment for anybody.

Mr. ROBINSON. That is exactly what I am trying to say.

Mr. STEIWER. I may have anticipated the Senator's argument, but it seems to me the Senator could go further, if he chose to do so, and say that the proposal might be hurtful to our judiciary as well as being unfair to employees.

Mr. AUSTIN. Mr. President——

Mr. ROBINSON. Yes; I think the Senator from Maine was right in the statement he made a little while ago.

Mr. McKELLAR. The Senator from Arkansas probably means the Senator from Vermont.

Mr. BARKLEY. The two are very close.

Mr. AUSTIN. It is all perfectly proper.

Mr. ROBINSON. I wish to assure the Senator from Vermont and the Senator from Maine that I was not trying to be humorous when I confused Maine with Vermont. [Laughter.]

Mr. AUSTIN. I am much complimented by the reference.

The question I wanted to ask is, If this is an amendment to be added to section 9, then does not the employer immediately come under the hammer of the boycott which is provided in clause (b) and clause (c); that is, if he does not carry out the public policy is he not subject to being boycotted in his contracts with the United States Government?

Mr. ROBINSON. In all probability that is true, and that is another reason justifying the position I am attempting to take.

I should like to see justice done to everyone, but I do not believe that the Senator from South Carolina, without studying the question, without a committee having considered it, ought to try on this bill to settle the problems underlying the sit-down strike. One can conceive of great hardship both to employers and employees resulting from the amendment if it should be adopted. When we add to that the fact that no contention is made that there is any way in which to enforce the policy, we are compelled to reach the conclusion, from my standpoint, that it is an ill-considered proposition.

Much more could be said about the matter. If the Congress undertakes to legislate upon this subject, and if it is found that we have the authority to deal with it, we ought also to deal with other bad practices in the field of labor.

What is the power of the Federal Government as defined in the Supreme Court decisions and as defined by the laws of the country? First, what legislation can the Congress enact to enforce such a policy? I do not think we ought to enact legislation which we know and recognize as being

without the power of the Federal Government to enforce. We can declare any policy that we choose, but it is bad practice to declare a policy, particularly when acute controversies have arisen or may arise, when there is no authority to carry out the policy.

I ask again, for the purpose of getting information, will someone tell me now what is to be done if the policy proposed in the amendment of the Senator from South Carolina should be violated or disregarded? What would be the effect of the violation? It would be to bring into further contempt and disregard the law, and it would bring the law-making authority into disrepute for acting in a sphere where it has no power to act.

Since I took the floor I have repeatedly asked Senators to tell me what they would do if such a provision of law were violated. We cannot "pass the buck" that way. We ought not to consider merely one side of this controversy and, as the Senator from Vermont has said, make a declaration that is ultra vires, and then say, "All right; we have said what we think about it. Now you can do what you please, and there is nothing we can do about it."

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

Mr. ROBINSON. I am glad to yield.

Mr. BARKLEY. Aside from all that, would it not be peculiarly unfair to declare such a policy in this bill, with respect to a class of employees who had not offended the policy, who had not engaged in the practice which is sought to be condemned?

Mr. ROBINSON. I suspect that every coal miner in the United States would say, "I have not engaged in a sit-down strike. Others have in other spheres of labor. No policy regarding them has been declared by Congress. But here I am singled out, I who have not undertaken to exercise or to claim any such alleged right, and I am told that if I do it I must, with the speed of the lightning, get out of the way, get off the property where I am employed, no matter for what reason I may be discharged?

Mr. President, it has been my duty to give much consideration to this subject, not only since sit-down strikes have become frequent during recent weeks but for many years. At one time I declared here that I was sympathetic with the principle of compulsory arbitration regarding controversies which interrupted or interfered with interstate commerce. Since that time the Supreme Court has held that not even a State has the power to compel arbitration, and so compulsory arbitration necessarily goes into the discard.

It is proposed now that when a miner is discharged, notwithstanding the fact that neither he nor his associates have claimed the right to sit down on the property, he must get off it immediately when served with notice to do so. It will not make for peace in industry. It will not assist in the settlement of industrial disputes. In my judgment, it is calculated to inflame and accentuate issues which we cannot settle here under existing conditions. If interstate commerce or Federal property were involved, if Federal laws were being violated, conditions would be different; but here is a condition which the courts have said is local, and which the Federal Government cannot resolve; yet we are asked and urged to say that our policy is to prevent the sit-down strike when we have no power to enforce the policy.

Mr. JOHNSON of California obtained the floor.

Mr. BYRNES. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON of California. Certainly.

Mr. BYRNES. Mr. President, the Senator from Arkansas is disturbed about the possible effect of the amendment upon an employee, in that he might be forced to leave his home in the middle of the night, and, with wife and children, travel upon the highway. It never was intended that the amendment should have any such effect.

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

Mr. BYRNES. Yes; I will.

Mr. ROBINSON. The provision of the amendment is that the employee shall not remain on the property after he has been served with notice. Is not that correct?

Mr. BYRNES. No, Mr. President; the Senator evidently did not know that I had modified the amendment by substituting the words "upon which."

Mr. ROBINSON. I do not think that is material to this feature of the controversy.

Mr. BYRNES. I think it is. But, because the Senator does not think so, I am going to modify the amendment so that he can have no fear that a family will be forced on the highway. Therefore I ask leave to modify the amendment by adding at the end of it the language I have sent to the desk, and which I ask to have read by the clerk.

The PRESIDENT pro tempore. The modification will be read.

The LEGISLATIVE CLERK. The Senator further modifies his amendment by adding the following proviso:

Provided, That this paragraph shall not apply to property occupied as a dwelling.

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

Mr. BYRNES. In 1 second. I desire to answer the other two statements of the Senator from Arkansas.

With reference to the Senator's question as to how the amendment would be enforced, I will say that the whole of section 9 is a declaration of policy. The first subsection is a declaration that it is the public policy of the United States that employees of producers of coal shall have the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions through representatives of their own choosing, without restraint, coercion, or interference on the part of the producers. How is that subsection going to be enforced? I expect the amendment I have offered to be enforced in the same way that that subsection is enforced.

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

Mr. BYRNES. I will.

Mr. BARKLEY. If the Supreme Court should uphold the Wagner Labor Relations Act, which covers those very subjects, of course that part of the section would be enforceable.

Mr. BYRNES. The Senator from Kentucky is a very optimistic person. It may be that his optimism is justified, but the declaration of policy in the paragraph I have incorporated in this amendment would be enforced only if the other paragraphs can be enforced and in the same way.

There is another subsection of section 9 stating that there shall be no discrimination against an employee because of his membership in an organization. How is that subsection to be enforced? I hope it will be enforced.

It is further declared to be the policy of the United States that no employee shall be required to join a company union. I am opposed to the company union. I hope that declaration can be enforced; and the very same language is used in the amendment I have offered.

The Senator from Vermont [Mr. AUSTIN] first said that he did not know whether or not he would vote for the amendment because he was opposed to the other provisions of the section, and then later he feared that it might have reference to and might be affected by the boycott section. The Senator from Vermont is a very good lawyer. He will admit it. The language of the section reads as follows:

No coal (except coal with respect to which no bid is required by law prior to purchase thereof) shall be purchased by the United States, or by any department or agency thereof, produced at any mine where the producer failed at the time of the production of such coal to accord to his or its employees the rights set forth in subsection (a) of this section—

Subsection (a); and the section sent to the desk is subsection (e), and not (a). As the boycott provision specifically refers to subsection (a), it certainly would not apply to subsection (e).

Mr. SCHWELLENBACH. Mr. President, will the Senator now yield?

Mr. BYRNES. Yes; I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I should like to submit this consideration to the Senator from South Carolina, and I wish to say to the Senator that I do it with no element of flippancy at all:

The Senator offered an amendment which stated a policy of Government upon an issue which, if we may believe the newspapers and may believe some of the statements made upon this floor, many people in this country believe to be the most important issue confronting the country today. Within 20 minutes after the amendment was submitted, the Senator from South Carolina, as its author, found it necessary to make two amendments to the statement of policy. I submit this inquiry to the Senator from South Carolina: Should he ask the Senate of the United States to adopt a declaration of policy upon this important question, when the declaration which he prepared he found it necessary to amend twice within 20 minutes? Is not that in itself an indication that sufficient consideration has not been given to the subject by the Senator in the preparation of his declaration, and that it cannot possibly have been given sufficient consideration by the Senate?

Mr. BYRNES. Mr. President, I think the Senator from Washington is aware, from what I said only a few moments ago, that I did not deem the proviso necessary; but in view of the argument made by my good friend the Senator from Arkansas [Mr. ROBINSON], I intended that there should be no doubt that the amendment did not apply to a dwelling, and therefore I made it beyond all reasonable doubt.

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

Mr. BYRNES. In just a moment. I know of no reason, however, why the Senator from Washington and the other Members of the Senate should not give to this amendment the consideration it deserves. If the Senator from Washington believes the amendment is of the importance he says, there is no reason why he and all other Members of the Senate cannot consider the amendment during the night, and tomorrow, and for such further time as is necessary to enable the Senator to make up his mind as to whether or not it is a wise policy to declare that if persons are employed upon his property, and their employment is terminated, and he gives them written notice to leave, they should leave. If the Senator's mind is not made up on that subject, and he desires time to consider it, we have time in which to consider it. The Congress is not going to adjourn tonight. There is no reason why adequate time should not be given for its consideration.

Mr. ROBINSON. Will the Senator now yield?

Mr. BYRNES. I will.

Mr. ROBINSON. While the Senator in his last remarks has passed beyond the point I had in mind, it is recalled that he implied, when he justified offering the amendment, that he thought the criticism I had made of his amendment was rather far-fetched, but that he was making a concession to me because of the far-fetched suggestion I had made. I now ask the Senator whether the original language of the amendment would not have embraced the home of a miner if it was on the property where he was employed; and if not, why?

Mr. BYRNES. Mr. President, I stated originally that I had no idea that the amendment would have done so. It was my thought that it did not. And I called the attention of the Senator from Kentucky [Mr. BARKLEY] to the fact that the use of the language "upon which he was employed" in my opinion made the meaning clear. When, however, the Senator from Kentucky did not believe it was clear, I amended the language in order to make it clear, and certainly now there can be no doubt about the clarity of the language in the proviso excepting the dwelling house of the employee.

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

Mr. BYRNES. Yes.

Mr. MINTON. I agree with the Senator that there is not any way in which any of the provisions of section 9 can be enforced. We might just as well have written in the Ten Commandments so far as effectiveness in enforcing the section is concerned. Therefore I am against the Senator's amendment, because I am against "packing" the bill.

Mr. BYRNES. I thought the Senator was asking a question.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

The PRESIDENT pro tempore. The Senator from California [Mr. JOHNSON] really has the floor.

Mr. JOHNSON of California. I yield to the Senator from Kentucky.

Mr. BARKLEY. I desire to ask the Senator from South Carolina a question.

In all the legislation we have heretofore enacted dealing with the relationship between employer and employee, such as the Railway Labor Act, declared last Monday to be constitutional, the Wagner Labor Relations Act, and all other legislation undertaking to provide machinery for the composition of differences between employer and employee, extensive hearings were held before committees where both sides could be represented and be heard, and where deliberate consideration could be given to the matter before the Senate or the House was asked to pass upon it.

It seems to me that none of those matters was of greater importance than the matter which is now under debate. Does the Senator really think that we are in any position, without hearing both sides of this matter and having it considered by a committee, and after a minute investigation of the implications and ramifications which have resulted in this sit-down strike situation, even intelligently to declare a policy on the subject, much less when we cannot follow it up with any legislation legalizing or making effective the policy?

Mr. BYRNES. If the Senator believes that there are two sides to it, he evidently has good reason for making the statement.

Mr. BARKLEY. I am not passing on whether there are two sides or not.

Mr. BYRNES. I know the Senator from Kentucky is not in favor of the sit-down strike. Mr. William Green, president of the American Federation of Labor, says he is not in favor of it; I know Mr. Sidney Hillman, the head of the textile workers, and a very capable leader, in this morning's paper is quoted as saying he did not want his statement construed as indicating that he was in favor of the sit-down strike. I do not think there are two sides. I do not know any man who says he is in favor of it. But no one wants to do anything about it, and no one wants to say anything about it. The Senator from Kentucky is not in favor of the sit-down strike, is he?

Mr. BARKLEY. I have said heretofore, and I repeat, that I think the sit-down strike is unlawful, and that those who engage in it are guilty of trespass, which is a violation of State law.

Mr. BYRNES. Then the amendment would declare as a policy just what the Senator says he believes.

The PRESIDENT pro tempore. Does the Senator from California yield further?

Mr. TYDINGS. A point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TYDINGS. I understood the Senator from California to have the floor, and that he yielded to the Senator from South Carolina, but everybody else seems to be talking, and I cannot tell who has the floor.

The PRESIDENT pro tempore. The point of order is well taken. The Senator from California has the floor.

Mr. BARKLEY. The Senator from California can take care of himself without much assistance from anyone else.

Mr. JOHNSON of California. Mr. President, I was willing to yield to all Senators, and let everyone of them be heard in reference to this matter.

Now I desire to say a word, very quietly, in respect to the pending amendment. The amendment is a declaration of policy. I do not claim, because I do not know, whether it hits the particular matter it is designed to strike. I imagine it is designed to touch the sit-down strike, and I am ready to vote now or at any other time on the question of the policy of the Government in relation to the sit-down strike.

I think we do a great disservice to this Nation when in this body gentlemen debate the sit-down strike and say it is unlawful, but, but, but—and then begin to give fanciful reasons for its existence.

I yield to no man in adherence to union labor. I have 30 years behind me of effective dealing in behalf of union labor,

and I expect to have many more years before I die in legislating in behalf of union labor. But I am opposed to the sit-down strike. I am opposed to the idea that any body of men can come into my house or to yours, can shut the door and lock it, and say that they will keep possession of our homes during the time while we are determining whether we will yield to some demands of theirs.

I am opposed to every single, solitary element of the sit-down strike. As a friend of union labor I am opposed to the sit-down strike.

I would be willing to vote, if this were a declaration of policy that would stand up, in favor of the amendment; but if there be doubt about it, I do not want it adopted. I do not want anything here to confuse the issue, and I do not want anything brought up that will enable those who believe in the sit-down strike to say that the Senate on a vote declared itself in favor of the sit-down strike.

I do not know whether the Senator from South Carolina has hit this thing or not. If he has, I am willing to go with him, and I will go down the line with him no matter how many Senators there be upon this floor who may excuse the sit-down strike in one way or another.

Now, on another topic. There is Federal law which deals with just such questions as this. There is a statute of the United States which makes it the imperative duty of the President of the United States to deal with this kind of a question. I read section 5299 of the Revised Statutes:

Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

I have read this to show that there is a remedy.

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

Mr. JOHNSON of California. I yield.

Mr. ROBINSON. The Senator recognizes the fact that before the Federal Government can send troops into a State, the Governor of the State must indicate the necessity for it.

Mr. JOHNSON of California. I recognize that fact. But that is one case, and this is another case.

Mr. ROBINSON. What is the other case?

Mr. JOHNSON of California. The other case I have just read. I have read it just now, and in the best voice that I have, and I thought I had made it plain.

Whenever insurrection, domestic violence, unlawful combinations or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States as to deprive any portion or class of the people of such State of any of their rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, and immunities—

Then the President may act, and it is made his duty to act.

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

Mr. JOHNSON of California. I yield.

Mr. BARKLEY. I have not examined it during this debate, but my recollection is that there is a provision that when there is insurrection, in case of the inability of the State to cope with the situation, if the legislature is in session, it may request the President by joint resolution to send troops into the State to quell the rebellion or the insurrection, but if the legislature is not in session, then the Governor must perform the function.

Mr. JOHNSON of California. The Senator is entirely correct. What he says is true. However, this is a different sort of case, and, if the Senator will pardon me, it has been construed only once that I know of, in an Ohio case in 1922, where the Ohio court held that the President was the sole judge of whether or not he should act under the section.

I am not going to take long in this discussion. I simply desire to appeal to the Senator from South Carolina [Mr. BYRNES]. If there is any question about his resolution, if there is any doubt about what it does, if there is some flaw in it in respect to the sit-down strike, let us make it plain, and then let gentlemen vote as they please upon it.

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

Mr. JOHNSON of California. I yield.

Mr. BYRNES. The Senator stated at the outset of his remarks that it would be almost impossible to offer any resolution on this subject as to which some Senator would not have great doubt and, possibly, express some confusion of mind. But the amendment is as clear as can be. If there was ever any doubt about it applying to the home of an employee, that is eliminated by the proviso. It is simply the same declaration of policy that is contained in section 9 in behalf of labor as to collective bargaining, and as to a company union. The same language is used in that and other sections in behalf of labor as is used in this paragraph in the expression of a public policy against the sit-down strike.

Mr. BORAH. Mr. President, has the Senator from California concluded?

Mr. JOHNSON of California. I was going to respond to the Senator from South Carolina. What I want is a clean-cut proposition about which there can be no mistake. Let us describe it as a sit-down strike. That I think is sufficient designation now, in view of the meaning of the word, to enable us to describe it in terms—a sit-down strike—and then we can have a vote upon it which will enable us to determine what shall be done.

A sit-down strike! Just think of it—a sit-down strike! Think of men coming up here, fifty or a hundred or a thousand, walking into this Chamber and sitting down here, and we will get out, and then we will say, "No; we will not even declare a policy regarding the fact that those men came within this Chamber and acted in that fashion."

For once and for all, let us make it plain that the Government of the United States, through the United States Senate, declares its policy in regard to a sit-down strike!

Mr. VANDENBERG. Mr. President, first and generally I want to associate myself completely with the observations just made by the Senator from California. Secondly, I want to say that this problem comes so intimately home to the State which I have the honor and responsibility in part to represent that I could not allow it to come to a conclusion without some discussion, and I am asking whether it is the intention and desire to proceed to a conclusion with respect to passage of the bill this evening.

Mr. NEELY. That is the desire of those who have charge of the bill.

Mr. BORAH. Mr. President, have we now arrived at the point where this is regarded as a resolution condemning the sit-down strike? Is that the understanding?

Mr. BYRNES. Mr. President, I do not know to whom the Senator is directing his remarks.

Mr. BORAH. I am directing them to the author of the resolution. I asked the author of the resolution in the beginning if it was a condemnation of the sit-down strike. I did not understand the author to answer the question directly, but he said that the construction was whatever——

Mr. BYRNES. No; the Senator misunderstood me. In response to the question of the Senator from West Virginia, phrased as his question was, I said it means just what he said, but I stated in response to the Senator from Idaho that I agreed entirely with his statement that it was a condemnation of the sit-down strike.

Mr. VANDENBERG. Mr. President, it does not make the slightest difference what interpretation is put upon this amendment by Senators who sit here this afternoon. The interpretation that will be put upon it in the Nation as a whole is precisely and specifically the one that the Senator from Idaho describes; and that is the vice of the situation if the amendment is defeated.

I am not prepared to say that the amendment is in the form it ought to be. I do not know that it ought to apply exclusively to coal miners. I gravely doubt whether it belongs in this bill. But I repeat that the vice of the situation is that if this proposal goes to a vote on the floor of the Senate and is defeated, the inevitable interpretation will be that the Senate has declined to condemn the sit-down strike. It makes no difference whether or not that interpretation is justified. That is the terrible feature of the situation in which we now find ourselves.

Unfortunately, Mr. President, there are many phases of the sit-down strikes that have been the subject of misrepresentation and misunderstanding. Unfortunately, the President of the United States himself is the victim of some of these misrepresentations and misunderstandings. Here, for instance, is the original literature through which membership in the Lewis unions is solicited in various parts of the country, circulated in an envelope which says—

A message to you from the President.

Mr. President, it does not say "from the President of the United States." It is very subtle; but there is no doubt in the world that that meaning is intended; and on the inside, at the top of the solicitation, it says:

The President wants you to join the union.

Perhaps he does; but, Mr. President, I do not believe that he for a moment would condone some of the practices which are involved in the thing we are discussing, and which are corollary to the invitation I have just submitted. That is only one of the many doubtful situations which have arisen.

When so reliable and so friendly a journalist as Mr. Arthur Krock, of the New York Times, writes what I am now about to read, I submit that unfortunately it does not make much difference whether it is true or not. The malignant effects result anyway. I read:

If the President has any doubt that his great prestige has been used in the contrary direction—

That being in the direction of condoning the sit-down strike—

here is some testimony from Detroit, authenticated by three reliable witnesses. A union leader addressing the Statler Hotel strikers in Detroit on Monday afternoon, March 15, said in effect:

"You have nothing to fear from the police or from the courts. The President and the Governor of Michigan are back of you. The food here is yours. Any room you wish to occupy is yours. The bar belongs to you. The President wants you to have the good things of life. He supports the poor of this country in taking what belongs to them."

This is a single instance.

Continues Mr. Krock—

The President can hardly be held responsible for such mouthings.

And I most emphatically agree that that is so. I repeat, he is the victim of this thing.

But his silence has encouraged the belief, since he has not failed to take note of other national situations which have had elements of public peril.

This is just one more of those situations which is going to be misconstrued and misinterpreted, no matter what happens. I deeply regret that it arises in this inconclusive form. The Senate cannot afford to have it said by anyone, however misguided and unjustified the statement may be, that it has condoned sit-down strikes or anything connected with them.

Mr. President, one of the reasons why we in the Senate find ourselves in trouble at the moment in connection with this problem is the fact that the governmental agencies dealing with labor relationships have been so completely silent respecting the sit-down strike. They are very vocal indeed, respecting the obligations of the employer, but as silent as the tomb respecting obligations to law and order and the maintenance of civilized society. "Silence gives consent", and that is the trouble; there has been nothing but silence—or worse.

There has not been any silence in Canada. We had the honor this afternoon of entertaining the Governor General of Canada. The Canadian Government, on March 25, speaking through the Minister of Justice officially, made this statement:

Sit-down strikes are calculated to undermine respect for law and order and to create disorder and riots against which organized labor in Canada has always stood firmly. The Canadian Government is prepared to utilize all the agencies at its command to restrain or prevent such illegal methods.

Mr. President, it is my conviction that all in the world this situation needs is a similar firm announcement on behalf of the high spokesmanship of the Government of the United States, and this trouble will largely terminate. But continued silence in the high spokesmanship inevitably, I repeat, will continue to be misunderstood.

Mr. President, the welfare of labor is wrapped up in the matter I am discussing. The Senator from Arkansas [Mr. ROBINSON] is absolutely right when he says there are many other factors in the labor equation which ought to be surveyed and disciplined in connection with the determination of this issue. I agree to that. I most emphatically agree that those benighted employers who still insist upon dealing with labor as a commodity are not only hurting themselves, but are utterly out of step with any possibility of an enlightened, progressive society in the United States. I am prepared to join in any and every liberal thought and purpose and formula that can encourage the larger participation of labor in the fruits of its own production. But, Mr. President, what good does it do labor to gain these advantages if it destroys the orderly society in which to enjoy them?

That is not the only menace to labor in the situation which we confront in connection with sit-down strikes. There is another very grave menace which I think labor leaders should recognize. I believe that even the responsible leaders of that section of labor which has been related to sit-down strikes realize it. I refer to the fact that the moment this formula of violence is turned loose in a community, I care not how nobly meditated the purpose may be and I care not how carefully the labor leaders may seek to confine it within reasonable and appropriate limits from their point of view, the desperate result is that it immediately becomes the subject of every subversive force in that community, and all the lawlessness, all the hoodlumism, all the syndicalism, and all the communism there is in the area rushes for the point to pour oil on the conflagration.

Is there any doubt about this? Let us look at the Detroit situation for just a moment. I am saying that the menace of the sit-down strike is a menace even to legitimate labor as such. It is infinitely more of a menace to those who take advantage of the invitation and the opportunity to practice a violence which otherwise they would not dare undertake.

The Associated Press, in a dispatch from Detroit, said:

Law-enforcement officers detained more than a dozen men Friday in a drive to wipe out strong-arm methods and what Governor Murphy termed "modified banditry"—

That is Governor Murphy's phrase, and certainly Governor Murphy is not hostile to the best interests of labor—

"modified banditry" in labor disputes here.

Police Inspector George Hertel announced that one former Purple gangster, a relative of another Purple gangster, and a known "hoodlum" were helping manage a sit-down strike at the Newton Packing Co. plant.

At the same time Police Inspector John A. Hoffman said that one of the ringleaders in the Frank & Seder department store strike is a former convict, sentenced for conspiracy to kidnap, and that another had a police record.

I could continue for an hour to present similar exhibits.

Mr. President, make no mistake about what I am saying. Union labor has utterly nothing to do with the exhibits I am presenting. They condemn, precisely as I do, the thing about which I am talking. Indeed, I wish to say that I am reliably informed that there were only two arrests made in connection with that dreaded mass meeting in Detroit 1 week ago where 60,000 people assembled, and those were arrests of Communists who were arrested at the direction of labor-union leadership itself. I want to make it plain that, so far as labor-union leadership is concerned, it feels precisely as I do, that the hitch-hiking forces which attach themselves to the sit-down-strike movements are desperately dangerous.

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

Mr. VANDENBERG. Yes.

Mr. KING. When the Senator mentioned union labor, did he refer to John Lewis or to William Green? I know that Mr. Green has condemned in the most aggressive way the sit-down strikes, but I have not heard any condemnation from Mr. Lewis or his collaborators.

Mr. VANDENBERG. I think, if I heard the Senator from South Carolina correctly, that he quoted Mr. Sidney Hillman on the subject.

Mr. BYRNES. Mr. President, I stated that Mr. Hillman was quoted in the newspapers this morning as stating that he did not intend that he should be quoted as favoring sit-down strikes.

Mr. VANDENBERG. Now, Mr. President, I desire to read to the Senate one exhibit from a source which I am sure it will sympathetically hear. The Senate still remembers the name "Couzens", and it still remembers it respectfully and with confidence. I read a letter addressed to me by Mayor Frank Couzens, of the city of Detroit. It is dated March 29:

As you know, for the past several weeks Detroit has been unsettled by an epidemic of sit-down strikes. In many instances these strikes have been called against the wishes of the majority of employees in the affected establishments. Frequently, agitators, not even employed, aided in the seizure of the stores or factories, and on some occasions forced the owners out of their buildings and made them surrender keys. Court orders have been ignored and defied. Thousands of Detroit citizens, desiring to continue work, have been deprived of livelihood, and many millions of dollars in wages have been lost. The general public is deeply affected by the situation, and all reputable citizens desire that labor receive an adequate wage and enjoy happy and proper working conditions. But, in my opinion, they do not approve of the manner in which most of these sit-down strikes have been called.

I shall not discuss the General Motors' or Chrysler's sit-down strikes as I had no part in the handling of them.

This letter emphasizes what I am saying—that this problem rises to its major menace, not within union labor, but on the outside of it, among those who rush to the opportunity to enjoy the privilege of violence when they would not dare do it upon their own responsibility.

I continue reading Mayor Couzens' letter, and I ask Senators to listen to this episode:

May I tell you of an occurrence which happened in Detroit when approximately 60 individuals actually raided the Frank & Seder store and called a sit-down strike. They demanded that everyone stop work. I have reports that women fainted; that when they tried to rush from the building, actual force was used in an attempt to keep them from doing so. At that particular time I was attending a meeting with the Governor of the State of Michigan and Frank X. Martel, reputed leader of the Detroit and Wayne County Federation of Labor. I left the meeting and sent several hundred police officers to the Frank & Seder store, where we technically held everyone until testimony, affidavits, etc., could be secured. I remained at the store for hours and listened to testimony. I did not find one single employee—

One single employee—

at that store who testified he wanted to strike. Most of the employees took exception to the manner in which this sit-down strike was called.

Detroit's condition is not an exception. They are having just such difficulties in New York, Chicago, and other large cities, and I believe it is a condition in which the Federal Government should and must take a hand. I do not wish to imply that the State and city governments are unable to cope with the situation, but I sincerely believe that the time has come when all agencies of government should join in an intelligent effort to restore industrial peace. I believe that a great deal could be accomplished toward this end—

And I emphasize this sentence, Mr. President; I should like everybody to hear it—

I believe that a great deal could be accomplished toward this end—

Says Mayor Couzens—

if you were to request and urge the President and Congress to use their efforts to terminate sit-down strikes and to bring about proper methods of settling such labor disputes.

Mr. President, in the face of such conditions in my own State, I do not propose to confront, without a considerable discussion of what is involved, an amendment which, if adopted, will be interpreted as condemning sit-down strikes, or which, if defeated, will be interpreted as registering the Senate's approval for sit-down strikes.

I agree with the Senator from Arkansas [Mr. ROBINSON] that there is a very limited Federal jurisdiction that can be applied, although the able Senator from California [Mr. JOHNSON] has indicated the existence of a statute under which there is a direct and specific Presidential responsibility. What I am saying is that there is a moral responsibility which thus far has not been exercised or declared, and it is a responsibility which not only rests on this Chamber but goes straight down Pennsylvania Avenue to the White House. There is an opportunity for the effective, persuasive spokesmanship of this land to do labor, above all others, a tremendous service at this moment, and to do a tremendous service as well to organized society and to the cause of law and order and decency, by speaking out upon the fundamentals, guaranteeing labor that a chastened society will see to it that an appropriate formula is provided to do industrial justice and to guarantee industrial fair play, but, on the other hand, to make it plain that there is no spot or place under the American flag where illegal trespass, lawlessness, or violence can be brought successfully and safely into play without challenging every organized force that a government worthy to exist will bring to bear upon the situation.

ACCOUNTING SYSTEM OF TREASURY

Mr. ROBINSON. Mr. President, it is manifest that this debate cannot be concluded within reasonable limits this evening. Therefore, it is my intention to move a recess until noon tomorrow. It had been hoped that we might conclude the consideration of the bill today and take an adjournment until Monday, but that does not now seem practicable to me and to others with whom I have had the opportunity of conferring.

I wish, however, to make a statement before moving an executive session.

An article appearing in the Washington Herald on Wednesday morning contained the statement that a witness before an executive session of the Joint Committee on Government Reorganization testified in substance that "the poorest and worst organized of all the departments of the Government with respect to accounting is the Treasury."

I merely desire to say that no such testimony was given to the joint committee. A witness appearing before the committee did make the statement that the accounting system of the Treasury was scattered and decentralized, and that from the point of view of centralization it was a poor set-up. The witness further said that in order to reorganize the accounting system in order to obtain a centralized system, statutory provisions would have to be enacted to permit the Treasury to make any substantial correction in their present set-up. In other words, decentralization and scattered accounting organization are among the principal faults of the existing law. There was no statement or admission by the witness that the decentralized systems themselves failed to perform the purposes for which they were established.

There were other statements in the same article that are not supported by the testimony, but I do not care to take notice of them at this time.

Mr. President, if there is no other business to be transacted, I shall move an executive session.

The VICE PRESIDENT. The Chair may state to the Senator that there is no Executive Calendar; and if there is any report of a committee to be submitted for the Executive Calendar, it can be offered now out of order.

RECESS

Mr. ROBINSON. Mr. President, in all probability it will be necessary to have an executive session tomorrow. I now move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Friday, April 2, 1937, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 1, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we thank Thee for the transcendent riches of the divine heart. In the tenderness of Thy strength manifest Thyself in our purposes and achievements. We praise Thee for the rewards of the faithful. Thou wilt give them the morning star, the symbol of calmness and long perspective. Open our eyes to large views; and with a high sense of our responsibility and with dignity of character may we walk the pathway of life. Merciful God, come to this scarred, torn, modern world with ministries of wisdom and knowledge; impress it with the tragedies which corrode and corrupt the common order of humanity. Do Thou break down the tyranny of selfishness, which is the secret of its fatal woes, and enthrone in its very soul the power of Christian brotherhood. Strip away all hypocritical pretenses, all godless ambitions and falsehood, and let there be an inbreak of the Almighty One into the souls of all lands. Remember us, O Lord, with the favor that Thou bearest unto Thy people.

Bless the Lord, all His works in all places of His dominion: bless the Lord.

In our Savior's name. Amen.

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

EXTENSION OF REMARKS

Mr. MEAD and Mr. LAMNECK asked and were given permission to extend their own remarks in the RECORD.

LEAVE OF ABSENCE

Mr. WELCH. Mr. Speaker, I ask unanimous consent that leave of absence for today be granted my colleague the gentleman from California, Mr. HAVENNER, who is absent attending the funeral of a relative.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MALINDA J. MAST AND WILLIAM LEE MAST

Mr. MOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1245) for the relief of Malinda J. Mast and William Lee Mast, with a Senate amendment thereto, and concur in the Senate amendment.

The House bill, I may say, Mr. Speaker, provides payment of the claim "out of money not otherwise appropriated." The bill has been amended by the Senate to read that the money shall be paid out of funds allocated by the President for the maintenance and operation of the Civilian Conservation Corps.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Senate amendment was concurred in.

THE DISTRICT OF COLUMBIA APPROPRIATION BILL, 1938

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. May I inquire of the Chair whether or not all points of order have been reserved on the bill H. R. 5996, the District of Columbia appropriation bill?

The SPEAKER. The Chair may state the RECORD shows the gentleman from New York [Mr. TABER] reserved all points of order on the bill.

Mr. COLLINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate may continue throughout the day, the time to be equally divided between and controlled by myself and the gentleman from Michigan [Mr. ENGEL].

Mr. SNELL. Mr. Speaker, reserving the right to object, may I ask the gentleman a question? I understand it is not the intention to start reading the bill for amendment today?

Mr. COLLINS. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5996, the District of Columbia appropriation bill, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. COLLINS. Mr. Chairman, I have no requests for time at the moment, and I will therefore ask the gentleman from Michigan [Mr. ENGEL] to yield some of his time.

Mr. ENGEL. Mr. Chairman, I yield 20 minutes to the gentleman from Vermont [Mr. PLUMLEY].

THE WAR DEBTS

Mr. PLUMLEY. Mr. Chairman, yesterday my friend, the gentleman from Ohio [Mr. HARLAN], in discussing the subject of war debts made the following observation. He said, in substance, that if they, meaning the debtor nations, have any intention of paying these debts at any time, if we can make it possible for them to do so without a serious drain upon themselves, I submit that there is no legitimate excuse that can be advanced at this time. Then later he said, in substance, that if there is any intention on the part of these foreign countries to do anything but welsh on their debts after we have cut their debts in half by reducing their interest rates and their amortization charges, after we have again reduced them almost another half by devaluing our gold coin, if they do not show intention to comply with as reasonable a proposition as this, it seems to me that the deductions are obvious. Meaning, I take it, that our debtors have no intention of paying. One of the troubles with this war debt subject is exactly that which Mark Twain said was involved with respect to New England weather, namely, "Everybody talks about it and nobody does anything about it."

WE ARE "HOLDING THE BAG"

In my judgment there never was a more propitious, diplomatically strategic opportunity afforded anybody than we have this very minute—right now, as they say on the street—to make some people "put up or shut up", and relieve us, the people of the United States, from "holding the bag" any longer.

FOREIGN DIPLOMATIC ACES HERE

Mr. Chairman, "with war threatening, Europe sends her ace diplomats to Washington", so says Constantine Brown. It is true. Washington is once more one of the most important diplomatic centers of the world. Fearing a collapse of the fragile, nonsubstantial, and overburdened peace structure, European nations are preparing for war with breakneck speed. Some of them—Britain, France, and others—have the audacity to hope that in the event of a conflagration which involves them, as it must, they will again be able to induce us to join in the brawl. Vain hope! The leading countries of Europe are sending here to Washington their ablest, shrewdest diplomats.

France is sending Georges Bonnet, a member of Parliament and one of their keenest brains, and the rumor is current that his stay will be temporary, and that he will be succeeded by Francois-Poncet, present Ambassador to Berlin, acknowledged ace of France's diplomacy. Dr. Hans Luther, easy-going and kind, as well as able, has gone back to Berlin, to be succeeded here by the Under Secretary of State, Ambassador Hans Dieckhoff, the ablest man in the German diplomatic service.

Britain, while it extended the tenure of the able Sir Ronald Lindsay has, according to rumor, selected and designated that brilliant, dynamic Englishman, ace of England's diplomatic corps, Sir Robert Vansittart, its present Under Secretary of State, to succeed him.

Italy, so it is rumored in Rome, is about to replace Mussolini's right-hand man in his Foreign Office, the Italian Ambassador Fulvio Suvich, with Count Vitetti, formerly counselor of the Embassy here in Washington, the husband of an American wife, and an outstanding representatives of the country he serves.

England, France, Germany, Italy, and others are sending the best they have, and they are coming here to do business; and they know their business.

Do not be misled by the notion that the inevitable war in Europe is so imminent and ominous as to necessitate their present coming; but understand this, they are here for the purpose of preparing for that inevitable day when war shall come.

Just ordinary common sense, it seems to me, suggests that they are concerned about the preservation and continuance of their governmental and individual existence. These are the ends they serve. Another thing which we do well not to forget is the fact that all the war debtor nations remember, if we do not, that in April 1917 the United States entered the World War in their behalf.

WHAT IT COST IN MONEY AND MEN

Twenty years ago next Tuesday, April 6, 1917, the United States entered the World War. That was a fateful day for America; none the less so have been all the days which have followed.

In retrospection we do not understand any better now than we did as of those days and times how the American people were able to and did accomplish so many of the seemingly impossible things they did. Some of them were and still are almost miraculous.

Did you ever stop and realize that for the period of 25 months from that day in April 1917, through another April, and that of 1919, the war cost the people of the United States considerably more than $1,000,000 an hour; that the Treasury disbursements during that period reached a total of $23,500,000,000, of which only $1,650,000,000 may be properly charged to normal expenses which would have occurred in time of peace? The balance may rightly be counted as the direct money cost of the war to the end of April 1919, and it amounts to the staggering sum of $21,850,000,000.

This amount is 20 times our pre-war national debt. In addition to this huge expenditure we advanced loans to the Allies at the rate of nearly half a million dollars an hour. For this purpose Congress authorized $10,000,000,000. So much for money; now for men.

What an outpouring of America was involved. At the time of the armistice there were over 2,000,000 American soldiers in France.

Arrays of figures and statistics—

Says Maj. Gen. James G. Harbord, commander of the Services of Supply, in his final report, submitted in May 1919—

may frighten the general reader; they certainly do not attract him. Yet who can tell without a few figures the story of this part of the world's greatest military adventure, in which a nation engaged in war across seas 3,500 miles from its own shores, transported its soldiers by the millions, its material resources in millions of tons, and counted the cost in billions of dollars. Nothing on such a scale had been seen in war since Xerxes crossed the world of his time in the attempt to overwhelm Greece. No such difficulties had been encountered in war since Xenophon and the Ten Thousand reached the sea at Trebizond or Alexander crossed the mountain passes into India. The only considerable war waged overseas in modern times was that in South Africa, for which the British transported by sea something like 300,000 men.

We do not have to be reminded that in this organization and transportation of our troops was involved and—

Accomplished the greatest homegoing in human history. It was the greatest round trip that mankind has ever undertaken. During the 19 months of our participation in the World War more than 2,000,000 American soldiers went to France. Half a million in the first 13 months; a million and a half in the last 6 months. The greatest number arriving in France in any one month was 306,350 men in July 1918. In May of the following year 333,333 men sailed for America, homeward bound. Between the armistice and the end of August 1919, 8½ months, the boys went home.

Not all of them, for despite the fact that American troops were on the ground only during the last 6 months, and it is true American losses were trifling as compared with the staggering casualties of the Allies, nevertheless American losses were:

Killed in battle	48,909
Wounded	237,135
Missing	2,913
Taken prisoner	4,434
	293,391

While it is true that—

No reputable author will make the flat statement that "America won the World War." Any writer of repute, however, not writing for political purposes must, in writing history, record the fact that it was only because of the increasing flood of American military manpower, and the quality of our armies that the Central Powers were defeated in 1918.

Subsequent events have convinced many of us that we were right, and that General Pershing should have been consulted and his advice taken with respect to the terms of the armistice, and his advice which he offered for the consideration of the supreme war council should have been followed when he said:

Finally, I believe the complete victory can only be obtained by continuing the war until we force unconditional surrender from Germany, but if the Allied Governments decide to grant an armistice the terms should be so rigid that under no circumstances could Germany again take up arms.

Moreover, our position with respect to this matter is confirmed by the knowledge which we now have that the same views were entertained by Marshal Foch.

With respect to the signing of the armistice, General Harbord makes this pertinent and interesting comment:

It was 6 o'clock on the morning of November 11, 1918, in Washington when the armistice signed in the wagon-lit of Marshal Foch took effect on the western front. The announcement was made to the American people by President Wilson as soon as the news reached the White House:

"MY FELLOW COUNTRYMEN: The armistice was signed this morning. Everything for which America fought has been accomplished. It will now be our fortunate duty to assist by example, by sober, friendly counsel, and by material aid in the establishment of just democracy throughout the world."

A slightly different estimate of our fortunate duty appeared in an advertisement in the metropolitan press next day—trust the American advertising man:

"Now that liberty has triumphed, now that the forces of right have begun their reconstruction of humanity's morals, the world faces a material task of equal magnitude."

That expressed willingness to look after the morals of the rest of the world was to be pretty nearly the key to American foreign policy for 20 years to come.

Twenty years. And those nations which owe their continued political and individual existence to the United States still fail to repay the loans we made them and apparently are disinclined to recognize their obligations to us as measured in dollars and cents.

THE WAR DEBTS

The war debts. Will they ever be paid? This has been an ever-recurring and unanswered question for a sixth of a century. What is the answer? Is the possibility of repayment growing less and less with the passing years? Between May 1, 1923, and May 3, 1926, certain debt-funding agreements were signed with the various debtor nations, based on what was then termed "capacity to pay", under which agreements the debt over the period of repayment would amount to approximately twenty-two billions, as indicated in table 1.

TABLE 1

	Debt prior to funding agreement, including interest at original rate	Debt as funded	Total to be received over funding period, principal and interest
Belgium	$483,426,000	$417,780,000	$727,830,500
Czechoslovakia	123,874,000	115,000,000	312,511,433
Estonia	14,143,000	13,830,000	37,707,645
Finland	9,190,000	9,000,000	21,695,055
France	4,230,777,000	4,025,000,000	6,847,674,104
Great Britain	4,715,310,000	4,600,000,000	11,105,965,000
Hungary	1,984,000	1,939,000	4,754,431
Italy	2,150,150,000	2,042,000,000	2,407,677,500
Latvia	5,858,000	5,775,000	15,790,523
Lithuania	6,216,000	6,030,000	15,089,541
Poland	182,324,000	178,560,000	481,674,781
Rumania	46,945,000	44,950,000	122,505,280
Yugoslavia	66,164,000	62,850,000	98,177,635
	12,036,376,000	11,522,354,000	22,196,334,408

As is suggested by John C. LeClair, who made up the foregoing and the following tables, an analysis indicates—

That the total sum expected over the period of repayment was, in the case of several of the powers, several times the original amount. The impossibility of repayment, in terms of what has actually transpired, can be observed from the figures in table 2, where for purposes of comparison the total amount to be paid over the 62-year period is again set up. In adjacent columns are listed the actual amounts received by this Government since the beginning of the payments along with the total sums unpaid to date.

TABLE 2

	Total to be received over funding period, principal and interest	Total payments received as of Dec. 1, 1936	Total due and unpaid as of Dec. 1, 1936
Belgium	$727,830,500	$52,191,273	$42,772,722
Czechoslovakia	312,511,433	20,134,992	11,266,961
Estonia	37,707,645	1,248,432	2,934,736
Finland	21,695,055	4,310,117	
France	6,847,674,104	484,075,891	325,080,017
Great Britain	11,105,965,000	2,024,548,817	668,674,071
Hungary	4,754,431	493,449	327,791
Italy	2,407,677,500	100,829,880	63,494,976
Latvia	15,790,523	761,549	1,096,878
Lithuania	15,089,541	1,237,956	942,766
Poland	481,674,781	22,646,207	26,575,027
Rumania	122,505,280	4,791,007	5,492,500
Yugoslavia	98,177,635	2,598,771	1,500,000
	22,196,334,408	2,722,132,548	1,160,158,439

It appears that less than three billions has been paid against the twenty-two billion eventually to be collected according to expectations. The default this last year has been more than a billion.

PAYMENT POSTPONED

June 20, 1931, the American Government proposed—

the postponement during 1 year of all payments on intergovernmental debts, reparations, and relief debts, both principal and interest, of course, not including obligations of governments held by private parties. Subject to confirmation by Congress, the American Government will postpone all payments upon the debts of foreign governments to the American Government payable during the fiscal year beginning July 1 next, conditional on a like postponement for 1 year of all payments on intergovernmental debts owing the important creditor powers.

In his proposal for the moratorium, President Hoover said:

Authority of the President to deal with this problem is limited, as this action must be supported by the Congress. It has been assured the cordial support of leading members of both parties in the Senate and the House. The essence of this proposition is to give time to permit debtor governments to recover their national prosperity. I am suggesting to the American people that they be wise creditors in their own interest and be good neighbors.

I wish to take this occasion also to frankly state my views upon our relations to German reparations and the debts owed to us by the allied governments of Europe. Our Government has not been a party to, or exerted any voice in determination of, reparation obligations. We purposely did not participate in either general reparations or the division of colonies or property. The repayment of debts due to us from the Allies for the advances for war and reconstruction was settled upon a basis not contingent upon German reparations or related thereto. Therefore, reparations are necessarily wholly a European problem with which we have no relation.

I do not approve in any remote sense of the cancelation of the debts to us. World confidence would not be enhanced by such action. None of our debtor nations has ever suggested it. But as the basis of the settlement of these debts was the capacity under normal conditions of the debtor to pay, we should be consistent with our own policies and principles if we take into account the abnormal situation now existing in the world. I am sure the American people have no desire to attempt to extract any sum beyond the capacity of any debtor to pay, and it is our view that broad vision requires that our Government should recognize the situation as it exists.

OUR WAR-DEBT POLICY

In 1931, our war-debt policy was stated in the joint resolution of Congress formally approving the Hoover moratorium.

SEC. 5. It is hereby expressly declared to be against the policy of Congress that any of the indebtedness of foreign countries to the United States should be in any manner canceled or reduced; and nothing in this joint resolution shall be construed as indicating a contrary policy, or as implying that favorable consideration will be given at any time to a change in the policy hereby declared.

Are then the war debts dead "like the soldiers who perished in the struggle because what they represented was destroyed at the same time and in the same fashion", as is argued by some? Is it true that President Roosevelt is satisfied that the debts cannot be collected?

In this connection it is interesting to note that the 1932 national platform of the Democratic Party is the statement:

We oppose cancelation of the debts owing to the United States by foreign nations.

The Republican national platform of 1936 announces:

We shall use every effort to collect the war debt due us from the foreign countries.

The people, therefore, it appears, are opposed to cancelation; from which it follows obviously that they are for the collection of the debts.

What are the American people to understand was meant by Neville Chamberlain, then Chancelor of the British Exchequer, when he said back in '32 or '33 that Britain—

Would not pay again and would reject all proposals for swapping or trading.

According to Dorsey Richardson—

Great Britain says that her own war debtors are not going to pay her, and that she loaned much more to her allies than she borrowed from us during the war. We answer that Great Britain got much more out of the war than we did. She had a more vital stake and she came out with German colonies, oil fields, mines. If she made bad loans, that is her misfortune.

These British arguments, and our replies, have nothing to do with the case. Great Britain has made her decision for her own best interest and we must decide what we are going to do about it from the same viewpoint—enlightened self-interest—not sentiment, not fair play, not friendship.

With respect to France, its policy and its obligations to the contributing causes, he says:

The essential fact is that the French people do not feel that they are obligated to pay the war debts since reparations have ceased.

In connection with our consideration of the attitude of France with respect to its payment of its debt to us we may well recall the fact that as John W. Thomas, Jr., says in a recent book reviewed:

The French assistance Franklin secured was decisive in the American Revolution. We may forget this—France never will.

It is also to be remembered, however, by France that the United States paid every red cent of the French loans; we never quibbled, defaulted, or resorted to "token payments", but paid in full and with interest.

Is it a fact that practically each and all and every one of our European war debtors has finally repudiated their wartime obligations to us? It is.

ARE THE WAR DEBTS DEAD?

Is it a fact that the war debts are as dead as Fenian bonds or Confederate securities, as Frank H. Simonds asserts? Is there no way under the sun to get back what we loaned except by going to war? As he suggests, this is precisely

the way in which the debts were first made, which way will not quite obviate American necessity to spend something of its own as the national debts of our debtors show? Is this the only way?

Some say they could pay if they wanted to. To this statement an answer is made by others to the effect that the United States in attempting to arrive at a settlement found itself rigidly limited in its capacity to receive payment by the extent to which it was able and willing to restrict its own business at home or abroad.

The story is told of a song which found favor in a New England village, a song which narrated the adventures of a swain who, having taken the lady of his choice on a sleigh ride, was suddenly confronted by a crisis produced by a runaway. In the words of the song—

He had to let go something,
So he let go the horse.

Uncle Sam, it is alleged, was in the identical fix in the matter of the war debts. He, too, "had to let go something"; in his case, either his debts or his trade. Instead, with one hand he embraced the lady and with the other he clung to the reins. But from such a compromise only double disaster could result.

WERE WE EVER WILLING TO BE PAID?

Others ask if we were ever really willing to be paid. Frank Simonds says:

It was natural and human for the American people to want to enjoy the best of two worlds—the old, which they had lived in before the war; and the new, which they had just entered—to have a comfortable export surplus, an adequate merchant marine, and a handsome income from war debts into the bargain. But the thing just couldn't be done. The country had to adopt the principles of the Manchester school or go back to the rules of McKinley. A creditor nation must run its business one way; a debtor another. The former has to adapt itself to accepting payments in goods and services; the latter can export to its heart's content, as long as it can borrow enough to keep its export surplus going.

Uncle Sam was, then, in the situation of the voter in the polling booth—he had to choose between two tickets; but if he attempted to vote for both, he would merely spoil his ballot. Nevertheless, that was precisely what Uncle Sam did do. And that was why a Republican regime which came into power to the beguiling strains of "Yes; we have no bananas" went out to the appropriate tune of "Brother, can you spare a dime?" And the newly installed Democratic regime will fare no better if it also insists upon collecting debts while refusing payments in the only form in which they can be made.

TRADE TREATIES SCRAPPED WHEN WAR COMES

"Can we trade them in for trade?" asks someone. Surely, I do not know. I do know that with a full panoplied war in progress in Europe all these trade agreements of ours put together will not be worth the scraps of paper on which they are written. Think that over.

Mr. Chairman, if there is nothing we can do about it—and I do not believe that is so—why not tell the people so; why not do something to close the books as a matter of record? If we must stultify ourselves by accepting the repudiation as accomplished by them, let us get it over and behind us. Let us put a stop, someway, somehow, to any further extension of our dilly-dallying policy and dawdling program of doing nothing.

WE CANNOT AFFORD TO FIGHT TO COMPEL PAYMENT

If these debtors of ours cannot pay, which I do not believe is true, or will not pay, which is more likely to be the situation, and we must fight them in order to get our money back, then everybody knows it is, of course, not worth the candle. It would cost us more in lives and men and treasure to enforce our demands than all the countries of the Old World put together and all their debts to us and all their treasures are worth. That may be what they think. That may be just the line on which they are proceeding. Now, right now, is a good time to find out; and then to act accordingly.

WAR DEBTS AND WORLD PROSPERITY

A book was published in 1932 for the Brookings Institute of Economics which was in a sense a synthesis and an analysis of a 10-year searching and nonpartisan investigation of the issues involved in the problem of reparations and other intergovernmental debt obligations resulting from the World War. The book was entitled "War Debts and World Prosperity", and its authors were Harold G. Moulton and Leo Pasvolsky. In the directors' preface appears this statement:

It is hoped that the analysis contained in this book will help to clarify the intricate and confused issues involved. Such understanding is of special importance at the present time when the war debts have again been brought to the forefront of public attention in every important country of the world and when far-reaching negotiations for a final solution of this tragic problem are in progress.

WAR-DEBT CONFERENCE LONG OVERDUE

This is interesting for there are grounds for thinking that another period in the discussion of war debts due the United States is rapidly approaching. We know that official statesmen from Great Britain have visited us, and although they have stated that their visits had nothing to do with the war-debt settlement, we have reason to suspect at least, that the subject is being given serious consideration here, and that we are in communication with England and France with respect to the same, and that further conferences are desired.

NO DISPOSITION AND NO ATTEMPT TO PAY

There is one thing about this situation which is realized and comprehended by the man on the street, namely: That if an arrangement is made which is impractical and cannot be carried out, there will be no disposition, and no attempt to pay. He also entertains the opinion that there will be some countries which under any arrangement which can be made will be disposed to elude, if not to repudiate, their obligations. He does not know how much our debtor countries could or can pay, but he is of the opinion that the war debts should be settled. He does not care so much what the terms are so long as they can be met. On the other hand, you will find that there are very few Americans who are in favor of the cancelation of these debts.

H. Parker Willis, in a recent discussion entitled "Settling the Debts", has this to say:

As to whether there is a possibility of devising some plan of adjustment or cancelation that would be satisfactory to the American people and sufficiently satisfactory to the debtor nations to make the scheme acceptable, any opinion would be founded only upon conjecture, and as such, of little value. As Mr. LeClair expresses it, "Any plan by which payment of the war debts is to be obtained must be predicated on the good will of the debtor countries and their willingness to meet their obligations." This is, undoubtedly, the truth of the matter.

The question is, Will they pay?

From the book by Moulton and Pasvolsky, to which I have previously referred, and which was published by the Institute of Economics of the Brookings Institution, I quote as follows:

The coming of the world-wide economic depression has caused the war-debt problem to emerge more than ever as a dominating factor in the whole international scene. Whatever one's theories as to the depression as a whole, there is an indubitable relation between its causes and the war-debt problem, and an even closer relationship between the process of recovery from its disastrous effects and the continued existence of a vast body of intergovernmental obligations.

The basic economic implications of the war-debt problem are clear. The attempts to collect obligations, resulting not from productive economic developments but from the destructive processes of the war, have only served to impede the restoration of international economic equilibrium and world prosperity. While the obliteration of the war debts would not solve all the manifold difficulties under which the world is laboring, economic analysis leads unmistakably to the conclusion that the restoration and maintenance of world prosperity will be rendered much easier if the disorganizing effects of the war-debt payments are eliminated once and for all.

In view of the fact that we declined to prolong the Hoover moratorium and refused to cancel the war debts, as a consequence of which France and Belgium defaulted, Great Britain and Italy paid one more semiannual installment and then resorted to token payments; and then Congress passed and the President signed the Johnson bill putting countries which had defaulted outright and those making "token payment" on the same basis and Britain and Italy followed France and Belgium and defaulted—in view of the foregoing situation, is it true, as alleged, that there and thereby the tragicomedy of "collecting" the war debt had its final curtain?

THE JOHNSON DEBT DEFAULT ACT

To those who criticise Congress for the passage of the so-called Johnson or Debt Default Act of 1934, under the terms of which the foreign nations that have defaulted their payments on obligations due the United States Government cannot float any additional loans in this country, may I suggest that it is quite possible that this single act is accomplishing as much, if not more, to preserve the peace of the world than all the League of Nations has ever done. You know as well as I do, and nobody knows it any better than the European powers whose ace representatives and diplomats are now here in Washington, that none of them can carry on a major war, or over a considerable period of time, without American supplies; and what is more to the point just now, the purchase of such supplies would have to be financed by loans negotiated in these good old United States. Yes; now is just the time to act to find out what these diplomats are here to try to do, although it is as plain to me as the nose on your face.

DOES THE COST OF COLLECTING EQUAL THE PRICE OF CANCELATION?

Is it true that economically speaking the cost of collecting the debts would equal the price of cancelation, since to be paid the United States must accept goods and services to the value of the debt installments, which means, it is asserted, "letting American workmen stand idle while foreign laborers perform their tasks?"

Where then do our trade treaties come in?

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. PLUMLEY. I will yield for a question.

Mr. GIFFORD. Despite the fact these nations cannot borrow more money under the Johnson Act, have they not shown great ingenuity in the manipulation of the reciprocal-trade agreements?

Mr. PLUMLEY. They certainly have; and I do not think the reciprocal-trade agreements would be worth the paper on which they are written if we were involved in war.

Mr. Chairman, incidentally if you have wondered why Finland goes on paying us her war debt while her larger and wealthier neighbors default, let me answer your questions by saying it is because the people are Finns. It is no economic marvel; the reputation and the character of this people substantiate their bone-and-marrow honesty, their plain and simple integrity, which have made the name of Finland echo like "the clink of a true coin", and are both demonstrated by their undying and unimpeachable loyalty to their honor, their obligations, and their given word.

Great Britain, France, Italy, Belgium, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania have defaulted. Commenting upon this default the Christian Century in an editorial once said:

CANNOT BE SETTLED BY REPUDIATION

All of which cannot but inspire in the private debtor the fervent wish that he might waive aside his own obligations with equal suavity. The other debtor nations simplified their procedure still further. They said nothing about it. Their technique was simply that of those who throw inconvenient bills in the waste-paper basket. All this is not to express an opinion as to whether the debts might not better be canceled, or whether payment might not do us more harm than good, or whether we ought not to admit that it was our war from the start, and that we ought not only to cancel debts but to pay the Allies for fighting for us before we got into it. Maybe so, maybe not. It is only to say that the debts are not settled until they are settled either by payment or by cancelation or by agreement—and that they cannot be settled by repudiation.

THE AMERICAN PEOPLE DEMAND THE FACTS

What the American people demand, Mr. Chairman, and that to which they are entitled, is an answer, definite, positive, and final to the everlasting, always recurring questions:

First. Will the war debts be paid by the debtor countries?

Second. Can we collect them?

Third. Shall we have to cancel them, charge them off, and assume the burden ourselves?

Is there a grain of comfort and common sense for us in an editorial appearing in the Saturday Evening Post on January 16 last, from which I quote:

From the first day that propaganda for cancelation of the war debts began, the Saturday Evening Post insisted that the Allied nations fulfill the terms of the bargains that they had made with us. At the same time, and repeatedly, we warned our readers against the huge private loans, especially those to Germany, that our bankers were floating all over Europe and the Americas.

For several years past we have refrained from mentioning the war debts or urging a settlement, and we are not disposed to ask for payment at the present time. From the stories that have been appearing in the press lately, it can be taken for granted that any sums offered in full satisfaction of our loans will be inadequate and represent only a minor part of those agreed on in the postwar discussions. And settlement of the debts at this time would clear the way for new borrowings, would make possible increased European armaments, and lead toward those business involvements that facilitate our participation in movements to "make the world safe for democracy."

As things stand today, we should say it is the part of wisdom neither to press for payment of the war debts nor to accept a compromise settlement, welcome as the money would be in the face of our own internal borrowings. The debts are just about our best possible form of antiwar insurance, and the law that prevents nations in default from borrowing more money from us until the old debts are liquidated is, in some degree at least, a good thing for the people of Europe. Lack of present easy money and the ability to borrow it in the future tends to hold warlike rulers in leash, and to be of service to those American and European nations that are sincerely opposed to any new wars. Incidentally, it is a little hard to see any gain of any sort if our debtors pay back the old war loans and begin to borrow from us to finance a new war. We should simply be traveling in a vicious circle.

WE WILL NOT BUY FRIENDSHIP WITH BLOOD OR DOLLARS

We must learn to assess European overtures at their true value. Nations are very much like individuals. When they want to borrow, the lender is a fine fellow. When he wants his money, they take the back streets to avoid him. Much as we should like to have the friendship of Europe, we do not want to buy it with blood or dollars.

Only a dumb nation has to learn the same lesson twice. Only a fool businessman believes that there are any profits in war. We are a friendly nation and we want to be a good neighbor, as the President puts it, but there is a limit to being a good neighbor when the man across the way is continually borrowing from one's household stores without repaying and tries to involve one in his rows with the scrappy neighbors on either side of him.

We should go all the way with our neighbors toward peace, but not one step toward war, or helping to finance wars. As long as Europe is headed that way, common prudence dictates that we should keep our pocketbook buttoned up and a strong line of insurance in force.

An accident policy should be written in legislation designed to prevent those incidents that might involve us in a foreign war. A second should be an investment policy, written in terms of the strongest possible defensive program that would safeguard us against attack. And a third might be an endowment policy, with, perhaps, the old war loans as a premium. Though expensive, it might prevent us from further squandering of our substance in other people's wars and assure us a comfortable old age.

THE ROAD TO THE HELL OF WAR IS PAVED WITH PROPHECY AND PROPAGANDA

Let me emphasize the fact with all the seriousness I can command that the price of peace is high, but no price is too high to pay for the lives of our young men. Only dictators, some so-called statesmen, and others safely beyond the reach of bomb and bullet believe that the blood-stained gains of war are worth the cost. And those gentlemen who keep stating in our press that we cannot keep out of a European war should be sent in a body to the front if we are drawn into one. The road to the hell of war is paved with prophecy and propaganda.

Are all these alleged obstacles to final adjudication of the war-debt question straw men, built up for selfish, self-serving purposes, or are they bona-fide reasons why the debts cannot be collected?

Mr. Chairman, in the last analysis are the taxpayers, the people of this country, to have their pockets picked to pay into the Treasury the sufficient sum to wipe off the books the amounts evidenced by loans to our war debtors? We want to know.

If we are opposed to cancelation, are in favor of collection, and we cannot collect and will not cancel, just where do we stand?

ARE OUR DEBTORS GOING TO PAY?

It is high time the people who expect these debts to be collected—and rightly assume from what we have undertaken to do that this can be done—it is high time, I say, they know whether they or those who are our debtors are going to pay. Now is the accepted time for us to find out what these debtors of ours are contemplating and proposing to do in their own interest, if not in ours.

The late Calvin Coolidge gave exact expression to the views of a majority of his fellow countrymen when, with that economy of words and precision of phrase which were characteristic of him, he said:

Well, they hired the money, didn't they?

"IF" AND "WHEN" AND "HOW"

The big little words "if" and "how" and "when" challenge us to action.

When desperate ills demand a speedy cure, distrust is cowardice and prudence folly, said somebody sometime, and we all remember, Mr. Chairman, Shakespeare's admonition:

If it were done, when 'tis done, then 'twere well
It were done quickly.

[Applause.]

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PLUMLEY. Yes.

Mr. LEWIS of Colorado. May I inquire whether the gentleman is familiar with the Arabian proverb, which I believe to be quite apt, to the effect that "The first time he fooled you is his fault"?

Mr. PLUMLEY. I thank the gentleman for his contribution. May I add that they are not fooling me for a minute? [Applause.]

The CHAIRMAN. The gentleman from Vermont yields back 2 minutes.

Mr. COLLINS. Mr. Chairman, I yield 40 minutes to the gentleman from Iowa [Mr. EICHER].

CONSTITUTIONAL INTENT AND JUDICIAL INTERPRETATION

Mr. EICHER. Mr. Chairman and Members of the Committee, ever since the President sent us his message on judiciary reform each mail has brought me requests from newspapers or constituents—as it has to all my colleagues—for a statement of my position on the matter of authorizing an enlargement of the Supreme Court. The need for the application of a reasonable-age yardstick and the cutting of expenses and delays to litigants in the lower Federal courts seems to be unanimously acknowledged. Thus, it is proven that the violent outcry against the President's proposal as it affects the Supreme Court gets its principal impulse from those special interests which want no enlargement of Federal power.

The recent persistent use of the judicial veto—often by a bare majority—to strike down economic and social policy declared by the popularly elected Congress and Executive, presents a challenge to the processes of orderly democratic government that calls for the best thought of which the country is collectively capable. Although my growing concern for its adequate solution had led me during the past several years to give the entire subject intensive study, I did not feel prepared to make an immediate decision on the mechanics of the suggested bill. Without at all setting myself up in judgment on what others in places of official responsibility may have done, it has been my feeling that on a question of such far-reaching importance any legislator would be somewhat hasty if he declared himself categorically as to a specific corrective method right off the bat, be it either pro or con. The instantaneous pros might rightly be under the suspicion of not having fully canvassed the field of alternatives, and the hurried cons of entertaining an aboriginal regard for the mere personnel of the Supreme Court as a "sacred cow."

In arriving at my own conclusions much help has been derived from hearing and reading the observations of other Members and also from extensive reading and rereading of constitutional history. Even though the proposed legislation has not yet been taken up by the House Judiciary Committee for formal consideration, I believe it to be timely and appropriate for me to contribute my views to the discussions. In thus presenting the considerations that are guiding me, I do not expect to influence any minds that are still unsympathetic toward the policies and objectives of our administration, for it is not likely that the bill suggested by the President, or even any reasonable modification of it, would meet their favor. I do indulge the hope, however, that my reflections may be of some assistance to sincere friends and well-wishers of the present Government in resolving doubts that may have been raised by arguments of the opposition.

To begin with, we should constantly preserve in all our thinking the unquestioned premise that the President's proposal is 100 percent constitutional. In this entire welter of controversy no one of any intellectual responsibility has been heard to contend otherwise. As to the number of its personnel, the money to keep it a going concern, the extent of its appellate jurisdiction—in all these respects the Constitution leaves the Supreme Court subject to the absolute discretion of Congress.

The instant suggestion of an expansible membership, using the reasonable and customary retirement age of 70 as the control yardstick, is comparatively quite moderate in its possible effect upon the relative functions of our three departments of government. There is no shock to the Supreme Court either as an institution or as an entity in our triune system. Its majority judgment will continue to determine issues involving our civil rights and religious liberties. Each new Justice will enjoy the same lifetime independence, both in tenure and in salary, as those now on the bench. And the partisan inferences that the appointees of a Democratic President and a Democratic Senate will be less high-minded and patriotic just do not rise to the dignity of sane argument. To be sure, bare majority decisions will still be possible; but if the membership should ever rise as high as 15, it cannot be denied that under the sheer law of averages 8 minds out of 15 are more apt to be right than 5 out of 9, and their opinions should command correspondingly enhanced public confidence.

The proposal contemplates continued and untrammeled exercise by the Supreme Court of the power implied by Chief Justice Marshall to pass upon the constitutionality of all acts of Congress and of the legislatures of the several States. Although it is true that the Constitution contains no express authority for the assumption of such judicial function, my own legal background as an admitted practitioner in the Supreme Courts of my home State of Iowa, of Illinois, and of the United States, would make it extremely difficult, if not impossible, for me ever to subscribe to any of the many plans that have been advanced by increasingly strong segments of opinion, that would substantially curb or perhaps destroy that power, whether it be by statute or by constitutional amendment.

Where I quarrel, however, with the orthodox objectors to Supreme Court reform is in their repudiation of Marshall's supplemental pronouncements laying down the doctrine of unlimited, plenary, and expanding Federal power as the appropriate and intended guide in constitutional interpretation. This repudiation first occurred in the Dred Scott case, which was overruled by the Civil War. It again occurred in the child-labor decision of 1918 and has been repeated frequently since.

The practical result has been that the Supreme Court has usurped legislative power to a degree that would never have been possible had it adhered to the concept of constitutional intent as proclaimed by our greatest Chief Justice. I am prone to think, yes, I know, that had it not been for this departure by our Supreme Court from the landmarks erected by our founding fathers, preventing as it did the people's National Legislature from dealing with our undeniably national problems in a national way, the objectives of the political revolution known as the New Deal would have been attained by a process of more gradual evolution.

The prime problem in the maintenance of our Government as a workable constitutional democracy always has been and always will be the preservation of the fine balance among its three governmental arms that will keep each within its proper sphere and will prevent each from encroaching upon the due prerogatives of the others. As stated by Professor Laski in 1931, Justice Oliver Wendell Holmes exemplified his recognition of the precise place that the judiciary must occupy in upholding this balance by his ability to see that "the intent of the Constitution is always perverted if it is used to prevent the victory of a dominant opinion upon whose behalf the plea of reasonableness can be maintained upon evidence." The existing unbalance, in my opinion, with its resulting irrepressible conflict between the political and the judicial thought of the country is accounted for by the failure of the majority of our Supreme Court to hew to this line of democratic balance laid down by Justice Holmes.

It is to be presumed that all of us, regardless of our party affiliations, adhere to the principle of majority rule. Although there may be differences of opinion as to whether or not the mandate of the last four elections included endorsement of any specific method for accomplishment of the majority will, there can be no denial that the last two elections, at least, are resounding verdicts in favor of the social and economic reforms sponsored by the Roosevelt administration. If natural events in the last 4 years had placed on our Supreme Court several additional minds of so-called liberal philosophical bent, the minority, I take it, would have to agree it was all right and that our constitutional sun would probably still keep on rising each morning. What validity remains, then, in the contention that such a result becomes all wrong if the process of liberalization in the Supreme Court is accelerated by the exercise of a check that the Constitution itself plainly vests in the legislative branch of the Government? Do we not remember the furore raised by the opposition last fall when the President told the country that the economic royalists had in his first term met their match, and that in his second term they would meet their master?

Do we not know now that the charges of openly intended dictatorship implied from these words and heralded across the land by opposing newspapers and orators served only to swell the President's popular majorities? The verdict clearly was for any action within the Constitution that would bring the results the people have demanded. It is unthinkable, for instance, that the majority would have said, "Yes; we want these policies put into effect, but you must wait until enough judges voluntarily retire, even though Congress can constitutionally do it some other way."

So it will be seen I do not share the alarm of some that there will evolve a partisanly subservient or too liberal Court. Rather, in my judgment, the only substantial doubt that surrounds the President's proposal lies in the other direction, namely, in the probability, demonstrated by experience, that the new as well as the old members may feel so controlled by the accumulation of anti-Marshall precedents as to render uncertain the effectuation of the national policies that our administration stands for. Supplementing and following up the President's suggestion, therefore, it seems to me essential that there be a definition in the Constitution of its own intent that will not allow emasculation by resort to hair-splitting logic. I introduced on February 25 a joint resolution (H. J. Res. 248) for the submission of a constitutional amendment that would restore the yardstick used by Marshall. The material language is as follows:

It is declared to be the intent of the Constitution that the legislative powers therein granted shall not be considered as diminished by any implied limitation thereof and shall embrace all powers that reasonably can be implied from the powers that are expressly set forth.

The foregoing language would restore the original meaning of the Constitution. The theory of implied powers that is reinforced in the latter part of the proposed amendment was strongly stated by Chief Justice Marshall in McCulloch against Maryland and has been followed rather consistently, although in its practical application it has been at times unduly limited. The first part of the proposed amendment would restore the principle held by Marshall in Gibbons against Ogden that if a power was given the Federal Government without any express limitations upon it, that power was unlimited in application. In the latter leading case he held the power of the United States over commerce among the States to be both complete and exclusive. It is in their repeated deviation from this principle that the Supreme Court majorities have so flagrantly invaded the legislative field as it was marked out by the framers of our Constitution. Concretely, under such a definition of Federal power, the Supreme Court could not continue to deny the right of Congress under the commerce clause to compel collective bargaining and to set up minimum standards in interstate industry, or under the taxing and spending power its right to make possible effective cooperation in agriculture. Any Justices insisting on such denial would clearly incur liability to the impeachment process.

But as practical men we are forced to recognize that if our administration's economic opposition fights a constitutional amendment in 13 selected States, its ratification can be delayed indefinitely. No demagogic flourishes about letting the people rule can eliminate that inescapable factor. The child-labor amendment, which every free-thinking citizen supports, is daily becoming a more and more glaring example. Resistance by misguided advocates of the superior sacredness of too narrowly defined property rights will continue to delay and prevent ratification of any amendment that would permit effective exercise by either Federal or State Government, of those powers that are now denied by judicial interpretation.

Then there persists the assured prospect that any amendment seeking in terms to extend Federal power to specific fields like agriculture or industry will, through the application of the doctrine of implied limitation of power, suffer emasculation by interpretation at the hands of any judicial majority that may entertain contrary economic or social notions. Certainly this would be true unless the amendment in its phraseology went to the unhappy, unnecessary, and disastrous extreme of complete obliteration of our federated system. The income-tax amendment, for example, confers the power to tax income "from whatever source derived." The Supreme Court majority, however, has already made three or four exceptions, including its own salaries. The following comment by Thomas Jefferson, made while our Republic was still in its experimental dawn, illuminates prophetically the peril to popular government that we now find on our doorstep:

You will have a difficult task in curbing the judiciary in their enterprises on the Constitution. The judiciary, if rendered independent and kept strictly in their own departments, merits great confidence for their learning and integrity. But it now appears we have no law but the will of the judge. Never will chicanery have a more difficult task than has now been accomplished to warp the text of the law to the will of him who is to construe it. Our case is the more desperate as the attempt to make the law plainer by amendment is only throwing out new amendments for sophistry.

The Constitution as it is contains all the essential powers to keep us a workable democracy. That is why I believe the only amendment needed is one that will so unmistakably define its intent that an overriding Court would be guilty of judicial sedition.

So the cold, hard fact must be kept uppermost in the thinking of all of us that it is a "condition and not a theory" with which we have to deal, and the citizens of America need to face it as practical men and women. The masses want old-age and retirement security, sound banks of deposit, living wages and decent working conditions, appropriately graduated for women and children, living prices for the products of their toil—in short, they want to stop getting poorer while the rich are getting richer. Unless the downward trend of the early thirties remains reversed, the Bill of Rights will "become as sounding brass and tinkling cymbals", and all the supreme courts in the world cannot preserve it. That is the stuff of which dictatorships are

made—not of executive or legislative power freely given at the ballot box by a thinking people. In my section of the country, if hogs again go to 2 cents and corn to 8 cents, will a continued denial of Federal power over a Federal problem remain popular medicine? Or will law and the courts again tremble from mob manifestations as they did in our own northwest Iowa? Do we want to go back to the business, social, and general economic conditions as we all knew them—in fact, experienced them—in 1932?

The concern felt by some Democrats that this legislation involves a departure from the party's traditional position on State rights I do not share. Jefferson contended for greater reserved authority in the States because he considered this would best serve the economic welfare of the common man, and in his day that was true. The slave power in the generations preceding the Civil War resisted the expansion of Federal power under the interstate commerce clause to prevent Federal interference with interstate traffic in slaves. Now the concentrated economic power of the country, greater than many of our State governments, and wielded largely with other people's money, resists the expansion of Federal power for the same economic reasons as did the slave-holding interests in the ante-bellum days, and by the same token the salvation of the present-day economic slave can come only through the one remaining authority that his masters fear and respect. The Supreme Court majority has been no protagonist of the theory of reserved power in the States in their capacity as units of sovereignty. It has repeatedly placed stifling construction on such claims. It is only at the behest of private interests, seeking to defeat the exertion of effective Federal authority, that it has enlarged the implied reservoir of exclusive State initiative.

An exception that proves the rule occurred last Monday, when, in the Washington State minimum-wage case, the majority came up to the mourner's bench and pleaded guilty to a half dozen larcenies of State legislative power. Less than a year ago in the New York wage and hour case Justice Roberts was the fifth mind comprising the majority to deny the right of State government to humanize working conditions for women in industry. Three days ago he changed his mind and became one of the majority to uphold that right. Could a king's power over the lives and fortunes of millions of women workers be more absolute? One need search no further for the dictator that opponents of court reform picture as hiding under every bed.

This last majority opinion justifies its reversal of the Adkins decision of 1923 by the plea of changes in economic conditions—verily a confession out of its own mouth that it was "legislating" in 1923 instead of keeping within its constitutional bounds of "declaring the law." Thus we have a persuasive example right at hand of how one human mind can and does amend our Constitution at will. But Justice Roberts' penitent lifting of the due process ban on State power by no means meets the national call. Unified State action by the compact method to solve the national problems facing agriculture and industry is simply impossible of achievement. Even the "hot oil" troubles of the Southwestern States are too big to be taken care of by cooperative State action.

So, to my fellow Democrats I say that it all depends on whether you want to continue shouting a vain shibboleth, or whether you want to fight for restoration of the substance of a constitutional democracy—a substance that will consider the man before vested property—that will indeed promote the greatest good of the greatest number.

Nor am I concerned over any specific legislation that may come up for enactment or reenactment in Congress if a loose-constructionist Supreme Court should be in prospect. I voted for the A. A. A. as an emergency measure, believing it to be within the intent of the Constitution. I voted against the Bankhead Cotton Act and the Kerr Tobacco Act because of their compulsory features and my conviction that attempted stabilization of price by a policy of limitation of production was not a permanent or sound solution of our agricultural problem. Under my present lights I would do so again, for I believe the majority of the people in my district agree with me. At the same time, my conviction is no less firm that the welfare of agriculture is a national problem, which our National Government should have ample authority to deal with in accordance with the will of the majority of our citizens. The people's Congress, that the majority has the power at the ballot box to elect or reject, should have the right, by a process of trial and error, if need be, to discover and enact the policies that, in the opinion of the majority, will best serve the general welfare, and that right should not be circumscribed to the point of negation by a judiciary that under our system is entirely without accountability or responsibility except its own "sense of self-restraint."

Much to-do is made that it is intended to reenact the N. R. A., and that even six new judges would not help. It is true that N. R. A., as applied to localized business, was held unconstitutional by a unanimous Court, and rightly so. But as applied to basic key and mass-production industries, enjoying Nation-wide markets under the freedom of the interstate-commerce clause, I am convinced that Federal provision for collective bargaining, minimum wages, maximum hours, and decent working conditions would not be held unconstitutional by a unanimous Court, although a bare majority of the present Court has done so. The House recently voted to extend to the coal industry governmental cooperation in interstate commerce in maintaining cost-of-production prices to remedy the chaos resulting from cutthroat competition. The same cooperation must sooner or later be given agriculture to overcome the chaos caused by cutthroat speculative price fixing of the farmer's products; and a revival of N. R. A. principles that will accord equal consideration to agriculture and to industry will have my enthusiastic support.

The sum of the whole matter, it appears to me, is that the country is forced to make a choice between yielding to a judicial dictatorship and a resulting indefinite period of stagnation and impotency, in fact, paralysis in Government, on the one hand, and administering, on the other hand, a corrective shock, not to the Supreme Court as an institution but to the combination of human minds that by the mere accident of time happens to comprise it just at this most critical juncture in social and economic relations, both at home and abroad.

The shock involved in the President's proposal is minimized by its establishment of a permanent system of voluntary retirement and a permanent method for offsetting the refusal of eligible Justices to take advantage of it.

At the appropriate time in our deliberations I believe consideration might profitably be given to the possibility of strengthening the President's plan by providing for automatic stabilization of the Court's permanent membership at an agreed number, possibly 11. A top limit in emergency appointments seems unnecessary since their number is automatically determined by age. Such stabilization would permit future emergency increases if members stay on after reaching the voluntary retirement age. The number "11" is suggested for permanent membership because it would distribute more widely the single feature of Supreme Court work, namely, the writing of opinions, that now produces excessive strain, and would make it possible to handle less important cases with a quorum of seven. This would furnish additional time for the preparation of opinions and would not interfere with the unity of the Court. I make this observation with diffidence in view of Chief Justice Hughes' recent advisory opinion, but it is to be noted that he failed to mention the complete regulatory power over appeals given by the Constitution to Congress. Furthermore, if his opinion is correct, then the Supreme Court of my home State of Iowa has for years been acting unconstitutionally, for there, too, judicial power is vested in "a supreme court", and yet it works in two divisions, with provision on proper showing for rehearing before the full bench.

I wonder, also, if there has not been an unfortunate misapprehension as to the relationship between the age of Justices and the problem to be solved through retirements or collateral appointments based on age. The problem of age is one that develops collectively from the duration of tenure. Every time a great change in political thought produces a corresponding change in political control of the National Government, the Supreme Court because of lifetime tenure lags behind the legislative and executive branches. The result is a stalemate in the functioning of democratic government due to the Court's control of one generation with the thought processes of the preceding generation. There is probably not a single case of individual unfitness due to age among the present members of the Supreme Court, but the problem of tenure can most fairly be solved on the basis of age. The 70-year limit, therefore, is simply a protective device to enable each generation to rule itself. It is a control measure, not a yardstick on individual fitness. If this were more clearly understood, there would undoubtedly be less resentment among members of the Supreme Court and also, perhaps, among some Members of the House and Senate. Such a protective device is the simplest, fairest, and least disturbing possible under the Constitution, and would so appear to everybody if it were possible to detach the proposal from the effect it is expected to have upon the interpretation of constitutional intent as to Federal power.

No open mind can honestly be alarmed over the cry of "dictator." The President can appoint no man to the Supreme Court without the consent of the Senate and can exercise no control over the Justices after appointment. His basic purpose is to restore power to Congress which has been taken away by the Supreme Court. Thus he would strengthen democratic processes against the real threat of dictatorship, which lies in popular revolt against a helpless government.

Again, the President's plan does not create an appointive power which might be misused by some other occupant of the White House. It creates no precedent, although it strengthens those set up by Adams, Jefferson, Jackson, Lincoln, and Grant. Everything that is now being said against changing the number of Justices was said and better said in the debates on those occasions. The plan establishes an orderly process, if modified so as to provide for automatic stabilization at a lesser number than 15, which would be available to any administration. Should a reactionary administration come into power, it would not need a reactionary Supreme Court in order to tear down the New Deal and turn the country over to predatory interests. That can be done by mere repeal of laws. Any government that is satisfied to "ride the waves" is neither hampered or helped by the attitude of the judicial department.

After all, is not the basic question just this: whether five Justices, hold-overs from a past generation, shall be permitted to ruin the second Roosevelt administration, and ruin the country as well, by binding the National Government in a strait jacket, with no constitutional question involved except that five Justices say the Constitution means one thing, three Justices equally learned say it means the opposite thing, and the Chief Justice himself hears his own words come rumbling from the past: "We are under a Constitution, but the Constitution is what the judges say it is."

In conclusion, let me say, therefore, that, entertaining the convictions that I do, I shall wholeheartedly support the President's proposal. I believe its adoption will help restore our governmental balance, without which our country cannot remain a workable constitutional democracy. At the same time, and as a supplemental remedy, I think there should be submitted to the country an amendment that will eliminate all question of the Constitution's intent on this great issue of Federal power under our dual sovereignty system and that will assure interpretations permitting the majority's will to prevail in the solution of social and economic problems which are national in their character and influence. [Applause.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, it is customary when one takes the floor for 10 minutes or any longer time that he have an opportunity to think over the particular things he wants to talk about, and a great many Members of the House feel as though they should have a prepared speech on such occasions. Not belonging in the category of a speech maker, I sometimes feel that we humble servants of the people, if we talk from the heart and speak of the things we have in mind, sometimes may do just as much good, provided we discuss them from the angle of trying to be of some real service to our country. This is the way in which I prefer to talk to the membership of the House.

On Thursday last I called attention to the fact that the gentleman from Virginia [Mr. WOODRUM], the spokesman of this administration, was going to take the floor of the House and that he would at that time no doubt give us some sound advice.

I was somewhat perturbed because of the fact I have been placed on the subcommittee having in charge the Interior appropriation bill, and they have housed me up in a corner of the Capitol now to serve the Appropriation Committee, and I cannot be on the floor quite so much. I feel rather bad about this, because I enjoyed the association with the Members of the House on the floor and I always liked to be present on the floor to see what was going on and to take any part I can. However, the duties of this committee assignment are such that it is necessary for me to be out of the Chamber much of the time, to my regret.

However, the main issue involved in the speech of the gentleman from Virginia I think should be enlarged upon at this time, and I am very sorry that the gentleman is not now on the floor at this moment; he was here a few minutes ago. I sent word to him that I was going to say something about his speech, but I would 10 times rather talk to the gentleman in person than I would to talk here on the floor when the gentleman is not present. I have always taken the position that if I had anything to say about a Member of Congress or any individual I should say it to his face and not behind his back. I believe if we would do this we would always have a better understanding, and in the end much more would be accomplished. Honest criticism is good for anyone, and if we can criticize a person with respect to the promises he has made or the things he has done, in an effort to get him to change his course, we may be of service as representatives of the people.

I desire to call your attention to the remarks of the gentleman from Virginia, in part, when he was speaking of the wonderful work he considers the President of the United States has been doing. The gentleman is a loyal supporter of the President, and is a man who believes in a great many of the things the President has done. Sometimes I question whether he believes in everything that is being done by the administration. The fact of the matter is, if I were to pass judgment on that, I would say that he does not, but being a loyal supporter of the administration, the gentleman feels he should do those things that his boss tells him to do, and by his remarks the gentleman has well stated that fact.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. PHILLIPS. I would like to ask the gentleman whether or not his remarks are calculated to make the President or the gentleman from Virginia [Mr. WOODRUM] change his course.

Mr. RICH. I want to change the course of the gentleman from Virginia [Mr. WOODRUM] because he is an administration spokesman, and I want to change the course of the President of the United States, but most of all, I want to change the course of Members of the Congress who, Mr. WOODRUM states, get their orders from the Chief Executive of the United States and do his bidding, and I will show the gentleman that he made that statement, because this is simply leading up to the fact that the administration spokesman states you are nothing but rubber stamps. But he makes that only in an insinuation that the President is the one whom you should support and who should tell you what to do. I personally do not think so if you are intelligent enough to think for yourselves. And I think you men ought to have

minds enough of your own to do those things which you in your own individual capacity think ought to be done. Mr. WOODRUM says:

We should speed to the task of achieving another objective which has been delayed of necessity, and that is the one that calls for a more even balance between our income and our public expenditures.

In this I heartily agree.

Then he goes on to make some other statements in reference to the President of the United States. Mr. WOODRUM, so far as the administration is concerned, has given you a mighty fine address, and I do not want to detract from that, but I want to impress on your minds your responsibility. He says further:

I do not believe that we shall ever again approximate the cost of government which we had a few years ago; so if any of us are so optimistic as to look forward to the day when we shall be back to a $1,000,000,000 Budget again, forget it. That cannot come, nor should it come.

You Members of Congress know, and I realize, that possibly we will never get back to a billion-dollar budget, and I question whether we ever ought to get back to it, because the expansion of government is becoming greater and greater each year, but I want you to think of this: We are operating on an $8,000,000,000 budget—eight times the amount that Mr. WOODRUM suggests as the administration spokesman. Who is responsible for our being on an $8,000,000,000 budget? I say this administration. Do you say that you have no responsibility for that? Does any Member of Congress say that he is not responsible for the expenditure of Treasury funds to the extent of $8,000,000,000 annually. Gracious goodness! We have not only expended $8,000,000,000, but last Congress appropriated more than $10,000,000,000. I do not want to do any prognosticating here as to what Congress will do, but I tell you that you are on the road to appropriating at this session of Congress more money than you appropriated last session of Congress. Is not that a serious situation? Is not that something for you and something for me to consider as individuals?

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. RICH. Let me go on with the gentleman from Virginia. If I am going to get a few minutes only, I have to complete this statement of the gentleman from Virginia. He says that you gentlemen are supposed to walk to the tune of the President of the United States in anything that he says. I yield.

Mr. GREEVER. I agree with a lot of the things that the gentleman has said, and I ask the gentleman if he does not think we have expanded too fast with a lot of these facilities of government and brought on an expenditure of a lot of money that ought to be cut out by cutting out certain of these agencies that have been extended in the last few years.

Mr. RICH. I say to the gentleman from Wyoming, for whom I have the greatest respect, that he is absolutely right. He senses the situation that the expansion which we have started out on has come to a point it should not ever have reached. We developed that in the hearings this morning on the Interior Department appropriation bill, where the expansion goes on each year and adds greatly to our expense annually, causing the Federal Treasury to become more and more burdened each year by the propositions that we have launched.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COLLINS. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. RICH. Let me complete this first. It is a hard thing for me to stand on the floor and think and make a speech. If we were sitting at a table I could talk all day.

Mr. PIERCE. The gentleman does not need to offer any excuses.

Mr. RICH. But the expansion of the various proposals that we have entered into create a greater demand upon the Federal Treasury. Where they are self-sustaining, where they will help pay their own costs, I am for them, and I shall go with the gentleman from Wyoming, or any of you men, to the limit in advancing money to establish a proposal that is going ultimately to revert to the interest and welfare of the American people, where it will make for the more abundant life, but where it is not going to be self-sustaining after we have it established, where we establish proposals that are going to be a continuous drain on the Federal Treasury, then I think we ought to do our best to curb such proposals, something I know the gentleman from Wyoming will be only too glad to do. We should use great care in the things the Government is responsible in advancing; they should benefit the whole people, not sections, not classes, not any individual.

Mr. PIERCE rose.

Mr. RICH. In just a few moments, and then I shall yield. Mr. WOODRUM said:

What has this man in the White House done? Name an act that he has done.

He speaks there of anything that he did that is not consistent with good business policy, and the best way for me is to suggest some of those things that the President of the United States did that I do not agree with altogether, even in the time of emergency. We claim now that the emergency is over, and I think we should get back to some of those sound fundamentals of government. Here is one statement that I want to take exception to in the address delivered by the gentleman from Virginia, and I want you men who are Representatives in Congress to get this point:

No criticism or no aspersions today, no matter where they come from, can dim the lustre of that service. The people of America trusted him in 1932, and, thank God, they did not trust him in vain. They continued to trust him in 1934 and again in 1936, and in 1937 the people of America looked for continued leadership, not in Congress, not in any other branch of the Government, but in the White House of this Nation.

That is the statement I take exception to. That is the same statement that was excepted to by one of the Members on the floor of the House of Representatives. Let us give the President of the United States all credit for anything he has done and has been able to do to relieve suffering and to make this a better place in which to live. I want to do everything that is possible to that very end, but I must of necessity call your attention to the statements that were made by the President of the United States several years ago. We will come back then to the question that is now being very seriously considered by the gentlemen in the other branch of Congress, who called the leaders of the House of Representatives to come over to the other side of the Capitol and talk over the tax situation, because the tax bill that was passed last year, that iniquitous tax bill disbursing incomes that has tended to tear down industry, and has not produced the revenues they thought were coming from it when they imposed it on the people of this country. It is falling short over $100,000,000. So it has caused the chairman of the Finance Committee of the Senate great worry. Rightfully it should. It ought to teach the chairman of the Finance Committee of the Senate and members of the Ways and Means Committee of the House of Representatives that they should change that iniquitous tax bill. It is a detriment to any corporation, and a loss in taxes, and an injury to the common sense of sound-thinking men. Understand, I am in favor of taxes in proportion to the ability of the people to pay, but I believe we should make tax bills that are not going to tend to wreck the business institutions of this country, and that they should change those features and put the income tax in the proper form that the more a man makes the more he ought to pay. That is sound and sensible, and I am for it in every way possible.

I am first for economy in our Government spending before I am for more taxes.

Let me call attention to what the President of the United States said about taxes:

I shall use this position of high responsibility to discuss up and down the country at all seasons and at all times the duty of reducing taxes and of increasing the efficiency of government and of cutting out the underbrush around our Government structure and of getting the most public service for every dollar paid by taxation. This I pledge you, but nothing I have said in the campaign transcends in importance this covenant with the taxpayers of this country.

That statement was made by Franklin D. Roosevelt in Sioux City on September 29, 1932. I could give other quotations just as sensible, but the President of the United States has simply forgotten the matter of taxation when it comes to spending. Mr. President, you must economize to make your previous assertions good. Why do not you do it? You know he was born of rich parentage. He has inherited a lot of money. If you look at his record in New York State he made an awful blunder in the spending he did in New York State, and they have been burdened ever since. Then he came down to the Capital, and he is doing the same thing in Washington. We have to change that course. So I criticize in a friendly way to get him to do it. We want to get the President of the United States to understand that he cannot make a statement like that and then go back on it. I like a man who says a thing and then means what he says.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield now to the former Governor of Oregon, a man whom I like very much.

Mr. PIERCE. I sympathize much with the gentleman from Pennsylvania, but it is one of the hardest things on earth to cut down these expenses. I would like to have something specified by the gentleman, who has given so much time and thought to this subject. As I have stated, I firmly believe he is one of the Members of this Congress who has done more than anyone to constantly keep this before the Congress. Specify where.

Will you cut down relief? In face of the present world condition, are you going to cut down the Army, the Navy, and the airplanes? Are you going to cut down the activities of government? Nobody would complain more than our colleague from Wyoming [Mr. GREEVER] if you cut down irrigation. Where are you going to start in?

Mr. RICH. I have been asking all the time, "Where are you going to get the money?" Now the gentleman wants to know where are we going to cut down expenses? [Laughter.]

Mr. PIERCE. Yes.

Mr. RICH. I am glad to have the opportunity. That is what I expected the gentleman from Virginia [Mr. WOODRUM] would do, but the gentleman from Virginia only casually referred to it. That was my disappointment in his speech. The gentleman from Oregon has asked a sensible question, "Where are you going to do it?" When the President of the United States took office there were 11,000,000 people out of work.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. RICH. I am answering the gentleman from Oregon, and it is going to take quite a while. [Laughter.]

The President of the United States says we are going to spend millions of dollars to prime the pump. Instead of spending millions, the President of the United States has spent over $16,000,000,000 to prime this pump, and where have we gotten to? According to the records of the P. W. A. census of unemployment, on January 15 we find there were something over 6,000,000 people out of work.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. RICH. Thank you. The last of February Mr. Green, of the American Federation of Labor, said there were 10,041,000 out of work. Now there is only a difference of a million people who are employed today more than there were in 1933.

So we see that on the basis of spending $16,000,000,000 and putting only 1,000,000 people back to work in industry, we are going to require a great number of years to put them all back to work, and I am afraid Mr. Roosevelt will not then be in the White House. Besides that, we are going to have this Nation so far in debt that it will be wrecked. It will never survive the present rate of spending.

Mr. PIERCE. Yes; but answer the question.

Mr. RICH. I want to show the gentleman what his party has done.

To get the people back in industry, the first thing we must do is to regulate mass production so that the people will be placed on the pay rolls of industry rather than on the pay rolls of the Government of the United States. When a person talks about regulating mass production, the first thing he hears is, "Oh, you want to go back to the pick and shovel to do work the steam shovel should do." That is the first thing they talk about. It is really silly to me when that attitude is taken. The first thing, then, you say, is that you are going to try to hinder advancement. Well, we might have to retard a little advancement just for a short time; but let me make a few observations about the N. R. A. When we established the N. R. A. in order to eliminate child labor and in order to secure minimum wages—I advocated both these aims in the first months I came to Congress in 1930—do you know, Governor, that I went down to the labor temple to try to get support? I talked to these fellows down in the labor temple, but there was not one man in sympathy with it. The men who opposed that were the labor leaders of this country. Think of it. Now they are gradually coming back to agree with us. The only representative of labor—and I give credit to that gentleman and take off my hat to him—who favored the minimum wage and abolition of child labor was Mr. Stewart, then the head of the Government Employees Union. That man said, "I am for it." He was the pioneer of the labor element that was for the elimination of child labor and for the adoption of the minimum wage, more particularly the minimum wage.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. RICH. I cannot. I must answer the Governor's question or the Governor will think I am trying to sidestep him, and I do not want to do that. [Laughter.]

Let me give you a little illustration drawn from personal experience, Governor. In my business as a textile manufacturer they use automatic looms. They are of such a nature that one operator can operate as many as eight looms, and one operator does operate eight looms. This could be regulated. We could go back to the time when we had one operator on a loom. That for a limited time. That is a specific instance, and we have many parallel in the textile industry. The manufacturers and the business people of this country are alert to conditions to save expenses and you cannot blame them. We let them go ahead. If they spend the $1,800 or $2,000 additional for an automatic loom, the cost of the machine to the manufacturer is a mighty good investment because he can cut down his overhead and this saving in 4 or 5 years will pay for the looms. But at the same time it will decrease the number of employees by 25 or 50 percent, or maybe 75 percent. This is just one item to place hundreds of people on the pay roll of industry instead of on the Government pay roll.

If we put into the hands of the Labor Department the matter of controlling automatic machinery, much as I do not like the things Miss Perkins is doing I would say for goodness sake let her have that to do. She would then have a job that she might be able to do and I feel sure it can be done if enlarged upon to a successful conclusion of employing the unemployed.

Mr. PIERCE. But the gentleman does not think for a minute that that would take care of any considerable percentage of the unemployed, does he?

Mr. RICH. Oh, gracious goodness! That is only one infinitesimal unit. The illustration I gave from the woolen business is less than one-tenth of 1 percent of the things she could do in that field.

Mr. PIERCE. When you cut down the billion and a half relief bill that the gentleman and I have got to vote for or against in a few days——

Mr. RICH. A billion and a half?

Mr. PIERCE. Yes; a billion and a half.

Mr. RICH. Gracious goodness. Governor, they are going to come here with a request for $4,000,000,000.

Mr. PIERCE. No.

Mr. RICH. The gentleman is behind the times. The gentleman has already voted $1,000,000,000, or at least $789,000,000, this session.

Mr. PIERCE. They will be back for a billion and a half. Now, when you cut that down——

Mr. RICH. You are behind the times, Governor; they will be back for several more billions out of this Congress for relief.

Mr. PIERCE. If we cut that down how are we going to feed these people?

Mr. RICH. When I was a little boy back in the country my father said to me: "Robert, if you want to do something get out and work." He said: "Work long hours and save part of every pay check. If you do that you will be able to get ahead." This administration, however, has told people that they do not have to work, that the administration would pay them large sums of money to sit down or run around and enjoy all the privileges there are in life. Now, we cannot continue going on that scale; it must be curbed.

Mr. PIERCE. The gentleman has not yet answered my question; he is not specific.

Mr. RICH. The gentleman does not give me time.

Mr. PIERCE. But I want the gentleman to tell me how he is going to cut down on these things. I want him to be specific.

Mr. RICH. Does the gentleman want to know what I would do? I would cut it down to the very limit. I would make it $1,000,000,000 or $1,100,000,000 instead of $4,000,000,000; and then I would put the handling of this money back into the local communities.

Take in your district, the local people know the conditions and they know what your people actually need. They can take care of themselves. They know who want to work. They know how much is necessary to live on. The local fellows have the picture of the people before them and they will do what is necessary to see that they are taken care of. The trouble with this administration, as it has been handled, is they want to pay them more than industry can afford to pay in lots of cases. I am not speaking so much of the North as I am down South. You live in the North and we do not want those fellows down South to know this—this is a joke. If you will look at the record sent to you by Miss Perkins the other day, in which she gave the price of common labor, the minimum they pay in the North is 25 cents for common labor and it goes as high at 80 cents. Down South it is 11.1 cents up to almost 25 cents. Think of the difference between what they are getting down South and what they are getting up North. Then they holler and criticize us up North because we are not paying people what they claim these people should be paid. It is awful when you think about the vast difference between the North and South in payment of labor. I thought all of those differences had been overcome, and it should be nearer than that.

If we are going to take care of these people out of the Federal Treasury we ought to leave it in the hands of the local people and not let Mr. Hopkins lay down a price that should be paid to the people of the South and the people of the North. Up North they go higher than is the case with the people down South. Why does Mr. Hopkins set such high rates so the Government has to take care of those people down South? They are good, honest, conscientious people and will be taken care of in a way in which they ought to be taken care of. Mr. Hopkins does not know a thing about it. He pays more for relief than southern industries can pay; thus they want to be on relief and not work in their chosen fields of endeavor.

Mr. PIERCE. Is not the gentleman well aware of the fact that the local people can be imposed upon more easily than an outsider who may control the district and who is not acquainted with the personal cases?

Mr. RICH. No, no; a thousand times no.

Mr. PIERCE. The gentleman would if he had any experience in an executive office. He would know if he wants anything enforced he would have to send an outside man, and the outside man would come nearer getting it done than a local man, who may be influenced by local opinion.

Mr. RICH. There is some merit in what the gentleman says. But these outside men do not know the conditions. The Administration is putting politicians in there—that is the trouble. If they would stop this placing of politicians in those jobs and would get businessmen in there, men who know the conditions, men who would know what they were talking about, God only knows we would get some place. But take up in the State of Pennsylvania. They talk a lot about Penrose and how things were corrupt politically up there when he was in power. If you know anything about the men they call Guffey, Earle, Kelly & Co., you would know how rotten things are run in Pennsylvania politics today. Such corruption has never existed in the State of Pennsylvania before. It is more rotten than it has ever been. That is the trouble with administration of relief. [Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, I want to say at the outset the thing I contemplate doing tomorrow when this bill is read for amendment is one not at all to my liking. May I also say that I have the deepest respect and the highest regard for the gentleman from Mississippi, the chairman of the Subcommittee on Appropriations having to do with the District of Columbia. In anything that might be done tomorrow in an effort to delete certain provisions from this bill, if it should occur to any Member that anything I do or any other member of the Committee on the District of Columbia should do, is an attempt to reflect upon the chairman of that subcommittee or the subcommittee itself, I take this opportunity of advising the membership that that is the farthest from the minds of those who will probably raise some points of order against this bill. Many parts of this appropriation bill contain legislative provisions and attempts to change existing law. Many parts of the bill, in my judgment, are subject to points of order. I am a member of the legislative Committee on the District of Columbia. I think there is probably not a Member of this House who will not agree with me that that in itself is not a very desirable position. But since I am a member of that committee, I want to do those things which impress me as being the proper thing to do.

It is the duty of that committee to provide by legislation for the legislative needs of the District of Columbia. There has recently been submitted for the consideration of this Congress a report known as the Jacobs report, which is a very voluminous document and on which I think there was expended some $50,000 by those men who compiled the document. In it are contained many suggestions which would change the fiscal relationship of the Government of the United States and the government of the District of Columbia. In it are contained many suggestions for legislative change and many suggestions for change in the system and mode of taxation within the District of Columbia.

The chairman of the Committee on the District of Columbia at the opening of this session of Congress appointed two subcommittees, one to be a legislative committee and the other a tax committee, each committee to study those two subjects in this Jacobs report. These committees went to work. I was appointed chairman of the subcommittee on the legislative branch and the gentleman from Maryland [Mr. KENNEDY] was appointed chairman of the subcommittee on taxation. Between ourselves we agreed that probably the problem could be best met by sitting in joint session. So those two subcommittees sat in joint session for the consideration of these matters.

After some 2 or 3 weeks we concluded that the problem of legislation and the problem of tax reform was so closely related that they were problems which should be treated as one; therefore, we recommended to the chairman of the District of Columbia Committee that those two committees be recalled and that a new subcommittee be appointed and set up to consider the Jacobs report as one committee.

This was done, and the gentleman from Maryland [Mr. KENNEDY] is now chairman of the subcommittee. It is the very function of this subcommittee, which has been for a long time holding hearings, to determine, first, what shall be the fiscal relationship between the Government of the United States and the government of the District of Columbia, and second, whether there should be legislative changes or legislative reforms enacted to carry out the conclusions reached by this subcommittee.

By reason of the fact that it is our job to do this, we are rather jealous of the privilege of doing it well or poorly, as the case may be; and we do object to the usurpation by the Subcommittee on Appropriations for the District of Columbia of the power which is rightly and properly ours. Certainly no one will say it is within the province of a Committee on Appropriations to pass legislation as such.

Many of the provisions contained in this bill are splendid provisions. Many of the provisions of this bill which are legislation, and to which points of order will be directed, in my opinion are very good pieces of legislation. But is it the orderly, the proper way to approach the problem? Thinking that it is not, I think it is clearly the duty of the legislative committee for the District of Columbia to determine what legislation shall be presented to the House for consideration.

As I stated at the outset, I shall direct points of order to many portions of this bill. I take the floor today only for the purpose of pointing out to the members of this committee that the purpose in so doing is not to pick a quarrel with the Committee on Appropriations, it is not to look askance at the able members of the subcommittee, who have done a wonderful job on this appropriation bill and who have worked hard on it, but so that it cannot be said we are making the points of order for a single reason other than that since the committee of which I am a member has been given a job to do, we insist on being privileged to do this job.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. TABER].

THE LABOR CRISIS

Mr. TABER. Mr. Chairman, for a long time those who are sincerely interested in maintaining the American form of government and American liberty have become increasingly disturbed. For the last 2 months there has been an epidemic of labor unrest.

No one in America objects to the workingman joining a labor union if he wants to. No one objects to the labor union bargaining for its members with employers if the employees want to do it that way, but when it comes to the point where labor indulges in sit-down strikes in buildings owned or occupied by the employer and the court orders their eviction and the Governor, as in Michigan, refuses to aid the local authorities in enforcing the law, and the President of the United States by his silence approves that failure, then we have reached a pass in the processes of evolution where there is no government. With such a situation as this it is absolutely impossible to expect private capital to embark upon new enterprises to provide for an increase in the demand for goods and to place the people of this country at work.

When similar situations arose in Indiana, Governor Townsend maintained the government and stopped them. When similar situations arose in the State of Connecticut, Governor Cross maintained the government and stopped them. When similar situations arose in Auburn and Lewiston, Maine, Governor Barrows maintained the government. Likewise, the Governors of New Jersey and Illinois arose to the occasion when these situations arose in their States, and all of these men are to be honored for their action in maintaining the government in their respective States. The people demand that the government be maintained.

Imagine Grover Cleveland or Woodrow Wilson sitting by with such a situation!

The spending program, the tax program, and the regimentation program of the administration have held back recovery and the placing of people at work for at least 3 years. Now the failure of the Government itself is holding back the progress of recovery.

It is apparent that the Chief Executive lacks the courage, the character, and the patriotism to maintain the Government and to enforce law. Such outstanding labor leaders as the president of the American Federation of Labor, Mr. Green, have denounced this violation of the law as a step which was detrimental to the progress of organized labor. Such performances have been prohibited and stopped in Great Britain. Such performances have been prohibited and stopped even in France, but here in America we must hang our heads and say that we have no government.

The only possible result of the continued failure of the Chief Executive to maintain the Government is the destruction of private industry and the establishment of socialism or communism, with an absolute dictator.

Such a dictatorship means:

First. A fixing of the price and the hours of labor by the dictator.

Second. It means a lowering of the wage standards of America, due to the inefficiency of the socialistic or communistic form of government which must be adopted.

Third. It means an end of the freedom of the workingman and an end to his right to collective bargaining or individual bargaining for his own labor.

It means the enslavement of the American people.

God grant that there may be instilled into the American people a realization of what is being done to them and that they will rise in their might and by their demands for Executive and legislative protection of their liberties bring about a restoration of ordinary processes of government and an opportunity for private industry to continue and the workingman to retain his liberties. [Applause.]

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MAY. Does the gentleman know of any country in the world today under a dictatorship which has not as its first major move taken away from the average workingman and the poor class of people every one of their rights?

Mr. TABER. They have all done it. In Germany and Italy this has been pronounced. I understand, although I am not so familiar with the history of it, in Spain it has been pronounced.

Mr. NICHOLS. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. BRADLEY].

Mr. BRADLEY. Mr. Chairman, in the past few days quite a few remarks have been made in this Chamber about the sit-down strikes. After listening to the addresses of some of the Members of this House, I have come to the conclusion their solution of the sit-down strike problem would be for the Governor of the State of Michigan to send the armed forces of that State against the men who are striving to improve their condition of livelihood.

Very little has been said concerning the evils which have been responsible not only for the sit-down strikes but for every other strike in our industrial system. Last week a gentleman from Michigan in the course of his remarks on the floor of this House mentioned the General Motors Corporation. I asked him if he was in a position to inform the House as to the capital structure of the General Motors Corporation. He stated he was not, but that in his opinion this feature was of little importance.

I think it is of a great deal of importance. I think the capital structure of these corporations, the manner in which they have pyramided their stocks, the load which they have placed upon the back of labor, the fact the Congress and even the Supreme Court of the United States when the Congress has attempted to protect the worker have evaded responsibility, permitting the worker to be exploited by the gigantic corporations, are of paramount importance.

Take as an example the Chrysler Motor Corporation. The root of all the difficulties which beset this country today lies in the fact we have allowed our corporations to pursue a course which concentrates the wealth of this country in their hands.

The Chrysler Corporation, when it was first organized, had a certain number of shares of stock. Some years later, by a mere stroke of the pen, they split that up 4 for 1. There was no new investment of capital. They simply said that where $1 of investment existed before there is now $4; and in the year 1936, believe it or not, the Chrysler Motor Corporation paid dividends of $48 a share on the same investment which only paid $3 a share in 1925. Forty-eight dollars on the same capital investment on which they paid $3.

Now, let us take the case of the General Motors Corporation. The General Motors Corporation, the present corporation, was organized in 1916. At that time they had 826,000 shares of stock. Today, unbelievable as it may seem, through constant split-ups, repeated stock dividends, the General Motors Corporation had 43,500,000 shares of stock. As against an original capital-stock investment of 826,000 shares, 43,500,000 shares.

Think of the load they have placed upon the back of labor and upon the consumer, and organized government has done nothing to protect the worker from this exploitation; and in the year 1936 the General Motors Corporation paid dividends on the common stock of approximately $200,000,000 when their original common-stock investment was placed upon their books at only $82,000,000, and they paid dividends of $200,000,000 in 1936.

Then I repeat that Chrysler paid $48 worth of dividends on the identical investment which yielded $3 in 1925. Justify that, if you can.

Now we have a sit-down strike which has been pursued in certain stores of the Woolworth Corporation, the 5-and-10-cent store combine, whose reputation for low wages cries to heaven for vengeance. Let us see what the Woolworth Corporation has done throughout its history.

They were organized in the year 1911 with 500,000 shares of stock. In 1920 they gave a 30-percent stock dividend, 30 percent more to be placed upon the back of labor, making 650,000 shares. This was in 1920, and in 1924 they split this up 4 for 1, making 2,500,000 shares of stock. In 1927 they gave another dividend on top of that of 50 percent in stock, making 3,900,000 shares. In 1929 they again split that up 2½ for 1, making 9,750,000 shares, when only 500,000 shares were paid for as an investment in that business.

Now, what did the Government do to protect the workers and the consumers against this exploitation, against this need of squeezing the last drop of sweat and blood from the workers in this industry to pay dividends upon a fictitious capitalization?

Mr. Chairman, if you owned a piece of property you could not by the waving of a magic wand say, "Today I have a house worth $10,000, on which I am securing a just and equitable rent, and tomorrow, instead of one house at $10,000, I will create 10 houses at $10,000 each and expect to get a return on an investment of $100,000." This is what the corporations of the United States have done, and what has it profited the country? In the case of Woolworth the only contribution has been an heiress who has used American money to swap and trade European noblemen. This is the only contribution to our civilization that has been given this country by the Woolworth stock split-ups.

Now, there is another industry which, possibly, may be affected by a sit-down strike, the General Electric Corporation. Negotiations are under way at the present time with this corporation. Let us see what they did. In 1922 they gave stock dividends of special stock amounting to $8,717,000; in 1923, $8,984,375; in 1924, over $9,000,000 in special stock dividends; in 1925, $9,000,000 more of special stock dividends; and, again, in 1926, $7,200,000 worth of special stock dividends. In addition to this, between 1902 and 1921 they gave dividends of common stock amounting to approximately $83,000,000.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY. I yield.

Mr. GRISWOLD. Is the gentleman aware of the fact that this same General Electric Corporation is headed by Mr. Swope, and Mr. Swope, before the Labor Committee, on the 30-hour-week bill, testified that the wage for American labor should be a bare existence wage—enough to keep body and soul together?

Mr. BRADLEY. I do not doubt that Mr. Swope would give such testimony, because that is in accord with the ideas which seem to permeate the minds of the captains of American industry generally.

Now, the General Electric Corporation, in addition to the operations of its own concerns, carried on a little financial transaction with respect to the Electric Bond & Share Corporation. This is a familiar name. You all know what they have done in the utility field. They were organized by the General Electric Corporation and they had originally 250,000 shares of stock, which, frankly, I think in the first instance was created only on paper, but they did not stop there. They distributed it and through slit-ups they have 5,267,000 shares of stock.

Mr. Chairman, every share of stock is a new burden on the back of the American worker.

Let us take the case of the United States Steel Corporation. In 1927 they declared a stock dividend of 40 percent—40 percent more to be ground out of the workers in that industry.

We are not confronted with a theory; we are confronted with facts, and it is debatable whether or not sit-down strikes are legal. After all, there are no honest property rights in operations of that sort, and the worker has a right to his job, a humane right that exceeds any right of property which in my estimation you can think of. [Applause.] Years ago we had another strike in this country. We had a strike in Homestead, in the steel industry, and the bayonet and the bullet were used to murder workers in cold blood. History does not record that Andrew Carnegie ever paid the penalty for that crime. I say to these men who cry for force, who denounce the sit-down striker, that, thank God, we have a President in the White House today and a Governor in the State of Michigan who will not permit the bayonet and the bullet to be used to shed the blood of workers who are simply striving to assert their rights and to call the attention of the Government to the exploitation which they have been the victims of for years and against which they have been defenseless. I thank you. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Maine [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, it might seem perhaps necessary to apologize for addressing one's self to the subject which is now before the House, namely, the bill making appropriations for the District of Columbia. I join in what my colleague from Oklahoma [Mr. NICHOLS] has just said regarding the regrettable responsibility which seems to rest upon the committee concerned with the affairs of the District of Columbia. As will readily be recalled, in former years, most regrettable controversies have arisen in connection with the consideration of these matters—conflicts which inevitably resulted to the prejudice of the affairs of this great city of several hundred thousand, which is our very sacred trust. Perhaps there is no responsibility upon this Congress which should rest more intimately upon our consciences than the care of the District of Columbia, which, in every sense, is a beneficiary of our trust. The people of the District have no voice in their affairs. By the Constitution of the United States the sole responsibility for the proper government of what has become one of the great cities of the world rests upon this Congress, and in the orderly administration of their affairs it is certainly important that they should receive the consideration to which their magnitude and importance justly entitles them.

During the past 2 years I have served on the Committee on the District of Columbia, a responsibility that no one consciously invites, under the chairmanship of the distinguished gentlewoman from New Jersey [Mrs. NORTON].

It has been my observation that the Members designated for that responsibility on each side of the aisle have sought to carry out that trust in something of the sense in which it rests upon all of us here. We appreciate the extent to which the Members are involved in their own concerns, and we ask your consideration of what we here are trying to do.

I join with the gentleman from Oklahoma [Mr. NICHOLS] in the expression of regard for the labors of the chairman of the Subcommittee on Appropriations in charge of this bill now pending here. It is not necessary to challenge the good intentions or the wisdom of some of the provisions of this measure in order to recognize that it violates very definitely the well-considered and very salutary rules by which appropriations shall be made. The committee has very frankly recognized that there are incorporated in this bill at least 20 provisions which are of a legislative character, clearly forbidden by the rule. A casual reading of the bill will indicate that there are many other provisions to which objection should properly be made. If the House will recall the experiences of recent years, in respect to things concerned not merely with appropriations but with definite alterations in the legislative provisions governing the District of Columbia, they will recognize that there is here involved not only a "red rider" but a "pink rider" and a "brown rider" and some twenty other different kinds of "riders" that cover all the hues of the rainbow.

To what extent the Subcommittee on Appropriations was able to investigate all of the matters that are here involved, I have no knowledge, but certainly they will have been obliged to go far outside their field in order to hear the evidence and in order to arrive at any well-considered conclusion as to what might be wise. In such action they would be entirely usurping the functions of another committee constituted for this purpose. Certainly those of us on the Committee on the District of Columbia have no desire to assert ourselves or our authority, but we do conceive it to be our responsibility to bring this situation to the attention of the House in order that, as the years go by, it shall not be necessary to consult not merely the statutes but all of the appropriation bills that have been enacted to find out how many kinds of "riders" have affected our fundamental law. With this in view, I trust that the Chair and the House may give sympathetic consideration to the points of order which will be made. [Applause.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the lady from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Chairman, nobody realizes more than does another chairman the problems and responsibilities confronting every committee chairman. Because this is true, it is with reluctance I have requested time from my distinguished friend [Mr. COLLINS] to explain to the House the necessity that compels the Committee on the District of Columbia to take exceptions to certain provisions in this appropriation bill. These exceptions are clearly legislative functions which have no place in an appropriation bill.

Before proceeding I wish to have it understood that no Member of the House has a more sincere regard for the chairman of the District of Columbia Appropriations Committee, the gentleman from Mississippi [Mr. COLLINS], than I have. I believe he has had an unusually difficult task in writing this bill. However, as chairman of the Committee on the District of Columbia, I would be derelict in my duty to the committee and to the House if I did not challenge the legislative features proposed in this appropriation bill. In every case points of order which the committee proposes to make are concerned with changes in existing law. In order that there may be no misunderstanding we have submitted for the RECORD a list of points of order considered by the committee which, in their proper place, shall be submitted to the Chairman when the bill is being read for amendment. We do this in order to play fair with the appropriations subcommittee, and also that the House may have full knowledge of our position. We also wish it clearly understood that we are taking no position as to whether or not the changes in existing law are desirable. The point at issue is that we have our own function to perform. It is legislation for the District, while the Appropriations Committee allocates the funds necessary to carry on under existing law.

The other point is that a subcommittee has been appointed, as you have already been told, by the gentleman from Oklahoma [Mr. NICHOLS] to examine the Jacobs' report. May I say in passing that this Jacobs' report has cost $50,000, and we really feel that it deserves some consideration, whether we agree with it or not. We contemplate that hearings will be held on this report concerning appropriate legislation, and if it is necessary to coordinate and consolidate District agencies, I am sure the committee appointed for that purpose will take care of the matter.

If the bill submitted to the House is sustained as written, with these legislative features included, it will again subject the House to the kind of disputes that have been going on during the past 2 years concerning the so-called "red rider" to the appropriation bill of 1936. I think you will all agree with me that we are very tired of that particular type of dispute. Every Member of the House practically conceded when a repeal bill was under consideration a few weeks ago that that rider should not have been on the appropriation bill, whether or not they approved the rider. Exactly the same question arises now. Are we to load down an otherwise good appropriation bill—and I say it is a good bill, for it is quite a generous bill for the District—and that is one of the reasons I do not want to see this bill loaded down with legislative enactments, because those enactments well may be considered, if they are accepted, as a precedent for future legislation. If the legislation provisions in this bill are sustained, it would seem that the functions of the Committee on the District of Columbia are no longer necessary. As I have already stated, I believe it to be my duty to call the attention of the House to this matter, in order that the privileges and powers of the legislative committee may not be usurped. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. AMLIE].

Mr. AMLIE. Mr. Chairman, I desire to talk to you about the relief situation in the District of Columbia. I am sure that Members of this House must realize that in the District of Columbia we have one of the worst situations to be found any place in the United States. The fact that we are the governing body of the District of Columbia places the responsibility for this situation squarely upon our shoulders. It is a responsibility that we cannot refuse to meet. I say that we individually, as legislators here, as members of the local board of aldermen, are responsible for the facts as they are here in the District of Columbia.

During the past 2 years the newspapers have from time to time carried accounts of cases of dire need. It is about a year ago, I think, that the Washington Star carried a series of those cases, citing the difficulties that those people were up against. During the past month or so the Washington Daily News has performed a similar service. I was struck just this morning in reading the opening paragraph of an article in the Washington Post:

> A woman, "employable", with four little children huddled in one room without food; an aged couple, also dubbed "employable", moving in with a young son who has a wife and baby to support also from his $16 a week; a father, mother, and two children living in one room and sleeping in one bed; these were a few of the actual cases described at yesterday's meeting of the committee on the citizens' mass meeting in behalf of the unemployed.

I venture to assert that a person need only walk down Pennsylvania Avenue from the Capitol to the White House to be accosted by more destitute, down-and-out people than he would be along any street in any city of comparable size in the United States; and yet this condition exists in the District of Columbia where we, the Federal Congress, are the governing body. That is the record that we, as the board of aldermen of this city, have made in discharging our duties.

I want to recount briefly some of the pertinent facts in regard to the needs of the unemployed in Washington. It

seems to me that a mere statement of these needs constitutes the severest indictment that could be made against us individually as Members of Congress.

The following statement regarding the needs of the unemployed people in Washington is vouched for by the secretary of the Family Service Association of the District of Columbia:

1. Last spring 4,000 cases were dropped from public relief in Washington because of insufficient appropriations.
2. Under the necessity of keeping within the budget, the Board of Public Welfare decided to drop all cases where there was some "employable" member in the family.
3. Need for relief in these families was well known to the Board of Public Welfare. It provided this relief as long as it had funds with which to do so.
4. Intense suffering and family deterioration resulted at the time these families were dropped, and has become increasingly worse ever since, as indicated by the more than doubling of applications to the private relief agencies, the increased number of evictions reported to them, the increased number of desertions, the reports of overcrowding where from 8 to 13 persons are living in 1 or 2 rooms, and by repeated stories of the poorest being cared for by the next poorest.
5. On January 5, 1937, representatives of 28 social welfare and civic agencies appeared before the District Commissioners urging that the Commissioners request a deficiency appropriation to meet the relief needs. Nothing happened, and the Commissioners later said frankly that they had been told informally by a member of the Federal Budget Bureau that such a request would not be passed on by the Budget Bureau to Congress.
6. During January 1,447, during February 1,435 applications, and during March 1,550 applications were made to the public relief agency by families in which there were one or more employable members. Fully half of these applied also to the private relief agencies, but it was possible for these agencies to help only a few cases in these 2 months.
7. These applications were not even investigated as to need because (a) the public agency did not have sufficient staff to make the investigations and (b) it had no funds to help employables no matter how desperate the verified need.
8. Other cities comparable in size to Washington accept responsibility for relief to "employables"; for example, in December Boston gave relief from local public funds to 10,848 "employable" families which were wholly unemployed or underemployed. (This was approximately 14 such families per 1,000 of the population.) In Cincinnati 8,124 such families (or 18 per 1,000 population) and in Cleveland 17,867 such families (or 19 per 1,000 population) were given public relief; while in Washington public relief was not available to one such family no matter how desperate the need.
9. Whereas in Washington in December there were 10,640 persons on W. P. A. jobs—that is, work-relief jobs provided through Federal funds—in Boston there were 23,488, in Cincinnati 14,164, and in Cleveland 32,266.
10. The public-relief agency certified those eligible for W. P. A. jobs. The number thus certified has been sufficient to maintain an unassigned W. P. A. waiting list averaging about 1,125.
11. Of the 11,969 persons on W. P. A. jobs under District and Federal auspices, 10,337 are employed because their need for relief has been established through the Public Assistance Division. The remaining 1,652 are employed in technical capacities to direct the projects. Of the 10,337 employed because of need, 85 percent are unskilled laborers and receive only $48 per month, regardless of the size of their families.
12. The Public Employment Center has active registrations of approximately 14,000 unemployed persons seeking jobs besides the 11,969 on W. P. A. jobs who are also registered there.
13. From among the wholly unemployed and the W. P. A. workers earning only $48 a month, from 1,500 to 2,000 have to apply each month to the relief agencies for assistance.
14. From January 1, 1937, through March 20 the Public Employment Center has placed in private industry 2,608 individuals in "regular" jobs lasting 30 days or more and 2,774 in "temporary" jobs lasting less than 30 days. During this period 7,260 new applications were received at the center.
15. Recent registrants are more likely to be referred to jobs by the Public Employment Center than the unemployed who have long been out of work. They are more likely to give employer satisfaction because they have been able to maintain their work habits.
16. It is often said that persons on relief in Washington are recent arrivals here. No one is given public relief and practically no one private relief who has not been a resident of the District for the past year. Newcomers requesting relief are returned to their place of legal residence either by the Transient Division of the Public Agency or by the Travelers' Aid Society.
17. A study made before "employables" were dropped from the relief rolls showed that 85 percent of the families on relief had been residents of the District 5 years or more.

I have given this summary because I want the facts to appear in the RECORD. I want it to show the exact need that exists here, a need that we as the members of the board of aldermen for the District of Columbia are failing to meet.

Not long ago I was told that an effort was made to persuade a certain gentleman who holds a highly responsible position in the Federal Government to recommend that the sum of $800,000 be included in the deficiency appropriation bill to provide in some degree for the employables here in the District of Columbia who are in need of relief and for whom nothing is done. This gentleman stated that he would not recommend the inclusion of this amount for this purpose, but that he would be happy to recommend the inclusion of this amount if it were to be used for the purchase of cyanide of potassium to be fed to these unfortunates.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 5 additional minutes to the gentleman from Wisconsin.

Mr. AMLIE. I suppose Marie Antoinette, when she suggested that the hungry mobs crying for bread might eat cake did so in good faith. The poor woman, living in the luxury to which she was accustomed, simply could not conceive of people being so destitute that they had nothing at all to eat, and her suggestion that they forego their insistence upon bread and eat cake did not seem at all unreasonable. This woman has gone down in history as a bad woman, not because she had a bad heart, but because she was wholly unaware of the needs of her people. Now it happens that this individual, in a high official position, has made a statement that constitutes an equally interesting commentary on the attitude of a democratic government toward a part of its citizens in the year of our Lord 1937. Personally, I am glad that he put it in those blunt terms. He no doubt meant it as irony, but he was justifying a policy that we as Members of Congress have established for the District of Columbia.

If we decide upon an inhumane policy, a policy that decrees that there shall be no relief here for employable people, no matter how numerous or how destitute they may be, it stands to reason that we are going to get men to administer our policies who believe that the policy is justified and who, in expressing that conviction, are sometimes brutally frank. The gentleman is not speaking for himself; he is speaking for the Seventy-fifth Congress; and we, as Members of this body, will go down in history as the people who decided on the policy that, put in ironic terms, it was better to use public funds to buy poison to get rid of these surplus people than to take care of them.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. AMLIE. I yield.

Mr. COLLINS. Would the gentleman mind divulging the name of the person who made that statement?

Mr. AMLIE. I have, of course, divulged his name to the chairman of the subcommittee. I feel, very frankly, that it is not necessary to divulge it here, for I have nothing against this individual. It seems to me that he is merely speaking in justification of a policy for which we, as Members of Congress, are responsible.

Mr. COLLINS. Frankly, if the gentleman from Wisconsin gave me this man's name, I do not remember it.

Mr. AMLIE. I shall be glad to give his name to the gentleman again when I have concluded my remarks.

I know the argument is used here, in discussing relief, that if we give relief it will simply mean that two people will come in from other parts of the country for every one to whom we give relief, and that the demand for relief will be that much greater. I suppose that 2 out of 3 of these 12,000 people who are registered at the employment center, employables looking for work, are colored; still they are here, and 85 percent of them have been here for more than 5 years. It seems to me that our failure to meet this responsibility is a commentary on the fact that we have failed altogether in meeting the problem throughout the country as a whole.

I wish to illustrate what I mean. I have received a copy of a publication put out by the Works Progress Administration, entitled "Unemployment and Increasing Productivity", written by David Weintraub and Harold L. Posner. This report contains some of the most significant material I have ever seen in print.

For instance, at the present time, of the available supply of labor in the country, 41 percent is not utilized. That is, there is today proportionately nine times as much unemployment as there was back in 1920. The fact that 41 percent of our potential man-years of labor are not utilized is in itself an indictment not only of the social and economic system under which we live but of ourselves as Members of Congress in failing to initiate a plan of any kind that will make use of the labor of these people, which labor is now going to waste.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. AMLIE. Mr. Chairman, I wish to comment briefly on the question of relief.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. AMLIE. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I wish the gentleman would enlarge just a little bit on that 41 percent which he mentions. I did not get it clearly in my mind.

Mr. AMLIE. I will put it this way: This is a study in which the people in charge of research have tried to make a sum total of all available labor each year in this country from the year 1920 through 1935.

Mr. ROBSION of Kentucky. Take, for instance, the year 1936. What is the number of persons available for labor?

Mr. AMLIE. This study does not translate it into such terms.

Mr. ROBSION of Kentucky. Well, assume we had 50,000,000 available for labor, does that mean 41 percent cannot find work or are out of work?

Mr. AMLIE. Yes; that would be the fact, only I wish to qualify it in this way. Many may be working part time; they may be working 2 or 3 months out of the year, and this study has attempted to figure out the total man-years of labor available and the total man-years of labor unused.

Mr. ROBSION of Kentucky. Or unused hours or days and it amounts to 41 percent?

Mr. AMLIE. Yes; that is correct.

Mr. ROBSION of Kentucky. Where did the gentleman get that statement?

Mr. AMLIE. This is a study by the Works Progress Administration entitled "Unemployment and Increased Productivity", prepared by the National Resources Committee.

Mr. ROBSION of Kentucky. Has that increase been progressive since 1920 or has it diminished?

Mr. AMLIE. In 1920 the percentage of unemployed man-years was at its low point. It increased considerably through 1921. It went back to about normal in 1923. It continued at that rate until 1929. It reached a high point in 1933 of 47 percent. It has gone down from 47 in 1933 to 41 percent in 1935. The figures are not given for later than 1935. I shall be very happy to lend this to the gentleman.

Mr. Chairman, I want to review briefly the problem of relief as it has appealed to me as a Member of Congress. I was a Member of Congress in 1932 as well as in the spring of 1933. Of course, the policy of the Federal Government then was to do nothing about the problem except lend money to local municipalities and States where the local credit had broken down altogether. With the coming of the New Deal we had relief set up in the form of the Federal Emergency Relief Administration. This worked out as an emergency measure in a reasonably satisfactory manner.

By September 1934 relief had reached an average of about $30 a month per family throughout the United States. Public opinion then began to turn against the maintenance of people in idleness. Then the amount began to go down until it reached about $25 a month in January of 1935.

At that time the administration set up the Works Progress Administration on the theory that the public would support these people if they were working at jobs of some kind. That has worked out reasonably well, but today there is a growing resentment against what people term "boondoggling", that is, keeping people working on projects that are not particularly useful from a social standpoint, or, if they do have any use from a social standpoint, they do not, in the opinion of the people, represent the most efficient use that could be made of this labor. That is the situation we are facing today. Public opinion is not supporting the Works Progress Administration in the way it should; still we are faced with the fact that approximately 41 percent of our potential man-years are not utilized. We are falling down, as I see it, in failing to establish a system whereby these unemployed might contribute their own labor toward their own support.

Because conditions are so bad in the rest of the country, if we give a little relief here in the District of Columbia, the fear is expressed that people from adjoining States, particularly the colored people, will pile in here. I concede that that may be true, but I do not think it is any defense so far as we are concerned, because we are not only the governing body of the District of Columbia but also the Congress of the United States.

The situation as I see it merely reflects our own failure to solve this problem of unemployment. If conditions are so bad in other parts of the country, particularly the South, that if we give any relief here the whole of the unemployed South will move into the District of Columbia, it seems to me that in itself is a terrific indictment of our failure as representatives of the American people.

I sincerely hope we will not let this appropriation bill pass without making some provision for the care of the destitute employables in the District of Columbia. As the bill now stands, no provision at all is made for employable people who may be in need. There are employable people who are in need in all parts of the country, and we have them in the District of Columbia. It is not fair to say, "If you don't like it here, go back to the State from which you came", because 85 percent of these people have been living here for more than 5 years. They would be regarded as transients if they attempted to go back to the States where they were born. There is no relief there anyway, so what purpose would there be in their going back to some other community where relief is also practically nonexistent?

In conclusion may I say that if we as Members of Congress, in discharging our duties as the governing body of the District of Columbia, fail to include provision of any kind for the destitute employable people in the District, I sincerely hope the American people in righteous indignation and decency will rise up and retire each and every one of us from this deliberative body.

I yield back the balance of my time. [No applause.]

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, on the great seal of my native State of Missouri you will find the Latin inscription "Salus populi suprema lex esto", meaning that the safety of the people is the supreme law. Without obedience to law there can be no liberty in this or in any other country. Every game, every sport, every business, every government, every organization of any kind must have certain rules and regulations by which they must be governed. Unless these rules are strictly adhered to and faithfully obeyed, the result is anarchy.

Today the peace of our country and the happiness, the lives, and the property of American citizens are threatened and placed in jeopardy by sit-down strikes. A few minutes ago the gentleman from Pennsylvania [Mr. BRADLEY] attempted to justify sit-down strikes. I listened attentively to his remarks, and, though he damned and condemned in wholesale manner certain abuses and wrongs of corporations and captains of industry, I failed to find one logical reason advanced by him which would excuse or justify these sit-down strikes, which are nothing more than unlawful trespass by men marching in and taking possession of other people's property and refusing to move or yield until their demands are met. There is no justification in law, precedent, or morals for them.

Mr. Chairman, I hold no brief for the wrongs committed in bygone days by great corporations. I certainly do not condone the unethical and illegal practices of certain captains of industry. Having had to work all my life, starting first by shining shoes and selling papers, and later by driving

jennies to a cart to earn my own living, if I had any predilections or sympathies they would naturally be with the laboring man.

However, the fact that corporations and captains of industry in ages past have been guilty of wrongdoing, the fact they have perpetrated wrongs is no excuse or justification for employees or laboring men to perpetrate similar wrongs. Two wrongs will never make a right.

I think every Member of this House and the American people at large should feel profoundly indebted to the gentleman from Texas [Mr. DIES], who on the 23d of this month delivered such a splendid speech on this subject, clear, concise, comprehensive, and convincing. The logic he advanced in that address is absolutely unanswerable. It is all the more convincing, because the distinguished gentleman from Texas has for many years been a loyal and consistent friend of labor. However, he realizes, as do many of us in this Chamber whose hearts beat in sympathy with the men and women who earn their living by the sweat of their brows, that many of them today are being misguided and led astray by professional labor racketeers, who are doing labor greater harm than has ever been done by any captain of industry or any corporation.

I have received communications from friends of mine in Michigan. Recently I have spoken in Pontiac and Kalamazoo. I think I know somewhat the feeling not only of the citizens of the great Wolverine State but of the laborers in the factories themselves. I have been reliably informed, both through correspondence and by conversation face to face with men who have worked in the factories, that the overwhelming percentage of employees has bitterly opposed from the very beginning these unlawful and unethical sit-down strikes, which have deprived the great mass of laborers the opportunity to work.

If an employee can march into the factories of a great industry and take possession of the property of his employer, what is there in the name of reason and common sense to prevent an employer from marching into the home of his employee and sitting down there and refusing to move until his demands are granted? If those who work for an employer can march into his place of business or his factory, sit down, and refuse to budge until their demands are met, what is there to prevent the servants in your own households from sitting down and refusing to allow you to employ anyone else, however anxious these others might be to secure employment by working for you? Carried to its logical conclusion, no good can come from this action on the part of certain leaders of labor.

I have always been old-fashioned enough to believe it is much better to "git up and get" than it is to "sit down and set." The only animal I know which can sit and still produce dividends is the old hen.

The minimum wage paid for common sweepers and wipers, unskilled workers in the factories of General Motors in Michigan, was 65 cents an hour, with time and a half for overtime, which was wholly optional with the employees. One friend of mine who has worked for the past 5 years in the factories of General Motors wrote me several weeks ago that last December, working only 23 days, he had received a check for more than $320; that he was perfectly satisfied with the conditions, the hours of labor, and the price paid for that labor, yet he was prevented, along with perhaps 75,000 other workers, by about 20 percent of the total number of employees, from going to work and earning a decent, honest, and lawful livelihood for his family.

Mr. Chairman, I was amazed a week ago Saturday to read in the press that the distinguished majority leader of the Senate, Mr. ROBINSON, reported to the press immediately after a conference with the President on his recent return from Georgia to the White House that the President of the United States was "powerless" to act in this crisis—that he had no authority to take a decided stand.

This statement reveals either profound ignorance of the law or else a sheer statement of pure unadulterated political bunk; and I cannot believe the Senator is ignorant of the law.

I want to ask your indulgence to take the time to listen to section 5299 of the Revised Statutes of the United States:

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

So, Mr. Chairman, I submit to you and the Members in this Chamber that this code not only gives the President the authority and the power to act but it also imposes upon him the sacred and solemn duty to act in order to protect any portion of the American people, be they employers or employees, in their rights, privileges, and immunities as citizens of the United States.

The gentleman from Pennsylvania a moment ago said he thanked God we had a Governor in Michigan and a man in the White House who would not allow armed forces to go in and eject the sit-down strikers. I agree with the gentleman. I think we all will agree. No one wants to see bloodshed in this country. No one wants to see violence, but I pause to ask you, Who is starting and instigating this unlawful violence? Grover Cleveland, in 1894, during the great railway strikes in Chicago, sent the armed forces of the United States into that territory and they ended the disputes and prevented the spread of anarchy and lawlessness throughout this country. It seems to me it is the clear obligation and the unmistakable duty of the President of the United States, under the provision which was enacted by this Congress, to take a firm and decided stand in this controversy. It may be bad to employ a little force now, but it is much better to spill a little blood than to coddle and encourage open violence and rebellion that will ultimately and eventually end in the spilling of much blood.

What justification is there for the President of the United States to ignore, to pussyfoot, to evade the duty that is clearly placed upon him? I read a clipping a few minutes ago from a Grand Rapids, Mich., newspaper stating that Governor Murphy day before yesterday, in Pontiac, said that the President often called him—morning, noon, and night; three times a day—keeping in close contact with the trouble in Michigan. Why is it that he, by his silent acquiescence in this unlawful trespass—why is it, I ask you, that he condones the sit-down strike? Why is it by his silence he is giving encouragement to workers throughout every State of this Union to follow the suit and the trump cards played by Mr. Lewis and his followers? I do not know why it is; but we all know that John L. Lewis raised more than $400,000 from the United Mine Workers alone for President Roosevelt's campaign fund last November. I do not know whether Mr. Lewis and Mr. Roosevelt had a secret deal or not, but evidently they did have, for I do know that John L. Lewis has openly and vehemently defied court orders in the State of Michigan, which was once a State of law and order but which is fast and rapidly becoming a State of anarchy. I do know, Mr. Chairman, he defied not only court orders but he defied the Governor of Michigan as well as the President of the United States.

Mr. BRADLEY. Mr. Chairman, will the gentleman yield?

Mr. SHORT. In just a moment, I shall be pleased to yield.

Where are we going? What will be the end and ultimate outcome? There is no graver question confronting the American people or confronting this Congress than this very question that has been discussed here today.

Then, Mr. Chairman, I want to say that if the Governor of Michigan had a bone instead of a rubber band for a spine,

if he had acted with the same firm, courageous, and fearless determination that the Governor of New Jersey and the Governor of Connecticut employed, we would not today be forced to rise here, many of us against our will, not as an enemy but as a friend of labor itself, to point out the hidden danger and to warn them of the unfortunate and ultimate outcome.

I would be presumptuous, Mr. Chairman, to attempt to add anything else to what the gentleman from Texas [Mr. DIES] has already discussed in such a comprehensive, such a reasonable, such a logical, and such an unanswerable manner. I only hope that the Members of this body who did not read that speech, as well as the American people generally, will get a copy of the CONGRESSIONAL RECORD of March 23 and read every line of it, and that they will also get the RECORD of yesterday and read every line of one of the most masterful addresses ever delivered by an American statesman in any age, namely, the radio address of the distinguished and patriotic American, the senior Senator from Virginia, CARTER GLASS.

I now yield with pleasure to my friend from Pennsylvania.

Mr. BRADLEY. Mr. Chairman, the gentleman has stated that two wrongs do not make a right. The gentleman agrees that General Motors and various corporations to which I referred in my statement have perpetrated injustices in connection with their capital structure and the pyramiding of stocks. The gentleman stated he agrees that this is wrong.

Mr. SHORT. I did not designate General Motors.

Mr. BRADLEY. Many corporations. I will ask the gentleman this question: Taking for granted that he condemns these practices and admits that labor has been thereby exploited, as a Member of this House, when these evils were being perpetrated, did the gentleman introduce any legislation to correct such abuses and prevent the exploitation of labor?

Mr. SHORT. I will say to the gentleman that I had the endorsement of the American Federation of Labor at the last election in November, and I won——

Mr. BRADLEY. The gentleman does not answer my question.

Mr. SHORT. And I won my election in spite of that endorsement, and half of them voted against me.

Mr. BRADLEY. Has the gentleman ever introduced any legislation designed to prevent the split-up of stocks and the issuance of paper capital?

Mr. SHORT. Oh, the gentleman's statement is an argument reductio ad absurdum. I am not a member of the Committee on Labor. Of course, I have not introduced such legislation.

Mr. BRADLEY. But the gentleman is a Member of this House. The gentleman says that he has stood by labor, and now when labor seeks to adjust its difficulties by a method which has not yet been declared illegal the gentleman champions the cause of the General Motors Co. and their hired thugs. The gentleman said that he is a friend of labor. God save the mark! [Applause.]

Mr. SHORT. Mr. Chairman, the statement of the gentleman from Pennsylvania is just about as wild-eyed as he is. He says that I have not supported labor. He cannot point to one instance in which I have not done so. He pictures me as a friend of the General Motors, but he cannot point to one single evidence of any action on my part in this House where I have shown any particular friendship for General Motors, and in the absence of logic and reason he spews forth pious platitudes and glittering generalities.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. Chairman, the gentleman from Missouri [Mr. SHORT] started his statement with a Latin quotation from the coat of arms of the State of Missouri. There is another quotation on the coat of arms of the State of Missouri that is in the Anglo-Saxon language, which does not need to be translated, a quotation that surrounds the two bears on the coat of arms which says, "United we stand, divided we fall."

I am a member of the Committee on Labor. I realize from his argument that probably the gentleman is opposed to sit-down strikes, as I am, but I do not see where the gentleman is going to get any place in attacking the sit-down strikers and defending the industrialists in this matter. The Committee on Labor did 4 years ago try to do something about the matter. Let us get at the facts. Mr. Swope of the General Electric and Mr. Sloan of the General Motors both appeared before the Committee on Labor and consumed many hours in their testimony in favor of the so-called Swope plan for minimum hours and minimum wages. Mr. Swope in that testimony, if the gentleman would care to read the record, said that the minimum wage for American labor should be a bare existence, enough to keep body and soul together, and he will find, further, that when Mr. Sloan of the General Motors testified before that committee, when asked if he agreed with Mr. Swope's testimony that the wages for American labor should be merely enough to keep body and soul together, testified that he agreed with Mr. Swope's statement on that matter.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. Yes.

Mr. SHORT. Mr. Chairman, I agree with the distinguished gentleman from Indiana [Mr. GRISWOLD] in not agreeing with those gentlemen in that statement.

Mr. GRISWOLD. If we are going to get at the real situation, we should look deeper than just the surface.

Mr. EATON rose.

Mr. GRISWOLD. I shall yield later. This year we are going to celebrate the one hundred and fiftieth anniversary of the adoption of the Constitution. That instrument begins with three words in capital letters—We, the People. That comprehends all of us, not labor and industrialists alone, but you and me, the doctors, the lawyers, the butchers, the candlestick makers, and everyone else. We come here and attack the sit-down strikers or we attack the industrialists and neither attack benefits the whole of the people. We must reach a place where we can get together on this thing, where we can work out something that will protect the rest of us and not merely capital and labor.

Mr. EATON. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. Yes.

Mr. EATON. I am surprised at the gentleman's statement with respect to the position of Mr. Swope, and unless I saw that in actual words, I would not believe it, because Mr. Swope's whole position and purpose is to steadily increase the wage of the worker and improve his condition. I shall give the gentleman one illustration. In the incandescent lamp department of the General Electric Co. during the entire depression every worker had 98 percent of his possible hours of employment under the code, and every worker was guaranteed 66⅔ percent of his annual income whether he worked or not. The entire General Electric labor set-up is far removed from any such uneconomic and inhuman proposal as a mere subsistence wage. The average wage in the General Electric last year for 61,000 employees was nearly $1,800, including men and women.

Mr. GRISWOLD. If the gentleman will get the hearings before the Labor Committee on the 30-hour week in the Seventy-second Congress, he may read the statement of Mr. Swope and find it just as I have told him it is. I go further and tell the gentleman about Mr. Swope's attitude on labor in those hearings. Let the gentleman read them. If he cannot get a copy from the document room, I shall be very glad to lend him mine.

I am glad to have the gentleman say that the average wage for 61,000 employees is $1,800, including men and women. I only hope he is correct. No one who read Mr. Swope's testimony in the hearings could stretch his imagination to believe it from that statement. Certainly the testimony shows that they were not paying it then. And the testimony does show that the General Electric was manufacturing incandescent-lamp bulbs in its own factory in Japan with cheap Japanese labor and shipping those bulbs

into the United States and selling them in competition with bulbs made by American labor in the factories of General Electric in this country. I most sincerely suggest that the gentleman from New Jersey [Mr. EATON] read the hearings. They should prove novel and interesting to him. Among other things he would learn what Mr. Swope himself said.

Mr. Swope, in that same hearing in which he was testifying concerning the so-called Swope plan, desired to fix not a minimum work week but a minimum work year. He wanted it so that he could allow employees a certain number of hours a year and then work all of those hours in 6 months out of the year, if he so desired, leaving those same employees during the other 6 months of the year to be without employment. You will find this argument in the hearings. The question was asked Mr. Swope if he worked these people at a bare existence wage for a part of the year, giving them only enough under this bare-existence wage to pay their grocery bills, their rent bill, and to purchase the bare necessities, what would happen in the other months when they were not working? Mr. Swope did not answer the question other than to infer that they would be on the public, on charity.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I decline to yield further. I am going to answer the gentleman and he can find what I am telling him in the hearings. Mr. Swope used this argument, that they also were taxpayers in these communities, and paid their proportionate share for taking care of unemployed.

But all this is beside the question. I am not anxious to attack these industrialists on their attitude. Neither am I anxious to attack the sit-down strikers. I do not believe in sit-down strikes. I am opposed to them, but I do not believe in industrialists paying their employees a bare existence wage for 6 months of the year and leaving them on the public for the other 6 months. I believe that industrialists who take their profits from labor in times of prosperity should take care of labor in times of depression, and not leave labor at billions of dollars of expense on the general public.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. MILLARD. Does the gentleman from Indiana know that Gerard Swope belongs to your party and is a close friend of the President?

Mr. EATON. And is a close adviser of the President on industrial matters.

Mr. MILLARD. Does the gentleman know that?

Mr. GRISWOLD. No; I do not know that.

Mr. MILLARD. That is true. He lives in my district, and he is a fine man.

Mr. GRISWOLD. But it is beside the question whether he is a friend of the President or belongs to my party, in settling this difficulty.

Mr. MILLARD. I thought you ought to know that.

Mr. GRISWOLD. I will say further that I do know the President appointed Mr. Swope as head of a code authority under the N. R. A. and that the electric code had about the longest work-week of any industry.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. HOUSTON. The gentleman from Missouri [Mr. SHORT] stated that the United Mine Workers of America had contributed $400,000 to the President's campaign and that evidently Mr. Lewis expected a favor from the President. I wonder if the gentleman can tell us how much the Liberty Leaguers, the industrial royalists, and the Du Ponts contributed to the Republican campaign fund and what they expected to receive from Mr. Landon had he been elected?

Mr. SHORT. I would like to answer that question.

Mr. GRISWOLD. Just a moment. I have the floor. The gentleman from Missouri may answer it in his own time.

I would like to say to the gentleman from Kansas [Mr. HOUSTON] that I do not believe even the gentleman from Missouri [Mr. SHORT], with his great intellect, has enough mathematics to figure out just how much they gave.

Mr. SACKS. Mr. Chairman, will the gentleman yield for an observation?

Mr. GRISWOLD. I yield to the gentleman from Pennsylvania.

Mr. SACKS. Does the gentleman know that when there were certain strikes in the State of Pennsylvania the employer complained because the strikers, who were fighting for a living wage, were put on public relief, and objected to the Government taking care of those people during the strike, and yet at the same time saying he had a right to bring in scabs who were against the "sit-downers"?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COLLINS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. MICHENER. The gentleman from Indiana is a labor leader. He is a railroad labor leader primarily. There is no more conscientious, no more effective labor leader in Congress than the gentleman from Indiana. He is always fair. I came in just as he was addressing the committee. I think I understand his philosophy. I think I understand and can go along with him 9 times out of 10 toward the objective which he seeks. I do not want to misunderstand him, and I do not want the House to misunderstand him. Do I understand that he is in any way defending the sit-down strikes?

Mr. GRISWOLD. Answering that very briefly, I am not.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. SHORT. I realize that the gentleman is not, and that he does not condone wrongdoing any more by employees than by employers. So it seems to me we are in fundamental agreement.

Mr. GRISWOLD. We are, except to this extent, that the gentleman from Missouri takes the floor and attacks sit-down strikers.

Mr. SHORT. Should they not be attacked?

Mr. GRISWOLD. He takes the floor and defends industrialists.

Then he attacks the President for not interfering with States' rights in these matters. He attacks him for letting the members of these various States take care of themselves.

Mr. SHORT. Oh; but a Federal statute imposes upon the President the duty to interfere when the State fails to interfere.

Mr. GRISWOLD. Just a moment. What I am suggesting is that the gentleman is wrong in either attacking the sit-down strikers or defending the industrialists in trying to settle this question. His attacking either side will not settle it.

Mr. MICHENER. Mr. Chairman, will the gentleman yield right there?

Mr. GRISWOLD. I yield.

Mr. MICHENER. The thing that he could criticize about the sit-down strikes in Michigan is the attitude of the Governor of Michigan in sending troops to Flint with instructions to see that the sit-downers were not molested in their unlawful method of striking. The fact that the lieutenant governor went to Flint and assured the strikers that they would be protected in their unlawful occupation was most unfortunate. Governor Murphy is the friend of those strikers, and one word from him would have avoided the unfortunate revolutionary state in Michigan today. The Governor will learn that he cannot play with fire, even though there is favorable publicity involved. The fire may get beyond control before it has reached the most spectacular stage. A firm word from the Governor at the time of the General Motors strike would have had the same effect that it did have when the Chrysler strikers moved out. Strikes should be settled by negotiation, and the gentleman from Indiana and myself believe they should negotiate. The

merits of the controversy are not involved when insurrection is involved.

Mr. GRISWOLD. I may say to the gentleman that I being a citizen of the State of Indiana, far be it from me to comment on the alleged derelictions of the officials of the State of Michigan; but if we really want to do something in settling this sit-down strike situation, and this whole situation, let us cease to be partisan on one side or the other, let us get together as representatives of all the people, let us pass bills and see that they stick, bills like the Wagner labor-disputes bill, that gives both a chance to go in and bargain about these matters, settle them, and also take into consideration the general public, not just labor and the industrialists. There is more to it than just these two classes. It is the general public that bears the brunt of this thing. It is the general public that suffers through increased taxation. Any strike, I do not care whether it is a sit-down strike or what kind of a strike it is, any strike, even if you win it, is a national calamity; and I have been in some of them.

If I could plead with this House, I would plead with you not to go out and attack the attitude of the President, who I personally believe is perfectly right and proper and just in his failure to go in and interfere with the State of Michigan, but I would plead with you to get some kind of legislation through here that would really settle the matter. The gentleman from Missouri [Mr. SHORT] referred to a statute that has no application to this case. I think it is a statute that has been held unconstitutional. I may be mistaken. I have not had time to investigate. But even if valid, it does not apply. It would only apply in cases of rebellion or when law had completely broken down.

There is no rebellion in Michigan—merely a dispute between labor and the employer. I refuse to believe that the people of the great State of Michigan are insurrectionists. I do not condemn a whole State because some citizens do wrong. If the officials of Michigan make mistakes, then, let the people of Michigan correct the error, not the President of the United States.

As to whether the law has broken down is a question of fact to be determined as any other question of fact. I do not believe, on the face of the evidence he has, that the President could say the law has broken down. I think the gentleman from Missouri [Mr. SHORT] would be one of the first to resent it if the President did say that.

The gentleman refers with high praise to Grover Cleveland and the Pullman strike. That case was different. Cleveland ordered Federal troops out in that strike because the operation of United States mail was interfered with, and the Republican Party, of which the gentleman is a member, used that fact as political material against President Cleveland.

This is a union of States in which, as the Missouri coat of arms states, "United we stand, divided we fall." Let us not divide between the industrialists and labor. Let us stand united in the interest of all the people. Cease foolish attacks and defenses and try to work this out logically and constructively.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. CHURCH].

Mr. CHURCH. Mr. Chairman, I ask unanimous consent to read from three or four paragraphs of a court decision of last Tuesday.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to be permitted to read three or four paragraphs from the court decision of last Tuesday. Is there objection?

There was no objection.

Mr. CHURCH. Mr. Chairman, I desire to include in my remarks an agreement filed in the office of the recorder of Cook County, Ill., and some quotations from the CONGRESSIONAL RECORD which I desire to discuss.

Mr. O'CONNOR of New York. Mr. Chairman, reserving the right to object, to what agreement does the gentleman refer?

Mr. CHURCH. It is an agreement by Mr. Tupy that I discussed last week, filed in the office of the recorder of deeds of Cook County, Chicago.

I desire to discuss a few paragraphs of it and wish to refer to the exact words of the agreement.

Mr. O'CONNOR of New York. Who is Mr. Tupy?

Mr. CHURCH. He is the man that was involved in this Bondholders' Select Committee matter. It is a matter I discussed the other day.

Mr. O'CONNOR of New York. The gentleman might include under that sort of a request any agreement Mr. Tupy may have made.

Mr. CHURCH. I do not believe the gentleman should deny me the right to read part of an agreement of record. I shall try to be as brief as possible.

Mr. O'CONNOR of New York. Has the gentleman called the attention of this request to the gentleman from Illinois [Mr. SABATH]?

Mr. CHURCH. Have I?

Mr. O'CONNOR of New York. Yes.

Mr. CHURCH. I sent word to my office that he be notified. I am on the floor all the time myself and expect other Members to be.

Mr. O'CONNOR of New York. Mr. Chairman, for the moment I object.

Mr. CHURCH. I wish the gentleman would not object.

The CHAIRMAN. The Chair may say that permission for the inclusion of any extraneous matter would have to be granted by the House itself and not by the Committee.

Mr. CHURCH. Mr. Chairman, I ask unanimous consent to read certain parts of this agreement.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. O'CONNOR of New York. Mr. Chairman, for the moment I object. I would like to see it.

Mr. CHURCH. Then I will delay the request until I get to that portion of my talk. I may say for the information of the gentleman from New York, I am anxious that the whole membership of that select committee be on the floor.

Mr. Chairman, the remarks of the chairman of the select committee last Monday (March 29) on the floor of the House are of such a nature that they cannot be permitted to remain unanswered. When I addressed you last Thursday (March 25) with reference to the activities of the chairman of the select committee and certain of its representatives, I made certain statements of fact. I made assertions and I demanded full disclosure of the facts. Ladies and gentlemen, I stand by those statements.

I demand those disclosures now. What I said last Thursday to the chairman of the select committee, I again repeat. "These questions must be answered not by abusing some individual, bondholders' committee, or trustee but specifically, and the facts clearly and concisely set forth." What were these questions? What are the disclosures that I called for?

They are: First. How many letters soliciting the deposit of bonds were sent out by this select committee? Second. How many bonds were deposited pursuant to these letters? Third. To what attorneys were they referred? What did these attorneys do in each particular case? What fees did they charge, and did our select committee in any way supervise or keep track of the actions of these attorneys?

Those are the questions that I asked. Why did I ask them? Because the chairman of the select committee represented to the Subcommittee of the House Judiciary Committee that these forty-odd attorneys were "holier than thou", and were giving their services gratis to the committee. He made that statement on March 6, 1936, when he knew perfectly well that on January 17, 1936, one of those attorneys had petitioned in a Federal court for a fee of $25,000 for his services as representative of the select committee before that court. That's why I asked for these facts. We, as Members of this House, are certainly entitled to know the truth about the activities of our committee. If everything is hunky-dory and aboveboard, no one need fear the truth. I have not impugned the honesty and integrity of anyone. All that I have asked for are the facts and, believe me, the setting up

and knocking down of straw men is not going to deter me from getting the facts.

I said on Thursday that I had a photostatic copy of a letter sent out under the name of the chairman of the select committee soliciting the deposit of bonds so that they might be turned over to some attorney who would be paid a "contingent fee." I quote from that letter already in the record:

If you desire to share in any benefits which may develop, we ask you to sign enclosed authority so that an accredited attorney can be assigned to start proceedings. It is intended that this matter will cost you nothing unless recovery of some sort is obtained for you; in that case the attorney, and necessary accountants, handling the matter will expect to be paid on a contingent basis.

What did the chairman of the select committee have to say about that? Why, he confined his answer to what he termed "that letter", and introduced into the record a letter sent out on April 12, 1935, to Mr. Charles Lefevre. I am not interested in finding out about that one letter alone. I know there were others sent because the letter I referred to was sent not to Mr. Lefevre but to another person.

The chairman says that he stopped the practice by telephone as soon as he heard about it. I accept that statement. But how long had it been going on before he found out? That question is easily answered. Mr. Tupy is right here in Washington, and sat in the gallery while members of the select committee spoke last Monday and Tuesday. Let the chairman ask him. It is only a simple thing to do.

Speaking about these attorneys, I said on Thursday that one of them, Newell Mecartney, had asked for a fee of $25,000, and I read to you from his sworn petition wherein he stated that he appeared as attorney for the select committee, and because of his services as such representative he was entitled to a fee of $25,000.

What did the chairman of the select committee on Monday have to say about that? Did he deny it? No; of course not. Why he even knew that the petition was being filed for says he, "We knew, and everyone else knew, that the fee would not be allowed." How did he know that? Was it because he knew that Mecartney's charges were, as the special master found, "fantastic." Yet he upholds this conduct on the floor of this House and tries to explain it away.

Mr. SABATH. Will the gentleman yield in reference to Mr. Mecartney?

Mr. CHURCH. I refuse to yield until I have finished my statement.

I quote from his remarks on page 2844 of the RECORD:

I refer to my statement wherein I explained that Mr. Mecartney, acting as friend of the court, and not as a representative of the select committee, filed a claim for $25,000, only as a means of bringing an important case before a higher court on appeal. We knew, and everyone else knew, that the fee would not be allowed. He took what appeared to him the only course by which this matter of great importance to bondholders could reach the circuit court of appeals.

So that is why this petition for a $25,000 fee was filed? If that is the reason, then why, ladies and gentlemen, did not this attorney take an appeal when his fees were denied? Oh, yes; he appealed all right, but not because his fees were denied. He appealed on other grounds, and that appeal was never perfected.

But there is another thing: If that petition for fees was made solely for the purposes of appeal, then why in his prayer for fees did he state—and I quote from his sworn petition filed on January 17, 1936, see page 2789 of the RECORD:

"That in the alternative if the court denies such prayer", the prayer for a fee of $25,000, "that your petitioner may, by leave of court, appeal directly to all of the bondholders for such allowance * * *."

In other words, if the court would not grant him a fee of $25,000, then he asked the right to appeal by leave of court "directly to all of the bondholders" for such an allowance. Does that read like a petition filed solely for the purpose of appeal? Gentlemen, I am not quite that gullible. That sounds to me like the "real McCoy." That sounds to me like he meant it.

If that is not an earnest petition for fees, I know I shall never see one. Gentlemen, you just cannot explain that away. That is "donating" your time to the bondholders in a "big way."

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

Mr. CHURCH. I refuse to yield.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman declines to yield and the gentleman from Illinois [Mr. SABATH] may not submit a parliamentary inquiry in the Committee of the Whole.

Mr. CHURCH. But the Chairman says he saw the danger in Mecartney's act and immediately directed Tupy to notify the court that "Mr. Mecartney was acting contrary to the rules of the committee." Think that one over. First, he says that he knew the petition would not be granted and that it was filed solely for the purpose of appeal, and now he says that after they got Mecartney to file the petition, they notified the court that Mecartney "was acting contrary to the rules of the committee."

If that is the case, boy, oh boy, what a fast one they pulled on Mecartney. Furthermore, the chairman of the select committee intimates that he opposed the granting of the fee to Mecartney and introduces a letter addressed by him to the judge. Gentlemen, that letter is a masterpiece. I ask you to read it carefully. Does it ask the judge to deny the fee? no; it does not. Does it state that Mecartney is not entitled to a fee because of his connection with the select committee? No! It does not. What does it say? It states, and I quote the RECORD, page 2844:

Honorable JUDGE: It has come to our attention that Mr. Newell Mecartney has filed a petition in the above-entitled cause asking for an allowance of a fee for services rendered by him as amicus curiae.

Although Mr. Mecartney has given a great deal of his time and effort to this select committee in its work, it was expressly understood that all such services rendered to this select committee were to be entirely voluntarily and gratuitous, with no obligation on the part of this select committee to reimburse him for same. This has been the universal rule of our committee with reference to all attorneys who were kind enough to assist the committee in its work.

Respectfully yours,

A. J. SABATH,
Chairman of Committee.

That is an interesting letter. You do not have to study it to get the full import of it. That letter advised the judge of just one thing, namely, that Mecartney was not being paid for his services to the court by the select committee. That is all that it says. To me, that letter means—Judge, when you pass on Mecartney's fee, be advised that he is not on the Government pay roll.

If it were not for the protestations of the chairman of the select committee on the floor of this House, I would take that letter to be an implied invitation to the judge to grant the fee of Mr. Mecartney. What other interpretation is it susceptible of? None that I can think of, except, perhaps, that it is notice to the court that the select committee would not be liable for any fee that the court might grant to Mr. Mecartney. But, gentlemen, that is a far cry from saying that the fee should not be paid.

I should like to take up in detail each and every one of the so-called answers by the chairman of the select committee to my statements, but time will not permit. I do want to call your attention to one or two matters.

J. L. TUPY

On Thursday I stated:

Tupy, I am informed, without holding a single bond and not representing any bondholder, formed a protective committee for the bondholders of the Chicago Park Cemetery Co. I also understand, following the appointment of the select committee chairman's law firm as attorneys for the company in place of its former attorney, an agreement was entered into whereby this bondholders' committee formed by Mr. Tupy was to receive $45,000 for their services out of an issue of only $150,000 * * *" (p. 2790 of RECORD).

On Monday the chairman of the select committee denied that statement. I quote his remarks from the RECORD, page 2845:

Mr. Tupy was not a member of the protective committee, but worked with it to accomplish the outcome. He never was a member of any protective committee, and is not now.

Let us look at the record. I quote from the agreement between the bondholders' committee and the Chicago Park Cemetery Co., as that agreement appears in the records of the recorder of Cook County, at page 298 of book 30783. It reads, in part:

This agreement made and entered into this 31st day of May, A. D. 1933, by and between Chicago Park Cemetery Co., a corporation organized and existing under the laws of the State of Illinois, party of the first part, hereinafter called the company; and Francis Karel, J. L. Tupy, and Charles E. Zitnik, parties of the second part, hereinafter collectively called the committee,

Witnesseth:

That, whereas the company owns and operates a cemetery and a mausoleum therein in Stickney, Ill., said cemetery being known as Mount Auburn Cemetery; and

Whereas heretofore, on January 5, 1929, the company did make, execute, acknowledge, and deliver its certain trust deed (hereinafter sometimes called the original trust deed) to Berwyn State Bank, a corporation, as trustee, conveying, for the uses and purposes set forth in said trust deed, the premises in the county of Cook and State of Illinois, known and described as follows:

* * * * * * *

Which trust deed was filed for record in the office of the recorder of deeds of Cook County, Ill., on January 7, 1929, in book 26545 of records, at page 107 as document no. 10251366; which said trust deed was so executed, delivered, acknowledged, and recorded for the purpose of securing 338 coupon bonds (hereinafter sometimes called original bonds), in the aggregate principal sum of $150,000; and

Whereas said Berwyn State Bank did cease to do business and ceased to act as trustee; and

Whereas by order of the Circuit Court of Cook County entered on February 17, 1932, in a cause entitled *"Chicago Park Cemetery Company, a corporation,* v. *Berwyn State Bank, a corporation, et al."* (No. B-234561), the said Straus National Bank & Trust Co. was appointed trustee under said trust deed and did thereafter qualify as such trustee, said Straus National Bank & Trust Co. subsequently changing its corporate name to American National Bank & Trust Co. of Chicago, said American National Bank & Trust Co. of Chicago being now the duly qualified and acting trustee under said trust deed; and

Whereas the company having made default in the payment of interest on said bonds, the trustee filed a bill to foreclose said trust deed in the Superior Court of Cook County in a cause entitled *"Straus National Bank and Trust Company, a corporation, as successor trustee,* v. *Chicago Park Cemetery Co., a corporation"* (said cause being No. 563546), which said bill to foreclose is now pending and undetermined; and

Whereas the trustee did thereafter, on October 19, 1932, confess a judgment against the company in the Superior Court of Cook County, in a cause entitled *"Straus National Bank and Trust Company, a corporation, as successor trustee,* v. *Chicago Park Cemetery Company, a corporation"* (said cause being No. 567348); and

Whereas a motion to vacate said judgment has heretofore been made, which motion is still pending and undetermined; and

Whereas certain holders and owners of the bonds secured by said trust deed in the aggregate principal sum of $105,000, being not less than 70 percent of the aggregate principal amount of the bonds outstanding, have appointed a committee consisting of Francis Karel, J. L. Tupy, and Charles E. Zitnik, and have authorized, empowered and directed said committee to act for them in all matters appertaining to their respective ownership of said bonds, and have appointed said Francis Karel, J. L. Tupy, and Charles E. Zitnik, as their, and each of their, attorneys in fact, so to act, and have deposited the said bonds so aggregating said principal sum of $105,000 with said committee, said committee being fully authorized to execute this agreement on behalf of said depositing bondholders who have in all respects assented hereto; and

Whereas, the parties hereto and all of said assenting bondholders are desirous of completely settling and adjusting all matters in controversy between them and the entire subject matter of this agreement.

Now, therefore, in consideration of the premises and of the mutual promises and agreements of the parties hereto, and of other good and valuable considerations, the receipt of which is hereby acknowledged, it is hereby agreed as follows:

I

The company will, upon the execution of this agreement, set aside, reserve, and allot, for the benefit of the bondholders assenting to this agreement, that certain piece or portion of Mount Auburn Cemetery (excepting lots and graves heretofore sold therein), known as Elmwood section, the boundaries of which said section and the extent and location thereof being shown on a map or plat hereto attached, marked "Exhibit A" and by express reference made a part hereof; excepting however, from such reservation and allotment the lots and graves heretofore sold in said section by the company, as aforesaid. The company will duly execute and acknowledge, for the filing of record in the recorder's office of Cook County, such document or documents as in the opinion of its counsel and in the opinion of the committee shall be necessary and proper to evidence said reservation, and to provide against covenants thereof by the company otherwise than for the purposes herein provided.

The committee, or its designate or designates, may sell lots and graves in said allotted portion, and the company will execute deeds or contracts for deeds as directed by the committee. The proceeds from any and all such sales shall be used and applied as follows:

(a) To the payment of commissions upon the sale of lots and graves in said allotted portion, it being expressly understood and agreed that no commissions for the sale of lots and graves in said allotted portion shall be paid or payable by the company.

(b) To the payment to such person or persons of such amount not to exceed the sum of $3,000, as shall be advanced by them for the purpose of paying the fees, charges, and expenses of American National Bank & Trust Co., of Chicago, a corporation, the qualified and acting trustee under the first mortgage trust deed dated January 5, 1929, hereinbefore mentioned, and the fees, charges, and expenses of the attorneys and solicitors of said trustee.

* * * * * * *

Commissions on the sale of lots and graves in said allotted portion shall not exceed 30 percent of the sale price, unless with the consent of the company in writing theretofore first had.

The committee is hereby authorized and empowered to sell, trade, and exchange lots and graves in said allotted portion and, also, lots and graves elsewhere in said cemetery, for cash or upon contract or for said new debenture notes, or for said original bonds not theretofore deposited with the committee, it being distinctly understood and agreed that any commissions which may become due by reason of any sale, trade, or exchange of any lots and graves so sold, traded, or exchanged, both in said allotted portion and elsewhere in said cemetery, shall be payable only out of the proceeds from the sale of lots and graves in said allotted portion. * * *

* * * * * * *

In witness whereof, Chicago Park Cemetery Co., party of the first part, has caused its name to be signed hereto by its president and its corporate seal to be hereto attached, attested by its secretary, and the parties of the second part have affixed their hands and seals, in duplicate, the day and year first above written.

CHICAGO PARK CEMETERY CO.,
By HENRY BURKHARATT, *President.*

Attest:

FRED LANGHOFF, *Secretary.*

[Chicago Park Cemetery Co. corporate seal.]

[SEAL] FRANCIS KAREL,
[SEAL] J. L. TUPY,
[SEAL] CHARLES E. ZITNIK,
Bondholders' Committee.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROWN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 5996, the District of Columbia appropriation bill for the fiscal year 1938, had come to no resolution thereon.

THE GOVERNOR GENERAL OF CANADA

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, there is in the city, as we all know, a distinguished citizen of a neighboring and a friendly country, the Governor General of Canada. I think it fitting and proper that the Members should have the privilege of meeting our distinguished guest.

I therefore move that the House stand in recess subject to the call of the Chair.

RECESS

The motion was agreed to; accordingly (at 3 o'clock and 39 minutes p. m.) the House stood in recess subject to the call of the Chair.

During the recess the following occurred:

The SPEAKER. The gentleman from New York [Mr. BLOOM] acting chairman of the Committee on Foreign Affairs, and the gentleman from New York [Mr. FISH] will escort our distinguished visitor to the rostrum.

The Governor General of Canada was escorted to the Speaker's rostrum by Mr. BLOOM and Mr. FISH.

The SPEAKER. I have the honor of presenting to the Members of the House our distinguished guest, His Excellency the Governor General of Canada. [Applause.]

His Excellency the GOVERNOR GENERAL OF CANADA. Mr. Speaker and Members of the House of Representatives, this is a great honor, for which I am most sincerely grateful. I have just had the privilege of being received by the Senate, the upper House. I belong now to the upper house at home, but I have been inside only once and am not very familiar with it as yet. I have come now to a House, in the British Isles the equivalent of which I sat for 8 happy years, and I feel very much at home. [Applause.]

The Governor General, as you know, gentlemen, spends his time walking on very thin ice. It is very hard for him to express an opinion on any subject which is remotely connected with politics, and as nearly everything is connected in some way or other with politics he is wise if he keeps silent. [Laughter and applause.]

But there is one thing he can say freely and with a whole heart. He can express his gratitude to the American people for the pleasure they have given him on this visit and his admiration and affection for your great country.

I have known America now for many years. I have the privilege of the friendship of many Americans; in fact, I can say I have always regarded America as my second fatherland. This visit has been one of unalloyed pleasure. I have renewed many old friendships and made, I hope, some new ones. I have visited some of the famous places in your environs which I had not seen for many years, and I have renewed my acquaintance with your beautiful city, a city which I think will very soon be one of the noblest capitals in the world. I have been favored with wonderful spring weather, I have no doubt, through the brilliant organization of your Postmaster General. [Laughter and applause.]

I would like to say to you one thing, and one thing only: Your Nation and mine are today in a special sense the guardians of that great form of government which we call democracy, and of which I think the truest definition is a true mixture of law and liberty. Therefore, I regard my visit to you this afternoon as a culminating step in a most memorable experience, for I have been admitted into the very inner shrine, the focus, the center, the power-house of your great democracy, your great free Government.

I am proud of the privilege, and I offer you my sincerest thanks. [Applause.]

The SPEAKER. The Chair may say that His Excellency will stand in the Well of the House and will be delighted to meet the Members of the House of Representatives as they are presented by the gentleman from New York [Mr. BLOOM].

His Excellency the Governor General of Canada stood in the Well of the House and was presented to the Members individually by Mr. BLOOM.

AFTER THE RECESS

The recess having expired, the House was called to order by the Speaker at 4:05 p. m.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INVESTIGATION OF UN-AMERICAN ACTIVITIES

Mr. O'CONNOR of New York, from the Committee on Rules, reported the following resolution, House Resolution 88, to authorize an investigation of un-American activities, which was referred to the House Calendar and ordered printed.

House Resolution 88

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a special committee, to be composed of seven members, not more than five of whom may be from the same political party, for the purpose of conducting an investigation of facts regarding (1) the character, objects, extent of operations, roster of membership and officers, all sources of revenue, and distribution of finances by and of any organizations or groups of individuals acting together found operating in the United States for the purpose of diffusing within the United States of slanderous or libelous un-American propaganda of religious, racial, or subversive political prejudices which tends to incite to the use of force and violence or which tends to incite libelous attacks upon the President of the United States or other officers of the Federal Government, whether such propaganda appears to be of foreign or domestic origin; (2) the extent and method of use of the United States mails and United States Postal Service for the transmission and diffusion within the United States of all information and propaganda by, for, or in behalf of all organizations herein authorized to be investigated, including a study of all possible violations of existing postal laws and regulations; and (3) and all other questions in relation thereto which would assist Congress in the enactment of necessary remedial legislation, including necessary amendments to the postal laws.

Such special committee when organized, is hereby authorized to have custody, for its use, of all the records, documents, files, and other papers which were in the possession of the special committee of the House of Representatives, which was appointed and operated pursuant to House Resolution 198, House Resolution 199, and House Resolution 424, of the Seventy-third Congress, second session.

Such special committee is authorized to request the fullest cooperation in the conduct of this investigation from the Department of Justice, the Post Office Department, and such other departments of the Government that the committee may deem necessary, including access to all files from such departments pertinent to the investigation, and use of such employees and facilities of such departments as may be advantageous to the conduct of such investigation.

That said special committee, or any subcommittee thereof, is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such records, books, papers, and documents, by subpena or otherwise, and to take such testimony as it may deem necessary.

Subpenas shall be issued under the signature of the Speaker of the House of Representatives at the request of the chairman and shall be served by the Sergeant at Arms of the House or any person designated by him. The chairman of the committee or any member thereof may administer oaths or affirmations to witnesses.

Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, or who, having been required to produce records, books, papers, and documents pertinent to the investigation heretofore authorized, fails or refuses to produce such required records, books, papers, and documents, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192), as amended.

DISASTER LOAN CORPORATION

Mr. O'CONNOR of New York, from the Committee on Rules, presented the following report (H. Res. 173), which was referred to the House Calendar and ordered printed:

House Resolution 173

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 251, a joint resolution to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

EXTENSION OF REMARKS

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I delivered on neutrality.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short telegram relating to the disaster at New London, Tex., where the schoolhouse was blown up.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by a college professor in Oklahoma.

Mr. RICH. Mr. Speaker, reserving the right to object, I did not understand what was requested to be included.

Mr. CARTWRIGHT. An article by a professor in the State University of Oklahoma.

Mr. RICH. We have had so many college professors here advising the people of this country, and we have had so many professors surrounding Washington the last 2 or 3 years, that we want them to stay home in the colleges and attend to the things they are supposed to do. For that reason, Mr. Speaker, I object.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to proceed for one-half a minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, President Roosevelt's first fireside chat of his second term was strongly tinged with a note of defense, although the imperiousness which was the outstanding characteristic of his recent radio utterances in his speech to the 1,200 Democratic employees and leaders at the $100-a-plate victory dinner recently was still dominant.

Finally dropping completely the mask which had first hid his real purpose, Mr. Roosevelt in a second vicious assault upon the judicial arm of the Government, made it clear that he believes "we need a Constitution, but the Constitution is what the judges say it is", and that he intends, if possible, to secure the power of dominating the judiciary, including both the inferior and the Supreme Courts, in order that he may be sure of having judges who will say that the Constitution is what Mr. Roosevelt wants it to be.

In opening, Mr. Roosevelt proclaimed that he had previously "described in detail certain economic problems which everyone admits now face the Nation." Outside of the glittering generalities, Mr. Roosevelt in his victory-dinner speech did not deal in the economic problem which faces the country, although in his fireside chat he hinted darkly at what may be assumed to be inflation as being imminent.

Mr. Roosevelt complained that the N. R. A. was invalidated by the Court. It was invalidated by a unanimous decision. In his fireside chat he complained because the gold clause was upheld by the Supreme Court by a 5-to-4 vote. It appears that Mr. Roosevelt wants neither unanimous decisions nor split decisions by the Supreme Court unless they suit his desires and purposes.

Although Mr. Roosevelt says that recovery is speeding up to a point where the inflation dangers of 1929 are again becoming possible, he adds that that danger may not be imminent for a year or two, but seeks to stampede the Congress and the country into enacting his proposal on the ground that it will take so much time for his proposals to pass the Congress and to then be administered that there is not a moment to lose.

It is nearly 2 years ago that the N. R. A., the keystone of his relief and reform program, was declared unconstitutional, and it is singular and noteworthy that Mr. Roosevelt discovered this danger only after all these months, and that apparently like a hobgoblin this menace to the country may jump out of the closet at him and more or less take him unawares. There is no student of affairs in Washington but who knows that Mr. Roosevelt has such control over the banking situation at this time that he could make or prevent inflation, whichever he chooses to do.

Mr. Roosevelt again referred to the Government as a three-horse team, intimating that two of the horses—the executive and legislative departments—are pulling one way, and the Supreme Court in another, and the President emphasized the fact that the American people themselves are in the driver's seat. He makes it apparent, however, that he does not expect the driver to have anything to say about which way the team shall go, but desires the executive department not only to be the lead horse but to drag the other two along whatever furrows Mr. Roosevelt may have in mind as the future course of the Government.

It has been the contention of those who oppose the President's plan that the people are in the driver's seat and should be given the chance to direct the course of government by the constitutional method of an amendment, all of which he is entirely unwilling to permit.

The President accuses the Court openly of having abandoned its purely judicial capacity and of having undertaken to act as a "policy making" body. This, again, is a lack of that candor of which the President has boasted so much in his dealings with the American people.

Every student of the judiciary knows that the whole theory and practice under constitutional government and under the present Supreme Court is for the legislative branch to decide the policy and pass the enabling, or effectuating act, after which the Court, if called upon, measures the act by the Constitution and determines whether or not the act itself effectuating the policy is constitutional. The Supreme Court, in declaring a law invalid, has never said that the Congress cannot seek some other method, which may or may not be constitutional by which to effectuate any policy it may see fit to adopt.

It is obvious that the President now seeks to place upon the Supreme Court the onus for everything that has failed in the way of New Deal experiments. And it remains to be seen whether the American people are going to be fooled by the President's very plausible sales talks.

Mr. Roosevelt asserted that—

We have, therefore, reached the point as a Nation where we must attempt again to save the Constitution from the Court, and the Court from itself. We must find the way to take an appeal from the Supreme Court to the Constitution itself.

These words sound well, but it is apparent that the task this country faces now is to save both the Court and the Constitution from Mr. Roosevelt.

There is perhaps no point in his entire speech which so clearly shows the casuistry, camouflage, and dissembling that characterizes this whole controversy as Mr. Roosevelt's "tortured construction" of his own party platform. Mr. Roosevelt quoted the part of the platform in his fireside chat which states that—

If these problems cannot be effectively solved within the Constitution, we shall seek such clarifying amendment as will assure the power to enact those laws adequately to regulate commerce, public health, and safety, and safeguard economic security.

Mr. Roosevelt deliberately avoided reading the rest of that paragraph, which says:

Thus we propose to maintain the letter and spirit of the Constitution.

With effrontery and apparent contempt for the public intelligence, Mr. Roosevelt then proceeds to say:

In other words, we said we would seek an amendment only if every other means by legislation were to fail.

Such a construction of that section of the Democratic platform is an insult to the intelligence of every man or woman who can read.

Mr. Roosevelt finally—and this was where he assumed the defensive—pleaded that he, too, wants an independent judiciary. He pleads that he will not undertake to override the courts, and then says along toward the end of his talk:

This proposal of mine will not infringe in the slightest upon the civil or religious liberties so dear to every American. My

record as Governor and as President proves my devotion to those liberties. You who know me can have no fear that I would tolerate the destruction of any branch of the Government, of any part of our heritage of freedom.

What modern dictator ever said otherwise than that until he got the reins of power firmly in his hands?

As stated in the beginning of these comments, this issue has now become perfectly clear. Mr. Roosevelt is demanding the power to hound judges off the bench who have reached the age of 70 who refuse to decide constitutional questions as Mr. Roosevelt wants them decided; and if such Justices will not vacate the bench, Mr. Roosevelt wants the power to appoint other Justices to sit with them who will offset their decisions. It is perfectly clear that it is Mr. Roosevelt's intention, if he can get it, to take such dominant power over the judiciary; and while he states that it would be unthinkable that any President would appoint men to the bench who would agree to put words and implications into the Constitution that are not there in favor of the New Deal, it simply is too much for the American people to swallow when Mr. Roosevelt assures them that he would not do such a thing, because it is an inescapable conclusion that if Mr. Roosevelt means to change the attitude of the courts regarding the New Deal measures he will have to do it by appointing to the bench Justices who are favorable to New Deal legislation.

The American people today are faced with a demand by the President of the United States for the power to so change the personnel of the Federal judiciary of this country as to secure judges who will read into the Constitution words and implications that Mr. Roosevelt wants read into the Constitution. His complaint about split decisions is mere pettifogging, because a Court of 15 members could render split decisions more easily than a Court of 9 members.

Nobody believes that Mr. Roosevelt would replace any judge of 70 who was consistently deciding in favor of Mr. Roosevelt's experiments, so it is the inescapable conclusion that the President has created a precedent utterly beyond anything ever dreamed of in this country by his demand for the power to coerce the decisions of the judiciary, and thereby render permanent his policy of experimentation, which, as he himself oft has reiterated, is a policy of experimentation, and which certainly is a government on a "catch-as-catch-can" basis, if such a government is conceivable.

Mr. Roosevelt continued in his fireside chat to imply that the same interests that opposed his reelection are opposing him in this attempt to create dictatorial power by stampeding Congress and the country into accepting his proposal regarding the courts, while neglecting the perfectly palpable fact that his opposition has come overwhelmingly from leading Democrats including leading Democratic liberals, not only in the Congress, but throughout the country, and it has become obvious that just as Mr. Roosevelt regards the justices in the courts, so he regards anybody who opposes him, as being against liberalism, as being against the ill-clad, the ill-housed, and ill-fed citizens; as being those who put property rights above human life, and that he will brook no opposition if it is possible for him by the power of patronage, punishment, and "persuasion" to get the Congress to enact this dangerous measure.

Mr. Roosevelt did not make it clear; in fact, he did not mention how he expects, even with the addition of six new Justices to the Supreme Court, to help labor by getting another N. R. A. declared constitutional, when the decision outlawing that act was by the unanimous action of all nine of the Justices. It is obvious to any thinking person, however, that he could not hope to load the Supreme Court sufficiently to accomplish this objective, unless he went further and later declared for a further enlargement of the Court.

If Mr. Roosevelt succeeds in having his measure enacted into law, the American people can expect just what one prominent Democratic Senator said recently, "If Mr. Roosevelt is successful, there will be legislation presented to Congress heretofore undreamed of by the American people."

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein three or four paragraphs of a court decision of last Tuesday, also part of an agreement filed in the office of the recorder of Cook County, and also quotations from the CONGRESSIONAL RECORD, to which I have already referred and have discussed and will discuss.

Mr. FULLER rose.

Mr. SNELL. Mr. Speaker, will the gentleman withhold his objection? Every other matter in connection with this case has been allowed to go into the RECORD, and I think it is unfair to object to this request.

Mr. FULLER. Let me hear his request again.

Mr. SNELL. I think it is rather unfair to object to it.

Mr. FULLER. Let me hear the request again.

The SPEAKER. The gentleman will repeat his request.

Mr. CHURCH. I ask unanimous consent to revise and extend my remarks and to include therein three or four paragraphs of a court decision of last Tuesday, also part of an agreement filed in the office of the recorder of Cook County, and some quotations from the CONGRESSIONAL RECORD to which I have already referred and will refer to and discuss.

Mr. NICHOLS. Reserving the right to object, Mr. Speaker, may I ask my distinguished friend from Pennsylvania if he does not care to object to this insertion in the RECORD of extraneous matter?

Mr. RICH. May I say to the gentleman, I cannot give time and attention to all these requests, and if the gentlemen over here think some of these things should happen, all right. However, when the gentleman knows the college professors of this country have their duties to perform in the universities of this country and are not here trying to run and regulate the business——

Mr. PHILLIPS. Regular order, Mr. Speaker.

The SPEAKER. The regular order has been demanded.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1938

Mr. COLLINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5996) making appropriations for the District of Columbia for the fiscal year 1938.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5996, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

EXTENSION OF REMARKS

Mr. GRISWOLD. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CHURCH].

Mr. CHURCH. Mr. Chairman, that is what the records show. Deny it if you want to, but it is still the fact. I am glad the chairman of the select committee raised this issue because in rechecking the records I discovered a most important fact. Mr. Tupy's bondholders' committee, in this same instrument in paragraph 4 on page 11, agreed, and I quote:

The bondholders' committee will cooperate with the company for the purpose of procuring an order by the Superior Court of Cook County vacating the judgment heretofore entered by confession in said cause entitled *Straus National Bank & Trust Co., a corporation, as Successor Trustee*, v. *Chicago Park Cemetery Co., a corporation*, said cause being no. 567348, as aforesaid.

Now, gentlemen, just what does that mean? It means simply this, that this bondholders' committee supposedly acting for the benefit of the depositing bondholders agreed with the debtor company, represented by the chairman of the

select committee's law firm, Sabath, Perlman, Goodman & Rein, to vacate the judgment obtained for these bondholders in the case of Straus National Bank & Trust Co., as Successor Trustee against the Chicago Park Cemetery Co., in suit no. 567348, whereby those bondholders obtained a first lien on all the property of the company. And what did they get in return for these bondholders whom it was their solemn duty to protect? They took in return notes secured by a mortgage on only part of the property. If that is not selling the bondholders down the river, I would like to know what is. Furthermore, that is selling them down the river to the tune of a potential $45,000 commission to Tupy's bondholders' committee.

But I must proceed. I stated on Thursday that with respect to the Gables Apartment:

The Gables Apartment: Tupy, as owner of this apartment building, bonded it far in excess of its value, either defrauded a bank into making him loans or executed a fraudulent trust deed, and then by refusing to release his right of redemption, which he tried to sell, kept the bondholders from reorganizing, and in the meantime remained in the building, holding two apartments for which he refused to pay rent to the receiver.

In answer to this charge, the chairman of the select committee stated:

My colleague also charged that Mr. Tupy has floated a bond issue on a property far in excess of the value of the property. I have positive evidence and sworn statements that that property on which the issue was $185,000, together with the land, was worth nearly $300,000, and that Mr. Tupy himself put in $99,000 of his own money that he saved during his lifetime and lost every cent of it.

The gentleman charges that Mr. Tupy remains in possession of, or occupies, two of the apartments. The court proceedings will show that he is in there by order of the court having jurisdiction in this matter. I hold in my hand and show you a picture of the apartment building which the gentleman says was overcapitalized. Any man with any knowledge will see that it is a large apartment, covering nearly an entire block in Riverside, one of the finest suburbs of Chicago.

That is a plain misstatement. The property cost only $150,000, and Tupy mortgaged it up to $208,800, and the bonds were sold to the public. The chairman says that he has "positive evidence" that that property "was worth nearly $300,000." Where is that evidence? I have not seen it nor has anyone else. Where is this "positive evidence" that this building which sold at foreclosure for less than $90,000 was worth $300,000? If that statement is correct, why has not the holder of the equity of redemption stepped forward and redeemed it? The only evidence introduced by the chairman of the select committee was a picture which he held in his hand. Gentlemen, the answer is so obvious it deserves no further comment.

As to Tupy's either defrauding a bank or executing a fraudulent trust deed, those facts as taken from the court records are fully set forth in my statement on Thursday on page 2791 of the RECORD. There you will find the record of the man the chairman sees fit to defend.

The chairman would have you believe that since the formation of the select committee his law firm has studiously refrained from representing the Chicago Title & Trust Co. Gentlemen, I question that statement. Why, I am told that only last Friday, March 26, 2 full days before he made his reply on this floor to my remarks, his law firm presented to the Chicago Title & Trust Co. the usual formal demand to bring new foreclosure proceedings on two issues underwritten by the Cody Trust Co. I do not know at the present moment whether or not that is a fact. Certainly the chairman of the select committee does. I ask him to advise us.

I said on Thursday that the chairman's law firm "of Sabath, Perlman, Goodman & Rein represents the Chicago Title & Trust Co. in some 75 different reorganizations." In support of that statement I quoted the testimony of Mr. Peterson of the Chicago Title & Trust Co. given before Special Master Charles A. McDonald, on October 21, 1935, in case no. 59128.

That statement is not denied by the chairman of the select committee, but, says he, his firm represented the Chicago Title & Trust Co. as trustee or as the nominal plaintiff (CONGRESSIONAL RECORD, p. 2842, 2d column). The important thing is that they were representing it in October 1935, in upward of 75 different reorganizations, at the very time the chairman in his other capacity was howling to high heaven about its activities. We know that in one of these cases they got a fee of $2,000 and if that be taken as the average—which I presume is too low—they will receive at least $150,000 for this representation of the Chicago Title & Trust Co.

HYDE PARK-KENWOOD NATIONAL BANK

I stated that law firms had been ousted and the law firm of the chairman of the select committee appointed. He admits that is the case with the receiver of the Hyde Park-Kenwood National Bank. He then goes into great detail to justify certain actions of his firm in behalf of that receiver. For what reason? Certainly I never said anything about his firm bringing immature suits. Somebody else may have done so, but I have not to date made that charge.

H. O. STONE & CO.

I said that "the firm of Sabath, Perlman, Goodman & Rein now represents a number of the committees reorganizing the H. O. Stone properties."

The answer of the chairman of the select committee was evidently intended as a denial of that statement, for he quoted the following statement from a letter signed by Avery Brundage dated March 26, 1937:

The firm of Sabath, Perlman, Goodman & Rein has never represented this committee.

That statement is true. The firm did not represent "this committee." But that is only part of the story. Let me remind him of just one case in this connection. In the matter of 6306-18 Northwestern Avenue Building Corporation, District Court of the United States, Northern District of Illinois, no. 60345, a voluntary petition under section 77B was filed by the building corporation for the reorganization of an issue of bonds sold by H. O. Stone & Co. on property known as the Western Block. Sabath, Perlman, Goodman & Rein were cocounsel for the building corporation and, together with Messrs. McFarland, Martin, and Stearns, were allowed fees aggregating $3,250 in connection with the reorganization.

CODY TRUST CO.

I said that the law firm of the chairman of the select committee—Sabath, Perlman, Goodman & Rein—represented a number of the committees for issues underwritten by the Cody Trust Co.

In answering this charge, the chairman of the select committee stated:

The members of the protective committee of the Cody Trust Co. were clients of M. W. Petacque associated with Sabath, Perlman, Goodman & Rein for sometime before 1933.

In December 1933 Cody Trust Co. went into receivership and one of its personnel, Mr. Albert J. Peterson, was given powers of attorney from holders of about $1,000,000 in its defaulted bonds.

At that time Mr. Peterson employed Mr. Petacque as the committee's counsel.

I do not care when they got the case. The truth is that they represent the protective committee and have been representing it while the senior member of the firm acts as chairman of the select committee.

LEIGHT-HOLZER

I also said that his firm represented committees for issues underwritten by Leight-Holzer. I know there is no Leight-Holzer committee. I never said there was, nor did I say his firm represented the Holzer committee. The chairman made much of this in his reply. He left the plain implication that his firm had no connection with the issues of either the Leight committee or the Holzer committee. From his reply no one will doubt his complete familiarity with all the details of his law firm's work. Why, he even knows it right down to the dates. Thus, he certainly must have known that his law firm represents the Leight trustees. I made my statement on this matter to see what the able chairman would say about this.

As chairman of the committee he poses as the great friend of the bondholder. Then we remove the cloak and see him as the senior member of his law firm, with that law firm representing the trustees fighting tooth and toenail to beat the bondholders and advance the cause of the trustees representing subordinate issues.

On last Tuesday, just after the chairman of the select committee dramatically closed his remarks on Monday, and while his committee members were addressing the House, a decision was handed down by the appellate court, second division, in a foreclosure suit involving Leight & Co. The chairman's law firm—Sabath, Perlman, Goodman & Rein—represented the Leight trustees, the plaintiffs in that case. Let us pause for a moment and look at that decision.

Leight & Holzer were formerly partners. They split up, and each carried on his independent business. Leight went through bankruptcy, effected a reorganization whereby certain trustees, Paul C. Loeber, Charles E. Fox, and Albert W. Swayne, took over the assets of his company, and the Chairman's law firm, Sabath, Perlman, Goodman & Rein, became their attorneys. These trustees stand in the position of the underwriter, and these interests are in conflict with the bondholders. It is the activities of these trustees, represented by the chairman's law firm in their attempt to secure a preferential position detrimental to the interest of bondholders, which I am about to recount and which the appellate court in an unanimous opinion says were, in effect, "an active fraud upon the bondholders." The case is *Paul C. Loeber* v. *14 West Elm Street Building Corporation*, a corporation, et al., appellate court, no. 38907.

The opinion was handed down last Tuesday, March 30, by the appellate court, second division, reversing a decree of the circuit court of Cook County, which gave the Leight Trust a lien on the 14 West Elm Street property prior to the present interests of the former bondholders on that property. The opinion was written by Justice John J. Sullivan and concurred in by Justices Friend and Scanlan.

The Leight Trust was formed for the purpose of liquidating the assets of Leight & Co. for the benefit of the creditors of Leight & Co. Among the assets of Leight & Co. assigned to the Leight Trust were interest coupons in the amount of $36,013.21, which had originally been attached to bonds sold by Leight & Co. on the 14 West Elm Street property. This bond issue was originally in the amount of $875,000. The 14 West Elm Street property was reorganized, and the former bondholders received certificates of interest in the stock of the new corporation, which now holds title to the 14 West Elm Street property. As a part of the reorganization, a new mortgage of $120,000 was placed on the property. The proceeds of this mortgage were used to pay the expenses of the reorganization and taxes, also $4,375 to Leight trustees for office expense.

The circuit court proceeding was an attempt to have the interest coupons, which, with accumulated interest, amount to about $40,000, declared to be a first-mortgage lien ahead of the new reorganization first mortgage and ahead of the interests of the former bondholders in the property.

The decree entered in the circuit court found that the Leight trust was entitled to a lien in the amount of $14,405.26, together with interest from January 5, 1931, and directed that, upon the failure of the new corporation to pay the amount due, the property be sold to satisfy this indebtedness. The circuit court decree included an allowance of a fee to the firm of Sabath, Perlman, Goodman & Rein, for their services in the amount of $1,500.

An appeal was prosecuted to the appellate court from this decree by the building corporation and by the holder of the new first mortgage on the property. The appellate court reversed the decree of the circuit court and directed the circuit court to dismiss the proceeding for want of equity.

The Leight trust was represented in the appellate court, as well as in the circuit court, by Sabath, Perlman, Goodman & Rein.

This is what the court had to say about these activities:

> It is not charged that plaintiffs were guilty of fraudulent intent when they failed to present their claim during the period when the bondholders were being induced to accept the reorganization plan, and it is immaterial whether the failure of the Leight trust to assert its rights at that time was due purely to oversight or was due to misapprehension by plaintiffs as to the law. They did not assert their claim when they should have done so and to permit them to do so now, contrary to the assurance which they joined in giving to the bondholders that the consummation of the reorganization plan would result in their (bondholders) beneficial ownership of the property "subject only to the new first mortgage loan" would be to sanction what in effect would be an active fraud upon the bondholders.
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> Regardless of such facts as were within the knowledge of the bondholders or which were equally accessible to them, the material and all-important thing which they had no knowledge of, and which plaintiffs had induced them to believe did not exist, was the lien which the Leight trustees now attempt to assert. By reason of the conduct of plaintiffs, the bondholders agreed to the plan of reorganization in the confident belief that through their beneficial-trust certificates in the stock of the 14 West Elm Street Building Corporation they would be the sole owners of the entire property subject only to the new first-mortgage lien of $120,000.
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> The bondholders surely were not chargeable with the duty of discovering plaintiffs' rights, and we think it would be unconscionable under all the circumstances to now impose upon them the burden of plaintiffs' lien claim amounting with interest to more than $40,000.
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> • • • • • • • •

I do not want to be unfair to the chairman of the select committee and therefore I shall not comment on that decision, but let each of you draw your own conclusions.

So much for the statements which I made on Thursday and the reply of the chairman of the select committee on Monday. I believe that I have demonstrated to you that everything I said was true.

Insofar as the remarks of the gentleman from Wisconsin [Mr. O'MALLEY] are concerned, let me say that when he states that "innuendo is a weapon of stealth. It destroys men's reputations", I agree with him. My only regret is that he did not heed his own advice, for when he implies that my remarks were motivated by causes other than the ones I stated, he does me a gross injustice. That is the worst type of insinuation and innuendo. Needless to say, I resent it just as I resent his insinuation that I criticized certain of the activities of his committee because most of the select committee's witnesses "live in the Evanston gentleman's 'silk stocking' district."

I criticized his committee because of certain acts which have since been admitted on this very floor by the chairman of the select committee. I challenge any Member of this body to rise and defend the direct solicitation of the deposit of bonds which is admitted by the chairman of the select committee. Will any Member of this body defend the petition for fees of Mr. Mecartney when he acted as attorney for the select committee? Will any Member of this body rise and defend the record of Mr. Tupy, the chief investigator of our select committee? If the gentleman from Wisconsin has any doubts about my sincerity and motives for criticizing his select committee, now is the time for him to rise and defend the actions which I have complained about. Let that defense be of the acts complained of and not a stump speech of innuendo and insinuation as to the motives of him who presents the charges.

On Tuesday we heard from the lips of the gentleman of Wisconsin a most amazing statement. That there may be no mistake, I shall quote his statement and the remarks to which it was addressed:

> Mr. KELLY of Illinois. I remind the gentleman from Wisconsin that Judge Barnes, since his name has been brought into this discussion, was sitting as a Federal judge, and did receive a fee of $35,000 from the Chicago Title & Trust Co.
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> Mr. O'MALLEY. Our committee was informed of that, and an attorney of our committee, using that as a basis, asked for a change of venue in a bondholders' case and the judge refused to grant the change of venue.

The remarks of the gentleman from Illinois [Mr. KELLY] are susceptible of only one interpretation, namely, that Judge Barnes received a fee from the Chicago Title & Trust Co. while sitting on the bench. To those remarks the gentleman from Wisconsin answers, "our committee was informed of that • • •." That is a serious charge, one that no man should utter lest he be in possession of positive proof.

Whether it is true or not is something that we shall soon know, for I have called on the Committee on the Judiciary of the House to make an investigation. If it is not true, and I feel certain that it is not, the grievous hurt and wrong that has been done that judge can never be entirely undone, but certainly those who made it should apologize to this House and to that judge.

To my friend, the gentleman from New York [Mr. CULKIN], I can only say that I deeply regret that he did not attend the hearings of the select committee in Chicago, for had he done so I know full well the things which I have complained of would not have transpired. And to my colleague from Illinois [Mr. DIRKSEN] I can only utter the belief that had he known of the things of which I have spoken he would not have permitted them to come to pass. I know he will not defend these actions. I feel certain that he did not know all that was going on in that office of the select committee in Chicago. I join with him when he voices in this joyous Easter season his regret that these dark, ugly things should shadow the birth of a new season. But I must say to him that in my humble opinion it is better that these things be known and forever stopped, though they cloud the birth of a new season, if by virtue of their disclosure some tangible, definite legislative action shall result, bringing to these thousands of little bondholders the birth of a new era of justice, honesty, and integrity.

Much did we hear on Tuesday from the lips of the gentleman from Wisconsin of the arduous efforts of the select committee to bring forth corrective legislation. I have studied the hearings before the subcommittee of the House Judiciary Committee in March of last year, and I attended and appeared at the hearing before the full committee of the House Judiciary Committee on Tuesday.

Gentlemen, there is one thing that stands out in both of those hearings—someone other than a member of the select committee was called at both hearings to explain the bill introduced by the chairman of the select committee. At the first hearing it was William J. Powers. And who is he? At this last hearing it was H. M. Garsson. Who is this Mr. Garsson? Those questions I shall answer at the proper time and place. They are food for thought.

I regret having to make this statement. I especially regret that in this discussion we seem to have lost sight of the real issue. We seem to have neglected the all-important question: What is this Congress going to do to aid these bondholders? That is the primary matter in which I am interested.

It is recognized that the select committee has rendered yeoman service in bringing to light the shortcomings and loopholes in our bankruptcy laws. They have been of service in pointing out the evils that exist in reorganization procedure. None of us can fail to recognize that service. It could hardly be otherwise, considering the fact that for approximately 3 years and at a cost of $110,000 this committee has been investigating.

Mr. Chairman, I am therefore asking that the committee make its final report. I am asking this Congress to take into consideration how this investigation has become more than a mere investigation while the bondholders are without the needed relief. If we are ever going to help the bondholders, it will have to be now. As a matter of fact, it would have been far better if we had stopped this investigation before now.

My thesis is that we need legislative action and not just stump speeches as to the bondholders' needs. My thesis is that the activities of the select committee have been such that it does not retain the confidence of the people. To continue it means only further delay and more aggravation of the situation. I ask for a final report and immediate legislative action for the bondholders. Stop investigating—legislate. That is what I urged in my address last Thursday and before the Judiciary Committee.

Mr. COLLINS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I would greatly appreciate it if my colleague would put in the entire opinion from which he has quoted and that I do not know anything about. And if he will be fair enough to put in the dates of all the cases that have been handled by the firm to which the gentleman from Illinois has referred, I will be thankful to him, because I know that all those matters were with the firm long before the committee was formed. I do not believe the gentleman feels that the firm should have given up all of its business because I, who have only a slight interest in the firm, and which I joined in 1931 because it was recognized as one of the outstanding law firms in Chicago, and have no interest whatever in any business brought them by their clients, and certainly never knew there were such cases, and I never have been in court on any of them and do not know anything about them except what these different lawyers have sent me, denying the charges propounded by the gentleman.

Mr. Chairman, my colleague quotes fees. He knows the select committee did not question fair fees, but if he wants to know something about outrageous and high fees, why does he not confer with his close friends connected with the Chicago Title & Trust Co., whose names for the present I shall not mention. Moreover, why does he not check the fees of his friends on protective committees, especially the receivers of the Stevens Building, Sherman Hotel, and other properties, where some have drawn $1,250 per month per property. Yes; in some instances as much as $25,000 a year—just plain milking of funds that rightfully belong to bondholders. They surely could give him real information. And for further authentic figures on fees, why does he not examine the printed hearings of the select committee, as well as the hearings of a subcommittee of the Judiciary Committee? But you and I know that is not what he desires. In fact, that is what he seeks to prevent coming to light.

Now, I may say to my colleague, to show that I am just a little fairer than he has been, that someone did make a statement about a $35,000 fee obtained by his friend Judge Barnes. We have had that evidence, and the matter is being prepared, and I tried to get the floor the other day to state that he received the fee through the Chicago Title & Trust Co. for services he rendered before he became a judge. There is no denial of his receiving the fee, but unfortunately I did not get the floor, and I could not correct the statement made.

Mr. CHURCH. And before he went on the bench, and the Senate determined that matter before he was confirmed and knew all about it.

Mr. SABATH. I do not know about the Senate.

Mr. CHURCH. And was not the gentleman with the gentleman from Illinois [Mr. KELLY] the other day when he asked the question? Did not the gentleman put the gentleman from Illinois [Mr. KELLY] up to asking that question?

Mr. SABATH. That statement is absolutely false; I did not. As I understand, the fee was allowed him several days before he was confirmed; but that is neither here nor there. I brought it out only to show that an application for change of venue was placed before Judge Barnes because, just prior to his elevation to the bench, he was the attorney for the Chicago Title & Trust Co. as receivers in the celebrated Garard bankruptcy case, and while their attorney he received the fee.

Mr. KELLY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield.

Mr. KELLY of Illinois. I wonder if the gentleman can enlighten the members of the committee as to how many cases Judge Barnes has presided over since he has been a Federal judge where the Chicago Title & Trust Co. has been a party litigant?

Mr. SABATH. Oh, I do not know. There must have been, perhaps, 50 or 75 or 100 of them.

Mr. CHURCH. Mr. Chairman, will the gentleman yield there?

Mr. SABATH. I cannot yield now.

I wish I could have the time to answer every statement of the gentleman, and I would do so so positively with court records that the gentleman would be obliged to admit he has been misinformed, that he has obtained information not

based on facts, and that he would apologize to the House and to the gentlemen he assailed as well as to myself for many of the statements that he has made. I have been receiving unsolicited information from numerous sources about the gentleman that may be interesting, but I will not use it before it is fully verified.

Mr. CHURCH. Bring it out.

Mr. SABATH. Oh, I may, but I am not in that line unless I become positive of all facts. I shall give it to the gentleman if he wants it. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, the gentleman from Illinois [Mr. CHURCH] rehashes the same charges that he made last Thursday against Mr. Mecartney and Mr. Tupy, and again cites cases which he claims were handled by my law firm. But again he fails to state those matters were in the law firm's office—the records will bear out—before the creation of the Select Committee to Investigate Real Estate Bondholders' Reorganizations. I have asked him, and would appreciate now, if, instead of only putting in or only mentioning excerpts of these matters, he would put in the entire record. Short excerpts or partial statements do not cover the full facts. Since the gentleman has leave to extend, I hope he will comply with my request.

As to charges he reiterates against Mr. Mecartney—and incidentally I learned that he has called upon Mr. Mecartney since last Thursday, paid for his luncheons, and took him for a ride, during the course of which he apologized for his unfair attack upon him, and also admitted on the floor that he is an honest and honorable man—yet a few minutes ago he again refers to an imaginary fee of $25,000, which Mr. Mecartney did not receive. I repeat that Mr. Mecartney asked for this fee, not as a representative of the select committee but as a "friend of the court", serving so upon appointment from the judge. The moment I received advice from Chicago that he was asking for the fee—I was in Washington at that time—immediately I wrote the judge that Mecartney, as a member of the staff of the select committee, was not entitled to any fees. What else would he have had me do? The attempt of the gentleman from Illinois [Mr. CHURCH] in endeavoring here to find fault with the letter I sent to Judge Wilkerson, and to interpret into it meanings of his own fertile imagination, is ridiculous and does not deserve any further answer from me.

The gentleman again alludes to Mr. Joseph L. Tupy, chief investigator of the select committee in Chicago, in connection with the Gables apartments in Riverside, Ill. I have requested, and will have from Mr. Tupy, a sworn statement as to the actual cost of the building which the gentleman from Illinois [Mr. CHURCH] claims was overcapitalized to the detriment of bondholders. Ladies and gentlemen, please remember that this building was built in 1926, 8 years before the select committee was created. Mr. Tupy admits he lives in the building, but with the approval of the court. This very pertinent fact the gentleman deliberately fails to restate. The gentleman read from a recorded document about the Chicago Park Cemetery. He failed to state that it is the contract and the first mortgage which Mr. Tupy secured for the benefit of bondholders to save their questionable investment, and that Mr. Tupy's signature appears on it with two others and with the signature of the cemetery company, not as a member of any bondholders' protective committee, but in execution of the contract for the benefit of bondholders.

Repeatedly the gentleman charges that my law firm handled cases for the Chicago Title & Trust Co. The gentleman does not differentiate the two types of cases that arise out of transactions in which the Chicago Title & Trust Co. appears in litigation. Any lawyer in Chicago knows that that company has hundreds of cases in which it has a corporate interest—note, and I want it to appear in capital letters—Corporate Interests. It is in that class of cases that I reassert my law firm has not acted since the creation of the select committee. The other type of case consists of those where the Chicago Title & Trust Co. is shown as trustee under the trust indenture, but in which owners of mortgages or bonds are represented by their own counsel, even though the Chicago Title & Trust Co., of legal necessity, may appear as party litigant. The Chicago Title & Trust Co. probably acts as such trustee in 90 percent of trust indentures in Cook County, Ill., in a very great many instances having been specified to that capacity without its knowledge or permission by the issuers of the trust deeds. I believe that probably three-fourths of the law firms and lawyers in Chicago since 1929 have appeared for their own clients in such proceedings, although nominally the Chicago Title & Trust Co. shows up in them as plaintiff because of its trusteeship. In some such cases Mr. Perlman and associates of my firm have acted for the actual owners of mortgages and bonds. The gentleman from Illinois [Mr. CHURCH] should reread my remarks of last Monday on this point in the RECORD. There it is fully and clearly explained; and if he avoids distortion of their truth or their meaning I am sure he will find them enlightening.

Another surprising thing is the gentleman's sudden interest in bondholders. When one considers that for 2½ years he failed to raise a finger to aid the select committee in its fight to eliminate vicious practices of protective committees it has been investigating, his condolences to bondholders now indeed seem belated. If by his attacks he thinks he is going to prejudice the minds of bondholders and of the country due to the publicity he is inspiring in the newspapers, again, I am sure, he will fail just as he has failed by his tactics to prejudice the membership of this House. I am sure 90 percent of the Members of this body recognize my service and appreciate that the select committee has performed a really constructive task in the interest of bondholders. Is it possible that the gentleman feels that if the bill is enacted many of the gentlemen who have been and are members of protective committees, who handle from 50 to 400 properties and who now are having themselves designated as voting trustees in reorganizations so they can usurp absolute control, management, and milking privileges of properties for the next 10, 15, and even 20 years, will be put out in the cold so that bondholders may recapture their property rights?

It is indeed, amazing, Mr. Chairman, that the gentleman from Illinois [Mr. CHURCH] should have remained silent for 2½ years; and now, when the Judiciary Committee again took up the consideration of the select committee's bill—and which I have assurances shortly will be favorably reported out—he should make these distorted statements. If he is under the impression that his wild, reckless, and unfounded assertions will prevent passage of the bill, I am sure he is mistaken.

The criticism the gentleman directs at my colleagues, Representative O'MALLEY and Representative CULKIN, does not need, and is not worthy of, reply, unless it be his statement that the gentleman from New York [Mr. CULKIN] was not present last Tuesday at the Judiciary Committee's hearing on the conservator bill, H. R. 9. Mr. CULKIN was there and presented his views in favor of the bill most ably. The amazing thing was the presence there of the gentleman from Illinois [Mr. CHURCH] for a few minutes, for the first time during our fight for the passage of the bill.

By innuendo the gentleman charges that I have benefited indirectly from the chairmanship of the select committee, which I have refuted last Monday. In no more truth can he state honestly that, regardless of cases handled by my firm and my association with it, it was not investigated perhaps more severely or thoroughly than other law firms, and as penetratingly as the select committee could, since my association with the firm had no bearing on it. If he will read the record of the committee hearings, especially as it refers to the Chicago Title & Trust Co., he will find that if there was any firm subjected to rigid investigation it was that one, especially with relation to its trust 17400. Its main officers were put on the grill. At one time the select committee had as many as six accountants in its offices going

through the records of that octopus. Since the gentleman seems to feel we have not penetrated the activities of that institution fully, I will give him an opportunity to aid us in compilation of a report of the evidence which has been adduced regarding that firm during the last hearings, and I will thank him if he is able to strengthen it in any particulars. The hearings, the evidence, and all the court records are at his disposal, and I hope he will avail himself of my offer.

Mr. Chairman, ladies and gentlemen, I greatly regret that I should have permitted myself to be overcome last Monday. After reflection, and upon solicitation on the part of so many of you, I am coming to the conclusion that the gentleman has rendered me a real service although he intended the opposite. He has proven to me, beyond doubt, that you resent and disapprove of unfair tactics, hitting below the belt, or stabbing in the back. From the assurances and encouragement I have received from you, I am satisfied that unfairness on the gentleman's part will bring favorable results to the bill and that its passage will be expedited and made certain. To me this will be a reward that will compensate me for the anguish he has caused me.

Henceforth, Mr. Chairman, on advice of outstanding Members on both sides, I shall ignore whatever may be supplied the gentleman by the billion-dollar racketeer plunderbund for any further harassment of the select committee and me.

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. ELLENBOGEN].

Mr. ELLENBOGEN. Mr. Chairman, I have the greatest respect and admiration for the chairman of the subcommittee of the Committee on Appropriations for the District of Columbia, and for the members of that committee, but I believe they have made a mistake in regard to the appropriation for the District unemployment compensation fund, and I hope they will be willing to correct it.

The committee has eliminated from this bill an appropriation of $175,000 which is mandatory under the law, and which was recommended by the Bureau of the Budget. The unemployment compensation law for the District of Columbia in section 5 provides as follows:

SEC. 5 (a). The District of Columbia shall pay contributions in addition to its contributions as an employer in the following amounts: For the calendar year 1936, $100,000; for the calendar year 1937, $125,000; and for the calendar year 1938, $175,000.

The members of the committee will notice that the language of this bill is not the same language which is inserted in legislative enactments and which generally reads:

There is hereby authorized to be appropriated—

And so forth. A maximum sum is generally fixed, and discretion is left to the Committee on Appropriations whether the amount authorized shall be appropriated, or how much of it shall be appropriated. But the District unemployment compensation law specifically provides that the District of Columbia "shall" make that contribution. When the subcommittee neglected to appropriate that amount, it substituted its own judgment for the judgment of the Congress.

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION CANNOT PROPERLY FUNCTION WITHOUT SUCH CONTRIBUTION

Elimination of this contribution would destroy the character of the unemployment insurance law for the District of Columbia. It would make it impossible to liberalize its provisions. Moreover, the law in the District of Columbia, like the law in the States, provides for the payment of unemployment insurance benefits only for limited periods of time, and unless this money is in the fund, unemployment compensation benefits, of course, cannot be paid. If the unemployment insurance fund is unable to pay the unemployment compensation benefits required by this law or by a liberalized law, then the unemployed in the District of Columbia will have to be taken care of by the P. W. A. or by some other Federal agency. In that case Federal funds would have to be used to take care of the unemployed in the District instead of District funds, as required by law, and, of course, the officials of the District of Columbia are in favor of that. They think that this is a method by which they can obtain Federal funds without having them designated as such.

I call the attention of the House to the history of the District unemployment compensation law and of this particular provision. It was carefully considered by a subcommittee of the Committee on the District of Columbia, and by the full committee. Testimony was taken, witnesses appeared before the committee including the Secretary of Labor. It was presented to the House, was carefully considered by the House and was passed without one dissenting voice and without one dissenting vote. It was sent over to the Senate and passed by the Senate. A disagreement arose between the House and the Senate and the matter was referred to a conference committee of the House and the Senate. The provision which we are now discussing was the main provision in dispute between the House and the Senate.

CONTRIBUTION BY DISTRICT GOVERNMENT MAKES THIS ACT SOUND ECONOMICAL

Mr. Chairman, every student of unemployment insurance has criticized the provisions in the Federal Social Security Act by which unemployment compensation benefit payments are financed.

Under this act the money to pay unemployment compensation benefits is obtained by a tax on employers, beginning with 1 percent in 1936, 2 percent in 1937, and 3 percent the next year, and by a similar tax upon employees. Naturally, the employers will add the cost of this tax to the cost of production, so that the contribution of the employers will be reflected in higher prices.

The entire method of financing unemployment compensation benefits means a decrease in the purchasing power of the American people, and to that extent it will mean more unemployment instead of less. It will also mean the acceleration of the installation of labor-saving devices, and thus, again, more unemployment.

The District of Columbia Act is the only act that provides for contribution by the Government. This provision in the local act was hailed all over the Nation as establishing a sound method of dealing with unemployment insurance. The District act was referred to as a model for the entire Nation. It adopts a method which has been proven sound in England and in other European countries.

Now, Mr. Chairman, without consideration by a legislative committee, without practically any consideration by the Appropriations Committee, without the testimony of experts, without hearing anybody who favored this part of the act, the law is to be set aside, the contribution of the District Government is to be eliminated, and the model bill is to be destroyed. I am calling the attention of the members of the committee to this defect in the pending appropriation bill. An amendment will be presented tomorrow to restore this sum. It is a small sum, but it is of tremendous importance, and I hope the members of the committee will vote for the amendment tomorrow.

I yield back the balance of my time.

Mr. COLLINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. O'CONNOR of New York] having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 5996, the District of Columbia appropriation bill, had come to no resolution thereon.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that at the conclusion of my remarks and the remarks of the gentleman from Michigan [Mr. ENGEL] tomorrow on the pending bill we proceed to read the bill for amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

NATIONAL HOUSING ACT

Mr. HARLAN, from the Committee on Rules, presented the following resolution (H. Res. 174, Rept. No. 536) providing

for the consideration of the bill (S. 1228) to amend the National Housing Act, for printing in the RECORD:

House Resolution 174

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1228, a bill to amend the National Housing Act. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. DEEN, for the balance of the week, on account of important business.

To Mr. SHANLEY, for 1 day, on account of illness in his family.

To Mr. COCHRAN, until Wednesday, on account of important business.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on March 31, 1937, present to the President, for his approval, bills of the House of the following titles:

H. R. 635. An act for the relief of Mary Daley;

H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War; and

H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor.

ADJOURNMENT

Mr. COLLINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned until tomorrow, Friday, April 2, 1937, at 12 o'clock noon.

COMMITTEE NOTICE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a continuation of the hearings on aviation bills at 10 a. m., Friday, April 2, 1937, in the hearing room, 1334 New House Office Building.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary at 10 a. m., Friday, April 2, 1937, on the bills H. R. 4894, to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff; and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

COMMITTEE ON PENSIONS

The Committee on Pensions will resume hearings at 10 o'clock a. m., Monday, April 5, on H. R. 2887, to amend the provisions of the pension law for peacetime service to include Reserve officers and members of the enlisted Reserves.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Business Research Subcommittee of the Committee on Interstate and Foreign Commerce at 10 o'clock a. m., Monday, April 12, 1937. Business to be considered: Hearing of H. R. 4954—business research bill.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 o'clock a. m., in room 328, House Office Building, to consider title I of H. R. 5858, Public hearing.

EXECUTIVE COMMUNICATIONS, ETC.

494. Under clause 2 of rule XXIV a letter from the auditor of the Joint Committee on Internal Revenue Taxation, transmitting the report of refunds and credits for the calendar year 1934 (H. Doc. No. 188), was taken from the Speaker's table, referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MANSFIELD: Committee on Rivers and Harbors. H. R. 2711. A bill to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes; with amendment (Rept. No. 518). Referred to the Committee of the Whole House on the state of the Union.

Mr. COSTELLO: Committee on Military Affairs. H. R. 4660. A bill to authorize the Secretary of War to dispose of material to the National Council of the Boy Scouts of America; with amendment (Rept. No. 519). Referred to the Committee of the Whole House on the state of the Union.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 193. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.; without amendment (Rept. No. 521). Referred to the House Calendar.

Mr. PETTENGILL: Committee on Interstate and Foreign Commerce. H. R. 4550. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.; without amendment (Rept. No. 522). Referred to the House Calendar.

Mr. O'CONNELL of Montana: Committee on Interstate and Foreign Commerce. H. R. 4711. A bill to extend the time for the construction of a bridge across Puget Sound at or near a point commonly known as the Narrows in the State of Washington, approved May 28, 1934; with amendment (Rept. No. 523). Referred to the House Calendar.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce: H. R. 4794. A bill to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.; without amendment (Rept. No. 524). Referred to the House Calendar.

Mr. O'CONNELL of Montana: Committee on Interstate and Foreign Commerce. H. R. 4801. A bill authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a free highway bridge across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington; without amendment (Rept. No. 525). Referred to the House Calendar.

Mr. SADOWSKI: Committee on Interstate and Foreign Commerce. H. R. 5177. A bill to declare the Benton Harbor Canal at and above the west line of Ninth Street, Benton Harbor, Mich., a nonnavigable stream; without amendment (Rept. No. 526). Referred to the House Calendar.

Mr. HOLMES: Committee on Interstate and Foreign Commerce. H. R. 5179. A bill granting the consent of Congress to the County Commissioners of Essex County, in the State of Massachusetts, to construct, reconstruct, maintain, and operate a free highway bridge across the Merrimack River between the city of Haverhill and the town of Groveland, Mass.; without amendment (Rept. No. 527). Referred to the House Calendar.

Mr. O'BRIEN of Illinois: Committee on Interstate and Foreign Commerce. H. R. 5467. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.; with amendment (Rept. No. 528). Referred to the House Calendar.

Mr. KELLY of Illinois: Committee on Interstate and Foreign Commerce. H. R. 5468. A bill to extend the times for commencing and completing the construction of a bridge

across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; with amendment (Rept. No. 529). Referred to the House Calendar.

Mr. MALONEY: Committee on Interstate and Foreign Commerce. H. R. 5579. A bill granting the consent of Congress to the State of Mississippi to construct, maintain, and operate a free highway bridge across Pearl River at or near Jackson, in Hinds County, Miss.; with amendment (Rept. No. 530). Referred to the House Calendar.

Mr. KELLY of Illinois: Committee on Interstate and Foreign Commerce. H. R. 5595. A bill to extend the time for completing the construction of two bridges, one across a part of Lake Michigan at or near the entrance to the Chicago River, Ill., and the other across the Michigan Canal or Ogden Slip, in city of Chicago, Ill.; without amendment (Rept. No. 531). Referred to the House Calendar.

Mr. WITHROW: Committee on Interstate and Foreign Commerce. H. R. 5714. A bill to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near La Crosse, Wis.; without amendment (Rept. No. 532). Referred to the House Calendar.

Mr. ELLENBOGEN: Committee on Interstate and Foreign Commerce. H. R. 5694. A bill to extend the times for commencing and completing the construction of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.; with amendment (Rept. No. 533). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 88. Resolution to authorize an investigation of un-American activities; without amendment (Rept. No. 534). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 173. Resolution providing for the consideration of House Joint Resolution 251, a joint resolution to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936; without amendment (Rept. No. 535). Referred to the House Calendar.

Mr. HARLAN: Committee on Rules. House Resolution 174. Resolution providing for the consideration of S. 1228, an act to amend the National Housing Act; without amendment (Rept. No. 536). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WOOD: Committee on War Claims. H. R. 2788. A bill for the relief of Mike Chetkovich; without amendment (Rept. No. 520). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 5065) for the relief of Carlo Levy McDaniel, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. COLLINS: A bill (H. R. 6063) to provide for additional clerk hire in the House of Representatives, and for other purposes; to the Committee on Accounts.

By Mr. MARTIN of Colorado: A bill (H. R. 6064) to add certain lands to the Pike National Forest in the State of Colorado; to the Committee on the Public Lands.

By Mr. BLAND: A bill (H. R. 6065) authorizing the transfer to and conversion, equipment, and use by the Secretary of Commerce of certain Government-owned vessels for fishery research purposes; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 6066) to provide for preliminary examination and survey of Assateague Channel, Accomac County, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6067) to provide for preliminary examination and survey of Hog Island, Va., with a view to the protection of navigation and preservation of the island; to the Committee on Rivers and Harbors.

By Mr. FULMER: A bill (H. R. 6068) to provide for the widows of those persons who rendered high public service in the yellow-fever investigation in Cuba; to the Committee on Military Affairs.

By Mr. MAGNUSON: A bill (H. R. 6069) to create a commission known as the Alaskan International Highway Commission; to the Committee on Foreign Affairs.

By Mr. PIERCE: A bill (H. R. 6070) to authorize a survey of Willow Creek, Oreg., with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 6071) to credit the Klamath Indian tribal funds with certain amounts heretofore expended from tribal funds on irrigation works of the Klamath Reservation, Oreg.; to the Committee on Indian Affairs.

By Mr. WHELCHEL: A bill (H. R. 6072) to amend section 5 of the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909 (U. S. C., title 17); to the Committee on Patents.

By Mr. WIGGLESWORTH: A bill (H. R. 6073) authorizing appointments to the United States Military Academy and United States Naval Academy of sons of soldiers, sailors, and marines wounded in action during the World War; to the Committee on Military Affairs.

By Mr. RANKIN: A bill (H. R. 6074) to extend the provisions of the Tennessee Valley Authority Act of 1933 to the Tombigbee River and Bear Creek Basins; to the Committee on Military Affairs.

By Mr. RAYBURN: A bill (H. R. 6075) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi; to the Committee on Indian Affairs.

By Mr. PHILLIPS: A bill (H. R. 6076) to prevent the pollution of the navigable waters of the United States, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. MAHON of Texas: A bill (H. R. 6077) to authorize the erection of a United States Veterans' Administration hospital in west Texas; to the Committee on World War Veterans' Legislation.

By Mr. AMLIE: Resolution (H. Res. 175) relating to the improvement of Kenosha Harbor, Kenosha, Wis.; to the Committee on Rivers and Harbors.

By Mr. SHAFER of Michigan: Resolution (H. Res. 176) requesting the Attorney General to investigate the baking industry in the State of Michigan; to the Committee on the Judiciary.

By Mr. BROWN: Joint resolution (H. J. Res. 306) authorizing the issuance of a special postage stamp in honor of the late Thomas E. Watson for his services in the origination of Rural Free Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. DALY: Joint resolution (H. J. Res. 307) proposing an amendment to article III, sections 1 and 2, of the Constitution of the United States, relating to the number, tenure in office, and compensation of the judges of the supreme and inferior courts and defining and limiting their power in the matter of nullifying acts of Congress; to the Committee on the Judiciary.

By Mr. FISH: Joint resolution (H. J. Res. 308) proposing an amendment to the Constitution of the United States prohibiting child labor; to the Committee on the Judiciary.

By Mr. KLOEB: Joint resolution (H. J. Res. 309) authorizing construction of a memorial building to commemorate the treaty of Greenville at Greenville, Ohio; to the Committee on Public Buildings and Grounds.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States favoring a 5-day week and a 6-hour working day; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BOEHNE: A bill (H. R. 6078) granting a pension to Charles E. Curl; to the Committee on Invalid Pensions.

By Mr. GINGERY: A bill (H. R. 6079) for the relief of Kenneth B. Clark; to the Committee on Claims.

By Mrs. HONEYMAN: A bill (H. R. 6080) for the relief of the legal guardian of Roy D. Cook, a minor; to the Committee on Claims.

By Mr. LANZETTA: A bill (H. R. 6081) to amend the Immigration Act of March 4, 1929, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LEWIS of Maryland: A bill (H. R. 6082) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Glenn I. Jones; to the Committee on the District of Columbia.

By Mr. LUCE: A bill (H. R. 6083) granting a pension to Alma A. De Coen; to the Committee on Pensions.

Also, a bill (H. R. 6084) for the relief of James E. York, Jr.; to the Committee on Naval Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 6085) for the relief of W. P. Richardson; to the Committee on Claims.

By Mr. PEYSER: A bill (H. R. 6086) for the relief of Fritz Ludwig Hermann Amberger; to the Committee on Immigration and Naturalization.

By Mr. RAYBURN: A bill (H. R. 6087) to amend an act entitled "An act authorizing the Court of Claims to hear, consider, adjudicate, and enter judgment upon the claims against the United States of J. A. Tippit, L. P. Hudson, Chester Howe, J. E. Arnold, Joseph W. Gillette, J. S. Bounds, W. N. Vernon, T. B. Sullivan, J. H. Neill, David C. McCallib, J. J. Beckham, and John Toles", approved June 28, 1934; to the Committee on Indian Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 6088) for the relief of Luther M. Anderson; to the Committee on Military Affairs.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 6089) for the relief of Lawrence Dziegiel; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 6090) for the relief of the estate of Electa F. Smith, deceased; to the Committee on Claims.

PETITIONS, ETC.

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

1515. By Mr. ASHBROOK: Petition of Mr. and Mrs. J. W. Porter, of Roscoe, Ohio, urging that no law be passed that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1516. Also, petition of the Democratic headquarters of Mansfield, Ohio, endorsing the President's Supreme Court proposal; to the Committee on the Judiciary.

1517. By Mr. BEITER: Petition of the Brotherhood of Railroad Trainmen, Seneca Lodge 556, of Buffalo, urging the enactment of the President's proposals to reform the judiciary; to the Committee on the Judiciary.

1518. Also, petition of the Central Labor Council of Buffalo, urging the enactment of the President's proposals to reform the judiciary; to the Committee on the Judiciary.

1519. By Mr. COFFEE of Washington: Petition of the Kapowsin Grange, No. 804, Pierce County, Wash., endorsing the noxious-weed-eradication bill (H. R. 4009); to the Committee on Agriculture.

1520. Also, petition of the Gig Harbor Grange (subordinate), No. 445, endorsing the noxious-weed-eradication bill (H. R. 4009); to the Committee on Agriculture.

1521. Also, petition of United Mine Workers of America, District No. 10, Renton, Wash., in scale convention assembled, endorsing and urging adoption by Congress of the President's proposals for reform of the Federal judiciary; to the Committee on the Judiciary.

1522. By Mr. CRAWFORD: Resolution of the Burns Grange, No. 160, of Durand, Mich., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

1523. Also, petition of members of the congregation of the Methodist Church of Bancroft, Mich., opposing the President's Supreme Court reform program; to the Committee on the Judiciary.

1524. Also, petition of residents of St. Charles, Mich., protesting against the President's proposal to reorganize the judicial branch of the Federal Government; to the Committee on the Judiciary.

1525. By Mr. COLDEN: Petition of Hon. Franklin P. Buyer, city councilman, fifteenth district, and other citizens of the county of Los Angeles, State of California, urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1526. By Mr. DORSEY: Petition of 15 signatures of persons residing in the Fifth Pennsylvania Congressional District, favoring the proposal of President Roosevelt on reorganization of the judicial branch as it refers to increasing the present membership of the Supreme Court from 9 to 15 members; to the Committee on the Judiciary.

1527. By Mr. KEOGH: Petition of Rudy Vallee, Steinway Hall, New York City, concerning House bill 4947; to the Committee on Military Affairs.

1528. By Mr. McCORMACK: Memorial of the Massachusetts General Court, memorializing Congress and the President of the United States to allocate to the Commonwealth of Massachusetts a reasonable proportion of the total revenues voted by Congress for social purposes; to the Committee on Ways and Means.

1529. Also, memorial of the Massachusetts General Court, memorializing Congress in favor of the appropriation of additional funds by the Federal Government for the continuation of emergency unemployment relief projects; to the Committee on Ways and Means.

1530. Also, memorial of the Massachusetts General Court, memorializing Congress in favor of restoring certain women to citizenship; to the Committee on Immigration and Naturalization.

1531. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, advocating a reasonable proportion of the total revenues voted for social purposes be allocated to Massachusetts; to the Committee on Appropriations; also, memorial of the General Court of Massachusetts, favoring restoration of certain women to citizenship; to the Committee on Immigration and Naturalization; also, memorial of the General Court of Massachusetts, favoring the appropriation of additional funds by the Federal Government for the continuation of emergency unemployment relief projects; to the Committee on Appropriations; and also, memorial of the General Court of Massachusetts favoring the establishment of a 5-day week and a 6-hour working day; to the Committee on the Judiciary.

1532. By Mr. MURDOCK of Utah: Memorial of the State Legislature of the State of Utah, No. H. C. M. No. 6, memorializing the Congress of the United States to appropriate $100,000 to the counties of Uintah and Duchesne, located in the former Indian reservation, State of Utah, for the purpose of erecting and equipping a junior college, to be used jointly by white and Indian pupils, because of untaxable Indian lands and water rights and expenses incurred by said counties in educating and protecting the children residing on Indian lands; to the Committee on Indian Affairs.

1533. By Mr. OLIVER: Petition of George W. Brown and 65 others, of South Portland, Maine, favoring the passage of the Universal Service Act, believing that the elimination from war of personal aggrandizement, coupled with the imposition universally of the burdens and sacrifices of war, will have the most telling effect in the prevention of war; to the Committee on the Judiciary.

1534. By Mr. PETERSON of Georgia: Petition of citizens of Bryan, Chatham, Tattnall, and Emanuel Counties, Ga., concerning the old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

1535. By Mr. PFEIFER: Petition of the National Lumber Dealers' Association, Washington, D. C., concerning the extension of title I of the National Housing Act; to the Committee on Banking and Currency.

1536. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning the bill introduced by Congressman PALMISANO (H. R. 4084); to the Committee on Interstate and Foreign Commerce.

1537. Also, petition of the Merchants' Association of New York, concerning House bill 2927; to the Committee on Flood Control.

1538. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning House bill 68, introduced by Congressman KENNEY; to the Committee on Interstate and Foreign Commerce.

1539. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning bill introduced by Congressman CROSSER (H. R. 4406); to the Committee on Interstate and Foreign Commerce.

1540. By Mr. POLK: Petition of Elmer Mitchell and 34 other truck drivers employed by the Germann Bros. Motor Transportation, Inc., of Ripley, Ohio, earnestly opposing the passage of House bill 1668, known as the Pettengill bill; to the Committee on Interstate and Foreign Commerce.

1541. Also, petition of A. J. Germann and 15 other officers and employees of the Germann Bros. Motor Transportation, Inc., of Ripley, Ohio, emphatically and unalterably opposing passage of House bill 1668, known as the Pettengill bill; to the Committee on Interstate and Foreign Commerce.

1542. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, memorializing Congress in favor of restoring certain women to citizenship; to the Committee on Immigration and Naturalization.

1543. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memorializing Congress in favor of the establishment of a 5-day week and a 6-hour working day; to the Committee on Labor.

1544. By Mr. THOMASON of Texas: Petition of residents of Jeff Davis and Brewster Counties, Tex., urging enactment of House bill 2257, a bill granting old-age pensions; to the Committee on Ways and Means.

1545. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, memorializing Congress in favor of the establishment of a 5-day week and a 6-hour working day; to the Committee on Labor.

1546. Also, resolutions adopted by the General Court of Massachusetts, memorializing Congress in favor of the appropriation of additional funds by the Federal Government for the continuation of emergency unemployment relief projects; to the Committee on Appropriations.

1547. Also, resolutions adopted by the General Court of Massachusetts, memorializing Congress and the President of the United States to allocate to this Commonwealth a reasonable proportion of the total revenues voted by Congress for social purposes; to the Committee on Appropriations.

1548. By the SPEAKER: Petition of the Board of Aldermen of the city of New York, favoring Senate bill 1678 and House bill 4739, relative to home-mortgage relief; to the Committee on Banking and Currency.

1549. Also, petition of the Minnehaha County Bar Association, relative to increasing the number of Justices of the Supreme Court; to the Committee on the Judiciary.

SENATE

FRIDAY, APRIL 2, 1937

(Legislative day of Monday, Mar. 29, 1937)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, April 1, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, as a vote is to come on the proposed amendment of the Senator from South Carolina [Mr. BYRNES], which will require a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Chavez	Johnson, Calif.	Pepper
Andrews	Clark	Johnson, Colo.	Pittman
Ashurst	Connally	King	Pope
Austin	Davis	Lee	Reynolds
Bachman	Dieterich	Lewis	Robinson
Bailey	Duffy	Lodge	Russell
Bankhead	Ellender	Logan	Schwartz
Barkley	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Black	Gerry	McAdoo	Steiwer
Bone	Gibson	McCarran	Thomas, Okla.
Borah	Glass	McGill	Townsend
Bridges	Green	McKellar	Truman
Brown, Mich.	Guffey	McNary	Tydings
Brown, N. H.	Hale	Maloney	Vandenberg
Bulkley	Harrison	Minton	Van Nuys
Bulow	Hatch	Murray	Wagner
Burke	Hayden	Neely	Walsh
Byrd	Herring	Norris	Wheeler
Byrnes	Hitchcock	Nye	White
Capper	Holt	O'Mahoney	
Caraway	Hughes	Overton	

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] is detained from the Senate because of illness.

The Senator from New York [Mr. COPELAND], the Senator from Iowa [Mr. GILLETTE], the Senator from New Jersey [Mr. MOORE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on important public business.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

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

REPORT OF UNITED STATES RAILROAD ADMINISTRATION

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Interstate Commerce, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Annual Report of the United States Railroad Administration for the year ended December 31, 1936.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 2, 1937.*

[Note: Report accompanied similar message to the House of Representatives.]

SALARIES, CAPITOL POLICE (S. DOC. NO. 49)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, salaries of Capitol Police, for the fiscal year

1938, in the sum of $38,880, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

TARIFF ON ARTICLES FROM THE VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the Tariff Act of 1930 with reference to articles coming into the United States from the Virgin Islands, and for other purposes, which, with the accompanying paper, was referred to the Committee on Finance.

TARIFF COMMISSION REPORT ON DRESSED OR DYED FURS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the United States Tariff Commission, transmitting a report (submitted to the President) of an investigation made, under the provisions of law, respecting dressed or dyed furs, and in response to Senate Resolution 250, Seventy-fourth Congress, which, with the accompanying report, was referred to the Committee on Finance.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Appropriations:

Senate Joint Memorial 7

Whereas relief checks in Colorado have been cut at least 50 percent during the month of March; and

Whereas hundreds of families are suffering and facing starvation, and many are being evicted from their homes because they are unable to pay their rent with these small relief checks; and

Whereas the financial problems which confront the State legislature are of such a nature as to make it almost impossible to immediately make funds available for relief purposes; and

Whereas it has come to our attention that the Federal Government has from time to time assisted various States to meet their relief needs in periods of crisis; and

Whereas immediate funds are needed to prevent actual starvation and suffering of hundreds of families in the State of Colorado: Therefore be it

Resolved, That the Legislature of the State of Colorado in joint memorial petition the Federal Government to immediately assist the State in meeting this crisis by matching funds which are available in the State on a dollar-for-dollar basis; and be it further

Resolved, That copies of this memorial be sent to the President of the United States, the Speaker of the House of Representatives, the Vice President of the United States, Senator Edwin Johnson, Senator Alva Adams, Hon. Harry Hopkins, and the four Representatives from Colorado.

The VICE PRESIDENT also laid before the Senate a resolution adopted by Farmers' Local Union, No. 111, Fillmore, N. Dak., favoring the enactment of legislation to enlarge the membership of the Supreme Court, and also the adoption of certain amendments to the Constitution of a progressive character, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by Clan Cameron, No. 120, and Kinoka Council, No. 295 (Degree of Pocahontas), both of Pittsburgh, Pa., favoring the enactment of the so-called McCarran-Mead bill, providing longevity pay to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. GIBSON presented a resolution adopted by Eclipse Grange, No. 255, Patrons of Husbandry, of Thetford, Vt., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. LODGE presented memorials, numerously signed, of sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or other legislation of a similar character, which were referred to the Committee on the Judiciary.

Mr. DUFFY presented a joint resolution of the Legislature of the State of Wisconsin memorializing Congress to enact legislation to encourage the reforestation of farm wood lots and slope lands, the discontinuance of grazing thereon, and the planting of shelterbelts, by providing Federal aid to the States, etc., which was referred to the Committee on Agriculture and Forestry.

(See joint resolution printed in full when laid before the Senate by the Vice President on Apr. 1, 1937, pp. 2993–2994, CONGRESSIONAL RECORD.)

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 545. A bill for the relief of John Mulhern (Rept. No. 283); and

S. 1479. A bill for the relief of the estate of Charles White (Rept. No. 284).

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 1516) to authorize certain payments to the American War Mothers, Inc.; the Veterans of Foreign Wars of the United States, Inc.; and the Disabled American Veterans of the World War, Inc., reported it without amendment and submitted a report (No. 285) thereon.

Mr. AUSTIN, from the Committee on Military Affairs, to which was referred the bill (S. 720) to authorize the acquisition of land for military purposes at Fort Ethan Allen, Vt., reported it with an amendment and submitted a report (No. 286) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. LOGAN:

A bill (S. 2059) to authorize Austin H. Clark and Ellsworth P. Killip, of the United States National Museum, to accept certain decorations respectively from the Danish and French Governments; to the Committee on Foreign Relations.

By Mr. BROWN of Michigan:

A bill (S. 2060) to amend the Wisconsin Chippewa Jurisdictional Act of August 30, 1935 (49 Stat. L. 1049); to the Committee on Indian Affairs.

By Mr. McGILL:

A bill (S. 2061) for the relief of officers and soldiers of the Volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899; to the Committee on Claims.

A bill (S. 2062) granting pensions and increases of pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 2063) to amend paragraph 1 of section 22, part I, of the Interstate Commerce Act, as amended, by providing for the carrying of officers and enlisted men of the military and naval services while on leave of absence or furlough at own expense at reduced rates; to the Committee on Naval Affairs.

By Mr. BAILEY:

A bill (S. 2064) for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration); to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 2065) for the relief of James A. Simpson; and

A bill (S. 2066) for the relief of Fred W. Porter; to the Committee on Military Affairs.

By Mr. CAPPER:

A joint resolution (S. J. Res. 122) proposing an amendment to the Constitution of the United States relative to taxes on certain incomes; to the Committee on the Judiciary.

By Mr. GIBSON:

A joint resolution (S. J. Res. 123) to provide for a study of traffic conditions in the District of Columbia; to the Committee on the District of Columbia.

CONTROL AND PREVENTION OF CANCER

Mr. BONE. Mr. President, I ask consent to introduce a bill signed by 94 Members of the United States Senate, and ask that it be referred to the Committee on Commerce.

The bill authorizes the expenditure of $1,000,000 a year for research into the causes of cancer, such work to be done under the direction of the Surgeon General of the Public Health Service of the United States. I know that it is the sincere desire of these Members that from now on an unending warfare be carried on against this scourge, which has brought unspeakable misery and death to so many. The victims of cancer might have been saved had society provided an adequate means of attacking the problem through an intelligent coordination of all the agencies of modern science.

That is what the bill provides. It is unique in the parliamentary history of this country in that it is sponsored by practically every Member of this honorable body, each of whom makes the bill a personal message of hope and cheer to those who live in the shadow of a great fear.

It has seemed best to commit the bill to the care of the Committee on Commerce, because the able chairman of that committee is a physician of outstanding ability, whose sound judgment may be trusted to correct any errors or omissions. I know the committee will return it to us shaped into a splendid instrument of social service.

The VICE PRESIDENT. Without objection, the bill will be received and referred as requested by the Senator from Washington.

By Mr. BONE (for himself, Mr. ADAMS, Mr. ANDREWS, Mr. ASHURST, Mr. AUSTIN, Mr. BACHMAN, Mr. BAILEY, Mr. BANKHEAD, Mr. BARKLEY, Mr. BILBO, Mr. BLACK, Mr. BORAH, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BROWN of New Hampshire, Mr. BULKLEY, Mr. BULOW, Mr. BURKE, Mr. BYRD, Mr. BYRNES, Mr. CAPPER, Mrs. CARAWAY, Mr. CHAVEZ, Mr. CLARK, Mr. CONNALLY, Mr. COPELAND, Mr. DAVIS, Mr. DIETERICH, Mr. DONAHEY, Mr. DUFFY, Mr. ELLENDER, Mr. FRAZIER, Mr. GEORGE, Mr. GIBSON, Mr. GILLETTE, Mr. GLASS, Mr. GREEN, Mr. GUFFEY, Mr. HALE, Mr. HARRISON, Mr. HATCH, Mr. HAYDEN, Mr. HERRING, Mr. HITCHCOCK, Mr. HOLT, Mr. HUGHES, Mr. JOHNSON of California, Mr. JOHNSON of Colorado, Mr. KING, Mr. LA FOLLETTE, Mr. LEE, Mr. LEWIS, Mr. LODGE, Mr. LOGAN, Mr. LONERGAN, Mr. LUNDEEN, Mr. MALONEY, Mr. McADOO, Mr. McCARRAN, Mr. McGILL, Mr. McKELLAR, Mr. McNARY, Mr. MINTON, Mr. MOORE, Mr. MURRAY, Mr. NEELY, Mr. NORRIS, Mr. NYE, Mr. O'MAHONEY, Mr. OVERTON, Mr. PEPPER, Mr. PITTMAN, Mr. POPE, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. ROBINSON, Mr. RUSSELL, Mr. SCHWARTZ, Mr. SCHWELLENBACH, Mr. SHEPPARD, Mr. SHIPSTEAD, Mr. SMITH, Mr. STEIWER, Mr. THOMAS of Oklahoma, Mr. THOMAS of Utah, Mr. TOWNSEND, Mr. TRUMAN, Mr. TYDINGS, Mr. VANDENBERG, Mr. VAN NUYS, Mr. WAGNER, Mr. WALSH, Mr. WHEELER, and Mr. WHITE):

A bill (S. 2067) authorizing the Surgeon General of the Public Health Service to control and prevent the spread of the disease of cancer, which was read twice by its title and referred to the Committee on Commerce.

CAUSES OF AMERICAN PARTICIPATION IN WORLD WAR

Mr. McKELLAR. Mr. President, in an editorial published in the Washington Post of this date, under the title "Twenty Years After", recalling our entrance into the World War 20 years ago, the conditions under which the United States took that momentous step, are so excellently presented that I think a statement of them should go into the RECORD.

I was a Member of the Senate at that time and voted in favor of the declaration of war as recommended by our then great President, Woodrow Wilson.

I have never read a better or more lucid statement than is contained in this editorial, of the reason why America entered that conflict. The writer, whoever he may be, has stated the case so much better, so much more clearly, and so much more forcefully than I could state it that I ask unanimous consent to have the editorial printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, the editorial will be printed in the RECORD.

The editorial is as follows:

[From the Washington Post of Friday, Apr. 2, 1937]

TWENTY YEARS AFTER

Twenty years ago today, on April 2, 1917, President Wilson made his most momentous address to Congress, advising that body to declare "the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States."

Two days later the Senate, by a vote of 82 to 6, and 4 days later the House, by a vote of 373 to 50, accepted for this country "the status of belligerent which has been thrust upon it." By proclamation of the President on April 6 the United States entered the World War. The consequences of that action are still with us.

It has become somewhat fashionable, of late, to assert that this historic step was a deviation from the desirable course of national destiny; to maintain that the blood and treasure expended by this country as a belligerent were utterly wasted; to emphasize the fact that the war did not, as President Wilson hoped, make the world safe for democracy, and to assume that the outcome would somehow have been more favorable for America had we swallowed the unbridled insults of the German Government and preserved a craven peace at any price.

On this solemn anniversary it is therefore appropriate to ask ourselves again whether, in that crisis of her history, America failed to fulfill the national ideals without which no people can be recorded as having contributed constructively to the long record of human evolution.

The pacific character of the American people; their aversion to war as a barbaric and fruitless method of settling controversies, was at least as pronounced two decades ago as is the case today, because of this civilized belief we had, for many months, patiently endured insults and aggressions from both the Germans and the Allies. And it was not until the German offenses assumed the characteristics, as Woodrow Wilson said, of "a warfare against mankind" that we reluctantly decided to put force behind the defense of those rights which the German submarine commanders so contemptuously flouted.

Whether or not this enforced defense of national rights actually achieved the idealistic objectives the Nation cherished is really a secondary question. To attain those objectives America did what she could, and failure to accomplish what in the event proved beyond our powers can never be held against us by mortal critics. But to our undying credit will stand the strict fulfillment of that pledge which was within our power to redeem. "We desire no conquest", said President Wilson 20 years ago today. "We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind."

From that promise the United States never deviated. And for this proof of altruistic purpose, as well as for the refusal to suffer continuous and intolerable aggression, the American people may continue to take legitimate pride. When the balance hung uncertain, when the issues trembled between vindication of honor or passive acceptance of indignity, the country took the course which the character of its people made inevitable.

None knows what might have happened had America stayed at peace. Perhaps Germany would have won the war. There are those who argue that present world conditions, had that been the outcome, would have been no worse. It is not a difficult argument to combat, but in such hypothetical discussion there is no gain for any debater.

What counts is that America, in the test, was not found wanting. The Nation, under President Wilson's leadership, was true to itself; true to its traditions, true to the conviction that a servile democracy is not worth saving and that, in the last analysis, the fundamental interests of the United States are inevitably opposed to the triumph of the autocratic principle. Thus it was 20 years ago. Thus, if circumstances pose the inescapable choice, it will be again.

"The right", said Woodrow Wilson on April 2, 1917, "is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts." So it will continue to be, as long as Americans treasure the contribution this country has made to civilization and pride themselves upon a national ideal which cannot be measured in purely material terms.

President Wilson, secure from the criticism of lesser men, may sleep at peace in the quiet of the cathedral at Mount St. Albans. In the hour of trial he had the stature to realize how America had to choose. He knew, in his ringing paraphrase of Martin Luther's phrase, that "God helping her, she can do no other."

ROOSEVELT, LIBERALISM, AND THE COURTS—ADDRESS BY CHIEF JUSTICE RILEY, OF OKLAHOMA

[Mr. LEE asked and obtained leave to have printed in the RECORD part of an address delivered by Chief Justice Fletcher Riley, of the Supreme Court of Oklahoma, at the Democratic victory dinner in Denver, Colo., on Mar. 4, 1937, on the subject, Roosevelt, Liberalism, and the Courts, which appears in the Appendix.]

REGULATION OF BITUMINOUS-COAL INDUSTRY

The Senate resumed consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

Mr. ROBINSON. Mr. President, the pending amendment to the coal bill is the amendment proposed by the Senator from South Carolina [Mr. BYRNES] having relation to what we term the "sit-down strike", although the language of the amendment does not expressly refer to strikes.

I think there is a general feeling in the Senate that a subject matter of this importance, involving, as it does, many considerations touching sound public policy, should have the attention and thought of a standing committee of the Senate, and up to this time no committee of this body has been given jurisdiction of the subject matter of this amendment.

It is my information that a number of amendments, some of them in the nature of substitutes, are in contemplation by various Members of this body. In order that the many aspects of the questions underlying the amendment of the Senator from South Carolina may receive due consideration, I move that the amendment, with all amendments that may be offered thereto, be referred to the Committee on Interstate Commerce, with instructions to report by resolution not later than 30 days.

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

Mr. BYRNES. Mr. President, will the Senator from Arkansas yield for a question?

Mr. ROBINSON. Certainly.

Mr. BYRNES. Should a resolution be reported from the committee, would the Senator from Arkansas, as majority leader, agree to make such resolution reported by the committee the unfinished business of the Senate?

Mr. ROBINSON. No, Mr. President; I would have no authority to enter into such an agreement now. If a resolution shall be reported, it will take its place on the calendar when it is so reported, and any Senator, including myself and the Senator from South Carolina, will be at liberty, if the condition of business in the Senate permits, to make a motion to proceed to the consideration of the resolution. I would be strongly disposed to make that motion at an opportune time. I will not say that I will agree to make the resolution the unfinished business, because I have not that authority.

Mr. BYRNES. I knew that the Senator did not have the authority. I simply wanted to know whether the Senator would be in favor of making the resolution the unfinished business?

Mr. ROBINSON. I should like to see the resolution which may be reported from the committee before I declare myself in favor of it.

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

Mr. ROBINSON. I yield.

Mr. McNARY. The statement made by the leader of the majority, of course, was correct in that if the resolution were reported and on the calendar, when that order was reached, if the Senate were proceeding under the rule, any Senator could move to make it the unfinished business; but the practice has been uniform in the last few years to consider the calendar for unobjected business. Therefore, one objection would stop a proposal of that kind. Consequently, under such procedure and practice the Senator from South Carolina would not get anywhere with his resolution if it were on the calendar.

Mr. ROBINSON. The Senator understands that on any Monday when the calendar is called under rule VIII, if objection is made to the consideration of a resolution or a bill, any Senator may then move to proceed to the consideration of such resolution or bill; and when the motion is carried, if it be carried, it makes the subject matter of legislation the unfinished business.

Mr. McNARY. Mr. President, that suggestion is also subject to a number of qualifications. In the first place, the Senate has not been proceeding under rule VIII for more than 2 years. Consequently, if a Senator should move on Monday morning during the call of the calendar to proceed to the consideration of an order on the calendar and make it the unfinished business its privilege would expire at 2 o'clock. So there you are again.

The VICE PRESIDENT. May the Chair be permitted to remark that the Senate, at any time after the conclusion of morning business, can take up a resolution or any other measure and make it the unfinished business of the Senate——

Mr. ROBINSON. By a majority vote.

The VICE PRESIDENT. By a majority vote.

Mr. ROBINSON. That is what I was undertaking to say.

The VICE PRESIDENT. And under any agreement to report the resolution, if in the future the Senator from Arkansas or the Senator from South Carolina should approach the Chair and ask for recognition the Chair would have the power and would be inclined to give it if the opportunity was afforded.

Mr. ROBINSON. In good faith I intend that any resolution shall be considered by the Senate, should one be reported by the committee. I do not wish to commit myself to a resolution until I know what it is. I do not think it reasonable to ask any other course on my part.

I make the motion in the following form, and, of course, that motion is subject to debate.

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

Mr. ROBINSON. I yield.

Mr. BARKLEY. I am wondering whether the 30-day limitation is really fair to the committee. A good many members of the Committee on Interstate Commerce are also members of the Committee on the Judiciary, which is now considering the proposed judiciary reform bill. The chairman of the Committee on Interstate Commerce [Mr. WHEELER] is not in the Chamber at the moment, so I do not know just how the committee would feel about whether any hearings should be had and what consideration ought to be given to the resolution and whether they would be able to report within 30 days.

Mr. ROBINSON. It was and is my thought that if the committee should find itself unable to report within the limitation, its logical course would be to advise the Senate of that fact and ask for additional time. I did not feel justified in moving to refer the amendment to the committee without fixing some time for a report on the subject matter carried in the amendment. I have not asked unanimous consent. I do not ask unanimous consent. I submit the issue in the form of a motion, which is in order, and upon which the Senate will have a vote.

Mr. BORAH. Mr. President, if the Senate is ready to vote on the motion, I do not desire to prolong the debate. I had expected to discuss the matter before the Senate; but if the Senate is ready to vote, I shall not proceed.

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

Mr. BORAH. I yield.

Mr. KING. I think some others may desire to submit some observations. I advise the Senator of that fact so he may continue if he desires.

Mr. BORAH. Mr. President, whether the resolution or amendment was so intended or not, it has now been associated with the situation in the State of Michigan, and I do not think we can dispose of it without its having some bearing upon that situation. Therefore, I have felt I ought to say a few words in regard to the amendment.

I presume the logical way to proceed with the discussion of the subject is to determine in the first instance what, if any, authority the National Government has to deal with the situation. It might be that we would not care to adopt a resolution if we had no power to follow it up and to offer any plan or method by which to ameliorate the situation or to better the conditions in that State.

In my view, the sole authority to deal with the situation in the State of Michigan is the State of Michigan. Under the facts as we read them in the press and as they were presented here yesterday, I do not believe the National Government has any authority officially to proceed in the matter in any respect whatsoever. If we have not the power to effectuate our purposes, whatever they may be, then we

ought consider whether we may not seriously embarrass the situation for those who must cope with the conditions now obtaining in that State.

It is a local matter in which citizens of the same State are having a controversy with reference to what they claim to be their rights, and therefore we are not in a position to follow up any resolution or amendment which may be adopted by any action whatever upon the part of the National Government.

The able Senator from California [Mr. JOHNSON] yesterday read a section from an act which was passed some years ago; I believe in 1870.

Mr. KING. In 1871.

Mr. BORAH. In that statute it was provided that under certain circumstances the National Government may proceed to restore order within a State. That section reads as follows:

> Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

In order that the President may have authority to proceed under that section it would have to be shown that rights, privileges, and immunities guaranteed by the Constitution of the United States or some law of the United States have been infringed or broken or violated. The statute, on its face, discloses it has no application to the proposition before us. That matter was pretty well settled by the Supreme Court in construing another section of the same act from which this section is quoted. In that case the Court passed upon this provision of the act:

> That is two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen, with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony.

The Court held that that statute did not change the general rule that before the United States may enter a State and take charge of domestic violence there must be an infraction of the laws of the United States or an infraction of the guaranties of the Constitution with reference to the rights, privileges, and immunities of a citizen; that if there was a controversy between citizens or a controversy between groups of citizens, or if violence prevailed in the States by reason of controversies between citizens, then, until the Governor should ask the National Government to act, it would not be within the power of the National Government to enter the State. In this case the Court said:

> The government thus established and defined is to some extent a government of the States in their political capacity * * *. The people of the United States resident within any State are subject to two governments, one State and the other National; but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad.

Again the Court said:

> The charge as made is really of nothing more than a conspiracy to commit a breach of the peace within a State. Certainly it will not be claimed that the United States have the power or are required to do mere police duty in the States. If a State cannot protect itself against domestic violence, the United States may, upon the call of the Executive, when the Legislature cannot be convened, lend their assistance for that purpose. This is a guaranty of the Constitution (art. 4, sec. 4), but it applies to no case like this.

It is not contended that the State of Michigan, as a State, has proceeded in violation of the fourteenth amendment to deny protection to its citizens. The contention is that one citizen is infringing upon the rights of another citizen; that one citizen is seizing the property of another citizen; that violence may occur, or has occurred, by reason of that fact. The National Government, however, cannot interpose in conflicts between citizens unless the State government, either through the legislature or through the Governor, asks the National Government to do so. If the Governor of the State is unable to maintain law, to preserve peace, to put down domestic violence, and he so states to the National Government, or if his legislature so states to the National Government, the National Government then may go in and take charge of the situation; but not until that happens has the National Government any power whatever to proceed in the premises.

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

Mr. BORAH. I yield.

Mr. KING. Does the Senator see any analogy between the situation here presented and that which existed in Illinois, when Mr. Cleveland sent troops into Illinois for the purpose of preserving order and protecting the transportation of the mails?

Mr. BORAH. Mr. President, the Cleveland case and the Debs case turned entirely upon the proposition that force and violence were interfering with interstate commerce and interfering with the moving of the mails. It was upon that ground that the Supreme Court sustained the action of the State government. If it were claimed in this case, or if it could be shown in this matter, that the mails are being interfered with, or that crime is being committed upon the property of the United States, or that interstate commerce is being interfered with, then, of course, a wholly different question would arise. The National Government then would proceed to protect its own rights and its own interests in interstate commerce and in the mails. That I do not understand is contended; at least, I have seen no facts supporting that proposition.

Mr. BARKLEY. And the National Government would do so without the request of a Governor or a legislature. It would do so on its own responsibility.

Mr. BORAH. Certainly. If the national rights of the citizen, if the national immunities and the national privileges of the citizen as guaranteed by the Constitution are interfered with, the National Government does not have to wait upon the government of the State; but where there is a controversy between citizens of a State over matters such as are here involved, in my opinion, the National Government has no right to move in.

The responsibility for this situation rests solely upon the shoulders of the Governor of the State of Michigan. He is proceeding in his own way and according to his own judgment. We may or may not agree with him, but the responsibility is his, and he is responsible to the people of the State of Michigan. I do not feel justified in even impliedly criticizing the Governor for the manner in which he is dealing with the situation. He said in a radio address night before last:

> Put yourself in my place. If you were Governor of Michigan, would you authorize a plan which might very easily and almost certainly result in bloodshed, bitter and lasting animosity, and a deplorable situation which might very easily take years to correct?

The Governor must proceed according to his own lights and be responsible to his own people. In the meantime, Mr. President, the question we have been discussing here, the validity of sit-down strikes—in other words, the right of a citizen to seize the property of another and hold it—has not been ignored in the State of Michigan. The Governor has stated that he does not approve of the sit-down

strike. The courts of the State of Michigan have held that it is illegal. The commonwealth of the State has gone on record that the strike is an illegal strike; that the strikers have no right to seize the property of another and hold it.

But, Mr. President, it is a condition and not a theory with which they are dealing. Notwithstanding the State claims that the sit-down strike is illegal, and that what the strikers are doing is invalid, nevertheless they have done it. The physical fact is there that the strikers are in physical possession of the property, and the sole question is how to adjust the controversy between the parties. It can be adjusted either through peaceful means, in the manner in which the Governor is proceeding, or force may be employed.

They are the only two methods of which I know. For myself, I should wish to exhaust all means of a peaceful nature before I should employ force. When force is employed the controversy really is not settled. The persons in possession may be ousted from the building, but the controversy is thereby intensified and embittered, and is by no means adjusted. These conditions, such as arise in conflict between labor and capital never present a single axiom of right or wrong. It is always true that conditions are such that mediation and adjustment must be employed; or force.

Mr. President, I do not suppose any one will contend that A, or a group of A's, has a right to seize the property of B and hold it. That such action is unlawful is fundamental in our system of government, and the State of Michigan has not abandoned that doctrine. Nevertheless, the problem remains with which the State government has to cope. So far as I am concerned, until Governor Murphy advises the National Government that he is unable to deal with the situation and that he desires the help of the National Government, I do not desire to possibly embarrass him by any action upon our part here in the Senate.

The question may be raised, "You say embarrass: How could it embarrass?"

Mr. President, some 30 years ago the State of Idaho had to contend with a situation far worse than that which now prevails in the State of Michigan. The great Coeur d'Alene mining region was in possession of the Western Federation of Miners.

They dominated the situation. They took possession of men and held them. They took possession of property and held it. They destroyed property as well as held property. Finally, the trouble resulted in the killing of some nonunion men and the destruction of a vast amount of property.

Our Governor was a member of a union; but he never deviated for a moment from his purpose to restore order and protect property and protect life in the State. During the time he was engaged in this effort, however, he was constantly embarrassed and constantly annoyed, and had the situation constantly intensified and embittered by reason of the advice or counsel or action of outside persons. The other House of Congress passed a resolution on the matter and started an investigation. Those things did nothing but intensify and embitter the situation and embarrass the State authorities. The time came when the Governor had to ask for the assistance of the National Government; but, outside of the assistance which he sought, all other activities upon the part of outside persons were but an annoyance to the Governor. I do not know what a legislative expression here would accomplish. I only know that the responsibility is upon the shoulders of another man and upon the great Commonwealth in which the actions are taking place; and until they indicate to me that they are not prepared to deal with the situation, so far as I am concerned I do not desire to interfere. Whether the proposal comes back here in one form or another, unless we confine it solely to matters of interstate commerce, or to those matters over which we unquestionably have jurisdiction, I should be opposed to adopting anything without the request of the Governor of the State involved.

Mr. President, let me now enter into a little broader field. Really, according to the showing which has been made here, this matter is of much less consequence than I had at first supposed. I read from the very interesting letter which the able Senator from Michigan [Mr. VANDENBERG] read, coming from the mayor of Detroit. The mayor says:

> The general public is deeply affected by the situation, and all reputable citizens desire that labor receive an adequate wage and enjoy happy and proper working conditions. But, in my opinion, they do not approve of the manner in which most of these sit-down strikes have been called.

Then the Senator from Michigan comments:

> This letter emphasizes what I am saying—that this problem rises to its major menace, not within union labor, but on the outside of it, among those who rush to the opportunity to enjoy the privilege of violence when they would not dare do it upon their own responsibility.

In other words, we are dealing not with union labor or organized labor so much as with the hoodlums and the chronic law violators who flock to a scene like that as buzzards flock to a carcass. But has not the State power to deal with the individuals who are proposing to violate the law and create violence within the State? Has not the State the police power, and the criminal statutes, and the militia, and the courts? They have not yet broken down. It is certainly a proposition not necessarily of dealing with union labor itself in its organized effort, but rather of dealing with those who are always on the verge of violating the laws of the country.

Again, Mayor Couzens says:

> I believe that a great deal could be accomplished toward this end if you were to request and urge the President and Congress to use their efforts to terminate sit-down strikes and to bring about proper methods of settling such labor disputes.

I do not know any way by which we can bring to an end the sit-down strike. Perhaps the mayor had in mind some idea on the subject, but he did not reduce it to writing. It goes back to the proposition of who has the power. The mayor of the city of Detroit has the power to enforce the law against individual violators of the law; and the Governor of the State has the power, and may summon every citizen of the State to his aid to enforce the laws of his State. In his way, and according to his method, he is proceeding to adjust the matter, if possible, without the use of force.

Perhaps I might close my remarks at this point, but I do desire to say a word further.

I confess that I have not been excited over the fact that in its struggle with capital labor has seized property; and this remark does not imply for a moment that I do not think the Government must protect property. It will protect property. But when there is a situation such as that which exists at this time, it is not possible to separate and segregate the sole question of property from a condition which involves human rights. In this long struggle property has many, many times been destroyed. Such action certainly was in violation of the law, and nobody conceded that those guilty had any right to do any such thing. Property seized at this time is seized in violation of the law, and no one concedes that those seizing it have a right to do so. But, as I said a moment ago, they have seized it, and without conceding that they have any right to do so, the Governor of the State where this is occurring desires to adjudicate the situation by peaceful means rather than by force.

Have we any objection to that proceeding? Are we ready to say that the Governor is not proceeding along right lines? What can we do to assist the Governor in the course he is now pursuing? I presume that if there were anything we could do the Governor would advise us of that fact.

Mr. President, 126 years ago, and I think it was in April, a case was presented in the courts of the State of New York. There had been an indictment of three cord wainers because they agreed together to quit work and because they agreed together to ask an increase of wages. They were indicted for conspiracy, tried in the court, and convicted.

We have traveled far since that time. It is now established in our law and in our courts that labor has a right to organize, to bring together men in the form of unions; that it is not only their right to do so but is their duty to do so; that they have a right to quit work and agree to quit work; that they have a right to demand an increase of wages; that they have a right to strike; that they have a right to picket; that they have a right to bargain collectively; and, in my opinion, before we shall have established tranquillity in the industrial world, we will arrive at the point where we will determine that a laborer has a right to his job.

In this long struggle countless things have been done which the law did not recognize, and the law does not recognize what the sit-down strikers are doing; but it is a part of the struggle which has been going on for a hundred years, and we cannot empirically say that the Governor of the State is not adjusting the matter in accordance with law and ethics. Perhaps there will come out of it a real settlement, a real adjustment and agreement among the parties as to their rights; but if force is employed, we cannot expect any such result, and the controversy will continue indefinitely. I am prepared to leave the matter entirely to the Governor of the State until he shall notify us that he wants our help.

Abraham Lincoln said that labor is the superior of capital, and much more entitled to high consideration. He did not mean, undoubtedly, that labor had a right to seize property, but he did mean that in the struggle for the rights of labor we must take into consideration the conditions and situations of the men who are contending for their rights. We must take into consideration that they see the struggle from another viewpoint from that from which we see it. If the Governor of Michigan can bring the men to realize that they must adjust their controversies in order to secure better rights, it is for the Governor to do so without our interference. If the time comes when the Governor feels he must appeal to the Federal Government, then this body will be within its line of duty to express its views and in doing so cannot possibly embarrass those who now have the responsibility.

Mr. MINTON and Mr. VANDENBERG addressed the Chair.

The VICE PRESIDENT. The Senator from Indiana.

Mr. BYRNES. Mr. President, I desire to make a point of order against the motion of the Senator from Arkansas.

The VICE PRESIDENT. The Senator will state it.

Mr. BYRNES. I make the point of order that it is not in order to move to refer to a committee an amendment to a pending bill, and I cite the Chair to a decision of the Senate in 1906, when a motion was made by Mr. Hopkins to refer an amendment to the Committee on Interstate Commerce.

I submit to the Chair also a more recent decision of the presiding officer, at that time the Senator from Kentucky [Mr. BARKLEY]. In 1935 the Senator from Louisiana [Mr. Long] offered an amendment—

> To insert * * * the following: "to enable the Congress to secure such information as may be necessary for the consideration and enactment of legislation."

The Senator from Tennessee [Mr. MCKELLAR] made the point of order that the pending resolution having previously been considered by the Committee on Post Offices and Post Roads, the amendment should be referred to that committee, to be passed upon by it.

The then presiding officer, the Senator from Kentucky [Mr. BARKLEY], overruled the point of order made by the Senator from Tennessee, and said:

> The Chair holds that when an amendment to a pending resolution is offered the amendment is not referred to the committee, but it is voted upon as an amendment to the resolution.

In the case in 1906 the Senate itself voted upon the question, and by a vote of 48 to 25 decided that a motion to refer an amendment to a committee was not in order.

On the precedents of the Senate, I submit the question to the Chair.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. The Chair had recognized the Senator from Indiana before the Senator from South Carolina made his point of order. The Chair did not ask the Senator from Indiana whether he yielded for that purpose or not.

Mr. BYRNES. Mr. President, I did not know that the Chair had recognized the Senator from Indiana. I thought the Chair had recognized the Senator from Michigan [Mr. VANDENBERG], who took his seat, and that was when I made the point of order.

Mr. ROBINSON. Mr. President, will the Senator from Indiana yield?

Mr. MINTON. I yield.

Mr. ROBINSON. I think it is in order to raise a point of order——

The VICE PRESIDENT. The Chair thinks a point of order can be made at any time, but doubts whether a Senator can be taken off his feet in order to make a point of order.

Mr. ROBINSON. No; and I do not think the Senator from South Carolina desired to do that.

Mr. BYRNES. Mr. President, I have stated that I did not so desire.

Mr. ROBINSON. I will not at this time reply to the statement of the Senator from South Carolina.

Mr. VANDENBERG. Mr. President, will the Senator from Indiana yield to me?

Mr. MINTON. I yield.

Mr. VANDENBERG. Would it interfere with the Senator's purpose if he were to permit me for a brief moment to comment on some of the references made by the distinguished Senator from Idaho [Mr. BORAH] to the observations I made last evening?

Mr. MINTON. I yield to the Senator for that purpose.

Mr. VANDENBERG. Mr. President, I do not intend to repeat what I said upon yesterday, but I am very anxious to keep the issue where I think it belongs.

I did not bring the pending amendment to the bar of the Senate. It was not brought here by the action of anyone from Michigan; but when it reached the bar of the Senate I found myself in no position other than to face it, and because of its implications I continue to believe that it must be faced for the sake of candor and for the sake of all concerned, including labor.

Mr. President, the able Senator from Idaho says that the Senate should not express itself upon anything with which it does not have the authentic power to deal. I think that is probably an excellent rule; but while I have no specific instances in mind, I am perfectly sure that if I had the time I could develop the fact that the Senate frequently has resolved upon problems concerning which it did nothing but resolve and could do nothing but resolve.

The able Senator from Idaho has undertaken to suggest that this problem is exclusively a Michigan problem, and it is that to which I particularly desire to address myself, with the permission of the Senator from Indiana, before the debate continues.

I do not consider that this is a Michigan problem exclusively by any manner of means. In the first place, it is an interlocking interstate problem because of the effect of the closure of operating units in Michigan upon operating units in other States.

In the second place, it is clearly demonstrated that it is not purely a local question by the fact that the Governor of North Carolina has found it necessary to offer a specific public warning on the subject, that the Governor of Connecticut has found it necessary to offer a specific public warning on the question, and that the Governor of New Jersey similarly has found it necessary to speak. It transcends local jurisdictions, it seems to me, and cannot appropriately be brought back exclusively to a local Michigan question. Indeed, the pending proposal is not submitted from Michigan at all. It comes from the Senator from South Carolina, and relates to the production of coal in which Michigan is but incidentally concerned.

Now just one other comment. The address of the able Senator from Idaho would seem to indicate that the issue is drawn, upon the one hand, between condoning the sit-down strike and leaving the trespassers in possession of the property, or, on the other hand, shooting them out of the plants. I want emphatically to deny that those are the

alternatives, and I with particular emphasis state that no such alternatives have ever been in my mind.

I do not think it is either necessary or wise to shoot anybody out of anything at the present situation. My point is, as demonstrated by the Chrysler employees themselves, when within the last week to their credit they voluntarily left the plants after a sit-down of perhaps 2 weeks. My point is that when they are given the authentic leadership which demonstrates to them that they ought not to persist in this trespass, that there is an immediate peaceful settlement of the situation. And the only point that I am stressing is that now that the point has been raised and rests here at the bar of the Senate, this is our opportunity—not to order a Federal intervention in Michigan—I have no remote thought of such a thing, and I would resent it, but that it is our opportunity to express that moral leadership which the situation seems to require. The double necessity for expression on the part of the Federal Government at last through some department of the Government, I respectfully submit, is emphasized by the fact that the silence of the Government is being misconstrued in many quarters as an assent to the illegal trespass which is now going on, not merely in Michigan but wherever the sit-down technique persists.

Mr. BORAH. Mr. President, will the Senator yield to me for just a moment?

Mr. MINTON. I yield.

Mr. BORAH. As I understand, the Senator from Michigan thinks that the situation can be peacefully adjusted?

Mr. VANDENBERG. If the Senator from Indiana will yield to me to reply to the Senator from Idaho, I will say that I most emphatically think it can be peacefully adjusted, except as respects the hoodlumism that comes in from the outside.

Mr. BORAH. Mr. President, that is a question of mere police administration. If the State of Michigan cannot take care of its problem of hoodlumism then the State of Michigan is much less of a commonwealth than I had supposed it to be.

Mr. VANDENBERG. Mr. President, while we have used "hoodlumism" as a word to define what is going on there now, there is a far more important influence coming in from the outside. There is an infiltration of subversive influences—a situation which I could clearly prove to the Senator if I were permitted the time to do so.

Mr. BORAH. I simply repeat that the processes which are being employed by the Governor of the State of Michigan seem to me to be identical with those which the Senator from Michigan seems to think ought to be employed.

Mr. VANDENBERG. I have not specifically criticized the Governor of Michigan, and I do not intend to do so. I realize what it means for a man to confront the responsibility we are discussing. I am not worrying about the responsibility of the Governor of the State of Michigan. He will attend to that himself. That is his business, for which he is answerable to his people. I am worrying about the responsibility of United States Senators who confront a challenge to speak their minds upon this problem and who apparently are preparing not to do so.

Mr. JOHNSON of California rose.

Mr. MINTON. Mr. President——

Mr. JOHNSON of California. I beg the Senator's pardon. Has the Senator from Indiana the floor?

Mr. MINTON. I have the floor.

Mr. JOHNSON of California. Then, of course, I will not proceed.

Mr. MINTON. I shall be glad to yield to the Senator if he wishes to reply to what has been said.

Mr. JOHNSON of California. No, Mr. President. I wish to express myself in my own way.

Mr. MINTON. Mr. President, the Senator from Idaho [Mr. BORAH] has directed our attention very forcefully to what our duties as a Congress may be and what our responsibilities are in regard to the sit-down strike. I do not intend to discuss the legality or illegality of the sit-down strike. Within my limitations as a lawyer I know of no law that justifies the sit-down strike. It has been pointed out as a violation of the law of property, as a trespass. I could not but say that I am in favor of the law against trespass. But, Mr. President, I wish to discuss for a few minutes the responsibility of another in this situation, and I am prompted to do so because of the statements that were made in the closing hours of the session yesterday by the distinguished senior Senator from California [Mr. JOHNSON] and the distinguished senior Senator from Michigan [Mr. VANDENBERG], whereby they laid on the doorstep of the White House the charge that the President of the United States was derelict in the performance of his duty.

Mr. President, no more courageous man at any time, any place, ever represented a people than the courageous Senator from California; and because of his brave and generous nature I know that he would not, wittingly or unwittingly, say anything that might be construed to reflect unfairly upon another. So I entertain the hope that when I shall have concluded my discussion of his observations and the statute cited by him yesterday he will turn again his fine legal mind to a consideration of that statute in the light of the authority I shall cite.

Mr. President, before I discuss the act cited by the Senator from California I wish first to address a few remarks to the statement of the Senator from Michigan [Mr. VANDENBERG]. I want to say that in his remarks yesterday he was, for the most part, extremely fair to the President of the United States, and I commend him for his fairness and generosity in his statement. But I think the Senator from Michigan made a statement, which has probably been heralded to the country, that did charge the President unfairly in this matter, and that was his impassioned plea that "silence gives consent." The Senator from Michigan cited in the course of his remarks certain statements made by those who purported to represent the workers in the factories in Michigan to the effect that the President of the United States wanted them to seize people's property and to take charge of this, that, and the other, and do the things which they were doing in the sit-down strike.

I desire to make a statement, and I believe the Senator from Michigan will agree with me about it, because I think I gathered from his remarks that he did not consider that those statements came from any genuine and sincere leader of the labor forces or any sincere worker in the ranks of labor. Men who have been fighting the battle of labor for these many years know that that kind of propaganda emanates from the enemies of labor who are often strewn throughout the plants in which they work by those who employ them; that that is the propaganda of stool pigeons and persons who are too often placed in the plant by the employer to spy upon the sincere and honest worker in the plant. I wish to say to the Senate that, in my judgment, the time has not come when the President of the United States is bound to take notice of and deny the statements of irresponsible radical persons who would embroil labor, and statements made by stool pigeons who are placed in the plants of industry in this country by the employers. So I say, Mr. President, that silence does not give consent. When there is no duty to speak there is no consent given by silence to anything.

Mr. President, when may the President of the United States invade the sovereign State of Michigan? The President of the United States, as I conceive, is not a roving policeman to intrude himself into each and every difficulty that may arise in the States of the United States. He is the high executive officer of the Federal Government, charged with the responsibility of enforcing the law of this country, and that law is found in the Constitution and the statutes enacted in pursuance to the Constitution.

With what does the Constitution of the United States charge the President of the United States? By section 4 of article 4 of the Constitution of the United States the President is authorized to use the armed forces within the domestic limits of the United States, and that section reads as follows:

> The United States shall guarantee to every State in this Union a republican form of government—

I know that the Senator from Michigan does not charge that a republican form of government no longer exists in the State of Michigan—

> and shall protect each of them against invasion—

I have heard no voice anywhere at any time charging that the great sovereign State of Michigan has been invaded; but Senators, mark this provision—

> and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

That alone is the authority for the President of the United States to intrude into the sovereign State of Michigan with the armed forces of the United States; when the State of Michigan, as the distinguished Senator from Idaho so well pointed out, shall ask that it be done because there exists domestic violence in the State which the State cannot control.

How goes it with the State of Michigan today? The Senator from Michigan referred to a letter from the son of a beloved Senator from Michigan, the late Senator Couzens. How goes it with the city of Detroit, the great city presided over by Mr. Couzens? Has Mr. Couzens said, "I cannot carry on my duties as mayor of the city of Detroit; I cannot enforce the law"? Not at all. Even in the communication read to the Senate yesterday by the Senator from Michigan, the mayor of the great city of Detroit showed conclusively that he was master of the situation in Detroit. I quote from his letter where he pointed out that some irresponsible persons had taken charge of and raided the property of Frank & Seder and sat down in the store of this concern. He said:

> I left the meeting and sent several hundred police officers to the Frank & Seder store, where we technically held everyone until testimony, affidavits, etc., could be secured. I remained at the store for hours and listened to the testimony (of employees).

So the mayor of the city of Detroit was in command of the city of Detroit. If the mayor of Detroit cannot handle the situation, let him stand forth and say so.

How goes it with the sheriff of Wayne County, Mich., who is charged with law enforcement in the county of Wayne and the execution of writs of the courts entrusted to his office? He has never come forth, so far as I know, and said that he could not execute the duties of his office. As the distinguished Senator from Idaho pointed out a while ago, he may swear in a posse comitatus of the entire county to enforce the processes of the courts of which he is the executive officer. Who says that he has made such a call and that such a call has not been heeded? If the sheriff of Wayne County claims that he can no longer run the office of sheriff of Wayne County, let him stand forth and say so.

How goes it with the great State of Michigan itself? Has the Governor of the State of Michigan said that he could not handle the situation? Senators who know Governor Murphy well, as I know him only slightly, will all agree that he is a brave, courageous, highly intelligent citizen and a fine Governor, and, with the Senator from Idaho, I agree that he is doing a splendid job in trying to settle by peaceful means the strike situation in the city of Detroit. Has the great Governor of Michigan said he cannot maintain law and order in Michigan, or called upon the President for help? Until he does, the President has no authority to act.

Mr. BAILEY. Mr. President——

Mr. MINTON. I yield to the Senator from North Carolina.

Mr. BAILEY. The mayor of Detroit and the Governor of Michigan have not said that they could not handle the situation, but actions speak louder than words. They have not handled it; that is the fact.

Mr. MINTON. But there must be action, there must be word coming from the Governor of Michigan or the Legislature of Michigan, before the President of the United States is authorized to invade the sovereignty of the State of Michigan.

Mr. BAILEY. I am not raising that point, but I am simply raising the point that the Governor of Michigan manifestly is not in command in Michigan and the mayor of Detroit manifestly is not in command in Detroit, and I think everybody in America knows it.

Mr. ADAMS. Mr. President, will the Senator from Indiana yield to me?

Mr. MINTON. I yield to the Senator from Colorado.

Mr. ADAMS. Mr. President, what has been disturbing me, and I should like to have the Senator straighten it out for me, is where Michigan becomes involved in this amendment. I have heard discussion after discussion indicating that somewhere pending before the body is a measure by which we were planning to condemn the Governor of Michigan or the mayor of Detroit or to send Federal troops into Michigan or to use Federal authority there, and I want to know if I have been reading the wrong measure.

Mr. MINTON. Let me say to the Senator——

Mr. ADAMS. I hope the Senator will let me complete the statement.

Mr. MINTON. Certainly.

Mr. ADAMS. I have before me on my desk the coal bill, a measure which looks forward, an effort, as I understand, to establish peaceful means for settling controversies in the coal industry. We are taking the position, as we did on a previous occasion, that the coal industry is charged with such a public interest that the intervention of the Federal Government is justified in its concerns. That has nothing to do with the automobile business. In the bill which is before us we declare definitely in favor of collective bargaining; we declare definitely that there shall be no interference on the part of the employer with collective bargaining and with the organization of the employees in the coal industry. We are looking forward, not back. Perhaps we are learning a lesson from Michigan, but I am unable to see how Michigan is involved in this controversy. The simple fact is, as I understand—and if I am wrong, I should like to be corrected—that we propose to say that it is the policy of the United States as to the coal industry that there shall be collective bargaining; that there shall be the right to organize; and we at the same time say to the men granted that right that if the employer denies that right and stands out and refuses to permit collective bargaining, the men should not take possession of the plants, thus granting one right, that the other should follow.

I heard Mr. Lewis not long ago make a declaration to the effect that the so-called sit-down strike was solely for the purpose and would be used for no other purpose than to secure the right of collective bargaining——

Mr. MINTON. Mr. President, I cannot yield to the Senator to make a speech in my time, much as I should like to hear him.

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

Mr. MINTON. I yield.

Mr. BARKLEY. Where Michigan comes into the equation is that this amendment is aimed at the automobile workers in Michigan through the coal miners.

Mr. MINTON. I thank the Senator for his observation.

Mr. President, as I was saying when interrupted, the time arrives when the President of the United States may invade the sovereign State of Michigan only, as I have pointed out, when the Constitution authorizes him so to do. As the Senator from Idaho pointed out, in the case of United States against Cruikshank, the Supreme Court has upheld that construction of the provision of the Constitution. So I say to the Senate that the President of the United States up to now, under his constitutional obligations, has not been required to speak; and again I say that silence does not give consent, because where there is no duty to speak silence does not give consent to anything.

Now, Mr. President, I direct my attention to the statute read by the Senator from California [Mr. JOHNSON] yesterday. The statute, as the Senator from Idaho pointed out, is

one of the statutes, commonly called the civil-rights bills, which were passed following the Civil War for the purpose of guaranteeing to the newly made citizens of the Negro race the benefits of citizenship in the country whose citizenship they had just received.

It was in an effort to protect the colored race against discrimination and against the unfair application of laws to them that the fourteenth amendment was enacted and these statutes were passed, but, of course, the amendment envisaged more territory than that and has, of course, received a wider construction than application solely to the Negro race. But, Mr. President, the fourteenth amendment that is sought to be enforced by the act cited by the Senator from California does not grant to the Federal authority of the United States the right to act directly and to redress wrongs to individual rights committed by another individual. The fourteenth amendment, in which these constitutional guaranties are embodied, provides that such guaranties shall stand against action by the States. In other words, the fourteenth amendment is a prohibitory amendment, preventing action by the States that would deny to citizens of the United States privileges and immunities and the equal protection of the laws.

Mr. BAILEY. Mr. President——

Mr. MINTON. I yield to the Senator from North Carolina.

Mr. BAILEY. I merely wish to express the hope that the Senator now speaking will take the same position when the antilynching bill comes before the Senate.

Mr. MINTON. When the antilynching bill comes before the Senate I will take my position with the welfare of the country at heart, and cast my vote accordingly, and under my oath as a Senator, according to the law as I understand it; but if the tactics pursued by the Senator from North Carolina are to be followed I think the antilynching bill will never come before the Senate.

Mr. BAILEY. Mr. President, I hope that I may be again successful.

Mr. MINTON. So, Mr. President, as I have said, the fourteenth amendment is a prohibition against action by the States and does not purport to authorize the Federal Government to place its protecting arm around every individual in the United States and protect each and every individual against the invasion of his rights by another individual.

The fourteenth amendment is directed at the action or failure to act by States, and such failure to act, before it can come within the purview of the violation of the Constitution, must be a failure in such a way as to discriminate against someone's constitutional rights, guaranteed by the Constitution, or so utterly to deny them as to make it perfectly apparent that the enforcing officers of the State have no intention to enforce it on behalf of the people it was intended to protect.

Mr. President, that question came before the Supreme Court a number of times in construing this constitutional provision, and I can add nothing more to what has been said than, after I have read the statute, to read one of the great decisions of the Supreme Court of the United States. I wish now to call attention to the statute cited by the Senator from California:

> Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities—

Mark you this—

> and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States.

That is the first part of the statute. Senators will see by the broad provisions of the statute itself that it is directed at State action or State inaction and not individual action at all.

Then we come to the second part of the statute:

> And in all such cases—

Referring to the cases I have just mentioned—

> And in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Senators will observe that that provision is directed at a violation of acts of Congress.

As the Senator from Idaho pointed out, in the sit-down strike situation no one has observed that the laws of the United States enacted under the Constitution of the United States were not being enforced; so the latter part of the provision of the act which I have just read, under the facts in this case, could have no application. The first part of the statute I have read can have no application to the sit-down strike, for the reason that the sit-down strike is a matter of one individual's rights against another individual; for instance, the employee stays in the factory and holds possession of his employer's property. That involves the rights of the employee and the employer. That is an individual matter between the employee and the employer. That is not protected by the prohibition of the fourteenth amendment. It is State action or inaction that is prohibited.

With that preliminary, I can do no better than to read from the great case decided by the Supreme Court in 1883 in which it was construing at that time the very acts which were known as the civil-rights bills. I refer to the Civil Rights case, decided in One Hundred and Ninth United States Reports, beginning at page 1; and I shall start reading at page 10. Mr. Justice Bradley, who delivered the opinion of the Court, said:

> The first section of the fourteenth amendment, which is relied on—

The statute which was under consideration by the Court at that time sought to protect individuals against the violation of constitutional rights by another individual—

> The first section of the fourteenth amendment (which is the one relied on), after declaring who shall be citizens of the United States and of the several States, is prohibitory in its character and prohibitory upon the States. It declares that—
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> "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
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> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation but to provide modes of relief against State legislation or State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment, but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.
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> And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking • • •.
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> An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the fourteenth amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.
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> If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this), why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the tenth amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.
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> We have not overlooked the fact that the fourth section of the act now under consideration has been held by this Court to be constitutional. That section declares "that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000." In *Ex parte Virginia* (100 U. S. 339), it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws; namely, those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification or not, the State, through its officer, enforced such a rule; and it is against such State action, through its officers and agents, that the last clause of the section is directed.
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> In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State or not done under State authority, his rights remain in full force and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment, and amenable therefor to the laws of the State where the wrongful acts are committed. Hence in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights, for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.
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> Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

Mr. President, what would the great Senator from Michigan [Mr. VANDENBERG] have to say if the President of the United States, without call from the authorities in Michigan, had intruded himself into the sovereign State of Michigan? He would have been the first one to challenge the right and power of the President to intrude into the State of Michigan.

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

Mr. MINTON. Certainly.

Mr. SCHWELLENBACH. I do not understand that the Senator from Michigan wants the President of the United States to go into Michigan or send any troops there. What he desires is that the President shall conduct a public prayer meeting against the sit-down strike and go no further than that. That is my understanding of what the Senator said here.

Mr. MINTON. I think the Senator's observations are pertinent and probably correct.

I shall not burden the Senate by reading further from this great opinion of the Supreme Court of the United States, but I commend it to the thoughtful attention of Senators who are interested in the consideration of the statute called to our attention by the distinguished Senator from California.

I say, on the authority of the Civil Rights case from which I have just read, that the statute cited by the Senator from California does not touch the sit-down strike at all, and does not, as the Senator from California said in his impassioned plea of yesterday afternoon, charge the President of the United States with responsibility under that act, because the situation in the State of Michigan, as the Senator from Idaho [Mr. BORAH] pointed out—and I beg leave to invite

the attention of Senators to that point again—is that one individual, if any wrong has been committed, has invaded the rights of another individual, and that under the authority of the Supreme Court of the United States, the authority of which has never been questioned, the Constitution of the United States does not throw the arm of the Federal Government around such individual to protect him against the invasion of his rights by another individual, but that amendment only seeks to prohibit some action by the States, some governor, or some court or some State authority, which would deny to a citizen of the United States his privileges and immunities guaranteed under the Constitution or deny him the equal protection of the laws.

With these observations I commend to the consideration of Senators the authorities I have cited, and assert that the authority cited by the distinguished Senator from California yesterday is no authority at all to charge the President of the United States with action as a representative of the Federal authority in the sit-down strike situation.

Mr. JOHNSON of California. Mr. President, a very simple question has been tortured into a constitutional argument by the constitutional lawyers of the Senate. "A very simple question", say I, because it is simply whether a statement of policy shall be voted by this body concerning the sit-down strike.

It is all right if men here oppose the sit-down strike. It is all right if men here favor the sit-down strike. Every man in this body is answerable to his own conscience, and every man may exercise his right just as he sees fit; but we all ought to have the nerve, when the question comes before us, to stand up before the gun and vote upon the particular question. So I trust that the motion of the Senator from Arkansas [Mr. ROBINSON] will not prevail, but that all of us, even those who are bad constitutional lawyers, as well as those who are good constitutional lawyers, may be required to vote upon the simple question. There is not anything wrong in that, and there is not anything requiring a particular kind of denunciation.

I have heard the plea—eloquent, indeed—of the Senator from Idaho [Mr. BORAH] presented here today. I have heard that eloquent plea regarding the troubles of labor for many years in the past, until today they have reached their glorious state. I have heard him use that plea as a justification of a sit-down strike, and as a reason for voting against, I presume, this particular amendment.

The Senator from Idaho may have that view. It is his right to have that view. I have no right to question it or to quarrel with it; but, so help me God, as one Member of this body, as one individual charged with the duty of voting under his conscience, I want to vote today, and I want to vote against sit-down strikes.

That is the problem that is at issue here; not the question of whether or not a statute is constitutional. The statute I cited yesterday stands today unscathed by the remarks of the Senator from Idaho [Mr. BORAH] or the Senator from Indiana [Mr. MINTON]. It is still a statute of the United States. Until last night apparently nobody in this Chamber knew that there was such a statute; and there was hurrying and scurrying last night to determine whether or not, in some fashion, it could be demonstrated to be unconstitutional or could be shown to be inapplicable here. But all the hurrying and scurrying of all the keen constitutional minds have not affected in one iota the particular statute, nor its terms; but it is said that it is inapplicable to the present situation.

Let me take a minute with this statute. I do not pretend to be a constitutional lawyer, and I do not pretend to be able to meet others here in debate upon the Constitution. I will meet them, perhaps, by and by, in other ways and in other fashions; but let me call your attention to the language of this statute and see if you ever heard plainer language:

Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection named in the Constitution and secured by the law for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States or the due execution thereof or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia, or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

Is this form of strike confined to a single State, the State of Michigan? Not so; not so. It spreads its dreadful form away out to the Pacific coast, through all California. It goes into Colorado. It goes into every State in the Union where there are industries and where there are workmen. It is not in one State that this occurs; it is in many States that it occurs. Under that statute it is insisted that the President may intervene if he desires, in any way that he desires, and that he may then, in that fashion, end this whole matter.

A week ago today I said, "By the use of six words the President of the United States could end all these strikes: 'I will not tolerate sit-down strikes.'" Then I said nothing more until yesterday. I simply presented this statute as a means which was given him under the law, if he chose to pursue it, and which he might use if he spoke.

The cases upon the subject are very few; but there is a later case than those cited by the Senator from Idaho or the Senator from Indiana. It is true that the case to which I am about to refer is one in an inferior Federal court, and it refers to the particular statute in question. I said yesterday, in fairness, in presenting this statute, that in 1922 an Ohio court had passed upon the matter and held that the statute made action by the President a matter of absolute discretion. I read simply the last paragraph from a case found in Two Hundred and Eighty-second Federal Reporter, page 934:

For these reasons it is concluded that the marshal cannot be ordered to police this district in Perry County, and its railroad facilities, nor can this court exercise any jurisdiction under section 5299 of the Revised Statutes, which makes it lawful for the President, in the exercise of his discretion, to employ the Army as aforesaid.

That was in 1922. The cases that have been cited are of an earlier date. But let us not lose sight of the question before us.

Mr. MINTON. Mr. President, would it disturb the Senator if I should interrupt him?

Mr. JOHNSON of California. Oh, no; the Senator may interrupt all he wishes.

Mr. MINTON. The case the Senator has just cited was a case that arose in Ohio, I believe, where a Federal district judge had issued an injunction in a labor dispute.

Mr. JOHNSON of California. Yes; I said so.

Mr. MINTON. And the attorneys for the employers simply asked the judge to call upon the President of the United States to come out there and enforce his injunction; and the judge very properly said, "Whether or not the President acts at all is a political question which only the President has the right to decide."

Mr. JOHNSON of California. Certainly. The court said it was absolutely a matter of discretion with the President.

Mr. MINTON. The opinion of the court did not say at all, or attempt to hold, that this act was at all applicable to the situation.

Mr. JOHNSON of California. It did not hold the act unconstitutional.

Mr. MINTON. It simply held that it was not applicable.

Mr. JOHNSON of California. It held that it was not applicable because the matter rested in the discretion of the President, that is all; and I called attention to that fact yesterday.

Now, consult together, gentlemen, and find, if you will, a way of response; but let us take up the question that is now before us, and upon that question decide what we are going to do.

The Senator from South Carolina [Mr. BYRNES] comes here with an amendment which provides for a condemnation of the sit-down strike. We have in many instances before taken the position that the Senate should express itself on matters of public policy, and the rule which is invoked by the Senator from Idaho is more honored in the breach than in the observance. We have heretofore taken the position that when a matter of moment arose in the country, we could express ourselves upon its public policy, and we have acted accordingly. Now comes the Senator from South Carolina with his amendment. Why not pass upon it? If Senators believe as John L. Lewis believes in the matter of the sit-down strike, let them vote against it; that is their right. If they believe as William Green believes in the matter of the sit-down strike, let them vote for the amendment. If they believe as United States Senators that they should do their duty in this land, let them vote for it. That is all that is involved here now, nothing else.

Mr. BAILEY. Mr. President, I will concede that the Federal question does not yet appear to have been presented and is not presented today in the State of Michigan; and if that is so, the argument on the pending amendment to the effect that it is proposed that we shall interfere in Michigan is not really relevant.

The point is that the Federal question is presented in the bill which is pending, and there can be no doubt about that. The coal bill on our desks proposes to nationalize the coal industry; it proposes to fix prices in intrastate and interstate commerce; it proposes to levy a tax which all purchasers of coal in interstate commerce must pay.

Mr. MINTON. Mr. President, if the Senator will yield to me, I ask unanimous consent that I may be allowed to insert as a part of my remarks of a few moments ago more of the opinion in the civil rights cases.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAILEY. Mr. President, I am very much obliged to the Senator. When we come to the antilynching bill, I shall read that opinion, and I will be glad to have it in the RECORD.

The pending bill is a Federal bill proposing to levy an internal revenue tax to be paid by all consumers of coal. It even proposes to impose a penalty tax of 19½ percent upon the sale of coal in interstate commerce, to be returned upon condition, and amongst the conditions are conditions relative to the employment of labor, and bargaining with labor as to wages, hours, and conditions of employment.

Agreeing that the innocent amendment of the Senator from South Carolina may not be relevant to the situation in Michigan, we cannot deny that it is absolutely, unqualifiedly relevant to the proposed legislation, and that is the question before us. I will read the amendment. It proposes to insert in the section of the bill relating to labor language as follows:

It is further declared to be the public policy of the United States that no employee of any producer of coal whose employment has been terminated, or who for any reason has ceased to work for such producer, shall remain upon the property upon which he was employed after he has received written notice from such producer to leave such property: *Provided*, That this paragraph shall not apply to property occupied as a dwelling.

The amendment is therefore relevant, and the amendment does not relate, unless one wishes to relate it, to the situation in Michigan. We are framing in the proposed legislation a national policy with respect to the production of coal, and, other provisions having been framed, the Senator from South Carolina merely proposes, in the light of this very dreadful experience in the midst of which we are, to set out a further condition, to the effect that if we provide these benefits for the workers, we will also declare that they shall not sit down upon the property in which they work and take possession of it.

The question is that simple. It is so simple that I wonder that we have reached the point where that sort of thing has to be done, but I recognize that it must be done. I recognize that we have reached the point where there is debate in the United States as to how the national authorities stand on so simple a question as that.

I do not know that I have read a more important sentence in the press in the last 10 years than I read in the column by Mr. Walter Lippmann several days ago entitled "The President of the United States", and printed, I understand, in 160 daily papers. The sentence was as follows:

For the first time in their history the American people are questioning whether the party in charge of their Government believes in law or is willing to sustain courts.

I do not say that that was just or unjust; I do not utter that sentence as my sentence, but I do say that the Senate of the United States may well take note of a statement so solemn, a statement so grave, coming from a very eminent publicist, who so far as I know has never been charged with being a partisan. I do not intend to pay any special tribute to Mr. Walter Lippmann. He was the editor of the Democratic New York World, and achieved great distinction in the days of Woodrow Wilson, as I recall. When the World was merged, he became a writer for the press, and we may say safely for him that from that day until now he has commanded a great audience in the United States, and he has always commanded great respect.

I will agree that he did not support the President in the last election, and if anyone wishes to impute that to Mr. Lippmann for partisanship or to discredit his solemn statement by the fact that he voted against our President, he is welcome to do so. I do not think that affects the seriousness of the fact that so notable a man writing for so many newspapers should have made that statement.

Is the statement true or not? Senators, is there not from one end of our country to the other at least something of a fear, something of a suspicion, not that a political party but that the general authorities are hesitating to enforce the law, to sustain the judgments of courts and meet force with force in the name of the law? I think there is. I think we should deal with that.

On that point we can look to see just how things have happened to bring that about. I would much prefer to discuss this matter on its merits as an amendment to the proposed legislation, independent of the situation in Michigan; but the situation in Michigan at least has been nationalized politically and socially. I am saying to the Senate that I could not conceive of anything more unfortunate than that we should fail to adopt the amendment at this time in view of these circumstances.

It might not have been so well to bring it up; but, once it has been brought up, if there be a reference of it to a committee, whereby we escape the responsibility of voting, a postponement whereby we create the impression that we hesitate, that we fear an adverse vote, at any rate, we expose ourselves to the interpretation that we are unwilling to say that one man should not take charge of the property of another. That is all. We are unwilling to say that there is a difference between "thine" and "mine." We are unwilling to say that the ancient foundations of the common law are unimpaired.

We stand at this moment upon a thousand years of accepted custom amongst the English-speaking people on this subject.

Mr. President, I am going to be very definite about this matter. Who involved the President of the United States in this situation? I did not. The Senate did not. The Senator from South Carolina [Mr. BYRNES] did not. John Lewis did. We had just as well confront the fact. He stood upon the housetops of this land, and, in excess of arrogance, announced that he had elected Mr. Roosevelt President, that he had contributed half a million dollars to the campaign fund, and he demanded that the President of the United States of America come to his deliverance and take his side. That is the way it started. Capital did not start it. The

owners did not start it. John Lewis started it, and America will finish it—do not worry about that. Whether or not the Senate is willing to meet the situation, I do not have any doubt it will be met adequately in the hearts of the American people. Their instincts are sound, and I am not afraid.

That is the way the matter started. I am going to be a little bit more definite. I shall not criticize the President about it, but his answer to John Lewis left a great deal to be said, and a great deal more to be imagined. He said, "This is no time for headlines." Perhaps it was not. It was the time for John Lewis' headlines. I say this with all my heart: I wish the President had said, "I am very grateful to Mr. Lewis for his help in the election. I deeply appreciate the contribution he made to my party. I am proud of the vote of the 2,000,000 or 3,000,000 or 4,000,000 or 5,000,000 people that he claims to have delivered." (I do not think that he delivered them.) "But I am the President of the United States and the servant of all the people. I do not intend that anyone shall ever say to the President that he has to do this, or that he has to do that, or that he has to do the other." I wish he had said that; and had he done so there would have been an end to such a situation in America. But he did not say it.

Then that was followed by a little statement from the Secretary of Labor, Mme. Secretary Perkins. At that time she had been proclaimed in the newspapers as the spokesman for the President. That was in connection with the invitation to Mr. Sloan to come down to Washington. I am not saying that she was the President's spokesman. I do not know. I do not think the President has a spokesman. At least he said Mr. Stanley High was not. [Laughter.] When he said that, I think he said no one was. I will make that record all right, too. This lady said that the legality of the sit-down strike had not been determined, and since then she has added that she said "determined in the courts"; but at the time the statement was uttered, as I read it in the newspaper, it stopped with the words "the legality of the sit-down strike has not been determined."

However, I will add those words to the sentence so that it will end "has not been determined in the courts." What has that to do with the matter? Stealing is stealing, and we do not have to determine that in court to know it. Murder is murder. We do not have to try a case to find out what murder is. Trespass is trespass, and the invasion and holding of the property of the owners by men who sit there and refuse to go out, and who arm themselves, is unlawful. That has been testified to by the English-speaking peoples, and practiced in their customs, and accepted for a thousand years; but the Secretary of Labor of the United States did not know it.

Mr. President, that was bound to make a very bad impression upon the American people. That was bound to give some substance to the accusation that Mr. Walter Lippmann brought against the authorities.

Then we had another. Mr. Landis, purporting to be a great lawyer——

Mr. BORAH. Mr. President, before the Senator leaves the Secretary of Labor let me ask him one question. It is a fact that at the time she spoke the courts had not passed upon this question?

Mr. BAILEY. Yes.

Mr. BORAH. And it is the fact that since the courts have spoken she has said that the orders of the courts and the law should be obeyed?

Mr. BAILEY. Very true, Mr. President. I am sorry I did not make that as clear as I wished to make it, and I am glad to have the opportunity to do so. What I am saying is that we do not have to wait for the judgment of a court to know that a sit-down strike is unlawful. Anyone who does not know that you are doing an unlawful thing when you walk into my house or property and take possession against my will, just does not know anything. I think that is manifestly true. If it is not, let us see what will happen in America. Let us see how far matters will go.

Men will walk into your hotel and say, "We will stay here until you put us out." The thing is contagious. They will come into a restaurant and say, "We will sit down until you feed us, and the legality of what we are doing has not been determined. We will wait until it is determined in the courts. We will make it necessary for you to go through the courts." You will have to go down and get a writ, and send for the sheriff, and, as the Senator from Indiana [Mr. MINTON] said, call for the posse comitatus. Is that not a strange sort of thing to bring about here in America at this late date? Is that not inconceivable?

There are some things, my fellow Senators, which are assumed to be true. We run the world on a certain amount of presumption. I think the presumption that every man knows all the law is a very violent presumption, but I think the presumption that everyone knows the ordinary law is not at all a violent presumption. When a man takes my knife, I know what that is. The legality of that is not a matter of doubt, and I do not want to have to go down to the magistrate's court to prove it, either; the thing is so elementary.

I was going on to say that Mr. James M. Landis, Chairman of the Securities and Exchange Commission, and even now about to become dean of the Law School of Harvard University, gets up and makes a speech in the midst of this situation, and says, "We are coming into new concepts of the law", but what they are we do not know. However, I imagine in the general run of these new concepts we intend to throw over the Constitution, destroy the Supreme Court, and then put dynamite under the common law, and have some new concepts written by an enterprising lot of gentlemen here who seem to have decided that they will do what the Almighty said He is going to do at the end of the world—"make all things new."

Mr. President, I am for this amendment. I should be for it if it had not been brought up. I should be for it if the Michigan strike did not exist. But since it has been brought up in the midst of this strike, and since this doubt has been thrown into the minds of the American people, since we do have this question in America, I welcome the opportunity to go on record. I hope that the Senate will not listen to any counsels of procrastination or any motion to divert it, but that the roll will be called and that I may be given the privilege of saying that I am against the sit-down strike. I am against it, not only on the ground that it is fundamentally immoral and is actually unlawful but I am against it on the further ground that the friends of labor could not do the cause of labor, possibly, a greater injury than they are doing by encouraging workers to resort to violence in the form of invading premises which they do not own, sitting there and talking, and, if I am to believe the press, in many cases arming themselves, and therefore inviting force and defying law.

So, Mr. President, as I see it, that is the issue. I do not look at the Michigan strike as the cause of this amendment. I would vote for it independent of the strike in Michigan; but since the amendment comes before us under the circumstances prevailing, I interpret that situation as adding irresistibly to the necessity for presenting it here and calling the roll and, if we can, passing it and letting the American people know that there is law in the United States and that the Senate believes there must be law in the United States.

Mr. BROWN of Michigan obtained the floor.

Mr. GEORGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. GEORGE. I rose to speak briefly on the subject under discussion. I will not interfere with the Senator from Michigan.

Mr. BROWN of Michigan. Mr. President, I am probably the only Member of the Senate who was in Michigan when the General Motors strike was settled. I was in the capital city of my State on the day Mr. Chrysler and Mr. Lewis and Governor Murphy agreed that the sit-down strikers in the Chrysler plant should evacuate that plant. I am probably the only Member of the Senate who was present at the United Automobile Workers' mass meeting in the city of

Detroit, and I am frankly astounded that general intimations have been made on the floor of the Senate that my State, or the great city of Detroit, is in a condition of insurrection. There has been the greatest exaggeration not only on the floor of the Senate but in the press about what is occurring in Michigan. Furthermore, I am a little surprised that a Senator from the State of South Carolina should seek to impose upon the people of the State of Michigan some advice as to how they should run their internal affairs. It seems to me that South Carolina raised quite a rumpus something like 75 years ago about Federal interference within the boundaries of that State.

Mr. BYRNES. Mr. President——

Mr. BROWN of Michigan. Just a moment. Further, Mr. President, I wish to say, as a representative of my State and as a citizen of Michigan, that we do not need any advice from the United States Senate as to how to run our internal affairs. I now yield to the Senator from South Carolina.

Mr. BYRNES. I merely wanted to say to the Senator that at no time during my remarks did I ever refer to the State of Michigan. I thought possibly the Senator was laboring under some misapprehension as to some statement he thinks I may have made.

Mr. BROWN of Michigan. Not at all. It is certainly obvious that the Senator's amendment was elicited by the fact that there is trouble in the State of Michigan and elsewhere regarding sit-down strikes.

Mr. ROBINSON. Mr. President——

Mr. BROWN of Michigan. I yield to my leader.

Mr. ROBINSON. The whole burden of the remarks of the Senator's colleague [Mr. VANDENBERG], advocating the amendment of the Senator from South Carolina, was that the President ought to tell Michigan and the parties to the controversies there what they should do or what they ought not to do, rather than, as the law contemplates, that the authorities of Michigan should advise the President as to whether they need his assistance.

Mr. BROWN of Michigan. I thank the Senator from Arkansas.

Mr. President, we in Michigan can take care of this situation. I think Governor Murphy has done an excellent job up to the present time. He settled the General Motors strike, and no man recalls reading in the newspapers that there was any bloodshed or any violence other than the seizure of property.

I believe in the next few hours an announcement will be made of the settlement of the Chrysler strike; and I call the attention of the Senate to the fact that only 3 or 4 days intervened after the issue of the injunction in the State court requiring the evacuation of the Chrysler plant that that plant was evacuated without the use of force.

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

Mr. BROWN of Michigan. I yield to the Senator from Utah.

Mr. KING. The Senator stated that the General Motors strike had been settled. I read something in the newspapers yesterday to the effect that there had been a recrudescence of the difficulty and that the strike was not settled.

Mr. BROWN of Michigan. Let me say that I talked to the Governor of Michigan this morning, and he told me that in three or four places a few men had sat down without any direction from the labor leaders, but they were merely small, sporadic affairs that have no influence on the larger factories.

Mr. WHITE. Mr. President, will the Senator yield for a question?

Mr. BROWN of Michigan. I yield to the Senator from Maine.

Mr. WHITE. The Senator suggested that this is entirely a local problem with which the Senate of Michigan is competent to deal. It has been reported to me that during the course of this sit-down strike letter carriers of the United States have been forbidden access to the plant in which the sit-down strikers were entrenched. I have been told, too, that revenue officers of the United States going, in pursuance of their duties as revenue officers, to a certain plant where there was a sit-down strike were denied admission into the plant. I have also been told that there have been prosecutions in the State of Michigan because of interference with mail carriers of the United States. Is there any truth in those statements?

Mr. BROWN of Michigan. I do not know that one single statement the Senator from Maine has made is founded on fact; I myself do not know of any such cases.

Mr. WHITE. The Senator has heard the report, has he not?

Mr. BROWN of Michigan. No; I have not.

Let me state further to the Senator from Maine that I think the General Motors Corporation has an excellent legal staff, and I know the Chrysler Motor Corporation has an excellent legal staff, and neither of those great corporations has applied to a Federal court for any aid or assistance. I am confident that if there were any Federal question involved, they would have applied to a Federal court for an injunction.

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

Mr. BROWN of Michigan. I yield to my colleague.

Mr. VANDENBERG. Just for the sake of fixing the facts—and I know my able friend is just as interested in the facts as am I—five men have been arrested for tampering with the mails, and, according to the Detroit News, "they identified themselves as sit-down strikers at the De Soto plant." That may sound a little more ominous than it really is. Apparently what happened was that mail carriers were forbidden the right to deliver mail in the strike areas.

Mr. WHITE. May I ask the Senator if that is not interference with the processes of the Government of the United States?

Mr. VANDENBERG. Well, it would seem so to me.

On the other point upon which information was sought—and I rise only to submit such information as I have available—I know that a deputy collector of internal revenue was refused admission to one of the cigar plants in Detroit where the sit-downers were on strike, although he was subsequently voluntarily admitted.

Mr. BROWN of Michigan. I do not doubt for a moment the facts as stated by my colleague; I had not heard of the incidents referred to; but I submit that two or three isolated instances of that kind do not justify interference with the affairs of Michigan by the officials of the United States Government.

Mr. VANDENBERG. I will agree to that.

Mr. BROWN of Michigan. My colleague says that he agrees to that statement.

Mr. President, we are taking care of the situation in Michigan. A bill has been introduced in the Senate of the State of Michigan by the majority leader, Senator Palmer, from the city where the General Motors sit-down strike started, namely, the city of Flint, specifically declaring the sit-down strike to be illegal. There is the voice of the majority party, the Democratic Party, in the State of Michigan. And I do not think the senate or the people of Michigan need any advice from this legislative body in that respect. Let them take care of this situation.

I referred to the fact that I attended a mass meeting held by the United Auto Workers. As I stood in front of the city hall of the city of Detroit the first sight that greeted my eyes in the parade was the American flag, which was carried highest, and which was first. Then came a band playing The Star-Spangled Banner, and then signs reading, "No government by injunction." Mr. President, there have been many Members of the Senate who have echoed that same sentiment—"no government by injunction." The workers gathered in Cadillac Square, before the city hall, and several speeches were made.

There was not an instance of disorder on the part of the union. There was an arrest by the police of two men who were admittedly and obviously Communists and had no connection with the United Automobile Workers.

I know my colleague [Mr. VANDENBERG] will bear me out when I say that the Detroit Free Press is the chief conservative organ of the State of Michigan and has almost uniformly since 1896 supported the Republican Party. I do not bring this in as indicating a partisan question, but I would say that at least Malcolm W. Bingay, the editor of the Detroit Free Press, is not a partisan of labor. Hear a few of the sentences which he used in describing that mass meeting in Detroit and describing the situation as it exists in Detroit today:

Detroit is a city on a hill. Ever since it became the cradle of the motor-car industry it has been the cynosure of the world.

Historians, sociologists, economists, engineers, magazine and newspaper writers, from all the nations of the earth, have been pouring in here to study Detroit, the dynamic, for the past 25 years.

Newspapers and magazines from all over the United States poured men into Detroit Tuesday to report the "revolution." Headlines blazed on the front pages of the metropolitan and country press alike across the land.

Stories and rumors floating over the Nation that there is a "revolution" starting in Detroit are as unfounded as any to the effect that Harry Lauder bought a round of drinks.

The demonstration on Cadillac Square was far more orderly than the celebration of the Detroit Tigers winning the world series—and only about one-tenth in size.

We are not worrying much about any revolution in this country when the lads who want to raise hell have difficulty finding parking space for their cars before they start their demonstration.

There was not one violent word or action in all the 2 hours of the crowd's gathering. More than half the 50,000—more or less—people who gathered in Cadillac (not Red) Square were sightseeing, out to enjoy whatever fun there might be.

If every city in the Republic was as safe and sound in its Americanism as is Detroit this would be a fine country.

Quit hiding under the beds and don't believe the wild yarns about us. Detroit led you out of the depression and we will continue to head the parade back to prosperity.

Mr. President, I wanted to relate these facts to the Senate. I have been in Michigan three times since the first of January and I assure the Senate that no such state of insurrection exists there as has been indicated by some of the speakers today.

My colleague has not criticized the conduct of the situation by the Governor of Michigan. I wish to compliment him here publicly for the attitude he has taken. I do not agree with my colleague that this problem is on the President's doorstep. We have at the head of the government in Michigan a Governor who can and who has taken care of the situation. We realize that it is more acute in Michigan than in any other place in the United States.

Let me say to the Senator from South Carolina [Mr. BYRNES] and to the Senate that if they will let Michigan take care of Michigan's affairs, this matter will quiet down and subside sooner than if we attempt to interfere by advice without any power to enforce that advice by some action on the part of the Senate of the United States.

Mr. GEORGE. Mr. President, I do not know whether a record vote will be had on the particular amendment at this time, and for that reason I wish very briefly to express my own views about it.

It is of course regrettable that the distinguished junior Senator from Michigan [Mr. BROWN] should think that the amendment is aimed at his State. Certainly, it is not aimed at his State so far as many of us who feel that we must support it are concerned. It does happen that a peculiar practice incident to a general strike has occurred in the State of Michigan, according to the newspapers, but it has occurred elsewhere, and there is, of course, not the slightest disposition or purpose to reflect upon that great State or to intimate or suggest that it is not able to take care of its own problems.

Mr. President, it is also somewhat surprising that it should be seriously argued here that the Senate has no right to express itself unless it has jurisdiction over the subject matter so that it may make its expression effective if it becomes necessary to do so. That is not the case here at all. On occasion the Senate of the United States has condemned the murder of Christians by the Turks. We had no power to enforce any decree in Turkey and we had no idea of doing so. But that is not the case here.

What is the case here, Mr. President? We are asked to write a code for a great industry; that is to say, we are giving to a great industry the power to write a code of fair practice—that and only that. We are saying what shall go into that code of fair practice. According to the bill now before us—and, indeed, that is the only theory upon which the bill can be sustained—we are confining the whole thing to interstate commerce.

On page 11 of the bill to which the amendment has been offered it is said:

For the purpose of carrying out the declared policy of this act the code shall contain the following conditions and provisions, which are intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal.

There is not a scintilla of evidence upon which it can be insisted that Congress is asked to express even its opinion with respect to anything but interstate commerce.

What has the fourteenth amendment to do with the matter? The failure of a State to enforce its laws or to guarantee equal protection of the law has nothing to do with the matter. Those who brought this bill here asked the Congress to say what should go into a code of fair practice. That is all.

Then, in section 9 it is provided there shall be collective bargaining. The right of labor is fully protected. Then, it is said that the Government itself would have nothing to do with coal that was not produced under that expressly declared public policy. I do not quarrel with the policy. It is right. But is it not also proper to put into a code of fair practice the simple declaration that the Congress of the United States, as a matter of public policy, does not approve of the retention of the plant of any producer of coal or any processor of coal by those who have ceased to work and who have severed their connection with the producer or processor?

I know very well that those who go on strike do not actually sever their connection with their employers. I know the legal theory of the strike, and that is that the men are not separating themselves from the service; they are but temporarily ceasing to discharge their ordinary duties, at the same time insisting upon rights which they believe they have the right to insist upon. I can very well understand that in the evolution of the law we have now come to regard many things as legal in great labor disputes which, according to the strict rules of the common law, of course were illegal. But, after all, what our courts have held is that the right to strike is absolute, and the right to enforce the demands of those who engage in the strike is likewise absolute, so long as they engage in lawful acts. Picketing, of course, has been sustained as being a lawful act, but picketing outside of the premises of those who complain of the picketing.

I do not know what further step in the evolution of the law may come, and that is not so much the question here. If we are going to write a code of fair practice, for my part I should be guilty of indefensible and inexcusable quibbling, and, in my judgment, the American people would justly condemn me, if I should say "I am not willing to say that as a matter of fair practice no one ought to hold the premises in which he is at work in this industry, producing articles of interstate commerce, after he has separated himself from the service."

That is all there is to the amendment. It is nothing but a declaration of what we regard as a fair practice upon the part of those who strike. It is not aimed at any particular State. It cannot be. Michigan, so far as I know, has had no strike in coal mines. Indeed, it is difficult to conceive how a sit-down strike could be carried on in the coal industry in any large way. Men are not going to sit down underground in the mines. There may be some processes, some surface operations, in which they can sit down. It may be that in the long run of things it will be said that if the men who sit down resort to no force or violence, they have a right to remain in their places of employment for at least a reasonable length of time to see if they cannot adjust and compose their differences.

That is not the question, as I see it. The question is, if we are going to write a code of practice for a great industry under which we give those engaged in that industry very great advantages, and we are going to say to the industry some of the things that it must put in the code, why can we not go further and say that we do not think the sit-down strike is a practice that ought to be encouraged?

Mr. President, for my part I do not think it is a practice that ought to be encouraged. I disclaim any intention to challenge in any way the right of any State to control, to manage, to settle its own difficulties, its own problems; but with respect to interstate commerce in bituminous coal I do not think it would be a fair practice for those engaged as workmen in that industry to do what is forbidden by this amendment. I do not know that Mr. Lewis approves any such course of action. I will not assert that he does. I do not know. I shall be much surprised if he actually does approve any such course of action as we are here asked to forbid.

Mr. President, I desire to say a word more and then I am through. There has been in this country for many months past too much lawlessness. It has not been confined to lawlessness upon the part of labor, organized or unorganized; but there has been too much general disregard for law and for order. In high places, pronouncements have been made that were calculated to undermine the confidence of the people of this Nation in their Government.

You may say what you please about it, but every man who takes an oath to uphold the American Constitution takes an oath to defend the three branches of government created by the Constitution—at least I do—and it is just as much my duty to defend the legislative branch as it is to defend the executive branch in the exercise of its powers, and it is equally my duty to defend the judicial branch in the exercise of its powers under the Constitution. Of course, neither branch has any right to go outside of its powers. No one is called upon to defend either the executive or the legislative or the judicial department of government if any one of them transgresses the powers vested in it under the Constitution. By the primal law of increase, every lawless act tends to bring forth seed after its own kind.

You cannot shake the confidence of a people in the very integrity of any branch of this Government without shaking the confidence of that people all the way down through the structure of government. You cannot destroy the confidence of the American people in the highest court in our judicial system without weakening and destroying the confidence of the people in the humblest magistrate's court in the remotest rural district in the land.

So, when we write a code of fair practice, do not talk to me about having no jurisdiction over the subject matter. Perhaps we have not; but you ask me to write a code of fair practice. Do not bring in here any decisions of the courts saying what our power is and what it is not. If you ask me to write a code of fair practice, then I have a right to say that I do not think it is fair for anyone who has quit work in any coal-processing plant or producing mine to sit down there and hold possession after having severed connection with the plant. That is all we are asked to say.

Mr. President, I am perfectly certain that if we are going to write a code of fair practice for that part of a great industry which is engaged in interstate commerce, and if we are willing to sidestep and avoid an amendment of this kind, we shall add nothing to the respect of the American people for law and order.

Having said this much, I desire to make a further statement.

All my adult life I have believed, and I yet believe, that the courts of this country cannot adequately deal or even properly deal with the great clashes that sometimes occur between employer and employee. I have said before, and I repeat, that the Congress should devise some other method of handling a situation of the kind which has developed in some of our States, and which frequently may recur in any of our States, in fact, in all our States.

It is not fair to the judicial system under which we live; it puts upon it too great a strain, under which it may break sometime if we undertake to make the courts settle and adjust the great disputes which arise when masses of men are struggling to assert what they believe and feel to be their rights. But that is not so much involved here. Let me repeat, here we are writing a code, here we are saying that certain things should go into that code, certain things as to fair practices; that if certain things occur they should be recognized as unfair practices, and should be dealt with accordingly. We are merely asked to express our opinion as to whether or not an amendment such as that offered by the Senator from South Carolina should be included in a code of fair practice which is, under the legal theory of the bill, voluntary, not compulsory at all, because the compulsion is in the levy of a tax and in the omission of nearly all of that tax if the coal producers will become voluntary subscribers to the code.

Mr. President, I should not have said anything, but would merely have voted if I had felt sure that a vote would come upon the amendment.

Mr. NEELY. Mr. President, regardless of the merits or demerits of the sit-down strike, the amendment proposed by the Senator from South Carolina would be as much out of place in the Guffey coal bill as a blacksnake would be at a ladies' lawn party. It has no reasonable relationship to the pending measure. It proposes a gratuitous legislative insult to 450,000 coal miners who are innocent of the conduct which the amendment is designed to condemn.

If the Senate desires to declare a policy or enact a law to discourage or prohibit the unionization of the cotton mills of the South, it should courageously and directly address itself to that task and act upon a measure the language of which could not be misinterpreted and the purpose of which could not be misunderstood.

The amendment, by plain implication, unjustly stigmatizes nearly a half million miners who have committed no crime and violated no law.

It might be desirable for the Senate to declare policies concerning many things.

For example, a declaration of policy against the hideous, common outrage of lynching; against the barbarous burning at the stake of human beings who have not been legally convicted or legally accused of any offense, ought to be proclaimed, but manifestly by appropriate means and not through the instrumentality of a rider attached to a bituminous-coal bill.

During a former session of the Congress I earnestly pleaded in this Chamber for the passage of an antilynching bill. Some of those who are today most vociferously urging a declaration of policy against unoffending mine workers led the forces which defeated the antilynching legislation. These distinguished Senators killed a measure which would have prevented the transmission of invitations by radio to the entire population of a State to witness the merciless mutilation and burning to death of an ignorant, helpless, unconvicted human being.

These able and honorable statesmen have brewed a veritable tempest in a teapot over the sit-down strike. In the matter of a strike, they strain at a gnat. In the matter of a lynching, they complacently swallow a camel. The mine workers would rather have no legislation at all than to have it encumbered with this obnoxious amendment.

Some may argue that we should write into the bill a declaration of policy against the sit-down strike because it contains a declaration that the toilers have the right to organize and bargain collectively. But it should be remembered that for more than 40 years the abuses at which this declaration of policy is aimed has prevailed in every great industrial center in the land. To my regret it has prevailed in the State which I endeavor to represent to the extent that a reactionary coal operator on a certain occasion more than 25 years ago declared that if union representatives attempted to organize his miners he would have the organizers shot down like dogs on the courthouse lawn.

Mr. President, 4 or 5 years ago in a mining village near Fairchance, Pa., I attempted to go into the home of a miner to confer with him about an automobile wreck which he

giving to a great industry the power to write a code of fair [illegible] under which we give those engaged in that industry very

had witnessed, and in which a woman had been instantly killed. Just as I entered the gate, 20 or 30 feet in front of the cottage in which the miner lived, some one rapidly approached me, grabbed me by the shoulder, and said: "Hold on buddy, you cannot go in there."

I turned to see who was so rudely addressing me, and, behold, there was a coal-company private thug, with two revolvers strapped to his side. When I protested against his impudent interference, he said: "This is company property. The man who lives in that house is one of our miners. You cannot go in there without my permission, and you cannot get that permission until you tell me your business. Furthermore, you cannot talk to that miner unless I am present and hear what you say."

Mr. President, these are but two of innumerable instances that could be cited in support of the contention that for many years coal miners throughout the country were, by some of the operators, treated not as free American citizens but as slaves. Long-continued denial of the right to organize and generally enjoy the liberty guaranteed to the miners by the law of the land is responsible for the declaration of policy which the bill now contains.

If those who wish to declare or legislate against the sit-down strike will submit their proposals in appropriate resolutions or bills, they will not have to wait, as the miners have waited for 40 years, for action by the Congress. The sit-down strike is only a few months old. No one even pretends that it is at the present in violation of Federal law. Therefore, why this impetuosity of action and this proposed impropriety of procedure?

Much as I desire antilynching legislation, I should oppose any effort that might be made to attach it to this bill, because the subject of lynching has no relation to the subject of mining coal. For a similar reason I oppose the adoption of an anti-sit-down-strike amendment to the pending measure.

Let me implore the friends of the coal bill, first, to support the motion made by the distinguished Senator from Arkansas [Mr. ROBINSON] to refer the amendment to the Committee on Interstate Commerce; and if that motion does not prevail, next to vote to kill the amendment outright and without delay. If Senators do not defeat the amendment they need not concern themselves about the passage of the bill, so far as the miners are concerned, because they do not want the legislation if it is encumbered with the slanderous amendment now under consideration.

Mr. NORRIS. Mr. President, in the first place, I desire to say that I seek to cast no reflection upon anyone by reason of the position he takes, regardless of the side he may be on in this controversy. As I look at the question from the viewpoint of various Senators, I think I can see reasons for the positions they take, even though their positions are exactly opposite to each other. I question no man's motives with respect to the attitude he conscientiously feels he ought to take on this question.

To begin with, Mr. President, I concede that I myself may be prejudiced with regard to the subject. I have seen the controversy between organized labor and capital as it has been going on and progressing for a great many years. I have known something of the controversy that exists between labor and capital. When I began my study of the question I was rather opposed to organized labor, because I never had been associated in the business line with controversies of this kind until long after I had grown up and reached manhood. I did not know until many years afterward the questions which I have since conscientiously come to believe have confronted labor in its continuous struggle against organized wealth. But as I have seen that struggle continue, all my sympathy has been brought to the side of labor in the very unequal and often unfair contest which it has continually waged with organized wealth. What I have seen of the struggle between labor and capital may somewhat have affected me in the conclusion I have reached. I am not conscious of being prejudiced, but I realize that human beings are unconsciously prejudiced and that I am no exception to the general rule.

There was one organization in particular which I thought was obliged to wage what I considered an unfair contest and struggle. That was the organization of men engaged in the coal industry, an industry that we all know is and has been for years rather sick, and which needs help, which must have it, no matter from what standpoint we approach the problem. That was true before the World War, and it is much more true now.

In the first place, the men who mine coal in this country have had to engage in labor under conditions which were almost outrageous. The very nature of the work itself was almost disgusting. The pay which they received was among the lowest given to any laborer in any class. I have seen those men struggle with rich operators, operators in control of the mines, to whom the laborer had to come on bended knee, and had to accept the conditions, terrible as they were, or go without a job.

For instance, we all know the history of the "yellow dog" contract. Consideration of the "yellow dog" contract was had in Congress for many years. Congressional committees investigated that subject for several years. How unfair the "yellow dog" contract was. In this struggle the miners kept on laboring, trying to keep their families together, and through it all they lived in misery and poverty.

Mr. President, almost always when these struggles occurred, as we trace their legal history, we find that if any doubt existed as to the rights of organized wealth on one hand and the coal miner on the other, the doubt was resolved against the coal miner.

Probably that is natural in our civilization. Men of wealth to a much greater extent than the laborers control the judgment of the Federal judges, control the actions of Federal marshals, and the servants of the courts, and every one who has to do with enforcing the law.

Years and years passed on, and the miners struggled from the time they were children until they died of old age, working in the coal mines and laboring against terribly adverse conditions. It seemed that from time to time their organization, if they had one, when it came into a conflict with the combination of operators forming a monopoly, always got the worst of it. The laborer had to walk up to the counter and sign the "yellow dog" contract in order to get a job. If he refused and said, "That contract makes a slave of the worker", the operator simply said, "That is the best I can do. Go on and get a job somewhere else."

The coal miner went to the next operator, and the same "yellow dog" contract was put before him. Go where he would, he could not escape signing away his liberty in order to save his children and his wife from starvation.

After years and years of that kind of work and activity, what effect is it all going to have upon the minds of such workers? What effect would it have upon you or upon me? When listening to the evidence that has come from time to time before committees of the Senate picturing these terrible conditions, I have often wondered that the laboring men have not at times gone farther than they sometimes have when they have transgressed the letter of the law, if not its real spirit.

However, we remedied that situation as to the "yellow dog" contract after a long fight. Gradually, through years and years of traveling along this road, labor has been getting a little more of its fair share of recompense.

No one proposed for the operators that they should have a code providing how they should handle their laborers. However, as we became more highly civilized, we began to realize more keenly that the miner and his wife and his children were human beings, and should be treated as such.

The bill under consideration attempts to take another step in the coal-mining industry for the benefit of both operator and miner. Now, comes the amendment of the Senator from South Carolina. I concede that any Senator can give good reasons for supporting it. I shall not quarrel with anyone on that question. As I see it, thinking over the years that have passed, and the struggle between the miner and the operator of the mines, I think it is a mistake that this amendment should be here. I may be entirely wrong. I

may be prejudiced about the matter, but to my mind it is a great mistake. Senators have said that since the amendment is offered, whether they vote for it or vote to send it to the committee, they may be very severely criticized. Of course, criticism comes to all of us. It is part of our lives. We must meet it, and we ought to be ready to meet it. We have to be ready to meet it, whether we like it or not. But why attach this amendment to a bill affecting the coal miners in the bituminous-coal industry. It is a slap at the sit-down strike, disguise it as you may; and technically the argument of Senators is correct that probably it has no reference to Michigan and Detroit and the automobile workers; but if it had not been for the automobile sit-down strike in Detroit, it would not be here for a moment. I do not think any Senator would contend to the contrary. That is the reason it is here, although the struggle of the workers in Michigan is being handled, so far as I am able to see from my distance away from it, in a most admirable way by the Governor of Michigan.

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

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. Yes; I yield.

Mr. DAVIS. I desire to inform the Senate and the Senator that there has been a sit-down strike in Pennsylvania in a bituminous coal mine. It occurred near Uniontown, in Fayette County. But in that instance the State officers and the national officers of the miners' union directed the miners to come out of the mine and then later directed them to go back to work.

I agree with the Senator that there is no place for this amendment on the pending bill.

Mr. NORRIS. I thank the Senator.

So, Mr. President, it is not the coal industry that brings this amendment here; another situation that brings it, namely, a sit-down strike in another industry. While the Senator from Pennsylvania is undoubtedly correct in his statement that the sit-down strike to which he called our attention occurred in the coal industry, as a matter of fact, such a strike is almost unknown in that industry. The organized miners have not engaged in that kind of a strike, and, so far as I know, there is no indication that they are going to do so. Now, the men engaged in this industry—an industry which has suffered more than almost any other in the country in the effort to maintain the rights of labor—are met here at the threshold of this bill by an amendment saying to them, "You must not engage in a sit-down strike."

I am not surprised that the Senator from West Virginia says many of the coal miners take it as an insult. They have no intention of engaging in such a strike.

I admit that Senators have a right to offer such amendments. I can see the viewpoint of those who think that such action ought to be taken without reference to the coal business or any other business; but why commence with the very industry that has gone through more agony and more suffering, perhaps, than has any other industry in the country in the effort to maintain the rights of labor against capital?

I do not see any reason why we should declare a policy on the sit-down strike. It is a comparatively new development. I may be wrong; perhaps we ought to make such a declaration; and I am not afraid to meet it. I do not think the sit-down strike is right; I do not think anybody will defend it; but when I see men who have gone through what the miners have gone through for the last century, I wonder, if I were a miner, if I would not resort to almost anything, legal or illegal, if I thought my rights were being further trampled under foot. That is no defense of the sit-down strike; I offer none; and, so far as I know, there is none; but I do not see any reason why we should encumber this bill, dealing with a particular industry, by an amendment which would affect workers who have never engaged in a sit-down strike.

If Senators feel that we ought to declare a national policy on a question as to which we have no legal jurisdiction, out of respect to those who think we ought to take such action, I am willing, although I do not believe it is necessary that we should do it; but if we do it, we ought to do it without reference to any condition that exists in Detroit or Pennsylvania or any other State. Our action ought to be in the form of a separate declaration; and if we are fair, when we make it we will put something in the declaration besides the sit-down strike. We will not stop there. We will go on and make a declaration of policy both as to labor and capital. I will not back away from it; I am willing that should be done; but I do not see any reason why we should put this amendment on this particular bill and only half do the work. If it ought to be done, it ought to be done right.

Therefore, Mr. President, it seems to me, inasmuch as I believe this amendment is out of place here, that I am justified in voting to send it to the committee. I would be willing to kill it without sending it to the committee, and I do not care much whether the motion is carried or not; I would vote against the adoption of the amendment; but, out of respect to other Senators who do not agree with me as to the declaration of policy, I would be willing to send it to a committee and let them work out a resolution which will declare an entire policy, if that is desired, such as we think ought to be declared, even though we are doing it, mostly at least, on a subject matter over which we have no right even to legislate under the Constitution.

Mr. ROBINSON. Mr. President, in the hope of concluding the consideration of the bill today, I am going to submit a request for unanimous consent. Before submitting the request, however, I must state, in duty to my colleagues, that if the amendment, and amendments to the amendment, be not referred to the committee, from the information that has reached my ears, the debate is likely to be continued indefinitely. I am not complaining about the prolongation of the debate but am merely stating a fact as one of the considerations which have prompted the motion, and which also prompts the request.

There are amendments to the amendment, as I am advised, which seem likely to reach out into other spheres of legislation so broad and so hotly contested as to make imperative a session tomorrow, with little likelihood of the bill reaching a conclusion even tomorrow.

I do not make that statement in order to induce any Senator to take action that his judgment and conscience do not prompt him to take.

Much of the discussion today has related not to the express provisions of the amendment but to the factors and the influences which underlie it. I have no doubt that those large employers who have continuously refused to submit themselves and their interests to the jurisdiction of the Labor Relations Board, and others who have employed renowned detectives, who have gone among the workers in large plants and industries and wormed their way to the head of labor organizations in order to deceive and betray the laborer—I have no doubt that all those would like to have at this juncture a one-sided and emphatic declaration by this branch of the Congress which would immediately be construed by all parties to labor controversies as a movement solely in the interest and on behalf of those who flout the law at their own will, but who invoke our conception of high standards of conformity to law in order to continue their own bad practices.

Now, let me make it clear, if I did not do so yesterday, that I have no approval here or anywhere for violations of law. I think it is the duty of all citizens to conform to the laws, both State and National; that it is just as much the duty of a man or a combination of men employing a hundred thousand workers to render obedience to the mandates of State and Federal laws as it is the duty of the humblest worker who earns by his hands a livelihood for himself and his dependents to respect and abide by the law.

It has been made clear during this debate that such are the limitations on Federal power and authority—limitations embraced in the Constitution, the laws and decisions of the courts interpreting the laws and the Constitution—that the

President or other executive agencies have no power, upon their own initiative, to employ force or to intervene in a labor controversy where interstate commerce has not been interrupted, where the mails have not been interfered with, or where Federal property has not been seized or threatened with destruction.

There has run through the debate implied criticism of both the President and the chief executive of the State of Michigan. It is well enough for Senators to say that the amendment, in their interpretation of it, has no relationship to the situation in Michigan. But when they say it they speak from the standpoint of legal technicalities and not from the standpoint of actuality. We all know that in certain cities in the State of Michigan particularly, including Detroit, there have been conditions which every one of us has feared would result in violence. The Governor of the State of Michigan has a responsibility in the matter, as was clearly pointed out by the Senator from Idaho [Mr. BORAH] in his address earlier today. I do not believe, from the information which has reached me, that the Governor has been in default either in purpose or in act in attempting to preserve law and order. I go further than that. I think when the smoke of this great domestic battle has cleared away, when the thunder of the conflict has died into silence, the Governor of Michigan will stand preeminent among governors and among citizens as one who has been moved by a sincere desire to do his duty to his State, to the people of his State, and to secure the observance of law and order.

It is easy enough here in the peace and security of the Senate Chamber in the city of Washington, where so many factors combine to make life pleasant and agreeable sometimes—and where at other times they seem also to combine to make life disagreeable and miserable—to say that the Governor of Michigan, the minute these laborers sat down in disregard of the law of Michigan and of the decisions of the courts of Michigan, should have moved the militia and the State police to remove the laborers from the plant in which they had assumed to discontinue labor and to sit down, and in the event the militia found themselves in sympathy with the laborers, as frequently happens under such circumstances, or in the event that the militia were inadequate to accomplish the task, the Governor ought immediately to have called on the President, and that the President ought then to have ordered, as he probably would have done, the use of Federal troops to carry out the orders of the court to compel the laborers to vacate the plant and the buildings.

It is easy enough to take that position, but when one does take it he ought to understand just what it means. In case of riot, disorder, or violence, in the case of destruction of life and property, of course, there must be immediate action; but where the offense that is being committed is a trespass, it is wise—at least, it does not seem wrong—to take into consideration the probable results of the employment of immediate and great force to compel a discontinuance of the trespass.

We all recall, as was stated by the junior Senator from Michigan [Mr. BROWN] in his very impressive remarks today, that in the Michigan city, where this trouble principally is centered, enormous groups of people assembled, and that they were surprisingly peaceful and law abiding; that the only occasion for the exercise of police authority came because of the conduct of certain individuals who were known to be agitators and who were desirous of bringing about a state of violence and violent disturbance.

Assume that the Governor had immediately ordered the militia to clear the plant, and that 120,000 men, women, and children had gathered about the plant and that a riot had occurred, what would have resulted? Hundreds of lives would have been lost and thousands of persons probably would have been injured. One may say, if he pleases, that that makes no difference, "law is law and might is might; kill them if they offer any resistance", but I do not condemn the Governor of Michigan for pursuing a course which brought order out of chaos and brought peace back to a community which was greatly distressed.

It is right and proper, in giving consideration to policies underlying these problems, to seek to prevent violence, to avoid the killing or injuring of human beings if it is reasonably possible to do so. There will be time enough, if the issue is forced, to exercise the power that may be necessary to preserve law and order when law and order are being invaded.

We do not use the Army of the United States in every case where a labor dispute arises, even though repeated acts of trespass may be committed. What is it that in logic is being asked here by eminent Senators who have spoken on the subject? It is that in any case of a sit-down strike, wherever and whenever it may occur in any State, the President of the United States shall move an army to end the sit-down strike even though there is no riot, even though the Governor of the State has not requested Federal intervention.

We cannot say that the President should use the Army to end a strike and not say that he should use it in all cases where the same conditions exist; and, as has been pointed out, unless there is a case where the State authority is in antagonism to the Federal authority, unless there exists a case where the State violates its obligation under the Constitution of the United States to give equality of rights to all citizens, or where the President has been asked by the head of the State government or by the legislature, if it be in session, to use his power and authority, we cannot say that it is violative of sound practice for him to fail to express his opinion as to how the controversy should be adjusted.

Every man in this country and every officer in this country has the right to express his opinion freely; and, if he has a duty to perform, the obligation is upon him to move with reasonable promptness in the discharge of his duty; but I do not think the Senate, without full knowledge of the circumstances, would wish to commit itself to the doctrine that every time a controversy arises in a State cognizable solely by State authority, the President is under a moral obligation to tell the State authorities what to do, unless his assistance be invoked by the State authorities.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. DUFFY in the chair). Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. ROBINSON. I yield to the Senator.

Mr. PITTMAN. I dislike to interrupt the Senator from Arkansas at this point; but if I should be occupying the chair a few minutes later, and the pending point of order should come before the Chair for a ruling, I feel that I should be compelled to sustain the point of order; or if, on appeal, the matter should go to the Senate, and someone else should be in the chair, I should be compelled to vote with regard to the question that the point of order was well taken. Of course, I do not know how the Senate eventually will act on the matter; but I suggest that if the Senate should vote that the point of order was well taken, the amendment of the Senator from South Carolina [Mr. BYRNES] would be before the body, because in that case the motion of the Senator from Arkansas to refer the amendment to the committee would fail.

Personally, I do not like to vote on the amendment at all, because I think it is quite indefinite. It may mean what I have in mind with regard to the so-called sit-down strike, or it may not. Whether or not the author of the amendment means that on such notice the former employees must get out of the county in which the coal mines are situated, I do not know. If he means solely that the former employees must get out of the tunnels or the collieries that are actually used in operating the mines, that is one thing; but the amendment does not say that. I should very much prefer to have language used that means what I am thinking about than to have language used which may be differently interpreted; but the chances are that we shall have to vote on the amendment in its present form as indefinite and uncertain as it is.

Therefore I make this suggestion: I should like to see this matter temporarily laid aside, and submit to the Senate a resolution of this character:

Resolved, That it is the sense of the Senate that the so-called sit-down strike is illegal and contrary to sound public policy. The Senate only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

I think that puts a plain issue before the Senate as to whether they favor the so-called sit-down strikes in industries that we have a right to talk about; that is to say, industries within the jurisdiction of the Federal Government.

Mr. KING. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. I have a great deal of sympathy with the resolution which has just been suggested by the Senator from Nevada [Mr. PITTMAN]. Anticipating that possibly we might come to a vote upon the amendment offered by the Senator from South Carolina [Mr. BYRNES], I prepared this morning the following resolution, which, with the permission of my friend from Arkansas, I shall be glad to read.

Mr. ROBINSON. Very well; I yield for that purpose.

Mr. KING. The resolution is as follows:

Whereas so-called sit-down strikes are taking place in various parts of the United States; and

Whereas such strikes are resulting in disorders, interference with property rights and with interstate commerce, and result in a growing spirit of disrespect for law and the courts; and

Whereas a continuance of such strikes is inimical to the maintenance of a democratic form of government, and is subversive of the authority of the United States; Therefore be it

Resolved, That it is the sense of the Senate that sit-down strikes are illegal, and are hereby condemned.

Mr. PITTMAN. Mr. President, will the Senator from Arkansas yield in order that I may express my opinion with regard to what has just been suggested by the Senator from Utah?

Mr. ROBINSON. Yes; I yield.

Mr. PITTMAN. Mr. President, personally I very much prefer as simple as possible a form of action with regard to this matter. Again, I do not wish to admit all of the "whereas" clauses of anyone, nor do I wish to admit all of the definitions of anyone with regard to a sit-down strike. I know what the so-called sit-down strikes are to which I object; and I think the objection which has been made by some persons that we have no right to deal with strikes in industries over which we have no jurisdiction may be well taken. Therefore, I very much prefer the simple form that it is the sense of the Senate—we are not attempting to speak for the House of Representatives, but we do attempt to speak for them if we incorporate such a declaration as a part of this bill—it is the sense of the Senate that the so-called sit-down strikes are illegal, which I think is universally admitted, and contrary to sound public policy, which I think is universally admitted; but I think we should add to that declaration that we only assume to speak with regard to strikes in those industries within the jurisdiction of the Federal Government.

I make that suggestion.

Mr. ROBINSON. Mr. President, addressing myself now to the proposal of the Senator from Nevada [Mr. PITTMAN] and the proposal of the Senator from Utah [Mr. KING], if I correctly understand their suggestion, it is in some way to suspend consideration of this subject on the pending bill, and that a resolution—either a simple resolution or a concurrent resolution—be introduced, in the language which has been mentioned by the two Senators, for disposition hereafter.

I do not understand that the Senator from Nevada asks unanimous consent to lay aside the amendment, whatever that may mean in parliamentary usage; but if he should do so, I assume that it would mean the withdrawal of the amendment to the present bill, with the understanding that a resolution on the subject should be presented subsequently.

The PRESIDENT pro tempore. The present occupant of the chair desires to state that he had in mind that possibly the leader of the majority would ask unanimous consent to lay aside temporarily the unfinished business and act on such a general resolution and then resume the consideration of the unfinished business.

Mr. ROBINSON. No, Mr. President; I do not feel warranted in doing that.

Mr. BORAH and Mr. BYRNES addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Arkansas yield; and if so, to whom?

Mr. ROBINSON. I yield first to the Senator from Idaho, who first addressed me.

Mr. BORAH. Mr. President, I understood the President pro tempore to say that he would hold the motion of the Senator from Arkansas to be out of order.

The PRESIDENT pro tempore. That would be the ruling of the present occupant of the chair.

Mr. BORAH. That being true, I see no reason in the world why we should not vote directly on the amendment.

Mr. ROBINSON. I now yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, I simply wish to say that, so far as the suggestion of the Senator from Nevada [Mr. PITTMAN] is concerned, if the Senator from Arkansas can see his way clear to adopt that course of action, I shall be willing to withdraw my amendment.

Mr. ROBINSON. Mr. President, I do not consider that request satisfactory to the friends of the proposed legislation. I think a discussion of the sit-down strike question, as the proceedings today and yesterday disclose, is one that cannot be very quickly terminated. I do not believe it could be done today or tomorrow. It seems to me that the subject ought to have more consideration; that it should have consideration first by a committee, and that if that be not done it would necessarily prolong the consideration of the pending bill. For that reason I do not yield to the suggestion of the Senator from Nevada.

It is perfectly competent, as every Senator knows, to submit resolutions in the Senate and have them referred to committees, or have them lie over under the rule and take them up as the order of business in the Senate permits; and the fact is that what has occurred here during the last few minutes shows that there will be very wide diversity of opinion as to the form any resolution may take.

Mr. SCHWELLENBACH and Mr. CLARK rose.

Mr. ROBINSON. Here is the Senator from Nevada [Mr. PITTMAN] submitting one resolution, and the Senator from Utah [Mr. KING] submitting another resolution; and I have not the slightest doubt that the Senator from Washington [Mr. SCHWELLENBACH] would have a resolution which would be well worthy of consideration, and the Senator from Missouri [Mr. CLARK], and even possibly the Senator from Arkansas himself. [Laughter.]

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

Mr. ROBINSON. Certainly.

Mr. CLARK. It was not my purpose in rising to suggest a different form of resolution. Would the Senator from Arkansas be willing, assuming that the other Members of the Senate are willing, to have both the resolution suggested by the Senator from Utah and the resolution suggested by the Senator from Nevada referred to an appropriate committee, by unanimous consent, with instructions to report back on a day certain, say, 30 days from now?

Mr. ROBINSON. Yes; that is the unanimous-consent request that I was about to make, and I will now make it.

Mr. President, I ask unanimous consent that the pending amendment, with all amendments thereto which may be offered and all substitutes therefor which may be proposed, be referred to the Committee on Interstate Commerce, with instruction to the committee to report back to the Senate a resolution within 30 days.

The PRESIDENT pro tempore. Is there objection?

Mr. BAILEY. I object.

Mr. ROBINSON. I knew there would be objection. [Laughter.]

Mr. SCHWELLENBACH. Mr. President, will the Senator from Arkansas yield in order that I may present an amendment to the amendment of the Senator from South Carolina?

Mr. ROBINSON. I yield.

Mr. SCHWELLENBACH. I ask that the amendment which I send to the desk be stated.

The PRESIDENT pro tempore. There is pending at the present time a point of order.

Mr. ROBINSON. Mr. President and gentlemen of the Senate, if such we be [laughter], in view of the declaration of the Chair that he has already, without hearing, decided the case against us, I do not know that I care to make an argument on the parliamentary issue. The fact of the matter is that I think the Chair might very well have given someone a chance to explain to him the great arguments underlying this dispute; but with that judicial deliberation which is so characteristic of him, he was good enough to warn me that, in the exercise of his judgment, he had already reached a conclusion.

Mr. BAILEY. Mr. President, is the Senator nominating the Presiding Officer for an additional Justice? [Laughter.]

Mr. ROBINSON. Before the conclusion of my remarks perhaps even the Senator from North Carolina will understand them. [Laughter.]

Mr. President, there is only one precedent. The alleged precedent cited by the Senator from South Carolina, for which the Senator from Kentucky is responsible, is not a precedent at all. In that case a Senator offered an amendment, and another Senator made the point of order that the amendment should be referred to a committee—he did not make a motion—and the Chair, of course, held that amendments could not be referred on points of order.

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

Mr. ROBINSON. I yield.

Mr. BARKLEY. The matter arose on an adverse report from the Committee on Post Offices and Post Roads on a resolution which had previously been presented by the late Senator from Louisiana, Mr. Long. During the consideration of the adverse report the Senator from Louisiana sought to amend his own resolution, and the Senator from Tennessee then made the point of order that automatically the amendment ought to go to the Committee on Post Offices and Post Roads, and as the Presiding Officer I held, of course, that it would not go to the committee automatically. The precedent did not involve any motion to send the amendment to the committee, and, therefore, that question was not passed on.

Mr. ROBINSON. Yes; but the point I am making is that no one here is suggesting that an amendment to a bill or joint resolution can be committed to a committee on a point of order. It seems plain.

Oh, wise and upright judge [laughter], in view of the single precedent which exists, which I feel the Senate has just as much power to override or overrule as it had to establish in the beginning—in view of the existence of that precedent, I do not wish to prolong the debate by insisting that the ruling of the "wise and upright judge" should be appealed from. I do wish to state, however, that on the day before the precedent relied on by the Senator from South Carolina was established, an almost directly contrary precedent was fixed by the Senate, and that the precedent relied on is not rested on the decision of the Presiding Officer and an appeal therefrom, but it is rested on a statement by the Presiding Officer that he did not think the motion was in order, but would submit it to the Senate; and when the Senate voted on the question that day, it voted that the motion was not in order. So I do not care to embarrass with an appeal the fair and upright judge who has determined the case against me before hearing. The truth is that I am inclined to respect the decision the judge has made.

The PRESIDENT pro tempore. The Chair has made no decision as yet.

Mr. ROBINSON. No; but the Chair has announced what his decision will be, and I do not feel justified in concentrating an issue on the parliamentary question. I am willing to withdraw the motion, and to take a vote on the amendment of the Senator from South Carolina, after such amendments thereto as may be offered shall have been considered by the Senate.

Mr. BYRNES. Mr. President, I understand the Senator from Arkansas withdraws the motion, and therefore I have nothing to say about the point of order.

The PRESIDENT pro tempore. The point of order falls, of course, when the motion of the Senator from Arkansas is withdrawn.

The question now is on the amendment proposed by the Senator from South Carolina [Mr. BYRNES].

Mr. BYRNES. Mr. President, I desire to say a few words with reference to some of the statements which have been made as to the amendment offered by me yesterday.

The question is asked by a number of Senators—and I assume in good faith—as to why the amendment is offered to the pending bill. It was offered to this bill because the bill was pending before the Senate; because this measure seeks to set up a code for the coal industry; because in section 9 the bill declares a public policy for the United States with reference to the relations existing between employers and employees in the coal industry.

The first paragraph of section 9 sets forth that it is the public policy of the United States that employees in the coal mines of the Nation shall have the right to bargain collectively. No penalty is provided for a violation of the paragraph. It is solely a declaration by the Congress of a policy to govern the labor relations between employers and employees in this industry.

I am in favor of that declaration of policy. In my years of service in the House of Representatives and in my service in the Senate I do not recall any occasion when I failed to vote to permit the wage earners of the Nation to bargain collectively. I voted for the Wagner bill, and I voted for every other labor measure which is now upon the statute books. I voted for the Guffey bill in the last Congress. I intend to vote for the Guffey bill in this Congress, and this declaration of policy I have suggested is in accord with the views I hold and have always held on the subject.

The second paragraph of section 9 declares that no producer shall interfere with or coerce employees in the exercise of the right to bargain collectively. It is a declaration of policy, and I am in favor of that declaration of policy.

The third paragraph declares that no employee shall be required to join a company union. That is only a declaration of policy, and I am in favor of that declaration of policy. I am opposed to the company union and opposed to the requirement that any employee shall be forced to join a company union.

Therefore, Mr. President, I do not think anyone can say that I am unfriendly to the cause of labor when I say that I am in favor of the declaration of policy contained in these three paragraphs, when by the amendment I have offered I seek to add an additional declaration of policy, which declaration of policy would place the Senate on record as disapproving the sit-down strike, when every Senator who has yet risen in the Senate to discuss this subject has declared he is opposed to the sit-down strike.

Everyone who has assumed to speak for the United Mine Workers has said that they are opposed to the sit-down strike, and that even a declaration of policy of this kind would be regarded as an insult to them; that it would be regarded as slander even to intimate that they would be guilty of engaging in a sit-down strike. Then, if that is so, we are all agreed. Yet, as the Senator from California [Mr. JOHNSON] stated yesterday, while we are all agreed that we are opposed to the sit-down strike, after making the declaration, too often we hear it said, "We are for the amendment—but, but—but it should not be on this bill", or "We are against sit-down strikes—but it ought not to be on that bill. It is not comprehensive enough", or "it is too comprehensive." No committee of the Senate could ever draft language and bring it into the Senate, but that many Senators would rise to say, "I am opposed to the sit-down strike, but I am opposed to the language in this amendment."

Mr. President, some Member may say, "Why not directly declare it to be the policy of the United States to disapprove the sit-down strike?" The very minute I should write that into an amendment the same Member will probably rise to say, "What constitutes a sit-down strike? Has that phrase ever been defined by a court? What do you mean by a sit-down strike?"

When that question is asked, I ask Senators what answer they could make? They could make no answer other than that I have written in this amendment, that an employee who is employed upon property, and ceases to work for any reason satisfactory to him, whether because he wants higher wages, or because he wants his organization to be recognized, or because he wants better working conditions—whatever the reason—when he ceases to work and then remains upon the property after receiving notice to leave such property, that man becomes within the accepted definition of a sit-down striker.

When you answer and say that a sit-down strike occurs where employees cease to work and insist upon remaining upon the property of the employer, your friendly opponent will say, "Well, if you mean that, why do you not say what you mean, instead of calling it a sit-down strike?" Because I recognized the force of that argument I put into the amendment just what it meant and just what you mean whenever you say "sit-down strike."

But it will be said, "Even if that be so, it should be put on some other bill." How could you put it on another bill when no other bill is pending?

Then some will say, "It ought to be introduced as a separate resolution." Introduce it as a separate resolution and what becomes of it? It is sent, possibly, to the Committee on the Judiciary, there to wait for the disposal of the Supreme Court bill, or is sent to the Committee on Interstate Commerce, and when it goes out of that door of the Senate Chamber you could kiss your amendment good-bye. [Laughter.] It may be sent to some committee, but there is no purpose in sending it there except to let it stay there.

Members of the committee may say, "I am opposed to the sit-down strike."

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

Mr. BYRNES. I yield.

Mr. WHEELER. Why does the Senator say that when it came to the Interstate Commerce Committee, of which I am chairman, it would never come out? Why does the Senator say that?

Mr. BYRNES. Well, I have known of so many things to go there which did not come out that I know what would happen.

Mr. BARKLEY. Does the Senator think that everything which went there ought to have come out?

Mr. BYRNES. No; but I think that the Senator from Kentucky believes that nothing that goes there should ever come out.

Mr. BARKLEY. The Senator is very much mistaken. If he were a member of the committee, he would find out differently.

Mr. BYRNES. Perhaps so; but I am a Member of the Senate, and I have found out differently than the Senator suggested. Of course, I know that the Senator is not responsible for all actions taken by the committee, nor do I believe he would assume to be. But I am not new in this particular game, and I know that when an amendment of this kind is sent to a committee it is not expected to come out of the committee. Some other amendment might come out and some other bills might come out, but this amendment I fear would not come out. I fear that after it is sent to the committee, even with the best intentions in the world on the part of the majority leader, who has fearlessly declared his position time and again on this question, it would not come out. Earlier today, when it was proposed by the Senator from Arkansas [Mr. ROBINSON] to send it to the committee, the committee to report in 30 days, it was the Senator from Kentucky [Mr. BARKLEY] who rose to say, "But 30 days is a short time, inasmuch as the members of the committee are members of the Committee on the Judiciary and will not be able to give their time to it"; and the Senator from South Carolina knew that before the expiration of the 30 days there would come an appeal for more time, because the Court bill had demanded the attention of so many members of the Interstate Commerce Committee in another committee room.

O Mr. President, why 30 days for this question? The Senator from Georgia [Mr. GEORGE], I think, said, "Is it something new, is it something strange to say as a declaration of policy that if employees for any reason cease to work and are given notice to leave the property that they shall leave?" You can ask the average layman how much time he would need to consider that question and he would certainly think that 30 minutes would be nearer the time needed than 30 days. But if any Senator did not want to vote upon it, he would find 30 days a short time.

If in this amendment I had provided that no employee after he had ceased to work should remain upon the premises, some Member of the Senate would have risen and asked whether there was objection to employees remaining upon the property when there was no protest made by the employer. So I deliberately inserted the language that only when there was written notice should the employee be required to leave. Members of the Senate may take the amendment, they may analyze it, they may try to state it in simpler language, but they will find it practically impossible to do so.

Senators may say that our action will be misunderstood. No, Mr. President, what they really fear is that their action will be understood. There is no question as to how the people of this Nation will understand it. No penalty is provided. But it is a declaration of policy of the United States that if I am working on the property of the Senator from Nevada I am assured of the right to bargain collectively; I am assured that there shall be no discrimination against me because of my membership in a union; I am assured that I cannot be required to join a company union. But if for reasons satisfactory to me, I cease to work, and I sit down and refuse to leave the property, and defy you to put me out, and defy the officers of the law, that is against the policy of the United States. We cannot dodge the implication of this question. If you vote for this amendment, you are against the sit-down strike. No one will misunderstand that. If you vote against the amendment, no one will misunderstand it.

Let us assume that the Senator from Mississippi [Mr. HARRISON], returning to his home shortly, should find that his good wife had today been advised by the cook in his kitchen that she wanted her union recognized, and, not being accorded that recognition, had determined to sit down in that kitchen, and not only would she not cook any dinner for him but refused to let anybody else cook the dinner for him, and, armed with the weapons of the kitchen, she defied the officers and said, "If you attempt to remove me there will be bloodshed." I hate even to speak of such a direful situation for the Senator from Mississippi, but I think the Senator from Mississippi would say that he did not need 30 days to enable him to declare that he was opposed to the sit-down strike. [Laughter.]

Oh, but Senators will say, "There is a difference." Yes; there is a difference. The difference is that in the case assumed by me just now the Senator from Mississippi would be subjected to the sit-down strike, and in all the other cases somebody else is subjected to the sit-down strike.

My good friend the Senator from Michigan [Mr. VANDENBERG] talks about Michigan. I know that all Senators think of their States more than all other States, and having only recently come from the State he naturally would. But, Mr. President, this thing is not confined to Michigan. The two Senators from Michigan may be of that opinion because of the importance of the situation to them. The Governor of North Carolina announced only a few days ago that so far as that State was concerned law and order would be preserved. Perhaps the Senator from Michigan was not aware

of it, but the situation had reached the stage in North Carolina where the students in the colleges had gone on a sit-down strike. Perhaps they are entitled to all their demands, but, nevertheless——

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

Mr. BYRNES. I yield to the Senator from North Carolina.

Mr. BAILEY. As I understand it, the strike referred to occurred in a girls' school, and the principal of the school said the girl students wanted to have more dates with the boys than they were getting.

Mr. BYRNES. That was a very laudable purpose.

Mr. BARKLEY. Does the Senator call that a sit-down strike?

Mr. BYRNES. I would say it was a very laudable purpose, but the Senator from Kentucky and the Senator from North Carolina can discuss it and possibly may agree upon it.

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

Mr. BYRNES. I do.

Mr. KING. The able Governor of Connecticut stated a few days ago, in the light of this epidemic of sit-down strikes, that there would be no sit-down strike in his State and there has been none.

Mr. BYRNES. And the Governor of New Jersey made a statement of the same kind, and the Governors of two or three other States have also done so. The Senator from Michigan should know that when Michigan is unfortunately having trouble with sit-down strikes, it is not only the people of Michigan who are affected, but throughout the entire Nation men are out of employment and unable to earn a livelihood because of the sit-down strikes.

Mr. President, I have no desire to talk about any State; I certainly will not discuss what was said by my good friend from West Virginia [Mr. NEELY], but I really doubt that he is correct in his viewpoint that the United Mine Workers of America would rather not have the Guffey bill than have an amendment on the bill merely declaring a policy with reference to the sit-down strike.

Mr. President, I voted for the Guffey coal bill which was passed by the Senate at the last session, and I intend to vote for the pending bill, even though I know it will raise the price of coal to the people of my State, because my hope is that the increased price will go to the miners who deserve it. But the miners, so far as I know, have never declared in favor of the sit-down strike. It is not necessary to their existence. I did not know that one had ever occurred in any of the mines until the Senator from Pennsylvania [Mr. DAVIS] said that there had been such a strike on one occasion in Pennsylvania.

The amendment, however, is not confined to any State or to any industry, and when the Members of the Senate say, therefore, there should be a general resolution on the subject, I recall to them that when the Senator from Nevada [Mr. PITTMAN] asked that this bill be temporarily laid aside, in order that there might be a vote upon the resolution which he read to the Senate, I immediately announced my willingness to agree, and to withdraw my amendment. I am willing to do that now.

I have no pride of opinion; but I believe that if we are going to declare a policy of the Government it is essential that it be declared, so that the people of America may know that law and order are to be preserved in this Nation. I will withdraw my amendment if consent can be secured for the consideration of the resolution suggested by the Senator from Nevada, or any other resolution which may be proposed by any other Member of the Senate, and it can be acted upon after the passage of this bill, or at any time next week, on any day which may be set.

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

Mr. BYRNES. I yield to the Senator from Mississippi.

Mr. HARRISON. Would the Senator be willing, since there is a difference of opinion as to the proposition, to refer the various amendments and resolutions, including the pending one, to the Committee on Interstate Commerce, with instructions to report back a measure within a week, and then make it a special order in the Senate the following day, and no matter whether favorably reported or not, so that it may then be taken up and considered?

Mr. BYRNES. If the Senator from Mississippi will submit a unanimous-consent request of that kind, and it shall be agreed to, I will withdraw my amendment.

Mr. HARRISON. The Senator would be willing to do that, would he?

Mr. BYRNES. I announce it positively.

Mr. HARRISON. Then, Mr. President, I make the unanimous-consent request that the amendment offered by the Senator from South Carolina, and all related amendments and resolutions covering this particular question, be referred to the Committee on Interstate Commerce, with instructions to report back to the Senate within a week, and that on the following day, when the report shall be submitted, whether it be favorable or unfavorable, it shall be the order of the Senate that it be taken up for consideration.

Mr. BAILEY. Mr. President, I object.

Mr. BYRNES. Mr. President, may I ask the Senator from North Carolina to withdraw his objection?

Mr. BAILEY. Mr. President, I am perfectly willing to listen to my friend from South Carolina, but I am going to say very plainly to the Senate that I want a vote on this question, and I do not think we should delay a vote on it. I believe the American people are entitled to know before the sun sets today whether the United States Senate favors the sit-down strike or condemns the sit-down strike. For my part, I am willing to stand in my place and cast my vote and let the people know. If we do not let them know, if we hesitate, and if we are too prudent—I will put it that way—or are actuated by some sort of prudence, we are going to do more to make trouble than could be done in any other possible way. Now, let the word go forth that the Senate of the United States favors the sit-down strike and let it go on, or let the word go forth that the Senate of the United States is against the sit-down strike and condemns it, and we will have a clearance of the air in America.

Mr. HARRISON. Mr. President, will the Senator from South Carolina yield to me?

Mr. BYRNES. I yield.

Mr. HARRISON. Of course, there is no one for whom I have a greater regard and higher respect than I have for the Senator from North Carolina.

Mr. BAILEY. I thank the Senator.

Mr. HARRISON. But would it not be better for it to go to the country by almost unanimous action here in the form of a resolution that it was the sense of the Senate that it does not approve the sit-down strike and have a vote on the question within a week—a few days' delay will not hurt particularly—than to have a resolution adopted by a divided Senate? I am just as much opposed to the sit-down strike as is the Senator, but there is a difference of opinion as to writing the declaration into the pending coal bill, making it applicable purely to one industry. I wish that could be settled, and I think the proposal I have made would settle the question very amicably, and we could adopt such a resolution within a few days.

Mr. BYRNES. Mr. President, the Senator from North Carolina said he would listen to me.

Mr. BAILEY. I am prepared to listen to the Senator.

Mr. BYRNES. Then, if the Senator will listen to me, I will say to him that the only thing that could induce me to agree to the proposition of the Senator from Mississippi [Mr. HARRISON] is the assurance that within a week we would have an opportunity to vote.

Mr. BAILEY. I do not want a week. So far as I am concerned, I shall insist upon my objection. I think this question is entirely too serious to permit hesitation, and I think it means too much to the American people. I am perfectly willing to take a beating on the amendment, but I am not willing to run away from the situation even for a week.

Mr. BARKLEY. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. I yield.

Mr. BARKLEY. So-called sit-down strikes have been in progress for 2 or 3 months; the most serious one has been at least temporarily adjusted by the "sit-downers" ceasing to sit down, and they have departed from the property. Inasmuch as no Senator during the last 3 months has seen fit to introduce any resolution condemning the sit-down strike, why is it so objectionable that we put the matter off for another week?

Mr. BAILEY. Mr. President, I will respond to that suggestion with the permission of the Senator from South Carolina. The fact that we have waited so long, and others in high authority have waited so long, is the best reason on earth why we should act now without delay.

Mr. BARKLEY. Has the Senator introduced any resolution on the subject and had it referred to a committee?

Mr. BAILEY. The Senator from North Carolina has not, and I must say it did not occur to me there would be any question raised about the passage of one, either.

Mr. BYRNES. Mr. President, I think I have the floor.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Montana?

Mr. BYRNES. I yield.

Mr. WHEELER. I should like to say that I would have to object to the request if the Interstate Commerce Committee is only going to be given 1 week for the consideration of the matter, because I know, if the resolution went to the committee, there would immediately be a demand on the part of many people to be heard upon it, and we could not very well deny them the right to be heard. It would take more than a week's time. I would not have any objection to the resolution going to the committee if a month's time or 3 weeks' time is afforded, but it would be impossible for the committee to act in a week.

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

Mr. BYRNES. I yield.

Mr. TYDINGS. I should like to vote on the sit-down strike question, but I would prefer to vote on it as not a part of the pending bill. It is obvious, unless we can reach some agreement, that we will have to vote on it as a part of this bill. I cannot see why, if we are going to vote on it anyway, anyone would be hurt by taking the proposition out of the bill and voting on it immediately, without further debate, after the bill shall be voted upon. That would give every Senator a clear-cut chance, without any other matter being considered in connection with it, to vote on the sit-down strike proposition apart from the mining bill entirely. I think it would be the only fair vote we could get on the proposition and we ought to have a fair vote on it.

I request the Senator from South Carolina to ask unanimous consent to have his proposal voted on immediately after the bill is voted on, so there will not be any confusion of ideas.

Mr. BAILEY. Does the Senator make a proposition to vote today?

Mr. TYDINGS. If the Senator from South Carolina will yield further, I should like to ask unanimous consent that the amendment of the Senator from South Carolina in the form of a resolution be voted on within 15 minutes after the final vote on the pending bill.

Mr. BYRNES. I would suggest to the Senator from Maryland that if that is to be done, the proper request would be to have the resolution made the unfinished business of the Senate upon the passage of the pending bill.

Mr. TYDINGS. I ask to have the resolution made the unfinished business upon the disposition of the so-called Guffey coal bill, so those of us who want to vote upon it can vote on it without reference to the Guffey coal bill.

Mr. BARKLEY. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. I yield.

Mr. BARKLEY. The Senator from Maryland and the Senator from South Carolina both understand that if this matter is taken up independently of the pending bill, it ought not to be taken up in the form in which it now appears, because it now applies only to one industry.

Mr. BYRNES. Of course, that is clear. The Senator from Maryland made that clear. He suggested taking it up in the form of a resolution, which would, of course, be open to such amendment as any Senator might care to submit.

Mr. KING. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. I yield to the Senator from Utah.

Mr. KING. My inquiry is directed to the suggestion made by the Senator from Maryland. It seems to me there ought not perhaps to be a declaration by the Senate of the United States against the sit-down strikes generally, because, for instance, there is a sit-down strike in a matter that is purely intrastate. I do not know that I would favor voting for that. But this is a matter where the Federal Government has placed its hand upon the coal industry and attempted to nationalize it, so that under the power of the interstate-commerce clause it is seeking to control this great industry. Therefore it is quite proper that the proposed amendment should be considered apart from the pending bill.

Mr. BYRNES. Mr. President, I had yielded to the Senator from Maryland for the purpose, as he stated, of submitting a unanimous-consent request. That request is entirely satisfactory to me.

Mr. ROBINSON. Mr. President, in that view of the matter and in the hope that we may yet have an opportunity this week end for a breathing spell, I will submit a unanimous-consent request if the Senator from South Carolina will yield for that purpose.

Mr. BYRNES. I certainly yield.

Mr. ROBINSON. I ask unanimous consent that the Senator from Nevada [Mr. PITTMAN], out of order, may introduce his resolution, that it may lie over on the table, and that the amendment of the Senator from South Carolina may be withdrawn. Of course, that requires his action.

Mr. BAILEY. Mr. President, I object.

Mr. ROBINSON. The Senator from North Carolina is apparently going to object to anything that is proposed.

Mr. BYRNES. I ask the Senator from North Carolina if he will not permit the Senator from Arkansas to complete his statement?

Mr. BAILEY. Certainly.

Mr. ROBINSON. That is very kind. Of course, I could have done that, anyway. It is like the Chair ruling on a point of order when he has already announced that he has made up his mind to sustain the point of order. If the Senator from North Carolina has already made up his mind to object to any proposal that is made, probably it will not do any good to submit the request. However, my request is that the Senator from South Carolina be permitted to withdraw his amendment, that the Senator from Nevada [Mr. PITTMAN] be authorized, out of order, to introduce a joint resolution in the form in which he read it to the Senate a few moments ago, and that at the conclusion of the consideration of the bill now before the Senate, the unfinished business, the Senate shall proceed to the consideration of the joint resolution of the Senator from Nevada.

Mr. BAILEY. I object to that.

Mr. BYRNES. May I say to the Senator from North Carolina that the only effect of that request is to afford the Senate an opportunity to vote upon the proposal separate and apart from the Guffey coal bill and immediately after the conclusion of the consideration of that bill.

Mr. BAILEY. Yes; and substituting for the amendment the joint resolution to be introduced by the Senator from Nevada.

Mr. BYRNES. Mr. President, I still have the floor and I want to ask the Senator from North Carolina if he would have any objection to the request made by the Senator from Maryland [Mr. TYDINGS]?

Mr. BAILEY. I am going to object to that also.

Mr. BYRNES. My suggestion is that my amendment in the form of a resolution be made the unfinished business, so

we may vote upon it directly, and then the amendment of the Senator from Nevada [Mr. PITTMAN] can be offered as a substitute, or any other amendment can be prepared and offered by the Senator from North Carolina or by any other Senator.

Mr. ROBINSON. Mr. President, I have no objection to that.

Mr. WAGNER. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. Certainly.

Mr. WAGNER. If the proposed amendment is to be considered as a separate independent resolution, why does the Senator then limit it to one particular industry?

Mr. BYRNES. I believe the Senator has been here during the discussion and knows that the bill is limited to a particular code for the coal industry.

Mr. WAGNER. Does the Senator mean to express a preference——

Mr. BYRNES. Oh, no. If the amendment is to be introduced in the form of a resolution, it could be changed and give to the Senate an opportunity to express itself on the question of sit-down strikes in any industry.

Mr. WAGNER. I thought the Senator had expressed the view that if that is to be done, we ought not to confine it to one particular industry.

Mr. BLACK. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. I yield to the Senator from Alabama.

Mr. BLACK. The request should contemplate that amendments could be offered with reference to other labor practices without ignoring the Wagner labor relations bill.

Mr. BYRNES. Of course any amendment could be offered under the rules of the Senate. The Senator from Alabama knows that the bill to prohibit the importation of persons into a State for the purpose of interfering with workers who were engaged in peaceful picketing was introduced by me and passed in the last Congress.

Mr. BLACK. I fully understand that.

Mr. BYRNES. That law should be strengthened, and I intend to study the hearings before the La Follette committee in order to determine how it should be amended. The resolution I would offer would be open to amendment by any Member of the Senate, and therefore I think the unanimous-consent request should be granted, and I hope my friend the Senator from North Carolina will not object, so that we can have a vote.

Mr. BAILEY. I shall not agree to that.

Mr. KING. Mr. President, I would not agree to that proposal with all those strings.

Mr. BARKLEY. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. Certainly.

Mr. BARKLEY. Under the rules of the Senate, except on appropriation bills, any amendment is in order that may be offered by any Senator.

Mr. BAILEY. I have not any question about that. The amendment is before us. The point of order has been made against the motion to refer it to a committee. I see no reason why we should not proceed to vote. The Senator from Arkansas said I would not agree to any proposal that might be made, but I will agree to vote right now.

Mr. KING. I suggest that we take a vote right now.

Mr. BAILEY. I will agree to suspend the rules and vote right now or I will agree to vote at 5 o'clock. I am perfectly willing to vote, but I am unwilling to agree to delay in a matter of this kind.

Mr. SCHWELLENBACH. Mr. President——

Mr. BYRNES. Mr. President, I believe I have the floor.

Mr. SCHWELLENBACH. Will the Senator yield to me in order that I may explain my amendment?

Mr. BYRNES. I shall be delighted to yield to the Senator for that purpose.

Mr. SCHWELLENBACH. Mr. President, I ask that the clerk may state the amendment which I have proposed as an amendment to that of the Senator from South Carolina.

The PRESIDENT pro tempore. The amendment offered by the Senator from Washington to the amendment of the Senator from South Carolina will be stated.

The CHIEF CLERK. In line 2 it is proposed to strike out "of any producer of coal."

In lines 4 and 6 it is proposed to strike out "producer" and insert "employer."

Following the word "property", in line 7, it is proposed to insert certain words, so that, if amended, the amendment would read as follows:

It is further declared to be the public policy of the United States that no employee whose employment has been terminated, or who for any reason has ceased to work for such employer, shall remain upon the property upon which he was employed after he has received written notice from such employer to leave such property, if such employer shall have fully and completely submitted the controversy with the employee or employees to the jurisdiction of the National Labor Relations Board, and, after investigation, the National Labor Relations Board shall have approved of the issuance by the employer to the employee or employees of the above-described written notice: *Provided*, That this paragraph shall not apply to property occupied as a dwelling.

Mr. SCHWELLENBACH. Mr. President, I desire briefly to explain the amendment. It is divided into two parts.

The first part is the elimination of the words "producer of coal", and the elimination of the word "producer" and the substitution of the word "employer", so as to make the amendment apply to all industries, and not limit it to the coal industry.

The second part of the amendment provides that as a condition precedent, before the Congress of the United States shall lend even its moral support to an employer engaged in a controversy with his employees, it is necessary for the employer to be willing to recognize the law of the United States.

That is all the amendment provides.

There has been much said here about violation of law. Many Members of this body today have expressed themselves as feeling that we have been going through some terrible experience during the last few weeks because there have been violations of law upon the part of employees in this country. I desire to say to them that I hold in exactly the same light as they do the violation of law by employees; but I am not willing to agree that the Congress of the United States shall make a declaration of policy condemning one side in this controversy for its violation of law and failing to say a word in reference to the other side for its violation of law.

Two years ago Congress enacted the Wagner labor bill; and Senators know that from one end of the country to the other the employers have simply refused to recognize it. They have been advised by their lawyers to refuse to recognize it. Senators remember that last year general word was sent out by that great institution headed by men in a neighboring State, the Liberty League, that they would provide legal advice to employers who desired to help them in the violation of the Wagner Labor Act. When the time comes that the Congress of the United States is solemnly going to denounce law violation, I say it ought to join in a denunciation of violation of the law that was solemnly enacted 2 years ago.

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

Mr. SCHWELLENBACH. I yield.

Mr. KING. Does the Senator think we ought to go so far as to make this amendment applicable to purely intrastate matters? I am inclined to vote for the amendment offered by the Senator from South Carolina [Mr. BYRNES], because it relates exclusively to interstate matters. As I indicated a moment ago, under this bill the Federal Government nationalizes the coal industry. It spreads its broad mantle over that industry, including hours and wages, and so on. Therefore, there might be justification for a declaration by the Federal Government with respect to those matters that are purely interstate; but I should have some doubt as to the right of the Federal Government to declare with respect to purely intrastate matters.

Mr. SCHWELLENBACH. Let me answer the Senator from Utah by saying—and I do not think we are very far apart on the question—that we are facing here a declaration of policy——

Mr. KING. As to interstate matters.

Mr. SCHWELLENBACH. We may pass a declaration of policy about interstate matters. We may also pass declarations of policy about the weather, or sin, or anything else; but so far as we can effectively do anything, it must be as to matters over which the Federal Government has some control.

When I say that employers must submit themselves to the Labor Relations Board before they may have even the benefit of our declaration of policy, that must necessarily, so far as the Federal Government is concerned, be limited to those things over which the Federal Government has some jurisdiction. We cannot say here that this case is interstate commerce, and another one is intrastate commerce; but in our declaration we should declare that employers must recognize the rights of the Federal Government where the Federal Government has jurisdiction, and submit themselves to the jurisdiction of the National Labor Relations Board.

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

Mr. SCHWELLENBACH. I yield to the Senator from Michigan.

Mr. VANDENBERG. I desire to ask the Senator a question for information. Am I correct in the assumption that the employer cannot himself invoke the Wagner Act? Is that correct?

Mr. WAGNER. Mr. President, that statement has been made, but it is not correct. On the complaint of anyone, the Labor Board may act; or it may make inquiry upon its own initiative. That was attempted in the case of the General Motors industry in the St. Louis district; but before the Labor Board even had an opportunity to determine whether or not the particular industry was engaged in interstate commerce the circuit court interposed an injunction preventing it even from holding a hearing.

Mr. VANDENBERG. I desire to ask the Senator for a further interpretation; for certainly he is the highest authority available here on this subject, so far as I know.

Mr. WAGNER. No; I deny that statement.

Mr. VANDENBERG. Am I correctly informed that the Labor Board by its own ruling has decided that it will not, upon its own motion, invoke the terms of the act?

Mr. WAGNER. I am not informed as to that; but, even if that were true, it would not prevent an employer or an employee from going to the Board and registering a protest against an alleged violation of the law, and upon that complaint an investigation might be held. Because, when the Senator speaks of a rule, that is self-imposed. Under the law the Board has authority to act.

Mr. VANDENBERG. Let me go back to the law again, because I desire to be sure that I correctly understand the Senator. Do I correctly understand that an employer has the same right that an employee has to invoke the act?

Mr. WAGNER. I think so—simply by appearing before the Board and explaining the difficulty; and upon that action the Board makes inquiry as to the violation of law.

Mr. VANDENBERG. Whence arises all of this misinformation then?

Mr. WAGNER. I do not know, Mr. President. There has been a great deal of misstatement, even in some of the opinions of lower courts; but, having myself been a judge, I am very reluctant to criticize these opinions.

Some of them, however, I think have no basis.

Of course, we are going to know all about the whole matter very soon. I assume that the United States Supreme Court within the next few weeks will decide one or more of the live important cases which will enlighten us as to the limits of the jurisdiction of the Labor Board.

Mr. VANDENBERG. I understand the Senator's own opinion to be that an employer has the same right as an employee to apply to the Board under the law.

Mr. WAGNER. To present his grievances.

Mr. SCHWELLENBACH. Mr. President, I do not see why there should be great surprise upon the part of anyone in this country at laboring people having disregard for the law, when their employers, during all of this period of time, have so completely disregarded the law. The working people of this country 2 years ago thought they were getting a law which would be of some benefit to them and which would give them certain rights. They referred to the Wagner Labor Relations Act as labor's Magna Carta.

The Senator from New York [Mr. WAGNER], in his remarks day before yesterday, reviewed in detail, and much more eloquently and much more efficiently than I could, the disregard of the law by the employers of this country.

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

Mr. SCHWELLENBACH. I yield.

Mr. WAGNER. Of course, if an employer secures an injunction from a court, I advocate that the injunction be obeyed, just as all law should be obeyed. But in a great majority of the cases the employer and his counsel have decided for themselves that the Labor Relations Act does not apply, and they have absolutely refused to give their employees the right of collective bargaining. Seventy percent of the strikes today are based upon a refusal of the employer to attempt to bargain collectively with his employees. That was so in the case of the General Motors, and it is so in the case of the Chrysler Co.

The only question involved in the Chrysler strike—and I regret as much as does anybody that there was a sit-down strike involved—is the request of the employees, when 90 percent of them belonged to the union, for the employers to sit down and bargain collectively with the union as the agency of all of the employees. The Supreme Court decided Monday, in the Virginian Railway case, that a majority representative has the right to bargain on behalf of all the employees. In my opinion, there would be no difficulty, there would be practically no strikes, if the employers of the country would recognize the law which we enacted, giving the workers the right to organize and to bargain collectively.

Mr. WHEELER. Mr. President, if I may interrupt the Senator from New York, in view of the decision last Monday in the case just referred to, it seems to me that, so far as interstate commerce is concerned, the Supreme Court will have to uphold the Wagner Labor Relations Act.

Mr. WAGNER. The majority rule, of course.

Mr. WHEELER. Yes; the majority rule.

Mr. WAGNER. The Court has so spoken.

Mr. WHEELER. I do not see how they can avoid holding, at least so far as business engaged in interstate commerce is concerned, that the Wagner Labor Relations Act is constitutional. If they do go that far, it seems to me those who have been denouncing the Supreme Court will have to reverse some of their views on that subject.

Mr. WAGNER. Mr. President——

Mr. SCHWELLENBACH. I cannot yield for a discussion of the Supreme Court question.

Mr. WAGNER. I thank the Senator for yielding to me. I was about to say that the sit-down strike would not have occurred if the workers had been accorded the right we supposed had been granted them in the Wagner Labor Relations Act to bargain collectively. I regret that the sit-down strike was resorted to, but obedience to the law by the employers would have avoided it.

Mr. TYDINGS. Mr. President, the Senator from Washington has shown by his proposed amendment that he desires to amend the amendment of the Senator from South Carolina. I should like, in line with what the Senator is offering, to propose another unanimous-consent agreement to the effect that the amendment of the Senator from South Carolina be withdrawn and offered as a general resolution applicable to all industry, and that immediately upon the passage of the so-called Guffey coal bill the Senate proceed to vote upon the resolution of the Senator from South Carolina without further debate, and that each Senator shall have the right to offer any amendment thereto he may desire, but that the amendments shall be read and considered without debate, and that we will vote the question to a conclusion. In other words, under the proposal any Senator would have the right to offer an amendment, which would be

read, and we could adopt it or reject it. I think the Senate has pretty well made up its mind and my proposal would not shut off amendments. We could have the Guffey coal bill voted on as a separate matter, and have the proposal of the Senator from South Carolina voted on, as well, with whatever amendments the Senate might wish to add to it.

Mr. BARKLEY. Mr. President, if that is put in the form of a unanimous-consent request, I shall be compelled to object. I do not think the Senate ought to put itself in the attitude of voting on every conceivable kind of an amendment without any discussion whatever.

Mr. KING. Mr. President, I should object so far as the proposition included intrastate matters.

Mr. NEELY. Regular order!

The PRESIDENT pro tempore. The Senator from Washington has the floor.

Mr. SCHWELLENBACH. Mr. President, the question has been raised by the Senator from South Carolina that the latter part of the amendment which I propose would have the effect of destroying the purpose of his amendment. I do not agree with the Senator. This is only a declaration of policy, but, as such, I think the effect of the last part is no greater than the effect of the first part. Nevertheless, in order to meet the objection of the Senator from South Carolina, I will withdraw that part of the amendment after the word "Board" and before the proviso.

Mr. McKELLAR. How would the amendment then read?

The PRESIDENT pro tempore. The clerk will state the amendment as now offered.

The Chief Clerk read as follows:

It is further declared to be the public policy of the United States that no employee whose employment has been terminated, or who for any reason has ceased to work for such employer, shall remain upon the property upon which he was employed after he has received written notice from such employer to leave such property, if such employer shall have fully and completely submitted the controversy with the employee or employees to the jurisdiction of the National Labor Relations Board: *Provided*, That this paragraph shall not apply to property occupied as a dwelling.

Mr. BORAH. Mr. President, it does not seem to me that we can dispose of this matter today if we are to attempt to rewrite it. It will take some time to consider and study these suggestions. I do not see why we cannot be permitted to have a vote now upon the amendment which has been offered by the Senator from South Carolina. A great deal has been said about Senators not wanting to go on record. Let us have a vote on the amendment of the Senator from South Carolina. It was offered; it has been debated; it is the only amendment we understand, and while I have no doubt the amendment of the Senator from Washington is an improvement upon the original amendment—I should think it would be—yet it is a new proposal, and we certainly could not vote on it this afternoon.

Mr. SCHWELLENBACH. Mr. President, I am in full accord with the statement of the Senator from Idaho that it is difficult, almost impossible, to arrive at the proper wording of an amendment presented in this way and under these circumstances, and I am perfectly willing to agree to any unanimous-consent agreement which may be offered whereby we may secure an orderly consideration of the question; but, so long as there are those in this body who will not agree to any unanimous-consent agreement, and who insist upon taking the matter up now, then I believe we have a right to use what feeble means we have to try to improve the amendment presented as it is.

The amendment which I present merely adds to the original amendment a declaration of policy upon the part of the Congress that if we are going to lend any moral assistance to the employers in their controversies with their employees they must themselves comply with the law by fully submitting themselves to the jurisdiction of the National Labor Relations Board, created under an act of the Congress.

Mr. WHEELER. Mr. President, I wish to say a few words with reference to the amendment offered by the Senator from South Carolina. The amendment reads:

It is further declared to be the public policy of the United States that no employee of any producer of coal whose employment has been terminated, or who for any reason has ceased to work for such producer, shall remain upon the property upon which he was employed after he has received written notice from such producer to leave such property.

I shall vote against this proposal, but I do not wish to have it understood that when I vote against it I am in favor of the sit-down strike. I have been the friend of labor unions for a great many years; but I am firmly convinced that the sit-down strike will itself, in the long run, do more to injure the labor organizations of this country than anything else that can happen to them, because, in my judgment, public opinion will not for one moment stand for sit-down strikes generally throughout the country. However, it ought not to be necessary, and the Senate of the United States ought not to be called upon, to declare what is already the public policy of the United States. Why should the United States Senate vote to say that it is the public policy of the United States to be against stealing, for instance, or that it is the public policy to enforce any particular law upon the statute books? That is the effect of this amendment. Today, if an employee remains upon the property of any individual after written notice, there can be no question that under those circumstances he is a trespasser; and this amendment neither adds anything nor takes anything away from the law.

I wish to say quite frankly that, in my judgment, the President of the United States has been the best friend the labor organizations ever had in the White House. I regret exceedingly that under the circumstances the President has not seen fit to say to the labor organizations: "I have been your friend; I intend to be your friend; I intend to help you in every way I can to see that you have justice and that you have the right to organize and to have collective bargaining; but, for the benefit of the labor organizations themselves and the labor of the country, I think you ought not to resort to this method."

Labor organizations themselves will find that, if this method is persisted in, sooner or later a very small element of a labor organization, the very worst element of a labor organization, will be able to dominate and to control the labor organization itself. I do not care whether it is the American Federation of Labor or whether it is Mr. Lewis' organization, a little handful of men can join that labor organization, and they can then practically take control of it away from the leaders of the organization itself. I do not think it will be very long before it will be demonstrated to the legitimate labor leaders of the country that both from the standpoint of public policy and from the standpoint of the labor organization itself, the sit-down strike is not a practical method to handle labor controversies.

I regret very much, as I think every Member of the Senate regrets, that there have been sit-down strikes. I do not think any Member of this body favors the sit-down strike. I think, however, it would be unfortunate to have this amendment in the bill; and I do not think it is necessary that the United States Senate should go on record and declare a public policy as to that which is already the law of the land.

Is it necessary that the Senate of the United States say that it is the public policy of the United States that this particular law, or that particular law, or some other particular law be upheld in this country? I do not think so. For that reason I shall vote against this particular amendment.

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

Mr. WHEELER. I yield.

Mr. WAGNER. I am prompted to make an inquiry of the Senator from Montana, because in 1928, he and I as members of a committee, went all through the coal-mining region, and saw the exceedingly distressing conditions under which the miners were compelled to work at that time. I am fearful that as the language is now written it goes beyond merely a condemnation of the so-called sit-down strike, because, if the Senator remembers, in many places in the coal regions

the operators owned the whole village. They supplied all the homes in which the miners lived. They supplied the theater to which the miners went. They employed the preacher who was to preach to the miners.

Mr. WHEELER. They owned the church.

Mr. WAGNER. They owned the church, and the miner had to go to the company store for all his purchases. We found in most cases, as I think the Senator will remember, that at the end of the week the miner owed the company store some money.

Mr. WHEELER. That is correct.

Mr. WAGNER. As the amendment reads, it seems to me that if it includes all of the company's property it also includes the homes in which the miners live.

Mr. KING. That has been amended.

Mr. WAGNER. May I have the benefit of the last amendment? If it has been amended in that respect I have wasted a great deal of time.

Mr. BYRNES. Mr. President, it was so amended because the question that the Senator now raises was raised. It was amended so as to provide—

Property on which he was employed.

And then the proviso specifically says that it should not apply to property occupied as a dwelling.

Mr. WHEELER. Mr. President, I did not catch the last statement.

Mr. BYRNES. I said that it was modified as shown in the proviso with respect to dwelling.

Mr. WHEELER. It does not include the home, but even after the Senator has pointed out the change in the amendment, I do not think it is broad enough to cover the situation, because as a matter of fact in some places the company not only owns the dwellings but owns the stores and owns the towns.

Mr. WAGNER. How is the worker going to get anything to eat?

Mr. BYRNES. The language is limited to the property in which he was employed. He is not employed in the store.

Mr. WHEELER. I wish the Senator would read the language.

Mr. BYRNES. Reading on line 4:

Who for any reason had ceased to work for such producer, shall remain upon the property upon which he was employed.

Mr. WHEELER. Let me call the Senator's attention to this fact: Some of these mines are right under the town. It seems to me that the amendment goes further than the Senator intended it should go. I know of a certain town in the State of Massachusetts where the company owned the whole town. It owned the boarding houses, it owned the stores, it owned the factories, it owned the land, and it owned everything else. That is true in some of the mining towns, as the Senator from New York [Mr. WAGNER] and I discovered when we were engaged in an investigation of the coal-mining industry.

Mr. O'MAHONEY. Mr. President, supplementing the remark just made by the Senator from Montana, I should like to say to the Senator from South Carolina [Mr. BYRNES] that under the amendment as it now appears it would be quite possible for the occupants of a dwelling to be compelled to remain within that dwelling. They would have no right of ingress or egress. The Senator probably is overlooking the fact, which I think the Senator from New York and the Senator from Montana are endeavoring to point out, that frequently the dwellings are owned by the companies, and are on company property, and therefore that there is no means of entering or leaving except by the consent of the mining company.

Mr. TYDINGS. Mr. President, once more I am going to try a unanimous-consent request, because the debate which has just taken place shows that it is the general opinion that this provision ought to be omitted from the Guffey coal bill. Therefore, I shall try once more, after consultation with Members on both sides, to reconcile the differences.

I ask unanimous consent that the pending amendment of the Senator from South Carolina [Mr. BYRNES] be withdrawn and offered as a resolution; that immediately after the passage of the Guffey coal bill the resolution shall be made the unfinished business of the Senate, and that all debate thereafter, on the resolution and upon any amendment that may be offered thereto, shall be limited to 10 minutes to each Senator.

The PRESIDENT pro tempore. Is there objection?

Mr. BAILEY. I object.

Mr. JOHNSON of California. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from California?

Mr. WHEELER. Certainly.

Mr. JOHNSON of California. If this is a question merely of verbiage, there is no reason why, if we are agreed upon the infamy of the sit-down strike, we should not arrange it so that the language would satisfy all of us.

I was interested to hear the Senator from New York [Mr. WAGNER] talk about 1928. I do not know whether he remembers it or not, but when the coal miners were here seeking someone to present their woes, they came to a man 3,000 miles away, who stood on the floor of the Senate and presented their case, and out of that presentation came an investigating committee, and doubtless out of that investigation comes this bill. When some of the gentlemen here today talk about us who want to prevent the sit-down strike as being opposed in some degree to the coal men, it is outrageous that they should indulge in that sort of assertion.

Mr. WAGNER. Mr. President, I do not think the Senator heard me say anything like that.

Mr. JOHNSON of California. No; I did not say the Senator from New York.

Mr. WAGNER. I distinctly remember the Senator's activity to secure the investigation, and I think it was through the influence of the Senator from California that I was appointed a member of the investigating committee.

Mr. JOHNSON of California. Exactly. When the matter was before the Senate the coal men could not find a single, solitary man to present their case, and so they came, as I said, 3,000 miles to find him. One of the gentlemen who is managing the bill now before us had at that time very little sympathy with my position.

That does not alter the fact that when there is a wrong, even though it does not concern the coal miners at all, it is but right we express ourselves. When we have reached the point where a question of policy should be initiated by the Senate, then we ought to write it into this bill, and we ought to write it instanter. Let us go on. Let Senators beat this proposal if they want to do so. Let them beat it if they desire. Let those who do not care one way or the other about the sit-down strikes vote against the amendment if they wish. That is all right. Down the river we are going, a little bit further down the river we will go in these days that are peculiar and dangerous, and eventually we will go down to a dictatorship of one sort or another. This sort of thing is exactly what some believe, doubtless, but it is the sort of thing some of us will fight with all the vigor we possess.

Mr. WHEELER. Mr. President, I recall very distinctly being a new member of the Committee on Interstate Commerce at that time. Because I was a new member of the committee and because very few Members of the Senate could be induced to introduce a resolution calling for an investigation into the frightful conditions which existed in the coal regions of Pennsylvania, West Virginia, and other portions of the country, Mr. John Lewis and others interested in the coal miners went to the senior Senator from California [Mr. JOHNSON], and, at their request, he introduced a resolution which came before the Interstate Commerce Committee of the Senate. A subcommittee was appointed. I was a member of that subcommittee. The Senator from New York [Mr. WAGNER] was likewise a member of the subcommittee.

We went out to examine the conditions which were said to exist. We discovered not only that coal companies owned the mines, but they owned the town, owned the churches,

paid the preacher, owned the stores, and, in some instances, owned all the land in the town itself. When some of us went on the land we were driven off the premises of the coal companies by private police, notwithstanding the fact that we were members of the Interstate Commerce Committee of the United States Senate. As a matter of fact, injunctions were issued to prevent the committee from holding meetings. As I recall, an injunction was issued to prevent the people from going to church and attending church services. The late Senator Gooding and other members of the subcommittee went to church notwithstanding the injunction.

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

Mr. WHEELER. I yield.

Mr. FRAZIER. I should like to know if the Senator reached the conclusion, by reason of the issuance of injunctions of that kind, that the coal companies also owned the courts?

Mr. WHEELER. I do not think there is any doubt about it. As a matter of fact, in one instance we had before the committee the judge who had issued the injunctions, and in no uncertain terms we condemned him because temporary injunctions in many instances were granted, and later permanent injunctions were granted without any hearings at all.

Mr. WAGNER. Mr. President——

Mr. WHEELER. I yield to the Senator from New York.

Mr. WAGNER. I remind the Senator that one injunction even restrained the United Mine Workers from feeding the unfortunate workers who were on strike.

Mr. WHEELER. Yes. There is no question about that. It was most un-American. It was inconceivable that there could be in the United States conditions such as we found to exist in Pennsylvania. We were able to expose those conditions under the resolution which was introduced by the Senator from California.

Notwithstanding such deplorable conditions, I assert that the sit-down strike cannot be justified, because two wrongs do not make a right. I am amazed when I hear Senators say that because deplorable conditions have existed in the mines and because some of the mine owners have violated the laws of the country, that is an excuse for somebody else to violate laws upon the statute books of the State or the Nation.

Mr. WAGNER. Both sides should obey the law.

Mr. WHEELER. Yes; both sides should obey the law. So far as I am concerned, mining companies should obey the law and likewise the men themselves should obey the law. When it comes to pass in this country that the laws may be violated at will, then we cease to have a government.

I would have no hesitation in voting for a general bill, but I call attention again in closing to the fact that the amendment of the Senator from South Carolina goes farther than it should go, and I believe farther than the author of the amendment intended it to go.

Mr. PITTMAN submitted an amendment in the nature of a substitute intended to be proposed by him to the amendment proposed by the Senator from South Carolina [Mr. BYRNES] to the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

That it is the sense of the Senate that the so-called sit-down strike is illegal and contrary to sound public policy. The Senate only assumes to speak as to strikes-in industries within the jurisdiction of the Federal Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. SCHWELLENBACH] to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

Mr. ADAMS obtained the floor.

Mr. ROBINSON. Mr. President, will the Senator from Colorado yield to me to make a brief statement?

Mr. ADAMS. I yield.

Mr. ROBINSON. It is now 5 o'clock, and it does not appear likely that the bill can be disposed of this afternoon unless the Senate chooses to remain in session for a considerable time. I have consulted with the Senators who are particularly interested; and, if the Senator from Colorado will yield for that purpose, I propose to move an executive session, and, after that, to move a recess until next Monday.

Mr. ADAMS. I yield for that purpose.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Clifford Ross Powell, New Jersey National Guard, to be brigadier general in the National Guard of the United States; and also the nominations of several officers for appointment, by transfer, in the Regular Army, which were ordered to be placed on the Executive Calendar.

POSTMASTER AT TULLAHOMA, TENN.

Mr. McKELLAR. From the Committee on Post Offices and Post Roads I report back favorably the nomination of Floyd Mitchell to be postmaster at Tullahoma, Tenn.; and, as the matter has been delayed, I ask unanimous consent for the present consideration of the nomination and that the President may be notified of its confirmation.

The PRESIDENT pro tempore. Is there objection to the present consideration of the nomination? The Chair hears none. The nomination will be read.

The legislative clerk read the nomination of Floyd Mitchell to be postmaster at Tullahoma, Tenn.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Senator from Tennessee asks unanimous consent that the President be notified of the confirmation of this nomination. Is there objection? The Chair hears none, and the President will be notified.

Are there further reports of committees? If not, the clerk will state the first nomination in order on the calendar.

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of W. J. Jamieson to be State administrator for Arizona.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John K. Jennings to be State administrator for Indiana.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James H. Crutcher to be State administrator for Louisiana.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the Executive Calendar.

RECESS TO MONDAY

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate took a recess until Monday, April 5, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 2 (legislative day of Mar. 29), 1937

PROMOTION IN THE COAST GUARD

Lt. (Jr. Gr.) Frank A. Erickson to be a lieutenant in the Coast Guard of the United States, to rank as such from May 15, 1936.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Owen Russell Marriott, Field Artillery, with rank from August 1, 1935.

First Lt. Albert Edward Stoltz, Infantry, with rank from August 1, 1935.

TO FIELD ARTILLERY

Second Lt. John George Benner, Air Corps, with rank from June 12, 1934.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Capt. Hugh Chester Downey to be major with rank from April 13, 1937.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lt. Col. Joseph A. Rossell to be a colonel in the Marine Corps from the 1st day of March 1937.

Capt. John Kaluf to be a major in the Marine Corps from the 1st day of March 1937.

Second Lt. William M. Hudson to be a first lieutenant in the Marine Corps from the 2d day of March 1937.

Marine Gunner Thomas Whitesel to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 27th day of December 1936.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 2 (legislative day of Mar. 29), 1937

WORKS PROGRESS ADMINISTRATION

W. J. Jamieson to be State administrator in the Works Progress Administration for Arizona.

John K. Jennings to be State administrator in the Works Progress Administration for Indiana.

James H. Crutcher to be State administrator in the Works Progress Administration for Louisiana.

POSTMASTER

TENNESSEE

Floyd Mitchell, Tullahoma.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 2, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, our Father, for Thy daily blessings. Our best riches are the gifts from Thy bountiful hand; they do not spring from the depths where gold and gems are gathered; they are the choicest riches of the soul, such as knowledge, usefulness, and love. May we rejoice in the magnitude of Thy mercies, build up and adorn the stations to which we are called. Sustain those who may be weighted with sorrow, discouragement, or disappointment. So magnify Thyself that their painful experiences may not be able to last, clarify their firesides, let not their skies be robbed of blue, show anew Thy living, moving presence. Lord God, who shall abide in Thy tabernacle? Who shall abide in Thy holy hill? He that walketh uprightly, worketh righteousness, and speaketh the truth in his heart. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States as communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On March 10, 1937:

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 2772. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala.;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.; and

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways.

On March 11, 1937:

H. R. 911. An act for the relief of Lewis Clark and Freda Mason; and

H. R. 1120. An act for the relief of Fields B. Arthur and Arthur L. Allen, copartners, Colorado Culvert & Flume Co.; Glen Haller, Kenneth Austin, A. B. Hoffman, J. W. Jones, and Lloyd Lasswell.

On March 13, 1937:

H. J. Res. 249. Joint resolution authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936.

On March 15, 1937:

H. R. 601. An act for the relief of Edna M. Callahan and Anna Scott; and

H. J. Res. 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its technical tripartite textile conference.

On March 17, 1937:

H. R. 1097. An act for the relief of Brook House, Ltd., of Sydney, Australia.

On March 18, 1937:

H. R. 1098. An act for the relief of William L. Jenkins.

On March 24, 1937:

H. R. 5487. An act to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); and

H. R. 1096. An act for the relief of Michael E. Sullivan.

On March 27, 1937:

H. R. 328. An act for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield;

H. R. 1231. An act for the relief of John Munroe;

H. R. 3067. An act for the relief of John Edgar White, a minor;

H. R. 3201. An act for the relief of Bertha M. Harris;

H. J. Res. 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes;

H. J. Res. 217. Joint resolution providing for the construction and maintenance of a National Gallery of Art; and

H. J. Res. 272. Joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes.

On March 29, 1937:

H. R. 3898. An act to amend section 318 of the Communications Act of 1934;

H. J. Res. 43. Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein; and

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937.

On March 31, 1937:

H. R. 448. An act for the relief of C. C. Young; and

H. R. 1091. An act for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy.

On April 1, 1937:

H. R. 1094. An act for the relief of Clark F. Potts and Charles H. Barker; and

H. R. 4951. An act to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009).

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had concurred in a concurrent resolution of the House of the following title:

H. Con. Res. 7. Concurrent resolution authorizing the printing of additional copies of the report of the Joint Committee on Internal Revenue Taxation entitled "The Taxing Power of the Federal and State Governments."

ENGINEERING AND INDUSTRIAL RESEARCH

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the Committee on Education be discharged from consideration of the bill (H. R. 5531) to aid engineering and industrial research in connection with colleges and schools of engineering in the several State and Territorial universities and colleges, and for other purposes, and that the bill be referred to the Committee on Interstate and Foreign Commerce. I have consulted with the chairman of each of these committees, and it is entirely agreeable.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, on last evening my colleague, the distinguished majority floor leader, delivered a very able address which I ask unanimous consent to print in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

(Mr. COLDEN asked and was given permission to revise and extend his own remarks in the RECORD.)

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1938

Mr. COLLINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5996, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

Mr. COLLINS. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, I am very pleased at this moment to discuss with the membership of this body the provisions of the appropriation bill for the District of Columbia.

Upon the appointment of this subcommittee we immediately began our investigations of District activities. We visited the hospitals of the District, the public institutions in the District, studied proposals for buildings to be erected, property to be purchased, paving, and other construction items. We did these things in order as thoroughly as possible to familiarize ourselves with what it was proposed to do, as well as to familiarize ourselves with the activities of the District in general.

The bill that is being considered carries a total appropriation of $45,228,024, which is $1,292,761 below the Budget estimates. All of the revenue necessary to finance these District activities will come from taxpayers of the District except the sum of $5,000,000 which this committee recommends as the Federal payment to the operation of the District affairs. In electing to provide $5,000,000 as the Federal payment the committee had to discard the Jacobs' report. This report is the result of the expenditure of $50,000 of District revenues by a committee to provide Congress with a study of fiscal relations between the District government and the Federal Government. At this point I feel that it is proper for me to discuss with you the provisions of this report so that you may realize yourselves why we felt that it was best to discard the recommendations of the fiscal relations committee.

The Jacobs report has been referred to in the public press as a three-point formula for ascertaining the amount due the District of Columbia from the Federal Government. In the hearings, however, it developed that it was a four-point rather than a three-point formula. The first point in this formula provides for intergovernmental payments; in other words, the District of Columbia does certain work for the Federal Government, it maintains agencies that serve not only the District but the Federal Government as well; for instance, it has a fire department and at times the fire department serves the Federal Government. It has a police department. The police department provides a certain amount of protection to activities of the Federal Government. Likewise, it has a water department which furnishes a large part of the water used by Federal agencies. Likewise, it provides courts in the District of Columbia and these courts are used by the Federal agencies; and there are innumerable other activities that, in turn, are used by the Federal Government. Point I of the Jacobs formula provides that all of these activities shall be gone into thoroughly for the purpose of ascertaining the value of each and every one of these services; and, furthermore, it provides that these services shall be charged against the Federal Government.

Likewise, there are certain agencies of the Federal Government which at times render service to residents of the District. To illustrate, the Library of Congress is located in the District. At times District residents use the Library of Congress. The Jacobs report estimates that the value of the Library of Congress to residents of the District is $55,000. These illustrations, in my opinion, are sufficient to show what is meant by intergovernmental charges.

The objections that this subcommittee had to that formula were numerous. To state one of them, I believe, will be sufficient at the present time, and that is that the agencies keeping the books will be interested in making the charges against each department as much as possible. For instance, all the activities of the police department for the Federal Government will be noted by the police department. If the President has a function and needs policemen, policemen will be designated to the White House and the District will charge the Federal Government with the services of those policemen. There will be a tendency on the part of all of these agencies to make those charges against the Federal Government as much as possible, and there is no end to what those charges will ultimately be. This is one of the reasons for the rejection of the first point in the Jacobs formula.

The second point in this formula asserts that Congress passes all laws governing the District of Columbia.

The residents of the District are helpless and must accept the final adjudications that are made by the national legislative establishment. For instance, in the passage of the so-called 40-hour-week law the Congress saw fit to make the provisions of that law applicable to the District of Columbia. In the passage of leave laws, including annual leave, certain holidays, numbering about seven, and so on, amounting in all to 111 days besides Sundays, they are made applicable to the District of Columbia.

The Jacobs report says we ought to take 17 American cities, find out what laws they are operating under, ascertain the laws that the District of Columbia is operating under, and if the laws passed by Congress applicable to the District of Columbia impose an undue burden upon the residents of the District of Columbia, as has been done in the case of the 40-hour week, as well as the leave laws, then the Federal Government should share this extraordinary burden. The objections to that point in the formula are apparent and would be the subject of innumerable controversies.

For instance, it has been estimated that the 40-hour week law will cost $925,000 additional to the taxpayers of the District and, of course, that much would ipso facto be shouldered by the Government of the United States. And so on with regard to all the other laws that have been passed which impose what might be regarded as an undue burden upon the residents of the District of Columbia.

Point no. 3 of the Jacobs report provides for the establishment of a new commission to be known as the Capital Planning Commission. This commission will have seven members, to wit, the Secretary of the Interior, the chairman of the Board of Commissioners of the District of Columbia, the Engineer Commissioner, two citizens of the District of Columbia and two citizens of other jurisdictions. Mind you, the personnel of the Capital Planning Commission as proposed will include seven members and of those seven members four will be residents of the District of Columbia and the probabilities are that some of the other members will ultimately be residents of the District.

The duty under point 3 imposed upon this Capital Planning Commission is to ascertain what public buildings are needed in the District of Columbia, not only from year to year but including long-time planning needs and designating those buildings from year to year and for a long period of time. In doing so this commission shall fix the proportionate part of each building to be erected that must come from the treasury of the District and likewise fix the proportionate part that would be paid by the Congress of the United States.

In other words, because a building in the District of Columbia may be more ornate here than somewhere else, or because it is more ornate or because it follows the general plans of the buildings in the District of Columbia so as to make it a monumental city, those extraordinary charges must be borne by the Federal Government because this commission has decided the question that way.

I will give you a current illustration. A bill came to the subcommittee with an estimate for the Pennsylvania Avenue bridge across the Anacostia River. Upon investigation we found that the cost of a steel bridge across that river would amount to $2,000,000. A masonry bridge would cost four and a half million dollars. We all know that a nice, beautiful steel bridge would suffice. The truth of the matter is a bridge will not be needed down there, in my opinion, for 10 years.

The Capital Planning Commission as provided in this act would immediately say that we should have a monumental bridge there to correspond with the other bridges in the District of Columbia. As fair-minded men they would have to assess the difference between the cost of a steel bridge and a monumental bridge against the Treasury of the United States. For that and other reasons the committee felt that point should be rejected. The same thing might be said about the Chain Bridge or streets that link up with nearby States and so on and so on. So much for point no. 3.

The fourth point in the Jacobs report provides that a commission shall determine the per-capita cost of operating the government of the District of Columbia. If you are a resident of the District this commission would find out what was the cost of operating the District as against you, not taking what you pay but what the average of the citizens of the District pays and at the same time ascertain the average per-capita cost of operation in 17 other cities of comparable size in the United States. After the average of operating these other 17 cities of comparable size has been determined, that will be laid down beside the per-capita cost of operating the District of Columbia, and if and when the cost of operating the government of the District of Columbia is larger than the cost of operating the other 17 cities of comparable size, the excess cost would be placed upon the shoulders of the Treasury of the United States. There are so many objections to that, I cannot enumerate all of them.

Suffice it to say that the first thing we have to do would be to set up budget officers in all of the 17 other cities in the United States.

Mr. NICHOLS. Will the gentleman yield?

Mr. COLLINS. I would prefer not to.

In the second place, we would have to ascertain what items are chargeable here that are not chargeable in the other cities of the United States and what items are chargeable in the other cities that are not chargeable here.

Let me enumerate some of those items. The District of Columbia, through the wisdom of the Congress of the United States, has prohibited the issuance of bonds in the District of Columbia and there is, therefore, no bonded indebtedness. In the other 17 cities of the United States it is estimated that the total bonded indebtedness amounts on the average to $8.49 per capita. What does the Jacobs report say the average per capita cost is of operating the District of Columbia? Under the set-up given to us, which admittedly is more or less of an estimate, it is shown as $59.54. The average cost per capita of operating the other 17 American cities is $72.66. If we take $72.66 and eliminate the $8.49, which certainly ought not to be chargeable in making the comparison, the figure is brought down from $72.66 to $64.17.

Let us consider another charge. In other cities we find factories. In Washington the Congress undertakes to eliminate the building of factories. Factories in the other cities pay at least 10 percent of the entire tax burden. Please remember that. In figuring the per-capita cost the factories which provide the pay roll have paid 10 percent of that per-capita cost. Ten percent of $72.66 is $7.26.

Let us consider a third item that should be eliminated. In other jurisdictions we have a State government and a county government. In other words, there are three governments. In the District of Columbia there is but one government. In figuring the average per-capita payment in the other cities, the cost of administering those other governments is included, and we will say that roughly amounts to 15 percent. There is great agitation in my State to decrease the number of counties. There is great agitation to merge county governments with city governments in order to eliminate extra expense. That has been eliminated in the case of the District of Columbia, and we can easily figure 15 percent of the $72.66 as incidental to the operation of the other two governments found elsewhere than in the District of Columbia. Fifteen percent of $72.66 amounts to $10.89.

When there is eliminated the $10.89 chargeable to the extraordinary cost of operating the other governments, when we figure the 10 percent which is paid by factories, when we eliminate the interest we find in other jurisdictions which we do not find here, and subtract the total of these eliminated figures from $72.66 we find the per-capita cost of operating the other governments in the other 17 American cities which are enumerated in the Jacobs report amounts to $45.02. I maintain any board or any set of individuals which will go into this subject will of necessity eliminate at least these three items from consideration in fixing the average per-capita cost of operating the other cities as against the cost of operating the District of Columbia.

When we subtract these amounts from the $72.66 per-capita cost of operating the 17 other American cities, we find the per-capita cost of operating the cities is $45.02. Subtracting the latter amount from $59.64, the per-capita cost in the District of Columbia, we find a difference of $14.62. Multiplying this figure by the population of the District of Columbia, which we estimate as 600,000, we arrive at a result of $8,772,000 plus, which would be the contribution from the Treasury of the United States on this one item alone of operating the affairs of the District of Columbia.

Realizing this, I asked Mr. McAneny, one of the gentlemen who testified before the subcommittee, these questions:

Mr. COLLINS. As I understand it, you said elsewhere in your testimony that after all the taxes were raised that you proposed, if there was any extraordinary expenditure you thought that the Federal Government should bear that extraordinary expenditure.

Mr. MCANENY. That is the final proposition in this trilogy.

Mr. COLLINS. That is what I understood you to say.

Now, I will ask the question in another way. Suppose the Federal Government's contribution amounted to a couple of million dollars. It could be 20 or 25 million dollars.

Mr. MCANENY. It could; that would depend upon circumstances.

Therefore, Mr. Chairman, there is no disposition on the part of this committee to take chances upon the possibility of the Congress of the United States paying $25,000,000 of the cost of operating the District of Columbia. We felt the additional proposal carried in the Jacobs report was a bait. We realized that when the camel got its nose under the tent, ultimately the entire camel would be under it, too.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes; I yield.

Mr. NICHOLS. Without any disposition to defend the Jacobs report, I do think it fair to state, based upon the Jacobs report——

Mr. COLLINS. I do not have much time to yield.

Mr. NICHOLS. I want to ask the gentleman if this is not the case.

Mr. COLLINS. I will yield for a question, but not for a statement right now.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield myself 30 additional minutes.

I will now yield to the gentleman from Oklahoma for a question.

Mr. NICHOLS. May I ask the gentleman if the Jacobs report did not provide the contribution from the Government to the District of Columbia should be based on the difference in the value of services rendered by one government to the other, and vice versa?

Mr. COLLINS. That was the first point I mentioned in the Jacobs report.

Mr. NICHOLS. It was the recommendation in the Jacobs report.

Mr. COLLINS. Oh, no. With all due deference, the gentleman has just not read it.

Mr. NICHOLS. The gentleman has read it, I may say to the gentleman from Mississippi.

Mr. COLLINS. I know all about it; do not worry about my knowledge of it. Furthermore, I will convince this House that I know it. If the gentleman will read the testimony he will see that Mr. Jacobs realized I knew it too.

I happen to have been a Member of the so-called Mapes committee which undertook to investigate fiscal affairs in the District of Columbia in 1931. Eliminating myself from the membership of the so-called Mapes committee, I dare say the ability of the personnel of that committee was as high as that of the personnel of any committee which has been appointed to study any question since I have been a Member of the Congress.

For 6 months the Mapes committee went thoroughly into the subject of fiscal relations. The result of our deliberations was the recommendation of a $6,500,000 contribution from the Federal Government to the District of Columbia. Here is the simple way the committee arrived at the figure: The committee valued the Federal property used exclusively by the United States. Mind you, all of the valuations set out in this statement from which I am reading were based on the purchase price of the property and the actual cost of constructing the buildings. All other property in the District of Columbia was valued in the same way.

Federal property used exclusively by the United States was valued at $385,000,000. The estimated depreciated value of tangible personal property owned exclusively by the United States was $37,000,000. The Federal share of property used jointly by the United States and the District of Columbia, the entire value being $263,000,000 and one-third of this being the Federal Government's share, was $87,000,000. The value of excess park acreage in the District of Columbia, as compared with other American cities of comparable size, was $40,000,000. This makes a total of $549,000,000.

What was deductible from this figure? The Capitol of the United States is in the District of Columbia, but there are capitols elsewhere. The Mapes committee believed that as capitols elsewhere do not pay taxes the Capitol in the District of Columbia should not pay taxes, so this item of $45,000,000 was eliminated.

In the States no taxes are paid on the Governor's mansion, so the value of the White House, $25,000,000, was eliminated.

In some jurisdictions offices are supplied for members of the legislative bodies, and no taxes are paid on such offices. Therefore the value of the House and Senate Office Buildings, $20,000,000, was deducted.

No taxes are paid on monuments anywhere, so the value of the Lincoln Memorial, $3,000,000, was eliminated, and that of the Washington Monument, $1,500,000. The Federal Government operates post offices elsewhere. We felt the value of post offices in the District of Columbia should be deducted, which amounted to $7,400,000. Other items which were considered deductible were customhouses, $58,000, the power-house to the Capitol Buildings and Grounds, $1,300,000, and I am also including the new Supreme Court Building, $11,000,000, which, of course, was not included in the Mapes report, because supreme court buildings in other jurisdictions pay no taxes. For instance, the State of Louisiana maintains its court buildings in the city of New Orleans instead of at Baton Rouge, and no taxes are paid on these buildings.

These eliminations amount to $114,258,000, leaving $434,742,000. That is the approximate figure to which the Mapes committee applied the rate of $1.50 per $100, which is the rate paid upon property in the District of Columbia, and this amounted to slightly more than $6,500,000.

This committee felt that the Federal share of the property partly used by the Federal Government might not approach one-third, and they felt that the parks which were used by the District of Columbia, although their acreage is in excess of what it is elsewhere, ought not to be on this list, and so we finally made the best guess we could and we guessed $5,000,000.

Notwithstanding the fact the Jacobs committee states this is an engineering problem, I believe that each and every Member of this House is just as capable of estimating the fiscal relation as any so-called expert that can be found, and the formula adopted, at any rate in the Mapes report, is very much more simple, very much easier to arrive at, and I think more nearly reaches a right conclusion than the fantastic scheme which was brought to us by this committee.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. FORD of Mississippi. May I ask the gentleman with respect to the language in the bill that provides that any revenue now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from which such revenue was derived, shall be credited wholly to the District of Columbia, how much would that mean the Government would be contributing to the District of Columbia?

Mr. COLLINS. That does not amount to anything, practically.

Mr. FORD of Mississippi. Why is the language in the bill?

Mr. COLLINS. That is fixed at $5,000,000.

Mr. FORD of Mississippi. I beg the gentleman's pardon, there is another provision with respect to the $5,000,000.

Mr. COLLINS. Then I will ask the gentleman to ask me about that when we come to read the bill for amendment.

I feel it is but proper that I discuss some of the provisions of the bill with the Members of the House.

The rate of $1.50 per thousand on real estate property in this bill is pegged by this committee at $1.50. Under the law, the Commissioners of the District of Columbia have the power to fix the tax rate at such amount as they see fit, and it has been fixed for several years at $1.50. However, on numerous occasions the Congress arbitrarily has fixed this rate in spite of existing law. This has been the practice on more than one occasion. This subcommittee undertook to peg this rate at $1.50 this year for this reason. There is scarcely any property in the District of Columbia that pays any taxes except real estate. Real estate bears practically

the entire burden. We have no inheritance tax, no income tax, the tax for operating an automobile is one dollar, a mattress manufacturing establishment in the District of Columbia pays a privilege tax of $75 and the Washington Baseball Park pays $5, moving pictures pay practically no tax whatever, and the gasoline tax is 2 cents, while over in Virginia and Maryland it is about 4 cents. In my State I think it is 7 or 8 cents.

Mr. WHITTINGTON. Seven cents.

Mr. COLLINS. And we felt that the tax base in the District of Columbia should be broadened, and so that the District of Columbia legislative committee could tackle this question and bring in the additional taxes that are so much needed here, we pegged it at $1.50, because we were apprehensive that the Commissioners might raise it to $2, thereby obviating the necessity of widening the tax base in the District of Columbia.

Mr. COLDEN. Mr. Chairman, will the gentleman yield for a question at that point?

Mr. COLLINS. Yes.

Mr. COLDEN. In Los Angeles, in southern California, we pay a State inheritance tax, income tax, and a gasoline tax, and we are also paying $4.32 per $100 on our real estate in the section where I live, and our rentals are about one-third of what they are in Washington. Why should we contribute to the payment of the expenses of the city of Washington?

Mr. COLLINS. But the difficulty about securing your taxes entirely from real estate is this——

Mr. COLDEN. We do not do that.

Mr. COLLINS. I am not speaking about the gentleman's jurisdiction, but, speaking generally, any increase in tax rates on real estate will be passed on to the people who rent these properties, and in this instance that happens to be the employees of the Government of the United States, in the main.

Mr. LEWIS of Colorado and Mr. AMLIE rose.

Mr. COLLINS. I would rather not yield now, because I think all of these questions are coming up at a later time and at that time I shall be very pleased to explain each and every one of them.

In other words, the pegging of this tax rate was provided solely to enable the Committee on the District of Columbia to tackle the tax question and handle it in an orderly fashion. This committee could not do that job because we did not have the authority.

The next item in its order provides for a survey of the District activities. A law was passed this year to do this and confer jurisdiction here, and another law was passed at a later date, and so on, with the result that we have at least four police departments in the District of Columbia, we have two health departments in the District of Columbia, one operating under Public Health and another by social workers. We have given privileged taxes; I have cited you one or two examples; we have duplication after duplication in District activities, and $15,000 is provided for in this bill to make a survey so that they can present their findings to the legislative committee on the District of Columbia, so that that committee can tackle that question in an orderly way, with the very best advice it is possible to secure. In other words, we are trying in this instance, as in the other I just mentioned, to protect the power and authority of the legislative committee on the District of Columbia.

The next item we reach in the bill is an evaluation survey of the water system of the District of Columbia. This is a system that is comparable to a private corporation. We do not know its value, we do not know the proper rates to establish. The last extensive improvement that was made in it had to be paid for out of the general fund of the Treasury and, therefore, it is necessary, in order to arrive at a correct rate, that its value be determined, so that proper rates can be fixed, and a sum of money was asked by the Engineer Commissioner of the District for the purpose of doing that job. His estimate was $20,000, and that amount is provided.

There has been a 25-percent reduction in water rent in the District of Columbia. That 25 percent is eliminated because $13,000,000 of improvements and expansions are badly needed in the water-supply system or will be needed in the near future, and the reduction of 25 percent was eliminated so that that money or most of it could be invested in Government bonds by the Treasurer of the United States to build up a reserve so that in time this much-needed improvement could be made. Therefore, $750,000 of water revenue is to be laid aside each year, beginning with this year, to take care of those improvements when they are needed.

In our discussion of matters connected with the District we saw instances of nepotism in the government of the District of Columbia, and, therefore, the committee called upon the Commissioners of the District to give us a list of the persons holding positions in the District of Columbia who were kin to each other by blood or marriage to the second degree and no further, and out of about 10,000 employees the list shows that more than 3,050 of them are related to each other within those degrees.

I find to my utter surprise that at least two Washington newspapers editorially have asserted that that is not nepotism. I shall give you one instance, which you can find upon investigation. I mean if you will investigate this report. It has not been printed. There is a man here who holds a position in the schools of the District of Columbia. I shall not name his position, because it will not profit us anything to do so. There is his name right here on this list.

Mr. BREWSTER. Mr. Chairman, I make the point of order that the Committee is not in order, and I make the further point of order that a quorum is not present.

The CHAIRMAN. The gentleman from Maine makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and six Members are present, a quorum.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I shall later, if the gentleman will permit. This list with his name begins here, and proceeds down this page and on to the next.

Mr. MITCHELL of Tennessee. Mr. Chairman, does the gentleman prefer not to yield at this time?

Mr. COLLINS. I prefer to go on. I think I shall cover everything. I did not ask that this report be printed, and it has not been printed, and I am not asking now that it be printed, but I call the attention of the membership to the fact, and also make this personal observation in passing, that the persons whose names are on this report are employees of the District of Columbia only. This report does not include persons who may be kin to these people who are employed in other governmental agencies.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Not now, because I have so much to say.

There are several items here now where no change is made of any consequence. Next, I take up the office of the poundmaster, though I feel ridiculous discussing most of these small items. But they must be passed upon. I shall therefore discuss them. We found there was a gentleman down here who was a guard. He received about $1,500 a year. A vacancy occurred in the office of poundmaster. This guard was transferred to that particular job and is paid $3,080 a year. The committee did not think his duties and responsibilities were commensurate with that amount of pay, and therefore we reduced the salary to $2,000, as we felt we had a right to do under the authority given to this committee.

Next we come to the care of the District buildings. There is no particular point in that except in the Police Court Building, a new structure, there is a great amount of space, more than the police court will be able to use. The Commissioners of the District said that they would like to use that additional space, that the building ought to be under the jurisdiction of the Commissioners. Therefore, for the year 1938 we provided it should be under the jurisdiction of the Commissioners.

Mr. MCCORMACK. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. We did this, so that the matter could be pointed out to the legislative Committee on the District of

Columbia, so that they could in turn pass permanent legislation on this subject.

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

Mr. COLLINS. Yes, I yield.

Mr. McCORMACK. That is legislation, is it not?

Mr. COLLINS. Well, I doubt that.

Mr. McCORMACK. The gentleman is not confident that it is not, is he?

Mr. COLLINS. Well, I think I am.

Mr. McCORMACK. Do you approve of the Appropriations Committee undertaking——

Mr. COLLINS. Oh, the gentleman knows I do not do that.

Mr. McCORMACK. Well, you did it pretty well in this bill.

Mr. COLLINS. I will say to the gentleman in that connection that if every point of order that could have been made in the Navy appropriation bill were made I doubt very much if you would have had a Navy. That has been tried on the floor of this House. The gentleman who started it had to abandon it because he was in favor of a Navy, and therefore he found that if his points of order continued we would be without a Navy.

The gentleman knows full well that appropriations for a long time were carried by the legislative committees, and legislation, therefore, crept into these bills back in those days. These legislative provisions have continued to be in the appropriation bills. So all of them have legislation in them.

I will say to the gentleman that I do not know what will become of the bill for the District of Columbia if points of order are made upon some of its provisions that have been carried ever since the District of Columbia was in existence.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I do not yield to the gentleman.

Mr. NICHOLS. I could tell the gentleman.

Mr. COLLINS. I have declined to yield to the gentleman. I am going to yield to the gentleman all the time he desires, just as much as he wants, when we read the bill.

Mr. NICHOLS. The gentleman will not have to yield there.

Mr. COLLINS. Oh, the gentleman will have a chance to talk later on.

I have tried as best I could to protect the legislative committee for the District of Columbia. I have not only tried to protect them so that they could have the right and the opportunity to act on these questions, but this subcommittee has gone further than that. We have pointed out in this bill many changes that ought to be made so that this committee can write permanent law upon those subjects. Anything that is done in this bill is only for the fiscal year 1938; only for 1 year. There is not any permanent legislation in the bill.

The next item is assessor's office. In the assessor's office we found one particular part of it that is charged with the issuance of licenses—privilege taxes as we know them in many jurisdictions. I had apprehended, and other members of the committee had apprehended, that those privilege taxes were not being collected. So we had a survey made. A man went out 1 day, and here are about 30 different places of business that were either operating with no license whatever or operating under a license issued to somebody else, or under an old license.

This represented one man's work for 1 day. So we decided, as we have a right to do under the rules of this House, to place the license part of the assessor's office under another department of the District government, which has inspectors out all the time inspecting weights and measures. Therefore, we transferred about $10,080 of money to the department of weights and measures instead of to the assessor's office, so that we could get these taxes collected.

There is no change of any consequence in the collector's office or the auditor's office.

With regard to the corporation counsel's office, the corporation counsel says that claims that have been adjudicated by the Commissioners, compromised, if you please, under $250, ought not to be sent to Congress and have Congress act as a matter of routine upon each and every one of them. As is the case now, all we do is pass them. We cannot investigate them, because we do not have the facts. This gives the corporation counsel $3,000 for the purpose of settling those cases up to $250 each.

Public Utilities Commission: There is in the Public Utilities Commission what we know as the people's counsel. The job has been vacant for quite a while. It was evident to us that it would not be filled.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. COLLINS. Mr. Chairman, I yield myself 30 additional minutes.

So that item was eliminated at the instance of the Public Utilities Commission.

This committee felt that the Chesapeake & Potomac Telephone Co.'s charges in the District were excessive. Every outside call that is made from your office or this Capitol is paid for at the rate of 3 cents, according to my recollection of the rate, unless it is a call to another Government department. In private offices each call is 5 cents, plus a monthly charge. The Public Utilities Commission is authorized to make investigations now, and the cost of making them is to be paid by the corporation being investigated. That is existing law. This subcommittee requests or directs the Public Utilities Commission to make such an investigation.

Department of Insurance: The only change in that was to add an insurance rate expert at a salary of $4,600. The reason that position was added was because the insurance commissioner in the District asserted that we were paying rates, insurance premiums, of a million dollars more in the District than we should pay. Here is a statement which was given to the committee by him beginning with the year 1924 and ending with the year 1935, which shows premiums amounting to $26,990,000 were paid and the losses amounted to $8,357,000.

This small sum of money for a rate expert is provided in this bill so that the insurance commissioner, with the aid and assistance of the legislative Committee on the District of Columbia, may work out something to the advantage of the taxpayers of the District.

Register of wills and recorder of deeds: There are no particular changes in these items.

Public Library: The main library in the District is not open on Friday afternoons, and the branches are not open on Saturday afternoons. This bill provides additional money so that the library and branches can be kept open that additional time and also reinforces the existing staff. With the passage of the Economy Act the appropriation for books for the library was reduced. The pending bill restores the base prior to the Economy Act of $54,500; and the bill also provides for the Petworth branch, which is submitted to you in the same form that it was passed on to us by the Budget.

On the question of sewers, there is a part of this District that does not have any sewerage at all. It is over across the river in what is commonly known as the southern part of Anacostia. This bill provides a sum of money to build the Oxon Run sewer, which would provide sewage to about 1,500 people.

Playgrounds: A part of this item will probably be subject to controversy. We have four systems of playgrounds in the District of Columbia, all operated by different agencies. The President has even appointed a man to study the question of coordination of recreational activities. This gentleman came before the committee, and we asked him questions about the reorganization of playgrounds but were able to get very little, if any, information worth while from him. The best information that came to this subcommittee on the subject of playgrounds came from a couple of colored men, very bright men. They asked this subcommittee to let the colored children play on playgrounds under the jurisdiction of the colored schools and let white children play upon playgrounds under the jurisdiction of the white schools; and they asserted that if that were done we would have a minimum of trouble. Near and adjacent to schools are playgrounds. The committee, as it had the right to do under existing law, transferred these to schools, or to what is commonly referred to as the community center, and took them away from playgrounds which is under a different activity and under a different agency, because the committee wanted to let white children play on white playgrounds and colored children play on colored playgrounds as was requested by these two colored men.

Public schools: While District schools have always been a subject of a great deal of controversy on the floor of the House I may say that in this instance we did not get any information from the superintendent of schools, or very little information. Ninety-three additional school teachers were requested. Most of them were requested to take care of crowded conditions, so-called. We found upon investigation, however, that there was a school teacher for about every 26 school children in the District of Columbia. We found also that about 152 of the school teachers were doing something other than teaching school. Many of them were doing purely clerical work, work that a $1,440 stenographer could do equally well.

Mr. MERRITT. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. MERRITT. Does the gentleman know how the number of pupils per teacher in the District of Columbia compares with the number in other cities?

Mr. COLLINS. Forty students per teacher is supposed to be the rate in elementary schools.

We felt that as far as new classrooms in newly built buildings were concerned, that perhaps it was wise to give them a teacher for each of those classrooms. They amounted to 27. As to the rest of them we felt that there was not any crying need, or no need at all, especially no need if these teachers were put to teaching. At any rate, we leaned backward because we felt that the school should be taken care of and that if there should be any doubt that the part of wisdom was to resolve the doubt in favor of the schools, so besides these 27 teachers for new classrooms the committee authorized 27 additional teachers, making 54 additional teachers in all.

There are libraries in the schools as well as the library and branch libraries in the District. School teachers in the District of Columbia receive an annual increase of $100 a year for the first 8 years. After that the pay is not so uniform; but the average annual pay of a school teacher in the District of Columbia is around $2,600 or $2,700. At any rate, the teachers doing library work in school libraries are paid more than librarians in the Public Library and we did not feel that there was any necessity for a difference. The bill, therefore, provides that the pay shall be uniform for the type of work that is being done.

In addition to this—I am still discussing schools—there has been built up in the District of Columbia schools what the committee has been told is a very wonderful activity, and that is boys' clubs—not under the jurisdiction of the police department, but under the jurisdiction of schools. Mr. Quinn, one of the best informed attorneys in this city, and a member of the school board, as well as Mr. Yaden, civil-service examiner, emphasized the necessity of encouraging this boys' club activity in the schools. The committee, therefore, increased the Budget estimate of $75,000 to $100,000, because of its desire to improve this work. These are the principal matters with reference to the schools.

With reference to the police department, the only change in this item is that the bill provides for 25 additional policemen. Washington is not overpoliced. It is, perhaps, on an average with cities of comparable size in the United States. It is, perhaps, a little over the average, but there is a constant hue and cry about the need for additional policemen, and for fear that there might be some justification to it we acceeded to this demand and provided for 25 additional policemen.

I hope no newspaper representative is listening in on this conversation. We feel rather concerned about the attitude of certain persons in the police department. Their general attitude toward the public has not been of the best. We feel that we ought to have at least an occasional smile from members of the Washington police force. We tried to get the superintendent of police to let us put a little money in this bill to teach the Washington police courtesy, but he said he had a little money under his jurisdiction, and he hoped we would not add this money to the bill because he felt he could finance that without our aid. The superintendent of the Metropolitan Police is one of the finest men I know, and I have nothing but praise for him. I believe that the police department has been lacking in this respect, and many Members so think, but the superintendent will correct the situation.

There was about $34,000 over the Budget added to the fire department because we have learned from investigation that much of the equipment of the fire department is from 15 to 20 years old. Certainly this condition ought to be corrected, and we think we have started in the proper direction.

Let me next take up the health department. Additional money is provided for the health department, and I do not know of any activity of the District that is more in need of help than the health department. The health conditions of the District of Columbia are worse than in any other American city save one. I do not know of any worse place than the District. I am willing to share my part in the indictment so far as the condition of the public health in the District of Columbia is concerned. Therefore, we are leaning backward in our desire to change these conditions for the better.

We sat down with Dr. Ruhland, one of the greatest health men, in my opinion, in the entire United States, and asked him to tell us what he needed in the way of help and equipment, and in the main we have provided it for him. In addition to that, this committee found a situation existing here that we felt should be called to the attention of the Congress. There are, in effect, two health departments in the District of Columbia, one the health department and the other health activities conducted by a social-worker organization known as Public Welfare.

Mr. Chairman, the hospitals of the District, to my utter surprise, are under the Public Welfare, the idea being that the care of the sick is a social matter. If we refer to the Army we do not find the hospitals under the jurisdiction of anyone but medical officers; likewise, in the Navy and in the Public Health Service. Furthermore, as chairman of this subcommittee, I wrote the mayors of all principal American cities and found out that almost universally the hospitals are under medical officers. Something will be said here about boards, and I say that is true, but the boards in all instances are composed of medical officers. So we undertook to transfer these hospitals for the fiscal year 1938 from the Welfare Department to the Public Health Service, leaving to the legislative committee the right to make permanent law on this subject.

Let me illustrate why this is necessary. I may say I think the situation has reached the point where it has become an emergency. Let us consider a maternity case. The Public Health goes to see that woman if the case is reported to it. They give that woman all prenatal care, including pelvic measurements. Then when the woman must bear the child she is transferred to a hospital, which is under another jurisdiction, to wit, Public Welfare. This other and different jurisdiction does not have the record that the health department has. In Chicago and other American cities, it has been demonstrated in these cases that three-fourths of the women have borne children heretofore and can be treated with a minimum of expense and given equal consideration and care at home. As the situation is in the District of Columbia, Gallinger Hospital is bulging to overflow with maternity cases that could be treated equally well, if not better, at home.

Mrs. NORTON. Will the gentleman yield?

Mr. COLLINS. Not for the present.

For the year 1938 it is proposed to transfer these hospitals from the Public Welfare Department to the Public

Health Department in order to eliminate duplication and relieve these hospitals of overcrowded conditions. Ultimately this matter will be settled as it should be settled in a permanent matter by the legislative Committee of the District of Columbia.

With reference to the courts, there were certain small changes made.

With reference to the Anacosta River Flats, a development of the flats down here, a small amount of money is appropriated so that the work can be kept current for this year instead of dropped.

Taking up streets and bridges, no particular change of consequence is made except certain surveys are to be made of the circles. A survey is also to be made across Rock Creek Park so that you may get from Sixteenth Street to Connecticut Avenue. Certain things of that nature have been recommended.

Speaking generally of public welfare, this bill provides funds amounting to $6,866,440 for public welfare.

With reference to the limitations in the bill, the first one relates to the Chesapeake & Potomac investigation which I have already discussed.

The next one is a prohibition against teachers doing clerical work.

The next relates to the differential in salaries of librarians in the District schools and in the libraries.

The next permits the Commissioners of the District of Columbia to do work by private contract if the contract price is less than it would cost them to do the work.

The next item relates to the Jefferson Junior High School, which, in my opinion, is in sore need of replacement. As you know, this school is located within 50 feet of a railroad.

The next is an authorization so that a public building may be erected. Without this the building could not be erected. Likewise the next one.

The next item refers to the Police Court Building, which I have already discussed.

The next relates to the auditing of public welfare. It undertakes to place the duty of auditing upon the auditor of the District of Columbia. As the situation is now the District has no authority, except general authority, over the audit and the records of Public Welfare. The result is we do not know what the situation is.

The next relates to purchases and provides, as will be found in practically all appropriation bills, where the purchase is for less than $50 there is no need for advertising. That brings this bill in line with all other appropriation bills.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield myself 10 additional minutes.

The next item enables the District of Columbia to eliminate grade crossings. Without this item grade crossings in the District of Columbia cannot be eliminated.

The following item relates to the $750,000 of water revenue which is to be deposited in the Treasury of the United States in order that the enlargement of the Water Supply System may proceed in an orderly way.

The next item relates to per diem personnel. This is followed by an item relating to the reallocation of employees in the District of Columbia. We find, for instance, that an individual employed by the District of Columbia who is receiving $3,000 may be put into a higher grade, with his salary raised $600 or $800.

I make the assertion, and I believe I am making an accurate statement, that the number of increases in salaries in the District of Columbia amounts to more than the total number of increases in salaries of civil-service employees in all the other Government departments combined. I believe I am stating the facts correctly because I made the same statement in committee when a number of District representatives were present, and the statement has not been corrected to date. I imagine it would have been corrected if it were incorrect.

The committee undertakes to limit reallocations to positions where the salary is less than $2,000. In other words, if anyone is going to be raised from one grade to another, it will be someone who draws less than $2,000 in salary. Of course, this does not interfere in the least with promotions within the grade. In my opinion, this provision is a limitation upon an appropriation bill, which this committee has a right to insert in the bill.

The next item relates to congressional tags. Too many people in Washington have congressional tags. I feel congressional tags ought to be given only to people mentioned expressly in the law. This item is intended to bring that condition about, and also undertakes to forbid anybody else from getting such tags.

The next item is in compliance with the Ramseyer rule, relates to the tax rate which I have already discussed. The item following refers to the reduction in the salary of the poundmaster. The next one increases the limit of cost on a building in the District, as does the next item. The following item relates to the transfer of the hospitals from social welfare to public health.

This completes the discussion of the provisions of the bill.

Mr. Chairman, this subcommittee has given approximately 2 months of intensive study to this measure, and has approached the problem in a perfectly friendly manner. We have heard every person and every civic organization that wanted to present claims for the consideration of the committee. Furthermore, many citizens of both professional and business prominence in the District, who the committee members felt possessed unusual qualifications and information in their fields, were invited to offer suggestions to the committee in an off-the-record discussion as to ways and means of improving the administration of District business.

All in all, I believe we approached our work in a perfectly friendly way, eager to serve the best interests of both the District and the Federal Government. We pride ourselves upon our accomplishments, for we feel we have done a good job. We are quite sure we have been instrumental in building up more friendly relations and a better feeling between the residents of the District and the National Government. This in itself is sufficient compensation for our labors. Every American citizen believes Washington should be the greatest capital on the face of the earth and that it should be beautiful to look upon, but more important, that it should ultimately become the educational and cultural center of all the people of the world. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1938, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $5,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1937, and all of the remainder out of the combined revenues of the District of Columbia, and the tax rate in effect in the fiscal year 1937 on real estate and tangible personal property subject to taxation in the District of Columbia shall not be increased for the fiscal year 1938, namely:

Mr. FORD of Mississippi. Mr. Chairman, I make a point of order against that portion of the section, beginning on page 1, line 5, down to and including the figures "1937" in line 10 on page 2. The language against which I make the point of order is as follows:

• • • any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, • • •.

The grounds being that it is legislation changing existing law, and therefore improper on an appropriation bill.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Mississippi [Mr. COLLINS], chairman of the subcommittee.

Mr. COLLINS. Mr. Chairman, the point of order is not well taken. This provision merely requires that it shall be divided in accordance with existing law. It follows substantive law. This provision has been carried in the bill for a long number of years.

Mr. FORD of Mississippi. Mr. Chairman, I would like to be heard, if the Chair will hear me.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Mississippi.

Mr. FORD of Mississippi. The language of the bill under consideration and to which my point of order is directed provides that—

Any revenue now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia.

If there is existing law on our statute books that requires all joint income of the United States and District of Columbia to be paid to the District government and to the Federal Government in proportion to their respective contributions, then I respectfully submit the language of this bill changes existing law. In other words, the language of this bill would require all such joint revenue to be credited to the District of Columbia when a portion of it should be credited to the United States under existing law.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule. The pending bill provides:

That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1938, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and in addition $5,000,000 is appropriated • • •.

To that language the gentleman from Mississippi [Mr. FORD] makes a point of order. Naturally the question would require an examination of the existing law.

The Chair invites attention to the provision of existing law upon authority of which this appropriation is made, which is as follows:

Annually from and after July 1, 1922, 60 percent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 percent by the United States, except such items of expense as Congress may direct shall be paid on another basis.

Therefore it is clear that under existing law there is a ratio of 60–40 percent provided for defraying the expenses of the District of Columbia. The pending bill carries substantially $45,000,000 in appropriations. Therefore, roughly speaking, 40 percent would be around $18,000,000. The portion of the revenue derived from the District of Columbia to which the Federal Government would be entitled, and the $5,000,000 so-called lump-sum appropriation added to that, would not equal the amount or proportion authorized under existing law to be provided by the Federal Government.

The Chair is of the opinion that the provision of the bill clearly comes under the provisions of the Holman rule. The Chair, therefore, overrules the point of order.

Mr. NICHOLS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. I make a point of order against that portion of the bill on page 2, beginning after the comma, in line 11, which reads as follows:

And the tax rate in effect in the fiscal year 1937 on real estate and tangible personal property subject to taxation in the District of Columbia shall not be increased for the fiscal year 1938.

In support of my point of order I call the Chair's attention to the fact that this provision is contrary to existing law and is legislation.

Mr. COLLINS. Mr. Chairman, will the gentleman reserve the point of order?

The CHAIRMAN. Does the gentleman desire to reserve a point of order?

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. Will the Chair explain the effect of reserving a point of order instead of making it?

Mr. COLLINS. No advanage will be taken of the gentleman.

The CHAIRMAN. It is within the right of the gentleman from Oklahoma either to make his point of order or to reserve his point of order. If the gentleman makes the point of order, discussion would be confined to the point of order. If he reserves the point of order it would permit debate on the provision of the bill against which the point of order is reserved.

Mr. NICHOLS. Then, Mr. Chairman, I decline to reserve the point of order, but make it.

The CHAIRMAN. Then the gentleman makes the point of order on the ground that it is legislation on an appropriation bill?

Mr. NICHOLS. Yes; and on the additional ground that it is contrary to existing law.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Mississippi. The Chair would also be glad to hear the gentleman cite the existing law to which reference is made.

Mr. COLLINS. Mr. Chairman, the existing law provides:

And that for the purpose of defraying such expense in the District of Columbia as Congress may from time to time appropriate for, there is hereby levied for each and every fiscal year succeeding that ending June 30, 1937, a tax at such rate on the aforesaid property subject to taxation in the District of Columbia; • • • and the Commissioners of the District of Columbia hereby are empowered and directed to ascertain and determine and fix annually such rate of taxation as will when applied as aforesaid produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed • • •.

The District Commissioners under that law have the right to fix the tax rate. I felt, and the committee felt, that as far as the fiscal year 1938 was concerned, Congress would rather fix the tax rate than have the Commissioners of the District of Columbia fix it.

Mr. NICHOLS. Mr. Chairman, I make the point of order that the gentleman from Mississippi is not directing his remarks to the point of order but is discussing the merits or demerits of the provision of the bill to which I have interposed a point of order.

The CHAIRMAN. The gentleman from Mississippi will proceed in order and confine his remarks to the point of order.

Mr. COLLINS. Mr. Chairman, for the fiscal year 1932 the same provision, or substantially the same provision, was incorporated in the bill, and is as follows:

The tax rate in effect in the fiscal year 1931 on real estate and tangible personal property subject to taxation in the District of Columbia shall not be decreased for the fiscal year 1932.

For the fiscal year 1933 we find this provision, which is on all fours with the previous one:

And the tax rate in effect in the fiscal year 1932 on real estate and tangible personal property subject to taxation in the District of Columbia shall not be decreased for the fiscal year 1933.

The purpose of this provision is to prevent any change by the Commissioners so that the legislative Committee on the District of Columbia can legislate upon this subject as well as on other taxation of a general nature. The purpose is to help that committee.

Mr. NICHOLS. Mr. Chairman, I make the point of order that the gentleman is not addressing his remarks to the point of order.

The CHAIRMAN. The Chair differs with the gentleman from Oklahoma. The Chair feels that the gentleman from Mississippi is discussing the point of order.

Mr. NICHOLS. The gentleman is discussing the Committee on the District of Columbia.

The CHAIRMAN. That might very well be involved.

Mr. COLLINS. Suppose, Mr. Chairman, that the District Commissioners should raise the tax rate from $1.50 to $2; the increase in the tax rate would——

Mr. NICHOLS. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order but is discussing the effect of what would happen if this provision be left in the bill.

The CHAIRMAN. The gentleman from Mississippi will proceed in order. The Chair, however, feels that the gentleman from Mississippi is indulging in discussion which is within the scope of the point of order made by the gentleman from Oklahoma.

Mr. COLLINS. Mr. Chairman, I shall have to advise my friend that I will have to discuss this matter so that it will be presented in the proper light to the Chair in order that the Chair can rule upon this important subject.

Mr. NICHOLS. There is only one question.

Mr. COLLINS. I know how to discuss the matter, I may say to the gentleman from Oklahoma.

Now, suppose the District Commissioners should raise the real-estate tax from $1.50 to $2. They could likewise raise the rate of the personal-property tax to the same figure. When that was done it would provide the District with all of the revenue that was needed and the legislative District Committee then would have no necessity, or very little necessity, for reporting out a tax bill enlarging the tax base.

So, in order to enable the legislative Committee of the District of Columbia to approach this problem in a fearless manner, so that they may have all the facts in their possession, and so that they will be protected in all of their rights and privileges, the committee felt that this ought to be temporarily pegged at the $1.50 rate in order that the entire question can be put in the lap of the Committee on the District of Columbia.

Mr. NICHOLS and Mr. McCORMACK rose.

The CHAIRMAN. The Chair is prepared to rule. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. NICHOLS. If the Chair is ready to rule, I shall not insist on being heard.

The CHAIRMAN. The Chair is ready to rule but will be glad to hear from the gentlemen.

Mr. McCORMACK. Mr. Chairman, may I make this brief observation. If the Appropriations Committee has not the authority to insert legislation of a permanent nature, certainly it has not the authority to insert legislation of a temporary nature. The mere fact it is temporary legislation makes no difference.

Mr. NICHOLS. Mr. Chairman, may I also make this brief observation. The Chair asked the gentleman from Mississippi, chairman of the subcommittee, to state to the Chair what the law was. I do not know whether the gentleman did that or not. Briefly, the provision at this time gives authority to the Commissioners of the District of Columbia and the right to fix the property tax rate in the District of Columbia. That is the existing law. Of course, when this act says that they shall be estopped from doing that for which they are given authority under existing law, it is clearly an alteration of existing law and, in my judgment, makes the point of order good.

The CHAIRMAN. The Chair is ready to rule.

The Chair feels it is appropriate to state that in the broad and general application it is well recognized that the Committee on Appropriations has the authority to exercise the function of appropriating for the activities of the Federal Government under existing law. In other words, there must be authority in existing law to support the appropriation provided in a general appropriation bill.

It is also well settled that the Appropriations Committee does not have authority to include legislation in a general appropriation bill.

It will be recalled that considerable debate occurred at the time of the creation of the Appropriations Committee. Apprehension was voiced at that time that the Committee on Appropriations might encroach upon the functions of the standing legislative committees of the House. For this reason the rules of the House make it certain and definite that the Appropriations Committee has authority only to appropriate or to provide funds pursuant to the authority of existing law.

The gentleman from Oklahoma [Mr. NICHOLS] makes a point of order to the following language which appears in the pending bill, found on page 2, line 11:

And the tax rate in effect in the fiscal year 1937 on real estate and tangible personal property subject to taxation in the District of Columbia shall not be increased for the fiscal year 1938, namely.

The provision of existing law is as follows:

That for the purpose of defraying such expenses of the District of Columbia as the Congress may from time to time appropriate for, there hereby is levied for each and every fiscal year succeeding that ending June 30, 1937, a tax at such rate on the aforesaid property subject to taxation in the District of Columbia, and the Commissioners of the District of Columbia hereby are empowered and directed to ascertain, determine, and fix annually such rate of taxation, as will when applied as aforesaid produce the money needed to defray the share of the expenses of the District during the year for which the rate is fixed.

A question very similar to the pending question was raised when the District of Columbia appropriation bill was under consideration on February 15, 1933.

The Chair observes that in the course of the argument presented by the gentleman from Mississippi in opposition to the point of order he quoted the identical provision that was involved in the point of order raised at that time. It was on the basis of the language quoted by the gentleman from Mississippi that the ruling of the Chair turned.

On February 15, 1933, as shown in volume 76, part 4, of the CONGRESSIONAL RECORD, the following occurred:

The point of order is directed at the language in the bill on line 10, page 2, which reads as follows: "And the tax rate in effect for the fiscal year 1933 on real estate and tangible personal property subject to taxation in the District of Columbia shall not be decreased for the fiscal year 1934."

The point of order was discussed at some length, after which the Chair ruled as follows:

The gentleman from Virginia makes the point of order against the language appearing on page 2, line 10, which reads as follows—

And again quotes the language that has just been quoted.

The point of order is that this language is legislation on an appropriation bill. The Chair is of the opinion that it is legislation on an appropriation bill, and therefore sustains the point of order.

The Chair also calls attention to section 3543 of Hinds' Precedents of the House, volume 4, the syllabus of which is as follows:

Although a law may give an executive officer authority to do a certain thing, a provision directing him so to do is legislative in nature and not in order on a general appropriation bill.

It is apparent, of course, that if it was not in order in a general appropriation bill to authorize and direct the Commissioners of the District of Columbia to not decrease the tax rate for a certain year, obviously the same logic would require the application of the rule to a proposed increase in the tax rate. In other words, the question here presented is whether or not an executive officer can be directed specifically and definitely not to do a thing he is clearly given discretionary authority to do.

The Chair feels that the language to which the point of order is made is legislation on an appropriation bill, and therefore sustains the point of order.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question.

I am wondering if I understand correctly from the report of the committee that the estimated revenues from gasoline taxes for the fiscal year 1938 are $3,113,591?

Mr. COLLINS. That is right.

Mr. WHITTINGTON. I further understand from the report of the committee, and I am asking for verification, that the total amount with the exception of $4,731 is covered into the District's general fund?

Mr. COLLINS. No; it is in the gasoline-tax fund.

Mr. WHITTINGTON. I understand this represents the total gasoline-tax funds collected?

Mr. COLLINS. Yes.

Mr. WHITTINGTON. All gas taxes go into the general fund of the District except $4,731 for 1938?

Mr. COLLINS. No. This does not go into the general fund.

Mr. WHITTINGTON. What is the meaning of this language on page 2, under the heading "Appropriations and Revenues", which reads, "the total amount approved by the committee, payable from the gasoline-tax fund, is $3,108,860", if it does not mean that substantially all of the gasoline taxes are carried into the general fund?

Mr. COLLINS. The general fund, I may say to the gentleman, is discussed in the preceding paragraph. This is the gasoline-tax fund, which must be used entirely for street improvements, sidewalk improvements, and so forth.

Mr. WHITTINGTON. The language is a bit confusing, at least to me. I wanted, for the purpose of the RECORD, to ask the gentleman if all gasoline taxes are used for street and highway purposes in the District?

Mr. COLLINS. Improvements; yes.

Mr. WHITTINGTON. They are not diverted, in other words?

Mr. COLLINS. No.

Mr. NICHOLS. This would be a diversion, of course, I may say to the gentleman. If the provisions carried in the present appropriation bill were adopted, then clearly it would be a diversion of the gasoline funds.

Mr. WHITTINGTON. To what provision does the gentleman refer?

Mr. NICHOLS. I refer to the provision which broadens the use for which these funds can be expended, in that it says they can be expended for the maintenance of parks, parkways, and bridges, the maintenance of trees, sidewalks——

Mr. WHITTINGTON. I understand, however, that would really be for street and highway purposes?

Mr. COLLINS. That is right.

Mr. WHITTINGTON. A provision is included in many highway appropriations to the effect that money shall be used to beautify the roads.

Mr. COLLINS. And bridges.

Mr. WHITTINGTON. What I want to know is whether all of the gasoline taxes and all automobile license fees collected are to be used for street and parkway purposes.

Mr. COLLINS. That is right.

Mr. WHITTINGTON. And there is no diversion?

Mr. COLLINS. No diversion.

Mr. FORD of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Mississippi: Strike out all of line 5, on page 1, and all of lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and down to and including the word "remainder" in line 10, on page 2.

Mr. FORD of Mississippi. Mr. Chairman, the amendment which I have proposed simply eliminates all Federal contribution to the operation of the District of Columbia. In line 8 of the bill there is a provision providing for a lump-sum contribution of $5,000,000, and there is further language, to which I directed a point of order some moments ago, which provides that any revenue now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from which such revenue was derived will be credited wholly to the District of Columbia.

A few moments ago, when the chairman of the subcommittee was explaining the bill, I asked the gentleman how much revenue the District of Columbia would receive under the language in the bill which I have just quoted, and to which my point of order was directed, but he failed to advise me, and I now call upon him or any other member of the subcommittee to tell me and the other Members of the House how much revenue will go to the District of Columbia under that language in the proposed bill. [After a pause.] It is obvious, since no answer is made, that it is undetermined by the bill which we are about to pass how much money will go from the Federal Treasury into the District revenues to be used wholly for the District of Columbia.

Mr. Chairman, I do not offer this amendment for the purpose of criticizing any member of the Appropriations Committee, but I do say it appears to me the District of Columbia government should tax its own citizens an amount sufficient to operate its own government without requiring the taxpayers of the United States to contribute annually to the upkeep and operation of the District government.

Let us look at this picture as we should. Approximately 117,000 employees of the Federal Government are being paid by the United States within the limits of the District of Columbia. Think about that. Approximately 117,000 men and women now on the pay roll of the Federal Government right here in the District of Columbia. The Federal pay roll within the borders of the District of Columbia amounts to almost $20,000,000 every month, or approximately $240,000,000 annually, and surely every Member of Congress can appreciate what a pay roll of that enormous size means to the citizens and business interests of the District of Columbia.

Mr. Chairman, what would a pay roll of that size mean to a city in our respective States—I think I could safely predict that most any city in my State would be willing to make the Federal Government an annual contribution of some five or ten million dollars if they could secure such a pay roll and such an amount of business within their borders.

In my own State, today, under an act passed by the legislature, whether wise or unwise, some cities are floating bonds in order to bring manufacturing interests there. Many cities are donating manufacturing sites, for the purpose of encouraging business interests to come there, in order to secure pay rolls; yet the Federal Government, which has a monthly pay roll in the District of Columbia of approximately $20,000,000 or $240,000,000 annually, under the direct provision of the bill we are going to contribute a lump sum of $5,000,000 to the Government of the District of Columbia; and in addition, by further language in the bill, we are giving the government of the District of Columbia an additional amount the extent of which we do not know.

I submit, Mr. Chairman, we should adopt the amendment I have offered and let the District of Columbia government stand on its own bottom and pay its own expenses. It is well known that the tax rate in the District of Columbia is much lower than anywhere in the country. [Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I do not understand my friend from Mississippi. The gentleman presented a point of order to the bill, which, if sustained, would have given the District a contribution from the Federal Government of $18,000,000, and then, in the next breath, the gentleman offers an amendment to strike out the $5,000,000, which is very much less than the $18,000,000.

Mr. FORD of Mississippi. If the gentleman will yield, I will be pleased to explain.

Mr. COLLINS. No.

Mr. FORD of Mississippi. Will not the gentleman let me correct him?

Mr. COLLINS. I decline to yield to the gentleman.

Mr. FORD of Mississippi. Will not the gentleman stand corrected?

Mr. COLLINS. I decline to yield to the gentleman. I hope the gentleman understands that language.

Mr. FORD of Mississippi. I heard the gentleman.

Mr. COLLINS. Now, with reference to the merits of this proposal, the gentleman refers to the pay roll in the District of Columbia. Of course, it is particularly fortunate that the District has the Federal Government here to provide pay rolls. In the other cities of the country, however, we have factories that provide pay rolls and factories also pay taxes. The Congress of the United States does not permit factories to be built in the District of Columbia, and, therefore, as a matter of common justice, the Federal Government should pay for extraordinary burdens that are placed upon the people of the District because of laws that we pass in order to make this city the monumental city which it should be, if we are to recognize it as the great Capital of this great country of ours.

Long before the gentleman ever came to this House, I had been paring down Federal contributions to the District of Columbia. I was a member of this subcommittee 12 years ago. I was a member of this subcommittee at the time we got away from the 60-40 and down to a lump sum. Every

one of these succeeding years I have helped to bring down the Federal contribution. This year we are providing the same amount as the Federal contribution that Mr. Blanton recommended when he was chairman of this subcommittee and, certainly, Mr. Blanton was just as alert in protecting the Treasury of the United States as my friend from Mississippi.

Mr. Chairman, as a simple matter of justice, the Federal Government should pay a part of the cost of administering District affairs. This great Government of ours is not a beggar. We do not have a tin cup passing it around, and, certainly, services performed by the District of Columbia taxpayers ought to be reimbursed by the Federal Government. Certainly, services rendered to this great Government of ours by District residents should be paid for, and this subcommittee has recommended for that purpose as small a sum as is consistent with right thinking.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I move to strike out the last word.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from Mississippi.

Mr. FORD of Mississippi. In answer to what my good friend and colleague from Mississippi stated a moment ago, that I was evidently trying to increase the revenue of the District, I call upon him now to tell me how much, under the language of this bill, will be actually appropriated by the Federal Government in addition to the $5,000,000.

Mr. COLLINS. Not one dime.

Mr. FORD of Mississippi. Then why is this language in the bill? What is the purpose of the language, if it will not do any good, and why put it in the bill? Can the gentleman answer that question?

Mr. COLLINS. I have answered the gentleman's question by stating that not one dime will be contributed other than the $5,000,000.

Mr. FORD of Mississippi. Why have this additional language in the bill? Will the gentleman yield further?

Mr. FADDIS. I yield.

Mr. FORD of Mississippi. I also call the gentleman's attention to the land bought by the Resettlement Administration in his district, in my district, and all over this country, and may I ask how much money the Federal Government is contributing to our counties where they are taking a large amount of land off the tax rolls?

Mr. COLLINS. Will the gentleman yield to me to answer that question?

Mr. FADDIS. I yield.

Mr. COLLINS. There are certain counties in my State that the Federal Government has taken over almost exclusively. I see my friend, BILL COLMER, sitting here, and I know counties in his district, to wit, Perry, where practically all the land in the county has been taken over by the Federal Government, and if the Federal Government ultimately does not pay taxes on the land it owns in Perry County, Perry County has got to fold up as a county government; and I know other jurisdictions that are in the same shape as Perry County. I may also say to my young friend that in the State of Washington, or perhaps it is Oregon, but in one or the other of those States, the Federal Government owns land there and the Federal Government pays taxes on that land; and there are other jurisdictions where the same rule prevails. There is not anything unusual about this particular situation in the District of Columbia.

Mr. FADDIS. Mr. Chairman, I ask unanimous consent to extend my own remarks in the RECORD. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MITCHELL of Tennessee. Mr. Chairman, I move to strike out the last three words. I do this for the purpose of commending the subcommittee having in charge this District appropriation bill. I did not hear all of the comment made by the distinguished chairman of the subcommittee when he discussed the bill, but I hold in my hand a report concerning the employment of relatives and next of kin here in the District of Columbia. In the investigation which I note has been somewhat hurriedly made by virtue of the shortness of time, what was the real status, I ask the chairman, with respect to the employment of relatives in the District of Columbia and the number so employed?

Mr. COLLINS. The number is about 3,000, or a little more out of ten thousand and odd employees.

Mr. MITCHELL of Tennessee. About 3,000 out of 10,000 that are employed only in the District of Columbia set-up?

Mr. COLLINS. Yes.

Mr. MITCHELL of Tennessee. Of course, that does not include various other departments of the Government. I notice in this report there seems to be a typewritten list here that is perhaps an inch and a half thick, setting out in detail the number employed who are related to each other in the District of Columbia, totaling about 3,000 in number. I find one family here named McQueeney, and there is an unusual situation with reference to that particular family. It must be possessed of royal blood of some type or kind. They are not ordinary folk, but it must be some kind of super family. Apparently some 76 members of the McQueeney family are listed, and at this point, Mr. Chairman, I ask to be permitted to insert the names of that family who appear in this report.

The CHAIRMAN. The Chair will remind the gentleman that a request of that nature requiring inclusion in the RECORD of extraneous matter will have to be made in the House.

Mr. MITCHELL of Tennessee. I hope to find time to read them in a few minutes. The 76 members of the McQueeney family involve a pay roll of $119,960.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Tennessee. And yet we talk about the relief of the unemployed and sit idly by and have a situation like this obtain in the Nation's Capital. I shall yield in a moment. That character of practice should be stopped. In 1931 I introduced a bill to prevent nepotism, which has been criticized by some and commented upon favorably by others, and I now call the attention of the House to the situation on the pay roll in the Nation's Capital. If that bill needs to be amended, if there are particular reasons why in some instances it should be amended, I have no objection to that. It is the principle involved, I advocate, because half a loaf beats no bread at all in behalf of the taxpayers as I see it. I would rather have part of something than all of nothing, as one of our colleagues said.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Tennessee. In a moment. First, I yield to the gentleman from Pennsylvania.

Mr. FADDIS. I call the attention of the gentleman to the statement in the Bible that their seed shall inherit the earth. It seems as if the McQueeney family are about to inherit the schools of the District of Columbia.

Mr. MITCHELL of Tennessee. They are about to inherit the earning capacity of the taxpayers in this Capital City, and it ought to be stopped. This is only the second degree of relationship. If they went as far as the third, the number might run up to a hundred or 200.

Mr. LUCAS. What does the document show with respect to the type and kind of employment in which the McQueeneys are engaged and who employs them?

Mr. MITCHELL of Tennessee. I should be very glad to give you in the time left some of the names and their employment:

McQueeney, Dorothy, schools, matron, $1,200.
McQueeney, Francis, brother, schools, $1,500.
McQueeney, Santus, brother, schools, $1,320.
McQueeney, John, brother, schools, $1,080.
McQueeney, William, uncle, schools, $3,300.
McQueeney, Earl, cousin, schools, $1,560.
Sweeney, Catherine, aunt, schools, $1,320.
Lynch, D'Arcy, cousin, schools, $1,680.
Lynch, Edw., cousin, schools, $1,320.
Lynch, William, cousin, schools, $1,320.
McKeever, Thomas, cousin, schools, $1,080.
Morgan, Vincent, cousin, schools, $1,500.
West, Charles, cousin, schools, $2,000.

This list of McQueeney names continues on and covers the entire next page, closely typewritten, and half of the next page after that.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Without objection, the pro-forma amendments will be withdrawn, and the question is on the amendment offered by the gentleman from Mississippi [Mr. FORD].

The amendment was rejected.

The Clerk read as follows:

AUDITOR'S OFFICE

For personal services, $136,700, of which $10,000 shall be available immediately, without reference to the Classification Act of 1923, as amended, and civil-service requirements, for examination of estimates of appropriations, and for other purposes; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

Mr. BREWSTER. Mr. Chairman, I make a point of order against the language, beginning on page 5, line 16, as follows—

Without reference to the Classification Act of 1923, as amended, and civil-service requirements—

on the ground that if it is in compliance with existing law it is unnecessary, and if it is not, it is certainly legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. COLLINS] desire to be heard on the point of order?

Mr. COLLINS. I do not.

The CHAIRMAN (Mr. COOPER). The Chair is of the opinion that the provision to which the gentleman from Maine has made the point of order is patently legislation on an appropriation bill which is not authorized under the rules of the House. Therefore, the point of order is sustained.

The Clerk read as follows:

The Public Utilities Commission is directed to cause an investigation to be made of the Chesapeake & Potomac Telephone Co. with a view to ascertaining the reasonableness of existing rates, tolls, charges, and services.

Mr. O'BRIEN of Illinois and Mr. NICHOLS rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. O'BRIEN of Illinois. To make a point of order.

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. NICHOLS. I rise to make a point of order against a portion of the section just read.

The CHAIRMAN. The Chair will be pleased to hear the gentleman and the grounds of his point of order.

Mr. NICHOLS. I raise a point of order against the following language, beginning on line 15:

The Public Utilities Commission is directed to cause an investigation to be made of the Chesapeake & Potomac Telephone Co. with a view to ascertaining the reasonableness of existing rates, tolls, charges, and services.

The reason for the point of order is that it is legislation.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. I do not care to discuss it, Mr. Chairman.

The CHAIRMAN (Mr. COOPER). The gentleman from Illinois and the gentleman from Oklahoma [Mr. NICHOLS] both make a point of order against the language appearing on page 8, line 15, which is as follows:

The Public Utilities Commission is directed to cause an investigation to be made of the Chesapeake & Potomac Telephone Co. with a view to ascertaining the reasonableness of existing rates, tolls, charges, and services.

Existing law provides that—

Upon its own initiative or upon reasonable complaint made against any public utility that any of the rates, tolls, charges or schedules or services or time and conditions of payment, or any joint rate or rates, schedules or services are in any respect unreasonable or unjustly discriminatory, or that any time schedule, regulation, or act whatsoever affecting or relating to the conduct of any street railway, etc., * * * the Commission may in its discretion proceed, with or without notice, to make such investigation as it may deem necessary or convenient.

Therefore, it is clearly to be seen that under existing law the Public Utilities Commission has discretionary authority to make the types of investigation that are embraced in the language here upon which a point of order is made.

This language in the pending bill seeks to direct the Public Utilities Commissioners to do what they have clearly discretionary authority to do. The effect of this language would be to direct the Commissioners to do what they have authority to do within their discretion. Therefore it is legislation on a general appropriation bill and has the effect of changing existing law.

The Chair would also like to invite attention to the same provision of Hinds' Precedents, section 3853 of volume IV, to which attention was invited in the course of a previous ruling made by the Chair. This provision is as follows:

Although a law may give an executive officer authority to do a certain thing, a provision directing him so to do is legislative in nature and not in order on a general appropriation bill.

Therefore the Chair sustains the point of order.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. COLLINS: On page 8, after line 14, insert a new paragraph, as follows:

"The Public Utilities Commission is authorized to make an investigation of the Chesapeake & Potomac Telephone Co. with a view to ascertaining the reasonableness of existing rates, tolls, charges, and services."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

Mr. PALMISANO. Mr. Chairman, I wish to make a point of order in the same section for the same reason, beginning in line 6, page 8.

Mr. COLLINS. Mr. Chairman, I make the point of order that that has already been read and the point of order comes too late.

The CHAIRMAN. That is a different paragraph, one which has already been passed, and the Chair would remind the gentleman from Maryland that the point of order comes too late at this time.

The Clerk read as follows:

For personal services, $79,000.

Mr. ELLENBOGEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members are present, a quorum.

The Clerk read as follows:

Administrative expenses, compensation to injured employees in the District of Columbia: For the enforcement of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (45 Stat., p. 600), $53,300, for transfer to and expenditure by the Employees' Compensation Commission under its appropriations "Salaries and expenses", $53,000, and "Printing and binding", $300.

Mr. ELLENBOGEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ELLENBOGEN: On page 9, after line 24, insert a new paragraph, as follows:

"District of Columbia Unemployment Compensation Act. For the contribution of the District of Columbia under the provisions of section 5 (a) of the District of Columbia Unemployment Compensation Act approved August 28, 1935 (49 Stat., p. 946), $175,000."

Mr. ELLENBOGEN. Mr. Chairman, the purpose of this amendment is to carry out the mandate of existing law and to restore the contribution of $175,000 to the unemployment insurance fund, which is required by existing law, the contribution to come out of District funds. The unemployment compensation law, section 5 (a), which I hold in my hand, reads as follows:

SEC. 5 (a). The District of Columbia shall pay—

Not may pay, but shall pay—

contributions in addition to its contributions as an employer in the following amounts: For the calendar year 1936, $100,000; for the calendar year 1937, $125,000; and for the calendar year 1938, $175,000.

report concerning the employment of relatives and next of

West, Charles, cousin, schools, $2,000.

gation as it may deem necessary or convenient.

1938, $175,000.

The Appropriations Committee in reporting out the District of Columbia appropriation bill for the fiscal year 1938—House Report No. 483, to accompany H. R. 5996, at page 9—recommended elimination of the $175,000 for three reasons:

First. The several States are not making a similar contribution.

Second. Payments from District employers are coming in steadily.

Third. There is no need for this additional payment by the District government.

What are the facts, however, that answer these arguments:

First. The fact that other States do not contribute as a government is not a sound reason why the District government should not do so. Many of the States are too poor to contribute. Others are and will be unlikely to do so unless some progressive law contains such a provision and leads the way. In inserting this provision in the District Act the thought which was in the mind of the sponsors was that the District law should be a model. The unemployment-insurance laws of most European countries provide for governmental contributions. This provision is advocated by all progressive persons who have studied unemployment insurance.

Second. The District of Columbia had on deposit in the Federal unemployment trust fund on March 15, 1937, approximately $2,255,000. This money must be used only to pay benefits beginning in 1938 according to the provisions of the District Unemployment Compensation Act. Even if it is true that payments from District employers are coming in steadily it cannot be inferred from this that the payments which employers are making are sufficient to adequately take care of unemployment in the District. In the bill as I originally introduced it the contributions to be required of employers was 3 percent of his pay roll. Under the present provisions of the act only 1 percent was collected during 1936 and 2 percent is being collected during the year 1937 but it is not until next year, 1938, that the full 3-percent rate will be in force.

Third. The argument that there is no need for the additional payment by the District government is false. The contribution by the District government was made because it was recognized that unemployment compensation, which is financed through the use of the pay-roll taxes, would take part of the burden of relief off the District government and thereby relieve the District of the necessity of appropriating as much money as it has had to in the past. During 1934 there was spent for relief in the District of Columbia a sum approximating nearly $6,800,000. Certainly when unemployment compensation goes into effect these relief costs will be diminished and the appropriation of $175,000 is a recognition of the responsibility which the District has in this connection.

Furthermore, on the present basis the District may have somewhere between $6,000,000 and $7,000,000 collected by the end of the year 1937 which will be available for benefits beginning in the year 1938. This amount collected in 2 years would only be sufficient to take care of the relief burden, on the 1934 basis, for merely 1 year. Can it be said, therefore, that there is no need for additional funds to supplement what has already been collected? Finally, in the original bill which I introduced in Congress benefits were provided for 26 weeks, plus 8 weeks of additional benefits to long-time employees, or a total of 34 weeks. Under the present law benefits are only provided for 16 weeks, plus 11 weeks to long-time employees, or a total of 27 weeks. If there ever is a sufficient amount of money in the fund, I certainly suggest that the duration of benefits under the law be liberalized rather than curtailing the amount of contributions. The unemployment-insurance law of Great Britain provides for benefits of 26 weeks, and such a provision was incorporated in my original bill. The 16 weeks now provided under the present act is not liberal enough to take care of the majority of unemployment. Before we do anything else we ought to liberalize the District law instead of deliberalizing it.

Abraham Epstein, who has written many books on the subject of social security and social insurance, is an ardent advocate of the necessity for States and the Federal Government contributing to social insurance. In his last book entitled "Insecurity: A Challenge to America", at page 795 he says on the subject of State contributions as follows:

Despite the imperative necessity of governmental contributions in unemployment compensation, only one law—that of the District of Columbia—provides a regular governmental contribution to the fund.

[Here the gavel fell.]

Mr. ELLENBOGEN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ELLENBOGEN. If a deficiency should arise in any of the States in the unemployment compensation fund, the State would not be called upon to make money available; but in case of a deficiency in the District of Columbia unemployment compensation fund the Federal Government would be called upon to make the money available out of its own funds to take care of the unemployed. This money is to be appropriated only so that it may be available if it should be necessary to pay it out in unemployment compensation benefits. It is not appropriated to be expended unless the need for its expenditure arises.

We hear so much about social security, about unemployment insurance. Why this attack upon the unemployment compensation laws in the District of Columbia, which is acclaimed all over this Nation as a model? I ask the members of the Committee to restore the small sum of $175,000 and to make it available for unemployment compensation benefits under the unemployment compensation law of the District of Columbia.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, the Unemployment Compensation Act goes into effect January 2, 1938. There is already about $2,500,000 available in this fund for use by the District of Columbia.

The amendment of the gentleman from Pennsylvania proposes to add $175,000 to this fund to be paid out of the general revenues of the District of Columbia. No State in the Union is doing that and, therefore, there is no necessity of our requiring the residents of the District of Columbia to do something we do not require the residents of our own respective States to do.

Furthermore, I call this testimony to the attention of the committee:

There is another item where I know that $175,000 can be saved, and that is this: There is $175,000 in this bill for the third appropriation for the District of Columbia unemployment fund to be paid out of the appropriations to the District. That is according to the act of August 1935. I know that is substantive law, but there is no reason that that money should be appropriated. This is the only State, if we call this a State, in the United States where the State itself, as far as I can find out, is contributing to the unemployment fund, and at the time that bill was enacted there was not a single person in Washington, including the labor leaders, who wanted that amount to be in there. There was nobody in the House that wanted it, as far as I know, except the author of the bill. The Senate did its best to keep it out, and did cut it from a million and a half to $175,000. Recently, Mr. Marshall, director of the unemployment fund here, stated that money was coming in in splendid shape, and that he felt the rates could be reduced and we would still have enough money. There is no necessity whatsoever, even though it is substantive law, that that $175,000 go into this bill.

After that statement was made, Mr. Sheild, clerk to the Appropriations Committee, checked its accuracy and found that it correctly stated the situation. In addition to that, this subcommittee communicated with the Social Security Board and found that the money that we had already was entirely available and in sufficient quantity to do the work contemplated by the act. So there is no necessity whatever for this $175,000.

Mr. ELLENBOGEN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. ELLENBOGEN. The gentleman does not mean to tell us that the Social Security Board is in favor of eliminating this?

Mr. COLLINS. Mr. Marshall said there was no necessity for it.

Mr. ELLENBOGEN. Mr. Marshall is not connected with the Social Security Board.

Mr. COLLINS. He administers it in the District of Columbia.

Mr. ELLENBOGEN. How does Mr. Marshall know this year what the rate of unemployment will be in the District in the future?

Mr. COLLINS. I am stating what the Social Security Board advised the committee. There is no necessity of allowing money for anything and everything.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ELLENBOGEN].

The amendment was rejected.

The Clerk read as follows:

SURVEY OF MUNICIPAL FUNCTIONS

For a survey of all municipal functions and activities of the District of Columbia, including those under Federal agencies receiving District of Columbia appropriations, such survey to include the present tax and financial systems, efficiency and economy of administration, and all other matters incidental to the operation of the government of the District of Columbia, $15,000, to be immediately available, which sum shall be available for personal services without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and the Classification Act of 1923, as amended, and for all other necessary expenses, and a report of such survey, with recommendations, shall be made to Congress at the next regular session.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the section on page 4, beginning in line 5, and including all of the language down to and including line 17, for the reason it is legislation.

Mr. Chairman, in support of that may I say at the present time there is being conducted such a survey as is provided for here by men under the direction of the District Commissioners. I may further say that there is now a subcommittee of the Committee on the District of Columbia of the House conducting hearings for the purpose of making a further survey as provided here.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. COLLINS] desire to be heard on the point of order?

Mr. COLLINS. Mr. Chairman, I have nothing to say.

The CHAIRMAN. The gentleman from Oklahoma [Mr. NICHOLS] makes a point of order to the paragraph of the bill beginning on page 11, line 4, and extending through line 17, on the ground it is legislation on an appropriation bill. The existing law provides the manner in which funds may be used for these activities. The language beginning especially in line 12 waives the provisions of existing law and, of course, is legislation on an appropriation bill.

The Chair sustains the point of order.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 11, after line 4, insert a new paragraph, as follows:

"For a survey of all municipal functions and activities of the District of Columbia, including those under Federal agencies receiving District of Columbia appropriations, such survey to include the present tax and financial systems, efficiency and economy of administration, and all other matters incidental to the operation of the government of the District of Columbia, $15,000, to be immediately available."

Mr. NICHOLS. Mr. Chairman, I make a point of order against the amendment on the same ground, namely, it is legislation on an appropriation bill.

Mr. COLLINS. Mr. Chairman, the objectionable language to which the Chair referred recently has been eliminated and the bill now merely provides for a survey of municipal functions.

Mr. NICHOLS. All of which does not in the least change the purpose. It is a matter which could not be done under existing law without aid of legislation from the Congress; therefore, it is clearly legislation on an appropriation bill.

The CHAIRMAN. The Chair inquires of the gentleman from Mississippi [Mr. COLLINS], especially with reference to the language appearing in lines 6 and 7, beginning with the word "including" and reading as follows:

Including those under Federal agencies receiving District of Columbia appropriations.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to modify the amendment which I have offered by omitting the language to which the Chair just referred.

The CHAIRMAN. Does the gentleman desire to modify the amendment by striking out the language referred to?

Mr. COLLINS. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. COLLINS]?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 11, after line 4, insert a new paragraph, as follows:

"For a survey of all municipal functions and activities of the District of Columbia, such survey to include the present tax and financial system, efficiency and economy of administration, and all other matters incidental to the operation of the Government of the District of Columbia, $15,000, to be immediately available."

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. May I ask the Chair, under the provisions of this amendment, who would conduct the investigation?

The CHAIRMAN. The Chair may say that is not a parliamentary inquiry. The Chair is not called upon to construe the language of an amendment.

Mr. NICHOLS. I thought maybe the Chair could.

The CHAIRMAN. The gentleman from Mississippi probably could give the gentleman the information desired. That is not within the province of the Chair.

Mr. NICHOLS. May I ask the gentleman from Mississippi, under the provisions of the amendment, who would conduct the investigation?

Mr. COLLINS. Mr. Chairman, I would assume the Commissioners would do that, as they have a right to do.

Mr. NICHOLS. Mr. Chairman, I insist on the point of order for the reason it is legislation and for the further reason the language should designate some person, persons, agency, or agencies to conduct the investigation.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. KENNEDY of Maryland. Would it be possible to make these funds available to the Subcommittee on the District of Columbia to make this investigation? It might be possible for the gentleman from Mississippi to answer the question if the gentleman from Oklahoma cannot answer it.

Mr. COLLINS. I would not like to violate any of the functions of the Committee on the District of Columbia. I would be the last man in the world to endeavor to do that, and therefore I would have to decline any request in that direction.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. Mr. Chairman, unquestionably the Commissioners of the District of Columbia have the right to carry on such an investigation. Of course these investigations would of necessity be under their jurisdiction, therefore this provision is in compliance with existing law.

The CHAIRMAN. The Chair is ready to rule.

The Chair is of the opinion that the function here provided would be discharged by the Commissioners of the District of Columbia, and is of the opinion that in the exercise of their general authority and the discharge of the duties imposed upon them as Commissioners of the District of Columbia they would have the authority to make the type of survey or investigation contemplated and provided for in

this amendment. Therefore the Chair overrules the point of order.

Mr. NICHOLS. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Mississippi.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS to the amendment offered by Mr. COLLINS: Strike out "$15,000" and insert "$10,000, to be conducted by subcommittee of the Committee on the District of Columbia."

Mr. COLLINS. Mr. Chairman, I make a point of order against the latter part of the amendment, following the "$10,000", on the ground it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. NICHOLS. Only to this extent, Mr. Chairman, addressing my remarks now to the point of order raised by the gentleman from Mississippi: I think I properly understood the ruling of the Chair in ruling on the point of order I made that the amendment is legislation. The Chair held it was not legislation. Surely if the amendment was not legislation, the mere changing of the amount in the appropriation, with the addition of the words "to be conducted by subcommittee of the Committee on the District of Columbia" could not make it legislation.

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

Mr. NICHOLS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. May I suggest that my understanding of the ruling of the Chair is that the amendment offered by the gentleman from Mississippi covered a matter already authorized by existing law. The Chair did not pass on the question of whether or not it was legislation, but the Chair's ruling, as I understand it, was to the effect the amendment was germane by reason of existing law authorizing a survey to be made. I simply refer to this in order to bring out the distinction that this is not new legislation. It is an appropriation authorized by existing law, as I understand the amendment as finally offered by the gentleman from Mississippi and as perfected after several efforts.

The CHAIRMAN. The Chair is ready to rule.

As has been well stated by the gentleman from Massachusetts in presenting the argument on the point of order, the decision of the Chair on the point of order made by the gentleman from Oklahoma to the amendment offered by the gentleman from Mississippi turned on the question of whether there is authority in existing law for the function which was sought to be performed by the provision of the amendment, whereas in connection with the pending amendment to the amendment, offered by the gentleman from Oklahoma, the Chair invites attention to the fact that this amendment not only seeks to limit or reduce the amount of money provided for the investigation but goes further and provides an entirely different agency from the one contemplated in the amendment offered by the gentleman from Mississippi.

The Chair is of the opinion that on a general appropriation bill for the District of Columbia an amendment would not be in order which directed an investigation to be made by a legislative committee of the House. This is not the bill making appropriations for the legislative branch of the Government. The Chair feels, for the reasons stated and for other reasons which are quite obvious, that this amendment is not germane and is not in order. The Chair therefore sustains the point of order.

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS to the amendment offered by Mr. COLLINS: After the word "Columbia", strike out "$15,000" and insert "$1,000."

Mr. NICHOLS. Mr. Chairman, the effect of this amendment is simply to reduce the amount from $15,000 to $1,000. I can see no reason for providing for the expenditure of $15,000 by the Commissioners of the District of Columbia to conduct an investigation which they are at this time conducting without the aid of any appropriation from the Congress. Furthermore, I can see no reason for the appropriation of $15,000 to be handed to the Commissioners of the District of Columbia to conduct an investigation, when a subcommittee of a standing committee of the House of Representatives is now conducting such an investigation as is provided for in this provision of the bill.

Unless the House is ready to say the subcommittee of which I am a member is not competent to conduct such an investigation, unless it is ready to say a subcommittee of one of its standing committees is not possessed of sufficient interest and intelligence to make this kind of a survey, or unless the Members of the House are ready to say they simply want to give the District Commissioners $15,000, then for the life of me I cannot see how the Members of the House can support this amendment.

Mr. SACKS. Mr. Chairman, will the gentleman yield for a question?

Mr. NICHOLS. I yield.

Mr. SACKS. Is it not true that Congress gave $50,000 just a short while ago to an outside agency to do this very thing, and that a subcommittee of the Committee on the District of Columbia is now going over some of these things?

Mr. NICHOLS. I thank my colleague from Pennsylvania. Fifty thousand dollars was paid to the Commission which prepared the Jacobs report. They made a very voluminous report, an inch or so thick, and brought the report to this Congress for consideration. The subcommittee which now has under its control the pending bill junked the $50,000 report of the Jacobs committee, and in its report on this bill stated the Jacobs report was not entitled to consideration by this body. I am not sure this will not happen to a report returned by the Commissioners of the District of Columbia.

Mr. SACKS. Mr. Chairman, will the gentleman yield further?

Mr. NICHOLS. I yield.

Mr. SACKS. And is it not also true that a subcommittee of the House Committee on the District of Columbia is making the investigation upon this report, as well as other evidence, without a cent of appropriation?

Mr. NICHOLS. Absolutely. Of course, I may say to the gentleman I think, perhaps, we ought to have some money in order to make the investigation.

Mr. SACKS. I agree with the gentleman, but it should be given to the committee and not to an outsider.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, statements have been made about the Jacobs report. Of course, we all know that the purpose of the Jacobs committee was to study fiscal relations. The Jacobs committee recommended an investigation be made looking to a reorganization of the District government, and such an investigation should be made by persons competent to do it, because the savings that would result from an elimination of duplication in District activities would be enormous.

I called the attention of the House in my initial remarks today to the fact that a person engaged in manufacturing bed mattresses pays a $75 privilege tax and the Washington baseball park pays a $5 privilege tax. Moving-picture houses in the District of Columbia pay practically nothing, and this is one of the most profitable businesses here. The firm of Woodward & Lothrop pays tremendous taxes, and I have in mind a business machine corporation that does five times as much business in the District of Columbia as Woodward & Lothrop and pays no taxes whatever to the District of Columbia.

The question of privilege taxes on parking lots, on theaters, and on every activity in the District should be gone into carefully and looked into by experts, as well as a reorganization of the District of Columbia. As I have pointed out today, we have four activities administering playgrounds in the District of Columbia.

The District of Columbia cannot do this and there is no agency under the Commissioners that can do it, and if the investigation is to be made—and it is immaterial to me whether it is or is not—it should be made by competent people, and a sum of money sufficient to do the work should be available for this particular purpose.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. No; I do not.

Mr. NICHOLS. The gentleman does not mean to say that this committee is not competent?

Mr. COLLINS. Oh, no; I have nothing but the best feeling toward the gentlemen.

Mr. NICHOLS. The gentleman said it should be made by competent people.

Mr. COLLINS. I do not regard the gentleman as a tax expert, an expert on privilege taxes, or on reorganization of Government agencies, and it is no reflection for me to say that the gentleman is not versed in such matters. I do not imagine the gentleman is a physician or understands——

Mr. NICHOLS. Are the Commissioners?

Mr. COLLINS. I do not think so.

Mr. NICHOLS. This amendment gives them the privilege of making the investigation.

Mr. COLLINS. With this money they can employ men who are competent.

If the gentleman wants to strike out the provision, let him strike it out or let the House strike it out. All I am doing is defending the action of the committee in bringing this matter to the attention of the House so that it may come up for proper solution, and I maintain that $15,000 is a small enough sum of money to do this work.

Mr. SACKS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, at the last Congress $50,000 was voted for an examination of the tax problems and the financial system in the District of Columbia. The committee that was appointed to spend this $50,000 went to 17 or 18 different cities, examined their tax structure, examined the make-up of their government agencies; and, as a result, a report was filed.

The sum of $50,000 was given for this purpose, and yet when they brought in a report the Appropriations Committee absolutely ignored it.

I say to give them another cent for such an investigation is simply wasting more money, because a subcommittee of the District of Columbia Committee is now considering these matters as set forth in that report, as well as other suggestions.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. SACKS. I yield.

Mr. COLLINS. If the gentleman's statement were entirely correct, I would agree with the position he takes. The Jacobs committee was set up to make an independent study "of the fiscal relations between the United States and the District of Columbia", and was not set up for the purpose of studying a reorganization of District government departments.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. SACKS. Certainly.

Mr. NICHOLS. May I ask the gentleman if it is not a fact that in the report on this bill the subcommittee recommended the junking of the Jacobs report?

Mr. SACKS. They did.

Mr. NICHOLS. And now they say this work should be carried out and the Commissioners should be given authority to conduct this investigation because the Jacobs committee recommends it.

Mr. SACKS. The gentleman is correct.

Mr. NICHOLS. That was the statement of the gentleman from Mississippi a moment ago.

Mr. SACKS. And, furthermore, the gentleman said we ought to have experts go into this matter, because the Commissioners are not experts, while Jacobs was an expert on financial matters and spent $50,000, and the Appropriations Committee scuttled his report.

Mr. PALMISANO. Mr. Chairman, it seems to me that what this Committee should do is to vote down both of these amendments, the original and the substitute. The Committee on Appropriations asked this Committee to appropriate $15,000 to have an investigation by the Commissioners, so that they may correct something that they did themselves or neglected to do, in not finding the defects that we are complaining about. That is the reason the Jacobs committee was appointed. That is the reason this House should permit its own committee to make an investigation, because that committee has no interest so far as the District is concerned to shield anybody or any defects of these Commissioners, and by conducting the investigation and having before it the Commissioners and the heads of the different departments of the District of Columbia it will be able to determine and correct some of the defects. You cannot correct a defect by asking a person who is the cause of the defect to correct it, and someone other than a Commissioner should do that. I hope the Committee will vote down both of these amendments.

Mr. COLLINS. Mr. Chairman, the gentleman from Maryland should realize that the laws governing the different agencies having to do with the government of the District of Columbia are operating, not at the whim of the Commissioners but because of laws that Congress has passed. Those laws were written by the Congress. The privilege-tax laws on the statute books were passed by Congress, some of them 50 years ago, when conditions were entirely different from what they are now, and so it goes with all of the agencies of the District government, and no committee in Congress will ever under the shining sun be able to correct these abuses, these duplications, until personally you go into all of these activities to find out where the duplications are, and it is going to be necessary to spend some money in order to get the best help you can for the purpose of doing it. I do not want to spend this money myself; I have no desire to spend it. The agency best able to do it happens to be the Commissioners of the District of Columbia.

The CHAIRMAN. Without objection, the pro-forma amendments are withdrawn and the question is on the amendment to the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 26, noes 20.

Mr. COLLINS. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Mississippi demands tellers. All in favor of ordering tellers will rise and stand until counted. [After counting.] Eight Members have risen; not a sufficient number, and tellers are refused.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended.

The question was taken, and the Collins amendment as amended by the Nichols amendment was rejected.

The Clerk read as follows:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $7,000: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

Mr. PALMISANO. Mr. Chairman, I make the point of order to the proviso beginning on line 11, page 13:

Provided, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

I make the point of order that that is legislation on an appropriation bill.

Mr. COLLINS. Mr. Chairman, the law provides that all purchases over $1,000 shall be advertised in newspapers outside of the District of Columbia. The purpose of this amendment is to save the District a little money, and if the gentleman from Maryland does not want to do that, it suits me.

Mr. PALMISANO. Mr. Chairman, it is not that the gentleman from Maryland does not want to save the District any money. This is a question of whether or not we are going to permit the Committee on Appropriations to come in here and change laws that are now on the statute books.

If we are going to permit that in the case of the District of Columbia, we might as well wipe out all legislative committees in this House. That is the question involved.

The CHAIRMAN. The Chair inquires of the gentleman from Maryland whether his point of order is made to the proviso, beginning on line 11 and extending through line 14?

Mr. PALMISANO. It is.

The CHAIRMAN. The Chair is prepared to rule. The Chair is of opinion that especially the last part of the proviso, beginning with the word "notwithstanding" clearly waives the provisions of existing law, and therefore changes existing law and would be legislation on a general appropriation bill, which is prohibited by the rules of the House. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

EMPLOYMENT SERVICE

For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, $4,640.

Mr. LUCKEY of Nebraska. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question.

I rise for the purpose of asking the chairman of the committee in regard to this paragraph pertaining to "central garage." That paragraph provides $73,020, and it pertains to personal or passenger-carrying automobiles. It does not include cars under the police or fire departments. It seems to me that is a tremendously large sum, and I would like to have the chairman of the committee explain if that sum is not exorbitant.

Mr. COLLINS. I will say this item has been reduced considerably over previous years, and was reduced very materially over the protests of certain District officials.

Mr. LUCKEY of Nebraska. By whom are these passenger cars used?

Mr. COLLINS. Building inspectors, plumbing inspectors, all types of inspectors. Men working on the streets. In the administration of the affairs of the District, with over 600,000 population, innumerable inspectors, building, plumbing, street, all types of inspectors are needed. There has been no one more zealous in his efforts to keep down appropriations than I have.

Mr. LUCKEY of Nebraska. Is it not a fact that when the general public avails itself of these inspectors, they have to pay for such services? Plumbing inspection, building inspection, and so forth?

Mr. COLLINS. Even with this number, I would say that two-thirds of these officials travel on streetcars.

Mr. LUCKEY of Nebraska. It seems to me these items are very, very high.

Mr. COLLINS. At one time many of these employees were allowed a dollar a day for the use of their own automobiles. The present method was found to be so much more reasonable and less costly so we adopted this system very largely. I think the gentleman will find that this is a reasonable item in comparison with that expended in other cities of comparable size. In 1932 in the District it was $115,040. It is cut down in this bill to $74,820. If it could have been cut further this committee would have done it.

Mr. LUCKEY of Nebraska. I thank the gentleman for his information.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

For personal services of teachers and librarians in accordance with the act approved June 4, 1924 (43 Stat., pp. 367-375), including for teachers colleges assistant professors in salary class 11, and professors in salary class 12, and including $4,000 for advancement of teachers from group 1A to 1B, group 2A to 2B, group 3A to 3B, and group 2C to 2D, $7,157,820: *Provided*, That as teacher vacancies occur during the fiscal year 1938 in grades 1 to 4, inclusive, of the elementary schools, such vacancies may be filled by the assignment of teachers now employed in kindergartens, and teachers employed in kindergartens are hereby made eligible to teach in the said grades: *Provided further*, That teachers shall not perform any clerical work except that which is necessary or incidental to their regular classroom teaching assignments: *Provided further*, That teaching vacancies that occur during the fiscal year 1938 wherever found may be filled by the assignment of teachers of special subjects and teachers not now assigned to classroom instruction, and such teachers are hereby made eligible for such assignment without further examination: *Provided further*, That the average of the salaries paid librarians in the public schools shall not exceed the average of the salaries paid employees performing the same grade of work in the Free Public Library.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the language contained on page 25, beginning in line 4, as follows—

That teachers shall not perform any clerical work except that which is necessary or incidental to their regular classroom teaching assignments—

for the reason that it is legislation and modifies existing law.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. I do not.

The CHAIRMAN (Mr. COOPER). Patently this is legislation on a general appropriation bill, and there is no saving or retrenchment shown. Therefore, it being legislation, the Chair sustains the point of order.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 25, line 3, after the word "grades" insert "*Provided*, That no part of this appropriation shall be used to pay the salary of any teacher performing any clerical work other than that necessary or incidental to the classroom teaching assignments."

Mr. NICHOLS. Mr. Chairman, I raise a point of order to that amendment for the same reason. The existing law today says nothing about clerical work being done by teachers. This amendment, of course, is introduced for the purpose of preventing teachers from doing any clercal work. Even though it places a limitation on some clerical work that they may be doing, it is contrary to existing law and the point of order would lie.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not, Mr. Chairman.

The CHAIRMAN. The amendment here offered by the gentleman from Mississippi provides that no part of this appropriation shall be used to pay the salary of any teacher performing any clerical work other than that necessary or incidental to the regular classroom teaching assignment.

The Chair is of opinion that this amendment in the form presented is very clearly a limitation and retrenchment of expenses, that it is germane, and that the point of order should be overruled.

Mr. NICHOLS. Mr. Chairman, I do not want to argue at length with the Chair, but the retrenchment could only be under the Holman rule that which would save the expenditure of money. This amendment does nothing to reduce the number of teachers. It provides nothing about reducing anybody's salary. It is directed only to their duties. Now, if the Chair is to hold that this is a retrenchment, then the Chair must go further and say that maybe some teachers who are doing clerical work will be discharged and cheaper people employed in their places, which probably might be the effect of the amendment. But, be that as it may, on the face of it that cannot be construed to be the situation by the Chair. If this amendment were directed at salaries, or if the amendment were directed at the number of teachers that were to be permitted to do clerical work, specifying the number, then it would be a retrenchment under the Holman rule, but certainly the general terms of this amendment cannot be so construed.

The CHAIRMAN. The Chair would remind the gentleman of the fact that there really does not have to be any saving if clearly on its face the amendment shows that it is a limitation.

The Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The Clerk read as follows:

COMMUNITY CENTER DEPARTMENT

For personal services of the director, general secretaries, and community secretaries in accordance with the act approved June 4, 1924 (43 Stat., pp. 369, 370); clerks and part-time employees, including janitors on account of meetings of parent-teacher associations and other activities; for personal services for public playgrounds adjacent to and in the vicinity of school buildings: *Provided*, That employments on such playgrounds, except directors who shall be employed for 12 months, shall be distributed as to duration in accordance with corresponding employments provided for in the District of Columbia Appropriation Act for the fiscal year 1924; for keeping open public-school playgrounds, including playgrounds operated during the summer months and daily after school hours; for general maintenance, repairs, improvements, equipment, supplies, lighting fixtures, and other incidental and contingent expenses, including labor; and including $10,000 for health and physical education teachers to supervise play in schools of the central area bounded by North Capitol Street on the east, Florida Avenue on the north, the Mall on the south, and Twelfth Street on the west, $216,565.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the paragraph beginning in line 23, on page 26, down to and inclusive of line 18, on page 27, for the reason that it changes existing law and is, therefore, legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not, Mr. Chairman, except to say that the only provision of the paragraph subject to the point of order is the proviso.

The CHAIRMAN. Does the gentleman from Oklahoma make the point of order against the entire paragraph?

Mr. NICHOLS. Mr. Chairman, I modify my point of order and direct it to that portion of the paragraph beginning in line 4, page 27, which is the proviso.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Oklahoma makes the point of order against the proviso appearing in line 4, page 27, down to and including the figures "1924", in line 9. Is this the language to which the gentleman refers?

Mr. NICHOLS. It is, Mr. Chairman.

Mr. SMITH of Virginia. Mr. Chairman, I desire to supplement the point of order.

Mr. COLLINS. Will the Chair be so kind as to restate the proposition?

The CHAIRMAN. As the Chair understood the gentleman from Oklahoma, he modified his point of order as first made so as to make the point of order against the proviso on page 27, beginning in line 4 and extending down to and including the figures "1924", in line 9.

Mr. SMITH of Virginia. Mr. Chairman, I desire to reserve a point of order against the paragraph.

The CHAIRMAN. If the gentleman will kindly state the point of order he makes against the paragraph, the Chair may be able to dispose of it and save time.

Mr. SMITH of Virginia. Mr. Chairman, I make the point of order that the effect of the entire paragraph is that of legislation. As the law now stands, the playgrounds are under the jurisdiction of the Commissioners. By putting the appropriation under this clause, jurisdiction of those playgrounds near public schools is transferred to the department of education.

I thought it probably would be simplified if something could be worked out between the gentleman from Oklahoma and the gentleman from Mississippi on the point of order which has been made. For that reason I desired to reserve the point of order until the Chair ruled on the other point of order, because I thought the gentlemen could probably work the situation out.

Mr. COLLINS. Why not withdraw the point of order?

The CHAIRMAN. The gentleman has the right to do that.

The Chair will proceed to rule on the point of order made by the gentleman from Oklahoma.

The proviso on page 27, beginning at line 4 and continuing through the figures "1924" in line 9, is the language against which the point of order is made. The appropriation act of 1924 was law for that year and did not become permanent law. This provision would incorporate into this bill the legislative provision of the act of 1924, and is therefore legislation on an appropriation bill.

The Chair sustains the point of order.

Does the gentleman from Virginia insist on his point of order?

Mr. SMITH of Virginia. Mr. Chairman, I do not care to insist upon my point of order.

The Clerk read as follows:

BUILDINGS AND GROUNDS

For completing the construction of a vocational school for girls, to replace the old Dennison School Building on S Street, on land owned by the District of Columbia at Arkansas Avenue and Allison Street NW., $236,000: *Provided*, That the limit of cost fixed in the act of June 23, 1936, is hereby increased from $280,000 to $336,000.

Mr. PALMISANO. Mr. Chairman, I make a point of order against the language appearing on page 33, beginning in line 2, with particular reference to the proviso which increases the existing act and authorization from $280,000 to $336,000.

Mr. COLLINS. Will the gentleman reserve his point of order?

Mr. PALMISANO. Yes.

Mr. COLLINS. Mr. Chairman, if the gentleman makes the point of order, we cannot build this school building.

Mr. PALMISANO. Mr. Chairman, it is not a question of what we can or cannot do. There is a principle involved here.

Mr. COLLINS. I do not think the gentleman wants to make the point of order.

Mr. PALMISANO. It is the principle involved.

Mr. COLLINS. If the gentleman wants to take out of this bill the authorization for the erection of a school building in the District of Columbia, all right. The building cannot be constructed.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. PALMISANO. Mr. Chairman, as I said previously, the question involved here is, Are we going to permit the Appropriations Committee to legislate for the whole Congress? I stood on this floor last year and asked that money be appropriated for public-school buildings here to help the people of the District of Columbia. If we are going to permit the Appropriations Committee to come in here and legislate and ignore all acts of Congress, why, then, we might just as well appoint one committee and wipe out all of the other committees. That is the question involved. If this appropriation is necessary, they can bring in a bill

tomorrow and the District Committee will report it favorably within a day. We are not opposed to this, but I think the principle involved is whether or not we shall permit them to legislate.

Mr. McCORMACK. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. If that is stricken out, what will be the effect?

Mr. COLLINS. There will be no school building.

Mr. PALMISANO. There will be a school building, provided they can build it for $280,000.

Mr. COLLINS. And they cannot do it.

Mr. McCORMACK. Mr. Chairman, I subscribe completely, in a general way, to the position the gentleman takes, and the gentleman and his committee is to be commended. But we have to look at things from the practical standpoint. On principle I thoroughly agree with the gentleman, but there should be a practical application of the principle involved here of an appropriations committee taking unto itself the duty and prerogatives of a legislative committee. In this case, in view of the importance of the matter, in view of the delay, and in view of the fact if legislation passes it has to come back for another appropriation; and looking at it from a practical angle, I hope my friend will look at it in the same way, in the practical broad light he is so capable of doing, and not press his point of order.

Mr. PALMISANO. Mr. Chairman, I can appreciate the position I am in on this particular point of order. Had this particular subcommittee only reported one or two amendments, the Members of the House could readily understand the situation. But this subcommittee has come in here with 20 or 30 amendments of existing law, ignoring the law as it presently stands. It seems to me we ought to serve notice on the Appropriations Committee that that cannot be tolerated.

On the other side of the Capitol things have been put back into bills and, as far as I am concerned, I would prefer to wipe it out at this time and let that body put it back in, and I will not object. I do think we ought to serve notice on this committee that in the future this will not be tolerated. I think the rules ought to be changed so that the chairman of the District Committee may be appointed a member of the Subcommittee on Appropriations having to do with the District of Columbia in order that the two committees could work together.

Mr. BACON. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from New York.

Mr. BACON. May I point out to the gentleman that often a long time elapses between the authorization for a building and the time when the Appropriations Committee can in the normal course of events appropriate the amount of money necessary. This happens very frequently with a great many appropriation bills. Sometimes a year or a year and a half elapses between the passage of the bill brought in by the regular committee which authorizes the building and the time when the Budget sends an estimate to the Appropriations Committee.

We all know that the cost of building has been rising very rapidly in the past 6 or 7 months. If this goes on, by the time you bring in a new authorization for the increased amount the cost of building may have again increased, and again it will be thrown out on a point of order. This situation may continue indefinitely.

It seems to me very wise for the Committee on Appropriations to take into account the existing building costs at the moment when the appropriation is made; otherwise a building may never be built. Oftentimes in the Treasury appropriation bills the committee has had to increase the limit of cost to meet a given situation due to the increased cost, involving an increase in the price of land, and so forth. So the building will not be built if the gentleman insists on his point of order.

Mr. PALMISANO. I appreciate the position and I am not going to continue to object. If there was only this one amendment involved, there would be no question in my mind. However, I want to stop the practice of a Subcommittee on Appropriations having to do with the District of Columbia coming in here and tacking on new legislation and limiting other legislation that the Congress has previously passed.

Mr. McCORMACK. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I am glad the gentleman is not going to press his point of order. At least, I assume he is not going to from what he has just stated. This is a step in the right direction.

Mr. PALMISANO. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. Without objection, the point of order is withdrawn.

There was no objection.

The Clerk read as follows:

For purchase, exchange, and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, $67,300.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan Police, including cleaning, alteration, and repair of articles transferred from one individual to another, $49,750.

Mr. SACKS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask the chairman of the subcommittee a question. Does the District government purchase all uniforms and other equipment for the police in the city of Washington?

Mr. COLLINS. That is right.

Mr. SACKS. The police are not required to pay anything for their uniforms and the other things necessary in the performance of their duties?

Mr. COLLINS. That is right.

Mr. SACKS. Mr. Chairman, I withdraw the pro-forma amendment.

The Clerk read as follows:

For the following hospital and sanatoria, which, on and after July 1, 1937, shall be under the direction and control of the health department of the District of Columbia and subject to the supervision of the Board of Commissioners.

Mrs. NORTON. Mr. Chairman, I make the point of order against the language on page 46, beginning in line 1, after the word "sanatoria", ending with the word "Commissioners", in line 5 of the same page, that it is clearly legislation on a general appropriation bill, which is contrary to the rules of the House.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not, Mr. Chairman.

The CHAIRMAN. The gentlewoman from New Jersey makes a point of order against certain language in the first paragraph on page 46. Under existing law these hospitals and institutions are under the Board of Public Welfare. This provision seeks to transfer these hospitals and institutions to the Department of Health. It is obviously legislation on a general appropriation bill.

The Chair therefore sustains the point of order.

The Clerk read as follows:

POLICE COURT

Salaries: For personal services, $107,030: *Provided*, That upon occupancy of the new police court building the Commissioners are authorized to transfer such part of this appropriation for payment of custodial employees as may be necessary to the appropriation in this act for "Care of the District Buildings."

Mr. NICHOLS. Mr. Chairman, I make the point of order on the language contained in the paragraph beginning in line 22 of page 48, after the "$107,030", which reads:

Provided, That upon occupancy of the new police court building the Commissioners are authorized to transfer such part of this appropriation for payment of custodial employees as may be necessary to the appropriation in this act for "Care of the District buildings"—

That it is legislation and changes existing law.

Mr. COLLINS. Mr. Chairman, will the gentleman yield so I may ask a question?

Mr. NICHOLS. I yield for a question.

Mr. COLLINS. The Commissioners of the District asked this be done in order to put the administration of public buildings under one authority.

Mr. NICHOLS. May I say to the gentleman, Mr. Chairman, that if the Commissioners wanted this thing done, the proper procedure would have been for them to have made their request to the legislative Committee on the District of Columbia. I think their request would probably have been very readily granted by that committee. I may observe for the benefit of the gentleman from Mississippi that this is not the proper place for such a provision.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma makes a point of order against the proviso on page 48, line 22, which reads:

Provided, That upon occupancy of the new police-court building the Commissioners are authorized to transfer such part of this appropriation for payment of custodial employees as may be necessary to the appropriation in this act for "Care of the District buildings."

This provision seeks to authorize the Commissioners of the District of Columbia to transfer funds appropriated for one specific purpose to another purpose, and, apparently, seeks also to impose an additional duty on the Commissioners. Therefore, it is legislation on a general appropriation bill, and the Chair sustains the point of order.

The Clerk read as follows:

For completing construction of a building in Judiciary Square to house the Police Court of the District of Columbia, including furniture and equipment, and inspection, $450,000, and the supervision, control, and operation of said building shall be under the Commissioners of the District of Columbia, who are authorized to assign surplus space in said building to other activities of the municipal government.

Mr. NICHOLS. Mr. Chairman, I make a point of order against that portion of the last paragraph on page 49 beginning after the word "control", in line 20, which reads, "and operation of said building shall be under the Commissioners of the District of Columbia, who are authorized to assign surplus space in said building to other activities of the municipal government" for the reason it is legislation and changes the provisions of existing law.

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

Mr. NICHOLS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Why does not the gentleman include in his point of order the words "and the supervision, control, and operation", beginning on line 20? In other words, all after the figure "$450,000."

Mr. NICHOLS. Mr. Chairman, I thank the gentleman for the observation. I modify my point of order to include the language beginning in line 20 referred to by the gentleman from Massachusetts.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. No, Mr. Chairman. I do not know what we are going to do with the available space there, but it is, perhaps, all right.

Mr. NICHOLS. May I state to the gentleman the custodians of the particular buildings will assign the space in the orderly manner as they have always done.

The CHAIRMAN. Patently, the language referred to is legislation on an appropriation bill. Therefore, the Chair sustains the point of order.

The Clerk read as follows:

Salaries: For the chief justice, eight associate justices, nine stenographers (one for the chief justice and one for each associate justice), and other personal services, $137,300.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in relation to the Supreme Court of the District of Columbia and the court of appeals here, there is considerable feeling that these courts should come under the Department of Justice for budgetary purposes.

I have had several chats with my friend from Mississippi and I would like to ask the gentleman if he has any observations to make in this respect. My purpose is not to create any controversy on this occasion, but does not the gentleman feel that these are United States courts and should come under the Department of Justice budget rather than that of the District of Columbia?

Mr. COLLINS. There are two theories about that. One is that the District of Columbia has always operated under the laws of the State of Maryland, and therefore these courts are comparable with State courts in other jurisdictions. Recently, there was legislation enacted giving the judges of the supreme court the same status as District judges and giving the Court of Appeals of the District of Columbia the same status as courts of appeal in other jurisdictions, and because of the enactment of this statute there is certain agitation for the transfer of these courts from the District of Columbia appropriation to the Department of Justice appropriation, and then divide the cost between the District and the Federal Government. I think by next year there will be some method worked out to carry out the purpose the gentleman has in mind.

Mr. McCORMACK. I thank the gentleman for his observation.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

RELIEF OF THE POOR

For relief of the poor, including medical and surgical supplies, artificial limbs, and for pay of physicians to the poor, to be expended under the direction of the Board of Public Welfare, $13,000.

Mr. AMLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AMLIE: On page 65, line 8, after the word "welfare", strike out "$13,000" and insert "$2,000,000."

Mr. AMLIE. Mr. Chairman, I made my talk on this subject yesterday. I merely insert here a figure which is approximately the figure that would be provided for the relief of employables in comparable cities throughout the United States.

I yield back the balance of my time.

The amendment was rejected.

The Clerk read as follows:

For each and every purpose, except the acquisition of land, requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (U. S. C., title 40, sec. 71), as amended, including personal services in the District of Columbia, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed $1,000 for printing and binding, not to exceed $500 for traveling expenses and carfare of employees of the Commission, and not to exceed $300 for professional, scientific, technical, and reference books, and periodicals, $40,150: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) when the aggregate amount involved does not exceed $50.

Mrs. NORTON. Mr. Chairman, I make a point of order against the language on page 69, beginning in line 24, as follows:

Provided, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) when the aggregate amount involved does not exceed $50.

I make the point of order, Mr. Chairman, that this is legislation on an appropriation bill and therefore contrary to the rules of the House.

Mr. COLLINS. Mr. Chairman, will the gentlewoman from New Jersey withhold the point of order?

Mrs. NORTON. Yes.

Mr. COLLINS. I may state that this is a provision carried in all appropriation bills.

Mr. NICHOLS. Mr. Chairman, will the gentlewoman from New Jersey yield?

Mrs. NORTON. I yield.

Mr. NICHOLS. Is it not a fact, may I ask the chairman of the subcommittee, this is carried in other appropriation bills with a limitation of $25 instead of $50?

Mr. COLLINS. And, furthermore, a great many of the departments have authority to purchase up to $50, and this is simply to make the rule uniform.

Mr. NICHOLS. As a matter of fact, the other appropriation bills have limited the amount to $25.

Mr. COLLINS. No; $50 is the rule.

The CHAIRMAN. Does the gentlewoman from New Jersey insist upon her point of order?

Mrs. NORTON. I insist upon my point of order that it is legislation on an appropriation bill, Mr. Chairman.

The CHAIRMAN. The gentlewoman from New Jersey makes a point of order against the proviso beginning in line 24, page 69.

Obviously, this provision changes existing law and is legislation on an appropriation bill, and the Chair therefore sustains the point of order.

Mr. COLLINS. Mr. Chairman, I move to strike out the last word.

This item came to the Committee on Appropriations from the Budget and was in the bill as it came to us and was not inserted in the bill by the committee.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last two words. In reply to the gentleman from Mississippi, and by way of justification of the gentlewoman from New Jersey [Mrs. NORTON] in having interposed this point of order, even though the Budget did come to the Committee on Appropriations and ask that committee to put a legislative provision in an appropriation bill, it does not make it so holy that it does not necessarily follow that the legislative committee is the committee to which the request should have been made by the Budget or the Commissioners, and the legislative committee of the District would have been very happy probably to have passed a bill which would have put these departments in perfect harmony with the other departments of the Government, and the District Committee will still be ready at any time it is requested to do so by the Budget or the District Commissioners to report such a bill.

The CHAIRMAN. The pro-forma amendments are withdrawn, and the Clerk will read.

The Clerk read as follows:

For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including temporary per-diem services, surveying instruments and implements, and drawing materials, and the maintenance of motor vehicles used in this work, including curbing and gutters and replacement of curb-line trees where necessary, and including trees and parkings, assessment and permit work and the several purposes provided for in that paragraph, and salaries and expenses of the office of the Director of Vehicles and Traffic, as follows, to be paid from the special fund created by section 1 of the act entitled "An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat., p. 106), and accretions by repayment of assessments.

Mr. NICHOLS. Mr. Chairman, I make the point of order against the portion beginning in line 11 on page 71 after the word "work", and beginning with the word "including", going through lines 11, 12, and 13, on down to and inclusive of line 21, on the ground that it is legislation and changes existing law.

The CHAIRMAN. Is the point of order made to the language on page 71 beginning after the comma in line 11, and extending to and including the colon in line 21?

Mr. NICHOLS. That is correct. If there is any provision in the rules of the House which would permit this language to stay in the bill as against the point of order, that it is legislation, it would have to be held under the provisions of the Holman rule. I assume, of course, that the Chairman is thoroughly familiar with the provisions of the Holman rule. I want, however, to read it to the Chair at this time, or at least a portion of it:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salaries of officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, etc.

The organic law which provided for the expenditure of funds derived from the collection of the gasoline tax in the District of Columbia, stating where those funds might be expended, reads as follows:

A tax of 2 cents per gallon on all motor-vehicle fuels within the District of Columbia sold or otherwise disposed of by an importer or used by him in a motor vehicle operated for hire or for commercial purposes, shall be levied, collected, and paid in the manner hereinafter provided.

I ask the Chair to listen carefully to the reading of the following portion of the law:

The proceeds of the tax, except as provided in section 840 of this title—

And for the benefit of the Chair let me say that section 840 of this title simply provides certain exemptions of certain classes of motor vehicles from the provisions of this tax law—

shall be paid into the Treasury of the United States entirely to the credit of the District of Columbia, and shall be available for appropriation by the Congress exclusively for road and street improvements and repair.

In Hinds' Precedents, volume 7, page 411, section 1395, this is stated:

A provision construing or interpreting existing law is legislation and is not in order on an appropriation bill.

And there follows the ruling where a similar objection to this was made, and it was sustained. My point is this: In answer to this point of order the chairman of the Subcommittee on Appropriations can only say, I believe, that this language is justified because curbs, gutters, parkways, streets, motor vehicles, and other things related thereto are parts of a street and a roadway. If that is the contention, then that is an attempt on the part of this subcommittee to do the thing that section 1394 says cannot be done, to wit:

A provision construing or interpreting existing law is legislation not in order on an appropriation bill.

In other words, if the District of Columbia up to this time has been using these funds only for a particular purpose, that is an administrative discretion of theirs and this rule provides that if an Appropriations Committee attempts to direct that executive officer that he must use the funds for some other purpose than that for which he is using it, that that is legislation, and I submit, Mr. Chairman, that this under that rule is clearly legislation.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. Mr. Chairman, the law merely says that the gasoline-tax fund shall be available for road and street improvement and repair. Trees are just as much a part of the street as the center of the street. Assessment and curbing work simply means the paving of sidewalks and gutters. Certainly operation and maintenance of traffic lights is a part of street improvements.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. COLLINS. I yield.

Mr. TABER. All there is to it is that you have specified the parts of certain things that are provided for in the law for which the money is to be used?

Mr. COLLINS. And that is all.

Mr. NICHOLS. Mr. Chairman, in the light of the statement of the chairman of the subcommittee, clearly this is legislation, because that thing cannot be done by an appropriations committee. I will read from volume 7 of Cannon's Precedents, at page 444, section 1438, as follows:

A provision limiting discretion vested in an executive officer is legislation and not in order on an appropriation bill.

Which goes back to the very thing I stated before. If these gentlemen whose duty it is to spend the funds derived from this gasoline tax are not spending it for the things provided for here, then if you direct them what they shall spend the money for, that makes it legislation, beyond question. Under the admission of the chairman of the subcommittee, certainly it cannot be construed as anything else.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule. The gentleman from Oklahoma [Mr. NICHOLS] makes a point of order against certain language appearing on page 71, beginning with the word "including", in line 11, and extending to the end of the paragraph.

The gentleman from Mississippi [Mr. COLLINS] in speaking in opposition to the point of order, has called attention to certain improvements that are provided for by the language included in this part of the bill. The Chair would be inclined to agree with the gentleman in the contention that he presents in all respects except that relating to the question of salaries and expenses of the office of director of vehicles and traffic. The Chair observes that the office of director of vehicles and traffic in provided for in the act to regulate traffic in the District of Columbia, and so forth. An examination of this law clearly shows that the director of vehicles and traffic has rather broad general duties to perform, and it is not related alone to what might be imposed upon him in connection with the Gasoline Tax Act. The Gasoline Tax Act provides, as was pointed out by the gentleman from Oklahoma, that—

The proceeds of the tax, except as provided in section 840 of this title, shall be paid into the Treasury of the United States entirely to the credit of the District of Columbia and shall be available for appropriations by the Congress exclusively for road and street improvements and repairs.

The Chair is unable to see how that language would be broad enough to authorize the payment of salaries for the director of vehicles and traffic. The Gasoline Tax Act does not make provision for the payment of the salaries to which the Chair has directed attention. Therefore, salaries paid out of this fund would not be authorized by law. For that reason the provision to which the point of order is made would, in the opinion of the Chair, be legislation on a general appropriation bill and would be subject to a point of order.

Therefore the Chair sustains the point of order.

Mr. COLLINS. Mr. Chairman, I have an amendment at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 71, line 7, insert a new paragraph, as follows:

"For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including temporary per-diem services, surveying instruments and implements, and drawing materials, and the maintenance of motor vehicles used in this work, including curbing and gutters and replacement of curb-line trees where necessary, and including trees and parkings, assessment and permit work and the several purposes provided for in that paragraph, as follows, to be paid from the special fund created by section 1 of the act entitled 'An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes', approved April 23, 1924 (43 Stat., p. 106), and accretions by repayment of assessments."

Mr. NICHOLS. Mr. Chairman, I make a point of order against the amendment for the same reason. If I properly interpret the amendment, it is the exact language that was heretofore in the bill, with the exception that that portion has been stricken which provides for the payment of the salary of a supervisor of traffic. Am I correct in that understanding?

The CHAIRMAN. The gentleman is correct.

Mr. NICHOLS. Mr. Chairman, I interpose a point of order again for the same reason. I would like to call the attention of the Chair to this fact:

I call attention to section 817, page 15, of Cannon's Procedure in the House of Representatives, where the following appears:

MEMBER. Mr. Chairman, I make the point of order that the proposed appropriation is not authorized by law.

I would particularly direct the Chair's attention to this language:

The burden of proof of authorization is on proponents, and those upholding an item in an appropriation have the burden of showing the law authorizing it.

With this in mind I would call the attention of the Chair again to the language of the statute which provides that the gasoline tax—

Except as provided in section 840 of this title shall be paid into the Treasury of the United States entirely to the credit of the District of Columbia and shall be available for appropriation by the Congress exclusively for road and street improvement and repair.

It is the opinion of the gentleman from Oklahoma that in ruling on this point of order unless the Chair is willing within the knowledge of the Chair to presume how broad a scope is encompassed by the phrase "exclusively for street and road repairs", or the language of the statute, that the Chair should require the chairman of the subcommittee to point out some definition or some provision of law which provides that trees planted in the parkway along the street, and that lights hanging over the street, and that sidewalks running parallel to the street are a part of the street itself—that unless the Chair is prepared to say of the Chair's own knowledge that a street encompasses all of those things, then it is encumbent upon the distinguished chairman of the Appropriations Subcommittee to point out wherein the law provides that they are included; and if he cannot, then, in my judgment, the point of order that this is legislation changing existing law should be sustained.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order against the amendment offered by the gentleman from Mississippi, the wording of which, as pointed out by the gentleman from Oklahoma, is the same as the wording of the bill excluding the portion to which the Chair invited attention in the ruling made on the previous point of order. It will be remembered that the Chair pointed out in ruling on the previous point of order that the so-called Gasoline Tax Act provides:

That the proceeds of the tax, except as provided in section 840 of this title, shall be paid into the Treasury of the United States entirely to the credit of the District of Columbia and shall be available for appropriation by the Congress exclusively for road and street improvement and repair.

The Chair has consulted the dictionary and finds that the word "improvement" is there defined to be—

An act or process of improving, as profitable employment or use, cultivation, development, enhancement, or increase; especially betterment—

And so forth. The word "improvement" appears in the so-called Gasoline Tax Act, and this word is defined in the dictionary as meaning, among other things, "especially betterment." The Chair, therefore, is of the opinion that the various functions mentioned in the language of the amendment and the various things to be provided—trees, parking, curbing, guttering, and so forth—certainly are proper to be included as betterment or improvement of the streets.

The word "improvement", defined to mean "betterment", makes the word broad and general enough to include all of the various activities mentioned in this amendment. They are, therefore, authorized by existing law. For this reason the Chair feels that the amendment offered by the gentleman from Mississippi is in order.

The point of order is overruled.

The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The Clerk read as follows:

For current work of repairs to streets, avenues, roads, and alleys, including the reconditioning of existing gravel streets and roads; for cleaning snow and ice from streets, sidewalks, cross walks, and gutters in the discretion of the Commissioners; and including the purchase, exchange, maintenance, and operation of non-passenger-carrying motor vehicles used in this work, $800,000: *Provided*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed $30,000: *Provided*

further, That appropriations contained in this act for highways, sewers, city refuse, and the water department shall be available for snow removal when specifically and in writing ordered by the Commissioners.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the paragraph on page 77, beginning in line 9 after the semicolon, the following language:

And including the purchase, exchange, maintenance, and operation of non-passenger-carrying motor vehicles used in this work, $800,000.

I might make this in sections, Mr. Chairman, but I will make it all at once. I make a point of order against the following language on page 77, line 11:

Provided, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed $30,000: *Provided further*, That appropriations contained in this act for highways, sewers, city refuse, and the water department shall be available for snow removal when specifically and in writing ordered by the Commissioners.

I make a point of order against these provisions on the ground that they are legislation and change existing law.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not know of anything in that paragraph that is subject to a point of order. It seems to me the removal of snow is a great improvement.

The CHAIRMAN. May I inquire of the gentleman from Mississippi, is the purchase or building of an asphalt plant authorized by law?

Mr. COLLINS. I do not understand that there is any intention of building an asphalt plant; but, Mr. Chairman, we have carried this language in the bill year after year so as to keep down the price of asphalt. As I stated, it has been carried in the bill for years, because without it we would probably pay twice as much for asphalt, or considerably more for asphalt, than without this provision. That is the object of the language. It has been carried in the bill for years and has had a very efficacious effect.

Mr. NICHOLS. I may say to the gentleman if I could be assured and if the gentleman was more positive about that statement than he was as to whether or not there was an asphalt plant authorized by law, I certainly should not be standing here on the floor opposed to anything which would keep the price of asphalt down, so far as its purchase by the District of Columbia is concerned. But since I cannot be assured of it in more positive form than I am at this time, I insist on the point of order.

Mr. COLLINS. Mr. Chairman, there is no intention on the part of the District to build an asphalt plant. The same language is carried in the bill that has been carried for many years and, as I have said, solely for the purpose of keeping down the price of asphalt.

The CHAIRMAN. Does the gentleman from Oklahoma insist on his point of order?

Mr. NICHOLS. Mr. Chairman, I do. I may say if the Commissioners want such a law we will gladly pass that legislation for them.

The CHAIRMAN. While the Chair is constrained to agree with many of the observations made by the gentleman from Mississippi, yet the Chair is of the opinion that the inclusion of the words in lines 14 and 15, as follows: "and hereby authorized to purchase a municipal asphalt plant", and so forth, together with the failure to point out to the Chair the provision of existing law authorizing such an activity, makes this legislation on an appropriation bill, and therefore sustains the point of order.

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: Page 77, line 5, insert a new paragraph, as follows:

"For current work of repairs to streets, avenues, roads, and alleys, including the reconditioning of existing gravel streets and roads; for cleaning snow and ice from streets, sidewalks, cross walks, and gutters in the discretion of the Commissioners; and including the purchase, exchange, maintenance, and operation of non-passenger-carrying motor vehicles used in this work, $800,000: *Provided*, That appropriations contained in this act for highways, sewers, city refuse, and the water department shall be available for snow removal when specifically and in writing ordered by the Commissioners."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The Clerk read as follows:

For assessment and permit work, paving of roadways under the permit system, and construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than 250 square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, and including maintenance of non-passenger-carrying motor vehicles, $150,000.

Mr. NICHOLS. Mr. Chairman, I make a point of order to the language in line 22, page 79, after the comma, as follows:

And construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than 250 square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, and including maintenance of non-passenger-carrying motor vehicles, $150,000.

Mr. Chairman, there might be a portion of that language which may conform to existing law, but I make the point of order because it is legislation and does not conform to existing law. Certainly that portion which provides for the construction of sidewalks around public reservations and municipal and United States buildings cannot be according to existing law.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. The Chair has already ruled on a similar point of order.

The CHAIRMAN. The gentleman from Oklahoma makes a point of order to the language beginning in line 22, page 79, down to and including line 4, on page 80.

The Chair has had occasion in several instances during the course of the consideration of this bill to invite attention to the so-called Gas Tax Act and the provisions therein relating to the improvement and betterment of the streets and roads. The Chair feels for the reasons heretofore stated in passing upon several other points of order very similar in application to the pending question that these improvements, such as paving, sidewalk improvement, and all of those various activities, come within the scope of this act to which reference has been made; therefore these activities are authorized by existing law, and the Chair overrules the point of order.

The Clerk read as follows:

For personal services, department of vehicles and traffic, $76,440.

Mr. NICHOLS. Mr. Chairman, I interpose a point of order against the language appearing in line 13, page 80, reading as follows:

For personal services, department of vehicles and traffic, $76,440.

That this is legislation and contrary to existing law.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. I do not.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order against the language appearing in lines 13 and 14, on page 80, which reads as follows:

For personal services, department of vehicles and traffic, $76,440.

It will be remembered that on page 71 of the bill a point of order was made against language appearing in lines 15 and 16. For the reasons indicated at the time that point of order was under consideration, the Chair is of opinion that this is an appropriation not authorized by law and therefore sustains the point of order.

The Clerk read as follows:

For the purchase of motor-vehicle identification number plates, $20,000.

Mr. NICHOLS. Mr. Chairman, I desire to interpose a point of order against the language beginning in line 16, page 81, "For the purchase of motor-vehicle identification number plates, $20,000", for the reason it is legislation on an appropriation bill, which is contrary to the rules of the House.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma makes a point of order against the language appearing in lines 16 and 17 on page 81. The Chair is of the opinion the so-called Gas Tax Act, to which reference has been made on several occasions during the consideration of this bill, does not authorize appropriation out of that fund to provide for these identification plates, and so forth. The Chair therefore sustains the point of order.

The Clerk read as follows:

The Commissioners, or their duly designated representatives, are further authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, water, street, and road work, and street cleaning, or the construction and repair of buildings, and bridges, furniture and equipments, and any general or special engineering or construction or repair work, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred: *Provided*, That per-diem personnel employed under appropriations contained in this act shall be paid only for time actually worked, and the Commissioners are hereby directed to transfer to the per-diem rolls any employees now carried on the annual rolls whose duties can be performed as per-diem employees, and savings effected thereby shall not be available for expenditure for any purpose, and appropriations for annual salaries shall be available for payment as per-diem wages of such employees.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the proviso on page 89, beginning in line 1, after the word "incurred", reading—

Provided, That per-diem personnel employed under appropriations contained in this act shall be paid only for time actually worked, and the Commissioners are hereby directed to transfer to the per-diem rolls any employees now carried on the annual rolls whose duties can be performed as per-diem employees, and savings effected thereby shall not be available for expenditure for any purpose, and appropriations for annual salaries shall be available for payment as per-diem wages of such employees—

because it is legislation on an appropriation bill and is contrary to the rules of the House.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I do not, Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule.

The provision of the bill to which reference has been made by the gentleman from Oklahoma does not clearly and definitely show a saving under this language, and therefore does not come under the Holman rule. The Chair, therefore, sustains the point of order.

Mr. COLLINS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 89, line 1, after the word "incurred", insert the following: "*Provided*, That per-diem personnel employed under appropriations contained in this act shall be paid only for time actually worked, and savings effected thereby shall not be available for expenditure for any purposes."

Mr. RAMSPECK. Mr. Chairman, I make the point of order against the amendment that it is contrary to existing law. Per-diem employees are entitled to annual and sick leaves under the law. This amendment would be in violation of that statute.

The CHAIRMAN. The Chair is prepared to rule. The Chair is of the opinion the amendment as presented here clearly comes within the provisions of the Holman rule. The Chair therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 19, noes 15.

So the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. COLLINS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 5996, the District of Columbia appropriation bill, 1938, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLLINS. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FORD of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FORD of Mississippi. I am, Mr. Speaker.

The Clerk read as follows:

Mr. FORD of Mississippi moves to recommit the bill to the Committee on Appropriations with instructions to that committee to effect such reductions as will eliminate all appropriations from the United States Treasury for the use of the District of Columbia.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. FORD of Mississippi) there were—ayes 2, noes 47.

Mr. FORD of Mississippi. Mr. Speaker, I make the point of order there is not a quorum present, and object to the vote on that ground.

The SPEAKER. The Chair will count.

Mr. FORD of Mississippi. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

A motion to reconsider was laid on the table.

INVESTIGATION OF SIT-DOWN STRIKES

Mr. COX, from the Committee on Rules, reported House Resolution 162, which was referred to the House Calendar and ordered printed, as follows:

House Resolution 162

Whereas an epidemic of sit-down strikes is sweeping the Nation and threatening the very foundations of orderly government; and

Whereas many of such sit-down strikes are accompanied by refusal on the part of the strikers to permit the owners of the property to enter their property or to have access to their files or to exercise any of the prerogatives of lawful ownership; and

Whereas such sit-down strikes are doing infinitely more harm to the cause of labor than to the cause of industry and will likely produce a public reaction which will set back the cause of labor for another decade; and

Whereas it has been reported that some of the participants in these sit-down strikes have gone so far as to picket the courthouses and interfere with the orderly administration of justice; and

Whereas it is imperative that the Congress of the United States shall know the cause or causes of such sit-down strikes and what influences are producing same; and

Whereas it has been reported that some of these sit-down strikes are engineered by some who wish to discredit labor in the eyes of the American people; and

Whereas it is imperative that Congress shall investigate the whole situation from every angle and, as the same affects management, stockholders, and employees, to determine not only the causes but to immediately determine what steps the Federal Government can take to remedy this deplorable situation; and

Whereas such strikes have become Nation-wide in scope and directly influence the free movement of commerce from one State to another and from one section to another; and

Whereas labor is losing millions of dollars in consequence of such sit-down strikes: Therefore be it

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a special committee to be composed of seven members, not more than five of whom may be from the same political party, for the purpose of conducting an investigation of facts regarding (1) the cause or causes producing such sit-down strikes; (2) the truth as to actual conduct of all parties to such strike, including the management and those acting under the management as well as those who take part in the strike; (3) upon whose advice and instigation such sit-down strikes were called and carried on; (4) the true condition in the affected industries in reference to wages, hours of work, and other conditions under which the employees are compelled to work; (5) the charges that the management of such affected industries have employed agents to perpetrate violence upon their employees; (6) the efforts made by the local and State authorities to prevent such sit-down strikes; (7) and all other charges which have been made or will be made by the representatives of labor on the one hand and the management of industry on the other so that a full, complete, and impartial finding of facts may be had; (8) and all other questions in relation thereto that would assist Congress in the immediate enactment of necessary remedial legislation.

Such special committee when organized is hereby authorized to request the fullest cooperation in the conduct of this investigation from the Department of Labor and the Department of Justice, and such other departments of the Government that the committee may deem necessary, including access to all files from such departments pertinent to the investigation, and use of such employees and facilities of such departments as may be advantageous to the conduct of such investigation.

That said special committee, or any subcommittee thereof, is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such records, books, papers, and documents, by subpena or otherwise, and to take such testimony as it may deem necessary.

Subpenas shall be issued under the signature of the Speaker of the House of Representatives at the request of the chairman and shall be served by the Sergeant at Arms of the House or any person designated by him. The chairman of the committee or any member thereof may administer oaths or affirmations to witnesses.

Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, or who, having been required to produce records, books, papers, and documents pertinent to the investigation heretofore authorized, fails or refuses to produce such required records, books, papers, and documents, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192), as amended.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—UNITED STATES RAILROAD ADMINISTRATION (H. DOC. NO. 190)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the annual report of the United States Railroad Administration for the year ended December 31, 1936.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 2, 1937.*

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the Clerk be directed to correct all totals in the District of Columbia appropriation bill which has just been passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ADJOURNMENT OVER

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

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. AMLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a resolution adopted by the Legislature of Wisconsin, asking the Congress to investigate certain statements made by myself, and a copy of the letter I have written in reply.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, this is a resolution adopted by the Legislature of Wisconsin?

Mr. AMLIE. Yes; and it is addressed to the Congress of the United States.

Mr. O'CONNOR of New York. And the gentleman wants it printed in full in the RECORD?

Mr. AMLIE. It is very short.

Mr. O'CONNOR of New York. Sometime ago I took exception to the printing of all these State resolutions, and I am sorry, but I shall have to object.

Mr. AMLIE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a copy of a letter I have written in reply to this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REORGANIZATION OF THE FEDERAL JUDICIARY

Mr. JACOBSEN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JACOBSEN. Mr. Speaker, I assure you I hesitate about coming before you at this time, especially as a freshman, but, as it is rather important for me to make this statement, I trust you will pardon me.

Before proceeding further I wish to state to you, Mr. Speaker, and the other Members of the House, I appreciate the many courtesies that have been extended to me from time to time since I have come to the Congress and I know it is not on my own account, but rather because of the many genuine friendships that my father made when he was here.

Mr. Speaker, I have considered carefully the arguments pro and con on the President's proposal to reorganize the Federal judiciary and I find few, if any, valid arguments against the suggested reforms. The views I express are those of a layman. It does not require legal training to appreciate that Federal courts in tying up important acts of Congress frustrate the will of the people, and inasmuch as I stated publicly during the campaign that if elected, I would follow through where my father was forced to leave off, I feel that it is my duty to support the President in the reorganization of the Court.

To do otherwise would be serving notice on the Court that I was in complete accord with their findings in the past. This not being the case, and to be consistent, I must either support the plan or admit that my votes on New Deal legislation are but idle gestures, knowing full well in advance that my support of such legislation will be nullified by the Court. My observations of the Court's past performance compel these conclusions, and, judging the future by the past, I could not justify support of economic and social legislation on the one hand and opposition to the proposed Court plan on the other, designed as it is to infuse new blood into the Court, that will in all probability work in closer harmony with the legislative and executive branches of our Government. [Applause.]

EXTENSION OF REMARKS

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address delivered Wednesday afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

THE ANTILYNCHING BILL

Mr. MITCHELL of Tennessee. Mr. Speaker, I rise to a question of personal privilege and will only take a moment.

This morning's edition of the Washington Post carried a statement to the effect that:

Representative MITCHELL of Tennessee had conducted hearings on an antilynching bill.

I desire to correct this statement, as it is an entirely different Mitchell who is the author of the bill and conducted the hearings referred to.

My State is amply protected with all necessary statutory provisions to deal with lynchings, if we have any.

EXTENSION OF REMARKS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech made by the Honorable James A. Farley at a joint session of the Texas Legislature on March 4, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 1245. An act for the relief of Malinda J. Mast and William Lee Mast.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned to meet, in accordance with its previous order, on Monday, April 5, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PENSIONS

The Committee on Pensions will resume hearings at 10 o'clock a. m., Monday, April 5, 1937, on H. R. 2887, to amend the provisions of the pension law for peacetime service to include Reserve officers and members of the enlisted Reserves. Hearings will be held in room 313, House Office Building, Naval Affairs room.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, April 7, 1937, at 10:30 a. m., to continue hearings on the Bonneville Dam project, H. R. 4948.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Business Research Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 o'clock a. m., Monday, April 12, 1937. Business to be considered: Hearing on H. R. 4954, business research bill.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 o'clock a. m., in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

EXECUTIVE COMMUNICATIONS, ETC.

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

495. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation of the Department of Agriculture for carrying into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936 (H. Doc. No. 189); to the Committee on Appropriations.

496. A letter from the Secretary of War, transmitting a draft of a bill to amend the act approved June 7, 1935 (Public, No. 116, 74th Cong. (49 Stat. 332)), to provide for an additional number of cadets at the United States Military Academy, and for other purposes; to the Committee on Military Affairs.

497. A letter from the Chairman of the United States Tariff Commission, transmitting a copy of a report in an investigation by the Commission respecting dressed and dyed furs; to the Committee on Ways and Means.

498. A letter from the Secretary of War, transmitting a draft of a bill to amend the Canal Zone Code; to the Committee on Merchant Marine and Fisheries.

499. A letter from the Acting Secretary of the Interior, transmitting a draft of a bill to amend the Tariff Act of 1930 with reference to articles coming into the United States from the Virgin Islands, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. H. R. 4706. A bill authorizing the State Roads Commission of the State of Maryland and the State Highway Department of the State of Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Point of Rocks in Frederick County and a point near the south end of Loudoun County to take the place of a bridge destroyed by flood in 1936; with amendment (Rept. No. 551.) Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. Senate Joint Resolution 64. Joint resolution defining the jurisdiction of the Court of Claims under the acts approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes; without amendment (Rept. No. 552.) Referred to the Committee of the Whole House on the state of the Union.

Mr. TOLAN: Committee on the Judiciary. S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit; without amendment (Rept. No. 553). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on Education. S. 709. An act to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended; without amendment (Rept. No. 554.) Referred to the House Calendar.

Mr. COX: Committee on Rules. House Resolution 162. Resolution to authorize the appointment of a select committee of the House to investigate the various sit-down strikes; without amendment (Rept. No. 555). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. S. 434. An act for the relief of Rufus C. Long; without amendment (Rept. No. 537). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 435. An act for the relief of B. W. Winward; without amendment (Rept. No. 538). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 1420. A bill for the relief of Paul D. Krauss; with amendment (Rept. No. 539). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 1915. A bill for the relief of Charles Tabit; with amendment (Rept. No. 540). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 2090. A bill for the relief of John Knaack; with amendment (Rept. No. 541). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 3075. A bill for the relief of E. P. Lewis; with amendment (Rept. No. 542). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 3551. A bill for the relief of Hans Everson; with amendment (Rept. No. 543). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 3655. A bill for the relief of Clarence D. Schiffman; with

amendment (Rept. No. 544). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 5438. A bill for the relief of Richard T. Edwards; with amendment (Rept. No. 545). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5450. A bill for the relief of William C. Reese; without amendment (Rept. No. 546). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5496. A bill for the relief of Willard Webster; with amendment (Rept. No. 547). Referred to the Committee of the Whole House.

Mr. O'MALLEY: Committee on War Claims. H. R. 859. A bill for the relief of the Union Shipping & Trading Co., Ltd.; with amendment (Rept. No. 548). Referred to the Committee of the Whole House.

Mr. O'MALLEY: Committee on War Claims. H. R. 3047. A bill for the relief of Florence Byvank; without amendment (Rept. No. 549). Referred to the Committee of the Whole House.

Mr. O'MALLEY: Committee on War Claims. H. R. 4443. A bill for the relief of Meta De Rene McLoskey; without amendment (Rept. No. 550). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CLARK of Idaho: A bill (H. R. 6091) to provide for a preliminary examination and survey to determine the feasibility and cost of diverting the surplus waters of the Green River, Wyo., to the Bear River for the purpose of irrigating the lands in the Bear River Basin; to the Committee on Irrigation and Reclamation.

By Mr. ELLENBOGEN: A bill (H. R. 6092) to amend the Home Owners' Loan Act of 1935, to reduce the rate of interest to 3½ percent, to extend the time of maturity to 25 years, and for other purposes; to the Committee on Banking and Currency.

By Mr. FORAND: A bill (H. R. 6093) providing for a survey of the Warren River and Barrington Harbor, R. I.; to the Committee on Rivers and Harbors.

By Mr. LEWIS of Colorado: A bil (H. R. 6094) authorizing preliminary examinations and surveys of Cherry Creek and its tributaries, and the watershed thereof, in the State of Colorado, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. THOMPSON of Illinois: A bill (H. R. 6095) to eliminate the requirement under the unjust enrichment tax that repayments or credits after June 1, 1936, by taxpayers to their vendees be made in pursuance of written agreements made prior to March 3, 1936; to the Committee on Ways and Means.

By Mr. CONNERY: A bill (H. R. 6096) for the relief of certain temporary warrant officers of the United States Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLINS: A bill (H. R. 6097) to provide for a survey of the Old Jackson Military Road and the establishment of a national parkway along the route thereof, and for other purposes; to the Committee on the Public Lands.

By Mr. FULMER: A bill (H. R. 6098) to authorize the Secretary of Agriculture to procure bagging not to exceed the product of 100,000 bales of cotton and to sell such bagging for covering bales of cotton; to the Committee on Agriculture.

By Mr. DEMUTH: A bill (H. R. 6099) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing public education and stimulate home building, encourage ownership of farms and homes by giving relief from local and general property tax; to the Committee on Education.

By Mr. MAGNUSON: A bill (H. R. 6100) authorizing the Surgeon General of the Public Health Service to control and prevent the spread of the disease of cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. MAAS: A bill (H. R. 6101) limiting the activities of the Naval Aircraft Factory, Philadelphia, Pa.; to the Committee on Naval Affairs.

By Mr. TOLAN: A bill (H. R. 6102) to regulate interstate transportation of products of child labor in certain cases; to the Committee on Labor.

By Mr. O'TOOLE: A bill (H. R. 6103) amending the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. SMITH of Virginia: A bill (H. R. 6104) authorizing the conveyance to the Commonwealth of Virginia a portion of the naval reservation known as Quantico in Prince William County, Va.; to the Committee on Naval Affairs.

Also, a bill (H. R. 6105) authorizing the conveyance to the Commonwealth of Virginia of certain parcels of property in Fairfax, Warwick, Roanoke, and Prince George Counties, Va., which are portions of certain military reservations now used for highway purposes; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 6106) to authorize the establishment of a naval air station on San Francisco Bay, Calif., and for other purposes; to the Committee on Naval Affairs.

By Mr. McCORMACK: A bill (H. R. 6107) authorizing the expansion of the Aviation Reserves of the Army, Navy, and Marine Corps, and enlarging the aviation divisions of the Coast Guard and the National Guard; to the Committee on Military Affairs.

By Mr. HAVENNER: Joint resolution (H. J. Res. 310) providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1939, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Maryland: Joint resolution (H. J. Res. 311) to permit the States of Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia to enter into a compact or agreement respecting the creation of a Potomac Valley conservancy district for the prevention or abatement of harmful pollution of the waters thereof; to the Committee on Rivers and Harbors.

By Mr. DONDERO: Joint resolution (H. J. Res. 312) proposing an amendment to the Constitution of the United States to fix the number of Justices of the Supreme Court; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Colorado memorializing the President and the Congress of the United States to consider their Senate Joint Memorial No. 7, relative to relief; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BOEHNE: A bill (H. R. 6108) granting an increase of pension to Martha J. Beard; to the Committee on Invalid Pensions.

By Mr. BUCK: A bill (H. R. 6109) granting a pension to Ella Cahill; to the Committee on Pensions.

By Mr. CANNON of Missouri: A bill (H. R. 6110) granting a pension to Walter Lloyd Hutcherson; to the Committee on Pensions.

By Mr. CHANDLER: A bill (H. R. 6111) for the relief of the estate of W. M. Gilbert; to the Committee on Claims.

By Mr. DISNEY: A bill (H. R. 6112) granting a pension to Sarah Hammons; to the Committee on Invalid Pensions.

By Mr. FORAND: A bill (H. R. 6113) for the relief of the estate of Agnes E. Von Shade; to the Committee on Claims.

Also, a bill (H. R. 6114) for the relief of William Gosford; to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 6115) directing the Court of Claims to reopen certain cases and to correct the errors therein, if any, by additional judgments against the United States; to the Committee on Claims.

By Mr. GRAY of Indiana: A bill (H. R. 6116) for the relief of Lawrence Frederick Denny; to the Committee on Naval Affairs.

By Mr. HAMILTON: A bill (H. R. 6117) for the relief of Eleanor Goldfarb; to the Committee on Claims.

Also, a bill (H. R. 6118) for the relief of Jackie Goldfarb; to the Committee on Claims.

Also, a bill (H. R. 6119) for the relief of Florence Karp; to the Committee on Claims.

Also, a bill (H. R. 6120) for the relief of Lillian Goldfarb; to the Committee on Claims.

Also, a bill (H. R. 6121) for the relief of Alex Silberstein; to the Committee on Claims.

Also, a bill (H. R. 6122) for the relief of Alice Silberstein; to the Committee on Claims.

Also, a bill (H. R. 6123) for the relief of Magdalene Silberstein; to the Committee on Claims.

Also, a bill (H. R. 6124) for the relief of the heirs of William H. Peters and Washington Reed; to the Committee on Claims.

Also, a bill (H. R. 6125) for the relief of Maggie E. Walters; to the Committee on Claims.

By Mr. HAVENNER: A bill (H. R. 6126) to provide for the advancement on the retired list of the Navy of Jerome Braun, a lieutenant (Medical Corps), United States Navy, retired; to the Committee on Naval Affairs.

Also, a bill (H. R. 6127) for the relief of William Knipscheer; to the Committee on Claims.

Also, a bill (H. R. 6128) for the relief of Jacob Silverberg; to the Committee on Naval Affairs.

Also, a bill (H. R. 6129) to provide for the reappointment of Harry Milford Brown as a captain in the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 6130) to correct the military record of Herbert Horrell; to the Committee on Military Affairs.

By Mr. McCORMACK: A bill (H. R. 6131) for the relief of Frank Elias Martell; to the Committee on Naval Affairs.

Also, a bill (H. R. 6132) for the relief of Louis Gershon; to the Committee on Naval Affairs.

Also, a bill (H. R. 6133) for the relief of Samuel Weinstein, Jr.; to the Committee on Naval Affairs.

By Mr. MANSFIELD: A bill (H. R. 6134) for the relief of H. L. Roberts & Co.; to the Committee on Claims.

By Mr. PETERSON of Florida: A bill (H. R. 6135) for the relief of R. E. Rainer; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 6136) for the relief of Estell Gregg; to the Committee on Naval Affairs.

Also, a bill (H. R. 6137) granting a pension to Hibernia Hodges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6138) granting a pension to Ike F. Kearney; to the Committee on Pensions.

By Mr. WALTER: A bill (H. R. 6139) for the relief of Banks Business College; to the Committee on Claims.

By Mr. WITHROW: A bill (H. R. 6140) to confer citizenship on Mrs. Wenzel Theresia Ikert; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

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

1550. By Mr. ASHBROOK: Petition of Mrs. R. J. Stratton and 38 residents of Butler, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

1551. Also, petition of the Ostrander Democratic Women's Club, of Ostrander, Ohio, endorsing President Roosevelt's Supreme Court proposal; to the Committee on the Judiciary.

1552. Also, petition of Leroy B. Kyrk and seven other residents of Ashley and Leonardsburg, Ohio, urging enactment of House bill 4199; to the Committee on Ways and Means.

1553. By Mr. BARRY: Petition of the Twenty-eighth Ward Taxpayers' Protective Association, Bushwick Parkway and Gates Avenue, Brooklyn, N. Y., endorsing the Barry bill which provides for the restoration of a uniform 2-cent postage rate within the city of New York; to the Committee on Ways and Means.

1554. By Mr. DRIVER: Numerously signed petitions endorsing House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

1555. Also, petition of numerous citizens endorsing House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

1556. By Mr. FITZPATRICK: Petition of the Federation of Labor and the Building Trades Council, of Westchester County, N. Y., urging support of the President's program in relation to the Supreme Court; to the Committee on the Judiciary.

1557. By Mr. FORD of California: Resolution of the San Francisco Housing Association, that the United States Housing Act of 1937 (S. 1685, H. R. 5033) be enacted at the earliest possible date; to the Committee on Banking and Currency.

1558. Also, resolution of the Nordic Civic League of Los Angeles, Calif., authorizing the President of the United States to proclaim October 9 as Leif Ericson Day, as proposed in House Joint Resolution 49; to the Committee on the Judiciary.

1559. By Mr. HART: Petition of the Board of Commissioners of the City of Camden, N. J., memorializing Congress to enact legislation generally designated as the United States Housing Act of 1937; to the Committee on Banking and Currency.

1560. By Mr. JARRETT: Petition of 775 citizens of Forest County, Pa., opposing the increase by legislation of the number of Judges on the Supreme Court of the United States; to the Committee on the Judiciary.

1561. By Mr. KEOGH: Petition of Loose-Wiles Biscuit Co., of Long Island City, N. Y., concerning Senate bill 5, the new Food and Drug Act; to the Committee on Interstate and Foreign Commerce.

1562. By Mr. MERRITT: Resolution of the Queens County committee of the American Legion, heartily endorsing a bill providing for the award of the Congressional Medal of Honor to Capt. Einar W. Sundstrom for his valor in saving the steamship *Dixie* off the Florida coast in September 1935; to the Committee on Military Affairs.

1563. By Mr. MOTT: Nine petitions of citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1564. By Mr. THOMAS of New Jersey: Resolution variously signed by members of the South Readington Woman's Republican Club, Three Bridges, N. J., protesting against the packing of the Supreme Court with six additional Judges for the purpose of validating legislation of doubtful constitutionality; to the Committee on the Judiciary.

1565. By Mr. QUINN: Resolution by the Rankin, Pa., lodge of the Amalgamated Association of Iron, Steel, and Tin Workers, encouraging the President's Supreme Court reform; to the Committee on the Judiciary.

1566. Also, resolution by the United Polish Societies of Braddock, North Braddock, Rankin, and East Pittsburgh, Pa., requesting that October 11 of each year be set aside as a memorial day to commemorate the memory of the great Polish general, Pulaski; to the Committee on the Judiciary.

1567. By Mr. RICH: Petition of the citizens of Coudersport, Pa., protesting against the passage of any legislation that would disturb or abridge the religious rights of the people; to the Committee on the Judiciary.

1568. Also, petition of the Lycoming Chapter, Daughters of the American Revolution, of Williamsport, Pa., protesting

against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1569. Also, petition of the citizens of Williamsport, Pa., favoring the passage of House bill 2257; to the Committee on Ways and Means.

1570. Also, petition of the citizens of McKean County, Pa., favoring the passage of House bill 2257; to the Committee on Ways and Means.

1571. By Mr. SWOPE: Petition of Howard L. Miller and 21 other citizens of Cumberland County, Pa., favoring the enactment of House bill No. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1572. By Mr. THURSTON: Petition of 43 citizens of Poweshiek County, Iowa, expressing therein their opposition to the enactment of the so-called Hill-Sheppard bill; to the Committee on Military Affairs.

1573. By Mr. TINKHAM: Memorial of the General Court of Massachusetts, favoring the establishment of a 5-day week and a 6-hour day; to the Committee on Labor.

1574. Also, memorial of the General Court of Massachusetts, requesting the allocation to Massachusetts a reasonable proportion of the total revenues voted by Congress for social purposes; to the Committee on Ways and Means.

1575. Also, memorial of the General Court of Massachusetts, favoring the restoration of certain women to citizenship; to the Committee on Immigration and Naturalization.

1576. Also, memorial of the General Court of Massachusetts, favoring the appropriation of additional funds by the Federal Government for the continuation of emergency unemployment relief projects; to the Committee on Appropriations.

1577. By Mr. WITHROW: Senate Joint Resolution No. 27, passed by the Wisconsin Legislature, relating to Federal aid for the planting, preservation, and restoration of wood lots on farms; to the Committee on Agriculture.

SENATE

MONDAY, APRIL 5, 1937

(Legislative day of Monday, Mar. 29, 1937)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, April 2, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1245) for the relief of Malinda J. Mast and William Lee Mast.

The message also announced that the House had passed a bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 1245) for the relief of Malinda J. Mast and William Lee Mast, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Connally	Johnson, Colo.	Pepper
Andrews	Copeland	King	Pittman
Ashurst	Davis	Lee	Pope
Austin	Dieterich	Lewis	Radcliffe
Bachman	Duffy	Lodge	Robinson
Bailey	Ellender	Logan	Russell
Bankhead	Frazier	Lonergan	Schwartz
Barkley	George	Lundeen	Schwellenbach
Bilbo	Gerry	McAdoo	Sheppard
Black	Gibson	McCarran	Steiwer
Bone	Gillette	McGill	Thomas, Okla.
Borah	Green	McKellar	Thomas, Utah
Bridges	Guffey	McNary	Townsend
Brown, Mich.	Hale	Maloney	Truman
Brown, N. H.	Harrison	Minton	Tydings
Bulkley	Hatch	Moore	Vandenberg
Bulow	Hayden	Murray	Van Nuys
Burke	Herring	Neely	Wagner
Byrd	Hitchcock	Norris	Walsh
Byrnes	Holt	Nye	Wheeler
Caraway	Hughes	O'Mahoney	White
Chavez	Johnson, Calif.	Overton	

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS], caused by illness.

The Senator from Missouri [Mr. CLARK], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business.

Mr. AUSTIN. I announce that the Senator from Kansas [Mr. CAPPER] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness.

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

INTERVENTION OF AMERICA IN INTERNATIONAL CONFLICTS—NOTICE OF ADDRESS BY SENATOR LEWIS

Mr. LEWIS. Mr. President, I desire to give notice that at the next session of the Senate, following the morning business, I shall address the Senate upon a phase of our international relations.

LAWS AND ORDINANCES BY MUNICIPAL COUNCILS OF VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate four letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of certain laws or ordinances enacted and adopted by the municipal councils of St. Thomas, St. Johns, and St. Croix, Virgin Islands, which, with the accompanying papers, were referred to the Committee on Territories and Insular Affairs.

INDIANS AND THEIR LESSEES, ALLEGANY AND CATTARAUGUS RESERVATIONS, N. Y.

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the protection of the Indians and their lessees within the Allegany and Cattaraugus Indian Reservations, N. Y., which, with the accompanying paper, was referred to the Committee on Indian Affairs.

FEBRUARY REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of February 1937, including a statement of loan and other authorizations made during the month, showing the names, amounts, and rate of interest or dividend in each case, etc., which, with the accompanying papers, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the House of Representatives of the State of Ohio, favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented today by Mr. BULKLEY.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the resolutions committee of Local No. 13, I. W. A., of Cook County, Ill., favoring the enactment of "a public works and relief standards act" so as to provide employment for employable persons who are eligible for work under the W. P. A., which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by the Soroptimist Club of the District of Columbia, favoring the enactment of legislation making any minimum-wage law for the District of Columbia applicable to men as well as to women and children, which was referred to the Committee on Education and Labor.

Mr. TYDINGS presented petitions of sundry citizens of Baltimore and White Hall, Md., praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which were referred to the Committee on Finance.

Mr. HALE presented memorials of sundry citizens of the State of Maine, remonstrating against the enactment of any legislation that would or might disturb or abridge the religious rights and privileges of the people or close the mails to religious publications, which were referred to the Committee on the Judiciary.

He also presented a memorial of several citizens of Waterville, Maine, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or other legislation of a similar character, which was referred to the Committee on the Judiciary.

Mr. BULKLEY presented the following resolution of the House of Representatives of the State of Ohio, which was referred to the Committee on Commerce:

Whereas the lands in Crawford County, Ohio, form a watershed, the southern portion of which constitutes a part of the tributaries of the Scioto River and the northern portion of which is the source of the Sandusky River; and

Whereas it is desirable to impound the waters of the Sandusky and Scioto Rivers at their source in the interest of flood prevention; and

Whereas because of the drainage and rapid run-off of rainfall there is a water shortage in Crawford County, Ohio; and

Whereas because of the foregoing fact the construction of such dam or dams should be a part of the Sandusky-Scioto conservancy district, or any other plan promulgated by the Federal Government and supervised by the United States Army engineers: Therefore be it

Resolved, That we, the members of Ohio House of Representatives, memorialize the Congress of the United States to appropriate such moneys as may be necessary for the construction of such dam or dams in Crawford County, Ohio; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to both United States Senators from Ohio, and to each Member of Congress from Ohio.

Mr. BULKLEY also presented the following resolution of the House of Representatives of the State of Ohio, which was referred to the Committee on Foreign Relations:

Resolution memorializing Congress to maintain a position of strict neutrality on the part of the United States

Whereas war and threats of war cloud the horizon of Europe, thereby threatening the peace and security of our country; and

Whereas the American people have always cherished a state of peace and security from the time our beloved country was created and our Government organized: Now, therefore, be it

Resolved by the house of representatives, That we hereby memorialize Congress to keep aloof from any entangling alliances with any of the European nations, and that Congress is hereby further requested to enact such legislation as is deemed necessary to maintain a position of strict neutrality on the part of the United States; and be it further

Resolved, That a properly authenticated copy of this resolution be forwarded by the clerk of the house of representatives to the President of the United States, the two United States Senators from Ohio, and to each of the Members of Congress from Ohio.

Mr. BULKLEY also presented the following resolution of the House of Representatives of the State of Ohio, which was referred to the Committee on the Judiciary:

Whereas the President of the United States has directed the attention of the Congress to certain abuses, evils, and delays in the Federal court system; and

Whereas it is the opinion and belief of the House of Representatives of the Ninety-second General Assembly of Ohio that the position of the President is right and in accord with sound public policy and the principles of representative government: Now, therefore, be it

Resolved, That the House of Representatives of the Ninety-second General Assembly of Ohio hereby endorse and approve the efforts of the President to effect judicial reform; and be it further

Resolved, That the clerk of the house of representatives be and he is hereby authorized and instructed to transmit duly authenticated copies of this resolution to President Roosevelt, the President of the Senate of the United States, to each of the United States Senators from Ohio, and to each of the 24 Representatives in Congress from Ohio.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 652) for the relief of John B. Jones, reported it without amendment and submitted a report (No. 287) thereon.

Mr. LODGE, from the Committee on Military Affairs, to which was referred the bill (S. 1239) for the relief of John W. Beck, reported it with an amendment and submitted a report (No. 289) thereon.

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 1367) for the relief of George Yusko, reported it without amendment and submitted a report (No. 290) thereon.

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (H. R. 456) for the relief of Ernest and Lottie Dunford, reported it with an amendment and submitted a report (No. 288) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 1622) authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes, reported it without amendment and submitted a report (No. 291) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. JOHNSON of Colorado:

A bill (S. 2068) to prevent interstate commerce in the products of child labor, and for other purposes; to the Committee on Interstate Commerce.

By Mr. McNARY:

A bill (S. 2069) to amend paragraph 761 of the Revenue Act of 1930 to increase duty on filberts; to the Committee on Finance.

By Mr. GEORGE (for himself and Mr. RUSSELL):

A bill (S. 2070) to provide for an annex to the Federal building in Atlanta, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. GILLETTE:

A bill (S. 2071) for the relief of Harry McCauley;

A bill (S. 2072) for the relief of Stuart C. Peterson; and

A bill (S. 2073) for the relief of John P. Volkens; to the Committee on Claims.

By Mr. GUFFEY:

A bill (S. 2074) to correct the military record of Eva E. Love; to the Committee on Military Affairs.

By Mr. LONERGAN:

A bill (S. 2075) for the relief of Charles E. Pease, Jr.; to the Committee on Military Affairs.

By Mr. TRUMAN:

A bill (S. 2076) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; and

A bill (S. 2077) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 2078) to amend the Revenue Act of 1932, as amended, for the purpose of creating greater activity in civil aeronautics in the interest of national defense, and for other purposes; to the Committee on Finance.

A bill (S. 2079) to amend the Air Mail Act of 1934, as amended, for the purpose of increasing safety in the air and for the extension of a rapid means of communication for improving the business and social life of the Nation; to the Committee on Post Offices and Post Roads.

A bill (S. 2080) to amend the Air Commerce Act of 1926, as amended, for the purpose of promoting greater safety in

the air, and for other purposes; to the Committee on Commerce.

By Mr. BULOW:

A bill (S. 2081) granting a pension to Daniel Webster; to the Committee on Pensions.

By Mr. KING:

A bill (S. 2082) to authorize the furnishing of steam from the central heating plant to the District of Columbia; to the Committee on the District of Columbia.

By Mr. NEELY:

A bill (S. 2083) granting a pension to Gertrude M. Thomas; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 2084) to provide that graduates of approved school ships may be rated as able seamen upon graduation, and for other purposes; to the Committee on Commerce.

By Mr. RUSSELL:

A bill (S. 2085) to provide for the establishment in the Department of Agriculture of an experiment station for the development of tung trees; to the Committee on Agriculture and Forestry.

By Mr. HATCH (for himself and for Mr. CHAVEZ):

A bill (S. 2086) to authorize appropriations for the construction of the Arch Hurley conservancy district in New Mexico; to the Committee on Irrigation and Reclamation.

By Mr. SHEPPARD:

A bill (S. 2087) for the relief of Charles B. Stafford; to the Committee on Military Affairs.

By Mr. MURRAY:

A bill (S. 2088) for the relief of Mary R. Horn;

A bill (S. 2089) for the relief of Jessie May Baldwin; and

A bill (S. 2090) authorizing the naturalization of Vernice May McBroom, and for other purposes; to the Committee on Immigration.

By Mr. WHEELER:

A bill (S. 2091) for the relief of Ada Saul, Steve Dolack, and Marie McDonald; to the Committee on Claims.

By Mr. BONE (for himself, Mr. MCNARY, Mr. SCHWELLENBACH, Mr. STEIWER, and Mr. POPE):

A bill (S. 2092) to authorize the completion, maintenance, and operation of the Bonneville project for navigation, and for other purposes; to the Committee on Commerce.

By Mr. DUFFY:

A bill (S. 2093) for the relief of George H. Stahl; to the Committee on Military Affairs.

By Mr. NYE:

A joint resolution (S. J. Res. 124) proposing an amendment to the Constitution providing for the requisition of property in time of war; to the Committee on the Judiciary.

By Mr. POPE:

A joint resolution (S. J. Res. 125) to provide for the development of phosphate resources; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CHANGE OF REFERENCE

On motion by Mr. NEELY, the Committee on Pensions was discharged from the further consideration of the bill (S. 1765) granting a pension to Juna Vista Murphy, and it was referred to the Committee on Finance.

INTERSTATE TRANSPORTATION OF CHILD-LABOR PRODUCTS—AMENDMENT

Mr. WHEELER submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1976) to regulate interstate transportation of products of child labor in certain cases, which was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to the Interior Department appropriation bill, fiscal year 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place under the caption "Bureau of Reclamation" and the subcaption "General fund, construction", insert the following:

"Gallatin Valley project, Montana: For commencing construction of the Gallatin Valley project, to be reimbursable under the reclamation law, $1,000,000."

AMENDMENTS TO LEGISLATIVE APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 5966, the legislative appropriation bill (under the heading "Library of Congress, Legislative Reference Service"), which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 31, line 13, after the word "persons", to insert a comma and "including a Director at $8,000 per annum", so as to read:

"To enable the Librarian of Congress to employ competent persons, including a Director at $8,000 per annum, to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation," etc.

Mr. HAYDEN submitted amendments intended to be proposed by him to House bill 5966, the legislative appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 37, line 3, after "employees", insert "to enable the Public Printer to comply with chapter 23, section 31 (28 Stat. 605), of the Printing Act, approved January 12, 1895 (U. S. C., title 44, sec. 60), relating to the consolidation of department printing offices."

On page 37, line 16, strike out "$1,000" and insert "$2,000."

On page 40, line 16, after "binding", to insert "including the total cost of work produced on the multilith, multigraph, and other similar equipment."

On page 44, after line 2, to insert the following new paragraph:

"Section 23 of the Independent Offices Appropriation Act, 1935, shall not be held to prevent adjustments in established rates of pay when in the opinion of the proper wage-fixing authority the established rates of pay on June 1, 1932, were inequitable, unjust, or unfair."

EFFECT OF BONNEVILLE DAM ON PROPAGATION OF FISH

Mr. STEIWER submitted a resolution (S. Res. 113), which was ordered to lie over under the rule, as follows:

Resolved, That the Commissioner of Fisheries is hereby requested to make an immediate survey of the facilities for the passage of salmon and other commercial fish at Bonneville on the Columbia River, and the effect, if any, of the Bonneville Dam on the propagation of salmon and other commercial fish, and to make recommendations with respect to the steps which may be necessary in connection with such dam in order to attain the full conservation of such fish and the preservation of the fishing industry on said river. The Commissioner is further requested to report to the Senate at the earliest practicable date the result of such survey, together with his recommendations.

CHANGES IN CERTAIN SENATE SALARIES AND POSITIONS

Mr. LEWIS submitted a resolution (S. Res. 114), which was ordered to lie on the table, as follows:

Resolved, That the Committee on Appropriations, or any subcommittee thereof, having charge of the preparation of the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes, is hereby authorized to make the following changes in salaries and positions under supervision of the Secretary of the Senate and the Sergeant at Arms and Doorkeeper, to wit:

OFFICE OF THE SECRETARY

Page 2, lines 22 and 23, strike out "and Journal clerk."
Page 2, line 24, after "incumbent;", insert "Journal clerk, $3,780."
Page 2, line 25, strike out "$3,600" and insert "$3,780."
Page 3, line 6, after the word "librarian", insert "$3,120."
Page 3, line 6, strike out the word "and."
Page 3, line 6, strike out "$3,120 each" and insert "$3,320."
Page 3, line 8, strike out "four" and insert "three."
Page 3, line 9, strike out "one" and insert "two."
Page 3, line 9, strike out "five" and insert "six."
Page 3, lines 9 and 10, strike out "two at $2,040 each."
Page 3, line 10, strike out "two" and insert "three."
Page 3, line 11, after "each" insert "one at $1,740."
Page 3, line 12, strike out "two" and insert "one."
Page 3, line 12, strike out "each;" and insert "; one at $1,560."

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

Page 7, line 18, strike out "one at $2,000, two at $1,800 each" and insert "two at $2,000, one at $1,800."
Page 7, lines 20 and 21, strike out "messengers—one, $2,640;" and insert "Assistant Doorkeepers—two, at $3,000 each; messengers—."
Page 7, line 22, strike out "twenty-nine" and insert "twenty-eight."
Page 7, lines 24 and 25, strike out "and $240 additional so long as the position is held by the present incumbent."
Page 8, line 3, strike out "$2,400" and insert "$2,800."
Page 8, line 4, strike out "$2,040" where it occurs the first time and insert "$2,400."
Page 8, line 4, strike out "$2,040" where it occurs the second time and insert "$2,400."
Page 8, line 6, strike out "$1,680" and insert "$1,740."
Page 8, line 9, strike out "$2,460" and insert "$3,000."
Page 8, line 14, strike out the word "three" and insert "one at $1,560; two at $1,380 each; two."
Page 8, line 14, strike out "twenty-eight" and insert "twenty-six."
Page 8, line 24, strike out "$2,040" and insert "$2,400."

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR BURKE

[Mr. GERRY asked and obtained leave to have printed in the RECORD an address on the proposed reorganization of the Federal judiciary delivered by Senator BURKE at Boston, Mass., on Sunday, Apr. 4, 1937, which appears in the Appendix.]

PREPAREDNESS FOR PEACE—ARTICLE BY SENATOR NYE

[Mr. BONE asked and obtained leave to have printed in the RECORD an article by Senator NYE, entitled "Preparedness for Peace", published in the Christian Science Monitor of Mar. 10, 1937, which appears in the Appendix.]

CIVILIAN CONSERVATION CORPS—NEW YORK TIMES EDITORIAL

[Mr. WALSH asked and obtained leave to have printed in the RECORD an article on the subject of the Civilian Conservation Corps, published in the New York Times, Apr. 5, 1937, which appears in the Appendix.]

SOIL CONSERVATION—ARTICLE IN NEW YORK TIMES

[Mr. NYE asked and obtained leave to have printed in the RECORD an article on soil conservation, published in the New York Times Magazine of Mar. 21, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ARTICLE BY ROBERT QUILLEN

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD an article relating to the proposed reorganization of the Federal Judiciary, written by Robert Quillen and published in the Dallas Morning News of Mar. 26, 1937, which appears in the Appendix.]

ALASKA—A HERITAGE FOR AMERICANS—EDITORIAL FROM SEATTLE POST-INTELLIGENCER

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an editorial from the Seattle (Wash.) Post-Intelligencer, entitled "Alaska—A Heritage for Americans", which appears in the Appendix.]

REGULATION OF BITUMINOUS-COAL INDUSTRY

The Senate resumed the consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. SCHWELLENBACH] to the amendment of the Senator from South Carolina [Mr. BYRNES].

Mr. BYRNES. Mr. President——

The VICE PRESIDENT. At the time the Senate took a recess on Friday last the Senator from Colorado [Mr. ADAMS] had the floor and yielded to the Senator from Arkansas for the purpose of moving a recess. The Chair does not observe the Senator from Colorado in the Chamber at the moment, and so he recognizes the Senator from South Carolina.

Mr. BYRNES. Mr. President, I withdraw the amendment that is pending and I send to the desk——

Mr. MCADOO. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. BYRNES. Not just at this moment. I withdraw the amendment heretofore offered by me and offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from South Caroline withdraws the amendment that is pending and offers in lieu thereof an amendment, which will be stated.

The LEGISLATIVE CLERK. On page 44, after line 12, it is proposed to add a new paragraph, as follows:

That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy. The Congress only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

Mr. BYRNES. Mr. President, as the Senate will observe from the reading of the amendment now proposed——

Mr. MCNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. BYRNES. I yield.

Mr. MCNARY. The proposal submitted by the Senator from South Carolina is not in the nature of a joint resolution, is it?

Mr. BYRNES. No; it is offered as an amendment to the pending bill. I have withdrawn the amendment offered by me on Thursday last and have offered the amendment which has been read. I think I can explain the matter to the Senator from Oregon in a minute or two.

Mr. MCNARY. If I may add a word, I had in mind that the amendment now submitted is practically the same as, indeed, is, a replica of the resolution suggested by the Senator from Nevada [Mr. PITTMAN], except that the resolution of the Senator from Nevada was limited to an expression of the Senate and not of the Congress.

Mr. BYRNES. I was about to proceed to make reference to that fact. The Senate will observe from a reading of the amendment that it is substantially the language the Senator from Nevada [Mr. PITTMAN] suggested he would incorporate in a resolution which he asked unanimous consent to have considered immediately after the passage or disposal of the pending bill. The only change I have made in it is to substitute the word "Congress" for the word "Senate." So, as offered as an amendment to the pending bill, which will have to go to the other House, it would express the sense of the Congress and not of the Senate.

I take this action because, while many Members of the Senate have expressed their disapproval of the sit-down strike, they have, in a number of instances, stated that their objection to the amendment originally offered by me was due to the fact that it applied only to one industry, and also that it did not restrict the condemnation to industries within the jurisdiction of the Federal Government.

As I have said, the language now proposed is that of the Senator from Nevada and not mine. I believe it is concise, far more comprehensive than the language in my original amendment, in that it removes the objection which has heretofore been expressed by a number of Senators to the amendment originally offered by me, that it applied only to one industry.

Mr. President, I do not believe it is necessary for me to make a further statement in connection with this matter. For 2 days it has been debated. Having the right to withdraw my previous amendment, I have offered the amendment now proposed because I believe that it should be offered immediately, and that if I should not offer it, some other Member of the Senate might receive recognition to offer an amendment on an entirely different subject and divert the Senate from the consideration of this subject. I believe the question ought to be determined, and, in view of the fact that we have debated it for 2 days, I hope that it will be brought to a vote and that the Senate may see its way clear to agree to the language embraced in the amendment which, as I have said, was offered originally by the Senator from Nevada.

Mr. ROBINSON. Mr. President, I am gratified that the Senator from South Carolina has withdrawn his original amendment. I had expected that, in all probability, the subject matter of the amendment would be entirely eliminated from this bill. As the Senator from South Carolina has stated, there has been a prolonged discussion extending over approximately 2 days. It is not my intention to renew that discussion at great length at this time. It seems to me that the question of the establishment of a general policy relating to alleged lawlessness and labor controversies is of sufficient importance to receive separate consideration. If

a proposal looking to that end, whether in the language of this amendment or in such other form as the Senator from South Carolina or other Senators might choose, should be submitted, it would be my purpose to facilitate its consideration.

There are a number of reasons, in my opinion, which make it difficult to incorporate in the proposed law a matter of policy touching strikes. Some of them are embraced in the following suggestions:

We all know that lawlessness is not confined to employees alone; that employers themselves have resorted to practices which are not recognized in the law and in sound public policy. Any expression of policy that is to become the permanent law of the Congress ought to consider those acts, acts which are well known, acts which have not been calculated to promote peace in the labor world.

Many of us recognize the sit-down strike as unlawful. We also recognize as unlawful the practices which I have in mind, and to which I have referred generally, on the part of employers. We feel that whatever legislation is worked out on the subject should be properly and fully considered and carefully prepared; that any other course taken by the Senate would perhaps intensify the feeling that already exists on these subjects and not accomplish a wholesome purpose.

The situation respecting the disregard of the Labor Relations Act by employers, and as it respects the sit-down strike, the employment by employers of thugs as spies among their workmen, has been known to Congress for quite a while. Despite the intensity of feeling which has arisen in some localities on account of these unlawful methods on the part of both employers and employees, fair progress has been made toward reestablishing peace in the labor world.

It does not seem to me advisable to take cognizance solely of one side of the proposition or to take action in connection with the pending bill which, in the opinion of the proponents of the legislation, will be calculated to create further breaches. I am sure that every Senator would like to act wisely and prudently, and that no one within the sound of my speech contributes to the support of plans or policies on the part of either employees or employers which are unmindful or disregardful of either State or National laws.

No doubt one reason that prompted the withdrawal of the original amendment is to be found in the fact that it took no notice whatever of the laws of the States relating to ejectment and unlawful detainer, the only laws that can be enforced in the carrying out of the policy declared in the proposed amendment. There are other phases of the subject which ought to be considered and comprehended.

If the Senator from South Carolina should see fit to withhold his amendment, I should be pleased to assure him again that it will afford me pleasure to contribute to the consideration of his proposal, along with others that may be presented, and to facilitate the consideration in the early future. If that is not done I shall vote against incorporating the amendment in the pending bill, even though it has been improved in its form.

Mr. BARKLEY. Mr. President, I do not wish to prolong the discussion of the amendment, though I do not know to what extent the withholding of any remarks on the part of one Senator would shorten the debate. I do not wish to enter into any debate about the amendment. I wish merely to make a very brief statement, which is brought forth very largely by remarks made last Thursday by the senior Senator from Michigan [Mr. VANDENBERG].

We are considering a general bill of substantive legislation pertaining to regulation of the coal business. It is admitted, I suppose, and if it is not admitted it is true anyway, that the situation which brought forth the amendment offered by the Senator from South Carolina [Mr. BYRNES] and the situation which brings forth the offering of the amendment now before the Senate was not a result of anything any coal miner in the United States had done.

Although there are some 450,000 coal miners in the country the only thing that resembled a sit-down strike in the coal-mining business was among a few miners near Uniontown, Pa. Immediately the officers of the United Mine Workers of America condemned it and not only put the men back to work at once, but everyone who engaged in it was fined by the local union to show that they did not approve of the sit-down strike.

I agree with the Senator from Arkansas [Mr. ROBINSON] that, if we are going to deal with this phase of the labor situation in the country, we ought to deal with it comprehensively and we ought to deal with it deliberately. The so-called sit-down strike had been in progress all winter or for 3 or 4 months, in the automobile industry especially. There were some spasmodic outbreaks of some type in Providence, R. I., and at other places, which lasted only a day or two. We ought to find out at least what is back of these so-called sit-down strikes, what it is that causes them, what is the basis of their being inaugurated, whether by local employees, or with or without the approval of their national organization, for whom I do not speak because I have no right to speak for them. But certainly if we are to deal with this matter in the way of declaring a public policy, we owe it to the Senate and to the country not to do it at the point of a shotgun. We ought not to be "hijacked" into it simply because we are considering a coal bill, regulating the particular industry in which nobody, either employer or employee, has contributed to the so-called sit-down strike.

The other day I made a statement in response to a question propounded to me by my able friend from South Carolina, for whom I have an affectionate regard, as he knows. Having served with him in the House of Representatives for 14 years, and in this body for 6 years, I have learned to appreciate his ability, his character, his integrity, and his fairness. I hope the Senator is listening to the praise I am trying to accord him.

Mr. BYRNES. Mr. President, I was not listening at first. When I heard the praise, I immediately listened. [Laughter.]

Mr. BARKLEY. I thank the Senator.

In response to a question which the Senator propounded to me the other day, I stated that which I now repeat, that, in my judgment, the so-called sit-down strike is unlawful; that it is a violation of the laws of the State in which it occurs; but so far I have not observed that it is a violation of any law of the United States. Certainly nothing has been brought to our attention which indicates that interstate commerce is being interfered with, that the mails are being interfered with, or that the property of the Government of the United States is in any way in jeopardy. So, even with relation to the sit-down strike in Michigan, it would certainly be our duty to consider whether we, as the Senate of the United States, ought to try to supersede the legislature of that State and the Governor of that State in dealing with the trouble.

The Senator from Michigan [Mr. VANDENBERG] the other day in his remarks said that he agreed with the Senator from Arkansas [Mr. ROBINSON] that—

> There is a very limited Federal jurisdiction that can be applied, although the able Senator from California [Mr. JOHNSON] has indicated the existence of a statute under which there is a direct and specific Presidential responsibility.

I am forced to disagree with the Senator from Michigan and my very charming friend from California that there is any Presidential responsibility so far as any knowledge we have of what has occurred in Michigan is concerned. Certainly when both sides to the controversy and the Governor of the State are bending every effort to bring about a peaceful settlement of the difficulty there was no Presidential responsibility that ought to have injected the President into the controversy so far as those efforts were being made by both sides and by the chief executive of the State whose laws are being violated, if there is a violation.

The Senator from Michigan continued:

> What I am saying is that there is a moral responsibility which thus far has not been exercised or declared, and it is a responsibility which not only rests on this Chamber but goes straight down Pennsylvania Avenue to the White House.

Further back in his remarks the Senator from Michigan, while agreeing with the Senator from Arkansas, and saying that probably the amendment then pending ought not to have been offered, nevertheless intimated that we ought to vote for it, because to do otherwise would be subject to misinterpretation by the press and by the public, and would be construed as an approval on our part of the so-called sit-down strike.

Mr. President, I think we are all men of average intelligence and average courage. I have as much rabbit blood in me as has the average man, and now and then it surges up in my veins and turns my toes toward the tall timber in the forest of politics; but I believe that not only I but most of the Members of the Senate have sufficient sense of responsibility and sufficient courage not to commit an act of folly simply because to do otherwise may be misinterpreted.

I am going to vote against this amendment. I should have voted against it as it was originally offered. If I cannot explain my vote to those who are responsible for my presence here, if I am not willing to take my chances on dissipating any misunderstanding that my vote may bring upon my shoulders, that is my misfortune; but I am willing to undertake the task and to accept the responsibility. My vote against this amendment is not to be interpreted and is not meant as a vote in favor of approving the sit-down strike. No matter who undertakes to misinterpret my vote in that respect, it will be a misinterpretation and a false representation. I am going to vote against it, or any other amendment of its kind offered on this bill, because I do not believe it has any business in the bill, in the first place, and because I do not believe we can hastily deal with this subject here on the floor of the Senate in the form of an amendment.

The course which the amendment has already taken proves beyond any question of doubt that we cannot deliberately and wisely act upon it here on the floor of the Senate as an amendment to this bill.

The course which the amendment has taken shows that the question deserves the consideration of a committee. It deserves the dignity of a report from a committee. It deserves to be considered by the Senate in the light of all the circumstances and all the conditions that may surround this troublesome question.

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

Mr. BARKLEY. I yield to the Senator from Nevada.

Mr. PITTMAN. I should not have interrupted the Senator except for the fact that his last statement rather disturbs me and may change my vote on this amendment.

When I suggested the substitute amendment which has now been adopted by the Senator from South Carolina, having it apply to the Congress instead of to the Senate alone, I interrupted the Senator from Arkansas [Mr. ROBINSON] when he was speaking to suggest that he ask unanimous consent to lay aside temporarily the unfinished business, the entire bill, in order that the Senate might consider the resolution—it was then in the form of a resolution—which I offered. It has now been changed into the form of an amendment by the Senator from South Carolina. I said in the first place I thought it should be a resolution. I still think it should be a resolution. I should, however, prefer to have it as an amendment than not to have any expression at all on the subject. If this amendment is to be defeated, and a resolution of this character that may be introduced is to be referred to a committee for hearing, with a very indefinite understanding or knowledge of when it may be reported back to the Senate, if ever, then I am going to vote for the amendment.

I do not see what there is to have hearings on. Every Senator knows now whether or not he considers the so-called sit-down strike illegal. I think the Senator from Kentucky himself knows. He knows whether or not it is contrary to sound public policy; and in order not to involve matters that are purely within the jurisdiction of States, such as the strikes that have occurred in Detroit, I took the the liberty of adding the language:

> The Senate—
>
> Now it is the "Congress"—
>
> only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

Whether or not unanimous consent is given that such a resolution shall be taken up and made the unfinished business immediately after the disposal of this bill, it is within the power of the Senate to make it the unfinished business immediately afterward. If the leaders on both sides of the Chamber are willing to make it the unfinished business immediately after the disposal of the pending bill, so that Senators will have an opportunity to amend in any particular they see fit what will be then offered as a resolution, and to discuss it without involving the discussion of the coal bill, without possibly threatening much discussion on the subject in the House of Representatives, without possibly causing the amendment to go into a conference that may last a long time, without endangering the coal bill, it can be done. But if there is a disposition upon the part of the leaders of this body to postpone indefinitely the consideration of this question, then I shall be impelled by my view of the matter to vote for and support the amendment. I do not believe it ought to be an amendment, because, for the reasons stated, I think it is rather a reflection on the coal miners, who have never used the sit-down strike at all. I think it will be misunderstood by them. I think it will be contracted in its general effect if it is put in as an amendment. I would rather have a bold concurrent resolution dealing with the subject passed by both the Senate and the House of Representatives. I desire assurance now, however, before I am called on to cast my vote, as to whether or not it is going to be the disposition of the leaders of this body to support a motion to make any resolution that may immediately thereafter be offered the unfinished business.

Mr. BARKLEY. Mr. President, I am not in a position to speak for the leaders of the Senate; I can speak only for myself. I did not mean by what I said a while ago that I thought it was necessary to hold hearings. I did not say anything about hearings. I do not know whether or not it will be necessary to hold hearings. So far as I am concerned, it would not be. I am ready to vote on this subject or any other similar matter at the very earliest opportunity, and I should certainly have no objection to making a resolution covering this question the unfinished business immediately upon the conclusion of the consideration of the coal bill, provided it should be subject to amendment, as it would be, so that we could perfect it, if we must work this matter out on the floor of the Senate, if we have to declare a public policy here on the spur of the moment in haste, although this subject has been before the country for nearly 4 months. I should not object if we might have opportunity to perfect the resolution so as not only to include any unlawful conduct upon the part of employees, but unlawful conduct of employers operating in concert to deny to the American workingman a right declared to be grounded in sound public policy, as we have over and over declared it—that is, the right to collective bargaining. We not only have declared that as a public policy, but we have enacted a law providing the machinery through which collective bargaining may be brought about.

If we are to act on a resolution, I am perfectly willing that the Senate may consider such a resolution tomorrow, or this afternoon, or day after tomorrow, or any other day, without referring it to a committee, if the Senate desires to go about it in that way. But I did say, and I still feel, that the subject ought to be given consideration from all angles by a committee. However, I should not insist upon such procedure, if the Senate desired to make such a resolution the unfinished business in haste after the pending bill had been disposed of.

If we are to adopt a public policy which condemns men because they quit work and sit down, we certainly owe it to ourselves and to the country to find out why they are quitting and why they are sitting down; to find out whether their employers have been guilty of any unlawful conduct or any denial of the rights of American citizens that resulted in the conduct of the employees; and if we find that the employers have been guilty, we certainly ought to include condemnation of their conduct in any public-policy resolution we adopt.

Mr. BURKE. Mr. President——

The PRESIDING OFFICER (Mr. DUFFY in the chair). Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. BARKLEY. I yield.

Mr. BURKE. I am unable to understand from the statement made by the Senator from Kentucky whether it is his deliberate judgment that if employers are found not to have carried out fully the public policy declared by Congress in a congressional enactment, therefore, in his opinion, the employees would be justified in engaging in a sit-down strike on property that does not belong to them.

Mr. BARKLEY. Oh, no; I made no such statement, and I am sure my remarks are not subject to any such interpretation.

Mr. BURKE. I merely wanted to be sure on that point.

Mr. BARKLEY. I say that if there is any lack of proper observance on the part of employers of the spirit not only of the law but of public policy which we have heretofore declared which has resulted in a sit-down strike, we ought to consider it in order to determine whether we will also condemn any such conduct on the part of the employers.

Mr. BURKE. Let me put the question more directly, then. Is the Senator from Kentucky unwilling to declare his condemnation of the sit-down strike until Congress has investigated all the actions of employers and determined whether they also may or may not be doing some illegal thing?

Mr. BARKLEY. I think that if we are to declare a public policy, and not enact a law on the subject, and that is what we are asked to do, adopt a resolution which might be adopted by any club or society in the Nation, so far as its effect is concerned; if we are to adopt a resolution declaring a public policy with respect to the conduct of men who are guilty of a violation of law, we should not ignore the fact that there is a possible violation on the part of men of Federal laws as to which we ought as well to declare some public policy. The two things ought to be considered together.

I am not committing myself as to how I would vote on any resolution brought before the Senate, because I want to see any resolution before I express an opinion upon it. I want to have an opportunity to amend it if I desire to amend it. I am not willing in any way to limit myself as to my conduct with respect to an amendment. I have over and over declared my belief that the sit-down strike is unlawful, that it is a violation of the laws of the States, but so far I have not been able to discover that it is a violation of any law of the United States. In considering whether we are to condemn it by resolution of Congress, however, I think it is so worthy of sufficiently comprehensive treatment that we should go into the whole subject and also adopt resolutions dealing with others who have been responsible in any way, remotely or closely, for the conduct which has brought about the sit-down strike.

For this reason I am unable to support, as an amendment to the pending bill, not only the amendment offered by the Senator from South Carolina but any other amendment of similar import, but I will assure the Senator from South Carolina and every other Senator that, as a member of the Committee on Interstate Commerce, to which an effort was made to refer the amendment last week, I would be willing to vote for immediate action. In that connection, the Senator from South Carolina so forgot himself as to intimate that, so far as I was concerned, I would never vote to bring out a resolution of this sort for a vote on the Senate floor. I do not think he meant that; but I assure him that if the matter is referred to the Committee on Interstate Commerce, of which I am a member, I would be willing to consider it immediately and bring back to the floor of the Senate, so far as I am concerned, some kind of a resolution that would be open to debate and amendment, so that the Senate might consider it without delay. I am speaking for myself only, and not for the entire committee.

Mr. NORRIS. Mr. President, I wish to discuss a reference made by the Senator from Nevada [Mr. PITTMAN]. He referred to the fact that he would vote for the pending amendment unless he had some assurance that the subject matter might receive consideration without any possibility of being thrown aside on account of some technicality or other reason. My understanding is that, so far as the leaders of the Senate are concerned, we now have such assurance. I agree with the Senator from Nevada that it would not be right to resort to any technicality or any other means by which to cast the amendment aside and never consider it. But I understand, from all that has been said by the leaders of the Senate, that they are willing and anxious to give proper and careful consideration to the amendment, not with the view of throwing it out or getting rid of it on a technicality but with a view to meeting the issue fairly and squarely, face to face.

I think it must be conceded that the offering of the amendment to the pending bill does present to the Senate the necessity of taking action without giving the subject proper consideration. I fully agree with the leaders of the Senate when they say that we ought to have proper consideration, that we ought to have the right to offer amendments, which, of course, we do have; but, so far as I am concerned, I would want a day or so in order to prepare the amendments. I would be unwilling to consider a resolution covering this matter today if the understanding were that it was to be voted on today. I do not want any unreasonable delay. Is not my suggestion fair? We have before us a new proposal, and, if my view is correct, it is subject to amendment in several very material particulars. We ought not to be compelled to proceed without reasonable opportunity to prepare any amendments which may be desired and to offer them.

The subject matter now confronting the Senate has never been presented in printed form. I never saw a resolution covering the matter, and never heard of one until the language was read just a few minutes ago from the desk. Perhaps Senators think it is not a matter of importance, and they may be right about that; but I think it is a question of great importance, and I should like to amend the proposal. I should like to have some time for consideration, and I should like to give others an opportunity if they desire to amend it, and I do not refer to any amendment that is not fair or legitimate.

The pending amendment presents but one side of a controversy, and, however clear it may be, it seems to me that the Senate ought to give both sides ample opportunity to amend the amendment.

I would not like to see consideration of the amendment continued indefinitely. The right way and the deliberate way to handle the matter would be to refer the amendment to a committee. But I would not insist on that if Senators are afraid of the result, if they think it is doubtful that there would be good-faith consideration given to the amendment. If Senators entertain any such doubt, the amendment could be taken up tomorrow without referring it to a committee, so far as I am concerned.

I would like to have opportunity to amend any resolution covering the subject matter under discussion, and in the form the amendment comes before us I should like to have an opportunity to vote on one or two amendments to it.

If the amendments should be voted down, and we came to a final vote, and the resolution had in it nothing but what is contained in the amendment now before us, after I had had an opportunity to offer perfecting amendments, if I were unsuccessful I would vote for a resolution in the form in which the amendment now stands. But I do not believe it is fair not to afford opportunity for a proper consideration of the matter.

In my opinion it is not fair for another reason. Attempt is made to attach the amendment to a bill without notice having been given of the contents of the amendment, without any opportunity for Senators to know in advance its purport. The amendment applies to the general subject of sit-down strikes, and covers all industry wherever men or women are employed. The amendment is proposed to a bill that has reference only to the coal industry, an industry the employees of which have never been guilty of the sit-down strike. The sit-down strike is unknown in the coal business excepting in an instance or two where it was attempted and where the attempt failed—failed or was ended, as the Senator from Kentucky [Mr. BARKLEY] has said, by reason of the fact that officials of the labor unions in the coal industry called off the sit-down strike and so ended it.

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

Mr. NORRIS. I yield.

Mr. BARKLEY. As a matter of fact, in the coal industry a successful sit-down strike could not be conducted, because immediately on the calling of the strike the men are called out of the mines, and all their tools are brought out with them. If they called a sit-down strike, they would have to remain in the mine continuously—a situation which would not be conducive to a successful termination of the strike.

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

Mr. NORRIS. I yield.

Mr. TYDINGS. In my remarks on Friday last I expressed myself as being sympathetic with the general idea the Senator is now expressing. However, the pending amendment, which is almost identical with the one which had been offered by the Senator from Nevada [Mr. PITTMAN], seems to me in its wording to take any direct aspersion from the coal industry.

Mr. NORRIS. I have not heard the amendment read.

Mr. TYDINGS. The last sentence of the amendment is as follows:

> The Congress only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

Therefore, in voting for this amendment, as I shall do, I take the position that it is no reflection at all on the coal industry. It is a policy declared for all industries, even though it is declared in connection with a coal bill.

Mr. NORRIS. Mr. President, I do not complain of the position taken by the Senator from Maryland. He is taking a position which he has a perfectly legitimate right to take. I know he is taking it in good faith; but he is attaching to a coal bill language which has reference to all industry, and it is the only place in the bill where any reference is made to any other industry.

Senators who do not desire to have that done, while they may not be as well informed as those who take a contrary position with reference to the bill, nevertheless, are also acting in good faith; and they say, "Let us not attach the amendment to a coal bill. Let us put it in the form of a resolution which can be amended, a resolution which can be applied to all industry, and not place it simply in one bill, the coal bill, and do something which would embarrass that one industry." Perhaps I may be wrong, and perhaps the coal industry ought not to feel that way about it. The Senator from Maryland may be right in his opinion. The coal miners, through years of unfair treatment, and even persecution of the worst kind, have not resorted to this type of strike. Yet on a bill which covers only the coal industry Senators are attempting to place language which, as a matter of fact, in the light of past history, has no application to the coal business, but which has application to some other businesses which are not affected by the bill now under consideration.

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

Mr. NORRIS. I yield again to the Senator from Maryland.

Mr. TYDINGS. Assuming what the Senator from Nebraska says to be true, what assurance have we that we can get a vote on this amendment apart from the coal bill?

Mr. NORRIS. As I said a short while ago, I concede that Senators have a right to receive such an assurance; and I think they now have it. I have not heard any Senator say anything except that such opportunity would be given; that if the action I have suggested were taken, the opportunity to vote on such a measure would be given. I believe that 100 percent. For instance, I take it that the Senator from Arkansas, the leader on the other side of the Chamber, has been absolutely fair in his statement and that he will act in conjunction with anybody to see that the matter receives proper consideration within a very short time.

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

Mr. NORRIS. I yield.

Mr. BARKLEY. If a separate resolution were introduced and referred to a committee—and, so far as I am concerned, I do not care whether it is referred to a committee or not——

Mr. NORRIS. Let me interrupt to say that that would be the correct procedure; but I am willing to consider such a resolution right now on the floor, and not refer it to a committee.

Mr. BARKLEY. I am willing to consider it without reference to a committee. However, if it were referred to a committee and the committee delayed consideration or delayed making a report for such time as was thought unreasonable, any Senator could move to discharge the committee and have the Senate enter immediately upon the consideration of the resolution. Not only that, but any Senator could offer a resolution at any time, on any day, without reference to a committee, and the resolution would go over to the following day, and would be eligible for consideration on that day.

Mr. NORRIS. That would be a Senate resolution.

Mr. BARKLEY. That would be a Senate resolution; it would not be a joint resolution, of course.

Mr. NORRIS. I think this ought to be a joint resolution. It ought to go to the House as well as be considered by the Senate.

Mr. BARKLEY. There are many ways in which the Senate could be forced to consider the subject, even though a committee were dilatory in reporting it. I repeat that I do not believe there is any Member of the Senate, certainly not on the Committee on Interstate Commerce, who desires to delay the consideration of this matter if it is properly brought before the committee.

Mr. NORRIS. Let me say to the Senators, and particularly to the Senator from Nevada [Mr. PITTMAN], that I do not know of any disposition anywhere, covered or uncovered, to attempt to smother this question or try to avoid considering it. I do not think any such condition exists.

Mr. TYDINGS. Mr. President, will the Senator again yield?

Mr. NORRIS. I yield.

Mr. TYDINGS. Let me point out to the Senator that if we had definite assurance that we should have a vote on this matter, say within an hour——

Mr. NORRIS. Oh, I think that would be unreasonable. The Senator ought not to ask that.

Mr. TYDINGS. May I say something to the Senator?

Mr. NORRIS. Yes.

Mr. TYDINGS. As it is, we are going to vote on it anyway very shortly as an amendment to the bill?

Mr. NORRIS. Yes.

Mr. TYDINGS. The objection of many Members, including the Senator from Nebraska—and I respect that position very much—is that they are forced to vote on this proposal as a part of the coal bill. The alternative is, Shall we vote upon it as a part of the coal bill or as a separate resolution?

If we are going to vote on it anyway, and if we cannot get unanimous consent to have the amendment withdrawn, we shall either have to vote on it as a part of the coal bill or as a joint resolution. So I ask, inasmuch as we are going to vote upon it anyway as a part of the coal bill, How would anyone be hurt if we had an agreement to vote on it just as it is, as a joint resolution, 1 hour after the Guffey coal bill is passed?

Mr. NORRIS. The Senator does not want an agreement that would prohibit discussion does he?

Mr. TYDINGS. No; but we can amend the proposal now. No one has attempted to amend it.

Mr. NORRIS. Oh, no; we cannot take up an important proposition of this kind and expect to amend it within a minute or two after it is first proposed.

Mr. TYDINGS. I suggest that after the amendment is perfected we could then put the perfected amendment, without taking a vote upon it, into the form of a joint resolution, and have an agreement to vote upon it as a separate

measure immediately after the passage of the bill. How could anyone be hurt if we should take such action?

Mr. NORRIS. I submit to the Senator that would not be fair. Suppose this bill should be passed within the next 10 minutes, 15 minutes, or an hour, or such a matter, and then that we should vote on the resolution; the amendment would have to be changed somewhat before it came to us as a resolution. I do not now know what its exact form should be. Yet, if we should accept the Senator's suggestion, we would agree in advance to vote upon something that we would not be able properly to consider or suggest amendments to.

I should have no objection to a unanimous-consent agreement that this amendment should be perfected and put in the form of a resolution, and that it should be taken up the next day, let us say, after action had been taken on the coal bill. I should not want to say that action should be taken tomorrow, because the bill now under consideration might not be acted upon today, although I think favorable action will be taken today. There is not any disposition, so far as I can see, to mislead anyone or to deceive anyone. I think the cards are all on the table face up, and everyone knows just what is being done.

Mr. TYDINGS. Mr. President——

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. When the Senator from Maryland has finished his questioning, I will yield to the Senator from Arkansas.

Mr. TYDINGS. All I wanted to point out was that it seems to me, unless we can have some kind of an agreement, the alternative will be that we shall have to vote on the question as an amendment.

Mr. NORRIS. If the amendment were withdrawn from the bill, and if it were introduced in the form of a resolution today, and if we should pass this bill today, I have no doubt we could take up the resolution tomorrow.

Mr. TYDINGS. How soon could we act on it?

Mr. NORRIS. Just as soon as debate was exhausted. I do not anticipate that there is any intention on the part of anyone to try to filibuster on the matter, and the Senator does not want to deprive us of an honest chance to debate it. So far as I am concerned, I could vote on it without debate.

Mr. TYDINGS. I understand; but what a great many Senators on this side fear is that if they should agree to the proposition as outlined by the Senator, they would not have a chance to vote on it until after the sit-down strikes had ceased to be.

Mr. NORRIS. I have a great deal of sympathy for anyone who feels that way, but I do not think there is any ground for that kind of feeling.

Mr. TYDINGS. Perhaps not.

Mr. NORRIS. I think not. I hope that will not happen.

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

Mr. NORRIS. I yield.

Mr. PITTMAN. I think it would be quite reasonable to agree to take action on the matter 2 or 3 days hence, thereby giving opportunity for consideration. I do not know whether such an agreement can be obtained.

Mr. NORRIS. If the Senator will permit the Senator from Arkansas to speak—he desired to interrupt me awhile ago, but I could not yield to him at that time—perhaps he has something of that kind on his mind.

Mr. ROBINSON. Mr. President, at the beginning of the session today, in the hope that there would be eliminated any question in the minds of Senators that an opportunity would be afforded to pass upon this subject matter, I made a statement which most Senators heard. The statement was that if the amendment were eliminated from the bill, it would be my purpose at an early opportunity to move a consideration of the amendment in the form of a resolution, with the understanding that ample opportunity should be afforded to consider and pass upon amendments which might be proposed. If there is anyone here who doubts the good faith of that statement, he is justified in trying to force a vote immediately. But no unanimous-consent agreement of that character can be made, because this is a subject which the Senate is entitled to consider with reasonable deliberation. There is no purpose on the part of anyone, so far as I know, to delay action.

I have stated again and proposed on previous days unanimous-consent agreements and arrangements that would assure a vote, but no such agreements could be entered into. Now I will say what I said at the beginning of the session today, that if the subject matter is eliminated from the bill, I will move to proceed to its consideration at an early date. That might mean tomorrow or it might mean the next day, to suit the convenience of Senators.

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

The PRESIDING OFFICER (Mr. DUFFY in the chair). The Senator from Nebraska has the floor. Does he yield?

Mr. McNARY. I beg pardon of the Senator from Nebraska.

Mr. NORRIS. I yield.

Mr. McNARY. I do not doubt the good faith and sincerity of the Senator from Arkansas. He is an able and always reliable leader. His expression, however, as to the subject matter being considered at "an early opportunity" is not a very definite one. I can realize several parliamentary hurdles the resolution would have to take. Unquestionably the Senator from Arkansas or some other Senator would want the resolution referred to a committee, to which it would have to go. How long would that committee retain the resolution and have it under consideration?

So, Mr. President, an "early opportunity" is to me an indefinite expression. It might be some time after the consideration of the President's plan to reform the Federal judiciary, and I do not know when that will be.

In the form in which it was first presented I had some doubt as to the advisability of appending the amendment to this bill, but in the simple form in which it is now presented, with the limitations and restrictions it contains, I can see no objection to having a vote today.

Mr. NORRIS. Mr. President, I decline to yield further. I should like to conclude what I have to say.

Mr. McNARY. I beg pardon of the Senator from Nebraska.

Mr. ROBINSON. Mr. President, may I reply briefly to the Senator from Oregon?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. ROBINSON. I will not ask the Senator to yield now.

Mr. NORRIS. Mr. President, I should like to proceed on the theory that, no matter which side of any question they may be on, all Senators are acting in the best of faith and are conscientious. I have seen every indication during the course of this little controversy that everybody is so acting. I will not be intentionally misled. I think the situation appears to other Senators as it does to me. Certainly if any Senator should try to resort to what I thought were unfair tactics, I would take exception at once, as would every other Senator who was moved by a desire to be fair and to give even his enemies a fair opportunity to consider any pending legislation. I assume that there would not be any doubt on that question. It might take a few days. So far as I am concerned, I would not care if the action were taken tomorrow, but I would not consent to an indefinite delay. I think we have sufficient assurance when we have the word of Senators that if this amendment is taken out of this bill there will be no question whatever that within the next few days, if not tomorrow, the subject matter will be before the Senate.

Mr. President, I wish to refer to another matter which I intended to speak of on Friday, but forgot to do so. I was reminded of it by the Senator from Kentucky [Mr. BARKLEY] when he read what the Senator from Michigan had said. Every man has a right to draw his own conclusions, I concede; every man, in the Senate and out of it, has the right to believe that the President ought to have spoken out on this subject; and, since the suggestion is made that it reaches right up to the other end of the Avenue, to the White House, where some expression ought to have been made, I am induced to refer briefly to that phase of the question.

As I see it, and as I believe we ought to look at it, nothing has happened as yet that would call for an expression of opinion on the sit-down strike by the President of the United States. I think Senators are wrong when they say he ought to have said something about it and ought to have condemned it. He might have done that, I concede; he has a right to do it; but the matter was not officially before him. Even the Senate does not have it before it officially. After all, it would be only an expression of opinion by a Federal officer or by the Senate or by Congress that would be entirely unofficial. We have not the question before us; it is not proposed that we legislate with respect to it. I think, therefore, that the President and the Senate and the House of Representatives can very properly remain silent on the subject until it shall come before them in an official form. That is only a matter of opinion; and when someone says the President ought to express his opinion, while he has a right to express it, yet I do not think anyone is justified in criticising the White House for not publicly condemning the sit-down strike.

Since Friday I have read several articles in a number of newspapers on the subject. Some of them are bitter. One of them by a newspaper writer who publishes his articles every few days in a large number of newspapers, a syndicated article, has practically said, as I understand his language, that the President had the Army and the Navy behind him and he ought to have gone into this matter and settled it at once.

Suppose the President had called out the Army; what would have happened then? How many people would have arisen and yelled, "This is impossible; it is not to be thought of"? Suppose he had sent the Navy to Michigan; suppose he had marched an army into Detroit; I think he would have been rightfully subject to criticism. I think he would have been doing something that he ought not to have done; and I believe the laws of Congress will bear me out in that opinion. Yet there have been people who are worried and have been worrying for some time because the President has not acted about this matter. I concede he had a right to express his opinion or remain silent, just as he desired to do, but he is the President; he is not merely an individual; he had to take that into consideration. I think he ought to be moderate. I say frankly if I had been President of the United States, I would not have expressed any opinion about the sit-down strike up to the present time. It is in process of settlement, and negotiations are proceeding pretty well. The junior Senator from Michigan [Mr. BROWN] told us on Friday what his idea was of it, and I thought he approached the subject with a great deal of wisdom and with more knowledge on the subject than most of us possess. I do not believe anyone would be justified in criticizing the Congress for not declaring a policy. Yet some people think Congress ought to declare a policy, and we have gone so far along that Congress will probably declare a policy one way or the other. I am willing to go along and do that, but I do not think it is necessary. I would rather Federal hands had been kept off this question until the processes of adjustment had been completed in Michigan, as they seem to be proceeding satisfactorily.

Mr. PITTMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Nevada.

Mr. PITTMAN. I think what the Senator from Nebraska has said indicates quite clearly two things: In the first place, that a number of Senators have in mind to offer amendments if this question comes up in the form of a resolution. They may offer amendments to the amendment of the Senator from South Carolina to this bill. However, the amendments that I have seen under consideration on the floor take the subject even farther away from the pending coal measure. I think, for instance, it is perfectly worthy of consideration in dealing with sit-down strikes that some of us do not believe them to represent sound policy, and it might be pretty well to give some consideration to whether or not the so-called industrial spy system does not arouse fears and suspicions and animosities that bring about heat and disturbance between employer and employee.

Mr. NORRIS. That is one of the amendments which I think ought to be added to a resolution of this kind.

Mr. PITTMAN. The exact form that it should be in, I do not know.

Mr. NORRIS. I do not know, either.

Mr. PITTMAN. I have drafted a form which temporarily at the time seems to express my views, but whether it does I am not yet certain. It was drawn hastily, I admit. I do not even know whether I have used the correct name or not; I do not know whether it is called the industrial spy system or some other name. I think possibly that is what it is called; but I am very much opposed to it anyway because I think it does no good, and, like all spy systems, brings about animosities between employer and employee.

If criminals are being looked for in a plant or an industry, they are very easily found, and I believe as a general thing efforts to find them by legitimate means would have the assistance and approval of the employees themselves. I think they themselves are trying to get rid of the criminals.

I have just read another amendment suggested by another Member of this body which goes still further from the bill and deals with another existing law. I can conceive that the matter might legitimately involve a day or 2 days of debate.

While I announced that I would be compelled to vote for the amendment if I thought the matter was going to be referred to a committee, with resultant delay, I am perfectly satisfied, after having heard the statement of the Senator from Arkansas [Mr. ROBINSON] and having learned the attitude of the minority leader, the Senator from Oregon [Mr. MCNARY], who does not desire to delay and who has suggested there might be delay by sending the matter to a committee, that we could overcome the rule about sending such a resolution to a committee, because 5 minutes after it is sent to the committee we can, by majority vote, have it returned to the Senate.

Taking into consideration the attitude of the Senator from Arkansas, the leader of the majority, and the Senator from Oregon, the leader of the minority, I have not any fear that the matter will not have consideration in a very few days. Therefore I shall vote against the amendment of the Senator from South Carolina.

Mr. NORRIS. Mr. President, in conclusion, let me say that it follows that I would feel it my duty, so far as I am concerned, to vote against the adoption of the amendment. I shall do it without any fear. There may be danger in such a procedure. Senators have said such an action would be misunderstood, and that may be true. My brief experience in the Senate has caused me to believe that we often get in positions where our votes may be misunderstood. In my opinion, that ought not to cause anyone to vote either for or against the pending amendment.

After all I have given my reasons, in part at least, for being against the amendment on the pending bill. If that explanation does not satisfy, I shall have to suffer the consequences. If that position does not suit my constituents and they think I am misrepresenting them, then at the next election, when I am a candidate again for reelection, they can vote to have me stay at home and that will be all right. That is their privilege. I think I ought not to let that cause me to deviate from what I believe to be my duty in the matter.

Mr. OVERTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Louisiana?

Mr. NORRIS. I yield.

Mr. OVERTON. The amendment undertakes to declare that it is the sense of the Senate——

Mr. NORRIS. No; the sense of the Congress. It has been amended.

Mr. OVERTON. That does not interfere with the observation I was about to make.

Mr. NORRIS. Will the Senator let me conclude, unless he has a question to ask me?

Mr. OVERTON. I want to ask the Senator a question.

Mr. NORRIS. Very well.

Mr. OVERTON. The Senator from Nebraska has given a great deal of consideration during his long service in the Congress to legislation of this character. The pending amendment undertakes to declare that it is the sense of the Congress that the sit-down strike is illegal. It confines its condemnation to strikes in industries within the jurisdiction of the Federal Government.

If the premise is true, as stated in the amendment, that the sit-down strike is illegal and that Congress has jurisdiction in respect to sit-down strikes in industries which affect interstate commerce or in other matters in which the Federal Government has jurisdiction, then I ask the Senator if he does not believe this is a very ineffective way of dealing with what appears to be a well-recognized evil? If the sit-down strike is wrong, if it is illegal, should there be simply a resolution or an amendment to the pending bill which undertakes to express in a very ineffective way the sense of the Congress of the United States?

If we have jurisdiction, and under the terms of the amendment we would have jurisdiction with reference to sit-down strikes in industries within the jurisdiction of the Federal Government, should we not undertake to deal with the problem in an effective way? Should we not, for instance, undertake to enact legislation that would provide a penalty for those who engage in these illegal ventures which are so much condemned by the Members of the Senate?

It may be that a resolution or an amendment of the kind now pending might have some persuasive influence, but that would be all. If the sit-down strike is an evil, if it is something to be stopped and arrested by Federal intervention, should we not undertake to proceed in an effective way?

Mr. NORRIS. Of course, this is not an effective way. Nobody claims that we have any jurisdiction in respect to the particular strike situation now existing. This would be just an expression of opinion of the Congress. Congress has sometimes expressed its opinion. As I said, I do not think we were called upon to express an opinion, although, if Senators and Members of the House think we ought to do so, I am willing to express an opinion. It will not have any legal effect, but it may have a moral effect. Some Senators think it would, and I hope it would.

Mr. OVERTON. We have no jurisdiction at all over sit-down strikes unless they interfere with interstate commerce or with the mails or with Federal property. But the amendment confines its terms to strikes in industries within the jurisdiction of the Federal Government. The question I have been propounding to the Senator from Nebraska is, if we are going to take any action at all in reference to sit-down strikes in matters in which we have jurisdiction, should we not undertake to do so in an effective way, and not in an ineffective way as represented by an amendment which simply undertakes to express our opinion?

Mr. NORRIS. Certainly; that would be the more judicial and logical way to proceed. The amendment does not attempt anything of that kind. It merely expresses an opinion.

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

Mr. NORRIS. I yield.

Mr. BARKLEY. Even the language of the amendment itself leaves in doubt just what it means, because we might have jurisdiction over the shipment of coal or beef or any other commodity from one State to another and yet have no jurisdiction over the manufacture or processing of that product, according to the decision of the Supreme Court. Accordingly it would be hard to tell just what we have jurisdiction over that gives us a right to legislate on a sit-down strike which the Supreme Court has declared is local.

Mr. NORRIS. I have not discussed that question because I do not think it is before the Senate. I do not think anybody claims it is before the Senate. It is not proposed by this amendment to legislate in that way. I do not think it would be effective in a legal sense. It might have a great deal of moral effect and I am not quarreling with those who think it would have. If a majority of the Senate and House think it would help to have Congress express its opinion, I have no objection.

Mr. LEWIS. Mr. President, I have no purpose to indulge in any debate as to the merits or virtues of any of the expressions in the amendments which have been or are before us. I at this moment wish to bring this honorable body to recall that I addressed the Senate last week, and possibly I am responsible for injecting the suggestion that the Congress should favor the President of the United States with its expression, asking of him the consideration of this subject, and obtaining from him, within the power and limitation of his authority, an expression on his part which would go to serve the uses of peace and order, and help bring about a harmony between those who are in conflicts or contests resulting in labor confusion.

I desire to have it understood, sir, that having injected that matter and having expressd my view I am still of that opinion. I do not withdraw from it. I have seen nothing in this debate or the circumstances that excuses the Federal authorities from an investigation, so far as the Federal interests are involved and where the Federal authority is permitted to enter the subject. I again assert that this honorable body, as a Senate, could fittingly pass a resolution requesting the President of the United States to take such course as in his judgment would indicate his interest and inform the public of his intent to preserve peace and order. This would inform those who are the toilers, as well as those who are the employers, that he hopes they may attain peace through their own efforts and that it is his intention not to interfere with the State when the State is acting wholly within its sovereign sphere; but that wherever the State, either within its sphere or otherwise in its assumption, shall decline to preserve the order that it might preserve, and will take no step to do so when it should, the President will feel it his duty, in behalf of the Federal Government, to initiate such course as will maintain the peace and order of America as against the destruction of property or the involving in any form whatever of danger to the life or liberty of the citizen.

Mr. President, I am strongly of the view that the tender of this amendment on the part of the able Senator from South Carolina [Mr. BYRNES] to be placed on the present bill fails to serve the object which no doubt he well has. It goes one step further in a direction that I think should be deprecated in this body, if my construction be right. It is an open announcement that we have entered into the quarrel between Mr. William Green, the head of one labor organization, and Mr. John Lewis, the head of another labor organization. Strikes are here and there under the supervision of each and going on in this country under the control of both; at the same time employers are persecuting toilers. Here we choose a single word, an expression describing but one, announcing our condemnation, without any regard to the fact that property may be, and has been, seized; that violence has occurred in respect to other strikes and other conflicts between employer and employee; and the persecution of employees by employers and State and National constabulary.

We are doing more. We are giving the President of the United States to understand that we remove him from the opportunity cautiously to consider this subject under any suggestion this honorable body may make to him. If he now attempts to investigate under resolution either from myself, who initiated this matter, or from my honorable colleague in the early enterprise, the Senator from California [Mr. JOHNSON], the resolution will take on the form that the President is not investigating the strike in order to see where the Federal Government should introduce itself; he is investigating the Senate. He is investigating this amendment. He is investigating the action of the Senate; and thus we have removed him from a calm opportunity to deal with the matter, and placed him in a position where,

if his attitude should comply with the expression of this bill, it would be a senseless and useless one. Should it be one where it differed, it would take on the form of a condemnation of us; and we therefore put the President in the position, by such an amendment on this bill, of entering into the subject of investigating the Senate and the wisdom of its course in passing this amendment added to the coal bill.

I therefore join with the Senator from Arkansas [Mr. ROBINSON], the leader, the Senator from Nebraska [Mr. NORRIS], and the expression of my able friend from Kentucky [Mr. BARKLEY], in pointing out how this particular amendment on this bill fails of the very object it assumes to attain; and I add to that, sir, my objection upon the ground that it wholly defeats the purpose I injected into this undertaking. I now still insist that the President shall at a proper time be authorized by this honorable body to take the same kind of course, to the full limit, if he finds it necessary, that the former President of the United States, Theodore Roosevelt, took in the matter of the anthracite coal strike of an earlier day, and the course that President Wilson took, sir, in respect to the railroad strike of 1916.

Upon these precedents, as well as upon my view heretofore expressed, I am not able to see how this amendment tendered to the pending bill serves any purpose other than that of a confusion which I must do all I can, by voice and action, to avoid at this time upon this bill, and upon the subject which is now before the Senate.

Mr. BYRNES. Mr. President, in order that there may be no misunderstanding about the matter, I desire to say that it is my determination to ask for a vote upon this amendment.

I know there are some Senators who are perfectly sincere in their statement that if the amendment were withdrawn, and if hereafter the substance of it should be offered as a separate resolution, immediate consideration would be secured for that resolution. But I know that should I follow that course, the leader of the Democratic side of the Senate cannot speak for all of the Members of the Senate. I know from information received from him as to the views of certain Members of the Senate, and I know from information received from others that if this amendment is offered as a separate resolution there may be offered as an amendment to it legislation which is certain to result in a filibuster. Therefore the introduction of a separate resolution may mean no consideration for this subject at any time during the present session.

Not only is that true of the Senate, but neither the majority leader nor the minority leader can speak for the House of Representatives. Unless this is to be solely a Senate resolution—and no one suggests that—if it is to be a joint resolution, it must go to the House for consideration. I know what would happen in the House if the leadership of the House should be as enthusiastic about consideration of this amendment as the leadership in the Senate. No matter what might occur, I know that when the resolution reached the House it would be referred to a committee. I served in the House and I know what chance it would have of ever getting out of a committee in the House unless the majority leadership favors it. Even if it were not sent to a committee, there to sleep the sleep of the just and the dead, when the resolution reached the House, unless the leadership could be overturned, it would be the last of a resolution seeking merely an expression of opinion by the Congress of the United States on the question of sit-down strikes.

What is there that is so complicated about this matter? The amendment now pending is not mine. It was not drafted by one with my weaknesses and frailties. Its language was drafted by the President pro tempore of the Senate, the Senator from Nevada [Mr. PITTMAN]. It was drafted by him after most careful consideration. It was submitted last week to the Senate, and was debated on the floor of the Senate. The Senate adjourned from Friday night until Monday to consider the subject. The matter was debated Thursday and Friday, considered Saturday and Sunday, and we are here on Monday; yet this four-line resolution seems to defy the intellects of the Senate, and makes it impossible for them to consider it. They hold out hope that after this bill passes they might know how to vote upon the question, but not as an amendment to this bill.

Ask any Senator, "Do you approve of the sit-down strike?" "No." Then, if you do not, why delay to consider something upon which you have already decided? The only question before Senators is, having decided upon it, knowing that they are in favor of it, whether or not they should say it in the form of an amendment to this bill. As an amendment to this bill, we know it will be acted upon in the House; for under the rules of the House, when it reaches that body, a motion may be made to concur in the amendment. Such a motion has precedence over other motions, and the House will have an opportunity to do what a majority of the House desire to do, express their view, just as a majority of the Senate say they wish to express their view. I thought all Senators had made up their minds, with the exception of one or two. I think some Member of the Senate said he thought there ought to be an investigation. If any man has not made up his mind upon it, I can see why he should want an investigation; but the vast majority of the Senate know what they want to do about a declaration of policy on a matter of this kind.

Senators say, even if the matter should be considered, that we have not time to consider it now upon the floor of the Senate. If they all disapprove of the sit-down strike, it does not require consideration to vote the way we talk. But if time is necessary, we have not anything else to do. Time and again the Senate finds itself adjourning over from day to day because it has no business with which to proceed. The Senate has no business after the passage of this bill. What is there to prevent the offering of any amendments now? Let them be considered upon their merits. If we have not time today, there will be time tomorrow. If a majority of the Senate are in favor of any amendment, it will be adopted, and the expression of the Senate will be secured.

Senators say it is unfair treatment to coal miners. I cannot see the justification for that statement. The amendment I originally offered was offered as an additional declaration of policy pertaining to labor relations. Members of the Senate say, "Why single out one phase, and only one phase, of labor relations?" My amendment was offered as an additional paragraph to section 9, on page 42 of the bill, which section is nothing but a declaration of policy in paragraph after paragraph.

When Senators say, "Why not denounce those things inimical to labor?", I say that that is all that is done in section 9, and I am glad to say, and to repeat I think for the third time, that section 9 declares as the public policy of the United States that there shall be collective bargaining, and that no employer shall interfere with any employee in his right to bargain collectively. It provides that no producer shall interfere or coerce employees in the exercise of their rights. It provides, further, that no employee and no one seeking employment shall be required as a condition of employment to join a company union. Never before, that I can recall, has that been written into law; and here is a declaration of policy as to something new, but something of which I am in favor, denouncing the company union, and the action of any man who will try to force an employee to join a company union.

The section then proceeds to declare that if any employer shall be guilty of violating any one of these prohibitions, any one of these paragraphs, he shall not be permitted to receive a contract from the United States Government for furnishing coal.

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

Mr. BYRNES. I yield.

Mr. MINTON. Did the Senator say that the policies to which he has just been referring have not been declared in Federal legislation?

Mr. BYRNES. No. I said that the one referring to the company union had not been covered in previous legislation, so far as I could find.

Mr. MINTON. Were they not all embraced in the law held constitutional by the Supreme Court last Monday affecting the railway unions?

Mr. BYRNES. I stated to the Senate—and that answers the Senator—that if that particular policy denouncing company unions was embraced in any law, I personally did not know it.

In the National Labor Relations Act we made a declaration of policy, and I am in favor of every word of it. It denounces as unfair practices things against which I have contended for years. As I said to the Senator from Indiana, so far as I have gathered in reading that act this morning, it does not embrace specifically a reference to the company union.

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

Mr. BYRNES. I yield.

Mr. WAGNER. Did the Senator say that the company-union question was not involved in the National Labor Relations Act?

Mr. BYRNES. I said that in reading it this morning I did not find it referred to, nor do I recall that it is. I shall be delighted to learn from the Senator, who was the author of the act and knows about it, what the fact is.

Mr. WAGNER. It is one of the important provisions of the law. We prohibited practices of the type of those under which the company union would fall.

Mr. BYRNES. I am delighted to learn from the Senator that that is true, because, as I have several times stated, that is one practice to which I am very much opposed; but, reading the provisions covering unfair practices, I did not see that referred to. Knowing the views of the Senator, I know he would be opposed to it, as I am.

Mr. WAGNER. In the Virginia Railway decision the Supreme Court took up that very practice, and the Court upheld the statute there involved and the prohibitions contained therein, and they are almost identical, word for word, with the provisions in the National Labor Relations Act with reference to the company union.

Mr. BYRNES. Mr. President, I am glad to know that. Then every one of these practices about which the Members of the Senate have complained has been denounced either as against public policy or as a violation of law. And they are denounced in the section to which my amendment is offered.

Senators who are very much opposed to acting upon the amendment at this time state, among other things, that it would involve us in a dispute between leaders of various labor organizations. That cannot be the fact. Members of the Senate know that Mr. William Green, the president of the American Federation of Labor, has denounced the sit-down strike. In this morning's newspapers the Associated Press carries a story from Houston, Tex., that Harvey C. Fremming, of the Committee for Industrial Organization, arriving in Texas to open what he terms one of America's major labor moves, declared:

> The first thing I want to do is tell the Governor, a good friend of mine, that John L. Lewis and the C. I. O. don't work on the principle of sit-down strikes. Lewis merely inherited that form of strike. Did you ever hear of a sit-down strike in a coal mine?

Therefore, Mr. Lewis is opposed to it. Mr. Hillman, who is in charge of the drive among the textile operators, was reported the other day to have said that he did not want to be quoted as favoring the sit-down strike.

Therefore the great leaders of both labor organizations are opposed to it. Every Senator who has discussed the subject is opposed to it. The people of this Nation are opposed to it. Then why should the Senate hesitate to declare against public policy something which everybody in America is opposed to?

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

Mr. BYRNES. I yield.

Mr. KING. Assuming for the sake of argument—and I am only indulging in an assumption—that some labor leaders favor the sit-down strike, which is condemned, as the Senator very properly says, by the people of the United States generally, why should that deter us from expressing our views in condemnation of something which obviously is wrong, is a trespass upon property, and leads to strife and confusion, and oftentimes to bloodshed?

Mr. BYRNES. Mr. President, of course, nothing should deter us from voting our views. But it might make it easier for men in public life to vote their views if the views of the various leaders of the labor organizations were expressed as being in accord with the views expressed in a particular amendment.

Mr. President, Senators seem perfectly willing to proceed to the consideration of the subject matter in a resolution after we dispose of the coal bill. If so, and they have made up their minds they do not need any hearings. They know what they want to do, and I see no reason why they should not do it. What is the difference in voting today and voting tomorrow and Wednesday?

Certainly it cannot be said that there is anything new in offering an amendment containing a declaration of policy to a bill of this character. There is not a Member of the Senate, there is not a Member of the House of Representatives, who cannot recall instance after instance when legislation has been offered which was not even relevant to the language of the bill as originally introduced.

In this case that charge cannot be made. Here is what did happen: When my amendment was originally offered to the section containing a declaration of policy in the Guffey bill, which bill provided for the enactment of a code for the coal industry, what was the argument against it? The argument was, "It is fine, and we are against the sit-down strike; but the amendment is limited to one industry, and it ought to apply to all; it ought to be made general. It is unfair to single out one industry." After the Senators had exhausted their vocabularies and suffered mental anguish on Thursday and Friday in stating that it should not be restricted to one industry, today I adopted the language of the Senator from Nevada [Mr. PITTMAN] applying to all industries. Now Senators say it is too broad, and, even if it is not too broad, that it should not be in this bill.

When the amendment first provided that when men cease to work they should not remain on the property where they were employed after they received notice to leave, Senators declared, "I am opposed to the sit-down strike, but I am afraid of the language of the amendment. I think you should say simply that we are against the sit-down strike, so there would be no doubt about what was said and what was meant. The suggestion of Senator PITTMAN is much better than your amendment." Well, I have offered as amendment the language of the Senator from Nevada, which does exactly what they said should be done. Now they say that that is all wrong; that the language should not be used; that there have been strikes during all the years and nothing has been said about them, and nothing should be said about strikes at this time.

Mr. President, I am sorry my dear friend the Senator from Nevada [Mr. PITTMAN] is not in the Chamber. I wanted to tell him that I have greater confidence in his judgment when that judgment is reflected in an amendment prepared after due deliberation and when that judgment continues to be his judgment for several days, than I have in his conclusion a few minutes ago that his own amendment should be considered later, when somebody else would have a chance to amend it.

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

Mr. BYRNES. I yield.

Mr. WALSH. Is the Senator of the opinion that the adoption of the pending amendment would be construed by the country and would operate to be a deterrent against future strikes of this kind?

Mr. BYRNES. Mr. President, if I did not believe that, I should not ask the Senate to vote upon it.

Mr. WALSH. I assumed that. I now ask another question. Is the Senator of the opinion that if his amendment shall be rejected, it will be construed by the country as an attitude of indifference on the part of the Senate to the sit-down strikes?

Mr. BYRNES. Mr. President, there can be no doubt about it. I will say to the Senator from Massachusetts there is not one reason why the original amendment drafted by me and offered to the Senate should not be adopted as a declaration of policy. It was simply adding one additional policy to the four or five declarations of policies set forth in the same section. The only reason I withdrew that amendment, and offered the amendment proposed by the Senator from Nevada, his own amendment, was because I believed that if Senators would vote the way they talked last week there would be more votes cast for that amendment, and there would be less misunderstanding on the part of the people of this country. The people should know that the Congress of the United States, the policy-making body, says, "As a policy of the United States we disapprove of the sit-down strike."

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

Mr. BYRNES. I yield to the Senator from Massachusetts.

Mr. WALSH. It seems to me, regardless of the precise phraseology of this amendment, regardless of the debate in this body, that the public will construe the vote on this amendment as an expression of approval or disapproval of sit-down strikes.

Mr. BYRNES. Mr. President, I think the Senator from Massachusetts is right. The people can look into the record if they please and say, "My Senator is opposed to the sit-down strike, but he wants a chance to vote upon it tomorrow." Of course, some ordinary citizen may say, "If he is going to be against it tomorrow, why not today?" Whether a man approves of it or disapproves of it, I want him to vote his conviction. This amendment only expresses the views of the Congress as to a question that is today in the minds of all the people of this Nation. The people know how they would vote upon it.

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

Mr. BYRNES. I yield.

Mr. WAGNER. I know that the Senator from South Carolina always wants to be fair—and I mean that sincerely. The Senator, being well informed as to what is going on and has been going on in this country, knows that there has been quite a sit-down with respect to the National Labor Relations Act on the part of a great many large employers. I am happy to say that the majority observed the law, and by that method have retained industrial peace in their industries; but there have been a great many who have not. I am not speaking of those who appealed to the courts; because, as I said the other day, when a court order is issued, the law must be observed. I am talking about those employers who, by themselves or with their attorneys, decided that the law did not apply to their particular industries, and violated it. Without bothering about the courts, they simply said, "We will not obey the law."

When we are talking about condemning the workers because of a certain method they have pursued, which is recognized as being a trespass, should we not at the same time recognize this defiance of the law of the United States, and have a provision put into the law dealing with it? I do not say that the language which I am about to read is the language which should be adopted. I have hurriedly drafted it, but it is similar to what was proposed by the Senator from Washington [Mr. SCHWELLENBACH] the other day. It is as follows:

> *Provided*, That the employers shall have recognized the jurisdiction of the National Labor Relations Board and other governmental agencies for the peaceful settlement of labor disputes.

I am wondering whether this would not present the true picture, rather than to pick out solely the working people, who have acted, I believe, mistakenly in resorting to the sit-down strike as a weapon.

Mr. WALSH. Mr. President, will the Senator reread the phrase?

Mr. WAGNER. Certainly. [Reading:]

> *Provided*, That the employers shall have recognized the jurisdiction of the National Labor Relations Board and other governmental agencies for the peaceful settlement of labor disputes.

I do not have any pride of authorship. Perhaps some other language ought to be used. However, I think the entire picture ought to be presented.

I heard no great indignation when the La Follette committee brought out the manner in which workers were exploited by means of the spy system, the machine guns, and all the other methods used to oppress them while collective bargaining was completely denied them. When these facts were brought out there were not these great protests. I say we ought to look at the whole picture.

Mr. WALSH. Every violation of law, whether by employer or employee.

Mr. WAGNER. That is true. That is what I suggested. Every deliberate violation of law is subject to condemnation by this body.

Mr. McADOO. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. I yield.

Mr. McADOO. I wish to ask the Senator from New York where in the bill he wishes to insert the provision he has just read.

Mr. WAGNER. Somewhere in the amendment offered by the Senator from South Carolina.

Mr. McADOO. I hand the Senator from New York a copy of the amendment proposed by the Senator from South Carolina. I ask him to examine it.

Mr. WAGNER. It is easy enough for draftsmen to insert it in the proper place.

Mr. McADOO. It did not seem to me that it fitted into the amendment as the Senator now has drawn it, and it seemed to me that he ought to draw it to conform to the amendment.

Mr. WAGNER. I am speaking of the desirability of having added to the amendment additional language of that kind. Does not the Senator agree that both sides ought to be treated equally?

Mr. McADOO. I do.

Mr. BYRNES. Mr. President, I shall be glad to answer the Senator from New York. The Senator said that when the La Follette committee disclosed the fact that in certain industries spies were used, no great outcries were made. I do not know about outcries, but I know my views.

Mr. WAGNER. Will the Senator again yield?

Mr. BYRNES. I yield.

Mr. WAGNER. I am not finding any fault about your views, but no great outcries were made about the injuries done to workers.

Mr. BYRNES. I wish to advise the Senator from New York that the revelations astounded me.

Mr. WAGNER. I am sure they did.

Mr. BYRNES. They impressed me so much that I sent to the Assistant Attorney General in charge of the enforcement of the law, for the passage of which I was responsible, and which prohibits importing any person into the State for the purpose of interfering with men who are engaged in peaceful picketing; and I asked the Assistant Attorney General to bring to my office the record of any matters the department had investigated. Taking them, together with the La Follette hearings, I have been working on an amendment to the law which I have just described to see if there is a possibility of bringing such matters within the jurisdiction of the Congress. The attorneys in the Department of Justice are to see me and confer with me again at the conclusion of the La Follette committee hearings; and as chairman of the Audit and Control Committee I favorably reported a resolution giving additional funds to the La Follette committee to pursue its investigation.

Mr. WAGNER. Mr. President, will the Senator again yield?

Mr. BYRNES. I yield.

Mr. WAGNER. I am one of the enthusiastic supporters of that very commendable piece of legislation. The Senator will have noticed that the La Follette committee investigation has shown that employers have defied the very admirable law which was proposed by the Senator. They did use thugs as strike-breakers in some instances, thus deliberately bringing about the conditions so resented by the employees.

Mr. BYRNES. There is no doubt about that, Mr. President. I voted for the provision in the act creating the National Labor Relations Board penalizing the actions that

the Senator has in mind with respect to collective bargaining and company unions. I introduced the bill on the other subject to which I just referred. I am willing to go along with the Senator in any declaration of policy he may offer with reference to any unlawful act, but I would not base a declaration as to an unlawful act upon the condition that another man has committed a violation of the law. I will join the Senator in denouncing, in language as strong as he can draw, employers who violate the National Labor Relations Act or indulge in the employment of spies; but I would not say that employees are entitled to sit down on the property of any man and stay there and take possession of his property and hold it against him and against the officers of the law, unless the employer could show that he had never violated some other law. Each violation must stand by itself. Two wrongs do not make a right. When it is shown, as it can be shown, that employers have violated the Wagner Act, I will join in denouncing them. Their act is unlawful. My only objection would be to adding any language here which would say, "You must submit your cause to the National Labor Relations Board; and if you do not do it, your employees have the right to take your property away from you." That is not the penalty provided by the law. Congress fixes the penalty for a violation of law. It is in the statute. If it is sufficient, all right. If it is insufficient, then let us amend the law and provide a sufficient penalty, and I would want to see the Government enforce that penalty. But I will not say, "You must submit your cause to the Labor Board; and if you do not do it, then any man who works for you can take your property away from you." If another penalty is to be provided, it must be done by statute, and not by legalizing something which is illegal.

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

Mr. BYRNES. I yield.

Mr. WAGNER. The Labor Relations Board Act itself provides that no order of the National Labor Relations Board is enforceable until the courts approve the order. So there is in every instance a hearing in court before any of the acts of the Board are enforceable. I think the Senator misunderstood me.

Mr. BYRNES. I was thinking of the effect of the amendment the Senator read.

Mr. WAGNER. I have no pride of authorship, but I think the amendment ought to be presented.

Mr. BYRNES. If the Senator will introduce a separate paragraph containing such a provision as he suggests, I will go along with him. It cannot be too strong for me.

Mr. WAGNER. But the Senator does not want it included in his amendment?

Mr. BYRNES. I say that cannot be done. As I read the language, I think the Senator from California [Mr. McADOO] was correct. I looked at it this morning, and I think if the Senator will get the amendment, a copy of which is on his desk, he will conclude that it is impossible to frame an amendment which can be offered to the language used by the Senator from Nevada [Mr. PITTMAN] which I have adapted as mine for the reasons stated. However, there is nothing to prevent the Senator from offering an amendment as another paragraph denouncing, in as strong language as he desires, those employers who fail to comply with the National Labor Relations Act or who deprive workingmen of any rights.

Mr. WAGNER. I think particularly that the matter ought to be dealt with in one resolution so that at the same time both sides might be condemned for any violation of law at the same time.

Mr. BYRNES. I will say to the Senator that in the first three paragraphs of this section there is in effect a denunciation of employers who fail to permit collective bargaining; who discriminate against employees because of union membership and force membership in company unions. That is why my amendment is offered as an additional paragraph to the same section, but it would be perfectly proper for the Senator to offer another paragraph if he cares to draw the language.

Mr. WAGNER. The Senator's amendment, as I understand—I was delayed for a while—is universal in its application?

Mr. BYRNES. Yes.

Mr. WAGNER. So, it presents a situation different from what it would if it dealt only with the provisions of this specific piece of legislation?

Mr. BYRNES. But, nevertheless, this whole section sets forth a declaration of policy and specifically denounces the things the Senator and I have stood together in denouncing, and as to which we now stand together. Last week the objection to my amendment was that it dealt only with the industry referred to in this bill. I changed it to apply generally to all industries. Now the objection is it should not be offered to this bill, which applies only to one industry.

Mr. WAGNER. Mr. President, will the Senator permit me to say one further word?

Mr. BYRNES. I yield.

Mr. WAGNER. I was going to say that I was particularly apprehensive of having the Senator's amendment in this piece of legislation because I know something of the coal miner's life. I am sure the senior Senator from Montana [Mr. WHEELER] will substantiate what I say. A committee of which I was a member spent 3 weeks in the coal fields at a time before the workers were organized. At the head of that committee was the late Senator Gooding, who was the colleague of the distinguished Senator from Idaho [Mr. BORAH]. Senator Gooding was recognized in this body as a very conservative man. He went to the coal fields with us and wrote the report for the subcommittee, in which he denounced, in as strong language as he could, the disgraceful and uncivilized conditions which existed in some of the mines. Many of the conditions complained of have been remedied, because the workers finally became organized.

Let me say that the men engaged in the coal industry are very orderly, and that the adoption of this amendment to the pending bill would be regarded as an indictment against these men who for 30 years have suffered and struggled and have finally reached the position where they are organized and are bargaining collectively without any strikes. Let me tell the Senator something further about these workers. When I was chairman of the Labor Board, which was a noncompensated office——

Mr. BYRNES. Mr. President, I do not mind yielding to a question, but I do not care to yield for a speech.

Mr. WAGNER. It will take me only a minute to complete the subject.

Mr. BYRNES. That would be an excellent thing to do.

Mr. WAGNER. As to the workers, concerning whom, I think, I am well informed, they are men who went to France to defend our country; they exposed their breasts to bullets in defense of America. Let us think about these men and not indict them unjustly.

Let me say to the Senator that while I was chairman of the Labor Board there were workers in 15 mines who wanted an election. They were completely unorganized, or they were forced by coercion to belong to a company union. The Senator knows the story. They came to me, as chairman of the Labor Board, and asked me if I would not hold an election. They said, "We want only an election to determine the question whether the miners want to belong to a company union or an outside union." After some persuasion, the operators agreed to an election. The Governor of the State asked me if I wanted troops to protect the workers in case of riots, or other disturbances which he anticipated. I said that I wanted no troops.

The mayors of the different places asked, "Do you want policemen?" I said, "No; I regard these workers as respectable law-abiding men, and I do not want policemen." We conducted the election in 15 towns, without the aid of a policeman or a State trooper, and there was not a single act of violence. Those men voted a secret ballot, and in 13 out of the 15 towns they elected the outside union. That is how the outside union was born. They made a collective bargaining agreement the other day. There has been no strike since that time.

What I am concerned about is that I do not want to be one, in anticipation of some possible situation, to condemn these law-abiding workers, over 400,000 of them. So, it seems to me, if we are going to anticipate possible violation of law by them, and a disregard for the laws of their communities or of their country, that we ought at the same time to recognize the fact that there are many employers who have violated the law. Let them be told that they should obey the laws of the United States. That is my whole concern. I am not trying to defeat any of the Senator's noble efforts, but I want him to see both sides of the story.

Mr. BYRNES. Of course, I always desire to hear both sides of a story. I would not have the Senator think that I am entirely unaware of conditions in the coal mines. I have been down in coal mines; I have been in mines at a time when there was a labor controversy, when human beings were killed. I spent not days but weeks in the mines and saw the conditions that existed, and I would join the Senator in denouncing the conditions existing in some mines some years ago. I have no doubt that among the miners there are men who went to France and bared their breasts just as there are men in this body who went to France and bared their breasts, and men in the cotton mills and men on the farms and many employers also who went to France. The Army was not recruited from any one class of people. Certainly, I would not see any justification for believing that there was any reflection upon any man in a coal mine any more than on any other man or any other industry to say that a sit-down strike is illegal and contrary to sound public policy. If he has no idea of engaging in one, it certainly will not bother him. The miner who has no intention of taking possession of another's property will say, "It certainly does not affect me, for I have no intention of sitting down on another man's property; it has no application to me." If any man intends to take possession of another man's property, then he should know the view of the Congress as to such action.

I know the miners have improved their conditions since they organized. I am in favor of their being organized. A great industry in my State is the cotton-mill industry. I have always favored the organization of the cotton-mill employees. The manufacturers in my State do not approve of my attitude, for I have been just as strong an advocate of the organization of the cotton-mill employees as my good friend from New York has been of all the employees of this country. There is no excuse for saying this amendment reflects upon anyone. I call to the attention of the Senator from New York again what I read a few moments ago from today's New York Times. The gentleman who represents the C. I. O. in Texas stated at Houston that Mr. Lewis is not in favor of the sit-down strike. We know Mr. Green is not in favor of it——

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

Mr. BYRNES. I yield.

Mr. WAGNER. The Senator does not think I am in favor of the sit-down strike, does he?

Mr. BYRNES. No; I never would make such a charge against the Senator from New York. I know he would not be in favor of it. No one is in favor of it. But, Mr. President, my difficulty is getting Senators to vote the way they talk. [Laughter.] That is the only purpose of the amendment, and that is the only excuse on my part for offering it. The Senator from New York indignantly resents the statement that he might be in favor of the sit-down strike; Mr. Lewis is opposed to it; Mr. Green is opposed to it; Mr. Fremming, who goes into Texas, is opposed to it. I cannot find anybody in favor of it, and yet we do have a little difficulty in getting a vote in condemnation of it.

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

Mr. BYRNES. I yield.

Mr. NEELY. I understood the distinguished Senator from South Carolina to say, during the course of his colloquy with the Senator from New York [Mr. WAGNER] that he was ready to vote to denounce every violation of law, or words to that effect. Did I correctly understand the Senator?

Mr. BYRNES. I said that if the Senator from New York would draw an amendment, in a separate paragraph, denouncing violations of the law on the part of employers, because of the Labor Relations Board Act or anything else, I would certainly support him.

Mr. NEELY. Does not the Senator from South Carolina believe that lynching by mob is a violation of the law of the land?

Mr. BYRNES. That is murder; and if the Senator wants to introduce a resolution denouncing it, I will join him in the denunciation.

Mr. NEELY. Will the Senator from South Carolina join me in having an amendment adopted to his amendment to the effect that, as a policy of this Government, the Senate does denounce lynching?

Mr. BYRNES. Yes; if the Senator will introduce a separate paragraph, I will do it. I have always denounced it. The Senator from West Virginia mentioned it the other day. I did not refer to it because I did not want to be diverted from the pending subject. As he again mentions it, let me say that on the floor of the House, when I was a Member of that body, and on the floor of the Senate, I have said that lynching is murder; and the only difference between murder, as it is defined in the law of every State, and lynching is that lynching is where, according to the definition of the Senator from New York [Mr. WAGNER], three or more engage in it; and when three or more men kill a human being, it is just three or more times worse than when one man takes the life of another with malice aforethought. The commission of one crime cannot justify the commission of another crime by three or more men. All my life I have denounced lynching, and I thank God there was no human being lynched in the State of South Carolina during the last year. The good people of South Carolina share the views I have expressed about the lynching or murder of a human being; and if the Senator will offer, as a separate paragraph, a denunciation of lynching, he will find no objection from me.

Mr. NEELY. Let me thank the Senator from South Carolina for the comfort and assurance that we will have his support in passing an antilynching measure at this session.

Mr. BYRNES. Oh, no, Mr. President. Murder is an offense against the laws of the State. That is different from a denunciation of lynching. My attitude will depend altogether on the measure offered. My amendment to the pending bill is merely a declaration of policy as to matters within the jurisdiction of Congress. I shall be glad to talk to the Senator if he introduces a paragraph denouncing lynching. I did not say anything about it the other day because I did not want to be diverted from the issue before the Senate. I think really the discussion of lynching has no more relevancy in this discussion than, to adopt the picturesque language of my good friend from West Virginia, a black snake has at a lawn party. I do not know why the black snake is picked on. A garter snake might cause more trouble at a lawn party than a black snake. But if the Senator from West Virginia should introduce an amendment to denounce the black snake he thought out of place at a lawn party, there would be argument on the floor of the Senate as to whether or not black snakes have not as much right on the lawn as have people, and it would be argued for a day that the party ought to be in the house and the snakes on the lawn; and, in any event, that there should be no discrimination against black snakes; that something should be said about garter snakes at a lawn party. It would be argued further that we should delay action until we had an opportunity to investigate and see what the snakes had to say about it. That would be the natural order of events if the Senator should undertake to denounce black snakes at a lawn party, as he did in his eloquent speech last Friday.

Mr. NEELY. I did not use the garter snake in making my comparison, because I knew that in any discussion that might arise about the article of wearing apparel to which the adjective before the word "snake" refers, my friend from South Carolina would have me at a great disadvantage. [Laughter.]

Mr. BYRNES. Mr. President, I repeat that I am now offering the amendment containing the language of the President pro tempore of the Senate, language which last week apparently had the approval of all the Members of the Senate who were opposed to my amendment. Those Senators were against the sit-down strike, but did not like the form of my amendment; they liked the Pittman suggestion. I now give them their amendment, and I express the hope that it will be adopted. I was willing to make the change and to offer it in the words of the Senator from Nevada [Mr. PITTMAN], because I believed it would get more votes on the floor of the Senate, and I did not want the American people to get the impression the Senate of the United States was in favor of the sit-down strike.

Mr. MINTON. Mr. President, the Senator from Massachusetts [Mr. WALSH] a few moments ago, by an inquiry addressed to the Senator from South Carolina [Mr. BYRNES], elicited a response to the effect that anyone who voted against the amendment would be voting for the sit-down strike, and that that was the impression which the country would rightly receive from any such vote. Then he stated the converse, that anyone who voted the other way, of course, would be considered as opposing the sit-down strike.

Mr. President, I do not intend to be blanketed by any such statement as that. I intend to vote against the amendment of the Senator from South Carolina. If I know my own mind, that is not a vote in favor of the sit-down strike. I do not want the impression to go out to the country that I am in favor of the sit-down strike merely because I vote against the amendment of the Senator from South Carolina. I am willing to meet that issue when it shall come before the Senate, to meet it fairly and squarely and to meet it without delay, but I am unwilling that the textile industry of the country shall compel me to cast a vote which might be construed as the Senator from Massachusetts indicated. I am unwilling, first, because the amendment is a one-sided proposal. It condemns only one side to the controversy involved in labor disputes, and that is the employees' side. I would not be a party to such condemnation where the employer was equally guilty.

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

Mr. MINTON. I yield.

Mr. BYRNES. I merely wish to ask the Senator if in saying that the textile industry would make a Senator vote a certain way the Senator means that the textile industry caused or induced me to present the amendment?

Mr. MINTON. No; I do not think so. I think the Senator had a perfectly good and valid reason sufficient unto himself for doing so, but I think the textile industry has a very vital interest in the Senator's amendment.

Mr. BYRNES. I think the Senator should yield to me to permit me to say that when I came to the Senate I am sure not a single cotton manufacturer in the State of South Carolina voted for me. When I was reelected to the Senate I think some of them did vote for me, and they did it only because they knew I was going to be reelected anyway. I know that 90 percent of the employees voted for me and supported me. I know that I am in favor of and have advocated the organization of the cotton-mill operatives of my State, and shall continue to fight for their organization. No manufacturer would ever assume to come and talk to me about offering an amendment of this kind.

Mr. MINTON. Mr. President, as to anything I may have to say about the textile industry I absolve the Senator from South Carolina from any connection with it at all. I am sure that he has offered his amendment to the bill because he thinks it is the thing to do and for reasons sufficient unto himself. However, I cannot but recognize what everyone else in the Chamber knows to be the fact, that the textile industry is vitally interested in the adoption of the amendment. I think I should not be asked to support the amendment to this particular bill, as I said a while ago, because it is one-sided and envisages only one side of the industrial dispute.

Mr. BURKE. Mr. President, will the Senator from Indiana yield?

Mr. MINTON. I yield.

Mr. BURKE. Does the Senator from Indiana mean to indicate that he favors the sit-down strike in the textile industry? Is that a fair inference from his remarks?

Mr. MINTON. Oh, no; I do not favor it in the textile industry or any other industry, and have never said so at any time or at any place, and never will say so.

I am opposed to the amendment of the Senator from South Carolina for another reason, and that is because it is a slap in the face of 450,000 miners in the country who have never resorted to the practice of a sit-down strike. I know of no reason why the Senate should become so agitated about sit-down strikes, which have been going on for a couple of months in the country, that we should have to vote on the question just now. I am perfectly willing to vote on it as a separate proposition whenever it shall receive the consideration which Senators think it ought to receive, but I am unwilling, as I said in the beginning, to be blanketed in under the terms suggested by the Senator from Massachusetts.

Mr. BONE. Mr. President, will the Senator from Indiana yield?

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Indiana yield to the Senator from Washington?

Mr. MINTON. I yield the floor.

Mr. BONE. I merely wish to ask the Senator if he thinks that in any definite and formal expression of this body we should confine that denunciation, or a denunciation by implication, to any group?

In the 5 years that I have served in this body, the bulk of the legislation considered by the Congress of the United States has dealt in no small part with defaults—the almost criminal defaults—of our captains of industry, with stock-jobbing deals, fake sales of stock, and the abuses of the holding companies in this country that have rooked and robbed Americans of billions of dollars. Rackets in our cities, crime itself, have taken an enormous toll. If there is to be a resolution expressing moral censure by the Congress of the United States, I think we ought to be good enough sports to condemn the Power Trust racket in this country, the stock-jobbing racket, and all the other rackets. At this moment, it is true, labor is occupying the spotlight; but there have been a number of very grave and serious abuses that merit challenge. Many of them have been met by legislation, and Congress has been passing legislation condemnatory of and attempting to correct those very abuses.

I desire to ask the Senator whether he does not think that if a resolution of this kind were adopted by Congress—a solemn declaration of public policy in the nature of a criticism, or an implied criticism—we ought to have sufficient good sportsmanship in our hides to include all the rackets of one kind or another that we have tried to correct by legislation?

Mr. MINTON. Of course, there is no end to the immoral things that we might denounce in a declaration of policy by the Senate of the United States. I do not suppose we shall attempt to denounce everything that is bad and commend everything that is good.

Mr. BONE. The point I had in mind in my question was, regardless of the merits of the strike, an attempt now by a formal resolution, which will challenge the attention of the whole country, to pick out one group. Assuming that things have been done that are not right, why should we now be so profoundly stirred that we pick out the acts that we consider challenging on the part of one group, instead of taking in the category of public evils which we all know to exist?

Mr. MINTON. I agree with the Senator.

Mr. BONE. I think the strike situation will clear itself up in time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Connally	Johnson, Calif.	Overton
Andrews	Copeland	Johnson, Colo.	Pepper
Austin	Davis	King	Pittman
Bachman	Dieterich	Lee	Pope
Bailey	Duffy	Lewis	Radcliffe
Bankhead	Ellender	Lodge	Robinson
Barkley	Frazier	Logan	Russell
Bilbo	George	Lonergan	Schwartz
Black	Gerry	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Steiwer
Bridges	Green	McGill	Thomas, Okla.
Brown, Mich.	Guffey	McKellar	Thomas, Utah
Brown, N. H.	Hale	McNary	Townsend
Bulkley	Harrison	Maloney	Truman
Bulow	Hatch	Minton	Tydings
Burke	Hayden	Moore	Vandenberg
Byrd	Herring	Neely	Van Nuys
Byrnes	Hitchcock	Norris	Wagner
Caraway	Holt	Nye	Walsh
Chavez	Hughes	O'Mahoney	White

Mr. LEWIS. I wish to announce that the Senator from Arizona [Mr. ASHURST] is detained as head of a committee now engaged on the public business in the Senate Office Building.

I also reannounce the absence of Senators as announced by me earlier in the day.

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

Mr. HATCH. Mr. President, before the vote is taken on the pending amendment, I desire to state my position with regard to it, and also, very briefly, my position on the sit-down strike method.

I have said, and I most fervently believe, that the sit-down strike method is illegal and contrary to American policies and principles. I am against the sit-down strike method; but I shall vote "no" on this amendment. I think the amendment has no place in the pending bill.

In the State of New Mexico are thousands of law-abiding coal miners, decent, self-respecting citizens of my State. The way this amendment is presented to this particular bill, I take it as a reflection upon those residents and citizens of New Mexico. Later, on a separate issue, at any time, I am willing to voice my sentiments against the sit-down method by my vote. I am not willing to do so on this amendment.

Mr. McADOO. Mr. President, before the roll is called I desire to state briefly for the RECORD that I shall not vote for the pending amendment for the reason that I think it has no proper place in this bill, and because it does not go to the merits of the question. I should be very happy to see brought upon the floor of the Senate an independent and comprehensive resolution which could be carefully considered and debated and then acted upon; and I shall be very willing at that time to vote upon such a measure. I will say at the same time that I concede that the sit-down strike is illegal; but I think that this is not the proper way to declare the position of the Senate in this matter.

Mr. SCHWARTZ. Mr. President, on behalf of the coal miners of Wyoming, I wish to endorse what has been said by the Senator from New Mexico [Mr. HATCH]. For the reasons the Senator gives, I shall vote against the pending amendment.

Mr. DAVIS. Mr. President, I send to the desk a resolution, which I ask to have read.

The resolution (S. Res. 111) was read, as follows:

Resolved, That it is the sense of the Senate that so-called sit-down strikes and the intolerable menace of industrial espionage are illegal and contrary to sound public policy.

Mr. DAVIS. I ask that the resolution lie on the table.

The PRESIDING OFFICER. Without objection, the resolution will lie on the table and be printed.

Mr. DAVIS. Mr. President, I am opposed to the principle of the sit-down strike, because it encourages the spirit of lawlessness from which all of us will suffer if it be condoned. The workers will be the greatest losers through this method of direct action, because human rights are inseparably linked with property rights, and a violation of the one is an attack upon the other. The ownership of property is recognized by law, and any method involving the use of property at variance with the law will completely upset the existing order of our economic life.

I was opposed to the original amendment offered by the junior Senator from South Carolina [Mr. BYRNES] because it applied only to coal miners. Now that it has been amended to apply generally, I desire to say that I shall vote for it.

Mr. PEPPER. Mr. President, I wish to say, principally for the RECORD, that the Senator from California [Mr. MCADOO] has stated my sentiments so perfectly that I desire to endorse what he has said.

Mr. GEORGE. Mr. President, I ask that the pending amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 44, after line 12, it is proposed to insert:

That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy. The Congress only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

Mr. KING. Mr. President, I regret that I have not had an opportunity to present the resolution which I suggested last Friday. I very much prefer it to the amendment now before the Senate, which was originally offered by the Senator from Nevada [Mr. PITTMAN]. I do not like to vote for a declaration speaking for the Congress itself, and I should very much prefer to have adopted a resolution expressive of the sense of the Senate.

I ask that my resolution be read, and then I shall ask that it lie on the table for further consideration if the pending amendment shall not be adopted.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 112) was read, as follows:

Whereas the so-called sit-down strikes are taking place in various parts of the United States; and

Whereas such strikes are resulting in disorders, interference with property rights and with interstate commerce, and result in a growing spirit of disrespect for law and the courts; and

Whereas the continuance of such strikes is inimical to the maintenance of a democratic form of government, and is subversive of the authority of the United States: Therefore be it

Resolved, That it is the sense of the Senate that sit-down strikes are illegal and are hereby condemned.

The PRESIDING OFFICER. The resolution will lie on the table and be printed.

The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

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

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. BYRD. I announce that the senior Senator from Virginia [Mr. GLASS] has a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD]. I am authorized to state that if the Senator from Virginia [Mr. GLASS] were present and permitted to vote he would vote "yea."

Mr. LEWIS. I announce the absence of the senior Senator from Arizona [Mr. ASHURST], who is in attendance on a meeting of the Committee on the Judiciary.

I also announce that the Senator from Missouri [Mr. CLARK] is paired with the Senator from North Carolina [Mr. REYNOLDS]. If present and voting, the Senator from Missouri [Mr. CLARK] would vote "yea", and the Senator from North Carolina would vote "nay."

I further announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Missouri [Mr. CLARK], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

The junior Senator from Montana [Mr. MURRAY] and the senior Senator from Montana [Mr. WHEELER] are detained in Government departments on matters pertaining to their State.

Mr. AUSTIN. The Senator from Kansas [Mr. CAPPER] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness.

Mr. NORRIS. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily detained from the Senate.

The result was announced—yeas 36, nays 48, as follows:

YEAS—36

Adams	Byrnes	Holt	Russell
Austin	Connally	Johnson, Calif.	Steiwer
Bachman	Copeland	King	Townsend
Bailey	Davis	Lodge	Truman
Bankhead	Duffy	Lonergan	Tydings
Bridges	George	McNary	Vandenberg
Brown, N. H.	Gerry	Maloney	Van Nuys
Burke	Gibson	Moore	Walsh
Byrd	Hale	Radcliffe	White

NAYS—48

Andrews	Ellender	Lee	O'Mahoney
Barkley	Frazier	Lewis	Overton
Bilbo	Gillette	Logan	Pepper
Black	Green	Lundeen	Pittman
Bone	Guffey	McAdoo	Pope
Borah	Harrison	McCarran	Robinson
Brown, Mich.	Hatch	McGill	Schwartz
Bulkley	Hayden	McKellar	Schwellenbach
Bulow	Herring	Minton	Sheppard
Caraway	Hitchcock	Neely	Thomas, Okla.
Chavez	Hughes	Norris	Thomas, Utah
Dieterich	Johnson, Colo.	Nye	Wagner

NOT VOTING—11

Ashurst	Donahey	Murray	Smith
Capper	Glass	Reynolds	Wheeler
Clark	La Follette	Shipstead	

So Mr. BYRNES' amendment was rejected.

Mr. PITTMAN submitted a concurrent resolution (S. Con. Res. 7), which was ordered to lie on the table, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy; and

That the so-called industrial spy system breeds fear, suspicion, and animosities, and is contrary to sound public policy.

The Congress only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

Mr. BULKLEY. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 30, line 17, to strike out the period after the word "him", and to insert a comma and the words "and for the purpose of this subsection the term 'producer' also includes all individuals, partnerships, and corporations which are found by the Commission, upon the effective date of this act, bona fide and not for the purpose of evading the provisions of this act, to be owned by, or to be under common ownership with, a producer, provided such a producer does not sell any part of his production on the commercial market."

Mr. NEELY. Mr. President, I am authorized to say that the friends of the bill and those who have charge of the proposed legislation have no objection to the amendment.

Mr. KING. Mr. President, I should like to have the Senator from Ohio explain the purpose of the amendment.

Mr. BULKLEY. I shall be glad to do so. The purpose of the amendment is simply to extend the exception carried by subsection (1), on page 30, so as to include under the definition of the word "producer" a wholly owned subsidiary or other legal entity having identical ownership. That is the whole purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. BORAH. Mr. President, on page 2 of this bill, in line 17, I move to strike out the word "two" and insert the word "one"; and in line 18, to strike out "producers" and insert "a producer." The purpose of that, Mr. President, is to give the public a majority of the board. As the board is now constituted, the coal operators and the people who are engaged in labor in the mines would have a majority of the board. I think a majority of the board ought to represent the public.

Mr. ROBINSON. May I ask the Senator where he proposes to insert his amendment?

Mr. BORAH. In line 17, on page 2, the amendment is to strike out the word "two" and insert in lieu thereof "one"; and in line 18, to strike out "producers" and insert "a producer."

Mr. NEELY. Mr. President, I was unable to hear the Senator from Idaho. May we hear the amendment he proposes?

Mr. BORAH. The amendment is in line 17, on page 2. The word "two" should be stricken out and "one" should be inserted, according to my view. That would make a majority of the board representative of the public and not representative of either of those who are immediately concerned in the enterprise.

Mr. President, I suppose, as was said by the able Senator from Pennsylvania [Mr. GUFFEY], who opened the discussion upon this matter, that this is looked upon as the beginning of a system of establishing commissions and price-fixing machinery over different industries; and next will come, in all probability, such action with respect to textiles and steel, and so forth. We ought not to establish the precedent, it seems to me, in the very beginning, of putting a majority of those directly interested in control of the commission.

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

Mr. BORAH. I yield.

Mr. BARKLEY. Under the provisions of the bill, these two members who are supposed to be experienced in the production of coal must have divested themselves completely of all interest in the coal business before they can be appointed. The bill merely provides that two members out of the seven shall have been experienced coal producers in the past, but not any longer interested in coal, and that two of them shall be experienced coal miners, so that there shall be four members experienced in the coal mining and production business, with three members representing the public. There is no reason why the two who may have been coal producers, but who no longer have any interest in that industry, or the two who may have been experienced miners, and who no longer have any personal interest in mining, may not represent the public as well as the three who are not supposed to have had any experience at all with the coal industry.

Mr. BORAH. Mr. President, the appointing power is the President, and he would undoubtedly select competent men experts to perform the duties of the commission; but there must be a reason for putting a majority of this board in control of those who are closely and intimately associated with the production of coal and labor in the coal mines. There must be a reason for it. No one is so naive as not to know.

I wish to call the Senate's attention to another matter. How far can we go in limiting the discretion of the appointing power, when that is the President, as to whom he shall appoint to an office of this kind? For instance, in the Court reorganization bill, which we shall have before us shortly, should we say that the President shall not appoint a man over 50 years of age or under 50 years of age, or that he must appoint two men from admiralty practice and two men from criminal practice?

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

Mr. BORAH. I yield.

Mr. BARKLEY. We frequently say, when we create a board, that the President shall not appoint more than a certain number from any political party. If we can limit his appointing power with reference to politics, we can do it with reference to business. There is no fundamental difference.

Mr. BORAH. It has never been passed upon, to my knowledge.

Mr. BARKLEY. I do not think it has been to the Supreme Court. I do not know that it will ever get there. However, discretion in the matter of appointment has been exercised time out of mind, and there is no reason to suppose that it is not a proper exercise of power. Of course, no question ever gets to the Supreme Court unless someone takes it there.

Mr. BORAH. In all probability this question will never get there, I agree about that; but I am calling attention to the fact that we are undertaking to limit the President in the exercise of discretion as to whom he shall appoint.

Mr. BARKLEY. The Constitution provides that Congress may create minor offices and provides for the manner of appointment to those offices. The manner of the appointment might very well be interpreted to mean the type of men from whom they should be selected, their experience, and so on.

Mr. BORAH. Mr. President, it is provided here that the President of the United States shall make the appointment. It is not provided that somebody else shall make the appointment. It is provided that the man in whom the Constitution rests the appointing power shall make the appointment; and having placed it in his hands, I ask again, Is it practical as a legal proposition to limit his discretion as to whom he shall appoint?

However, that is not the matter of most concern to me. The matter of most concern to me is to give the appointing power unlimited discretion with reference to the kind of board he shall appoint; and I certainly do not think we ought to confine him to the exercise of his discretion so that he must appoint men who are associated, sympathetically and otherwise, whether or not in actual dollars and cents, with the coal industry.

Mr. BARKLEY. I do not wish to argue the amendment separately. The provision that two men shall be appointed from among those experienced as miners, and two from among those who have been producers of coal, had two objects in view. One was to have on the commission experienced men, men who know something about the coal business, who could give expert advice to this commission. Of course the President in his discretion could, if he saw fit, outside of the two who had not had experience as miners, appoint all the rest of them from among those who had been coal producers; or, if he appointed two coal producers who had experience, he could appoint the rest of them from among the coal miners. But that is not the intention. The object is to have men on the commission who have had experience from the standpoint of the producer as well as from the standpoint of the miner who goes down into the earth to dig out the coal.

If we are going to have experienced men representing both of these groups, they ought to be equal. They ought not to be one from one group and two from another. They ought to have equal representation. The bill provides that none of these men shall have any interest in the coal business or in any business competitive with the coal industry. They cannot be interested in gas or oil or any other industry that is competitive with coal. In order to qualify they must have divorced themselves completely from this business or any competitive business. Under all those circumstances, with this restriction hedged around the provisions, it does not seem to me that we ought to adopt the amendment.

Mr. ROBINSON. Mr. President, it does not appear on the face of the bill whether there is any logical basis for the number of members of the commission provided for in the bill; whether it should be seven or five, for instance.

It occurs to me, as has just been suggested by another Senator, that probably it was desired by the committee drafting the bill and reporting it to have equal representation from those experienced in actual mine work and those who are known as producers. I am wondering whether—if the Senator from Idaho thinks it important—there might be one representative of the bituminous-coal miners, one representative of the producers, and three representatives of the public, which would accomplish the purpose the Senator from Idaho has in mind; namely, to place control of the commission in the public representatives rather than in the agents of the two interests, and at the same time preserve a parity between the representatives of the mine workers and the representatives of the mine owners.

I have not studied the subject, and I invite an expression of opinion from the Senator from West Virginia, who has done so.

Mr. NEELY. Mr. President, my experience as chairman of the subcommittee which considered the bill compels me to say that a change in the proposed membership of the commission would not be satisfactory to the sponsors of other friends of the legislation.

Those who have given the matter the most consideration believe that the commission should consist of seven members. Some thought there should be nine. But the committee finally decided upon seven as the minimum number to which it would agree.

The Senator from Idaho [Mr. BORAH], who is always solicitous about the public in matters of this kind, probably fears that the two representatives of the operators would combine with the two representatives of the miners and thus out vote the other three members of the commission. But if the Senator had had experience in the coal fields of West Virginia, Kentucky, and Pennsylvania, he would know that the two members representing the industry and the two members representing the miners would be much less likely to agree among themselves than they would be to agree with the three members representing the public.

I hope that no change will be made by the Senate in the number of the commissioners.

The PRESIDING OFFICER. The amendment offered by the Senator from Idaho [Mr. BORAH] will be stated.

The CHIEF CLERK. On page 2, line 17, it is proposed to strike out "two" and insert "one", and in line 18, to strike out "producers" and insert "a producer", so as to read:

Two members of the commission shall have been experienced bituminous-coal mining workers, one shall have had previous experience as a producer—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was rejected.

Mr. BORAH. Mr. President, I desire to offer another amendment. On page 14 I move to strike out the language found in lines 14, 15, 16, 17, and 18, reading as follows:

(d) No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

I am satisfied, Mr. President, that the practical workings of this bill will permit the producers to agree upon prices, to fix prices, and they will be able to make any such agreement as they desire and still be exempt, of course, from the Sherman antitrust law.

I have expressed myself so often upon this phase of the matter that I do not care to discuss it again at this time, but it is proposed to create the machinery with power to administer the entire coal industry. Why should we exempt that commission, or any part of the machinery provided for managing the coal industry, from the operation of the Sherman antitrust law? Certainly all the machinery being provided to protect the interests of the producers—why should they be permitted to go outside of the Sherman antitrust law and make agreements and combinations which will be in direct contravention of the interests of the consumers?

I noticed a day or two ago that Mr. Lewis and the representatives of the coal interests had agreed upon an increase of wages of 50 cents a day, as I recall. Well and good; I have no doubt the miners deserve the increase; but I observed also that on the same day the increase went into effect for labor an increase went into effect against the consumers of the country in the price of coal. And they always increase the price far beyond the amount necessary to take care of the wage increase. That is precisely what they may do, with the machinery of Government backing such procedure and making it legal under this bill. The provisions of the bill relative to protecting the consuming public are a pretense.

Mr. President, there has been great excitement during the last 5 or 6 days with reference to the shooting up of certain prices, a situation which, it is thought, endangers the entire economic structure of the United States at this time. The President has taken notice of it; the press has taken cognizance of it; and I venture to say that there is a great deal of worry from top to bottom amongst those who think about the situation and as to what is going to happen under present conditions.

I wish to say that, so far as I have been able to ascertain, there is not a single price shooting up but what is under the control of some monopoly or trust. These prices are being increased, just as the coal operators, if we repeal the antitrust laws to them, will be permitted to sit down and increase

their prices under this bill. Prices are now being increased because a few men sit around a table and determine what 130,000,000 must pay in order that they may live. What is disturbing the whole economic structure of the United States at this time is this reptilian monster of monopoly which is coiled up in this bill. We will not be able ever at any time to serve the consumers of this country so long as there is a power above the Government fixing prices which the consumers must pay.

Why should we give additional strength to that kind of depredation by giving it the sanction of law and permitting the machinery, which we are setting up here for the purpose of protecting the coal industry, to operate against the consumers of the country? I am not opposed to a just and fair bill to protect the producers of coal and the men who work in the mines. But this is a commodity which the poorest people must have, and I do not want the remorseless grip of monopoly to be fastened upon it. I submit this clause should, in the interest of the public, be stricken.

Mr. NEELY. Mr. President, to adopt the amendment which the able Senator from Idaho [Mr. BORAH] has just proposed would, in principle, be equivalent to our amending the Interstate Commerce Act so that the Interstate Commerce Commission could not fix railroad rates on the ground that its action might be prejudicial to the public.

Under the pending bill prices are to be determined not by a group of operators, but by a commission of seven persons to be appointed by the President and confirmed by the Senate. If the amendment of the Senator from Idaho should prevail, no operator would become a member of the code of fair practices which the bill seeks to establish, because no one would be willing to comply with a new law if his compliance subjected him to prosecution under an old one.

Without consuming further time to debate the matter, I express the hope that the friends of the bill will defeat the amendment.

Mr. KING. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. NEELY. I yield.

Mr. KING. Does the Senator believe that it would have been fair to the American consumers, the shippers of freight and commodities, if the Interstate Commerce Commission had been constituted of four, as an illustration, employees of the railroads, four who owned a large part of the railroads, and two or three selected from the general public? That would give the employees and the owners of the railroads complete authority to fix rates so that very large salaries and compensation could be paid to employees and workers and very heavy prices charged to the consumer.

Mr. NEELY. Mr. President, if the Interstate Commerce Act had provided as the bill before us does in effect provide that persons of particular professions or occupations could not be made members of the Commission until after they had divested themselves of all material interest in the subject matters over which they were to exercise jurisdiction, I do not believe the public would have been injured by the appointment to the Commission of those whom the Senator from Utah has indicated.

Mr. KING. Mr. President, it had been my purpose to discuss some of the provisions of the bill, and particularly the amendments offered which in effect condemn sit-down strikes; but, as it is evident that Senators are desirous of disposing of this bill before today's adjournment, I shall occupy but a few moments.

While recognizing the unsatisfactory condition of the bituminous-coal industry, I am unable to give my support to the measure under consideration. I associate myself with the Senator from Idaho [Mr. BORAH] in the position which he has just taken with respect to the provisions of the bill, which in effect relieve the coal operators from the provisions of the antitrust laws.

For many years the American people suffered from monopolistic practices. Large corporations invaded fields of industry and controlled the prices of many commodities essential to the welfare of the people. Finally demands were made for legislation to restrain monopolistic practices, and the Sherman antitrust law was enacted. Later the Clayton Act was passed, and it was hoped that these measures would protect the consuming public from the injustices to which they had been subjected. It is true these acts have not been enforced as they should have been, but they have had a restraining influence upon corporations and have afforded some protection to the American people.

Coal is not only an essential but an indispensable commodity. It is imperatively required by rich and poor, by mills and factories, and in the homes. To create a coal monopoly would work irreparable injury to business and to the American people. The measure under consideration, in my opinion, does not consider the needs of the people and their general welfare; its chief concern seems to be to benefit the mine owners and, incidentally, to improve the conditions of those working in the bituminous mines. Insofar as the measure seeks to improve wages and working conditions of employees, it should meet with approval; but I fear that it is using that laudable purpose to materially advance the interests of the owners of mining properties. Certainly it will prove highly advantageous to the mine operators and will materially increase the price of coal to the consuming public.

I think it is conceded that the price of coal to the American people will be increased not less than $100,000,000, and probably $200,000,000, per annum if this bill is enacted into law. There are not adequate provisions in the bill for the protection of the consuming public, and it is impossible to predict to what extent the American people will be exploited because of the immunity for the maintenance of the monopoly which is granted under the terms of the bill.

I regret that the laws against monopolies and monopolistic practices are not constituent features of the bill, so that the American people may be protected from unfair and extortionate prices for this essential commodity.

Mr. President, the coercive features of the bill are most objectionable to me. I am advised that perhaps 40 percent of the producers of coal are opposed to this bill, but yet it is so drawn that they will be coerced into coming within its provisions. The so-called taxing provision is to be employed to compel coal producers to submit to the terms of the bill. Their wishes are to be ignored and the power of the Federal Government, through the agencies created by the bill, is to be exerted to coerce them to accept its terms and to be controlled by the instrumentalities created by the same.

Clearly the purpose of this measure is to nationalize the coal industry and to subject the industry and those connected with the same to national regulations, which, in effect, bear a strong resemblance to the cartel system of Germany, or the regimentation which finds expression in the economic life of Italy. I think it is conceded by the proponents of this measure that the rights of individuals to control their own property are not only interfered with but are materially abridged. Undoubtedly there are many coal producers who are willing to submit to this abridgement of their rights, because of the increased profits which may be expected under the policies to be formulated and carried into execution by agencies, more or less bureaucratic, which will be created under the terms of the bill; but there are other coal operators, as I have indicated, who will look with deep concern, if not resentment, upon this measure, which subjects private property to governmental control and the owners of the same to more or less bureaucratic regimentation; and there are still others who will see in this measure a movement to subject other industries to governmental control, if not complete nationalization.

I wonder if this Republic is to abandon the democratic principles upon which it was founded and for the maintenance of which it was established? Socialization of industry is rampant in many countries, and the virus of socialism may infect our industrial and political life. Measures of this kind, many fear, are preludes to still more drastic measures, the results of which will be the ultimate overthrow

of our industrial system, under which this Republic has increased in wealth and influence and attained material and moral leadership among all the nations of the world.

That this measure contains provisions that are violative of the Constitution of the United States many believe; that these provisions may be challenged in the courts cannot be predicted, but in my opinion its operations will bring many regrets and disappointments to millions of consumers and, indeed, to many who are looking for material rewards under its operations.

Mr. President, some of the policies now being pursued by the Government I regard with no little apprehension. I fear that we are erecting an economic and industrial system upon insecure bases. These policies are unduly increasing commodity prices and are tending to create artificial business and economic standards, which will disastrously affect our export trade. Changing the simile, it has been said that we are building our industrial life upon stilts, which, of course, tends to insecurity, and obviously interferes with our trade and commerce with other nations. There are signs that give warning against some of the policies which are being advocated and measures which are being put into effect.

Mr. President, aside from the measure before us, and speaking in general terms, this is no time for hazardous experiments, for wide departures from democratic institutions, and from constitutional government.

I regret that the bill under consideration contains provisions which I regard as unsound and violative of constitutional rights and possessed of inequalities and injustices which will prevent the realization of the hopes and expectations of some of its advocates.

Mr. President, during the discussion of the bill reference has been made to a statement made by Mr. William Green, president of the American Federation of Labor, in regard to sit-down strikes. The statement appears in the New York Times under date of March 28. I ask permission to have it printed in the RECORD at this point as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

The sit-down strike has never been approved or supported by the American Federation of Labor. Because there is involved in its application grave implications detrimental to labor's interests, it must be disavowed by the thinking men and women of labor.

First, public opinion will not support sit-down strikes. That means labor loses public support when any part of it engages in sit-down strikes. Without such support organized labor cannot win strikes or establish and maintain itself as a vital force in the economic and industrial life of the Nation. Labor cannot afford to lose the support of public opinion.

ADVANTAGES ONLY TEMPORARY

Second, temporary advantages gained through sit-down strikes will enevitably lead to permanent injury. The public generally will not long tolerate the illegal seizure of property. If persisted in, it will, through State and Federal lawmaking bodies, force the enactment of legislation providing for compulsory arbitration, the incorporation of unions, and other repressive forms of legislation which will deprive organized labor of freedom of association and liberty of action within the limitations of both moral and statutory law. Such action would be a severe blow to labor.

Labor should refrain from engaging in sit-down strikes and maintain its freedom of action and association rather than experiment with it and as a result be subjected to oppresive legal regulation and compulsory arbitration. Labor, therefore, runs the risk of losing more than can be gained by engaging in sit-down strikes. It must be free to strike against injustice and oppression and for higher wages and better living standards. It must be permitted to picket when strikes occur. It may be greately restricted and perhaps denied the exercise of these elemental rights if it persists in engaging in sit-down strikes.

PUBLIC WARNING TO LABOR

I therefore publicly warn labor against this illegal procedure. Both personally and officially I disavow the sit-down strike as a part of the economic and organization policy of the American Federation of Labor.

Mr. BARKLEY. Mr. President, the section in which is found the language which the Senator from Idaho seeks to strike out constitutes the code set out in this bill. Section 4 is the bituminous-coal code. It sets out somewhat in detail what the coal operators may do, subject to the approval and under the jurisdiction of the Commission to be appointed by the President under the bill. It invites them all to do these things in order that the bituminous-coal industry may be stabilized. Yet the Senator from Idaho, if his amendment is adopted, would leave Congress in the position of inviting all the coal operators to join the code, to go along with the Government in the effort to stabilize the industry, and leave them subject to prosecution under another law if they accepted the Government's invitation to join the code which is designed to stabilize the industry.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. BARKLEY. I yield.

Mr. MINTON. If the operators should meet together and discuss prices and agree upon prices as this bill contemplates they should as a district board subject, of course, to the supervision of a commission, that would be right in the teeth of the Sherman Antitrust Act unless they were relieved from it by the provisions of this bill.

Mr. BARKLEY. Of course it would be a technical violation of the antitrust law by the members of the board who are coal operators, but, under the terms of the bill, all of them are coal operators, and, with the approval of the commission, could agree on maximum and minimum prices within the area. The bill provides that the commission shall fix maximum and minimum prices for coal within all areas, and the coal boards are to administer the act and to administer the orders promulgated by the commission here in Washington.

From a technical standpoint it might be that the carrying out of those orders would be a violation of the antitrust law, and yet we have invited them to do it. Insofar as we can compel, we are almost commanding them to do it, and yet it is proposed to leave them subject to prosecution under the antitrust law. The result would be, if the amendment should be adopted, as the Senator from West Virginia has already pointed out, that none of the coal operators would feel justified in going into that sort of trap, because that is what it would be. It would put the Government of the United States in the position of setting a trap and putting a bait in it, the bait being the possibility of stabilization of the coal industry, but the minute they put their foot into the trap it would be caught by the antitrust law.

Mr. MINTON. Mr. President, instead of trying to regulate the industry by the application of the Sherman antitrust law, we have suspended the operation of the Sherman antitrust law under the terms of the bill, and in its place we have put regulation by commission.

Mr. BORAH. Mr. President, I have gone through the provisions of section 4 rather carefully. I believe it will be found to be no more than the granting of permission by the express provisions of the bill to do certain things which will never come within the Sherman antitrust law. What I fear is that, the Sherman antitrust law being set aside, there will be found outside the express provisions of the bill plenty of room to accomplish that which ought not to be permitted.

Mr. BARKLEY. If they go outside the provisions of the bill, they go outside of the provisions of section 4 of the bill, and only the things done under section 4 are left free from the antitrust law.

Mr. BORAH. There is nothing in section 4, so far as that is concerned, which would violate the Sherman antitrust law if the producers perform their duties under that section. Then there would be no occasion for exempting them from the Sherman antitrust law unless they go beyond that section.

Mr. BARKLEY. If they do go beyond it the bill does not exempt them.

Mr. BORAH. They have the sanction of a board below and the sanction of a board above as to what they have been doing. If they go into court charged with a violation of the Sherman antitrust law, they have the sanction of two boards approving what they have done. I want them to be responsible to the court and not to the commission.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho [Mr. BORAH], which will be stated.

The CHIEF CLERK. In section 4, on page 14, line 14, it is proposed to strike out paragraph (d), as follows:

(d) No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

Mr. BORAH. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Dieterich	Lee	Pepper
Andrews	Duffy	Lewis	Pittman
Austin	Ellender	Lodge	Pope
Bachman	Frazier	Logan	Radcliffe
Bailey	George	Lonergan	Robinson
Bankhead	Gerry	Lundeen	Russell
Barkley	Gibson	McAdoo	Schwartz
Bilbo	Gillette	McCarran	Schwellenbach
Black	Green	McGill	Sheppard
Borah	Guffey	McKellar	Steiwer
Bridges	Hale	McNary	Thomas, Okla.
Brown, Mich.	Harrison	Maloney	Thomas, Utah
Brown, N. H.	Hatch	Minton	Townsend
Bulkley	Hayden	Moore	Truman
Bulow	Herring	Murray	Tydings
Caraway	Hitchcock	Neely	Vandenberg
Chavez	Holt	Norris	Wagner
Connally	Hughes	Nye	Walsh
Copeland	Johnson, Colo.	O'Mahoney	Wheeler
Davis	King	Overton	White

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment of the Senator from Idaho [Mr. BORAH].

Mr. NORRIS. Mr. President, it occurs to me that before a vote is taken on the amendment the language sought to be stricken out ought to be amended; but before I offer an amendment to that effect I want to ask the Senator from West Virginia [Mr. NEELY] or the Senator from Kentucky [Mr. BARKLEY], or some other member of the committee, something about the language. I cannot understand why some of it is inserted in the bill. The provision sought to be stricken out by the amendment is subsection (d), on page 14. It reads as follows:

No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

What is the meaning of the words in lines 15 and 16, as follows:

By its terms, or within 60 days thereafter.

Mr. NEELY. Mr. President, that language simply means that the commission which is set up under the terms of the bill will have the right, within the price areas established, to fix minimum prices for coal. It is the intention and purpose of the bill to save them from prosecution under the Sherman antitrust law for doing what the bill provides they may do.

Mr. NORRIS. I understand that is the intention of the entire subsection which the Senator from Idaho [Mr. BORAH] seeks to strike out; but before we vote on that question I wish to inquire why it is necessary to say "by its terms, or within 60 days thereafter." Suppose they take some action 65 or 70 days thereafter, or at any time thereafter? Why is it necessary to say "by its terms"?

Mr. NEELY. I do not recall why that particular language was inserted in the section.

Mr. ROBINSON. Mr. President, added significance is given to the inquiry of the Senator from Nebraska by the fact that the words "by its terms" are included in the subparagraph as an amendment. It is clear what it means if we leave out the words "by its terms", because then it would read:

No action complying with the provisions of this section while this act is in effect or within 60 days thereafter—

And so forth.

Mr. NORRIS. If we leave in the words "or within 60 days thereafter", then the action would have to be taken within the first 60 days of the life of the act.

Mr. ROBINSON. Yes; that is perfectly clear.

Mr. NORRIS. Why is that?

Mr. ROBINSON. They are given 60 days after the act expires.

Mr. NORRIS. No; after it goes into effect.

Mr. ROBINSON. No; after it expires. The point I am making is that the language is perfectly plain and there is no room for misinterpretation if we leave out the words "by its terms"; but with those words in the paragraph I do not understand what it means.

Mr. NEELY. The reason for providing that the law should continue in this particular for 60 days after the act by its terms expired was to protect those who had made contracts under the law which could not be completed before the 60-day period had elapsed.

Mr. BARKLEY. Mr. President, the words "by its terms" were inserted as an amendment, probably in the wrong place. The meaning intended was that—

No action complying with the terms—

That is, with the provisions—

of this section, in the terms of the section, shall, during its effect, or within 60 days thereafter—

And so forth.

Mr. NORRIS. Does the 60-day period, therefore, mean that this law will pass out of effect?

Mr. BARKLEY. Yes.

Mr. NORRIS. Then this action is going to be taken after that time?

Mr. BARKLEY. The bill provides that, unless reenacted, it shall expire of its own terms in 4 years. The 60-day period mentioned here would give the code members, district boards, or officers thereof, that much time after the 4 years in which they would not be subject to prosecution for carrying out the terms of this section.

Mr. NEELY. Mr. President, will the Senator from Nebraska yield for a moment?

Mr. NORRIS. Yes.

Mr. NEELY. Since the Senator propounded his original inquiry I have conferred with Mr. Hosford, the Chairman of the National Bituminous Coal Commission, who was present when the amendments were adopted that are in italics in this paragraph. He reminds me, and I now recall, that those amendments were made upon the recommendation of the American Bar Association.

Mr. NORRIS. That is not very much in their favor. [Laughter.]

Mr. NEELY. I agree to that; but the subcommittee accepted them on the recommendation of the American Bar Association.

Mr. BARKLEY. Perhaps that is why they are so confusing.

Mr. NORRIS. And will result in litigation later on.

Mr. NEELY. The representative of the Bar Association made quite an argument as to why he thought the amendments should be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. BORAH], which will be stated.

The CHIEF CLERK. On page 14, beginning with line 14, it is proposed to strike out the following words:

(d) No action complying with the provisions of this section taken while this act is in effect, by its terms, or within 60 days thereafter, by any code member or by any district board, or officer thereof, shall be construed to be within the prohibitions of the antitrust laws of the United States.

The VICE PRESIDENT. On this question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST] and the Senator from Nebraska [Mr. BURKE] are detained in a meeting of the Committee on the Judiciary.

The Senator from Missouri [Mr. CLARK], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained because of important public business.

The Senator from Washington [Mr. BONE], the Senator from Virginia [Mr. BYRD], and the Senator from South Carolina [Mr. BYRNES] are detained in important committee meetings.

I wish further to announce a general pair between the Senator from Virginia [Mr. GLASS] and the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. NORRIS. I announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily detained from the Senate.

Mr. AUSTIN. I announce the necessary absence of the Senator from Kansas [Mr. CAPPER] and the Senator from Minnesota [Mr. SHIPSTEAD] because of illness.

The result was announced—yeas 27, nays 53, as follows:

YEAS—27

Adams	Connally	Holt	Steiwer
Austin	Copeland	King	Townsend
Bailey	Frazier	Lodge	Tydings
Borah	George	McNary	Vandenberg
Bridges	Gerry	Maloney	Walsh
Brown, Mich.	Gibson	Pittman	White
Brown, N. H.	Hale	Russell	

NAYS—53

Andrews	Gillette	Lundeen	Pope
Bachman	Green	McAdoo	Radcliffe
Bankhead	Guffey	McCarran	Robinson
Barkley	Harrison	McGill	Schwartz
Bilbo	Hatch	McKellar	Schwellenbach
Black	Hayden	Minton	Sheppard
Bulkley	Herring	Moore	Thomas, Okla.
Bulow	Hitchcock	Murray	Thomas, Utah
Caraway	Hughes	Neely	Truman
Chavez	Johnson, Colo.	Norris	Wagner
Davis	Lee	Nye	Wheeler
Dieterich	Lewis	O'Mahoney	
Duffy	Logan	Overton	
Ellender	Lonergan	Pepper	

NOT VOTING—15

Ashurst	Byrnes	Glass	Shipstead
Bone	Capper	Johnson, Calif.	Smith
Burke	Clark	La Follette	Van Nuys
Byrd	Donahey	Reynolds	

So Mr. BORAH's amendment was rejected.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

Mr. WALSH. Mr. President, before the vote is taken on the passage of the bill, I desire to ask a few questions with reference to it.

I call attention to page 16, the minimum-price-area table. I understand that when the bill was originally introduced area 2 was included in area 1. The bill as now before the Senate makes a separate area of the localities mentioned in area 2. Upon what principle or theory or yardstick were these areas designated in the bill?

Mr. NEELY. Mr. President, those who favor the legislation endeavored to group in a particular price area all operations whose production costs are approximately the same. With this principle in mind, west Kentucky, district 9; Illinois, district 10; Indiana, district 11; and Iowa, district 12, were all included with Pennsylvania, West Virginia, Michigan, and certain other areas set forth on page 16.

But it was demonstrated to the subcommittee, that the conditions in west Kentucky, district 9, and the other three districts I have mentioned, were sufficiently different from the conditions prevailing in West Virginia, eastern Kentucky, and Pennsylvania to justify the transfer of those districts from minimum price area no. 1.

Mr. WALSH. Was the question of whether or not the mine employees were organized into labor organizations a factor in determining the areas?

Mr. NEELY. That point was not raised, and it was given no consideration, because practically all the miners in the territory in question are organized.

Mr. WALSH. So these areas were determined largely upon a basis of geographical units?

Mr. NEELY. Yes; and the various factors which enter into the cost of production. I hope it will not offend the distinguished Senators from Illinois to say that the coal produced in their State is inferior, for many purposes, to the coal produced in east Kentucky and throughout West Virginia and Pennsylvania. The same thing may be said of the coal produced in Iowa, and of the coal produced in western Kentucky. Therefore, it was felt that it was equitable to separate the four districts mentioned in lines 24 and 25 from the other areas which produce coal that is more accessible and of better quality.

Mr. WALSH. Is it or not a fact that the segregating of these mining localities into units has some relationship to determining the price of the coal to the consumer?

Mr. NEELY. The segregation will have no appreciable effect on prices to consumers.

Mr. WALSH. The Senator does not think, then, that it would make any more difference in price to the consumer than it does now whether a particular locality gets its coal from area 1 or area 2?

Mr. NEELY. No; I do not think so, because the Comsion will equalize prices so far as practicable. Furthermore, the bill provides for the appointment of a consumers' counsel with almost unlimited power to protect the public.

Mr. WALSH. No attempt was made to put into a particular area those sections of the coal-mining industry which were unionized and segregate them from those not unionized?

Mr. NEELY. No such attempt was made or even considered.

Mr. WALSH. I should like to call the attention of the Senator to two other parts of the bill, first, on page 7, line 17, and the following lines, the reference to the civil-service status of employees in the employ of the counsel, and on page 3 the same provisions relating to the employees of the Commission.

The Civil Service Commission have by letter informed me that the civil-service provisions of the bill have been much modified from the requirements for the application of the merit system by the bill that was passed at the last session of the Congress and found unconstitutional by the Supreme Court. They state, in effect, that the civil-service provisions of the pending bill will result in applying the merit system merely to clerks and other inferior positions.

I note on page 3 that "with the exception of the secretary, a clerk to each commissioner, the attorneys, managers, and employees of the statistical bureaus hereinafter provided for, and such special agents, technical experts, and examiners as the Commission may require, all employees of the Commission" shall be exempt from civil service. That is correct, is it not?

Mr. NEELY. That is correct.

Mr. WALSH. And practically the same provision applies to the employees of the counsel. I should like to inquire whether the matter of the application of the merit system was discussed by the committee, and if so, what are its views?

Mr. NEELY. It was discussed by the subcommittee and by the committee as a whole.

Mr. WALSH. I think the Senator will agree that there would be more opportunity for persons to be employed without the application of the merit system under the pending bill than under any other law relating to permanent organizations of the Federal Government. What is the reason for that?

Mr. NEELY. The Senator has mentioned some of those who are to be appointed, attorneys, for example. Lawyers who are competent to represent the Commission are as a rule employed; they will not come to Washington to pass a civil-service examination in order to secure Federal employment. The same is true of the accountants, and statisticians, and other technical employees needed to carry on the work of the statistical bureaus. Consequently, the committee decided that the exemptions contained in the bill are necessary.

Mr. WALSH. After talking with members of the committee and urging that this feature of the bill be given reconsideration, I have reached the conclusion that it would be useless to offer an amendment, in view of what has happened to the other amendments which have been offered in the Senate. However, I do want the RECORD to show that the Civil Service Commission, and other friends of the merit system, regret that this bill has practically abandoned the

merit system so far as concerns the employees under the Commission being required to pass civil-service examinations and tests before appointment.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

Mr. NEELY. Mr. President, the sit-down strike in this chamber has terminated, and the Senate is now about to vote on the Guffey coal bill—the most important measure that has come before the Senate during this session of the Congress. It is as necessary to the solvency of thousands of coal operators; to the regular employment of half a million coal miners; to a proper standard of living for 2,000,000 women and children, and to the general welfare of the Nation, as the blood of the heart is essential to the life of man.

This country's most valuable commodity is bituminous coal; but, like the air we constantly breathe, the water we daily drink, the beauty of nature we hourly behold, its very abundance robs it of even a momentary abiding place in our appreciation. Excepting only food and clothing, bituminous coal contributes more generously than any other article of commerce to the comfort, the convenience, and the happiness of the American people.

To enumerate all the uses and benefits of coal would necessitate a reference to almost every species of national, State, and local activity. If the coal production of the United States should be miraculously, completely, and permanently suspended, every railroad would be paralyzed; every great city would be shrouded in darkness; every steel mill would be shut down; every factory would be locked up; every furnace fire would go out; every wheel of industry would stand still; millions would become idle; millions would become hungry; millions would suffer from the cold; disaster would march and countermarch all over the land; country-wide stagnation would wield the scepter; country-wide confusion would wear the crown.

Bituminous coal supplies 50 percent of all the power consumed by this Nation; 75 percent of all the primary energy used by our public utilities and manufacturing establishments; more than 80 percent of all the energy used by American railroads. It is the source of a fourth of all railroad traffic and a fifth of all railroad revenue. It supplies the raw material for more than 200 byproducts and chemicals—the most of which are indispensable to twentieth century civilization.

But in spite of this giant industry's unlimited utility, it has for three decades suffered more of the "slings and arrows of outrageous fortune" than have ever afflicted any other great enterprise in a similar length of time. Its ruinous and relentless foes have assailed it from every point of the compass; not occasionally, but continuously; not as "single spies but in battalions." Most conspicuous among these foes are overdevelopment and overproduction. Both are detested architects of affliction and manufacturers of misfortune. They owe their existence to many factors.

The first of these is the wide distribution of coal lands and the irresistible desire of their owners to transmute their property into money. The gratification of this desire invariably results in immediate overproduction and finally in ruinous competition.

The second factor is heavy taxation of coal properties which impels their owners to work out their mines in the shortest possible time in order to avoid bankrupting tax burdens.

Another factor in overproduction is found in the extension of railroads into virgin coal fields in search of additional revenue-producing freight. Along these extensions new coal operations spring up as if by magic and greatly intensify the disastrous struggle for markets.

By reason of the long-continued operation of the foregoing factors and others too numerous to mention, the coal industry, which is of outstanding commercial importance in 26 States of the Union, has been handicapped and harassed and cursed by the most vicious trade practices the world has ever known.

As a result of unparalleled competition, coal deposits of incalculable value have been wasted by their owners, who were forced to exhaust their most readily and cheaply available sources of supply, regardless of consequences to the remainder of their property, in order to withstand the unremitting assaults of their desperate competitors.

Mining communities without number have become the habitations of misery; the vast business and professional population dependent upon the coal industry has been impoverished, while thousands of operators have been reduced to bankruptcy by irrational and destructive operating methods which the bill before the Senate aims to end once and for all.

Because of the fact that labor constitutes 60 percent of the total cost of the production of coal, and because it is practically the only cost factor that is flexible, the wage earners in the industry and those dependent upon them have uniformly been the first, the last, and the most helpless victims of the intense suffering caused by the savage competitive warfare which has raged for 30 years in every great coal field in the United States. Times without number the wages of the miners have been generally reduced to levels far below those required to supply the bare necessities of life. The destitution which miners and their families have endured defies exaggeration and surpasses the possibility of belief by those who have not been eyewitnesses to the heartbreaking tragedy of miners' wives wading in snow knee deep in zero weather with their feet wrapped in rags and newspapers because they had no shoes, and the equally hideous spectacle of little children eating from neighbors' garbage cans in order to keep their souls and their tortured bodies together.

In a serious endeavor to heal the cancerous diseases of the bituminous coal industry the Congress has, through regular committees or specially constituted commissions, conducted 21 hearings and investigations during the last 24 years. The proceedings of these committees and commissions are set forth in more than 20,000 printed pages of testimony, exhibits, reports, opinions and recommendations.

The National Recovery Act and the Bituminous Coal Conservation Act of 1935 both afforded substantial relief to the industry; produced high degrees of stabilization and established ethical standards of operation hitherto unknown in this field of activity. But, as all present know, the miners, the operators, and the public were long since deprived of all the benefits of these acts by the Supreme Court, which declared them unconstitutional.

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

Mr. NEELY. I yield.

Mr. LOGAN. The Senator referred to the decisions of the Supreme Court. That reminds me that a few years ago there was pending a bill similar to this, introduced by Representative LEWIS and the Senator from Pennsylvania [Mr. DAVIS]. A committee was appointed consisting of the Senator from Arizona, Mr. Hayden; the Senator from Pennsylvania, Mr. Davis; and the Senator from West Virginia, Mr. Hatfield. The committee made the most exhaustive investigation that I have seen. It held hearings for a long time. The question was then raised as to the constitutionality of the legislation. The Committee on Mines and Mining referred the question to three members of the committee, the late Senator from Montana, Mr. Walsh; the Senator from Indiana, Mr. Robinson; and myself. We made a very exhaustive investigation of the law, and the last statement I ever heard the late Senator Walsh make was his report to the Committee on Mines and Mining in which he said that the subcommittee had concluded that if the Supreme Court adhered to its previous opinion then the proposed legislation was not constitutional. I now want to ask the Senator from West Virginia, whose judgment I regard very highly, if in his opinion this bill, on which we are about to vote in a few minutes, is constitutional under the decisions of the Supreme Court as heretofore made?

Mr. LEWIS rose.

Mr. NEELY. Mr. President, if this bill is not constitutional there is no talent available to the United Mine Workers of America, to the coal operators, or to the Congress that can draft a coal bill that will survive a decision of the Supreme Court of the United States. Every principle or provision of the Bituminous Coal Conservation Act of 1935, which the Court condemned, has been excluded from the bill now before the Senate.

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

Mr. NEELY. I yield first to the Senator from Illinois.

Mr. LEWIS. Mr. President, the Senator from West Virginia has just answered that which I would have made answer to, so I defer to the Senator from North Carolina.

Mr. BAILEY. Mr. President, since the question has been raised I should be very grateful to the able Senator who is in charge of the bill if he will undertake to discuss to some extent the question of using the taxing power of the Government by way of penalty to bring about control of an industry. That is what is proposed in this bill. I should like to hear something on the constitutionality of that.

Mr. NEELY. Mr. President, if the distinguished Senator from North Carolina had been present during the earlier days of the debate, he would have heard me read authority in point both from the decision of the Supreme Court and the dissenting opinion in the Carter case, which I believe would be more satisfactory to him than any original contribution that I could possibly make to the subject of controlling or regulating industry through the power to levy taxes or fix prices. Unfortunately, it is now too late in the day to repeat what was read and said to the Senate last week on these highly controversial questions. But I venture to remind the Senator that the committee's report discusses the point which he has raised.

Mr. President, for many weary years operators have sacrificed, miners have suffered, and the officials of the miners' unions have fought to preserve the bituminous-coal industry. It has been worth while to sacrifice and suffer and fight for this great industry in the past. It is worth while to legislate for it in the present. And be not deceived. Though "prophecies shall fail" and "tongues shall cease" and "knowledge shall vanish away", the bituminous-coal industry will still be in your midst; it will continue to tread the corridors of the Capitol with tired and aching feet; it will continue to haunt your committee rooms by day and by night; it will continue to knock with heavy hands upon the doors of your legislative halls until you enact a law under which the industry's innumerable perplexing problems can be properly and permanently solved.

The bill on which the Senate is about to vote represents the last desperate endeavor of those who seek to enlist the services of the Government in the momentous task of saving from annihilation our greatest natural resource, the assessed value of which is today greater than the wealth of entire Nation was known to be at the end of the Revolutionary War. This is the industry which for a generation has languished in the valley of the shadow of death. This is the industry that entreats you to save it and save it now.

Multitudes of impoverished human beings, who are vitally interested in the production and distribution of bituminous coal, are, at this hour, hopefully and confidently looking to the Senate for relief and protection as they would in time of storm look toward the shelter of a mighty rock in a weary land.

Senators, will you not respond to your names on the approaching roll call with sympathy in your hearts, compassion in your breasts, and in the spirit in which the Master said:

> Whatsoever ye would that men should do to you, do ye even so to them, for this is the law and the prophets.

Mr. BAILEY. Mr. President, I do not intend to detain the Senate at any great length, but I have some matters in my mind in view of this proposed legislation which I should like to discuss.

The bill is, first of all, a sales-tax measure, a tax on sales. I do not know of any sort of tax that is more abhorrent to our people generally than a sales tax. It is described very frequently as a tax on consumption. It may be said that the tax is small, being one-half of 1 percent of the gross sales price of the coal. The principle, however, is just as bad, and, of course, if we set out to use the taxing power which the Congress has by way of taxing sales and consumption we commit ourselves to a principle that will go very far. That is one suggestion.

Another suggestion is that the second tax in the bill is called a tax but, of course, it is a penalty. I refer to the tax of 19½ percent on sales. That is a very great tax, but, after all, I will agree that it is not a tax, because if the producer or the seller of the coal complies with the terms of the law, and the rules and regulations that may be laid down for him by the commission and the code authorities, he gets his money back.

So, insofar as it is a tax at all, the 19½ percent is not a tax upon sales; it is a tax upon the doing or not doing of something; it is a penalty upon compliance or noncompliance. There is a point of departure in my mind. Is it competent in the first place, and would it be wise in the second, for the Congress of the United States to set out upon a policy of exercising the taxing power by way of imposing a penalty upon the noncompliance with laws which it may lay down or codes which may be created under its laws? I do not think it takes any great consideration to see how far that goes.

Here is a producer of coal; upon selling it the Government takes 19½ percent of the proceeds of the sale from him and holds it and says, "If you will do what I say to do under the law, then, I will give you back 19½ percent." That is not a tax; that is extortion; the Government extorts from him compliance.

Now, let us go back to the taxing clause of the Constitution under which the Congress operates. There is nothing in that clause which gives such power to Congress. The Constitution says that—

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

Wherein do we get the conception that Congress has the power to use that taxing power to enforce compliance with a cartel system, with a scheme of things laid out by the Government? I do not see that it has such power.

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

Mr. BAILEY. I yield to the Senator from Arizona.

Mr. HAYDEN. How does the Senator account for the fact that discriminations of the very kind he has described have existed from the very beginning of the Government? In the original revenue act, written by Alexander Hamilton, there was a provision that tariffs should be levied upon imports, but that if, in compliance with the law, the article imported were improved by manufacture and then reexported, the tariff would be rebated 99 percent. If the law were not complied with, the rebating provision would not take effect.

In the first Congress assembled after the Constitution was written there was enacted a provision granting a discrimination in the case of imports depending upon whether or not the goods were brought in in American ships. Again that was a discrimination.

It seems to me that, while the Senator is pointing out something that is very obvious in this bill, it is nothing new; we have had it; and many instances can be cited from the beginning of the Government to date where the same thing has been done.

Mr. BAILEY. I think there is a distinction to be drawn between the legislation which the very distinguished Senator from Arizona describes and the pending proposed legislation. The legislation in the early history of the Government to which the Senator has referred was by way of inducement to export after a manufacturing process had taken place, if I understand correctly.

Mr. HAYDEN. Nevertheless, the only way the rebates could be secured was by compliance with the directions laid down by the Congress.

Mr. BAILEY. But that was on the ground that the goods exported were not subject to the tariff because they were brought here wholly for the purposes of treatment; they were not in competition with American goods. I am speaking from memory, but, taking the Senator's own statement of facts, I think there is a very broad distinction to be made.

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

Mr. BAILEY. I yield.

Mr. KING. I supplement the Senator's statement by saying it was with the expectation that it would furnish employment to a number of people in the United States by taking the raw material and converting it into finished products for exportation.

Mr. BAILEY. Yes. I go back to my point that here is an exercise of the taxing power, not with a view to revenue. The decisions of the courts say the taxing power must be used for the purpose of supporting the Government. Here is an exercise of the taxing power not to get taxes at all, not to get a dollar, but to enforce compliance with respect to labor and with respect to prices. Do I have to make that any more plain to Senators? Do I have to elaborate upon that point? What is there in section 8 of article I—the tax clause of the Constitution—upon which anyone can found that theory of the use of the taxing power?

In the opinion of the Court in the Carter Coal case, or in the opinion of the Chief Justice partly concurring and partly dissenting, or in the dissenting opinion of the other three Justices written by Mr. Cardozo, the other two being Mr. Justice Stone and Mr. Justice Brandeis, no Senator will find any justification for the proposition that we can employ the taxing power by way of a penalty to bring about labor conditions or to fix prices.

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

Mr. BAILEY. Certainly.

Mr. MINTON. Is it not the Senator's understanding that if we are exercising a power admitted to be within the scope of the Federal authority, that to enforce regulations set up within that authority we may use the taxing power?

Mr. BAILEY. Provided the objective is constitutional. It must be within the Constitution.

Mr. MINTON. Of course. In this case we presuppose our right to regulate the coal industry in interstate commerce.

Mr. BAILEY. We come immediately there to the difficulty which I am endeavoring to point out, and we run directly into the Butler case, called the Hoosac Mills case. I agree the dissenting opinion in that case appeared to take the view, but really did not take the view, that the welfare clause in the taxing article could be read with a view to compulsion. But read the case, and it will be found that the dissenting opinion by Mr. Justice Stone reached its departure from the principal opinion on just the difference between the theory of compulsion, which Mr. Justice Roberts took, and the voluntary theory, which Mr. Justice Stone took. Mr. Justice Stone said that the taxes and the benefit payments were not compulsory, but were conditional gifts. That is the point on which the case turned.

Mr. MINTON. Does not the Senator believe if we admit we have the right to control the price of coal in interstate commerce that then, in order to enforce the regulations necessary to carry out that law, we may use the taxing power to do so?

Mr. BAILEY. I do not think so.

Mr. MINTON. Does not the Senator think that would be true under the doctrine laid down by the Supreme Court in the Bank Note case——

Mr. BAILEY. The Veazey case?

Mr. MINTON. Yes. The Federal power existed to set up banks and regulate the currency of the country. The Congress taxed the State bank notes out of existence. They used the taxing power to enforce regulations which were set up under the banking power of the Federal Government.

Mr. BAILEY. That was a case in which the tax was made very high. I read the case just this morning. I have no difficulty about that. The question there was the power of Congress to exercise its taxing power to the limit. The Court said that could be done. That is a question between the Congress and the people. The question here is the power of the Congress to exercise its taxing power by way of imposing a penalty upon the doing or not doing of something with respect to the conditions of labor in the mines or the prices in the markets. That is quite different.

Mr. MINTON. Was it not true that in the Bank Note case the Federal Government was exercising its power over currency and its banking powers under the Federal Constitution, and that ancillary to those powers and to enforce its regulations it laid a tax which taxed the bank notes out of existence? Obviously it could not have laid the tax if it did not have the power to regulate the subject of banking, because it could not use the taxing power otherwise; but if we once admit the Federal Government has the power to go into the field of regulation in any business, then if we use the taxing power to enforce the regulation the Congress is acting within its power.

Mr. BAILEY. I am not saying that Congress has not the power to levy a prohibitory tax. I am not saying there are any limitations upon the extent of the power of Congress to tax. It can make the rate on one's income 2 percent or 100 percent, provided it comes within the fifth and sixteenth amendments. I am raising the question of the power of Congress to exercise its specific taxing power, not to tax, not to raise revenue, not to support the Government, not to provide for the national defense or the general welfare, but to fix prices and to determine the conditions of labor in the mines. That is the question.

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

Mr. BAILEY. Certainly.

Mr. WAGNER. I suggest that in the Veazey Bank Note case it was the declared purpose of the act to eliminate all bank notes. As a matter of fact, under the act no tax was ever collected. It was simply used to wipe out those bank notes which were in circulation.

Mr. BAILEY. Undoubtedly; and as I said in response to the Senator from Indiana [Mr. MINTON], the Court frequently, in discussing the Veazey Bank Note case, has undertaken always to reconcile its position on the ground that the question there was not as to the purpose of the tax but as to the extent of the power of Congress to tax.

I think I should refer Senators to the Child Labor Tax case—Drexel against Bailey. In that case is a review of a great many tax cases.

I simply submit these considerations to Senators. I am raising the question in my own mind. The question is on our threshold here. If we use the taxing power by way of imposing a penalty, as the bill provides, with a view to accomplishing a social or an industrial purpose or fixing prices in the domain of coal, then the next step will be to take it up in the steel industry.

The Senator from West Virginia said rather eloquently that coal had a great deal to do with steel. So it does. If we lift the price of coal in the steel industry, we shall have the steel people under this open competition, and the workers in steel will go the same way that the Senator says the coal miners have gone; and they will go all the faster because here is an increase in the very base—that is, the cost of the coal. If we go into steel, we shall go into textiles. If we go into textiles, we shall go into furniture. This bill provides that there shall be some analogy and some consideration of the difference between the cost of producing energy by way of coal and the cost of producing it by way of water in the form of electricity. We shall have to go into the electric utilities.

So we are dealing, Mr. President, not merely with the situation in the coal fields. We are dealing here with a tremendous national policy. When we pass this bill, as we are surely going to do, it will not be long before we shall see the series coming on; and we might as well put them all in one bill and be done with it.

We propose to nationalize coal. We really mean we propose to nationalize labor. We really mean we propose to nationalize capital. We really mean we propose to nationalize industry; and I take it that if we go that far, we shall have to go the remainder of the way and nationalize agriculture. Why not? We cannot leave any considerable group of our people outside of the scheme of things. We cannot lift the prices of the things the farmer buys unless we agree also to lift the prices of the things the farmer sells. We create an artificial system for the coal-mine operator, and this bill provides that he shall have a profit. The coal-mine operators are not quarreling with us, as I understand. They like the bill. We provide the operator with a profit, and then we provide his worker with a profit. We lift the price. Then we are going to have to lift the price all the way through. We cannot give one group of Americans the benefit of an artificial situation without going all the rest of the way and giving it to them all.

That is all I have to say about the matter. I shall vote against the bill. I am unwilling to commit myself to that policy. It may be necessary, but I do not think so. Conditions in the coal fields may be very dreadful. If so, I deplore that fact; but I will stand for a great deal before I will make a national socialism of the American Republic.

I am not going to have to explain down in North Carolina my vote today against the sit-down strike. All I shall have to do is to say, "I voted against it." It will speak for itself. There will be no explanations. There will be no apologies. I am not going to have to explain my vote against this bill, either. If anybody raises a question with me about it, I shall say, "All right; you will find the explanation of my vote in the bill you pay for your coal the next time you buy it." That will be all I shall have to say; but we are going to have another explanation, I think, before the Congress adjourns. The whole American people are going to see that this is just the camel's nose under the tent. Behind the camel will come a great menagerie of similar bills; and, if I should vote for one, I should feel that I had to vote for the others. If I commit myself to this scheme of things, I must go all the way. If a sack of coal is affected with a national interest and is a natural resource, very well, so is land. So is iron. So is ore. So is water. We cannot draw the line there. We cannot make a distinction there.

Mr. President, that is all I have to say about the matter. I rose mainly to explain my view, to state my position, and simply to say that I am unwilling to commit myself to a policy the end of which no man here can possibly foresee.

Mr. COPELAND. Mr. President, will the Senator yield for a moment?

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BAILEY, Mr. MCNARY, and other Senators called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MCNARY (when Mr. CAPPER's name was called). The senior Senator from Kansas [Mr. CAPPER] is absent on account of illness. If he were present, he would vote "yea."

Mr. COPELAND (when his name was called). On this question I have a pair with the Senator from North Carolina [Mr. REYNOLDS]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. BULKLEY (when Mr. DONAHEY's name was called). I understand that my colleague the junior Senator from Ohio [Mr. DONAHEY] has a pair with the senior Senator from Missouri [Mr. CLARK] on this vote. If present, my colleague would vote "yea."

Mr. GIBSON (when his name was called). On this vote I have a pair with the senior Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. He is paired with the Senator from Utah [Mr. KING]. If the Senator from Wisconsin were present and voting, he would vote "yea" on the bill.

Mr. BARKLEY (when Mr. LOGAN's name was called). My colleague [Mr. LOGAN] is unavoidably absent on official business. He has a pair with the Senator from Michigan [Mr. VANDENBERG]. If my colleague were present and voting, he would vote "yea."

Mr. MCNARY (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. HARRISON], who is unavoidably absent. If he were present, he would vote "yea." If permitted to vote, I would vote "nay."

Mr. VANDENBERG (when his name was called). On this vote I have a pair with the junior Senator from Kentucky [Mr. LOGAN], who is unavoidably absent. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. LEWIS. I announce that the junior Senator from Ohio [Mr. DONAHEY] and the senior Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Missouri [Mr. CLARK], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

The junior Senator from Virginia [Mr. BYRD], the Senator from Georgia [Mr. GEORGE], and the Senator from Mississippi [Mr. HARRISON] are detained on departmental matters.

I further announce the general pair between the Senator from Virginia [Mr. GLASS] and the Senator from Minnesota [Mr. SHIPSTEAD].

I also am requested to announce that the Senator from Arizona [Mr. ASHURST] is absent serving on the Committee on the Judiciary, thus accounting for his inability to be present and vote on the bill.

Mr. KING (after having voted in the negative). On this vote I had promised to pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is necessarily absent from the city. Unfortunately, I am unable to obtain a transfer, and therefore am compelled to withdraw my vote.

Mr. MCADOO (after having voted in the affirmative). I have a pair with the Senator from Georgia [Mr. GEORGE], and not knowing how he would vote, I withdraw my vote.

The result was announced—yeas 58, nays 15, as follows:

YEAS—58

Adams	Davis	Lonergan	Pope
Andrews	Dieterich	Lundeen	Radcliffe
Bachman	Duffy	McCarran	Robinson
Bankhead	Ellender	McGill	Schwartz
Barkley	Gillette	McKellar	Schwellenbach
Bilbo	Green	Minton	Sheppard
Black	Guffey	Moore	Thomas, Okla.
Bone	Hatch	Murray	Thomas, Utah
Brown, Mich.	Hayden	Neely	Truman
Bulkley	Herring	Norris	Tydings
Bulow	Hitchcock	Nye	Van Nuys
Byrnes	Hughes	O'Mahoney	Wagner
Caraway	Johnson, Colo.	Overton	Wheeler
Chavez	Lee	Pepper	
Connally	Lewis	Pittman	

NAYS—15

Austin	Brown, N. H.	Holt	Townsend
Bailey	Burke	Lodge	Walsh
Borah	Gerry	Maloney	White
Bridges	Hale	Russell	

NOT VOTING—22

Ashurst	Frazier	King	Shipstead
Byrd	George	La Follette	Smith
Capper	Gibson	Logan	Steiwer
Clark	Glass	McAdoo	Vandenberg
Copeland	Harrison	McNary	
Donahey	Johnson, Calif.	Reynolds	

So the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, was passed.

PERMANENT ESTABLISHMENT OF CIVILIAN CONSERVATION CORPS (H. DOC. NO. 196)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, referred to the Committee on Education and Labor, and ordered to be printed, as follows:

To the Congress of the United States:

On March 21, 1933, I addressed a message to the Congress in which I stated:

> I propose to create a civilian conservation corps to be used in simple work, not interfering with normal employment, and confining itself to forestry, the prevention of soil erosion, flood control, and similar projects. I call your attention to the fact that this type of work is of definite, practical value, not only through the prevention of great present financial loss, but also as a means of creating future national wealth.

The prompt consideration given to this message by Congress resulted in the enactment, on March 31, 1933, of Public, No. 5, to provide for the relief of unemployment through the performance of useful public work; and on April 5, 1933,

by Executive order, I set up the Office of Emergency Conservation Work to carry the above act into effect.

It is not necessary to go into detail regarding the accomplishments of the corps. You are acquainted with the physical improvements that have taken place in our forests and parks as a result of the activities of the corps and with the wealth that is being added to our natural resources for the benefit of future generations. More important than the material gain, however, is the improvement we find in the moral and physical well-being of our citizens who have been enrolled in the corps and of their families who have been assisted by monthly allotments of pay.

The functions of the corps expire under authority of present law on June 30, 1937.

In my Budget message to Congress on January 5 of this year I indicated that the corps should be continued, and recommended that legislation be enacted during the present session to establish the corps as a permanent agency of the Government. Such continuance or establishment is desirable, notwithstanding the great strides that have been made toward national recovery, as there is still need for providing useful and healthful employment for a large number of our youthful citizens.

I am convinced that there is ample useful work in the protection, restoration, and development of our national resources upon which the services of the corps may be employed advantageously for an extended future period. It should be noted that this program will not in any respect reduce normal employment opportunities for our adult workers; in fact, the purchase of simple materials, of food and clothing, and of other supplies required for the operations of the corps tends to increase employment in industry.

I recommend, therefore, that provision be made for a permanent corps of 300,000 youths (and war veterans), together with 10,000 Indians and 5,000 enrollees in our Territories and insular possessions. It would appear, after a careful study of available information, that, with improved business conditions, these numbers represent the maximum expected enrollment. To go beyond this number at this time would open new and difficult classifications of enrollment, and the additional cost would seriously affect the financial position of the Treasury.

I trust that the Congress will deem it wise to enact legislation making permanent the Civilian Conservation Corps.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 5, 1937.*

BOOKER T. WASHINGTON

Mr. DAVIS. Mr. President, today is the eighty-second anniversary of the birth of Booker T. Washington, one of the greatest educators the world has ever known. His life is a monument of service. With untiring efforts he carved out a bright destiny for his race by the foundation of the trail-blazing vocational center, Tuskegee Institute, and by his widespread interests on their behalf.

He spent his life in service to the people of both his race and my race. He realized that open manifestations of race prejudice merely serve to keep it ablaze, and he subtly sought to develop a wholesome understanding between the white and the colored people. No Negro ever lived who has been more respected and admired. He was a welcome guest at public ceremonies, both above and below the Mason and Dixon's line. He was in constant demand as a speaker, and his popularity commanded immense audiences.

Mr. President, Booker T. Washington had a tremendous capacity for accomplishment. He organized the National Negro Business League, broadened the educational opportunities of his people, improved their housing, aided many of his fellow men individually, and carried on a wide variety of other interests, including conservation of Negro health, while at the same time he was running a large institution whose annual budget exceeded $250,000.

We cannot truly say Booker T. Washington is dead. At Tuskegee Institute his ideals and principles live on. The number of educational centers patterned after this standard is steadily growing. His deep religious spirit has fired the imagination of America. He who brought so much of good to America, whose works live on in the hearts and minds of all people, can never be truly dead. The foundations he has laid will stand throughout the years as firmly as they stand today.

EXCHANGE OF INDIAN LANDS IN CALIFORNIA

Mr. McADOO. Mr. President, I ask unanimous consent for the immediate consideration of House bill 5299, to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes. It affects the water supply of the city of Los Angeles.

This measure merely authorizes the Secretary of the Interior to exchange certain land belonging to the Indians who are located in the water basin there with the city of Los Angeles for more desirable land, where the Indians can obtain better irrigation and make themselves self-supporting to a greater degree. There is no objection to the bill from any official source. It is approved by the Secretary of the Interior. It is a very important measure for the preservation of the purity of the water supply of Los Angeles.

Mr. KING. Mr. President, I should like to ask the Senator whether those having charge of the Indians upon the reservation in the territory involved, as well as those in Washington who have the Indians' interests at heart, approve of the bill?

Mr. McADOO. The Secretary of the Interior has approved it, and I assume it is satisfactory to the Indians. I think there is every reason in the world why it should be satisfactory to the Indians, because they are taken away from semiarid lands and transferred to lands which the city owns, and which would be irrigated. Therefore they would get better lands and would have a better opportunity to support themselves than they now have. The exchange is in every respect advantageous to the Indians, and will protect the purity of our water supply.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 5299) to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept title on behalf of the United States to lands and water rights now owned and held by the city of Los Angeles in the counties of Inyo and Mono, State of California, if, in his judgment, the interests of the Indians in said counties will be benefited thereby; and in consideration therefor the said Secretary may issue a patent or patents to the said city of Los Angeles for lands, water rights, and buildings now held by the United States for the benefit of the Indians, provided that the lands, water rights, and buildings covered by the patent or patents shall not exceed in value the lands and water rights conveyed by the said city of Los Angeles to the United States: *Provided*, That the said Secretary may reserve the minerals of the lands conveyed to the said city and the said Secretary is authorized to accept conveyance by the said city of the lands and water rights, subject to a similar reservation in the city of the minerals of such lands, and in determining the relative value of the lands and water rights to be exchanged, consideration shall be given to any reservation made by either or both parties of any minerals or easements in the lands that may be exchanged.

SEC. 2. No allotted or other lands covered by trust patent or other instrument containing restriction against alienation by the allottee shall be involved in any such exchange except with the consent of the allottees or their heirs. Any such allottees or their heirs are hereby authorized to relinquish to the United States any lands covered by such patents or other instruments and accept in lieu thereof assignments of land within the new Indian reservations which are hereby authorized to be established by the Secretary of the Interior out of any lands accepted by him pursuant to section 1 hereof: *Provided*, That any such Indian may receive an area of equal value to the area of the allotment relinquished by him and receive similar title to that relinquished should any of the lands accepted by the said Secretary be outside of the boundaries of the new reservations.

SEC. 3. No tribal lands shall be involved in any such exchange except with the consent of a majority of the adult Indians entitled to the use thereof. All lands acquired pursuant to this Act, other than land to which title may be held by or in trust for individual Indians, shall be held by the United States in trust for the Indian tribe, band, or group concerned.

ORDER FOR CONSIDERATION OF UNOBJECTED BILLS

Mr. ROBINSON. Mr. President, following an executive session, it is my intention to move an adjournment until Wednesday next at noon.

I ask unanimous consent that on Wednesday, after the morning business shall have been concluded, the Senate shall proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations and an international convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers and citizens for appointment in the Navy.

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Carl Watson, of Ohio, to be State administrator for Ohio in the Works Progress Administration.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

IN THE ARMY

The legislative clerk read the nomination of Clifford Ross Powell to be brigadier general, National Guard of the United States.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Maj. Elmer Forrest Wallender for appointment, by transfer, in the Regular Army, to the Quartermaster Corps.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Second Lt. Charles Burton Winkle for appointment, by transfer, in the Regular Army, to the Air Corps.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

That completes the Executive Calendar.

ADJOURNMENT TO WEDNESDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate adjourn until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until Wednesday, April 7, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 5 (legislative day of Mar. 29), 1937

PROMOTIONS IN THE FOREIGN SERVICE

Effective April 1, 1937

From Foreign Service officer of class 5 to Foreign Service officer of class 4:

Louis H. Gourley, of Illinois.
Donald R. Heath, of Kansas.

From Foreign Service officer of class 6 to Foreign Service officer of class 5:

Charles A. Bay, of Minnesota.
Howard Donovan, of Illinois.
Albert M. Doyle, of Michigan.
Raleigh A. Gibson, of Illinois.
John J. Meily, of Pennsylvania.
Harold Playter, of California.
Horace Remillard, of Massachusetts.
William W. Schott, of Kansas.
Robert Lacy Smyth, of California.
Maurice L. Stafford, of California.

From Foreign Service officer of class 7 to Foreign Service officer of class 6:

Maurice W. Altaffer, of Ohio.
Ralph A. Boernstein, of the District of Columbia.
Richard M. de Lambert, of New Mexico.
Samuel G. Ebling, of Ohio.
Joseph G. Groeninger, of Maryland.
George J. Haering, of New York.
John N. Hamlin, of Oregon.
John F. Huddleston, of Ohio.
Joel C. Hudson, of Missouri.
George R. Hukill, of Delaware.
Benjamin M. Hulley, of Florida.
Paul W. Meyer, of Colorado.
John H. Morgan, of Massachusetts.
Sidney E. O'Donoghue, of New Jersey.
Julian L. Pinkerton, of Kentucky.
John S. Richardson, Jr., of Massachusetts.
Quincy R. Roberts, of Texas.
David Williamson, of Colorado.

From Foreign Service officer of class 8 to Foreign Service officer of class 7:

Glenn A. Abbey, of Wisconsin.
George M. Abbott, of Ohio.
George D. Andrews, Jr., of Tennessee.
Henry A. W. Beck, of Indiana.
Sidney A. Belovsky, of New York.
H. Merrell Benninghoff, of New York.
Daniel M. Braddock, of Michigan.
Joseph L. Brent, of Maryland.
James E. Brown, Jr., of Pennsylvania.
Sidney H. Browne, of New Jersey.
Gerald A. Drew, of California.
Landreth M. Harrison, of Minnesota.
Lawrence Higgins, of Massachusetts.
Morris N. Hughes, of Illinois.
Cloyce K. Huston, of Iowa.
Kenneth C. Krentz, of Iowa.
Alan S. Rogers, of California.
Albert W. Scott, of Missouri.
Horace H. Smith, of Ohio.
Robert S. Ward, of Ohio.
Carlos J. Warner, of Ohio.
Miss Frances E. Willis, of California.
Archer Woodford, of Kentucky.

From Foreign Service officer, unclassified, to Foreign Service officer of class 8, and from vice consul of career to consul:

Ware Adams, of Georgia.
George V. Allen, of North Carolina.
J. Kenly Bacon, of Massachusetts.
Homer M. Byington, Jr., of Connecticut.
William P. Cochran, Jr., of Pennsylvania.
Albert H. Cousins, Jr., of Oregon.
Henry B. Day, of Connecticut.
Everett F. Drumright, of Oklahoma.
Elbridge Durbrow, of California.
Donald D. Edgar, of New Jersey.
F. Russell Engdahl, of Washington.
Hugh Corby Fox, of New York.
Hayward G. Hill, of Louisiana.
Paul C. Hutton, of North Carolina.
J. Wesley Jones, of Iowa.
Nathaniel Lancaster, Jr., of Virginia.
Cecil B. Lyon, of New York.
John J. Macdonald, of Missouri.
Walter P. McConaughy, of Alabama.
Robert Newbegin, 2d, of Massachusetts.
Calvin Hawley Oakes, of South Carolina.

John B. Ocheltree, of Nevada.
Edward Page, Jr., of Massachusetts.
James K. Penfield, of California.
Arthur R. Ringwalt, of Nebraska.
Gerald Warner, of Massachusetts.
Kenneth J. Yearns, of the District of Columbia.
Eric C. Wendelin, of Massachusetts.

APPOINTMENTS IN THE REGULAR ARMY

TO BE MAJOR GENERAL

Brig. Gen. Charles Douglas Herron, United States Army, from March 14, 1937, vice Maj. Gen. Henry W. Butner, United States Army, died March 13, 1937.

TO BE BRIGADIER GENERAL

Col. Walter King Wilson, Coast Artillery Corps, vice Brig. Gen. Charles D. Herron, United States Army, nominated for appointment as major general.

TO BE CHIEF OF THE CHEMICAL WARFARE SERVICE, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM MAY 24, 1937

Col. Walter Campbell Baker, Chemical Warfare Service, vice Maj. Gen. Claude E. Brigham, Chief of the Chemical Warfare Service, whose term of office expires May 23, 1937.

TO BE CHIEF OF THE BUREAU OF INSULAR AFFAIRS, WITH THE RANK OF BRIGADIER GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM MAY 24, 1937

Col. Charles Burnett, Cavalry, vice Brig. Gen. Creed F. Cox, Chief of the Bureau of Insular Affairs, whose term of office expires May 23, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 5 (legislative day of Mar. 29), 1937

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. Elmer Forrest Wallender to Quartermaster Corps.
Second Lt. Charles Burton Winkle to Air Corps.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

Clifford Ross Powell to be brigadier general, National Guard of the United States.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 5, 1937

The House met at 12 o'clock noon.

Rev. Homer E. Wark, Ph. D., pastor of the First Methodist Episcopal Church, Clarksburg, W. Va., offered the following prayer:

Almighty God, our Father, Thou who art the light of all our seeing and without whose light we see nothing clearly, be Thou our light this day as we go about the tasks given to us.

In the faith of our fathers who laid the foundations of our Nation we seek Thy divine favor. Enveloped in confusion and dread uncertainty, they looked to Thee and were lightened. Give unto thy servants, the Members of this House, grace to bear the heavy obligations of this day, and undergird them with wisdom and strength. Endow them with vision and patience. Make them competent for their age.

Grant, O Lord, that in the midst of vast confusion we may find the consciousness of God. In that experience of God may we find wisdom for the performance of duties we are sworn to execute. Give unto us to see the dawning of an era of peace and justice. Make us unafraid in a world of many uprisings and undismayed by the tumults of the peoples.

We thank Thee for all who work for a warless world. May the crusade against war receive new impetus on this anniversary of our Nation's entrance into the fratricidal struggle of the recent World War. May the lessons of that war be not lost upon us who participated, nor upon the new generation. Beget in the heart of our people a stronger abhorrence of war and a deeper devotion to peace. Give Thy blessing to all who toil to lay the foundations of lasting peace.

In a world drunken with self-seeking may our people learn to be generous. May we entertain no dreams of conquest. Give us to know that real greatness in a nation is not a matter of far-flung frontiers but of a true spirit of fraternity, a keen sense of right and wrong, a growing intelligence in the use of material goods, and growth of moral character and neighborly services to others. May the strong nations cease to devastate the weak. May they have grace to share with others, and so establish trust and confidence among all peoples. Break up the evil machinations of dictators and bring to naught the plans of those who would drench the world in blood. "May the tumult and the shouting die; the captains and the kings depart; still stands Thine ancient sacrifice; an humble and a contrite heart." "Lord God of hosts, be with us yet, lest we forget, lest we forget." Amen.

THE JOURNAL

The Journal of the proceedings of Friday, April 2, 1937, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

LEAVE TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that tomorrow, after the address of the gentleman from South Dakota [Mr. CASE], I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I reserve the right to object. Tomorrow the Private Calendar is to be called. There are approximately 100 bills on the calendar. Already there have been several requests for time to speak tomorrow, and I think there should be no more granted until after the calling of the calendar; and I therefore ask the gentleman from Indiana to modify his request so that the calendar may be called prior to his address.

Mr. LUDLOW. Mr. Speaker, I understood it was a short calendar, and that is the reason I preferred the request; but, on the gentleman's suggestion, I modify the request and ask unanimous consent that after the disposition of business on the Private Calendar I may be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Indiana modifies his request and asks unanimous consent that after the disposition of prior orders and the Private Calendar he be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. DOXEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a speech I delivered yesterday at Camp Headquarters 74, Criglersville, Va., celebrating the fourth anniversary of the Civilian Conservation Corps.

The SPEAKER. Without objection, it is so ordered.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a very good speech I made over the radio Friday evening on the President's Court proposal.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing therein a very good speech he delivered over the radio Friday evening. Is there objection?

There was no objection.

RECOMMITTAL OF A BILL

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to recommit the bill (H. R. 5295) to reserve certain public domain lands for the use and benefit of the Chippewa, Cree, and other Indians of Montana to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill H. R. 5295 be recommitted to the Committee on Indian Affairs. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. What is the bill?

Mr. ROGERS of Oklahoma. This is an Indian bill which the Committee on Indian Affairs reported. It affects Indians in California. We have a member on the committee who comes from California and because of receiving additional information he asks that the bill be recommitted to the committee.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that on April 13, after the reading of the Journal and the disposition of matters on the Speaker's table, the gentleman from New York [Mr. BOYLAN] may have 15 minutes in which to discuss the life of Thomas Jefferson.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EATON. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. The Chair calls the attention of the gentleman to the fact that there is already a special order.

Mr. EATON. Mr. Speaker, I withdraw the request for the present.

The SPEAKER. Under a previous special order of the House, the Chair recognizes the gentleman from Illinois [Mr. MITCHELL] for 30 minutes.

Mr. MITCHELL of Illinois. Mr. Speaker and Members of the House, no greater honor has ever come to me than this privilege which I now enjoy, standing as I am before this great body of lawmakers in an humble effort to honor the name and memory of that great American, Booker T. Washington. I had the privilege and rare honor of knowing him personally and intimately. He was my teacher, my benefactor, and my ideal of real manhood and Christian citizenship. At the outset I desire to warmly thank our able and beloved Speaker, the majority leader, and every Member of this House for giving me this opportunity to deliver a eulogy on the life of that great teacher, patriot, statesman, and matchless leader of men.

I regard this as a most unusual occasion fraught with good will and recognition of an humble people who have for three centuries borne their burdens in making America the great country it is, but who have in a large measure been neglected by this country when honors were to be distributed. For a century and a half this Nation, through its Congressmen, has paid special honor to its white illustrious sons who gave largely of their lives and abilities to the building and maintenance of the Nation. Such great Virginians as George Washington, Patrick Henry, Thomas Jefferson, Madison, Marshall, Randolph, Lee, and many others whose names are household words with school children, have been eulogized from this Well time and again; but today we are doing honor to a great colored American. Like those whose names I have just called, he, too, was born in Virginia.

George Washington fitly bears the name of Father of his Country. Booker Washington might as fitly bear the name of Father of his Race in America. Take from American history the part played in its making by the patriots and statesmen who were born in the State of Virginia and you take from the Nation its brightest lights and most outstanding guideposts. Take from the history of this country the part played in its making by Booker T. Washington and you leave a blank which not only greatly impoverishes American history but you rob a deserving race of the largest single contribution it has made to those great leaders whose names adorn the walls of the world's hall of fame.

Be it known here and now that the 15,000,000 Negroes whose lives were touched and lifted by Booker Washington's life have already taken fresh courage because of the recognition this body is showing our late leader. I know if Booker Washington's voice could be heard in this Chamber today his solemn request would be in favor of a simple eulogy bereft of all oratorical effort and high-sounding phraseology, in keeping with the simple life he lived. I shall therefore speak only briefly of the birth and early struggles of this great man and pass to the activities of his life after he reached manhood.

He was born at Haleford, Va., April 5, 1856, of a slave mother, and spent his first 7 or 8 years working as a slave on the Virginia plantation where he was born. He knew nothing of his father save that he was a white overseer on one of the adjoining slave plantations. His mother he speaks of in the tenderest and most endearing terms as a Christian mother, deeply devoted to her children and constantly praying to God for the deliverance of her children from slavery.

After the emancipation was effective at the close of the Civil War, he went with his mother, an older brother, and a sister to live with his stepfather in Malden, W. Va. The trip was made partly by wagon team and partly on foot. Many hardships and great hunger attended the little group as it made its way through the hills and mountains of Virginia and later through West Virginia. Mr. Washington tells a story of how, after having traveled across the country for several days and sleeping out in the open they eventually came to an abandoned house, and there they happily sought to spend a night under shelter, but soon after kindling a fire a large snake crawled out from under the floor and frightened the little group away, so that the comfort which they thought they had found was changed into the worst type of discomfort and deathly fear.

After several days of most uncomfortable travel, hunger, and hardship the family arrived at Malden, W. Va., with no money, and cast their lot among strangers, where they began the struggle for bread and for existence. Booker worked wherever he could find employment, often receiving nothing more than sufficient food with which to keep body and soul together. Even then he showed adaptability and promise beyond that shown by other youngsters many years his senior. After doing odd jobs about the community for several months, he secured a place with a white family as general house and yard servant. He showed such interest in his work and proved to be so trustworthy and honest that the white lady for whom he worked took special interest in him. Through her interest he soon learned to read and write. Through the kind treatment and care he received at the hands of these new friends, he grew strong and healthy and soon developed into a large boy, able to take work in the salt mines in and around Malden.

He had gotten a taste of education, and was then burning up of a desire to receive more training so that he might help other boys and girls of the newly emancipated race by teaching them. He heard of Hampton Institute, and with only a few pennies in his pocket set out to find Hampton and to secure an education. On this trip he traveled among strangers, stopping on the way and working a few days in order to secure food and shelter. When he reached Richmond he secured a job helping unload ships; slept under the abutment of a bridge; saved his little money from the small wages he received, and finally completed his journey to Hampton.

When he presented himself to the registrar of the school for admittance there was grave doubt in the mind of that official as to whether or not this green country lad, uncouth and unsightly because of his long trip and lack of care on that trip, was worthy of the facilities of Hampton Institute. Booker Washington had no money and was in poor plight for acceptance, but the lady to whom he had applied for admittance decided to give him some sort of test. He was given a broom and dust cloth and told to clean a classroom. I have heard him tell the story time and again, emphasizing how he swept the room several times and dusted it as many times, even getting down upon his knees, carefully sweeping and dusting underneath every piece of furniture. After the job had been completed the lady inspected the room, passing a clean white linen handkerchief over the woodwork of the room and over the furniture. When she saw that the job had been done thorough and well, she said to the young lad: "I think you will do." Thus he had passed the examination and by carefully cleaning a classroom had matriculated for college.

His school days at Hampton were crowded with work not only in mastering his own studies but also in teaching and helping colored and Indian students with their studies and

work. He graduated with honor and at once engaged in teaching in the country schools of West Virginia. He had done such fine work at Hampton that the attention of Hampton's president and founder, Gen. Samuel Chapman Armstrong, and all the teachers of the school had been attracted to him and his work was being watched with great care.

After teaching in the rural schools and doing graduate work for 6 years, the call came to Hampton for a teacher to organize a school at Tuskegee, Ala. In July 1881 Booker Washington, recommended by General Armstrong, reported to the trustees at Tuskegee and began the work to organize and build what is now the largest and most successful institution of its kind to be found in any part of the world. His work at Tuskegee and in the southland gave him the opportunity to render the service most needed in the South and for which he was perhaps better fitted to render than any man in the world.

The conditions that confronted him in 1881 to some men would have seemed discouraging, to him it was an opportunity to render service. At that time the wounds caused by the Civil War were still unhealed. The breach between the sections of the country had not been bridged; the bitterness engendered by the Civil War struggle was evident on every hand. The newly emancipated slave was experiencing the greatest difficulty in trying to adjust himself to his new environment where economic chaos and political strife were aggravating the conditions, and in many instances preventing, if not making impossible, the cool and deliberate consideration of a fair and just settlement of the intricate problems of this section of the country; which problems were before the people daily.

It was for Mr. Washington to do more than any other single individual to bring peace and happiness out of chaos and confusion. At that time the southern white man was fearful and distrustful of the newly emancipated Negro. In many instances even to opposing the Negro in his effort to seek education. This fear and distrust had been greatly heightened and increased by a certain type of political leadership furnished in many instances by men of designing purposes. Booker Washington's appearance on the scene from the very beginning not only promised but proved to be the great stabilizing influence so much needed to start the South on a safe and prosperous journey. He loved the South as only a few men could. Listen to his words spoken in his early career while delivering a speech to a great white audience in one of the Southern States. I quote:

In saying what I have today, although a Negro and an ex-slave myself, there is no white man whose heart is more wrapped up in every interest of the South and loves it more dearly than is true of myself. She can have no sorrow that I do not share; she can have no prosperity that I do not rejoice in. She can commit no error that I do not deplore. She can take no step forward that I do not approve.

Different in race, in color, in history, we can teach the world that, although thus differing, it is possible for us to dwell side by side in love, in peace, in material prosperity.

The interest of his race was always upon his heart. In this same speech he made this significant reference, which shows the deep feeling that he had for the people of his race, struggling as they were to find their place in this civilization. I quote:

In all discussion and legislation bearing upon the presence of the Negro in America it should be borne in mind that we are dealing with a people who were forced to come here without their consent and in the face of a most earnest protest. This gives the Negro a claim upon your sympathy and generosity that no other race can possess. Besides, though forced from his native land into residence of a country that was not of his choosing, he has earned his right to the title of American citizen by obedience to the law, by patriotism and fidelity, and by the millions which his brawny arms and willing hands have added to the wealth of this country.

His courage, like his patience and kindliness of heart, knew no limitations. There was an occasion that arose early in the twentieth century that severely tested his courage to face physical danger, which courage had been shown upon a thousand occasions before. This was a climax. Mr. Washington was in the North seeking funds with which to carry on his work at Tuskegee. He had several important speaking engagements which meant thousands of dollars in contributions much needed in his work. Through newspaper reports he heard of a serious race riot in progress in Atlanta, Ga. He had a consultation with friends in New York and expressed a wish that he could be present and render some service in stopping the bloodshed and settling the difficulty. His friends, white and colored, strongly protested and told him of the grave danger of his entering Atlanta when the passions of the people were so inflamed and race hatred was being fanned into what at that time appeared to be an unquenchable fire. Mr. Washington, without further ado or expression, quietly slipped away, and when next heard from by his friends he was holding conferances with leading citizens in Atlanta, and was perhaps the dominating spirit through which peace and safety were again restored. There were race leaders, some of them in Atlanta, who in many speeches had declared themselves great champions of the rights and protection of the Negro, but while they were hiding in fear and rushing from Atlanta in secret, Booker Washington, the great and fearless leader that he was, was making peace, as was his custom; and who better than he could do this? A man who had in his heart no bitterness for any man; and if ever an American built his house by the side of the road and sought to be a friend to all mankind, it was Booker Washington.

Time and again he said to audiences that there is no man in the world can make me give up the principles of righteousness and brotherly love and substitute therefor the spirit of prejudice and hatred. Listen to his admonition to southern white people in sections where they were inclined to be unfair to members of his race. I quote:

No man can keep another man down in the ditch without staying in the ditch with him. No race can keep another race down without remaining in the ditch with it.

"The law of changeless justice binds
The oppressor with the oppressed
And as close as sin and suffering joined,
They march to fate abreast."

As an orator he had few equals. His expression of thought was not only clear and simple but convincing and complete. His very facial expressions, every movement of his body was eloquent and served to drive home to his audience the thought emanating from his very soul. No person has ever put greater stress upon the importance of character and the necessity of a trained mind. Many times I have heard him quote these lines:

Were I so tall to reach the pole,
Or grasp the ocean with my span,
I must be measured by my soul:
The mind's the standard of the man.

With all of his seriousness, he was perhaps a greater story teller than Lincoln. Seldom would he advance a serious thought but what he could tell a humorous story to drive the thought home. I recall this story which he told on many occasions while encouraging the Negro to be thrifty and accumulate property and money. It was his theory that this would assist in securing for the Negro the respect and confidence and help of the white people. This is the story:

He once saw a colored and white man in a canoe fishing in the Alabama River. In some way the colored man lost his balance and fell into the river. Being a poor swimmer, he was in grave danger of drowning. The white man looked on for a moment and then plunged into the angry stream, seized the drowning colored man, and swam ashore with him in safety, when onlookers said to the white man, "You certainly must love this colored man to risk your life for him as you did." The rejoinder was: "I do not love him at all, but he had the bait in his pocket and we came out for a day's fishing."

In addressing southern white people he had a unique way of telling them of their faults without incurring their enmity or ill will. For instance, I heard him say on one occasion while speaking in a community where there had been much lawlessness and lynching, and where there was a scarcity of labor on the farms. I quote:

I have investigated the shortage of labor in this county and in other counties where Negroes are depended upon to work the farm lands. In every case where there is a shortage I find that Negroes have left the farms because they feel that their lives are in jeopardy. You white man must understand that you cannot lynch the Negro all the winter and work him all the summer.

As a leader he was true, intelligent, courageous but patient, long suffering, and tolerant. He believed in performance. Often I heard him say that there is no excuse in the world that will take the place of the performance of a task. Upon one occasion when our football team returned to Tuskegee from a tour of several States, where many games had been engaged in and lost by our team, we assembled in the chapel and Mr. Washington's foster brother, the manager of the team, spent almost an hour in explaining to the faculty and student body why the team had not won its games. The excuses offered were plausible, but Mr. Washington arose and in addressing the body said that no excuse in the world could take the place of performance, and that he who is good at making excuses is seldom good at anything else. He further said that the world will soon forget the excuses that are offered instead of performance, but it can never forget the score on the scoreboard. His efficient life was an example to all, but his words and his teachings were just as striking. He believed and taught that efficiency consists in a person doing the right thing in the right way at the right time without having anyone to tell him.

Many historians have said that his largest single contribution was the building of Tuskegee Institute and have attempted to tell the story of his achievements, setting forth the growth of the school from a log cabin and three students with no money, to a great university with more than 150 buildings, 2,000 students, 175 teachers, and an endowment of $8,000,000; but this is only a small part of his achievement.

Everywhere you hear the graduates and students of Tuskegee speaking of the spirit of Tuskegee. This is only their manner of speaking of that helpful and never-dying spirit of Booker Washington, which has not only entered but dominated every one of the more than 5,000 graduates and 30,000 students who have attended Tuskegee Institute; not only these, but the several million people—white and colored—throughout this Nation, all of whom knew and loved to worship at the shrine of this great leader.

It is said that up to the death of Mr. Washington only one graduate of Tuskegee had ever been convicted in the courts of our country and served a jail sentence. Anson Phelps Stokes, of this city, after commenting upon this fact, said—I quote:

When this remark was made, I was at the time secretary of Yale University, and I replied that, although very proud of my alma mater, I only regretted that Yale's record with its white graduates was not so good as Tuskegee's record with its black graduates.

In the language of the late J. L. M. Curry, who was asked to write the introduction for the story of Booker Washington's life and work, he said:

The life of Booker T. Washington cannot be written. Incidents of birth, parentage, schooling, early struggles, later triumphs may be detailed with accuracy, but his life has been so incorporated, transfused into such a multitude of other lives—broadening views, exalting ideals, molding character—that no human being can know its deep and beneficent influence, and no pen can describe it.

No man of our time has made a deeper impression on public opinion, softened or removed so many prejudices, or awakened greater hopefulness in relation to the solution of a problem encompassed with a thousand difficulties and perplexing the minds of philanthropists and statesmen.

In an address delivered by him in Atlanta, Ga., in 1895 to the Cotton States Exposition, he, by skillful words and wise utterances, sounded a new doctrine which has done more than any other to make real what Henry W. Grady characterized as the new South. He laid down the doctrine of constructive building, which was seized and carried out more largely than any utterance coming from the lips and soul of any human being in this country. He believed with Epictetus, who, being asked how a man should give pain to his enemies, answered:

By preparing himself to live the best life he can.

Booker Washington, though born a slave, mingled on easy terms with educators, dignitaries, governors, presidents, kings, philanthropists, and philosophers. They sought his counsel and enjoyed his presence. They admired his teachings and commended his example. It might well be that his life was a model for mankind. If Shakespeare had written about him he would have said:

His life was gentle; and the elements
So mix'd in him, that Nature might stand up
And say to all the world, "This was a man!"

Please note with me that he, like the Savior of mankind, was not only a disciple but an apostle of peace. His greatness is in no measure attributed to his acts with the sword. Unlike many other great heroes worshipped by us today, he never encouraged the shedding of a single drop of human blood. He always preached love, peace, and good will to all mankind. This is the legacy he has left for you and me. To him—

On earth there was nothing good but man;
In man there was nothing good but character and mind.

If you ask me to take you to the monument erected to him, in a feeble manner attesting the love and devotion the world bears for him, I would not take you to the Tuskegee Institute with its great buildings, its thousands of students, and hundreds of teachers. I would not take you to the great bronze statue erected at the cost of many thousands of dollars, standing on the campus, the dream of artists, showing the manner in which he broke the shackles of industrial and intellectual slavery from the ankles and hands of the large number taught by him; but I would take you to the thousands of American firesides where his books are read and his examples and precepts are taught to millions of our young who had no opportunity to see him when he lived. This is a monument of the type which has been erected to the Christ. I would take you to the thousands of rural communities where better schoolhouses stand, where longer school terms have been made possible through his philanthrophy. I would take you to the millions of American citizens whose lives are nothing more than monuments to his greatness.

You ask me, How did he do it? With an apology to Longfellow, my answer would be largely in his words:

The heights by Booker Washington reached and kept,
Were not attained by sudden flight;
But he, while his companions slept,
Was toiling upward in the night.

[Applause.]

CIVILIAN CONSERVATION CORPS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 196)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Labor and ordered printed:

To the Congress of the United States:

On March 21, 1933, I addressed a message to the Congress, in which I stated:

I propose to create a Civilian Conservation Corps to be used in simple work, not interfering with normal employment, and confining itself to forestry, the prevention of soil erosion, flood control, and similar projects. I call your attention to the fact that this type of work is of definite, practical value, not only through the prevention of great present financial loss but also as a means of creating future national wealth.

The prompt consideration given to this message by Congress resulted in the enactment, on March 31, 1933, of Public, No. 5, to provide for the relief of unemployment through the performance of useful public work; and on April 5, 1933, by Executive order, I set up the Office of Emergency Conservation Work to carry the above act into effect.

It is not necessary to go into detail regarding the accomplishments of the corps. You are acquainted with the physical improvements that have taken place in our forests and parks as a result of the activities of the corps and with the wealth that is being added to our natural resources for

the benefit of future generations. More important than the material gain, however, is the improvement we find in the moral and physical well-being of our citizens who have been enrolled in the corps and of their families who have been assisted by monthly allotments of pay.

The functions of the corps expire under authority of present law on June 30, 1937.

In my Budget message to Congress on January 5 of this year I indicated that the corps should be continued and recommended that legislation be enacted during the present session to establish the corps as a permanent agency of the Government. Such continuance or establishment is desirable notwithstanding the great strides that have been made toward national recovery, as there is still need for providing useful and healthful employment for a large number of our youthful citizens.

I am convinced that there is ample useful work in the protection, restoration, and development of our national resources, upon which the services of the corps may be employed advantageously for an extended future period. It should be noted that this program will not in any respect reduce normal employment opportunities for our adult workers; in fact, the purchase of simple materials, of food and clothing, and of other supplies required for the operations of the corps tends to increase employment in industry.

I recommend, therefore, that provision be made for a permanent corps of 300,000 youths—and war veterans—together with 10,000 Indians and 5,000 enrollees in our Territories and insular possessions. It would appear, after a careful study of available information, that, with improved business conditions, these numbers represent the maximum expected enrollment. To go beyond this number at this time would open new and difficult classifications of enrollment, and the additional cost would seriously affect the financial position of the Treasury.

I trust that the Congress will deem it wise to enact legislation making permanent the Civilian Conservation Corps.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 5, 1937.*

ORDER OF BUSINESS

Mr. WARREN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARREN. Is the Chair at the present time in a position to state whether there will be any suspensions today; and if so, what they will be?

The SPEAKER. If sufficient time is available after the conclusion of the call of the Consent Calendar, the Chair is considering recognizing the gentleman from Texas [Mr. SUMNERS] to call up a bill if the bill is objected to when called on the Consent Calendar.

DISASTER LOAN CORPORATION

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask for this time now in the hope that what I may say will be of interest to those Members whose districts lie in the Mississippi or Ohio Valleys and who were sufferers from the recent disastrous flood.

The Disaster Loan Corporation that has been operating in this territory is not quite coming up to the standard that we hoped for it. I do not want to be caustic in my criticism, but I want you all to know that the people in my district at least are not satisfied with conditions. I want to be helpful and not unreasonably critical. I think those who represent the Disaster Loan Corporation in our respective territories as field investigators are doing the very best they can. I have had many letters commending them, and I have had some criticizing them because they do not go out into the rural sections up and down the river from the county seat towns. But, generally speaking, these men have done and are doing a good job. I think the trouble is here in Washington, and if there is any trouble it is due to the fact that this Corporation, being operated under the Reconstruction Finance Corporation, is too strict, and this may be a result of the fact that the employees of this Disaster Loan Corporation are men accustomed to demanding the last cent in security that they can get, as most men who loan money are inclined to be. I think we made it clear when this bill was being considered in the House that it was the idea of Congress that this money should be loaned, not with the same strictness that they loan the money of the Reconstruction Finance Corporation, but rather that it should be loaned on character. I think it was clearly brought out that this money was to go to people in distress and that too many questions were not to be asked about it. I stated that we needed this money now, not 4 or 5 weeks from now.

In my district we have many who are complaining bitterly that the loans are held up here in Washington. If this is true those who are responsible here in Washington should not object if I call this to their attention. I am doing this in the hope that it will assist them in getting these loans out. In one country in my district, where more than half of the homes were under or surrounded by water, I understand that not one single cent has been paid. The loans have been approved by the local committee and by the investigators sent out from the Washington office, but they are lost here in Washington. The regulations of the Corporation are entirely too exacting and entirely too strict. If these regulations are not tempered with a little sympathy or if a little charity is not practiced, then the purpose of the Congress will have been thwarted by those here in Washington who probably never saw a flood and do not know what it means to flee to the second story of their home, there to remain without heat or light and in many instances without much food for a week, knowing that practically all their earthly possessions are gone. If only they could see our desolation they would be convinced just as all of those who have come into our midst as investigators for the Disaster Loan Corporation. The Congress intended by this law to bring aid and assistance to our flood sufferers, and no one can blame me for showing some zeal and earnestness in behalf of my people when I know that they are not getting what is coming to them.

How can we help this situation? How can you help the situation? I wish you would call up the heads of the Disaster Loan Corporation and encourage them to be more lenient and encourage them to be more speedy in bringing this relief. It is not necessary that we castigate or unduly criticize, but if we give this board to understand what we had in mind when we passed this law, then I feel sure that they will want to respect the wishes of Congress. If they do not show any inclination to cooperate, then we must change the law or else do whatever is necessary to get justice.

I find that the principal trouble comes from the attempt to get too much security. This money was supposed to be loaned as character loans, and what is a character loan? Does it imply that if a merchant or a private individual has a mortgage on his business or his home and owes a few bills he must get all of these to stand back while the Government can get a first mortgage on all he owns? No. A character loan is one loaned primarily on one's character. It is a loan in these cases to people who need assistance and who cannot easily get regular commercial loans, and who have sufficient good character to justify the statement that from their past records they will pay all their just debts when they can possibly reach them. This disaster loan legislation was intended primarily to help people who were in dire need of immediate credit. It was not intended that every cent of every loan should be secured by every possible bit of property that could be gotten together as a pawn. Those in charge of making these loans will not be held to the same strict accountability as they would be in making regular Reconstruction Finance loans. Congress said in effect that they should be liberal and charitable. I hope they will immediately change their regulations and proceed to get these applications approved and the money paid out where every dollar will do $5 worth of good. [Applause.]

[Here the gavel fell.]

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

ENTRY OF WIVES OF AMERICAN CITIZENS

The Clerk called the first bill on the Consent Calendar, H. R. 3471, to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States.

The SPEAKER. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That part (4) of subdivision (c) of section 13 of the Immigration Act of 1924, as amended by an act of June 13, 1930, is hereby amended so as to read as follows: "or (4) is the alien wife of an American citizen who was married prior to the approval of the Immigration Act of 1924, approved May 26, 1924."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPEARANCE OF ATTORNEY GENERAL IN CASES INVOLVING CONSTITUTIONALITY OF ACTS OF CONGRESS

The Clerk called the next bill, H. R. 2260, to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Mr. Speaker, I want to make a very brief statement about this bill for the reason that we may try to call the bill under suspension of the rules.

Mr. WOLCOTT. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. I yield.

Mr. WOLCOTT. My reason for objecting was because the Committee on the Judiciary has the call on Calendar Wednesday, and I think the bill deserves careful consideration. That was my reason for objecting to it on the Consent Calendar.

Mr. SUMNERS of Texas. Will the gentleman permit me to make a 1- or 2-minute statement about the bill?

Mr. WOLCOTT. I yield for that purpose.

Mr. SUMNERS of Texas. As I said, we may try to get this bill up under suspension as soon as we have an opportunity. As the gentleman from Michigan has just stated, it is an important bill, although it is a very simple bill. I make this brief statement in order that Members of the House, if they will be good enough to do it, may make some examination of the bill, against the time when we may get it up for consideration, with possibly not the time a bill of this importance ought to have for its entire discussion and consideration.

The provisions of the bill are very simple.

The bill provides that in private litigation where the constitutionality of an act of Congress is raised that the Attorney General on behalf of the Government may intervene to defend the constitutionality of the act of Congress and may appeal directly from an adverse decision to the Supreme Court. We are going to offer an amendment to give the Attorney General the right to appeal directly to the Supreme Court in those cases where the Government is originally a party or where some agency of the Government is originally a party and where such right to appeal does not now obtain.

The matter that I think the Members will want most to look into, however, will be the provision in the bill authorizing the intervention of the Attorney General in private litigation where the question of the constitutionality of an act of Congress is raised.

This is a very brief statement. It is the view of the majority of the Committee on the Judiciary, and I think the view of probably all the members of the committee, that in the event in private litigation the constitutionality of an act of Congress is brought in question, that question becomes a major issue in the controversy. It is deemed not a proper or rational arrangement to have the defense of the constitutionality of an act of Congress dependent entirely upon private persons engaged in private litigation.

Mr. BEITER. Mr. Speaker, will the gentleman from Texas yield?

Mr. SUMNERS of Texas. I do not have control of the time.

Mr. BEITER. The gentleman has stated that he expects to call this bill up under suspension. Does he mean after the Consent Calendar today or on next Wednesday?

Mr. SUMNERS of Texas. We will not do it today if the Members would like to have more time to think about it.

Mr. RAYBURN. It cannot be done under suspension on Wednesday.

Mr. WOLCOTT. Mr. Speaker, I would like to call the gentleman's attention to the fact that one of the objections to the bill I have heard current in the House is that the resources of the Federal Government are pitted against a private litigant in cases where the constitutionality of an act is involved in private litigation. If the gentleman would amend his bill in some particular to award costs to private individuals, so that a private individual would not have to go to the tremendous expense of having to meet the Attorney General's office and the entire resources of the Federal Government in respect to constitutional questions, there might not be so much objection to the bill.

[Here the gavel fell.]

The SPEAKER. Does the gentleman from California renew his request that this bill be passed over without prejudice? [After a pause.] Is there objection to the present consideration of the bill?

Mr. WOLCOTT. I object, Mr. Speaker.

BRIDGE ACROSS THE MISSOURI RIVER, RULO, NEBR.

The Clerk called the next bill, H. R. 192, to authorize the construction of a bridge across the Missouri River at or near Rulo, Nebr.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LUCKEY of Nebraska. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PENSIONS TO CERTAIN SOLDIERS, ETC.

The Clerk called the next bill, H. R. 5030, granting pensions and increases of pension to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, I personally believe that this bill is of such importance that it should be considered more fully in the House than we have an opportunity to do under Consent Calendar procedure. For this reason I think it might be well if the bill were passed over without prejudice.

Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL HOUSING ACT

The Clerk called the next bill, S. 1228, to amend the National Housing Act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand that a rule has been granted on this bill and that it is expected to take it up later in the afternoon. For this reason, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MISSISSIPPI RIVER AND TRIBUTARIES

The Clerk called the next bill, H. R. 2565, to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, at the request of the author of the bill, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The Clerk called the next bill, H. R. 3687, to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, it appears to me that this bill is too important to consider under the Consent Calendar. For this reason I ask unanimous consent that the bill may be passed over without prejudice.

Mr. JONES. Mr. Speaker, will the gentleman withhold his request for a moment?

Mr. WOLCOTT. I understand that the gentleman is to be recognized later in the day to bring this bill up under a suspension of the rules.

Mr. JONES. If it is necessary; but I had hoped, in view of the fact that it was reported unanimously by the committee, that that would not be necessary.

Mr. WOLCOTT. I have no particular objection to the bill but I think it should be considered. I hope the gentleman will take it up under suspension of the rules.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

PARTICIPATION OF THE UNITED STATES IN GREAT LAKES EXPOSITION

The Clerk called House Joint Resolution 53, providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. KLOEB. Mr. Speaker, owing to the absence of the gentleman from Ohio [Mr. IMHOFF], and owing to the inability of the gentleman from Ohio [Mr. CROSSER] to be here, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

USE OF EQUIPMENT BY NATIONAL ENCAMPMENT OF VETERANS OF FOREIGN WARS

The Clerk called the next bill, H. R. 5554, to authorize the Secretary of War to lend War Department equipment for use at the 1937 National Encampment of Veterans of Foreign Wars, to be held in Buffalo and Niagara Falls, N. Y., from August 29 to September 3, 1937.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to lend, at his discretion, to the Veterans of Foreign Wars for use at their national encampment to be held in Buffalo and Niagara Falls, N. Y., from August 29 to September 3, 1937, such tents, cots, and blankets, and other available stock out of the Army and National Guard supplies as such Department may require to house properly veterans attending such encampment: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered at such time prior to the holding of such encampment as may be agreed upon by the Secretary of War and the Veterans of Foreign Wars: *Provided further*, That the Secretary of War, before delivering such property, shall take from such organization a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF SECTION 26, ACT OF CONGRESS (41 STAT. L. 1225–1248)

The Clerk called the next bill, H. R. 5559, to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248).

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DISNEY. Mr. Speaker, S. 1901 is an identical bill to the House bill, and I therefore ask unanimous consent that it may be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the last two provisos in section 26 of the act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248), be, and the same are hereby, amended to read as follows: "That the State of Oklahoma is authorized, from and after the passage of this amendment, to levy and collect a gross production tax upon all lead and zinc produced on said lands in an amount not to exceed the present rate of three-fourths of 1 percent on the gross value thereof. In accordance with the uniform policy of the United States Government to hold the lands of the Quapaw Indians while restricted and the income therefrom free from State taxation of whatsoever nature, except as said immunity is expressly waived, and, in pursuance of said fixed policy, it is herein expressly provided that the waiver of tax immunity herein provided shall be in lieu of all other State taxes of whatsoever nature on said restricted lands or the income therefrom, and the Secretary of the Interior is hereby authorized and directed to cause to be paid out of the individual Indian funds held under his supervision, belonging to the Indian owner of the land, the gross production tax so assessed against the royalty interest of the respective Indian owner in an amount not to exceed the rate hereinabove set forth: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or other property of said Indian owner."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 5559) was laid on the table.

PAYMENT OF ATTORNEY'S FEES FROM OSAGE TRIBAL FUNDS

The Clerk called the next bill, H. R. 5550, to provide for the payment of attorneys' fees from Osage tribal funds.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

Mr. ROGERS of Oklahoma. Will the gentleman withhold his objection?

Mr. TABER. Yes.

Mr. ROGERS of Oklahoma. Is there something about the bill I could explain?

Mr. TABER. I do not think the bill ought to be considered at this time.

Mr. ROGERS of Oklahoma. I may say to the gentleman this does not involve the expenditure of any money by the Government. It involves only tribal funds.

Mr. TABER. We ought to be very careful about these tribal funds.

Mr. ROGERS of Oklahoma. It is tribal funds that they hope to recover through a suit they expect to file against a certain oil company for running oil lines over their property.

Mr. TABER. Mr. Speaker, for the time being I shall have to object.

VALIDATING A CERTAIN CONVEYANCE MADE BY CENTRAL PACIFIC RAILWAY CO.

The Clerk called the next bill, H. R. 2893, validating a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the conveyance hereinafter particularly described and heretofore executed by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain lands or interests therein, in the town of Elk Grove, in the county of Sacramento, State of California, and forming a part of the right-of-way of said Central Pacific Railway Co., granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes', approved July 1, 1862" (13 Stat. L. 356), is hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyance by the corporations making the same under absolute fee-simple title.

The conveyance, recorded in the office of the county recorder of Sacramento County, Calif., in book of official records, which is hereby legalized, validated, and confirmed, is as follows:

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Provided, That such legalization, validation, and confirmation shall not in any instance diminish said right-of-way to a width less than 50 feet on either side of the center of the main track or tracks of said Central Pacific Railway Co. as now established and maintained: *Provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Co. and its lessee, Southern Pacific Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PURCHASE OF ARTICLES OF ORDNANCE PROPERTY BY COAST GUARD OFFICERS

The Clerk called the next bill, S. 1442, to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 3, 1909 (35 Stat. 732, 751; U. S. C., 1934 ed., title 34, sec. 540), is hereby amended by inserting in line 15 of page 751 of volume 35 of the Statutes at Large of the United States, after the words "Marine Corps", the words "and Coast Guard."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEAL OF AN ACT OF MARCH 3, 1933, IN RE EXPLOSIVE MATERIALS

The Clerk called the next bill, S. 1280, to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GEHRMANN. Mr. Speaker, I object.

AMENDMENT OF ACT OF MARCH 3, 1879 (20 STAT. L. 412)

The Clerk called the next bill, S. 1285, to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions relating to issue by the Secretary of War of arms and ammunition for protection of public money and property, contained in the act of March 3, 1879 (20 Stat. L. 412), be, and the same is hereby, amended to read as follows:

"That upon the request of the head of any department or independent agency of the Government, the Secretary of War be, and he is hereby, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired: *Provided, however*, That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the War Department, and the cost to the War Department of making and receiving shipments under the authority of this act shall be covered by transfer of funds from the department or independent agency concerned to the credit of War Department funds."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF ACT OF CONGRESS TO PROVIDE FOR PROTECTION AND PRESERVATION OF DOMESTIC SOURCES OF TIN

The Clerk called the next bill, H. R. 5408, to amend the act of Congress entitled "An act to provide for the protection and preservation of domestic sources of tin", approved February 15, 1936.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. WHITE of Idaho. Mr. Speaker, reserving the right to object, I should like to have an explanation of this bill.

Mr. FADDIS. Mr. Speaker, this bill is simply an amendment to a bill that was passed 2 years ago because the National Ammunition Control Board is in doubt whether the provisions of the original bill allowed them to prohibit the exportation of this tin scrap to some of the insular possessions of the United States. In other words, it is a bill requested by the National Ammunition Control Board so that this scrap may be lawfully exported to Hawaii, Puerto Rico, or other places.

Mr. WHITE of Idaho. Is there anything in this legislation which affects the withdrawal of public lands from mining?

Mr. FADDIS. No; this only pertains to tin scrap.

The SPEAKER. Is there objection to the immediate consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved February 15, 1936, entitled "An act to provide for the protection and preservation of domestic sources of tin", be, and the same is hereby, amended by adding thereto a new section, to be numbered 4, which shall read as follows:

"SEC. 4. The term 'United States' as used in this act shall include all Territories and possessions subject to the jurisdiction of the United States, except the Panama Canal Zone and the Commonwealth of the Philippine Islands. For the purposes of this act, the Commonwealth of the Philippine Islands shall be considered to be a foreign country."

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

EXCHANGE OF EQUIPMENT

The Clerk called the next bill, S. 462, to permit the exchange of used parts of certain types of equipment for new or reconditioned parts of the same equipment.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That used parts of mechanical refrigerators, hermetically sealed refrigerating units, temperature control devices, and watchmen's clocks may be exchanged in whole or in part payment for new or reconditioned parts to be used for the same purpose as those proposed to be exchanged.

With the following committee amendment:

On page 1, line 6, after the word "clocks", strike out "may be exchanged in whole or in part payment" and insert "as payment, in full or in part."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "An act to authorize any Government department to exchange used parts of certain types of equipment for new or reconditioned parts of the same equipment."

USE OF EQUIPMENT BY BOY SCOUTS OF AMERICA

The Clerk called the next bill, H. R. 4659, to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America, and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets, and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 1473) be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the National Council, Boy Scouts of America, for use at the World Jamboree, Boy Scouts, to be held in the Netherlands, in the months of July and August 1937, 1,200 cots, 4,500 blankets, tentage for 1,200 Scouts, 25 fire cranes, 25 sets commissary storage shelves, 100 pot chains, 100 cook pots, 25 United States parade-size flags, 50 fry pans, 50 bake pans, 50 reflector ovens, 200 water pails, 250 tin serving pans, 250 pitchers: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the National Council, Boy Scouts of America: *Provided further*, That the Secretary of War before delivering said property shall take from the said Boy Scouts of America a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States. That the Commissioner of Internal Revenue be, and he is hereby, authorized under such rules and regulations as he shall promulgate to remit the tax on steamship tickets to bona-fide Scouts and Scouters certified by the National Council, Boy Scouts of America attending this jamboree. That, under such regulations as he may prescribe, the Secretary of State be, and he is hereby, authorized to issue passports to bona-fide Scouts and Scouters of the Boy Scouts of America who are citizens of the United States or, if not citizens of the United States, who owe permanent allegiance to the United States upon certification by the National Council, Boy Scouts of America, as to their qualification to attend this jamboree as representing the National Council, Boy Scouts of America, without fee for the application or the issuance of said passports.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 4659) was laid on the table.

UNITED STATES COAST GUARD ACADEMY

The Clerk called the next bill, S. 1441, to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint not to exceed five professors to the United States Coast Guard as heads of the departments of instruction at the Coast Guard Academy. An original appointment as professor not made from a civilian instructor or regular commissioned officer in the United States Coast Guard shall be a temporary appointment; but a professor so appointed, after completion of a satisfactory probationary period of 2 years, may be regularly appointed as professor, to rank from the date of his original appointment: *Provided*, That any person who has served as a civilian instructor in the Coast Guard Academy for 15 years or more may be appointed to the office of professor in the Coast Guard Academy pursuant to this section without physical examination.

SEC. 2. A professor in the Coast Guard shall be a commissioned officer with rank not above that of commander, and shall receive the pay and allowances of a commissioned officer of the same rank and length of service. When any such professor is commissioned with rank less than that of commander, he shall be promoted through the successive ranks to a rank not above that of commander under such regulations as the President shall prescribe. A professor shall exercise command only in the academic department of the Coast Guard Academy.

SEC. 3. The Secretary of the Treasury is authorized to appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, not to exceed three civilian instructors, and the compensation of such appointees shall be fixed in accordance with the Classification Act of 1923, as amended.

SEC. 4. Service as a civilian instructor or professor at the Coast Guard Academy or as a commissioned officer in the Coast Guard (regular or temporary) rendered prior to an appointment as a professor pursuant to the provisions of this act shall be credited in computing length of service as a professor for purposes of pay and allowance.

SEC. 5. Professors in the Coast Guard shall be on the same footing as to retirement from active service for any cause as other commissioned officers of the Coast Guard: *Provided*, That service as a civilian instructor or professor at the Coast Guard Academy or as a commissioned officer in the Coast Guard (regular or temporary), rendered prior to an appointment as a professor pursuant to the provisions of this act, shall be credited in computing length of service for retirement purposes: *Provided further*, That the provisions of law relating to retirement for disability in line of duty shall not apply in the case of a professor until he shall have served 15 years in the Coast Guard.

SEC. 6. The Secretary of the Treasury is authorized to appoint an advisory committee of the Coast Guard Academy which shall consist of not to exceed five persons of distinction in the field of education who shall serve without pay. The members so appointed shall visit the Coast Guard Academy at least once during the academic year on the call of the chairman and may convene once each year at headquarters at the call of the commandant, for the purpose of examining the course of instruction and advising the Secretary of the Treasury relative thereto. The actual expenses of the members of the committee while engaged in these duties, including their actual expense of travel, shall be defrayed under Government travel regulations from any appropriation available for the authorized work of the United States Coast Guard.

SEC. 7. In addition to the advisory board there shall be appointed in January of each year a Board of Visitors to the Coast Guard, which shall consist of two Senators and three Members of the House of Representatives appointed by the chairmen of the committees of the Senate and the House of Representatives, respectively, having cognizance of legislation pertaining to the Coast Guard Academy. The chairmen of such committees shall be ex-officio members of the Board.

(b) Such Board shall visit the Coast Guard Academy annually on a date to be fixed by the Secretary of the Treasury. Each member of the Board shall be reimbursed under Government travel regulations for the actual expense incurred by him while engaged upon duties as a member of such Board.

SEC. 8. Nothing in this act shall be construed to prevent the Secretary of the Treasury from assigning any commissioned officer, chief warrant officer, warrant officer, or enlisted man to appropriate instruction duty at the Coast Guard Academy.

SEC. 9. Any appropriation which is now or may hereafter be available for the payment of expenses for the authorized work of the Coast Guard shall be available to carry out the purposes of this act.

SEC. 10. Section 4 of an act entitled "An act to promote the efficiency of the Revenue Cutter Service", approved June 23, 1906 (34 Stat. 453; U. S. C., 1934 ed., title 14, sec. 124), as amended by the act of July 1, 1918 (40 Stat. 640), is hereby repealed, but such repeal shall not be construed to affect existing appointments: *Provided*, That no appointee, appointed prior to the enactment of this act, may be retained as an instructor in the Coast Guard Academy without appropriate civil-service status for a period longer than 6 months from the effective date of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANASTASIA ISLAND LIGHTHOUSE RESERVATION, FLA.

The Clerk called the next bill, H. R. 4552, to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent that S. 1125, a similar Senate bill, may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, is amended (1) by inserting immediately after the words "holders of record title thereto" a comma and the following: "their heirs or assigns,"; and (2) by striking out "to Southern Real Estate Corporation, lots 4 to 7, block B, 5 to 7, block C, all of blocks D and Z, Seaside Heights;",

SEC. 2. The Secretary of Commerce is authorized to convey by quitclaim deed to the city of St. Augustine, Fla., to be used for public-park purposes, that property authorized to be conveyed by such act of August 27, 1935, to such Southern Real Estate Corporation, reserving unto the United States of America a perpetual easement for beams of light across any part of said lands that may be between the lighthouse and the sea.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 4552) was laid on the table.

ISSUANCE OF BONDS IN THE TERRITORY OF HAWAII

The Clerk called the next bill, H. R. 5416, to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, is amended by inserting before the words "said act", where they first occur in the proviso at the end of section 2, the following: "amendment of."

The bill was ordered to be engrossd and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEN. CASIMIR PULASKI

The Clerk called the joint resolution (H. J. Res. 86) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent that a similar Senate joint resolution (S. J. Res. 102) may be considered in lieu of the House joint resolution.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may I ask the gentleman whether the Senate joint resolution is identical with the House joint resolution as it is proposed to be amended?

Mr. McLAUGHLIN. The Senate joint resolution is identical with the House joint resolution as it has been amended by the Judiciary Committee.

There being no objection, the Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the President of the United States is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1937, and inviting the people of the United States to observe the day in schools and churches or other suitable places, with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House joint resolution (H. J. Res. 86) was laid on the table.

FLOOD CONTROL, DELAWARE RIVER

The Clerk called the next bill, H. R. 4194, to authorize examination of the Delaware River with a view to the control of its floods.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Delaware River with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 6, after the word "of", where it occurs the second time, strike out the remainder of the line and all of lines 7, 8, 9, and 10, and insert "the Flood Control Act approved June 22, 1936, the"; and on page 2, line 2, after the word "for", strike out the remainder of line 2 and all of line 3 and insert "such purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to authorize a preliminary examination and survey of the Delaware River with a view to the control of its floods."

KICKAPOO RIVER, WIS.

The Clerk called the next bill, H. R. 4541, for a survey and examination of the Kickapoo River, Wis., with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the Kickapoo River, Wis., with a view to the control of its floods in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917.

With the following committee amendments:

Page 1, line 4, strike out the word "an" and insert "a preliminary."

Page 1, line 7, after the word "of", strike out the remainder of line 7, all of lines 8, 9, and 10, and insert the words "the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

SCIOTO AND SANDUSKY RIVERS

The Clerk called the next bill, H. R. 4708, to authorize a preliminary examination and survey of the Scioto and Sandusky Rivers and their tributaries in the State of Ohio with a view to the control of their floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of the Scioto and Sandusky Rivers and their tributaries in the State of Ohio, with a view to the control of their floods, taking into consideration the possibility of the diversion of water from the Scioto River into the Sandusky River, in accordance with the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ILLINOIS BAYOU, POPE COUNTY, ARK.

The Clerk called the next bill, H. R. 4714, to provide for a preliminary examination and survey of Illinois Bayou, Pope County, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, constructing dams and reservoirs when needed, and the cost of such improvement, with a view to the controlling of floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Illinois Bayou, in Pope County, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, constructing dams and reservoirs where needed, and the cost of such improvements, with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or hereafter made for the examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendment:

Page 1, strike out all of lines 6 and 7, and on page 2, line 1, strike out "needed, and the cost of such improvements", and all of lines 3, 4, 5, and down to and including the word "and", in line 6 and insert "the Flood Control Act approved June 22, 1936",

and in line 8, after the word "for", strike out "the examinations, surveys, and contingencies of rivers and harbors", and insert "such purposes."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

BIG PINEY CREEK IN POPE AND JOHNSON COUNTIES, ARK.

The Clerk called the next bill, H. R. 4715, to provide for a preliminary examination and survey of Big Piney Creek in Pope and Johnson Counties, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, constructing dams and reservoirs where needed, and the cost of such improvements, with a view to the controlling of floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Big Piney Creek, in Pope and Johnson Counties, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, constructing dams and reservoirs where needed, and the cost of such improvements, with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or hereafter made for the examination, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Strike out the words "to determine the feasibility of cleaning out the channel and repairing the banks, constructing dams and reservoirs where needed, and the cost of such improvements", in lines 6, 7, and 8.

Strike out the words "section 3 of an act entitled 'An act to provide for the control of floods of the Mississippi River and of the Sacramento River, California, and for other purposes', approved March 1, 1917, and", in lines 2, 3, 4, and 5, page 2, and insert in lieu thereof the words "the Flood Control Act approved June 22, 1936."

Strike out the words "the examinations, surveys, and contingencies of rivers and harbors", and insert in lieu thereof the words "such purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

CAYUGA CREEK, N. Y.

The Clerk called the next bill, H. R. 4896, to authorize a preliminary examination and survey of Cayuga Creek, N. Y., with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of Cayuga Creek, N. Y., with a view to the control of its floods, in accordance with the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

Mr. MEAD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Strike out the words "Cayuga Creek" where they appear in the title and in line 5 of the bill, and at both places insert in lieu thereof the words "Cayuga, Buffalo, and Cazenovia Creeks."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to authorize a preliminary examination and survey of Cayuga, Buffalo, and Cazenovia Creeks, N. Y., with a view to the control of their floods."

WHITE RIVER, S. DAK.

The Clerk called the next bill, H. R. 4956, to provide for a preliminary examination of the White River in South Dakota with a view to flood control.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the White River in South Dakota to determine the feasibility of flood-control work on said river and the cost of such improvement, in accordance with the provisions of section 3 of the act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert "and survey"; and in line 5, after the word "Dakota", strike out the remainder of line 5 and all of lines 6 and 7 and insert "with a view to the control of its floods"; line 8, after the word "of", strike out the remainder of the line and all of lines 9, 10, and 11 and insert the "Flood Control Act, approved June 22, 1936"; and page 2, line 3, after the word "for", strike out "examinations, surveys, and contingencies of rivers and harbors" and insert "such purposes."

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill to provide for a preliminary examination and survey of the Keyapaha River in South Dakota with a view to flood control."

BAD RIVER, S. DAK.

The Clerk called the bill (H. R. 4958) authorizing a preliminary examination of the Bad River from Philip to Fort Pierre, S. Dak.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Bad River from Philip to Fort Pierre, S. Dak., with a view to the control of floods in the said Bad River, in accordance with the provisions of section 3 of the act entitled "An act to provide for control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 7, after the word "of", strike out the remainder of the line and all of lines 8, 9, and 10 and insert "the flood-control act approved June 22, 1936", and on page 2, line 1, strike out the word "examinations", and all of line 2, and insert "such purposes."

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Keyapaha River in South Dakota to determine the feasibility of flood-control work on said river and the cost of such improvement, in accordance with the provisions of section 3 of the act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

After the word "examination", in line 4, insert the words "and survey."

Strike out the words "to determine the feasibility of flood-control work on said river and the cost of such improvement", in lines 5, 6, and 7, and insert in lieu thereof the words "with a view to the control of its floods."

Strike out the words "section 3 of the act entitled 'An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes', approved March 1, 1917, and", in lines 8, 9, 10, and 11, and insert in lieu thereof the words "the Flood Control Act approved June 22, 1936."

Strike out the words "examinations, surveys and contingencies of rivers and harbors", in lines 12 and 13, and insert in lieu thereof thereof the words "such purposes."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

KEYAPAHA RIVER, S. DAK.

The Clerk called the bill (H. R. 4957) to provide for a preliminary examination of the Keyapaha River in South Dakota with a view to flood control.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Keyapaha River in South Dakota to determine the feasibility of flood-control work on said river and the cost of such improvement in accordance with the provisions of section 3 of the act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert "and survey"; and in line 5, after the word "Dakota", strike out the remainder of line 5 and all of lines 6 and 7 and insert "with a view to the control of its floods"; line 8, after the word "of", strike out the remainder of the line and all of lines 9, 10, and 11 and insert the "Flood Control Act, approved June 22, 1936"; and page 2, line 3, after the word "for", strike out "examinations, surveys, and contingencies of rivers and harbors" and insert "such purposes."

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill to provide for a preliminary examination and survey of the Keyapaha River in South Dakota with a view to flood control."

BAD RIVER, S. DAK.

The Clerk called the bill (H. R. 4958) authorizing a preliminary examination of the Bad River from Philip to Fort Pierre, S. Dak.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Bad River from Philip to Fort Pierre, S. Dak., with a view to the control of floods in the said Bad River, in accordance with the provisions of section 3 of the act entitled "An act to provide for control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 7, after the word "of", strike out the remainder of the line and all of lines 8, 9, and 10 and insert "the flood-control act approved June 22, 1936", and on page 2, line 1, strike out the word "examinations", and all of line 2, and insert "such purposes."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill authorizing a preliminary examination and survey of the Bad River from Philip to Fort Pierre, S. Dak., with a view to the control of its floods."

ESTERO RIVER, IMPERIAL RIVER, CORKSCREW RIVER, GORDON RIVER, ROCK CREEK, FLA.

The Clerk called the bill (H. R. 4963) authorizing a preliminary examination and survey of Estero River, Imperial River, Corkscrew River (Horse Creek), Gordon River, and Rock Creek, all in Florida, with a view to the control of their floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Estero River, Imperial River, Corkscrew River (Horse Creek), Gordon River, and Rock Creek, all in Florida, with a view to the control of their floods, in accordance with provisions of the flood-control act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PALARM CREEK, ARK.

The Clerk called the bill (H. R. 5123) to provide for a preliminary examination and survey of Palarm Creek, a tributary of the Arkansas River, in Faulkner and Pulaski Counties, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, of constructing dams and reservoirs where needed, and the cost of such improvement, with a view to the control of floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Palarm Creek, a tributary of the Arkansas River, in Faulkner and Pulaski Counties, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, of constructing dams and reservoirs where needed, and the cost of such improvements, with a view to the controlling of floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

With the following committee amendment:

Page 1, line 6, after the word "Arkansas", strike out the remainder of the line and all of line 7, and lines 1 and 2, on page 2, down to and including the word "improvements."

The committee amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to provide for a preliminary examination and survey of Palarm Creek, a tributary of the Arkansas River, in Faulkner and Pulaski Counties, Ark., with a view to the control of floods."

BAYOU METO BASIN, ARK.

The Clerk called the bill (H. R. 5128) to authorize a preliminary examination and survey of the Bayou Meto Basin, a tributary of the Arkansas River, in the State of Arkansas, with a view to control of floodwaters.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Bayou Meto Basin, a tributary of the Arkansas River in the State of Arkansas, with a view to control of its floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

SULPHUR RIVER, ARK.

The Clerk called the bill (H. R. 5129) to provide for a preliminary examination of Sulphur River in Arkansas, with a view to flood control and to determine the cost of such improvement.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Sulphur River in Arkansas to determine the feasibility of flood-control work on said river and the cost of such improvement in accordance with the provisions of section 3 of the act entitled "An act to provide for the control of floods of Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and the contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert "and survey"; line 5, after the word "Arkansas", strike out the remainder of the line and all of lines 6 and 7 and insert "with a view to the control of its floods"; line 8, after the word "of", strike out the remainder of the line and all of line 9, and on page 2, all of lines 1 and 2 and insert "the Flood Control Act approved June 22, 1936"; and on line 5, page 2, after the word "for", strike out the remainder of the line and all of line 6 and insert "such purposes."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "A bill to provide for a preliminary examination and survey of Sulphur River in Arkansas with a view to flood control."

POTEAU RIVER, ARK.

The Clerk called the bill (H. R. 5130) to provide for a preliminary examination of the Poteau River in Arkansas, with a view to flood control and to determine the cost of such improvement.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Poteau River in Arkansas to determine the feasibility of flood-control work on said river and the cost of such improvement in accordance with the provision of section 3 of an act entitled "An act to provide for the control of floods of the Mississippi River and the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert the words "and survey"; line 5, after the word "Arkansas", strike out the remainder of the line and all of lines 6 and 7 and insert "with a view to the control of its floods"; line 8, after the word "of", strike out the remainder of the line and all of line 9, and on page 2, all of lines 1 and 2 and insert "the Flood Control Act approved June 22, 1936; page 2, line 5, strike out all of lines 5 and 6 and insert "such purposes."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

The title was amended so as to read: "A bill to provide for a preliminary examination and survey of the Poteau River in Arkansas with a view to flood control."

NESTUCCA RIVER, OREG.

The Clerk called the bill (H. R. 5180) to authorize a preliminary examination of Nestucca River and its tributaries in the State of Oregon, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination to be made of the Nestucca River and its tributaries in the State of Oregon, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore

or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 7, after the word "of", strike out the remainder of the line and all of lines 8, 9, and 10 and insert "the Flood Control Act approved June 22, 1936"; page 2, line 2, after the word "for", strike out the remainder of the line and all of line 3 and insert "such purposes."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to authorize a preliminary examination and survey of Nestucca River and its tributaries in the State of Oregon, with a view to the control of floods."

PRELIMINARY EXAMINATION OF FLATHEAD RIVER, ETC.

The Clerk called the next bill, H. R. 5181, to provide a preliminary examination and survey of the Flathead River and tributaries in Flathead County, Mont., with a view to the control of its floodwaters.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Flathead River and tributaries in Flathead County, Mont., with a view to control of its floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSTRUCTION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS FOR FLOOD CONTROL

The Clerk called the next bill, H. R. 4545, to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I make a point of order against the consideration of the bill.

The SPEAKER. The gentleman will state the point of order.

Mr. WOLCOTT. This bill amends existing law, and it is my understanding that it does not comply with the Ramseyer rule. A bill which does not comply with the Ramseyer rule cannot be considered in the House, inasmuch as it has not been properly reported out of the committee.

Mr. WHITTINGTON. Mr. Speaker, it occurs to me that that objection comes too late. With the gentleman's permission, if he will yield, I would like to make a statement.

Mr. WOLCOTT. I think we should settle the point as to whether my objection comes too late.

The SPEAKER. Does the gentleman from Mississippi [Mr. WHITTINGTON] desire to be heard on the point of order?

Mr. WHITTINGTON. No, Mr. Speaker.

The SPEAKER. The point of order does not come too late. The bill and report evidently do not conform to the provisions of the Ramseyer rule, and therefore the Chair sustains the point of order.

The bill will be recommitted to the Committee on Flood Control.

POST-OFFICE SITE, HUDSON FALLS, N. Y.

The Clerk called the next bill, H. R. 3135, for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to convey to the owner of the land abutting the easterly side of the post-office site at Hudson Falls, N. Y., the following-described piece or parcel of land forming a part of said post-office site:

Lying and being in the city of Hudson Falls, county of Washington, State of New York, and described as follows: Beginning at a point in the northerly side of Pearl Street, distant eastwardly 145 feet from the intersection of the easterly side of Main Street with the northerly side of Pearl Street, said point being the southeast corner of the present post-office site; running thence along the northerly side of Pearl Street, south 81°57' west a distance of 10 feet to a point; then north 5°48' west a distance of 36.67 feet to a point in the westerly side of lands now or formerly of D. S. Griffin; thence along lands of said Griffin south 21°12' east a distance of 37.62 feet to the point or place of beginning; in consideration of the conveyance to the United States of the following-described piece or parcel of land as an addition to the said post-office site:

Lying and being in the city of Hudson Falls, county of Washington, State of New York, and described as follows: Beginning at a point 85 feet north and 145 feet east of the intersection of the easterly side of Main Street with the northerly side of Pearl Street, said point being the northeast corner of the present post-office site; running thence north 81°57' east a distance of 12.59 feet to a point; thence south 5°48' east a distance of 46.18 feet to a point in the easterly side of the present post-office site; thence along the easterly side of said post-office site north 21°12' west a distance of 47.38 feet to the point or place of beginning.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLD POST-OFFICE BUILDING, OAKLAND, CALIF.

The Clerk called the next bill, H. R. 3683, authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800).

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to substitute the bill S. 1470 for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the act approved April 11, 1936 (49 Stat. 1202), to amend the act entitled "An act to provide for the construction of certain public buildings, and for other purposes", approved May 25, 1926, authorizing and empowering the Secretary of the Treasury to dispose of the old post-office building and to sell all of the site thereof at Oakland, Calif., is hereby amended by canceling the second sentence thereof and substituting the following: "The Secretary of the Treasury is hereby further authorized to sell the old post-office site situated at Broadway, Seventeenth, and Franklin Streets, in Oakland, Calif., at such time, for such price, and upon such terms and conditions as he may deem to be to the best interest of the United States, and to convey such property to the purchaser thereof by the usual quitclaim deed, the proceeds of said sale to be covered into the Treasury as miscellaneous receipts: *Provided*, That nothing herein shall prevent the Secretary of the Treasury from favorably considering an application of the city of Oakland for the conveyance to said city of such portion or portions of the site as the Secretary may agree are necessary for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800; U. S. C., title 40, sec. 345b)."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 3683) was laid on the table.

CAPITAN GRANDE BAND OF MISSION INDIANS

The Clerk called the next bill, H. R. 5551, to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the following-described public domain be, and it is hereby, withdrawn from entry, sale, or other disposition and set aside as an addition to the Barona Ranch, a tract of land purchased for the Capitan Grande Band of Mission Indians under authority contained in the act of May 4, 1932 (47 Stat. L. 146): Lots 1 and 2 of section 23, township 14 south, range 1 east, San Bernardino meridian, California, containing 12.19 acres: *Provided*, That said withdrawal shall not affect any valid rights initiated prior to approval hereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF LAND FOR CEMETERIAL PURPOSES IN VICINITY OF SAN FRANCISCO, CALIF.

The Clerk called the next bill, H. R. 5136, to authorize the acquisition of land for cemeterial purposes in the vicinity of San Francisco, Calif.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire by purchase, condemnation, or otherwise, such suitable lands in the vicinity of San Francisco, Calif., as in his judgment are required for the enlargement of existing national cemetery facilities, and the sum of $200,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for this purpose from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPENDITURE OF SUMS FROM TRIBAL FUNDS ON INDIAN IRRIGATION WORKS

The Clerk called the next bill, H. R. 4950, to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

Mr. O'CONNOR of Montana. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

TO SIMPLIFY ACCOUNTING

The Clerk called the next bill, H. R. 5757, to simplify accounting.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter, in making payments for commodities or services the quantity of which is determined by metered readings, such as gas, electricity, water, steam, and the like, where the period covered by the charge begins in one fiscal year or allotment period and ends in another, the entire amount of the payment may be regarded as a charge against the appropriation or allotment current at the end of such period.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA

The Clerk called the next bill, H. R. 2297, to provide for the appointment of an additional district judge for the northern district of Georgia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I notice there are two bills on the Consent Calendar authorizing additional judges.

Inasmuch as some of these bills need consideration, and inasmuch as last year the Judiciary Committee reported these out in an omnibus bill, I am of the opinion that they should do likewise this year in order that we may have some further consideration.

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

Mr. WOLCOTT. I yield.

Mr. RAMSPECK. I may say to the gentleman from Michigan that this particular bill is one that passed the House last year, after considerable discussion, and passed by a vote of the House. It was one of several similar bills brought up under a rule last year. The Senate failed to pass the bill because of some differences between the Georgia Senators. This is the same bill we had up here last year which was considered under a rule and voted on by the House. I hope the gentleman will let it go through so that the Senate may have time to consider it.

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

Mr. WOLCOTT. I yield.

Mr. WALTER. This is the bill that provides for one of the judgeships included in the omnibus bill which was brought up under a rule last session. The bill passed the House but it was too late to have it considered in the Senate. This bill was passed at the last session.

Mr. WOLCOTT. I may say to the gentleman from Pennsylvania that there is no particular reason why I should be responsible for the policy of the majority and the manner in which these bills are brought up.

Mr. WALTER. I am very well acquainted with the gentleman's position, and I think he is right. At the last session, when objection was made to the consideration of these bills on the Consent Calendar, we finally secured a rule and all these bills were included in an omnibus bill. It was considered, however, late in the session.

Mr. WOLCOTT. I understand that there are vacancies in district judgeships at the present time that have not been filled for some months. In this particular case a new judgeship is created. Perhaps they need it, but I notice that the work of the court has been decreasing each year since 1932.

Mr. WALTER. That is not the fact in this particular district.

Mr. WOLCOTT. That, of course, does not necessarily mean that there is not a need for an additional judge; but I think that because of the situation which confronts us here concerning the reform of the judiciary there is ever so much more need for discussing these bills at length now than there was last year before we had this question. I know the gentleman understands my position. If a new judge is needed in this district, I am in favor of providing for one.

Mr. WALTER. I call the gentleman's attention to the fact that of all the bills that were considered by the Committee on the Judiciary at the last session that in this particular case there seemed to be a greater need than in any other in the United States. That is due to the fact that the Federal penitentiary at Atlanta is located in this district. Last year, I believe, seven additional judges were asked to assist the judge in this particular district. There were approximately 2,700 petitions for writs of habeas corpus filed, with the result that one of the judges devoted practically all of his time to hearing these writs of habeas corpus.

Mr. WOLCOTT. That would come within the classification of criminal cases, would it not?

Mr. WALTER. Yes; that is right.

Mr. WOLCOTT. In 1932 the criminal cases disposed of were 1,145; in 1933, 921; in 1934, 954; in 1935, 608; in 1936 there were only 599.

Mr. WALTER. But they are trials of criminal cases and are exclusive of the writs of habeas corpus.

Mr. RAMSPECK. Those figures do not include writs of habeas corpus, I may say to the gentleman from Michigan.

Mr. WOLCOTT. This includes, of course, pleas of guilty as well as trials.

Mr. WALTER. But not the hearings on writs of habeas corpus.

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

Mr. WOLCOTT. I yield.

Mr. MICHENER. We might as well understand that the need for an additional judge does not depend entirely on the number of cases appearing on the docket, for it all depends upon the type of the cases. There are districts in the United States where there are very few cases pending; but, for instance, there might be a patent case which would take 2 or 3 months to try. So the number of cases is at no time a conclusive criterion.

The Judiciary Committee has considered this case very carefully. I happen to be one of those who oppose additional judges where they are not needed; and we have adopted the policy that where the Chief Justice of the United States, the judicial counsel, and the Department of Justice advise that a new judge is needed, the new judge is recommended. There is no partisanship in it. There is certainly but one motive actuating the Judiciary Committee, and that is to make the courts function. Some of us believe that we should at this particular time do everything that we can to

make the courts function; and the best way to do that is to pass a bill allowing a district judge where that judge is needed, and without any fuss on the floor of the House or any indication that we are trying to hold up something. People want justice; they want their cases decided.

Mr. WOLCOTT. I may say, if the Speaker please, that I absolutely refuse to be responsible for the policy of the majority with respect to these new judgeships. I am not willing to take the responsibility. The Committee on the Judiciary say in this case they need a new judge; but I have said what I have to say, having in mind that we should adopt some policy now when these cases are fresh on the calendar rather than to wait until a month from now.

I am willing to give credence to what the gentlemen have said with reference to it and therefore withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Northern District of Georgia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF THE FEDERAL REGISTER ACT

The Clerk called the next bill, H. R. 5721, to amend the Federal Register Act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

Mr. WALTER. Will the gentleman withhold his objection?

Mr. TABER. Yes.

Mr. WALTER. This bill will make unnecessary the gathering together of a great many documents that the Department feels are unnecessary to file. It will mean a great saving in the case of the administration of this particular agency.

Mr. TABER. I am inclined to think the whole act should be repealed. I permitted it to go through by unanimous consent on representations which turned out to be incorrect. It has worked out just as I expected, and it has been a bad bill. I have not had a chance to go into this thoroughly to know what this does to the other act. I am afraid of the bill all the way through, and any operations in connection with it because of the way we have had it put over on us.

Mr. WALTER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I am inclined to believe that the gentleman is right with respect to the entire proposition. However, in the compilation of some of this data it was discovered there were a great many records pertaining to Indian affairs and the Department of the Interior did not feel that a lot of work, together with the expenditure of large sums of money, ought to be undertaken in connection with that particular matter. It was with the idea of relieving the Interior Department and some of the other departments of the necessity of compilation of a lot of data that this amendment to the Federal Register law was reported unanimously by the Judiciary Committee. I feel this will result in cutting down the cost of administering that particular agency.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from California.

Mr. DOCKWEILER. I am a member of the Appropriations Committee and chairman of a legislative subcommittee. The testimony that appeared in the record covering this year's hearings shows it would cost more than $300,000 to bring the Federal Register up to date. We spent a considerable sum under the terms of the bill—I believe $150,000. This is a tremendous expense. I feel as the gentleman feels, that the whole Federal Register might be revamped or the act repealed entirely. It is costing too much money for the quantum of value we get out of it. Nevertheless, if this bill will relieve the Appropriations Committee from the obligation of appropriating so much money, as we will have to do next year or some time, this might be a step in the right direction.

Mr. TABER. I think this is a pretty big question. I really believe the act should be repealed entirely.

Mr. MICHENER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. MICHENER. I do not know but what the gentleman from New York may be right. The Federal Register was a most important thing and would have been a most valuable thing if the N. R. A. and a number of agencies had continued by virtue of which the departments or agencies had authority to make regulations with the power of law which sent people to jail. The people had no way of knowing what the law was that they were supposed to obey. However, when those agencies ceased and the necessity for the publicity of orders of that type ceased, and, again the act is possibly more comprehensive than was ever intended. I feel, as suggested by the gentleman from California [Mr. DOCKWEILER], if we want to approach repeal and we do not want to go any further than we have gone, that perhaps this is good legislation to enact.

Mr. WALTER. Does not the gentleman feel this is a step in the right direction?

Mr. MICHENER. I am sure if the gentleman from New York [Mr. TABER], who is the watchdog of the Treasury, understood thoroughly, as we understand, what this means in the way of retrenchment he would be the first man for it.

Mr. TABER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OF ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE YEAR ENDING JUNE 30, 1910

The Clerk called the next bill, S. 1133, to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard and also to officers of the Foreign Service of the United States at foreign stations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc, That that part of the act of March 3, 1909 (35 Stat. 768; U. S. C., title 34, sec. 533), which provides "That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy, Marine Corps, and Coast Guard, also to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe", is hereby amended to read as follows: "That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy, Marine Corps, and Coast Guard; to the widows of such officers and enlisted men; to civilian employees of the Navy Department and to officers of the Foreign Service of the United States at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe."

With the following committee amendment:

Page 1, line 7, strike out "Marine Corps and Coast Guard" and insert "and Marine Corps."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARKETING AGREEMENTS AND ORDERS

The Clerk called the next bill, H. R. 5722, to reenact and amend provisions of the Agricultural Adjustment Act, as amended, relating to marketing agreements and orders.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, for the same reason I gave when we considered no. 94 on the calendar, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RELIEF OF THE STATE OF PENNSYLVANIA

The Clerk called the next bill, H. R. 5895, for the relief of the State of Pennsylvania.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the bill S. 1684, which is identical with the House bill, may be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the chief disbursing officer of the Treasury Department is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check no. 65451, symbol no. 79088, drawn January 25, 1935, in favor of "State treasurer of Pennsylvania, trust fund", for $11,315.93 and lost, stolen, or miscarried in the mails.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 5895) was laid on the table.

CLASSIFICATION OF COTTON

The Clerk called the next bill, H. R. 256, authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Mississippi please explain his bill?

Mr. DOXEY. May I say to the gentleman from Massachusetts that my bill amends the present Grade and Staple Estimates Act by inserting another section authorizing the Secretary of Agriculture, upon request of a group of people organized for the purpose of growing a better staple and grade of cotton, to grade this cotton and put a standard grade on it, with Government findings and gradings. The machinery for this purpose is already set up, at least partially. The estimates of expenses have already been submitted to the Director of the Budget and have been approved, and the bill has been approved not only by the subcommittee of which I am chairman, with a unanimous report from the Committee on Agriculture, but the Senate has passed a similar bill and the Senate bill is already over here. It is S. 1500.

Mr. MARTIN of Massachusetts. This is simply a grading bill?

Mr. DOXEY. It is simply a grading bill. It is a cotton-grading amendment to the grading acts which already exist. The purpose behind it is to promote the distribution of our cotton in the world market, so that the producer of cotton will be encouraged to increase his staple sold either at home or abroad, which will result in a better world market.

Mr. MARTIN of Massachusetts. The gentleman means that if certain people know exactly what grade of cotton they are getting, and if we are marketing a better grade of cotton, we will have a better chance in the world market?

Mr. DOXEY. Not only that, may I say to the gentleman from Massachusetts, but the producer in a number of instances is not encouraged to grow a better staple cotton. He will plant half-and-half, which will turn out quantity but not quality. Then, when the producer sells it, he is at the mercy of the cotton buyer, as he does not know whether his cotton is of a grade which is full seven-eighths or an inch and a quarter. The cotton producer now just has to take the word of the cotton buyer as to grade, and so forth, of the cotton he sells.

If a group of persons request a standard grade be furnished, the Government grades the sample of cotton they furnish, and the sample, which is retained by the Government, may amount to as much, possibly, in value as the expense attached to the work. That depends upon how the Government administers the act.

Mr. MARTIN of Massachusetts. How much expense is attached to it?

Mr. DOXEY. There is likely to be some expense—I do not know how much. It is owing to what mechanism the Secretary of Agriculture sets up. He may use his present set-up. The Secretary may set up a different program.

Mr. MARTIN of Massachusetts. What amount would the gentleman estimate as a rough guess?

Mr. DOXEY. I would not attempt to guess, because I do not know how the Secretary of Agriculture is going to handle it, and no one else does at the present time. The amount will be very small, in my judgment. The Government keeps the samples of cotton, and that will bring in some revenue to the Government, because the Government has the right to convert the cotton samples into money. I appreciate the gentleman's position, and I am sure he will not object to this bill. It is a meritorious bill in the interests of the cotton producer. It is designed to help cotton producers to know the grade of cotton they grow and its market value, to stimulate the production of a better grade of cotton, and to secure for American-grown cotton a better price in the world markets.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection.

Mr. DOXEY. I thank the gentleman from Massachusetts.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DOXEY. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 1500) may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", approved March 3, 1927, is amended by inserting between sections 3 and 4 thereof the following new sections:

"SEC. 3a. The Secretary of Agriculture, upon request in writing from any group of producers organized to promote the improvement of cotton who comply with such regulations as he may prescribe, is authorized and directed to determine and to make promptly available to such producers, the classification, in accordance with the official cotton standards of the United States, of any cotton produced by them. The Secretary of Agriculture is further authorized to pay the transportation charges and to furnish tags and containers for the samples of cotton submitted for classification under this section, and all samples of cotton so classified shall become the property of the Government, and the proceeds of any sales thereof after classification shall be covered into the Treasury of the United States as miscellaneous receipts.

"SEC. 3b. The Secretary of Agriculture is also authorized and directed to collect, authenticate, publish, and distribute, by telegraph, radio, mail, or otherwise, timely information on the market supply, demand, location, condition, and market prices for cotton, and to cause to be prepared regularly and distributed for posting at gins, in post offices, or in other public or conspicuous places in cotton-growing communities, information on prices for the various grades and staple lengths of cotton.

"SEC. 3c. The Secretary of Agriculture is further authorized to make such rules and regulations as he may deem necessary to effectuate the purposes of this act."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 256) was laid on the table.

Mr. DOXEY. Mr. Speaker, I ask unanimous consent to have the report on this bill printed in connection with my remarks in order that I may explain it.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The matter referred to follows:

The Committee on Agriculture, to whom was referred the bill (H. R. 256) authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market

supply, demand, location, condition, and market prices for cotton, and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

OBJECT OF BILL

The object of this bill is to authorize the Secretary of Agriculture to provide for the classification of cotton and to authorize the Secretary to furnish timely information to cotton producers with respect to market supply, demand, location, condition, and prices for cotton.

ANALYSIS OF BILL

This bill amends the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", which was approved on March 3, 1927, by inserting between sections 3 and 4 of the act three subsections.

The first subsection which this bill proposes to add to the act of March 3, 1927, authorizes and directs the Secretary of Agriculture, upon request in writing from any group of producers organized to promote the improvement of cotton and who comply with such regulations as he may prescribe, to determine and make promptly available to such producers the classification of any cotton produced by them. The Secretary of Agriculture is authorized to pay transportation charges and to furnish tags and containers for the samples of cotton submitted for classification under this subsection. The samples of cotton which are submitted for classification to the Secretary become the property of the Government, and the proceeds of any sales of such samples after classification will be covered into the Treasury of the United States as miscellaneous receipts.

The second subsection which this bill, if enacted, would add to the act of March 3, 1927, authorizes and directs the Secretary of Agriculture to collect, authenticate, publish, and distribute, by telegraph, radio, mail, or otherwise, timely information on the market supply, demand, location, condition, and market prices for cotton. The bill provides that this information relating to prices for the various grades and staple lengths of cotton shall be prepared regularly and distributed for posting at gins, in post offices, or in other public or conspicuous places in cotton-growing communities.

The third subsection which this bill proposes to add to the act of March 3, 1927, merely authorizes the Secretary of Agriculture to make such rules and regulations as he may deem necessary to effectuate the purposes of this act.

Below is quoted a letter from the Secretary of Agriculture, under date of March 16, 1937, making a favorable report on the proposed legislation:

DEPARTMENT OF AGRICULTURE,
Washington, March 16, 1937.

Hon. MARVIN JONES,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. JONES: We have your letter of February 4, in which comment is requested on the bill (H. R. 256, by Mr. DOXEY) authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes.

This bill would amend the Grade and Staple Estimates Act of March 3, 1927, by the addition of language which would authorize the Secretary of Agriculture upon request in writing from any group of producers organized to promote the improvement of cotton quality who comply with prescribed regulations, to determine and to make available the classification of any cotton produced by them. The Department would also be authorized to expand its cotton market news service and to cause market news information to be posted regularly at gins, post offices, or in other conspicuous places in cotton-growing communities.

This Department favors constructive measures to improve the quality of cotton produced and to better conditions among growers generally. To do this, direct assistance to growers associated in one-variety communities would seem to be a desirable procedure. Studies made by the Department in recent years have shown that for the most part growers market their cotton without knowledge of its quality or the price at which equal qualities are selling in larger central markets. Moreover, prices paid to growers in local markets do not as a rule reflect the premiums and discounts prevailing on the central markets. On the contrary, there is a definite tendency for growers on a given day and in a given market to receive the same prices without regard to differences in the quality of their cotton. The consequence is that growers' incentives for the improvement and maintenance of quality are largely destroyed.

In world competition, superior quality is one of the greatest advantages which American cotton possesses. This fact has been rather clearly brought out in the experience of European spinners who have undertaken to substitute other growths. To preserve this advantage we should be seeking ways to make it worth while to growers individually to improve the quality of their cotton and to cooperate with each other in order to make the production of high-quality cotton general throughout the Belt. Furnishing classing and quotations services to growers who would improve the quality of the cotton they produce by participating in one-variety community organizations would definitely help in this direction.

Large-scale improvement in the quality of cotton produced is dependent, also, upon making available to growers at moderate cost adequate supplies of relatively pure planting seed of superior varieties. Efforts to accomplish this result are being made in other countries, especially in Egypt and Russia, through legislation prohibiting the sale of planting seed not supplied or approved by the Government.

In this country the stocks of desirable planting seed are now far short of the annual requirements for planting the entire crop. There are, however, large supplies of excellent seed stock available that are not being utilized to best advantage because of failure of local markets to pay the grower premiums commensurate with the quality of the improved cotton. It is believed that in the United States the results which other countries hope to accomplish through compulsion may be achieved through voluntary community organizations, if properly encouraged and assisted by the Government. In fact, the Department is now proceeding on such a program. Already it has aided in the organization of more than 300 such communities in 156 counties, embracing close to 800,000 acres of cotton. The Department anticipates that with concerted and intensive efforts upward of 80 percent of the Cotton Belt could, within 5 years, be so organized.

Experience with one-variety communities has shown that cotton classing and market news services are essential to these organizations. When the growers are unable to bargain for and obtain better prices for the better qualities produced they become discouraged and tend to abandon efforts to improve quality. For these reasons and because of the dependence which is being placed in the one-variety community organization as an instrument of permanent crop improvement the Department recommends the enactment of H. R. 256 as desirable legislation in this field.

Upon reference of this bill to the Bureau of the Budget, as required by Budget Circular 336, the Department was advised by the Acting Director thereof, under date of March 8, 1937, that "there would be no objection on the part of this office to the submission to Congress of your proposed report on this bill."

Sincerely,

H. A. WALLACE *Secretary.*

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows: Existing law in which no change is proposed is shown in roman; new matter is printed in italics.

"Public, No. 740, Sixty-ninth Congress

"SEC. 3. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, whether conducted as a corporation, firm, limited partnership, or individual, and of any owner or holder of any cotton and of the agents and representatives of any such owner or holder, when requested by the Secretary of Agriculture or by any special agent or other employee of the Department of Agriculture acting under the instructions of said Secretary to furnish completely and correctly, to the best of his knowledge, all of the information concerning the grades and staple length of cotton on hand, and, when requested, to permit such agent or employee of the Department of Agriculture to examine and classify samples of all such cotton on hand. The request of the Secretary of Agriculture for such information may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, or any owner or holder of any cotton or the agent or representative of any such owner or holder, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any information herein provided for or shall willfully give answers that are false or shall refuse to allow agents or employees of the Department of Agriculture to examine or classify any cotton in store in any such establishment, or in the hands of any owner or holder or of the agent or representative of any such owner or holder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $300 or more than $1,000.

"SEC. 3a. The Secretary of Agriculture, upon request in writing from any group of producers organized to promote the improvement of cotton who comply with such regulations as he may prescribe, is authorized and directed to determine and to make promptly available to such producers, the classification, in accordance with the official cotton standards of the United States, of any cotton produced by them. The Secretary of Agriculture is further authorized to pay the transportation charges and to furnish tags and containers for the samples of cotton submitted for classification under this section, and all samples of cotton so classified shall become the property of the Government, and the proceeds of any sales thereof after classification shall be covered into the Treasury of the United States as miscellaneous receipts.

"SEC. 3b. The Secretary of Agriculture is also authorized and directed to collect, authenticate, publish, and distribute, by telegraph, radio, mail, or otherwise, timely information on the market supply, demand, location, condition, and market prices for cotton, and to cause to be prepared regularly and distributed for posting at gins, in post offices, or in other public or conspicuous places in cotton-growing communities, information on prices for the various grades and staple lengths of cotton.

"SEC. 3c. The Secretary of Agriculture is further authorized to make such rules and regulations as he may deem necessary to effectuate the purposes of this act.

"SEC. 4. The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for the purchase of samples of cotton, for rent outside the District of Columbia, printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes."

The SPEAKER. This concludes the call of all bills on the calendar in order today.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 3687) to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers.

The Clerk read as follows:

Be it enacted, etc., That (a) section 8 (a) of the Soil Conservation and Domestic Allotment Act, as amended, is amended by—

(1) Striking out "January 1, 1938" wherever appearing therein and inserting in lieu thereof "January 1, 1942"; and

(2) Striking out "December 31, 1937" and inserting in lieu thereof "December 31, 1941."

(b) Section 7 (g) of such act, as amended, is amended by striking out "apportionments of funds available for carrying out the purposes specified in this section for the year 1936 may be made at any time during 1936, and apportionments for 1937 may be made at any time during 1937" and inserting in lieu thereof "any such apportionment of funds available for carrying out State plans during any year prior to 1942 may be made at any time prior to or during the year to which such plans relate."

The SPEAKER. Is a second demanded?

Mr. HOPE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. JONES] is recognized for 20 minutes, and the gentleman from Kansas [Mr. HOPE] is recognized for 20 minutes.

Mr. JONES. Mr. Speaker, when the Soil Conservation and Domestic Allotment Act was passed it provided for administration by the States whenever the necessary legislation for administration by the States should be formulated and the necessary agencies made available. In the meantime the act stipulated that for a period of 2 years the Secretary of Agriculture might make payments directly to the farmers for purposes of soil rebuilding, soil conservation, and soil preservation. The act also stipulated the program must be turned back to the States within a period of 2 years; that is, prior to 1938.

The program has been administered in large measure in a satisfactory fashion up to the present time. It now appears that the States cannot possibly secure the necessary legislative action and set up the proper legislative machinery for conducting the program within the remaining time. This measure simply defers the period of compulsory return to the States from 1938 to 1942, extending it for a period of 4 years. In the meantime the program may be returned to the States at any time legislation is enacted and facilities are available for carrying out the program.

I think there could not possibly be any objection to extending this period. This bill simply makes it possible to continue the administration of this program until such time as proper steps are taken or until further disposition is made by Congress of the farm program.

I think this is sufficient explanation, Mr. Speaker, and I reserve the balance of my time.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. JONES. I am pleased to yield to the gentleman from New York.

Mr. TABER. How much money has been disbursed under this activity?

Mr. JONES. I believe the appropriation last year was $440,000,000. I do not think anyone can tell exactly. Part of that is obligated and not yet expended. However, it will be approximately this amount.

Mr. TABER. Is not this rather a large sum of money for the Federal Treasury to be passing out as easily as this?

Mr. JONES. May I state to the gentleman it depends somewhat on the viewpoint. According to my philosophy and the philosophy of a number of others who seem to believe as I do, as long as the tariff system prevails in this country—and I am not discussing the merits or the demerits of the system—the producers of the great farm crops are entitled to a reasonable offset to the tariff. I believe this is largely in line with the declaration of both political parties, and is most generally recognized. I feel this amount of money is justified on that basis. I feel it is further justified on the basis that the entire country is interested in the conservation of our soil, looking down the range of the years. If we can preserve the fertility of the soil of this country for future generations, protect the streams, the soil, the valleys and the hills throughout the country, the money will be well spent.

Mr. TABER. Is it not a fact this money is simply paid out to farmers all over the country on an acreage basis largely, and not for the purpose of erecting or maintaining specific structures or for real soil-conservation purposes?

Mr. JONES. I do not quite agree with the gentleman on that. If the gentleman had occasion or opportunity to go out over the country as I have had to some extent, although not as much as I would like to, he would find they have done some very valuable work both in the areas which are subject to erosion by wind and the areas which are subject to erosion by water.

It has not been strictly on an acreage basis, though there have been several elements taken into consideration—the number of tilled acres, the productivity of the land, the nature of the land, the need of treatment, its location, and a number of other things. In practically every instance I have been able to check there has been real work required of the farmer as a condition to receiving these payments. He does not get them simply by varying his production or leaving some land out of production. He must treat the land, and there are different methods of treatment applying in different sections of the country; in some places contour listing, strip planting, cover crops, and various forms of soil-building crops suitable to the community. I think they have done a pretty good job of it.

Mr. TABER. Does he not get these payments largely without doing a single thing?

Mr. JONES. No; I do not think so.

Mr. TABER. Does the gentleman know of cases where he actually does something because he gets these payments?

Mr. JONES. I have known of many instances in the sections that I have visited. Of course, in some instances he gets paid by virtue of foregoing certain things, but in practically every place I have had an opportunity to investigate they required soil-building crops and practices, and the farmer must do these things. They check up through local committees and through the administrative officers to see that he has complied as a condition to receiving his payments.

Mr. TABER. My information is they simply make these payments to these people for the number of acres they have in certain crops, such as grass.

Mr. JONES. Such crops are taken into consideration, depending on whether they are soil-depleting or soil-building crops, and they require changes in them. They do not make the payments at the time they make the offer. They wait to see that the man has complied with the conditions before they make the payments.

Mr. TABER. Last fall they were making the payments without any previous contract whatever.

Mr. JONES. Yes; they cannot have contracts. They make the offer and the man shows compliance. Then they make payments in accord with the offer.

MR. CLARK. Without any previous knowledge with the letter.

MR. JAVITS. Is the generality recognized by the rule of the Supreme Court decision, that would not take an ordinary resident, or at least it was decided that would not, with the reasons that did not take statements. Under the old criterion that had established, how is the light of the decision of the Supreme Court to stay out Congress from an act of by the State is a problem. In fact, the bill would state that not be exercised. In order to create new practice, should it be in application to the bill.

MR. BURKE. MR. President, will the gentleman yield for a question?

MR. JAVITS. I yield to the gentleman.

MR. BURKE. I should wish to ask the gentleman this question: Are not in the opinion of lawyer a considerable, there are not as some to which doubt existed? Was there a refusal what is the Supreme Court decision as not to indicate it is a question by the Federal Government?

MR. JAVITS. Exactly so. The gentleman knows. Some years ago the Congress.

MR. BURKE. I observe the gentleman is my view.

MR. BURKE. MR. President, I shall I continue to the gentleman does that not the rule.

MR. CLARK. MR. President, the gentleman of I am in a gentleman has not. The bill, incorporated and the present I think that I find some 1965 the plan of saying not to the Senate Judiciary Committee or committee of an amendment to the Senate, which I would consider that is the Senate Judiciary to the Senate the I that would practice, of appropriately acted and indicated Congressmen as to what the Congress are to be the Senate, and efficient, as the act I has that these other considerations I have been view to state, and Senators Senate to the Senate's part Congress that the to which reserve to the Senate Committee of the Judiciary that. It is not intended I am glad that I have been a well-considered.

Finally, I do not wish to get involved a dispute between the States. My object is solely that necessary basic property rights in this. I feel the former should be investigated by which question that the Senate will be the rule. We all have a duty and responsibility to see that the rights of American citizens are protected. So in the light of the decision of the Supreme Court, I say we should make sure that the rights of the citizen is not jeopardized by the action of any State or corporation. Again I do not see why we should be required to apply to corporations of this character, organized and a charter of a State from this date, that I feel the Senate should not be here the question now.

MR. JAVITS. MR. President, will the gentleman yield?

MR. CLARK. I yield.

MR. JAVITS. The gentleman understands, as stated by the gentleman from Kansas, the bill has not passed the Senate, although because the period within which the Supreme Court has decided I think that during a part in the hearing. The subject has become so interested the great corporations.

MR. CLARK. Of course the Senate could not have passed on that matter, but it has been there, and there would not be any responsibility on that point. I am not sure that the Senate has passed on the question of the power of that State to carry it out.

MR. JAVITS. That is correct. The bill is not responsible to any result.

MR. CLARK. I do not agree to any action that may be a matter for the Senate, and as I stated in my introductory remarks. I only take this up in order that the Senate may have the benefit of the views of the Senate Judiciary Committee on the matter. I am not sure that the Senate should act on the bill, the responsibility that we have a well-considered opinion. Other gentlemen have that that do not think that this is a well-considered proposal. I have been that that I am not sure that the Senate should act on the matter, but I think we should have the benefit of the views of the Senate Judiciary Committee, which I am sure will be done in the near future.

fact that the prices of poultry and poultry products are nearly twice what they were in 1932.

Mr. GIFFORD. Let us not go back to 1932 and that date March 4 of 1933 so often sought for shelter, but let us go back to 1926, the recognized normal year.

Mr. JONES. Neither do I want to go back to 1932. I should like to help the gentleman forget it.

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMPACT BETWEEN THE STATES OF IDAHO AND WYOMING

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 150, to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes.

The SPEAKER. Is this the bill about which the gentleman spoke to the Chair?

Mr. WHITE of Idaho. Yes.

The SPEAKER. Has the gentleman consulted the official objectors on both sides?

Mr. WHITE of Idaho. I have.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I do not see any of the members from the Republican side of the committee. They are temporarily out of the Chamber. I must object to calling this bill up now. Perhaps if the gentleman will withhold his request until later there will not be any objection.

Mr. WHITE of Idaho. I may say to the gentleman from Massachusetts [Mr. MARTIN] that I have consulted the gentleman from Illinois [Mr. CHURCH], and the objectors on that side as well as on this side, and I am informed there is no objection.

Mr. MARTIN of Massachusetts. Did the gentleman speak to the gentleman from Michigan [Mr. WOLCOTT]?

Mr. WHITE of Idaho. I spoke to the gentleman from Illinois [Mr. CHURCH]. Mr. Speaker, in deference to the request of the gentleman, I withdraw the request at this time.

EXTENSION OF REMARKS

Mr. BURDICK asked and was given permission to extend his own remarks in the RECORD.

REPORT OF JUDICIARY COMMITTEE

Mr. MURDOCK or Arizona. Mr. Speaker, I ask unanimous consent that the Judiciary Committee of the House may have until midnight tonight to file a report on the bill H. R. 2251.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

Mr. McKEOUGH. Mr. Speaker, I object.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, following the address of the gentleman from Indiana [Mr. LUDLOW], who will address the House at the conclusion of the call of the bills on the Private Calendar, that the gentleman from Minnesota [Mr. KNUTSON] may be allowed to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that on tomorrow, after the gentleman from Minnesota [Mr. KNUTSON] has concluded his address, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on April 13 following the address of the gentleman from New York [Mr. BOYLAN], the gentleman from Vermont [Mr. PLUMLEY] may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. ANDERSON] may be permitted to address the House at this time for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE SIT-DOWN STRIKES

Mr. ANDERSON of Missouri. Mr. Speaker, for the past 2 weeks we have heard from the floor of this House a great many speeches, both pro and con, pertaining to the sit-down strike situation and its various phases and aspects, and I, for one, listened with great interest to the placing of the blame and cause of this serious and unhappy condition. I have heard some expound the views that the Supreme Court, in its failure to pass on the Wagner Labor Act, was responsible; I also heard the Secretary of Labor, Miss Perkins, accused for her failure to act sooner; I have heard it said this was a communistic movement; labor blames capital, and in turn capital blames labor, and last but not least, some of the speakers blame our President.

It is easy to blame the President, just as easy as it is to overpraise him, and as a well-known correspondent recently said, there seems to be but two parties for factions in this great land of ours. Those who refuse the President any credit whatever for the many great accomplishments that he has fostered since the dark days of depression that we, the Democratic Party, inherited on the 4th day of March 1933, and then there is the class who put their brains in escrow and let him do all of their thinking. There is no middle class who are willing to admit the President's nobility of purpose and his sincerity in his many efforts to lift this country out of the depression and to once again restore confidence and tranquillity to this democratic Government of ours, and also to take issue with him when they believe him to be in error.

The one great object that is the main cause and real reason of the sit-down situation is that labor has lost confidence in capital and capital has also lost faith in labor, and both are walking hand in hand with fear and uncertainty.

I know from whence I speak. For years I represented labor in my section of the country. I have seen laboring men and their families go hungry day in and day out. I have seen them locked out of mills and factories, and in some cases have seen their families ejected from company-owned homes. I have seen them slugged and beaten unmercifully at the hands of paid thugs and strikebreakers when the strikers were carrying on a legal strike and picketing in an orderly manner. I have also seen strikes that I thought were unjustifiable, in some cases where working conditions were excellent and labor was paid a fair return for their labor, and, as a matter of fact, labor themselves were satisfied, but were led and inspired by worthless agitators, whose interest in labor was not foremost or paramount but second only to their own financial gain and greed for power. I am of the opinion that capital, on the whole, desires to pay a living, decent wage to labor, and labor is entitled to more than the bare necessities of life and a God-given right to enjoy a freedom that our forefathers fought for that we, all of the people, should enjoy without class or creed distinction or discrimination.

But in the last analysis the people of this Nation look to Congress as the great policy-determining and law-giving body. They have turned their attention upon us to inquire whether we approve, condone, or scorn the great national problem, or, I might say, national disgrace of the day. I refer to the crippling and deadly disease of sit-down strikes that are disrupting our economic order and causing untold losses to all parties concerned.

This is not a question of justifying the right of labor to strike in order to effectuate its demands, for the justice of striking as a means of helping labor to attain its ends has long been recognized, especially by progressive minds.

Neither are we called upon to discuss the merits or justice of collective bargaining. We recognize collective bargaining not only as just but as necessary and indispensable for labor to insure a decent respect for its rights and privileges. In short, we recognize and approve both the right to strike and to bargain collectively. Hence, if this present epidemic was merely a strike for the right to bargain collectively, or for any other lawful purpose, there would be little need for a prolonged discussion of the problem on the floor of this House.

But this present strike wave presents to us an entirely different problem; not only a problem but I say a challenge of the gravest nature. The time has come when we must officially decide whether a practice that is flagrantly unlawful shall be condoned and thereby approved, or if steps will be taken to preserve the dignity of law and the rights of property.

It is especially urgent that those in official positions, whose duty it is to treat with problems of labor, take action. It is all too evident that these persons are in a large measure responsible for the continuance of this epedemic either because they are incompetent or suffer from a lack of fortitude to use their official position that was intrusted to them for just such purposes.

The majority of us here present were never hesitant to condemn certain practices of big business, or to heap calumny upon the heads of great corporations because we believed they were not according fair treatment to the so-called "little fellow" or to labor.

We were never loath to loudly decry and denounce in the bitterest tones every act of big business that was even tainted with the stigma of foul play.

The basis of all our charges was that certain inalienable rights of men were being disregarded or even trampled in the dirt of economic servitude. But what are we doing today in the face of the most open and notorious disregard for law and inalienable rights in the whole history of the Nation?

Let us examine into the probable causes of the present crisis. First, there is the economic cause, the justice of which I do not question. No thinking person can, nor do I attempt to evade the frightful conditions that motivated the workers of the auto industry to strike. Their grievance was of the first magnitude. It was expedient that the employer recognize their right to bargain collectively with him, for only by that means would labor be a fit contestant in the struggle between labor and capital. These workers, no doubt, were entitled to a greater percentage of the fruits of their skill and labor, and they were equally entitled to employ every lawful means to win their fight.

The second factor to be considered in the justification of a strike is the gravity of its results. Too often we are wont to overlook entirely the importance of this element. In defending the justice of the great auto strike we should consider the effects thereof. First, there is the enforced unemployment of thousands of men in dire need of work for the sustainment of themselves and their families. Secondly, there are losses and vast inconvenience to millions of people depending upon prompt and uninterrupted delivery of motor cars and parts. And, thirdly, is the tremendous loss sustained by the employer who is forced into idleness.

The gravity of this strike no one can question. But in spite of the loss to employers, to employees, and the general public, probably a strike was justified.

Now we come to the third element in the justification of a strike—the means used in conducting it.

The sit-down strike is indefensible from a legal standpoint. There is no law to support it or precedent to sustain it. It is an unlawful conversion and seizure of another's property, even to the extent of violence. It is a shameful disregard for legal authority and the rights of property.

It has even gone to the point where the strikers vote whether they will comply with a decree of our courts.

My friends, we cannot permit a continued disrespect for our courts, lest we revert to rule by violence of the mob, which we so greatly abhor in other countries. That the elements of violence are present in these strikes is not to be denied. The intrusion upon property to which you have no right of entry and the unlawful retention thereof can be construed as violence.

But it has even gone further than that. These strikers have actually appropriated the property of their employer to their own use, and have refused to recognize the rights of ownership even to the point of denying the owner the right to enter his own premises. How can we sit idly by while such acts are threatening the very foundations of our legal and social order?

No consideration of this strike crisis would be complete without a brief review of its legal aspects.

As I have already stated, let us assume that the purposes of the sit-down strike are lawful—that is, to secure better working conditions or more desirable wages. Now, then, the question is whether the method adopted to carry out this strike is legitimate. If there were statutes dealing directly with the subject, the answer would depend almost entirely upon the construction of those statutes. But since the sit-down strikes are novel, at least, from a legal standpoint, we can only have recourse to analogy to establish the legality of this method of striking. We all know that the government of this country is founded upon the basis of the private ownership of property. Our Constitution specifies:

> No person shall be deprived of life, liberty, or property without due process of law.

And that has been the basis of our legal doctrine of property and the rights of ownership. This idea has long been recognized as a personal heritage of every citizen.

The sit-down strike begins with a physical seizure of another's property. The truth of this no man can deny. The strikers have no right whatsoever to retain possession of the employer's property any more than the employer would have a right to forcibly hold the employee's home to compel him to meet his demands. The principle is identical. Therefore there can never be a legal justification for a sit-down strike under our system of law as it now stands.

These strikers are trespassers and may even be guilty of extortion, for they hold the property of another under threat of permanent occupancy unless he accedes to their demands. The conduct of these strikers operates to cancel every right they have to be on the premises of the employer, because they have ceased to discharge their duties as employees and are assuming a position never contemplated within the purpose for which they were employed.

Many people assert that the sit-down strikers are not trespassers because they have entered the employer's property under his permission. This position is legally indefensible. Even though one may enter under license or even invitation he may, by subsequent conduct become a trespasser. The law is not only clear on this point but it is universal.

In recent decisions the courts have held that the sit-down strikers were wrongfully in possession of the property of another and were ordered to vacate therefrom. But what happened? The strikers voted whether they would obey the decree, decided they would not, and remained in possession. Therefore, they have become conspirators under the law.

In Twenty-sixth New Jersey Law Reports, page 313, a conspiracy has been defined as—

> A confederation of two or more persons wrongfully to prejudice another in his property, person, or character or to injure public trade, or to effect public health, or to violate public policy, or to obstruct public justice, or to do any act in itself illegal.

Therefore, it is clear that a continuation of a sit-down strike after a court order has been issued on the ground of trespass is a combination to obstruct public justice, and becomes actionable not only as a contempt of court but as an indictable conspiracy.

In conclusion, I will truthfully admit that there is little by way of direct precedent as to the legality of a sit-down strike. The recent decisions represent the only attempts to discuss the basic legal principles. It is at present largely a matter of analogy.

In the light of the fundamental ideas of property rights and laws pertaining thereto, the following conclusion is warranted, namely: Sit-down strikes, which involve the physical seizure of another person's property, are in themselves illegal.

Therefore, I believe the time has come when this body should do all that it can to ascertain the causes of this continued and protracted lawlessness, and to do what we can to ebb the tide of this disease which threatens to impair or destroy the fiber and life of our legal system. If we fail in this crisis our democratic form of government may perish.

COMPACT BETWEEN THE STATES OF IDAHO AND WYOMING

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 150, to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GREEVER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Idaho if this joint resolution creates an obligation on these two States beyond giving them the right to enter into this compact?

Mr. WHITE of Idaho. This is simply an authorization permitting these States to meet and agree, if they can. This gives the official Government sanction.

Mr. GREEVER. Is there anything in here which would affect the waters of the Yellowstone Lake?

Mr. WHITE of Idaho. Yes; that has been especially taken care of by amendment to the joint resolution, which reads as follows:

Provided further, That nothing in this act shall apply to any waters within the Yellowstone National Park.

That is specifically taken care of.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas the Snake River and its tributaries are interstate streams flowing through the States of Idaho and Wyoming; and

Whereas the above-named States are vitally interested in the possible development of the Snake River and its tributaries for irrigation, power, domestic, and navigation uses; and

Whereas the plans for future reclamation development must take into consideration the needs of the States and the water-right problems of interstate streams, and an agreement must be reached by the States concerned regarding the economic apportionment of waters of said interstate streams; and

Whereas it is desirable that a compact for the economic apportionment of the waters of the Snake River and its tributaries for irrigation, power, domestic, and navigation purposes be entered into by and between the said States of Idaho and Wyoming, and that the interests of the United States be considered in the drawing of said compact, by authorized representatives of each of said States and of the United States: Now, therefore, be it

Resolved, etc., That consent of Congress is hereby given to the States of Idaho and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1938, providing for an equitable division and apportionment among said States of the water supply of the Snake River and of the streams tributary thereto, upon conditions that a suitable person shall be appointed by the President of the United States, from the Department of the Interior, who shall participate in said negotiations as the representative of the United States and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided*, That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislatures of each of said States and by the Congress of the United States: *And provided further*, That the rights of other nonparticipating interested States shall not be jeopardized by such compact.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 3, line 2, after the words "compact", insert the following proviso: "*Provided further*, That nothing in this act shall apply to any waters within the Yellowstone National Park or the Grand Teton National Park or shall establish any right or interest in or to any lands within the boundaries thereof or any subsequent additions thereto."

Strike out the preamble.

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 1245. An act for the relief of Malinda J. Mast and William Lee Mast.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, Tuesday, April 6, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, April 6, 1937, at 10:30 a. m., to hold hearings on the following projects: Crescent City Harbor, Calif.; Long Island Intracoastal Waterway, from East Rockaway Inlet to Great Peconic Bay, N. Y.; Chelsea River (Boston Harbor), Mass.; Vandemere Harbor and Bay River, N. C.; intracoastal waterway at Jacksonville Beach, Fla.

COMMITTEE ON EDUCATION

The Committee on Education will meet Tuesday, April 6, 1937, at 10:30 a. m., in room 416, House Office Building, in reference to the Harrison-Black-Fletcher bill (H. R. 5962).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 6, 1937. Business to be considered is continuation of hearings on aviation bills.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 6, 1937, at 10 a. m., in room 328, House Office Building, to consider various bills.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Wednesday, April 7, 1937, at 10 a. m., for the consideration of H. R. 1658—Pan American Union Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, April 7, 1937, for executive consideration of H. R. 30 (actors' bill).

THE COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, April 7, 1937, at 10:30 a. m., to continue hearings on the Bonneville Dam project, H. R. 4948.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization, in room 445, House Office Building, at 10:30 a. m., on Thursday, April 8, 1937, for public consideration of H. R. 5573 (Dies bill).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Business Research Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Monday, April 12, 1937. Business to be considered: Hearing of H. R. 4954 (business research bill).

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 a. m., in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

EXECUTIVE COMMUNICATIONS, ETC.

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

500. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of Vermilion Harbor, Ohio, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

501. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1937, submitting a report, together with accompanying papers, on a preliminary examination of Frenchboro Harbor, Maine, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

502. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the fiscal year 1936 and prior years, and supplemental estimates of appropriations for the fiscal year 1937, for the Department of Justice (H. Doc. No. 195); to the Committee on Appropriations and ordered to be printed.

503. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of various routes for a waterway across southern Georgia or northern Florida to connect the Atlantic Ocean with the Gulf of Mexico, authorized by the River and Harbor Acts approved January 21, 1927, and July 3, 1930 (H. Doc. No. 194); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

504. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill providing for the seizure and forfeiture of vessels, vehicles, and aircraft used in the transportation of firearms, narcotic drugs, and counterfeit obligations in violation of the National Firearms Act and the narcotic drug and counterfeiting laws; to the Committee on the Judiciary.

505. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to adjust the rank of certain Coast Guard officers on the retired list; to the Committee on Merchant Marine and Fisheries.

506. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to prescribe and to increase the punishment of second, third, and subsequent offenders against the narcotic laws; to the Committee on the Judiciary.

507. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to give precedence to civil and criminal proceedings arising under the customs or internal-revenue laws which involve fraud upon the revenues of the United States; to the Committee on the Judiciary.

508. A letter from the President, Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill to authorize the furnishing of steam from the central heating plant to the District of Columbia; to the Committee on the District of Columbia.

509. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to amend paragraph (a) of section 602½ of the Revenue Act of 1934, as amended, relating to the processing tax on certain oils imported from the Philippine Islands or other possession of the United States, so as to provide uniform treatment for Guam, American Samoa, and the Philippine Islands; to the Committee on Ways and Means.

510. A letter from the acting Secretary of the Interior, transmitting one copy of the legislation passed by the municipal council of St. Thomas and St. John, Virgin Islands of the United States; to the Committee on Insular Affairs.

511. A letter from the Acting Secretary of the Treasury, transmitting a proposed bill designed to dispense with unnecessary renewals of oaths of office by civilian employees of executive departments and independent establishments; to the Committee on Expenditures in the Executive Departments.

512. A letter from the Chairman, Reconstruction Finance Corporation, transmitting report of its activities and expenditures for the month of February 1937 (H. Doc. No. 197); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BLOOM: Committee on Foreign Affairs. H. J. Res. 304. Joint resolution authorizing Federal participation in the New York World's Fair, 1939; with amendment (Rept. No. 556). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ENGEL: A bill (H. R. 6141) to amend sections 2 and 3 of title I of the Social Security Act approved August 14, 1935; to the Committee on Ways and Means.

By Mrs. NORTON (by request): A bill (H. R. 6142) to authorize the furnishing of steam from the Central Heating Plant to the District of Columbia; to the Committee on the District of Columbia.

By Mr. DIES: A bill (H. R. 6143) to amend section 9 of Public Law No. 198 of the Seventy-fourth Congress; to the Committee on Labor.

By Mr. BLAND: A bill (H. R. 6144) to amend the Canal Zone Code; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 6145) authorizing the Secretary of Commerce to accept title to a certain parcel of land at Gaithersburg, Md.; to the Committee on Merchant Marine and Fisheries.

By Mr. DEMPSEY: A bill (H. R. 6146) to authorize appropriations for the construction of the Arch Hurley conservancy district in New Mexico; to the Committee on Irrigation and Reclamation.

By Mr. FERNANDEZ: A bill (H. R. 6147) authorizing the adjustment and payment of the claim of the State of Louisiana for reinbursement for moneys expended and property used by it incident to the mobilization and demobilization of members of the military and naval forces of the State into and out of service of the United States during the years of 1916, 1917, and 1918; to the Committee on the Judiciary.

By Mr. HOFFMAN: A bill (H. R. 6148) to provide for the registration of labor organizations having members engaged in interstate or foreign commerce, and to impose duties upon such labor organizations and the members thereof and to impose liability for unlawful acts upon such organizations and the members thereof, and for other purposes; to the Committee on Labor.

By Mr. WALLGREN: A bill (H. R. 6149) for the protection of the northern Pacific halibut fishery; to the Committee on Merchant Marine and Fisheries.

By Mr. GREEN: A bill (H. R. 6150) for the completion of the construction of the Atlantic-Gulf Ship Canal across Florida; to the Committee on Rivers and Harbors.

By Mrs. HONEYMAN: A bill (H. R. 6151) to authorize the completion, maintenance, and operation of the Bonneville project for navigation, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. SMITH of Washington: A bill (H. R. 6152) to authorize a preliminary examination and survey of the Columbia River from Camas to Vancouver, Wash., and from Camas to North Bonneville, Wash., and Bonneville, Oreg., with a view to its improvement for navigation; to the Committee on Rivers and Harbors.

By Mr. CANNON of Wisconsin: Resolution (H. Res. 177) calling upon the Senate to terminate public hearings on President's court proposal, and submission of bills embodying the proposals to an immediate vote; to the Committee on the Judiciary.

By Mr. HARLAN: Resolution (H. Res. 178) to make H. R. 4417, a bill to regulate the supreme and other Federal courts, a special order of business; to the Committee on Rules.

By Mr. RANDOLPH: Joint resolution (H. J. Res. 313) to provide for the designation of the road (truck trail) being constructed by Civilian Conservation Corps enrollees through the famous Smoke Hole region, traversing a scenic area in the Monongahela National Forest, as the Robert Fechner Trail; to the Committee on Roads.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to consider their Senate Joint Resolution No. 27, concerning reforestation; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALESHIRE: A bill (H. R. 6153) to provide for the erection of a monument to the memory of Gen. Frederick Funston; to the Committee on the Library.

By Mr. BULWINKLE: A bill (H. R. 6154) granting a pension to Mary E. Councill; to the Committee on Pensions.

Also, a bill (H. R. 6155) for the relief of Sadie N. Pike and Edward W. Pike; to the Committee on Claims.

By Mr. BOILEAU: A bill (H. R. 6156) for the relief of George J. DeRouchey; to the Committee on Claims.

By Mr. CANNON of Missouri: A bill (H. R. 6157) to authorize Austin H. Clark and Ellsworth P. Killip, of the United States National Museum, to accept certain decorations, respectively, from the Danish and French Governments; to the Committee on the Library.

By Mr. DEMPSEY: A bill (H. R. 6158) granting a pension to Osa Creley; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 6159) granting an increase of pension to Matilda E. Richards; to the Committee on Invalid Pensions.

By Mr. EDMISTON: A bill (H. R. 6160) granting an increase of pension to Lelia M. Marple; to the Committee on Invalid Pensions.

By Mr. GWYNNE: A bill (H. R. 6161) for the relief of George Wilson Lemmon; to the Committee on Naval Affairs.

By Mr. HAMILTON: A bill (H. R. 6162) for the relief of Robert James Allen; to the Committee on Naval Affairs.

Also, a bill (H. R. 6163) granting an increase of pension to Annie S. Wynne; to the Committee on Pensions.

By Mr. McGROARTY: A bill (H. R. 6164) for the relief of John Micklos; to the Committee on Military Affairs.

By Mr. O'BRIEN of Michigan: A bill (H. R. 6165) for the relief of Francis M. Dent; to the Committee on Claims.

Also, a bill (H. R. 6166) for the relief of Frank Peters; to the Committee on Military Affairs.

PETITIONS, ETC.

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

1578. By Mr. ASHBROOK: Petition of the House of Representatives of the Ninety-second General Assembly of Ohio, endorsing the President's Supreme Court proposal; to the Committee on the Judiciary.

1579. Also, petition of Mrs. Eli Friedl, Mr. and Mrs. Ed Finnell, and Lilias Decius, of Roscoe, Ohio, urging that no law be passed to disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1580. By Mr. CULKIN: Petition of Thornton Chard and others, of Cazenovia, N. Y., opposing the proposal of the President for changes in the United States Supreme Court; to the Committee on the Judiciary.

1581. Also, petition of Mrs. J. H. TenEyck Burr, of Casenovia, N. Y., opposing the proposal of the President for changes in the United States Supreme Court; to the Committee on the Judiciary.

1582. By Mr. COFFEE of Washington: Petition of the Twenty-sixth District Democratic Club, Pierce County, Tacoma, Wash., endorsing the President's proposals for reform of the Federal judiciary and opposing any amendment to the Constitution in connection therewith; to the Committee on the Judiciary.

1583. Also, petition of the Northside Grange, No. 727, of Seattle, Wash., endorsing the President's proposals for reform of the Federal judiciary; to the Committee on the Judiciary.

1584. Also, resolution of group of prominent citizens of Tacoma, Wash., Ross Nisonger, chairman, urging Congress forthwith to vote for the President's judiciary reform proposal; to the Committee on the Judiciary.

1585. By Mr. COLDEN: Resolution adopted by the Compton Chamber of Commerce, Compton, Calif., urging the appropriation of funds in the bill for flood relief now pending in the House for the completion of flood-control work already begun on West Compton Creek, in Los Angeles County, Calif.; to the Committee on Appropriations.

1586. By Mr. CURLEY: Resolutions of the New York Printing Pressmen's Union, No. 51, representing 3,000 members, in support of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1587. By Mr. FITZPATRICK: Petition of the New York Printing Pressmen's Union, No. 51, I. P. P. and A. U., supporting President Roosevelt's proposal affecting the Supreme Court of the United States; to the Committee on the Judiciary.

1588. By Mr. JOHNSON of Texas: Petition of J. D. Edmundson, of Waxahachie, and F. E. Thompson, of Itasca, Tex., favoring House bill 5030; to the Committee on Pensions.

1589. By Mr. KEOGH: Petition of Lehr & Lehr Truckmen, Inc., Long Island City, N. Y., concerning the Pettengill bill; to the Committee on Interstate and Foreign Commerce.

1590. By Mr. MARTIN of Colorado: Senate Joint Memorial No. 7 of the General Assembly of the State of Colorado, favoring increased Federal relief; to the Committee on Appropriations.

1591. By Mr. PFEIFER: Petition of Lehr & Lehr Truckmen, Inc., Long Island City, N. Y., concerning the Pettengill bill; to the Committee on Interstate and Foreign Commerce.

1592. Also, petition of Kindergarten-6B Teachers' Association of New York City, urging favorable action on the Harrison-Black-Fletcher bill (H. R. 2288); to the Committee on Education.

1593. By Mr. THOMASON of Texas: Petition of residents of Valentine, Tex., urging favorable action on House bill 2257, relating to old-age pensions; to the Committee on Ways and Means.

1594. By Mr. KING: Concurrent resolution of the Legislature of the Territory of Hawaii, requesting the Secretary of Agriculture to render aid to coffee planters under the Soil Conservation Act; to the Committee on Agriculture.

1595. By the SPEAKER: Petition of Abraham Rosenberg, concerning patents; to the Committee on Patents.

1596. Also, petition of the Board of Commissioners of the City of Newark, N. J., urging the enactment of the United States Housing Act of 1937, being Senate bill 1685 and House bill 5053; to the Committee on Banking and Currency.

1597. Also, petition of the Board of Supervisors of the County of Monroe, N. Y., requesting consideration of their Resolution No. 73, with reference to prohibiting sale of and shipments in interstate commerce of goods produced with child labor; to the Committee on Labor.

1598. Also, petition of city of Cleveland, requesting consideration of their resolution file no. 106218, with reference to Work Progress Administration; to the Committee on Appropriations.

1599. Also, petition of the North Dakota Labor Association, Inc., with reference to the change of the United States Supreme Court; to the Committee on the Judiciary.

1600. Also, petition of the National Automobile Dealers Association, with reference to seizing and holding possession of private property; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 6, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We draw near to Thee, our Heavenly Father, with grateful testimony for Thy goodness and mercy. All through the ages Thou hast been striving with the spirits of men. It is not the unity or the potency of steel, but the spirit of the divine Carpenter that works in transfigured lives and in nations reborn. We pray for the divine blessing to rest upon all powers which are counseling together to disarm the bloody hand of war. Merciful God, we pause where poppies grow row upon row. Upon our ears fall the sounds of marching streets; there are the widows, the mothers, and the orphans broken and alone, the agonizing victims of war's unbridled fury. Oh, that bread should be so dear and flesh and blood so cheap. May the arms of the Republic never fail them. Be Thou the repose of their minds, the joy of their hearts, and the rest of their souls. Almighty God, we pray Thy benediction may be with all races, and may the ends of the earth come together in the name of the brotherhood of man. Oh, may peace rest like a white shaft across the breast of the world and may the drumbeats of our own land be unity, brotherhood, and good will. Through Christ our Savior. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 5299. An act to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4985. An act to regulate interstate commerce in bituminous coal, and for other purposes.

DISABLED AMERICAN VETERANS

Mr. PATMAN. Mr. Speaker, the Disabled American Veterans is an organization composed of World War veterans who suffered disability or injury during the World War and whose disabilities and injuries are a matter of record in the Army and Navy Departments. They are all service-connected veterans and necessarily their membership is small compared with other veterans' organizations. Notwithstanding this limited membership the Disabled American Veterans is one of the most active and effective veterans' organizations. Although I am unworthy of membership in this great organization, I have the honor of being an humble member. Without criticizing the publication of any other veterans' organization—they are all good—I can truthfully say that the Disabled American Veterans has the best publication that is issued on veterans' affairs. It is published at national headquarters, Cincinnati, Ohio, semimonthly. Recently this official organ, carrying out its unselfish object of giving all veterans—whether members of their organization of not—the very best and latest available information on veterans' affairs, had prepared a digest of all State laws; the compilation discloses all the benefits veterans and their dependents are entitled to receive under the laws of all the States. I am preparing a similar compilation disclosing benefits to veterans extended by the Federal Government.

I ask unanimous consent, Mr. Speaker, that I be permitted to revise and extend my remarks in the CONGRESSIONAL RECORD and to insert therein the digest of State benefit laws as compiled by the Disabled American Veterans and the compilation of Federal benefits to veterans.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The was no objection.

GUFFEY-VINSON COAL BILL

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. DOUGHTON, CULLEN, FRED M. VINSON, TREADWAY, and CROWTHER.

EXTENSION OF REMARKS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein extracts from speeches of Hon. Jesse Jones, extracts from the writings of Joseph B. Kennedy, former Chairman of the Securities and Exchange Commission, and extracts from the publications of the Interstate Commerce Commission.

Mr. RICH. Mr. Speaker, how much of the RECORD will these extracts occupy?

Mr. BULWINKLE. About two typewritten pages.

Mr. RICH. That is a good deal of the RECORD.

Mr. BULWINKLE. Oh, no; it is not.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for half a minute to ask the majority leader a question in regard to the program.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, as I understand, on tomorrow, Calendar Wednesday, the call rests with the Judiciary Committee. I wish the majority leader would inform the House what bills the committee expects to bring up tomorrow.

Mr. RAYBURN. Mr. Speaker, I do not have complete information, but I will make such a statement before adjournment today. My opinion is it will be the so-called court bill, concerning matters involving constitutional questions coming before the courts. I do not know definitely, as I have not talked with the chairman of the Committee on the Judiciary.

Mr. SNELL. If the gentleman from Texas will give us the full program before we adjourn tonight, I shall be obliged to him.

Mr. RAYBURN. I will be pleased to do that. I may say further to the gentleman from New York that the chairman

of the Rules Committee, Mr. O'CONNOR, will present some rules on Thursday.

Mr. SNELL. I thank the gentleman.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech I delivered over the radio last night on the necessity of passing an antilynching bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter received from a constituent.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

(Mr. MAVERICK and Mr. RIGNEY asked and were given unanimous consent to extend their own remarks in the RECORD.)

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement of my own published in the United States News on the 5th of this month.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that at the conclusion of the call of the calendar and the special orders heretofore entered I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISTRICT OF COLUMBIA MINIMUM-WAGE LAW (H. DOC. NO. 198)

The SPEAKER laid before the House the following communication from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia and ordered printed:

APRIL 6, 1937.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Fourteen years have elapsed since the Supreme Court by its decision in the case of *Adkins* v. *Children's Hospital* (261 U. S. 525), rendered the District of Columbia minimum-wage law inoperative. I submit herewith the opinion of the Attorney General which makes clear that the recent decision of the Supreme Court in the case of *West Coast Hotel Co.* v. *Parrish*, overruling the previous decision, has rendered the statute once more effective.

In view of the long interval during which it was impossible to administer the statute many developments have taken place, and the Congress may desire to consider whether the act should be administered in accordance with its present terms or whether any amendments or other changes are desirable. Under these circumstances I have suggested to the Commissioners of the District of Columbia that they delay, at least until the first of May, the appointment of the Minimum Wage Board for which the act makes provision.

Should no action be taken by the Congress in regard to this matter, I assume that the Commissioners of the District of Columbia will appoint a Minimum Wage Board and that such other steps as may be necessary to administer the act will be taken, including the preparation of estimates for a suitable appropriation.

Respectfully,

FRANKLIN D. ROOSEVELT.

TWENTIETH ANNIVERSARY OF ENTRANCE INTO WORLD WAR AND THE PROPOSED REORGANIZATION OF THE FEDERAL JUDICIARY

The SPEAKER. Under the special order the House heretofore made, the gentleman from Ohio [Mr. BIGELOW] is recognized for 15 minutes.

Mr. BIGELOW. Mr. Speaker, my purpose in addressing the House this afternoon is to suggest what I think to be a happy and a right way out of the Supreme Court mess that we are in, but first I want to pause to recognize this twentieth anniversary of our entrance into the World War.

NEVER AGAIN

There will soon be marchers out on the Avenue as though we were still proud of having entered the war. I am proud of the heroism with which our boys entered that inferno, but I am also proud of the heroism of a little group of men, three of whom are still left in this Congress, who, 20 years ago, faced a war-mad mob outside and voted "No" on the question of entering the war. The moral courage of their votes is comparable with the physical courage of facing fire on the battlefield. The verdict of mankind, I believe, will give immortal palms to these men who voted "No" 20 years ago. As for the rest of us who were swept along with the hysteria of the times, I think the best way for us to commemorate this day is to bow our heads in penitent contrition and make atonement by a vow to ourselves, the Members of this House, our constituents, our country, and the God of our fathers that we shall never again vote for a conscription act to send American boys into war slavery, and never ship any more American soldiers overseas to fight in other people's wars. [Applause.]

WHY RIDE ROUGHSHOD?

As for the Court issue, I have been impressed of late with a fact I did not realize at first. It has been borne in on a great many people, as the result of their long training and education, that the Supreme Court, at least in their minds, is a very sacred institution, and, aside from the economic royalists, these sincere people are shocked and deeply troubled by the President's proposal. They feel as though we are assailing something almost as sacred to them as their religion. It seems to them, to use a slang phrase, the President has pulled a fast one, that what he proposes has the character of legislative legerdemain, that by a surprise move he is trying to put something over on the people. I do not feel this way, but it has impressed me, through the mail and from other sources, that there are far too many people who do feel this way to be ignored. I may feel they are foolish, I may feel they are in a minority, but I have been asking myself of late, why ride roughshod over them? Why not have consideration for their sensibilities? What are they asking? The most they ask is that this proposal be formulated as a constitutional amendment, and that it be submitted to the people of this country for a vote.

TAKE THE VOTE THIS SUMMER

I had not favored this, because I think in almost all our minds we have thought of this process of submission as a vote by the State legislatures, and it did seem to me very likely that if this course were taken, it might be a matter of 10 years or more, although the proposal itself might be overwhelmingly popular, as I think is the case with the child-labor amendment now. But on reflecting, and particularly on reading the history of the debates in connection with the submission of the twenty-first amendment, I have come to the conclusion it is entirely within the power of this Congress to have what would be substantially a referendum vote of the people of this country on this proposal and to have it this summer.

As you know, the Constitution gives us the alternative of submitting amendments to legislatures or to conventions to be held in the States. There are law students who contend that article V of the Constitution gives us the power, as a Congress, on our own authority to go into the States, organize, and hold these elections without regard to the State legislatures. I am not proposing this. This is an uncharted sea. It would raise controversies that we had better avoid, but I do want to present briefly to the House the suggestion that it is still possible for us to pass an act by which we can contrive to have what would be virtually a direct referendum on this proposal.

CONGRESS HAS THE POWER

This is not new. It was thrashed out when the twenty-first amendment was submitted. My proposal is that we formulate the amendment to abolish the life term of judges

and provide that Congress may have the power to fix an age for the compulsory retirement of judges, and then pass an act providing that this proposal shall be submitted to conventions—not legislatures but conventions—within the States. When we did this in the case of the twenty-first amendment, we fixed a limit during which these conventions had to be held. If it was constitutional for us to fix a limit then, we can fix it now, and so I am proposing an act of this Congress to say that this proposal shall be submitted to conventions in the States and that it shall be submitted this summer.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield to me?

Mr. BIGELOW. I yield to the gentleman.

Mr. O'CONNOR of New York. The gentleman refers to "passing an act." As I recall it, the proposed constitutional amendment provides for its being referred to conventions in the States.

Mr. BIGELOW. Oh, yes.

Mr. O'CONNOR of New York. I do not understand why we would have to pass any legislation in addition to the constitutional amendment.

Mr. BIGELOW. There would have to be some enabling act. We would have to indicate by some action that it should be referred to conventions in the States.

We would have to exercise the alternative the Constitution gives us.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. BIGELOW. I am afraid that my time will not permit me to yield. In this act what I propose is this, that while we shall not assume the authority, though some people say we have it, to dictate to the States as to how this election shall be held, we might in the act suggest to them, and the suggestion, if they felt it was reasonable, they would probably follow, that nominations be by petitions for delegates to these State conventions, and that in the petition the candidate state whether he is for or against the proposal. Then let the statement of the candidate be printed directly upon the ballot under his name so that when the voting occurs the people will be not really voting for the candidate but be voting directly on the proposal. In that event the delegates would have much the characters of Presidential electors. They would be mere automata in the convention to ratify the verdict of the people at the polls. It seemed to me that if in this act we went a step further and agreed to pay the expenses of these conventions out of the Federal Treasury, there could be no doubt that without assuming the authority, which is questionable, for us to hold these elections ourselves, the State legislatures would respond.

LET THE PEOPLE DECIDE

All over the land they are saying let us vote on this thing, let us vote on it. Suppose we say to them, very well, then, let us have the vote, and suppose we have it in this way. It seems to me that the Members of this House would be very glad to have that solution of the problem, that the country would be glad to have the solution, and in view of the fact that we might have this virtual referendum this summer and have it disposed of with all reasonable dispatch, it is a great responsibility for us to turn that possibility down and solve it the other way by our own vote. And if it were done in the way that we are now thinking of doing it, it might well be that the new Court that is organized will not have the cordial support of the people as it might enjoy were we to consult the people and let them decide.

For my part, I am with the President in his proposal. I think the thing should be done, but I am an old referendum man. Twenty-five years ago, with ROBERT CROSSER, now in this House, I helped to put the referendum provisions into the Constitution of the State of Ohio, and it has seemed to me that if there is a referendum way of settling this court issue this way should be taken. [Applause.]

SUPPOSE THEY DON'T WANT A VOTE

But it may be said that I overestimate the numbers of those who are sincerely troubled about this matter. Well, suppose this is so. Suppose that the opposition is chiefly the opposition of economic royalists and die-hard partisans and that this opposition would prevent the State legislatures from calling these State conventions and thus frustrate the plan I have outlined. Then I would say: If we offered the opposition a fair plan of going directly to the people, and if they scorned it and blocked it, we would come back to this House next January and the very first thing done should be to put through the President's proposal without scruple. If we are dealing with those who refuse a chance for an honest, popular vote when it is offered to them, we should deal with them as the exposed foes of democracy. We would no longer listen to their lachrymose defense of the Court. We should know that they like the Court because it happens to be a refuge for their privileges, and that they hate democracy as the leveler of exploited wealth.

But, though a Democrat, I do not think so ill of Republicans, nor even of many who may be classed as economic royalists.

I believe that democracy is the honest faith of the most of us, and that whatever the outcome, we would all be reconciled to any changes in Court or Constitution for which the verdict of the voters had been given.

THE SPIRIT OF OUR FATHERS

It is right that men should be anxious to hold what is good in our world. But, if there is no progress, what is good cannot remain good. The true conservatives must be venturing progressives. Our forefathers were that kind of men. Had the fortune of war gone against them, they would have been the traitors of Old England, not the patriots of New America. King George said to them, "I was born to be your King, and you were created subjects of mine." Our fathers said, "That's a lie; all men were created equal." Think what their courage did for us.

They were men who broke with the past to win a better future. They dared to rule themselves. Their advice to us, if they could speak, would be not to follow the letter of their laws but the spirit of their example.

When we find ourselves drawing apart into classes, or growing bitter over our differences of opinion, what better solvent can we find, what surer basis of accord and social reconciliation, than to submit ourselves to that supreme authority which our fathers named in the first words of their Magna Carta: "We the people of the United States."

So, my friends, I would like to see the President's proposal held in abeyance, while giving the people a chance this summer to say what changes they want in Court or Constitution. If the President's proposal comes before this House, I shall vote to substitute this plan for it, if I have opportunity; but, if this plan cannot be substituted, I shall vote to enlarge the Court, but I shall do so reluctantly. I prefer the more democratic way.

POWER OF CONGRESS TO CALL CONVENTIONS

In the proposed plan there is no assumption of the power of Congress to acutally conduct the election of conventions in the States.

This was avoided, not because I am not well persuaded that such power is reasonably implied in article V, but because it is a disputed matter and would invite controversy.

In a brief which was published in the CONGRESSIONAL RECORD December 7, 1932, Mr. A. Mitchell Palmer said:

It follows that, having the expressed power to choose the convention method of ratification, the Congress has by implication all powers necessary and proper to make the exercise of its choice effective and to assure that its selected course will not be frustrated. This necessarily would include the enactment of all appropriate provisions to enable the organization of the conventions as representative assemblages, able and qualified to receive and vote upon the proposed amendment.

Mr. James M. Beck, whose speech on the subject appears in the RECORD on the same date, controverted this view.

Below are listed others who have contributed to this discussion.

TWO VIEWS OF THE AMENDING PROCESS

According to one view, an act of ratifying an amendment is an act of States. All Congress may do is to propose

amendments. It is for the States to say whether or not, in the exercise of their residual sovereignty under the Constitution, they shall ratify, reject, or ignore the proposals of Congress. For the Congress to conduct elections of conventions would therefore be regarded as an invasion of States' rights.

According to the other view, the process of amending the Constitution is a Federal process the authority for which is derived wholly from the Constitution. It is not States that ratify amendments but the people, who may act through State legislatures or through conventions in the States, as Congress may determine.

THE PRACTICAL USE OF CONVENTIONS

Whatever may have been in the mind of the framers of the Constitution in providing two different ways of ratification—by State legislatures or by conventions—we can see a practical advantage in having an alternative.

Suppose legislatures refused even to consider amendments proposed by Congress. Yet when the Constitution says that Congress may propose amendments, it must be presumed that there is some way of making sure that there shall be some competent body to which the proposed amendments may go. Otherwise Congress would be frustrated, and the power granted by the Constitution could not be exercised.

Congress cannot demand ratification. It is the right of the people to ratify or reject. But Congress, it would seem, has a right to an answer from the people. The right to propose is the right to propose to somebody.

LEGISLATURES CANNOT BLOCK THE PROCESS

Though State legislatures might refuse even to notice the proposals of Congress, Congress would still have the right to resort to the convention method of ratification. Whether the people of a State were assembled in convention under State law or by act of Congress, if the election process insured full democratic representation, the action of the convention would be the act of the sovereign people within the State. It would not be a State action. It would be the act of the sovereign people within the State, and would seem to satisfy both the letter and the spirit of the Constitution. Though it has never been done, it would seem that Congress could do it; that it could call these conventions and conduct the election on its own authority and without the cooperation of the State legislatures. Thus this alternative method holds the way open for Congress to complete the amending process despite any possible indifference or opposition from State legislatures.

States are sovereign for many purposes. Congress, of course, could not invade these sovereign rights of States. It could not go into States and hold elections of State legislatures.

WOULD THE COURT OBJECT?

But if we agree that, once the Constitution was adopted, the right of amendment provided in the Constitution became a right to be exercised not with the consent of States as such but with the consent of the people within the States, then it would seem that it could make no difference whether these conventions were organized by State legislatures or by Congress, so long as they were true democratic assemblages in the creation of which all the voters had a voice. Since the Constitution is completely silent and gives no hint as to how these conventions are to be created, either way of creating them should be permissible. If Congress did exercise this power, and if an amendment were ratified by admittedly democratically elected bodies, it is hardly conceivable that any court would declare such a verdict of the people invalid.

POWER NOT NOW ASSERTED

This posing of the question is introduced here because a situation might at any time and soon occur when Congress would feel impelled to assume and use this power. It is well that we should have in mind the possibility of such action. But it is not proposed at this time for the reason that the State legislatures would probably act at this time in calling these conventions in the States if Congress were to request it. The opponents of the President's Court proposal have been so loud in their demand for a chance to have something to say about it that they could hardly back away if they were offered a vote on the issue. They would know that if they did not readily agree to a popular vote on the subject the insincerity of their opposition would be exposed and Congress would certainly act and give the President what he asks.

Those interested in a further study of this question of the power of Congress to call conventions into being for the consideration of amendments will find some direction to the study in the following references.

AUTHORITIES ON AMENDING PROCESS

American Political Science Review, February 1922, page 38; May 1920, page 305.

Senate Document No. 181, Seventy-second Congress, second session. Letter from Hon. William Clark, United States district judge for the first district of New Jersey.

Herbert S. Phillips, of the Tampa Bar Association, before the Bar Association of Hillsborough County, Fla., April 7, 1933.

New York Times, Monday, October 31, 1932.

Lawyer and Banker, volume 25, September, October, November, and December 1932.

St. John's Law Review, current legislation, pages 375, 376, 377, and 378.

Norman T. Ball, Ratification of Constitutional Amendment by State Convention, in George Washington Law Review, volume 2, pages 216–221.

Attorney Mitchell Palmer, CONGRESSIONAL RECORD, volume 76, part 1, pages 130–134; New York Times, December 2, 1932, page 14, column 1; December 11, page 30, column 1; and a supplementary brief; New York Times, January 2, 1933, page 8, column 1. See also Times, January 30, 2: 7.

Prof. Howard Lee McBain, of Columbia, New York Times, December 11, 1932, part IV, page 1, column 7.

Governor Ritchie, John W. Davis, Wayne Johnson, and Joseph H. Choate, New York Times, October 31, 1932, page 13, column 5.

James M. Beck, CONGRESSIONAL RECORD, volume 76, part 1, pages 124–130, and part 3, pages 2419–2421.

Senator Thomas J. Walsh, New York Times, January 22, 1933, volume VIII, 2: 6; CONGRESSIONAL RECORD, volume 76, part 4, pages 4138–4279, 4215–4532, especiallly pages 4145–4165. For reasons for failure of plan, see New York Times, February 22, page 1, column 5. See also Times, November 30, 1932, page 18, column 3; December 16, page 14, column 5; January 16, 1933, page 14, column 8; February 11, page 14, column 8; February 20, page 2, column 2; February 21, page 10, column 8; February 23, page 16, column 6; February 25, page 14, column 7; March 8, page 12, column 6; March 13, page 12, column 7; March 26, part IV, page 5, column 7.

United States v. *Sprague* (282 U. S. 640, 1931).

Edward S. Brown, The Ratification of the Twenty-first Amendment, American Political Science Review, volume XXIX, page 1005, December 1935.

North Carolina Law Review, volume XI, page 241, a brief summary of the difficulty involved in assembling conventions for ratification.

Hon. W. P. Stacy, chief justice, Supreme Court of North Carolina, 204 N. C. 811.

Chief Justice Marshall, *McCulloch* v. *Maryland.*

Judge Van Devanter in *Dillon* v. *Closs.*

State Law Index, 1933–34, volume 5, page 629.

On the Constitution (Willoughby), volume 1, second edition, page 593, paragraph 329a.

Roy L. Deal, pamphlet.

The SPEAKER. Under a prior order of the House, the gentleman from South Dakota [Mr. CASE] is recognized for 15 minutes.

Mr. CASE of South Dakota. Mr. Speaker and Members of the House, 21 years ago I first visited Washington. The occasion was my return from Lake Mohonk, N. Y., where I had taken part in a college contest on the subject of peace.

My effort was entitled "The Modern Paradox." In it I held that war was a paradox, condemned in the abstract, but accepted and explained when it came to us. Declaimed against one day but enlisted for, the next. Within a year the Congress voted for a declaration of war. And before the war was over the paradox was proved in my case, too. I went, but I hold no wounds before you today. War left me untouched, except for the deep, deep passion that time has not erased to carry on the war to end war itself.

It matters little to anyone else the hesitancy with which I approach this subject today. In the presence of men whose names in this Chamber have become one with the work for peace, I confess I feel very, very small for the task I have set for myself, that of offering a few remarks on the twentieth anniversary of the declaration of war.

But I am steeled for the task by the memories of men who, in the words of Woodrow Wilson, "were once our comrades and are now gone." This body, the Congress, the Nation, responded to an appeal "to fight for those things which we had always carried nearest to our hearts—for democracy, for the rights of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations • • •." And I have no words of censure for those who voted for that resolution 20 years ago today.

But after the war was over, on Memorial Day 1919, when Woodrow Wilson visited an American cemetery in France, he said:

> I beg you to realize the compulsion I am under. • • • I advised Congress to declare that a state of war existed. I sent these lads over here to die. Shall I—can I—ever speak a word of counsel which is inconsistent with assurances I gave them when they came over? It is inconceivable. There is something better, if possible, that a man can give than his life, and that is his living spirit to service that is not easy, to resist counsels that are hard to resist, to stand against purposes that are difficult to stand against, and to say, "Here stand I, consecrated in spirit to men who were once my comrades and are now gone, and who have left me under bonds of eternal fidelity."

Those bonds today compel us on many matters. Fair treatment for the widows and orphans of those who bore the brunt of battle? Yes. Decent treatment for those whose bodies will never be the same again? Yes. But no less compelling are the bonds we took to carry on a war to end war. And because I feel as I think Woodrow Wilson felt, that those men sealed their part of the compact with their lives, we have an irrevocable contract. They performed their part.

Peace, like liberty, is not the birthright of an indifferent people. War will never be abolished by a single stroke, but there are measures which lessen the likelihood of war and which increase the chance of peace. And in this frame of mind—deep obligation to those who gave their all and frank confession of the feebleness of my efforts—I want to call your attention to House Joint Resolution 238, the unknown-soldier amendment, which proposes to restore to the people the right to declare war abroad.

This unknown-soldier amendment grew out of a pre-Christmas talk given before the Fortnightly Club in Rapid City a few years ago. I had been asked to talk on the psychology of peace. In developing the topic I said that it seemed to me there was a psychology of peace, there was a will for peace, but it needed a means of expression. To provide that means I suggested what I have since come to call the unknown-soldier amendment. Since then I have come to know how far behind originality I was. The gentleman from Ohio [Mr. BIGELOW], I understand, years ago organized a league for a war referendum. The gentleman from New York [Mr. FISH], the gentleman from Indiana [Mr. LUDLOW], at least before I ever proposed the form of my amendment, had introduced in Congress proposals for a referendum on declarations of war. To them and to other distinguished Members of this body I frankly yield all claims of priority and I here acknowledge my great admiration for their sincere, earnest, effective work in the cause of peace.

And yet, because of the wartime lesson that "each must do his bit", and because I believe that in great causes final success comes from merging the efforts of many people, I introduced the unknown-soldier amendment some days ago. I want to call your attention to the text of it, not with the idea that it is perfect but with the idea that possibly it will help to hammer out the form in which an acceptable war referendum can be written.

The unknown-soldier amendment starts with this simple sentence:

> The right to declare war abroad is hereby restored to the people.

Then it has three brief sections designed to make that effective and practical. They are:

> 1. The Congress shall not declare war, except the territory of the United States be actually invaded or attacked, until a proposal for a declaration of war shall have been approved by a majority of those voting in a special national election in which all citizens over the age of 18 years may participate.
>
> 2. The President, as Commander in Chief of the Army and Navy, shall not send armed expeditionary forces in excess of 25,000 men more than 500 miles beyond the territory of the United States except in movement between portions of that territory until after such a declaration of war by the people.
>
> 3. The Congress shall provide for carrying out the provisions of this article by appropriate legislation.

This amendment does not interfere with defensive preparedness. On the contrary, it makes clear that our preparedness is for defense and not aggression.

As Calvin Coolidge said in his last Armistice Day address, a speech widely circulated by the Navy League, "to be ready for defense is not to be guilty of aggression." But you know and I know that the difficult thing in preparedness is to convince the other fellow that you are not arming against him. Indeed the very fact of your arming is a spur to him. Witness the madness in Europe today.

But in that same Armistice Day speech Coolidge also said:

> The whole essence of war is destruction. It is the negation and the antithesis of human progress. No good thing—

He said—

> ever came out of war that could not better have been secured by reason and conscience.

The unknown-soldier amendment—as do all the war-referendum proposals—points to the road away from war. It accepts the statement, made over and over by so many people, that the people want peace. "More of peace and none of war," Harding said at the tomb of the Unknown Soldier. "I hate war," the President has said, and the common people have echoed that the world around.

Well, this unknown-soldier amendment proposes to implement the will of the people in this country for peace. This gives the people a way to say they are for peace or to say if the issues are worth war. It lets the people who will pay—the boys; yes, even those of 18; the fathers and mothers whose homes will be broken—it lets them say whether issues in any contest are worth sending America's sons to a foreign battlefield again.

"WHY QUIT OUR OWN?"

The particular wording of this amendment overcomes the objection that we would wait in case of attack until an enemy had come to our shores. It creates a zone 500 miles at sea in which America's first line of defense could prevent any invading force from ever reaching an American harbor. One boat might slip by, two boats might slip by, but England has never been invaded in almost a thousand years with only a narrow channel from the enemy. An army to damage America would have to come in hordes or the city police would march them from the gang plank to the town jail.

George Washington saw that situation many years ago, and in his Farewell Address said:

> Our detached situation invites and enables us to choose peace or war, as our interest, guided by justice, shall counsel. Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground?

The text of this amendment permits America to take its place in the family of nations. The time may come again when some mad leader may draw the sword against humanity itself. I realize full well that Maude Royden,

brilliant English woman, has said that if war should come again, America can do most and best for humanity by staying out. And probably that would be the people's verdict if we let them speak. But if not, if again the conscience of America should speak in terms of force, then America could, under this amendment, let the still small voice of conscience speak in the mighty mandate of a whole people, determined and unafraid.

The simple device of the 25,000 expeditionary forces would permit cooperation in an international police force, would permit participation in controlling such a thing as the Boxer uprising. But the prohibition that no more than 25,000 armed men could be sent more than 500 miles from our shores without a mandate from the people would prevent our going into war without the express consent and choice of the people.

GIVES TIME TO COOL OFF

At first the idea of a war referendum had to run the gantlet of arguments about delay. But that has largely passed. Under modern methods of communication a referendum could be held in short time, only too short a time, I would fear. For no great danger could come to America because we delayed sending soldiers abroad until we had a referendum. Indeed, history would say that a little reflection, a little time to cool off, would have saved humanity many heartaches. The delay argument is especially avoided under the 500-mile-zone feature of this amendment, coupled with the fact that no declaration of war is needed to repel attack or invasion.

Many proposals for peace are concerned with war profits. And every attempt runs into trouble when it comes to curbing the conscienceless greed of those who dabble in devices of death. Only a new heart can ever cure that. But as near as anything can, this amendment will put a stumbling block in the way of the war profiteers. It will say, "Sell, sell all you please, but remember that before you get American boys to go out again as bill collectors at a dollar a day and the risk of their lives you have got to justify your cause to them. You will never again send them off singing 'I don't know yet what the war's about, but I'll bet, by jings, I'll soon find out.'" They did not find out; but if you do not tell them the next time, they can vote "no" if you restore this power to the people.

NO ROOM FOR PARTISAN PROFIT

My time is nearly up. There is among us no division of purpose. I claim no loyalty to the ideals of peace that I do not freely concede to every Member of this body. On no subject that comes here for debate is there less partisanship than on this question. The cause is too great; our common ties of human fellowship too sacred.

This intense earnestness leads me to a great hope. It is this: That the Members I have mentioned, Mr. BIGELOW and Mr. LUDLOW and the gentleman from Tennessee, Mr. MCREYNOLDS; the gentlewoman from Massachusetts, Mrs. ROGERS; the gentleman from New York, Mr. FISH; the gentleman from Minnesota, Mr. KNUTSON; the gentleman from Wisconsin, Mr. BOILEAU; and all others who are devoted to the cause of peace, may agree upon the text of some war-referendum amendment that can be passed by the Seventy-fifth Congress in this session and submitted to the people.

There is no room for pride of authorship, no room for partisan profit, in such a matter as this.

We went into the World War—the war to end war—on a nonpartisan basis. That was the way we waged the fight. And the men who went there went under the pledge of a united effort, sealed their compact with their lives, and left us all "under bonds of eternal fidelity."

We could not have played our part in that war on the basis of partisanship; we cannot win the battle for peace on a basis of partisanship. They tell us that another world war is in the making. The correspondents are off to the wars again. But there is yet time in America to do this thing: To give back to the people this delegated power—the power to declare war abroad—and to let them say whether the issues are ever worth sending our sons to the shambles of a foreign battlefield again. This is government by consent of the governed, for which we went to war 20 years ago today.

WAR DOES THESE THINGS

Sometimes I wonder if we have forgotten. Twenty years is a generation. Boys born since the armistice would be called in a draft tomorrow. And it would take them—take young boys and make them old men before their time.

It would take their sensitive nervous systems and stretch them out so that they could never be the same, creating a debt that nothing compensates.

It would take the swiftest boy on the football squad and turn him into a shuffling, unwanted wreck of the man that might have been. War does that.

It takes the keenest mind in the class and returns him with a slow stare and a palsied brain to spend the rest of his days in a neuropsychiatric ward.

It takes bright, happy women and makes them lonely mothers with bright gold stars on their cloaks but dull, deep wounds in their hearts that never heal.

It takes a whole world's economic structure and puts it out of joint with money debts to pay and public morals to rebuild and a shattered society to restore.

But why go on?

A nice war? There is no nice war. War is dirty, damnable business always. Wars end? Wars do not end while wounded men live on; not while orphaned children miss the counsel and help an uncrippled father could give.

We shall never abolish war by a single measure. Peace, like liberty, is won only by eternal vigilance. But if we keep the channels of information open, if we let the people know the truth, and then give them the power to speak, we will have gone a long way on the road away from war.

Let us give control of the war power back to the people. We can do this, now! [Applause.]

RETURN OF ENROLLED BILL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution, which I send to the desk.

The Clerk read as follows:

House Concurrent Resolution 8

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins."

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Under the rules today is set apart for the consideration of bills on the Private Calendar. The Clerk will call the first bill on the calendar.

MILO MILLISER

The Clerk called the bill (H. R. 3954) for the relief of Milo Milliser.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. COSTELLO and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MR. AND MRS. CHARLES F. CARTER

The Clerk called the next bill, H. R. 3956, for the relief of Mr. and Mrs. Charles F. Carter, parents and guardian of Louise Marie Carter, a minor.

Mr. HANCOCK of New York and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ADELE FOWLKES

The Clerk called the next bill, H. R. 3967, for the relief of Adele Fowlkes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Adele Fowlkes, the sum of $5,000, being the amount of her claim for personal injuries incurred July 1, 1933, when a bridge gave way over Chasm Falls at Estes Park, Rocky Mountain National Park, Colo.

With the following committee amendments:

Page 1, line 6, strike out "being the amount of her claim" and insert in lieu thereof "in full settlement of her claim against the United States."

Line 10, after the word "Colorado", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 6, strike out "$5,000" and insert in lieu thereof "$2,984.75."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LUCY JANE AYER

The Clerk called the next bill, H. R. 4023, for the relief of Lucy Jane Ayer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lucy Jane Ayer, out of any money in the Treasury not otherwise appropriated, the sum of $4,000 in full settlement of all claims against the United States for personal injuries caused as a result of an accident involving an Army vehicle near Dodsonville, Ohio, on September 24, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNIE E. HYLAND

The Clerk called the next bill, H. R. 4233, for the relief of Annie E. Hyland.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie E. Hyland, of San Francisco, Calif., the sum of $821.40 for injuries sustained on September 4, 1933, when she was struck by an Army fire engine.

With the following committee amendments:

Page 1, line 6, after "$821.40" insert "in full settlement of her claim against the United States."

Line 9, after the word "engine", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

V. P. JOHNSON

The Clerk called the next bill, H. R. 4242, for the relief of V. P. Johnson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to V. P. Johnson, of Vicksburg, Miss., out of any money in the Treasury not otherwise appropriated, the sum of $500 in full satisfaction of his claim against the United States for loss by fire of motorboat on April 24, 1927, while said boat was leased by the United States engineers and in the service of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

N. C. NELSON

The Clerk called the next bill, H. R. 4246, for the relief of N. C. Nelson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claim of N. C. Nelson for remission of liquidated damages in connection with the painting of certain buildings at the Veterans' Administration hospital, Chillicothe, Ohio, and to allow said claim in the amount of $870 in addition to the amount paid to said N. C. Nelson under contract no. VBc-374, dated November 3, 1928; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $870 for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BARBARA JEAN MATTHEWS, A MINOR

The Clerk called the next bill, H. R. 4258, for the relief of Barbara Jean Matthews, a minor.

Mr. HANCOCK of New York and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

RALPH P. KELLOGG

The Clerk called the next bill, H. R. 4259, for the relief of Ralph P. Kellogg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ralph P. Kellogg, of Oakland, Calif., out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the United States, the sum of $79.89 as compensation for the use of his automobile while superintendent and inspector of tools for the Alameda County unit of the Civil Works Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. D. HAMPTON

The Clerk called the next bill, H. R. 450, for the relief of A. D. Hampton.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is a similar Senate bill, and I ask unanimous consent that the bill (S. 420) may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to A. D. Hampton, of Russellville, Ark., the sum of $5,000, in full settlement of all claims against the United States for the death of his minor son, Adam D. Hampton, Jr., when the car in which he was a passenger was struck by a Government vehicle operated in connection with the Civilian Conservation Corps, while said vehicle was on official business, on October 7, 1934, on United States Highway No. 64, near London, Ark.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 450) was laid on the table.

JOHN T. CLARKSON

The Clerk called the next bill, H. R. 591, for the relief of John T. Clarkson.

Mr. HANCOCK of New York and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ASA C. KETCHAM

The Clerk called the next bill, H. R. 738, for the relief of Asa C. Ketcham.

Mr. COSTELLO and Mr. FLANNERY objected, and, under the rule, the bill was recommitted to the Committee on Claims.

GUIDEO BISCARO ET AL.

The Clerk called the next bill, H. R. 886, for the relief of Guideo Biscaro, Giovanni Polin, Spironello Antonio, Arturo Bettio, Carlo Biscaro, and Antonio Vannin.

Mr. HALLECK and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

GOLDIE DURHAM

The Clerk called the next bill, H. R. 937, for the relief of Goldie Durham.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $50 to Goldie Durham, on account of injury sustained in an automobile accident caused by a truck driver employed with the Civilian Conservation Corps on Highway No. 69 near Lindale, Tex., August 2, 1936.

With the following committee amendments:

In line 6, after the word "Durham", insert "of "Tyler, Tex."

In line 10, after the figures "1936", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BURTON P. CORDLE

The Clerk called the next bill, H. R. 988, for the relief of Burton P. Cordle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Burton P. Cordle, of Memphis, Tenn., the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Burton P. Cordle on account of personal injuries received by his minor son, Otis Cordle, when struck, on October 18, 1935, in Memphis, Tenn., by a United States mail truck.

With the following committee amendments:

Page 1, line 5, after the word "to", strike out "Burton P. Cordle" and insert "the legal guardian of Otis Cordle, a minor."

Line 9, after the word "States", strike out the remainder of the line.

Line 10, after the word "by", strike out "his minor son" and insert the word "said."

Page 2, line 1, after the word "truck", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Otis Cordle, a minor."

WILLIAM A. M'MAHAN

The Clerk called the next bill, H. R. 1254, for the relief of William A. McMahan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William A. McMahan, of El Paso, Tex., the sum of $10,000 for permanent disability resulting from disease contracted in line of duty while in the employ of the Federal Government.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of William A. McMahan, of El Paso, Tex., for disability alleged to have been incurred by him during the period from September 1923 through February 1924, while in the employment of the Post Office Department as postmaster at Sidon, Ark., and to determine said claim upon its merits under the provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RALPH RIESLER

The Clerk called the next bill, H. R. 1690, for the relief of Ralph Riesler.

Mr. COSTELLO and Mr. FLANNERY objected, and, under the rule, the bill was recommitted to the Committee on Claims.

EXPLOSION AT LAKE DENMARK, N. J., JULY 10, 1926

The Clerk called the next bill, H. R. 2333, to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 713) be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the sum of $59.53 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of the claim of J. Harvey Blanchard for property damage due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, as recommended by the Acting Comptroller General of the United States and as fully set forth in his letter of January 7, 1937, to the Congress pursuant to the act of March 2, 1927 (44 Stat. (pt. 3) 1800), and the act of February 2, 1929 (45 Stat. (pt. 2) 2047): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment to make the Senate bill conform to the House bill.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: At the end of the bill insert a colon and the following: "*Provided*, That any payment made hereunder shall be accepted in full settlement of this claim against the United States: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 2333) was laid on the table.

DONALD L. BOOKWALTER

The Clerk called the next bill, H. R. 2352, for the relief of Donald L. Bookwalter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $90, in full settlement of all claims against the Government of the United States, to Donald L. Bookwalter, of Dayton, Ohio, due him, during the year 1935, while engaged at the invitation of the Federal Emergency Relief Administration of the United States Government in transporting clients from the Dayton (Ohio) Transient Service Bureau to United States Government transient camps at Patterson Field, at Fairfield, Ohio, under and in pursuance of a plan formulated by the Federal Emergency Relief Administration, and whose loss was sustained as he was then acting in the course of the performance of his duties as an employee of the Government.

SEC. 2. That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Line 5, page 1, after the figures "$90", strike out the word "in" and all of line 6 and the words "United States" in line 7, also all of line 8, and insert "in full satisfaction of his claim against the United States for services rendered from April 1 to June 12, 1935, to."

Page 2, strike out lines 6, 7, and 8 and insert "while he was an employee thereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIVISION OF INVESTIGATION, DEPARTMENT OF THE INTERIOR

The Clerk called the next bill, H. R. 2774, for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow payment or credit, as the case may be, and upon approval thereof by the Secretary of the Interior, in connection with the following claims or paid vouchers for traveling expenses on change of station or for mileage of personally owned automobiles in the same manner and to the same extent as though the required authorization had been issued prior to the date the expense was incurred:

(1) To allow payment to the following-named persons in the amounts stated, from appropriations chargeable therefor: John L. Buckey, $5.15; Agnes L. Burke, $17.82; Celia E. Davis, $5.15; Cecil J. Dowd, $28.33; Dan W. Herring, $5.15; John W. Jackson, $141.37; Alexander F. Kelly, $75.40; William H. Selvey, $45.06; Maurice P. Shaner, $47.90; Owen B. Sherwood, $47.96; and Miller L. West, $114.40;

(2) To allow credit in the account of Frank A. Lewis, special disbursing agent, accounts for September and October 1933, as follows: Voucher 2794 (James W. Smith), $63.25; voucher 2795 (C. L. Anderson), $8.65; voucher 2981 (Joseph L. Quinn), $57.95; voucher 2983 (Avary H. Alcorn), $131.40; voucher 3011 (J. M. Flanigan, Jr.), $141.85; voucher 3013 (Howard E. Tyson), $113.70; voucher 3014 (Kent B. Knox), $165.15; voucher 3015 (W. H. Pontius), $114.60; voucher 3016 (Tilden E. Guillory), $28.05; voucher 3018 (F. H. Martin), $112.70; voucher 3024 (A. P. Thornton), $64.85; voucher 3025 (R. L. Knight), $109.65; voucher 3036 (Joe DeuPree), $49.80; voucher 3047 (Walter S. Behrens), $82.40; voucher 3041 (J. N. Inglish), $103.35; voucher 3042 (M. C. Parrish, Jr.), $92.45; voucher 3043 (G. H. Flagg), $110.30; voucher 3044 (J. G. Floyd), $75.70; voucher 3045 (Wilson Keyes), $137.55; voucher 3069 (Halvor P. McGrath), $21; voucher 3070 (Joe C. Hemphill), $33.30; voucher 3077 (Glenn O. Briscoe), $35.10; voucher 3081 (J. H. Lawrence), $84.45; and voucher 3378 (J. H. Lawrence), $14.05;

(3) To allow credit in the account of G. F. Allen, chief disbursing officer, account for November 1934, as follows: Voucher 459021 (W. A. Whittlesey), $58.80;

(4) No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COHEN, GOLDMAN & CO., INC.

The Clerk called the next bill, H. R. 2789, for the relief of Cohen, Goldman & Co., Inc.

Mr. COSTELLO and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on Claims.

M. K. FISHER

The Clerk called the next bill, H. R. 2987, for the relief of M. K. Fisher.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is on the Speaker's table a similar Senate bill (S. 544), and I ask unanimous consent that the Senate bill may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. K. Fisher the sum of $500, in full satisfaction of his claim against the United States for damages arising out of personal injuries of his wife and two minor children, and damages to his automobile, suffered when such automobile was struck by a Forest Service truck, near Jerome, Ariz., on August 4, 1935: *Provided*, That no part of the

amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COSTELLO. Mr. Speaker, I offer a clarifying amendment to make the Senate bill conform to the House bill.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: After the words "M. K. Fisher", insert "of Clarkdale, Ariz."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 2987) was laid on the table.

F. E. BOOTH CO.

The Clerk called the next bill, H. R. 3204, for the relief of F. E. Booth Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. E. Booth Co., of San Francisco, Calif., the sum of $1,966.03 in reimbursement for the increased price paid in connection with War Department contract 928 QM 17641 No. S-492 as prescribed by the Agricultural Adjustment Administration.

With the following committee amendments:

In line 6, after the word "Company", insert the word "Incorporated."

Line 7, after the figures, strike out "in reimbursement" and insert "in full satisfaction of its claim against the United States."

In line 10, after the figures, insert "for the furnishing of tomatoes to the Army."

At the end of the bill insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLIFFORD Y. LONG

The Clerk called the next bill, H. R. 3738, for the relief of Clifford Y. Long.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clifford Y. Long, of Menomonie, Wis., the sum of $180. The payment of such sum shall be in full settlement of all claims against the United States on account of the slaughter, prior to their registration as purebreds, of six head of diseased cattle owned by the said Clifford Y. Long. Such sum represents the difference between the amount which the said Clifford Y. Long would have received from the Department of Agriculture had such cattle been registered as purebred animals prior to their appraisal and the amount which he has been paid by such Department: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 4683) was laid on the table.

REIMBURSEMENT OF CERTAIN ENLISTED MEN OF THE NAVY

The Clerk called the next bill, H. R. 4683, to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932.

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is a similar Senate bill (S. 1317) at the Speaker's desk and I ask unanimous consent that the Senate bill may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $1,486.22, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed as the result of a fire at the United States Naval Radio Station, Libugon, Guam, on April 15, 1932: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 4683) was laid on the table.

REIMBURSEMENT OF CERTAIN ENLISTED MEN OF THE NAVY

The Clerk called the next bill, H. R. 4684, to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval radio station, Eureka, Calif., on January 17, 1930.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is a similar Senate bill (S. 1315) on the Speaker's desk, and I ask unanimous consent that the Senate bill may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $266, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men, of the Navy, for the value of personal effects lost as a result of a fire which destroyed a building at the naval radio station, Eureka, Calif., on January 17, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 4684) was laid on the table.

REIMBURSEMENT OF CERTAIN CIVILIAN EMPLOYEES OF THE NAVAL OPERATING BASE, HAMPTON ROADS, VA.

The Clerk called the next bill, H. R. 4685, to provide for the reimbursement of certain civilian employees of the Naval Operating Base, Hampton Roads, Va., for the value of tools lost in a fire at pier no. 7, at the naval operating base, on May 4, 1930.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is a similar Senate bill (S. 1320) on the Speaker's desk, and I ask unanimous consent that the Senate bill may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $245.17, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain civilians employed at the Naval Operating Base, Hampton Roads, Va., on May 4, 1930, for the value of tools owned by said civilians, lost as a result of the fire which destroyed pier 7 at the naval operating base on that date: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 4685) was laid on the table.

REIMBURSEMENT OF CERTAIN ENLISTED MEN OF THE MARINE CORPS

The Clerk called the next bill, H. R. 4686, to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost, damaged, or destroyed by fire at the Marine Barracks, Quantico, Va., on October 5, 1930.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is a similar Senate bill (S. 1314) on the Speaker's desk, and I ask unanimous consent that the Senate bill may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $2,900.04, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Marine Corps for the value of personal effects lost as a result of the fire which occurred at the Marine Barracks, Quantico, Va., on October 5, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 4686) was laid on the table.

MERRITT REA

The Clerk called the bill (H. R. 4427) for the relief of Merritt Rea.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Employees' Compensation Commission is hereby authorized and directed to pay, from the employees' compensation fund, the sum of $217.50 to Merritt Rea, of Portsmouth, Va., in full satisfaction of his claim against the United States for medical and hospital expenses resulting from injury sustained by him while employed in the Norfolk Navy Yard at Portsmouth, Va., on February 9, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MARGARET GRACE AND ALICE SHRINER

The Clerk called the bill (H. R. 4508) for the relief of Margaret Grace and Alice Shriner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Margaret Grace and to Alice Shriner, both of Gardena, Calif., out of any money in the Treasury not otherwise appropriated, the sums of $5,000 and $750, respectively. Such sums shall be in full settlement of all claims against the United States on account of injuries sustained by them on or about the 10th day of October 1932 while aboard a boat provided by the Navy Department of the United States plying between Fifth Street Landing at San Pedro, Calif., and the U. S. S. *Relief*, lying in the harbor of San Pedro, at San Pedro, Calif.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "$5,000 and $750" and insert "$3,500 and $500."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

REIMBURSEMENT FOR FIRE LOSS, HAMPTON ROADS, VA.

The Clerk called the bill (H. R. 4687) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $3,500, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Navy, for the value of personal effects lost, damaged, or destroyed as a result of the fire which occurred in unit J, naval operating base, Hampton Roads, Va., on February 21, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating

the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

REIMBURSEMENT FOR HURRICANE LOSS AT SAMOA

The Clerk called the bill (H. R. 4688) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during a hurricane in Samoa on January 15, 1931.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $440.15, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed as a result of a hurricane which struck Ofu and Ta'u, Samoa, on January 15, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

REIMBURSEMENT FOR EARTHQUAKE LOSS, MANAGUA, NICARAGUA

The Clerk called the bill (H. R. 4689) to provide an additional sum for the payment of claims under the act entitled "An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931", approved January 21, 1936 (49 Stat. 2212).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $3,144.35, as may be required by the Secretary of the Navy to reimburse, under such regulations as he has or may prescribe pursuant to the provisions of the act approved January 21, 1936 (49 Stat. 2212), Private Law No. 373, Seventy-fourth Congress, the persons hereafter named, in sums not exceeding the amounts set forth, for losses of and damages to reasonable and necessary personal property resulting from the earthquake which occurred at Managua, Nicaragua, on March 31, 1931: Mrs. Alice V. Baske, widow of the late Lt. Comdr. Hugo F. A. Baske, Medical Corps, United States Navy, $2,573; Radio Electrician Mack C. Veltman, United States Navy, $42.75; Capt. Charles L. Fike, United States Marine Corps, $528.60; in all, $3,144.35: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: After the figures "$42.75", on page 2, line 10, insert the following:

"Harry Marion Mayfield, chief pharmacist mate, United States Navy, $850."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

REIMBURSEMENT FOR FIRE LOSS, NAVY YARD, WASHINGTON, D. C.

The Clerk called the bill (H. R. 4690) to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935.

There was no objection.

Mr. COSTELLO. Mr. Speaker, there is a similar Senate bill on the Clerk's desk.

The SPEAKER pro tempore. Without objection, the similar Senate bill will be substituted for the House, and the Clerk will report the Senate bill.

There was no objection, and the Clerk read the Senate bill (S. 1454), as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $588.70, or such portion as may be necessary, to pay claims of enlisted men of the United States Navy for the value of personal effects destroyed as the result of a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935: *Provided*, That the Secretary of the Navy shall determine the amount to be paid hereunder to each claimant: *And provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The House bill (H. R. 4690) was laid on the table.

BERNARD KNOPP

The Clerk called the bill (H. R. 4717) for the relief of Bernard Knopp.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bernard Knopp, New York City, the sum of $1,708.27 as settlement in full on account of extra work performed by such Bernard Knopp in making alterations of the Grand Central Palace Building, New York City, for the use of the United States Veterans' Bureau: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, after the word "full", insert "against the United States."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT FOR FIRE LOSS AT NORTH TRURO, MASS.

The Clerk called the bill (S. 766) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction finder station, North Truro, Mass., on December 27, 1934.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $527.89, or such portion as may be necessary, to pay claims of enlisted men and former enlisted men of the United States Navy for the value of personal effects destroyed as the result of a fire at the radio direction finder station, North Truro, Mass., on December 27, 1934: *Provided*, That the Secretary of the Navy shall determine the amount to be paid hereunder to each claimant: *And provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services

rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MORSE DRY DOCK & REPAIR CO.

The Clerk called the bill (H. R. 2757) to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Morse Dry Dock & Repair Co., a corporation organized and existing under the laws of the State of New York, out of any money in the Treasury not otherwise appropriated, the sum of $331,879.25, in full settlement of all claims against the Government of the United States for repairing and reconditioning the steamships *Princess Matoika, Pocahontas, Susquehanna, Potomac, America*, and *George Washington*, as found by the Court of Claims and reported in Senate Document No. 141, Seventy-third Congress, second session: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ATLANTIC WORKS, OF BOSTON

The Clerk called the bill (H. R. 4169) to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass.

Mr. COSTELLO and Mr. FLANNERY objected, and the bill was recommitted to the Committee on Claims.

UNION IRON WORKS

The Clerk called the next bill, H. R. 4170, to carry out the findings of the Court of Claims in the case of the Union Iron Works.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. HALLECK objected, and the bill, under the rule, was recommitted to the Committee on Claims.

CHAIM (HYMAN) KAPLAN

The Clerk called the next bill, H. R. 2990, for the relief of Chaim (Hyman) Kaplan.

The SPEAKER pro tempore. Is there objection?

Mr. HANCOCK of New York and Mr. BARDEN objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

ALEX LINDSAY

The Clerk called the next bill, H. R. 2095, for the relief of Alex Lindsay.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Alex Lindsay, who was a member of Battery A, First Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 7th day of September 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. H. RICHARDS

The Clerk called the next bill, S. 179, for the relief of J. H. Richards.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to J. H. Richards, of Collinsville, Ala., the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said J. H. Richards on account of the loss of his minor child, Evelyn Richards, who was struck and killed on September 4, 1934, near Collinsville, Ala., by an automobile in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT WHEELER

The Clerk called the next bill, H. R. 593, for the relief of Albert Wheeler.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert Wheeler, Davis City, Iowa, the sum of $5,000, such sum to be in full settlement of all claims against the United States for damages sustained by Mrs. Albert Wheeler as the result of personal injuries received when struck by a Federal Civilian Conservation Corps truck on August 28, 1935, at Davis City, Iowa, from which injuries she died on September 1, 1935.

With the following committee amendments:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

Line 8, strike out "$5,000" and insert "$403.37."

Line 10, strike out "Mrs. Albert Wheeler" and insert the word "him."

Line 11, after the word "received", insert "by his wife."

Page 2, line 1, strike out the word "Federal."

Line 3, after the figures, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN MACK

The Clerk called the next bill, H. R. 844, for the relief of John Mack.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Mack, Pataldo, Idaho, the sum of $442.40. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said John Mack on account of personal injuries received on October 4, 1935, when the car in which he was riding on United States Highway No. 10, near Kellogg, Idaho, was struck by a Government truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps";

Line 7, strike out "Pataldo" and insert "Cataldo."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAMUEL CRIPPS

The Clerk called the next bill, H. R. 1084, for the relief of Samuel Cripps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel Cripps, of Pomona, Jackson County, Ill., the sum of $3,000 in full satisfaction of his claim against the United States on account of the disfigurement of his face due to having been struck by a Civilian Conservation Corps truck from Camp Pomona on July 28, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps";

Line 8, strike out "$3,000" and insert "$500."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRENE WRIGHT

The Clerk called the next bill, H. R. 1281, for the relief of Irene Wright, mother and guardian of Harold Wright, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,500 to Irene Wright, the mother and natural guardian of Harold Wright, a minor, in full settlement of all claims against the Government of the United States for injuries received by said minor on the 11th day of February 1934 as the result of an explosion of a dynamite cap, or detonator, the property of the United States, which was not properly stored, or was negligently stored by the employees of the Civil Works Administration, an agency of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "Irene Wright, mother and natural guardian" and insert "the legal guardian"; line 7, after the word "minor" insert "of Walker County, Ala."

Page 2, line 1, strike out "not properly stored, or was." At the end of the line strike out the word "the."

Line 2, after the word "Administration" strike out "an agency of the United States" and insert "at Hull, Walker County, Ala."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Harold Wright, a minor."

JOHN E. SANDAGE

The Clerk called the next bill, H. R. 1304, for the relief of John E. Sandage.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the 1-year period required by sections 17 and 20 thereof, the claim of John E. Sandage on account of disability due to loss of an eye alleged to have been proximately caused by his employment in the service of the United States between September 8, 1929, and December 31, 1932: *Provided*, That no benefits shall accrue prior to the enactment of this act: *Provided further*, That claim hereunder shall be filed within 6 months after the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOMINGA PARDO

The Clerk called the next bill, H. R. 1689, for the relief of Dominga Pardo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Domingo Pardo for injuries sustained as a result of being struck by a United States mail truck of the Post Office Department, New York, N. Y., on October 1, 1935.

With the following committee amendments:

Page 1, line 5, strike out "$10,000" and insert "$1,500"; line 6, after the word "Pardo" insert "of New York City, in full satisfaction of her claim against the United States"; line 10, after the figures insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MINNIE D. HINES

The Clerk called the next bill, H. R. 1759, for the relief of Minnie D. Hines.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Minnie D. Hines, of St. Joseph, Mo., which sum was paid by her to the United States by reason of forfeiture of the bail bond of Jack Bever, who was later taken into custody and surrendered to the United States District Court for the Western District of Missouri and was convicted and sentenced: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "which sum was" and insert "in full satisfaction of her claim against the United States for refund of a sum."

Page 1, line 9, after the word "bond", strike out "of Jack Bever" and insert "in the amount of $4,000, on September 24, 1929, of one Jack Beaver, who was indicted and failed to appear on charges of violating the National Prohibition Act, and."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN MARIE LEWIS

The Clerk called the next bill, H. R. 2218, for the relief of Helen Marie Lewis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Helen Marie Lewis, Independence, Mo., a United States temporary coupon bond, the serial number of which is unknown, for $50 of the Second Liberty Loan converted 4¼ percent per annum bonds of 1927–42, with interest from May 15, 1920, to November 15, 1927, the date on which bonds of that loan were called for redemption, without presentation of the missing portions of the bond, large portions having been presented to the Treasury Department: *Provided*, That the missing portions of the said bond shall not have been previously presented or ascertained to be in existence and that no payment shall be made hereunder for any coupons which may have been attached to the temporary bond: *And provided further*, That the said Helen Marie Lewis shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of the said bond and the interest payable thereon from May 15, 1920, to November 15, 1927, inclusive, in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the mutilated bond hereinbefore described.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. E. MIDYETTE

The Clerk called the next bill, H. R. 2494, for the relief of J. E. Midyette.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. E. Midyette, assistant keeper, United States Lighthouse Service, the sum of $89 in full settlement of his claim against the United States for loss or destruction of, or damages to, personal property and effects as a result of the destruction of James Island Light Station.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. E. Midgett, the sum of $89; to Luther E. Bozman, the sum of $89.50; and to Gordy Z Parks, the sum of $97.75; in all, $276.25; in full satisfaction of their claims against the United States for loss of their personal property and effects when forced to abandon the Janes Island Light Station, Va., where they were serving as lighthouse keepers, which station was destroyed by ice in February 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this act, and the same shall be unlawful, any contract to the contrary notwithstanding."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of J. E. Midgett, Luther E. Bozman, and Gordy Z. Parks."

R. N. TEAGUE AND MINNIE TEAGUE

The Clerk called the next bill, H. R. 2630, for the relief of R. N. Teague and Minnie Teague.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. N. Teague, Lambert, Miss., the sum of $2,000, and to Minnie Teague, Lambert, Miss., the sum of $1,000. The payment of such sums shall be in full settlement of all claims against the United States for damages and injuries sustained by them when the vehicle in which they were riding was struck, on Arkansas State Highway 167, near Sheridan, Ark., November 1, 1934, by a vehicle in the service of the Civilian Conservation Corps.

With the following committee amendments:

In line 6, strike out the figures "$2,000" and insert in lieu thereof "$1,000."

In line 7, strike out the figures "$1,000" and insert in lieu thereof "$750."

At the end of the bill add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MONTROSE GRIMSTEAD

The Clerk called the next bill, H. R. 2935, for the relief of Montrose Grimstead.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Montrose Grimstead the sum of $5,000 in full settlement of all claims against the United States for injuries sustained when he was struck by a United States marine ambulance near Owings Mills, Baltimore County, Md., in April 1919.

With the following committee amendments:

In line 6, strike out the figures "$5,000" and insert in lieu thereof the figures "$1,500."

In line 8, strike out the words "United States marine" and insert the words "Marine Corps."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDMOND G. WARREN

The Clerk called the next bill, H. R. 2985, for the relief of Edmond G. Warren.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized and directed to consider and determine, in the same manner and to the same extent as if application for the benefits of the Federal Employees' Compensation Act had been made within the 1-year period required by sections 17 and 20 thereof, the claim of Edmond G. Warren, on account of disability alleged to have been due to an injury received while in the performance of duty as a civil employee of the United States in May 1928: *Provided*, That no benefits shall accrue prior to the approval of this act.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the limitations of time in sections 15 to 20, both inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, are hereby waived in favor of Edmond G. Warren, of Keams Canyon, Ariz., and the Employees' Compensation Commission is hereby authorized and directed to receive and consider his claim, if filed within 6 months from the approval of this act, for disability alleged to have been sustained in the performance of his duties as principal of the United States Indian Service boarding school, Chin Lee, Ariz., in May 1928: *Provided*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DELAWARE BAY SHIPBUILDING CO.

The Clerk called the next bill, H. R. 3276, for the relief of the Delaware Bay Shipbuilding Co.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ROSE M'GIRR

The Clerk called the next bill, H. R. 3426, for the relief of Rose McGirr.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HALLECK and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

COAST FIR & CEDAR PRODUCTS CO., INC.

The Clerk called the next bill, H. R. 3557, for the relief of the Coast Fir & Cedar Products Co., Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Coast Fir & Cedar Products Co., Inc., of Portland, Oreg., the sum of $2,480.34, in full satisfaction of all claims of such company against the United States arising out of a certain contract of sale (no. 12r–1318) entered into by such company with the Bureau of Reclamation, Department of the Interior, under date of April 18, 1928, such sum representing the agreed price of, and the shipping charges on, certain cross ties shipped by such company to the Bureau at Dunaway Siding, Oreg., pursuant to the provisions of such contract, and received by the Bureau but not accepted because in excess of the quantity stipulated in such contract, together with the amount of an unearned discount taken by the Bureau, less certain sums received by such company from the General Construction Co. and the Western Steel Pipe Co. for certain of such cross ties sold by such Coast Fir & Cedar Products Co. after such nonacceptance by the Bureau to such companies in liquidation of the damages sustained by such Coast Fir & Cedar Products Co. in consequence of such nonacceptance: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, lines 11 and 12, strike out the words "such sum representing the agreed price of, and the shipping", and on page 2, strike out all of the bill down through and inclusive of the word "nonacceptance", in line 13, and insert in lieu thereof the words "for the delivery of certain railroad cross ties for use in connection with the Owyhee irrigation project in Oregon."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARTIN J. BLAZEVICH

The Clerk called the next bill, H. R. 3583, for the relief of Martin J. Blazevich.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Martin J. Blazevich, formerly a private, Company A, Thirteenth Regiment United States Infantry. The payment of such sum shall be in full satisfaction of all claims against the Government arising out of injuries sustained by the said Martin J. Blazevich while a prisoner at the United States disciplinary barracks, Alcatraz, Calif.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martin J. Blazevich, of San Francisco, Calif., the sum of $2,500, in full satisfaction of his claim against the United States for permanent personal disability suffered when his left hand caught in an unguarded circular saw while performing his duties as a prisoner at the United States (Army) disciplinary barracks, Alcatraz, Calif., on November 2, 1916, to which he had been sentenced by general court martial while serving as a private, Company A, Thirteenth Infantry: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. LAWRENCE CHLEBECK

The Clerk called the next bill, H. R. 3654, for the relief of Mrs. Lawrence Chlebeck.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lawrence Chlebeck the sum of $2,000 as compensation in full for injuries sustained in the United States customhouse building, St. Paul, Minn.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lawrence Chlebeck, of St. Paul, Minn., the sum of $500, in full satisfaction of her claim against the United States for personal injuries sustained when she fell on the slippery stairway of the United States Custom House Building, St. Paul, Minn., on March 2, 1922: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. J. P. BARNEY

The Clerk called the next bill, H. R. 3841, for the relief of Col. J. P. Barney.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Col. J. P. Barney, United States Army, the sum of $5,000 in full settlement of all claims against the United States Government for loss of his personal effects while on duty with the Eighth Field Artillery at Schofield Barracks, Territory of Hawaii, on June 15, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$5,000" and insert in lieu thereof "$3,000."

Page 1, line 10, strike out "15" and insert in lieu thereof "14."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARRY W. STURRUP

The Clerk called the next bill, H. R. 3924, for the relief of Harry W. Sturrup.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Harry W. Sturrup with the sum of $547.15 to cover a shortage in his accounts resulting from the theft or loss, without fault on his part, of funds collected by him and in his custody as an employee of the Crop Production Loan Office, Farm Credit Administration.

With the following committee amendment:

Page 1, line 9, after the word "Administration", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALLIE GILLESPIE

The Clerk called the next bill, H. R. 4591, for the relief of Sallie Gillespie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, secs. 767, 770), are hereby waived in favor of Sallie Gillespie, the widow of Lynus P. Gillespie, of Millett, Tex., who sustained an injury while employed as a patrol inspector and prohibition agent about the first part of July 1927 which resulted in his death on June 16, 1929, and her case is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if she files a notice of such injury and claim for compensation with the United States Employees' Compensation Commission not later than 60 days after the date of the enactment of this act.

The term "injury" as used in this act shall have the meaning assigned to such term in section 40 of such act of September 7, 1916, as amended (U. S. C., title 5, sec. 790).

With the following committee amendments:

Page 1, line 2, strike out "sections 17 and 20" and insert "the limitations of time in sections 15 to 20, inclusive."

Page 1, line 10, after the word "who", insert "is alleged to have."

Page 2, line 6, strike out "60 days" and insert "6 months."

Page 2, line 7, after the word "act", insert a colon and the following: "*Provided*, That no benefits shall accrue prior to the approval of this act."

Page 2, strike out lines 9, 10, and 11.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN L. SUMMERS ET AL.

The Clerk called the next bill, H. R. 4679, for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of John L. Summers, former disbursing clerk, Treasury Department, with sums not exceeding $5,241.47 in the aggregate, covering disallowances in his accounts as a result of payments made by him during the period from August 1923 to December 1933.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of former Treasurers of the United States with sums not exceeding the following amounts, representing unavailable items in their accounts: Frank White, $57,507.72; G. F. Allen, $643; H. T. Tate, $14,664.94; and W. O. Woods, $107,833.29: *Provided*, That any recoveries heretofore or hereafter made in respect of any of the foregoing items may, in the discretion of the Comptroller General, be applied to offset unavailable items of a similar character hereafter arising in the accounts of the former Treasurer to whose account the recovery pertains, upon a showing that such unavailable items have occurred without fault or negligence on the part of said former Treasurer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD C. PAXTON

The Clerk called the next bill, H. R. 4681, for the relief of Edward C. Paxton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward C. Paxton the sum of $1,374.50 in full satisfaction of his claim against the United States for the total of the amount disallowed in his expense accounts for travel and subsistence expenses incurred while traveling on a foreign vessel from New York City, N. Y., to Sydney, Australia, as a representative of the Foreign Agricultural Service, Department of Agriculture, and of the amount paid by the Government to a steamship company for transportation requests issued to and used by him in connection with said travel, and which the said Edward C. Paxton was required by the Comptroller General of the United States to refund to the United States prior to the approval of Private Law No. 450, Seventy-fourth Congress, and while such legislation was pending; which authorized and directed the Comptroller General to allow in the accounts of the said Edward C. Paxton in the sum of $324.50 and to relieve him of any liability for the payment of the sum of $1,050: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD Y. GARCIA AND AURELIA GARCIA

The Clerk called the next bill, H. R. 4762, for the relief of Edward Y. Garcia and Aurelia Garcia.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill S. 316 may be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Edward Y. Garcia and Aurelia Garcia, of Albuquerque, N. Mex., the sum of $2,000 in full satisfaction of their claim against the United States on account of the death of their minor son, Edward Le Garcia, who was killed on John Street, Albuquerque, N. Mex., on June 1, 1935, when he was struck by a Civilian Conservation Corps truck driven by James O. House: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 8, after the words "the sum of", strike out "$2,000" and insert "$2,500."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELMER GESKE

The Clerk called the next bill, H. R. 4770, for the relief of Elmer Geske.

There being no objection, the Clerk read the bill, as follows:

Bt it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elmer Geske the sum of $315.50 in full settlement of all claims against the United States because of damages to his automobile, which was struck by a United States mail truck in the city of St. Paul, Minn., on November 14, 1931.

With the following committee amendment:

Page 1, line 6, strike out "$315.50" and insert "$253.90."

Page 1, line 9, after "1931", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACME WIRE & IRON WORKS

The Clerk called the next bill, H. R. 5104, for the relief of the Acme Wire & Iron Works.

Mr. COSTELLO and Mr. FLANNERY objected, and, under the rule, the bill was recommitted to the Committee on Claims.

FRANK LEE BORNEY

The Clerk called the next bill, H. R. 5112, for the relief of Frank Lee Borney.

Mr. HANCOCK of New York and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

SARAH E. PALMER

The Clerk called the next bill, H. R. 5146, for the relief of Sarah E. Palmer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sarah E. Palmer, out of any money in the Treasury not otherwise appropriated, the sum of $3,500 in full settlement of all claims against the Government for injuries suffered as the result of her car having been struck by an Army truck in Baltimore on October 10, 1932, and for expenses and losses resulting therefrom: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACOB G. ACKERMAN

The Clerk called the next bill, H. R. 5206, for the relief of Jacob G. Ackerman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the limitations of time in sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Jacob G. Ackerman, of Scottsville, N. Y., and the United States Employees' Compensation Commission is authorized to receive and consider his claim, under the remaining provisions of said act, for injury to his right leg alleged to have been incurred by him during February 1927 while an employee of the United States post office at Rochester, N. Y.: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLYGRAPHIC CO. OF AMERICA

The Clerk called the next bill, H. R. 5304, for the relief of the Polygraphic Co. of America.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,869.85 to the Polygraphic Co. of America, such payment to be in full settlement of any claim against the Government of the United States for the printing of 2,000,000 "N. R. A." stickers pursuant to contract no. Cc-2069 executed in August 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES SOMOGI, JR.

The Clerk called the next bill, H. R. 5354, for the relief of Charles Somogi, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Somogi, Jr., the sum of $2,500 in full settlement of all claims against the Government of the United States for injuries received by him when he was struck and injured on August 24, 1928, near West Portal, county of Hunterdon, N. J., by an automobile driven by one Orville McGee, who was employed at that time and whose car was used at that time in the employ of the Department of Commerce, Bureau of Lighthouses, United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAROLD SCOTT AND ELLIS MARKS

The Clerk called the next bill, H. R. 5456, for the relief of Harold Scott and Ellis Marks.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harold Scott, Bay City, Mich., the sum of $2,000, and to Ellis Marks, Bay City, Mich., the sum of $3,000, in full settlement of all claims against the United States for personal injuries and resulting damages sustained by them when the truck in which they were riding was struck from the rear by an Emergency Conservation Work truck being driven at an excessive rate of speed by an enrollee of the Civilian Conservation Corps, on October 30, 1933, near Frederic, Crawford County, Mich.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROWESVILLE OIL CO.

The Clerk called the next bill, H. R. 1767, for the relief of the Rowesville Oil Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the statutes of limitation so far as they bar the linters claim of the Rowesville Oil Co., now owned by the estate of W. C. Fairey, against the United States of America, arising out of contract had with the Government, expiring July 31, 1919, be, and the same are hereby, waived and revoked.

SEC. 2. That said claimant is hereby authorized to file and have said claim adjudicated by the Court of Claims of the United States.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, at the end of the bill, insert "*Provided*, That said claimant shall commence said action within 1 year after the date of the enactment of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address made by Hon. J. D. ROSS, Commissioner, Securities and Exchange Commission, before the New Wall Street Symposium of the New School for Social Research, New York City.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE PRIVATE CALENDAR

FARMERS' STORAGE & FERTILIZER CO.

The Clerk called the next bill, H. R. 1770, for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the statutes of limitation so far as they bar the linters' claim of the Farmers' Storage & Fertilizer Co., of Aiken, S. C., now owned by Wesley Johnson, against the United States of America, arising out of contract had with the Government, expiring January 1, 19—, be, and the same are hereby, waived and revoked.

SEC. 2. That said claimant is hereby authorized to file and have said claim adjudicated by the Court of Claims of the United States.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: At the end of the bill insert: "*Provided*, That said claimant shall commence said action within 1 year after the date of the enactment of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERNST NUSSBAUM

The Clerk called the next bill, H. R. 2114, for the relief of Ernst Nussbaum.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, the Alien Property Custodian is authorized and directed to transfer all money and other property held by him or by the Treasurer of the United States as the property of Ernst Nussbaum, of San Francisco, Calif., to the said Ernst Nussbaum, who is now a citizen of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACCEPTANCE OF MEDALS BY CERTAIN COAST GUARD OFFICERS

The Clerk called the joint resolution (H. J. Res. 185) to authorize Capt. Harry G. Hamlet, Capt. Edward D. Jones, Lt. Comdr. Louis W. Perkins, Lt. Comdr. Frank T. Kenner, and Lt. Dwight H. Dexter, United States Coast Guard, to accept certain foreign decorations and diplomas.

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved, etc., That Capt. Harry G. Hamlet, United States Coast Guard, be authorized to accept the decoration and diploma of Commendatore della Corona d'Italia; that Lt. Comdr. Louis W. Perkins, United States Coast Guard, be authorized to accept the decoration and diploma of Cavaliere della Corona d'Italia; that Lt. Comdr. Frank T. Kenner, United States Guard Guard, be authorized to accept the decoration and diploma of Cavaliere Ufficiale della Corona d'Italia; and that Lt. Dwight H. Dexter, United States Coast Guard, be authorized to accept the decoration and diploma of Cavaliere Ufficiale della Corona d'Italia; such decorations and diplomas having been conferred upon these officers by the Government of Italy; and that the Department of State be permitted to deliver such decorations and diplomas to these officers.

SEC. 2. That Capt. Edward D. Jones, United States Coast Guard, be authorized to accept the diploma and the Cross of Chevalier of the Order of Leopold II, which have been conferred upon this officer of the Government of Belgium; and that the Department of State be permitted to deliver such decoration and diploma to this officer.

With the following committee amendments:

Page 2, line 2, strike out the word "and."

Page 2, line 5, strike out the comma after the word "d'Italia" and insert in lieu thereof a semicolon and the following: "that Chief Boatswain Thomas A. Ross, United States Coast Guard, be authorized to accept the decoration and diploma of Cavaliere della Corona d'Italia."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

INTERNATIONAL YOUNG MEN'S CHRISTIAN ASSOCIATION COLLEGE AND THE GUNN REALTY TRUST

The Clerk called the next bill, H. R. 4892, to authorize the Secretary of War to convey to the International Young Men's Christian Association College and to the trustees of the Gunn Realty Trust all right, title, and interest of the United States in and to certain lands in Hampden County, Mass.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to execute, and to deliver to the International Young Men's Christian Association College of Springfield, Mass., a deed conveying to such college all right, title, and interest of the United States in and to certain lands (together with improvements thereon) situated in Hampden County, Mass., being two parcels described as follows:

Parcel 1. Beginning at an iron rod in the northerly line of Hickory Street, in Springfield, Hampden County, Commonwealth of Massachusetts, said iron rod being 100 feet westerly on said northerly line from a stone bound placed in the point of intersection of said northerly line with the westerly line of Middlesex Street; thence westerly on said northerly line of said Hickory Street 31 feet to a point; thence north 21°35' east 33.15 feet to the agreement line as described in a deed of Edwin H. Robbins to International Young Men's Christian Association College, dated May 28, 1926, recorded in Hampden County registry of deeds in book 1316 on page 367 and in deed of International Young Men's Christian Association College to Edwin H. Robbins of the same date and recorded in said registry of deeds in book 1316 on page 366; thence southeasterly along said agreement line 26.86 feet to the place of beginning;

Parcel 2. Beginning at the point of intersection of the agreement line referred to in parcel 1 with the southerly line of lot 19 as shown on a plan of lots filed in Hampden County registry of deeds in book of plans M on page 44 and running thence northwesterly along said agreement line 11.76 feet to lot 17 on said plan; thence continuing along said agreement line and in the same course 20.16 feet to a point; thence continuing along said agreement line but in a westerly course 40 feet or less to a point, said point being in the southwesterly line of land of the United States of America; thence south 40° east 40 feet more or less along said line of the United States of America to a point; thence south 88°30' east 20.05 feet to a point in said agreement line; thence northwesterly along said agreement line 14.17 feet to the place of beginning;

Intended to describe in the above two parcels the land of the United States of America lying northerly of Hickory Street, and westerly and southerly of said agreement line, which said land is a portion of that described as the third parcel in a deed of Samuel Aspinwall, guardian of Philip F. Aspinwall, to the United States of America, dated November 12, 1857, and recorded in said registry of deeds in book 193 on page 57.

SEC. 2. The Secretary of War is authorized and directed to execute and to deliver to the trustees of the Gunn Realty Trust a deed conveying to such trustees all right, title, and interest of the United States in and to certain lands (together with improvements thereon) situated in Hampden County, Mass., described as follows:

Beginning at a point on the northerly side of Hickory Street, in Springfield, Hampden County, Commonwealth of Massachusetts, said point being 61.70 feet westerly along the northerly side of said Hickory Street from a stone bound at the northwesterly intersection of Hickory Street with Middlesex Street and running thence north 35°5' west 48.18 feet to a point; thence north 20° west 48.18 feet to a point; thence north 53° west 50.16 feet to a point; thence north 70°45' west 44.88 feet to a point; thence north 50°45' west 44.22 feet to a point; thence north 51°45' west 49.50 feet to a point; thence north 58°15' west 40.26 feet to a point; thence south 80° west 37.62 feet to a point; thence south 42°35' east 41.58 feet to a point; thence south 59°15' east 84.48 feet to a point; thence south 40° east 20 feet more or less to the agreement line as described in a deed of Edwin H. Robbins to International Young Men's Christian Association College, dated May 28, 1926, recorded in Hampden County registry of deeds in book 1316 on page 367 and in deed of International Young Men's Christian Association College to Edwin H. Robbins of the same date and recorded in said registry of deeds in book 1316 on page 363; thence southeasterly along said agreement line 20.16 feet to a point in the westerly line of lot 19 on a plan of lots filed in said registry

of deeds in book of plans M on page 44; thence continuing southeasterly along said agreement line 11.76 feet to a point in the northerly line of lot 20 on said plan; thence continuing along said agreement line and in the same course 14.17 feet to a point; thence south 68°30' east 42.92 feet to a point; thence south 27°20' east 44.22 feet to a point; thence south 21°35' west 13.05 feet to the point of intersection of said course with said agreement line; thence southeasterly along said agreement line 26.88 feet to an iron rod in the northerly line of Hickory Street; thence east along said northerly line of said Hickory Street 38.30 feet to the place of beginning;

Intending to describe in the above parcel land of the United States of America lying northerly of Hickory Street, westerly of Middlesex Street, and southerly of Barnstable Street, which said land is a portion of that described as third parcel in deed of Samuel Aspinwall, guardian of Philip F. Aspinwall, to the United States of America, dated November 12, 1857, and recorded in said registry of deeds in book 193 on page 57, and land described as third parcel in deed of Jonathan Carlisle to the United States of America, dated November 5, 1857, and recorded in said registry of deeds in book 193 on page 59.

SEC. 3. The grantees in such deeds shall bear any expenses (other than for the preparation of such deeds) necessary to carry out this act, but shall not be required to pay any consideration for the right, title, and interest conveyed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACCEPTANCE OF MEDALS, ORDERS, AND DECORATIONS BY CERTAIN OFFICERS AND ENLISTED MEN OF THE NAVY

The Clerk called the next bill, S. 1455, to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the following-named officers of the United States Navy and officers and enlisted men of the Marine Corps are hereby authorized to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered:

United States Navy: Rear Admiral William H. Standley, retired; Capt. Laurence N. McNair; Capt. William D. Puleston; Capt. John T. G. Stapler; Capt. Rufus F. Zogbaum, retired; Capt. Harry J. Abbett; Capt. Archibald L. Parsons (CEC); Capt. Grear A. Duncan (CEC); Capt. Ernest R. Gayler (CEC); Commander Wallace L. Lind; Lt. Comdr. Ben N. Wyatt; Lt. Comdr. Frederick S. Holmes; Lt. Brook S. Mansfield; and Lt. (Jr. Gr.) Robert R. DeWolfe.

Marine Corps: Col. Frank E. Evans; Lt. Col. Pedro A. Del Valle; Lt. Col. Maurice G. Holmes; Capt. Harold D. Hansen; and First Sgt. Frederick Belton.

With the following committee amendments:

Page 2, line 7, strike out the period, insert a semicolon, and add: "Capt. Charles C. Gill; Capt. Henry K. Hewitt; Capt. Paul H. Bastedo; Capt. Ross T. McIntire (Marine Corps); Lt. Paul M. Hord; and Lt. Augustus D. Clark."

Page 2, line 11, strike out the period, insert a semicolon, and add: "Maj. Gen. Charles H. Lyman; Lt. Col. James Roosevelt (Volunteer Marine Corps Reserve); and Capt. John D. Blanchard."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: After the words "United States", on page 1, line 3, strike out the word "Navy" and insert the following: "Navy, officers, enlisted men, and civilian employees of the United States Army"; and on page 2, line 11, after the word "Clark", insert the following: "United States Army: Maj. Gen. Andrew Moses; Col. Charles Burnett; Col. Albert Gilmor; Lt. Col. John A. Crane; Lt. Col. Henry B. Cheadle; Lt. Col. Clarence H. Danielson; Lt. Col. James A. Dorst; Lt. Col. Robert L. Eichelberger; Lt. Col. James A. Lester; Lt. Col. Herbert E. Marshburn; Lt. Col. Alvan C. Sandeford; Lt. Col. Rodney H. Smith; Lt. Col. Iverson B. Summers; Lt. Col. Basilio J. Valdes, Philippine Army; Lt. Col. Robert H. Van Volkenburgh; Maj. Charles R. Finley; Maj. William Sackville; Maj. William E. Shipp; Capt. William D. Hohenthal; Capt. Carnes B. Lee; Capt. Edwin L. Sibert; Second Lt. Stephen Walsh Holderness; Pvt. Mikael Torres; Dr. William H. Brown, civilian employee, Philippine government; Dr. Samuel M. Burka, Air Corps, civilian employee; Capt. Ciriado Carillo, Philippine Coast Guard; John B. Johnson, Air Corps, civilian employee; Jean A. Roche, Air Corps, civilian employee."

Amend the title by striking out the word "Navy" after the words "United States" and insert the following: "Navy officers, enlisted men, and civilian employees of the United States Army."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

CAPT. ROBERT E. COUGHLIN

The Clerk called the next bill, H. R. 1938, for the relief of Capt. Robert E. Coughlin.

Mr. HANCOCK of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

PETER HAAN

The Clerk called the next bill, H. R. 3090, for the relief of Peter Haan.

Mr. FLANNERY and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

ALICE W. MILLER

The Clerk called the bill (S. 308) for the relief of the estate of Alice W. Miller, deceased.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for services rendered at third- and fourth-class post offices, be, and he is hereby, authorized and directed to credit the account of Alice W. Miller, deceased, former acting postmaster at Valley Ranch, N. Mex., with $132.86, being the amount paid from postal receipts to Lydia A. Keyes in payment of her voluntary services in acting as postmaster at that post office from December 18, 1932, to February 3, 1933, inclusive.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE A. HARDY AND OTHERS

The Clerk called the bill (S. 463) to settle claims of four persons arising from First Army maneuvers, August 1935.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George A. Hardy the sum of $986; to Mang B. Kiechle the sum of $1,505; to John C. McLeod the sum of $667.25; and to Earl W. Zimmer the sum of $755.85, in full settlement of all claims against the United States on account of damages to private property arising out of the occupancy and use of their land by the Army in connection with the First Army maneuvers held in the vicinity of Pine Camp, N. Y., during the period August 17 to August 31, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "An act for the relief of George A. Hardy, Mang B. Kiechle, John C. McLeod, and Earl W. Zimmer."

HARRY KING

The Clerk called the bill (S. 525) for the relief of Harry King.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Harry King, of Monarch, Mont., the sum of $85 in full satisfaction of his claim against the United States arising from property damage sustained by him when his automobile was struck by a Government truck operated in connection with the Civilian Conservation Corps on United States Highway No. 89, near Neihart, Mont., on July 19, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMELIA CORR

The Clerk called the bill (S. 784) for the relief of Amelia Corr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1937", to Amelia Corr, mother of Frederick Andrew Corr, late chief pharmacist's mate, United States Navy, the sum of $945 in full settlement of her claim against the United States for 6 months' pay at the rate said Frederick Andrew Corr was receiving at the date of his death, October 1, 1932: *Provided*, That said Amelia Corr shows to the satisfaction of the Secretary of the Navy that she was actually dependent on her son, Frederick Andrew Corr, at the time of the latter's death and that the determination of such dependency by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

With the following committee amendment:

Page 2, at the end of the bill, strike out the period, insert a colon and the following: "*Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GUY F. ALLEN

The Clerk called the bill (S. 843) for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, without charge against the certifying officer of the Department of Justice, for the sum of $126.40, representing the disallowed portion of the sum of $138 paid by him on August 17, 1934, on voucher numbered 102336, from the appropriation, "15746, salaries and expenses, Division of Investigation, 1935", to the Airline ticket office, Municipal Airport, Oklahoma City, Okla., for the charter of a special airplane by an assistant director of the Federal Bureau of Investigation of the Department of Justice, for transportation from Oklahoma City, Okla., to Springfield, Mo., in connection with an emergency investigation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VICTOR M. RUIZ C AND LUZ ELENA ROBLES

The Clerk called the bill (S. 1038) for the relief of Victor M. Ruiz C and Luz Elena Robles.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as an act of grace and without reference to the question of liability, the sum of $266.50 to Victor M. Ruiz C and the sum of $490.15 to Luz Elena Robles, both of Panama City, Panama, in full and final settlement of all claims whatsoever against the United States for compensation for damages arising from personal injuries sustained in the collision between a United States Army truck and the Chevrolet touring car of Victor M. Ruiz C, on March 26, 1935, near Arraijan, Republic of Panama: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after "appropriated", strike out "as an act of grace and without reference to the question of liability."

The committee amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH A. GANONG

The Clerk called the bill (S. 1057) for the relief of Joseph A. Ganong.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph A. Ganong, office cadastral engineer at Portland, Oreg., the sum of $51.24, representing payments made by John L. Day, United States marshal for the district of Oregon, for traveling expenses incurred by said Joseph A. Ganong as a witness for the Government in the case of United States against State of Oregon, which payments were disallowed by the Comptroller General of the United States and were subsequently refunded by said Joseph A. Ganong: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CESARIA DEL PILAR

The Clerk called the bill (S. 1310) for the relief of Cesaria Del Pilar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cesaria Del Pilar, mother of Agapito Lomobos, the sum of $250, in full settlement of all claims against the Government of the United States on account of the death of Agapito Lomobos, which resulted from a gunshot wound caused by a pistol bullet fired by a member of a Marine Corps firing party during target practice at the Naval Station, Olongapo, P. I., on April 25, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$250" and insert "$1,500."

The committee amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORMAN HILDEBRAND

The Clerk called the next bill, S. 1311, for the relief of Norman Hildebrand.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $185 to Norman Hildebrand, chief radioman, United States Navy, for the loss of uniforms and other personal effects as a result of a fire in the living quarters of the radioman in charge at the naval radio station, David, Republic of Panama, on December 29, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following amendment:

Page 1, after line 6, insert "in full satisfaction of his claim against the United States."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. EUGENE BLAKE, JR., UNITED STATES COAST GUARD

The Clerk called the next bill, S. 1413, for the relief of Capt. Eugene Blake, Jr., United States Coast Guard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phillip Hudson Phillips, out of any money in the Treasury not otherwise appropriated, the sum of $750, in full satisfaction of a judgment in that sum secured on October 12, 1934, by Phillip Hudson Phillips against Capt. Eugene Blake, Jr., United States Coast Guard, in the case of Phillips against Blake (no. 19366–K), in the Southern Division of the United States District Court for the Northern District of California, arising out of the destruction of the motorboat *Adaneme* on October 25, 1932, as a potential menace to navigation, at the direction of Captain Blake, in the vicinity of San Pedro Point, San Mateo County, Calif., while such motorboat was in the possession of the said Phillips as salvor: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, after the word "sum" insert "and any interest thereon or court costs in connection therewith."

The committee amendment was agreed to.

The bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACK J. WICK

The Clerk called the next bill, S. 1414, for the relief of Jack J. Wick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Jack J. Wick, of Morgantown, W. Va., for $3,483.50 for the installation of a heating plant in the factory at the subsistence homestead project at Arthurdale, W. Va. The sum of $3,483.50, or so much thereof as may be necessary, of the unexpended balance of the sum made available to the President, for making loans for and otherwise aiding in the purchase of subsistence homesteads, by section 208 of the National Industrial Recovery Act, as amended and extended, is hereby made available for payment of such claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amounts appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 4, after the word "to", strike out the remainder of the line and all of lines 5, 6, 7, 8, and 9 and insert "receive, settle, and adjust all claims of contractors in connection with the constructing and equipping of the factory building at the Reedsville experimental community, a subsistence homestead project, at Arthurdale, W. Va. The"; page 2, line 5, after the word "extended", insert "or so much thereof as may be necessary"; page 2, line 7, strike out the word "claim" and insert "claims"; page 2, line 11, after the word "with", strike out the words "said claim" and insert "these claims"; page 2, line 15, strike out "said claim" and insert "these claims."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "An act to provide for the settlement and adjustment of claims of contractors in connection with the construction of the factory building at the Reedsville Experimental Community, Arthurdale, W. Va."

G. A. TROTTER

The Clerk called the next bill, S. 1423, for the relief of G. A. Trotter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of G. A. Trotter, former superintendent and special disbursing agent of the Zuni Indian Agency, for payments aggregating $102.40 made to Will Halloran as mileage for the use of his personally owned automobile while performing his official duties as road supervisor in the Indian Service.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR C. KNOX

The Clerk called the next bill, H. R. 417, for the relief of Arthur C. Knox.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur C. Knox, of Peekskill, N. Y., the sum of $10,000. The payment of such sum shall be in full settlement of all claims against the United States on account of damages sustained by the said Arthur C. Knox as the result of the death of his daughter, Marjorie, who was struck and fatally injured by a Department of Agriculture truck on April 5, 1935, in Peekskill, N. Y.

With the following committee amendments:

Page 1, line 6, strike out "$10,000" and insert "$3,500"; after line 11, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES DANCAUSE AND VIRGINIA P. ROGERS

The Clerk called the next bill, H. R. 544, for the relief of Charles Dancause and Virginia P. Rogers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the proviso in section 2 of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case", approved December 28, 1922, which reads: "*Provided*, That no claim shall be considered by a department or other independent establishment unless presented to it within 1 year from the date of the accrual of said claim", shall be waived in favor of Charles Dancause and Virginia P. Rogers, and the Works Progress Administration (as successor to the Civil Works Administration) is authorized and directed to consider under the remaining provisions of such act the claims of the said Charles Dancause and Virginia P. Rogers on account of damage done to their houses in Lowell, Mass., by employees of the Federal Civil Works Administration in 1933 and 1934.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAY PLEDGER

The Clerk called the next bill, H. R. 561, for the relief of Fay Pledger.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fay Pledger the sum of $230 in full settlement of all claims against the United States on account of damage to his automobile as the result of an accident occasioned by collision with a Government vehicle operated in connection with the Civilian Conservation Corps near Summerville, Ga., on June 24, 1935.

With the following committee amendments:

Page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

Page 2, line 1, after the figures, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM E. GRAHAM

The Clerk called the next bill, H. R. 705, for the relief of William E. Graham.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $5,000 to William E. Graham, son of John and Leva Graham, for the loss of his right eye and impaired hearing of his right ear, the result of having been struck in the right side of the face with a ball bat on May 27, 1934, in the hands of an enrollee of Camp Adams, Civilian Conservation Corps camp located in Adams County, Ohio.

With the following committee amendments:

In line 5 strike out the words "not otherwise appropriated" and insert in lieu thereof "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

In line 5, after the word "settlement", add "of all claims."

In line 6 strike out the figures "$5,000" and insert in lieu thereof "$3,500."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

C. A. JONES

The Clerk called the next bill, H. R. 710, for the relief of C. A. Jones.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. A. Jones, of Tyler, Tex., the sum of $500. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said C. A. Jones as a result of personal injuries received when the vehicle in which he was a passenger was struck near Tyler, Tex., on February 29, 1936, by a vehicle operated by an employee of the Civilian Conservation Corps.

With the following committee amendments:

In line 5, strike out the words "not otherwise appropriated" and insert in lieu thereof the words "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

In line 6, after the word "Texas", insert "the sum of $150, and to Elbert Gentry, of Tyler, Tex."

In line 6 also, strike out the word "sum" and insert "sums."

In lines 8 and 9, strike out the words "damages sustained by the said C. A. Jones as a result of."

In line 9 also, after the word "injuries", insert the words "and property damage."

In line 10, strike out the words "he was a passenger" and insert the words "they were riding."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of C. A. Jones and Elbert Gentry."

NETTIE M'GLOTHLIN

The Clerk called the next bill, H. R. 860, for the relief of Nettie McGlothlin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nettie McGlothlin, widow of F. M. McGlothlin, the sum of $10,000 in full settlement of all claims against the Government of the United States for damages incurred by the killing of F. M. McGlothlin, her husband, in Dallas County, Tex., by Federal Prohibition Agents L. C. Smith and N. D. Heaton, which said killing occurred on April 8, 1932, and the sum of $5,000 in full settlement of all claims for damages against the Government of the United States incurred by the wounding of said Nettie McGlothlin in Dallas County, Tex., by Federal Prohibition Agents L. C. Smith and N. D. Heaton, which said wounding occurred on April 8, 1932: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Marion McGlothlin, of Dallas County, Tex., the sum of $7,500 in full satisfaction of her claims against the United States for the death of her husband, F. Marion McGlothlin, and for personal and permanent injuries suffered by herself, when they were shot without cause by Federal prohibition agents at their store, near Irving, Dallas County, Tex., on the night of April 8, 1932.

"SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Baylor Hospital, of Dallas, Tex., the sum of $27.50; to Dr. F. M. Gilbert, of Irving, Tex., the sum of $11; and to Dr. T. C. Gilbert, of Dallas, Tex., the sum of $150; in all, $188.50, in full satisfaction of their claims against the United States for medical, surgical, and hospital care and treatment rendered Mrs. Marion McGlothlin, who suffered personal and permanent injuries when she was shot without cause by Federal prohibition agents near Irving, Dallas County, Tex., on April 8, 1932.

"SEC. 3. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mrs. Marion McGlothlin, the Baylor Hospital, Dr. F. M. Gilbert, and Dr. T. C. Gilbert."

MARY E. CAVEY ET AL.

The Clerk called the next bill, H. R. 1780, for the relief of Mary E. Cavey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary E. Cavey, of Ilchester, Md., daughter of Robert Cavey, deceased, former postmaster at Ilchester, Md., the sum of $181.31, who, without prior designation by the Postmaster General, performed the duties of acting postmaster at the office at Ilchester from July 3, 1934, the date following the death of the former postmaster, until October 17, 1934, the day prior to the appointment of Mary E. Cavey as acting postmaster at Ilchester, both dates inclusive, such sum representing the amount of compensation which Mary E. Cavey

would have been entitled to receive had she been regularly designated as acting postmaster for such period.

With the following committee amendments:

At the end of the bill, add:

"SEC. 2. That the Comptroller General of the United States is hereby authorized and directed to credit the account of Joseph C. Kinney, postmaster at Stacyville, Iowa, with $68.92, being the amount which he paid from the postal receipts of the post office at Stacyville, Iowa, to Mrs. George H. Kinney as compensation for her voluntary services in acting as postmaster at said post office from October 15 to November 6, 1933, inclusive, following the death of her husband, George H. Kinney, the former postmaster.

"SEC. 3. That the Comptroller General of the United States is hereby authorized and directed to credit, in the settlement and adjustment of accounts and claims for services rendered at third- and fourth-class post offices, the account of J. Edgar Gift, deceased, former postmaster at Lemasters, Pa., with $64.76, being the amount deducted from the postal receipts of the post office at Lemasters, Pa., by Paul E. Gluck for his voluntary services as acting postmaster at said post office from February 23 to March 31, 1934, inclusive, following the death of the former postmaster.

"SEC. 4. No part of the amount appropriated in section 1 of this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with that claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mary E. Cavey, Joseph C. Kinney, and the estate of J. Edgar Gift, deceased."

VENICE LA PRAD

The Clerk called the next bill, H. R. 1945, for the relief of Venice La Prad.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Venice La Prad the sum of $1,000, in full setlement of all claims for damages for personal injuries received by being run over by a truck operated by the Civilian Conservation Corps, Camp S-52, on the Lee Highway in Roanoke County, Va., on November 16, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

In line 5, strike out the words "not otherwise appropriated" and insert in lieu thereof "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

In line 8, after the word "to", add "the legal guardian of."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOROTHY WHITE ET AL.

The Clerk called the next bill, H. R. 2108, for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Carol M. White, of Superior, Ariz., the sum of $3,500; to Dorothy White, of Superior, Ariz., the sum of $5,000; and to Charles A. White, of Superior, Ariz., the sum of $2,500, in full satisfaction of their claims against the United States for damages arising out of personal injuries, suffered when their automobile was struck by an automobile driven by an employee of the Department of Commerce, in Pinal County, Ariz., on January 20, 1935.

With the following committee amendments:

In line 6, strike out the figures "$3,500" and insert "$1,500."

In line 8, strike out the figures $2,500" and insert "$1,500."

At the end of the bill add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER B. JOHNSON ET AL.

The Clerk called the next bill, H. R. 2223, for the relief of Walter B. Johnson and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,000 to Walter B. Johnson for his use and for the use of his wife, Mrs. Walter B. Johnson, and their minor daughter, Baby Joy Johnson, as compensation for injuries sustained by them and medical and hospital expenses incident thereto as a result of a collision of an automobile in which they were riding with a Government Civilian Conservation Corps truck, which truck was being recklessly operated, causing said collision on March 15, 1935, on Highway No. 35, near Sevierville, Tenn.

With the following committee amendments:

In line 5, start with the word "not" and strike out all of lines 5, 6, 7, 8, including the word "them", in line 8, and insert in lieu thereof the following: "allocated by the President for the maintenance and operation of the Civilian Conservation Corps, the sum of $2,000, jointly to Walter B. Johnson and Mrs. Walter B. Johnson, of Knoxville, Tenn., in full settlement of all claims against the United States for personal injuries to themselves and their minor daughter, Joy Johnson."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mr. and Mrs. Walter B. Johnson and Joy Johnson, a minor."

ANNA V. BIVANS

The Clerk called the next bill, H. R. 2436, for the relief of Anna V. Bivans.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MR. AND MRS. VERNON WALDREP

The Clerk called the next bill, H. R. 2472, for the relief of Mr. and Mrs. Vernon Waldrep.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Vernon Waldrep, of Rising Star, Tex., the sum of $519.50, in full settlement of their claim against the Government of the United States for personal injuries, and damage to personal effects, sustained through a collision of their automobile with a Civilian Conservation Corps truck, which was in use by the Civilian Conservation Corps camp at Brownwood, Tex., on November 9, 1935.

With the following committee amendments:

In line 5, strike out the words, "not otherwise appropriated" and insert in lieu thereof the words "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

In lines 8 and 9, strike out the comma after the word "injuries" and the words "and damage to personal effects" and insert in lieu thereof the words "and property damage."

At the end of the bill, add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE T. HEPPENSTALL

The Clerk called the next bill, H. R. 4329, for the relief of George T. Heppenstall.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to George T. Heppenstall, of Seattle, Wash., the total sum of $301.50, of which amount $101.50 represents expenses incurred at the time of the injuries and wages lost due to inability to continue at work. Such sum shall be in full settlement of claims against the United States on account of injuries growing out of the accident on March 25, 1935, near Angle Lake, King County, Wash., when an automobile in which he was riding was struck by a Civilian Conservation Corps truck negligently driven: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "not otherwise appropriated by the President for the maintenance and operation of the Civilian Conservation Corps."

Page 1, line 8, strike out "total" and "of which amount $101.50 represents expenses incurred at the time of the injury and wages lost due to inability to continue to work. Such sum shall be in full settlement of claims" and insert in lieu thereof "in full satisfaction of his claim."

The committee amendments were agreed to.

The bill was ordered to be engrosssd and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN J. WARNER AND W. B. WARNER

The Clerk called the next bill, H. R. 4522, for the relief of John J. Warner and W. B. Warner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Warner and W. B. Warner, of Spearville, Kans., the sum of $600, in full settlement of all claims against the United States for damages to them caused by the death of 24 head of cattle, known as abortion reactors, in connection with the Government's efforts to eradicate this disease from the dairy herds of Ford County, Kans.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, after line 5, insert "of Spearville, Kans., the sum of $400", and after the word "and", insert "to."

Page 1, line 7, strike out "$600" and insert in lieu thereof "$200."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JURISDICTION TO DETERMINE THE CLAIM OF THE OWNER OF THE COAL HULK "CALLIXENE"

The Clerk called the next bill, H. R. 4778, conferring jurisdiction on certain courts of the United States to hear and determine the claim of the owner of the coal hulk *Callixene*, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the claim of A. Mateos & Sons, owner of the coal hulk *Callixene*, against the United States for damages alleged to have been sustained by the *Callixene* as the result of a collision with the U. S. S. *Seneca* and *Ophir* in the harbor of Gibraltar, Spain, on February 10, 1919, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that such court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due against the United States in favor of the said A. Mateos & Sons, or against the said A. Mateos & Sons in favor of the United States, by reason of such collision, upon the same principles and under the same measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within 4 months of the date of the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to confer jurisdiction on the United States District Court for the Southern District of New York to hear, determine, and render judgment on the claim of A. Mateos & Sons, owner of the coal hulk *Callixene*."

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent to dispense with further business on the Private Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under a special order of the House heretofore made, the gentleman from Indiana [Mr. LUDLOW] is recognized for 20 minutes.

Mr. LUDLOW. Mr. Speaker, I have asked for this time today in order that I may advise Members of the House——

Mr. KNUTSON. Mr. Speaker, I think we should have a quorum present, and I therefore make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently there is not a quorum present.

Mr. COSTELLO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Allen, Pa.	Creal	Gasque	Keller
Amlie	Crosby	Gifford	Kelly, N. Y.
Anderson, Mo.	Crowther	Gilchrist	Kerr
Andrews	Cummings	Gildea	Kleberg
Beam	Curley	Goodwin	Kvale
Binderup	Deen	Gray, Pa.	Lanham
Boehne	Delaney	Greenwood	Lanzetta
Boileau	DeRouen	Gregory	Lemke
Boykin	Dingell	Hamilton	Lewis, Md.
Buckley, N. Y.	Dirksen	Hart	Luecke, Mich.
Bulwinkle	Ditter	Harter	McGehee
Burdick	Doxey	Hendricks	McGroarty
Caldwell	Driver	Hennings	McLean
Cannon, Wis.	Dunn	Higgins	Magnuson
Carter	Eberharter	Hook	Mahon, Tex.
Cartwright	Ellenbogen	Hull	Maverick
Casey, Mass.	Englebright	Imhoff	May
Chapman	Fish	Jacobsen	Mitchell, Tenn.
Clark, Idaho	Fitzgerald	Jarrett	Norton
Cluett	Fitzpatrick	Jenckes, Ind.	O'Brien, Mich.
Cochran	Flannagan	Jenks, N. H.	O'Connell, R. I.
Connery	Fries, Ill.	Johnson, Minn.	O'Day
Cooley	Fulmer	Johnson, W. Va.	Pace
Cravens	Garrett	Kee	Parsons

Patrick	Rutherford	Smith, Va.	Tinkham
Rabaut	Sabath	Sweeney	Vincent, B. M.
Ramsay	Sacks	Swope	Voorhis

people, should not be submitted to the people for decision in a national referendum.

I ask Members who do not favor the resolution in its

boys into the world. Why should they not have something to say as to whether their own flesh and blood shall be

a member of the press gallery upstairs it was my privilege to witness it. On that day the United States, with an im-

Patrick	Rutherford	Smith, Va.	Tinkham
Rabaut	Sabath	Sweeney	Vincent, B. M.
Ramsay	Sacks	Swope	Voorhis
Ramspeck	Schaefer, Ill.	Taylor, Colo.	Wadsworth
Richards	Schulte	Telgan	Wearin
Rigney	Seger	Thom	Williams
Robinson, Utah.	Shannon	Thomas, Tex.	Zimmerman
Robsion, Ky.	Smith, Maine	Thurston	

The SPEAKER pro tempore. Three hundred and four Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Indiana is recognized for 20 minutes.

Mr. LUDLOW. Mr. Speaker, I have asked for this time today in order that I may advise the Members of the House that I have filed a discharge petition at the Speaker's desk, known as Discharge Petition No. 11, to bring before the House for consideration and a vote House Joint Resolution No. 199, which proposes an amendment to the Constitution to provide that except in the case of invasion or attack, war shall not be declared until the question has been submitted to the people and approved by a majority of the voters in a national referendum.

This is a simple war referendum proposal, detached and disassociated from all collateral questions, and its effect would be to prevent American boys from being sent to fight in wars in foreign countries until the question has been submitted to the people and approved by a majority of all the voters in a national referendum, women having equal voting rights with men. The amendment proposes to insert the following article in the Constitution:

SECTION 1. Except in the event of an invasion of the United States or its Territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress, when it deems a national crisis to exist, may by concurrent resolution refer the question of war or peace to the citizens of the States, the question to be voted on being, Shall the United States declare war on ——? Congress may otherwise by law provide for the enforcement of this section.

I plead earnestly with every Member of the House to sign the discharge petition, if for no other reason than to permit the resolution to be brought up in the House as a basis of peace discussions out of which I sincerely hope may come some peace legislation which, to a measurable degree at least, will meet the expectations of the country.

I believe there is a widespread—I may say general—feeling throughout the land that American boys should not be sent abroad to fight in quarrels of alien origin, at least not until the people have a chance to vote on the proposition; and that is one of the principal objects sought to be accomplished by this resolution.

WHAT THE PEOPLE ARE THINKING ABOUT WAR

If ever I prayed that I might be given the gift of expression, I pray for it now, because I want to make perfectly clear and understandable what I believe the common people of America, the people Lincoln said God must like because He made so many of them, are thinking on the subject of war. They are thinking this: They are thinking that they love their country and that they would pour out the last drop of their blood, if necessary, to defend it from attack or invasion by a foreign foe, but they are bitterly denouncing and resenting the idea that if a world war comes their sons shall be conscripted and sent away to die in foreign slaughter pens in the settlement of quarrels of other nations.

Furthermore, the common people are tired of being eternally the buffer in the game of war, and since they have to do the suffering and the dying, and to furnish war's cannon fodder, they are asking why they should not have something to say as to whether war shall be declared. They are asking why a question so tragic in its nature, so intimately interwoven with life and death, which involves the very existence as well as the welfare and happiness of the millions of our people, should not be submitted to the people for decision in a national referendum.

I ask Members who do not favor the resolution in its present form to sign the discharge petition, anyway, in order that the subject may be brought up as the basis of some sort of peace action at this session. The rule that is proposed permits 6 hours of general debate and unlimited opportunity to offer amendments. Signing the discharge petition, therefore, will be a move in the direction of giving the House an opportunity to take up peace legislation and work out a solution that will be acceptable to a majority.

House Joint Resolution 199 has sunk deeply into the consciousness of America and it has the approval of millions of individual citizens, besides groups and organizations too numerous to mention. A poll taken by the Institute of Public Opinion some months ago showed 71 percent of all the people—81 percent of the women—to be in favor of the war referendum principle. My resolution has been endorsed unanimously by the American War Mothers, whose sons fought in the World War; the 21 railroad brotherhoods, comprising the flower of organized labor; the National Woman's Christian Temperance Union; the Church of the Disciples of Christ in America; and 65 presidents of universities and colleges.

It has the approval of such leaders as Frank B. Kellogg, coauthor of the Pact of Paris; James E. Van Zandt, former commander in chief of the Veterans of Foreign Wars; Archbishops Curley, Drossaerts, and McNicholas, and numerous bishops of the Catholic Church; many eminent leaders of Protestant denominations; Rabbis Stephen S. Wise, Israel Goldstein, Curry, and Feuerlicht, and many other prominent rabbis and outstanding men of the Jewish faith; and almost innumerable other groups and leaders of thought and purpose.

WILL KEEP AMERICANS OUT OF FOREIGN SLAUGHTER PENS

My war-referendum resolution will do more, I believe, to keep American boys out of slaughter pens in foreign countries than any other measure that could be passed, and it would do that without in any way interfering with complete and adequate national defense. It is based on the philosophy that those who have to suffer and, if need be, to die and to bear the awful burdens and griefs of war should have something to say as to whether war shall be declared. I believe that if this amendment is adopted it will keep us out of all foreign wars, and, indeed, out of all wars except possibly a righteous war of self-defense.

Mr. GEARHART. Will the gentleman yield?

Mr. LUDLOW. I have only a very few minutes, but I will gladly yield to my friend.

Mr. GEARHART. I would like to ask the gentleman one question, and I want him to understand I do not doubt for a moment his sincere devotion to the cause of peace, and ultimately I share his views. But in view of the fact that in recent years all nations who have engaged in warlike enterprises have refrained from making formal declarations of war, I was wondering what safeguard to peace there is in the gentleman's proposal in that respect? The gentleman will remember that Japan invaded China, Italy invaded Ethiopia, and the United States invaded Nicaragua. In each instance no declaration of war was made.

Mr. LUDLOW. In a case of that kind we cannot anticipate, but insofar as a declaration of war has any effect at all, I say it ought to be by the decree of all the people of the United States, meeting in the privacy of the ballot box, voting in the presence only of their Maker. Then we will have a judgment and decision that will truly reflect America's public opinion.

As I said before, I sincerely believe this proposed constitutional referendum on war would do more to keep America out of war than any other proposition that might be enacted. Under this proposal women have the right to vote in a referendum the same as men. Why should not women have the right to vote on a question of declaration of war? They go down into the valley of the shadow of death to bring our boys into the world. Why should they not have something to say as to whether their own flesh and blood shall be hurled into the hell of a foreign conflict?

Under the system of declaration of war as provided in the Constitution there is practically no way by which the women's viewpoint may be reflected. In the Congress today there are only six women Members. So you can see how utterly negligible is the opportunity now given to express a woman's viewpoint on any particular war proposal.

The discharge petition will not become effective unless or until it is signed by 218 Members of the House.

War, with its awful possibilities of human suffering, is today humanity's cross, and whatever we may do to try to lift that cross is certainly a worthy endeavor for the Congress of the United States to engage in, even though it may seem hopeless.

I am sure it does not require any reminder by me to quicken the interest of Congress in this subject. I know that with war clouds lowering, with dictators thrumming the strings of war and preparing for another mass slaughter, and with every sign and portent pointing to the approach of another world war that will eclipse all other wars in destructiveness, there is no lack of sincere purpose on the part of Congress to do its very utmost to protect our country in the face of this threatened cataclysm, if only God will give us the vision to see and do.

I know that there rests on every man and woman in this House today a feeling of solemn responsibility to do everything possible to keep America out of war. I know that there is burning in the breast of every Member of this House a sincere, a passionate desire to be of service to humanity in safeguarding our country from involvement in a war which, if it comes, will inflict immeasurable and endless suffering and imperil civilization itself.

The entire country relying on the peace planks adopted by the two national political conventions last year, is expecting us to enact some legislation at this session that will keep America out of the next holocaust, if another war of foreign origin should break out and threaten to consume the world.

BOTH PARTIES PLEDGED BY PLATFORMS TO WORK FOR PEACE

Let us pause to review the planks of the last two national conventions on the subject of peace. At Cleveland the Republicans said:

We pledge ourselves to promote and maintain peace by all honorable means not leading to foreign alliances or political commitments.

At Philadelphia the Democrats said:

In our relationship with other nations this Government will continue to extend the policy of the good neighbor. We reaffirm our opposition to war as an instrument of national policy and declare that disputes between nations should be settled by peaceful means. We shall continue to observe a true neutrality in the disputes of others; to be prepared, resolutely to resist aggression against ourselves; to work for peace and to take the profits out of war; to guard against being drawn, by political commitments, international banking, or private trading, into any war which may develop anywhere.

Here are two direct covenants with the people which we as representatives of the people cannot in conscience overlook or neglect, the Republican pledge, "to promote and maintain peace by all honorable means," and so forth, and the Democratic pledge, "to work for peace."

To make this effort, therefore, let me say to friends on both sides of the center aisle, is our common duty and our common problem. Let us as legislators charged with executing the popular will approach the task courageously, unfalteringly, and without any purpose of evasion. Let us take up the problem in an atmosphere of cooperation and in the spirit of high regard which we cherish one for another. Let us reason together and try to work out a result in this most important of all matters that will measure up to the highest aims of statesmanship.

TWENTY YEARS AGO TODAY

Twenty years ago today, Mr. Speaker, a drama of superlative historical importance was enacted in this Chamber. As a member of the press gallery upstairs it was my privilege to witness it. On that day the United States, with an impressive debate and overwhelming vote in the legislative halls of this Capitol, adopted the declaration that sent America into the World War. I have nothing to say in criticism of the action then taken, nor do I for a moment doubt the pure motives of the leader who guided the Nation into that conflict. The great Creator and Lord of all, who controls the destinies of men and nations, has closed the chapter; and what was done in this room 20 years ago is now a matter of history, beyond the power of any mortal to add to or detract, but it may be said in passing as a statement of fact, known to all men, that the high aims and purposes of our participation in that war were never realized.

We entered the war to make the world safe for democracy; but since it ended 19 democracies have died, and with them have died the liberty of their peoples. There is less democracy in the world today than ever before. We taxed the earnings of our citizens to send billions to our allies in loans which they have repudiated; and, to make matters worse, they have used these vast resources to build up armaments with which to slaughter human beings in future wars, while millions of our own people, reduced to the starving point, have been forced to accept the handouts of charity and have walked the streets vainly seeking employment. Although 20 years have elapsed, I can still hear the clear, resonant voice of the gentleman from Minnesota, HAROLD KNUTSON, as he answered "No" on the roll call that declared America at war with the Imperial German Government. Just as he has met every issue in his life, he met that greatest of all issues foursquare, as bravely as a lion, without any hesitation or evasion. Let it be said to his everlasting credit that although the storms of passion beat fiercely upon him, he stood true to his convictions and registered the verdict of his judgment and his conscience. There may be those who think he should have voted for war, but all who witnessed his conduct on that occasion agree that he acquitted himself like a man. It is no wonder that Minnesota honors a son of such sterling character by repeatedly electing him to this Chamber. As the sole surviving Member of the House who voted against entering the World War, he holds a position of unique distinction. He will follow me on today's program, and I know that we shall be glad to hear him.

WAR SETTLED NOTHING

The war that was to be a "war to end war" settled nothing. War at this moment broods over three-quarters of the globe. The inconclusiveness of our efforts to serve the world in the late war points to us the unerring lesson that henceforth our highest aim and duty as a legislative body should be to protect America from being drawn into future wars.

Adherence to the wise but neglected advice of Washington, "Cultivate friendly relations with all nations; entangling alliances with none", would keep us out of war and would point the way to our highest prospects of a magnificent national destiny.

It is in the spirit of service that I have offered my war referendum resolution, with a firm belief in the justice of allowing the people to decide this greatest of all questions, and with the hope at least that it will open up a debate in this Chamber and bring about an exchange of views and a meeting of minds on what is best to be done for the country in the way of preparations against war which now seems certain to come.

Thanking my fellow Members for your kind indulgence in permitting me to present this matter for your consideration, I would like to add that I fervently wish every Member of the House could see his way clear to sign discharge petition no. 11. [Applause.]

The SPEAKER pro tempore. Under the special order of the House, the gentleman from Minnesota [Mr. KNUTSON] is recognized for 10 minutes.

Mr. KNUTSON. Mr. Speaker, today is the twentieth anniversary of America's entrance into the World War. The resolution declaring a state of war was passed by this body

in the early hours of April 6, 1917, by a vote of 373 to 50. The resolution had passed the Senate 2 days previously by a vote of 82 to 6.

At this point I ask unanimous consent to insert in the RECORD the names of the Senators and Representatives who voted against our entrance into the war.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The list of names is as follows:

MEMBERS OF THE SIXTY-FIFTH CONGRESS WHO VOTED AGAINST THE WORLD WAR, APRIL 6, 1917

Senators: Asle Jorgenson Gronna,[1] North Dakota; Robert Marion La Follette,[1] Wisconsin; Harry Lane,[1] Oregon; George William Norris, Nebraska; William Joel Stone,[1] Missouri; James Kimble Vardaman,[1] Mississippi.

Represenatives: Edward Berton Almon,[1] Alabama; Mark Reeves Bacon, Michigan; Fred Albert Britten, Illinois; Edward Everts Browne, Wisconsin; John Lawson Burnett,[1] Alabama; William Joseph Cary,[1] Wisconsin; Denver Samuel Church, California; John Robert Connelly, Kansas; Henry Allen Cooper,[1] Wisconsin; James Henry Davidson,[1] Wisconsin; Charles Russell Davis,[1] Minnesota; Perl D. Decker,[1] Missouri; Clarence Cleveland Dill, Washington; Charles Hall Dillon,[1] South Dakota; Frederick Haskell Dominick, South Carolina; John Jacob Esch, Wisconsin; James Archibald Frear, Wisconsin; Charles Eugene Fuller,[1] Illinois; Gilbert N. Haugen,[1] Iowa; Everis Anson Hayes, California; Walter Lewis Hensley, Missouri; Benjamin Clark Hilliard, Colorado; Harry Edward Hull, Iowa; William L. Igoe, Missouri; Royal Cleaves Johnson, South Dakota; Edward Keating, Colorado; Edward John King,[1] Illinois; Moses Pierce Kinkaid,[1] Nebraska; Claude Kitchin,[1] North Carolina; Harold Knutson, Minnesota; William Leroy La Follette,[1] Washington; Edward Campbell Little,[1] Kansas; Meyer London,[1] New York; Ernest Lundeen, Minnesota; Atkins Jefferson McLemore,[1] Texas; William Ernest Mason,[1] Illinois; John Mandt Nelson, Wisconsin; Charles Hiram Randall, California; Jeannette Rankin, Montana; Charles Frank Reavis,[1] Nebraska; Edwin Ewing Roberts,[1] Nevada; William A. Rodenberg, Illinois; Dorsey William Shackleford,[1] Missouri; Isaac R. Sherwood,[1] Ohio; Charles Henry Sloan, Nebraska; William Henry Stafford, Wisconsin; Carl Chester Van Dyke,[1] Minnesota; Edward Voigt,[1] Wisconsin; Loren Edgar Wheeler,[1] Illinois; Frank Plowman Woods, Iowa.

Mr. KNUTSON. Of that small band of 56, but 26 are alive today. Of that number, 11 will foregather this evening at a local hotel for the first reunion. It is deeply regretted that it is not possible for all the survivors to be present.

My purpose in asking for time to address the House today is to warn the membership that another war impends, and the great powers are feverishly arming themselves for the conflict. America must stay out of that war.

We were driven into the last war against the will of the majority of the American people and, I might say parenthetically, against the wishes of the majority of both Houses of Congress. The way for our entrance into the war had been skillfully built up through the lavish use of false propaganda intended to inflame the passions—such as we are again beginning to see signs of in this country.

Again I say we must keep out of the next war. This we can only do through the adoption of a neutrality law that will place an absolute embargo upon all shipments of war material abroad during the duration of the war. We must also prohibit any of the belligerent countries from floating loans in the United States.

I realize that this would be drastic, but it is necessary if another world war is to be prevented, because a world war cannot be fought for any length of time with the American market closed to the belligerents.

At this time I wish to call attention to the resolution introduced sometime ago by the gentleman from Indiana [Mr. LUDLOW], which proposes an amendment to the Federal Constitution to provide for a national referendum of the people on future wars except in the event of invasion.

It is the people who have to do the fighting and pay the bills; therefore it is but fair and proper that they should have the deciding voice in the crucial hour. The responsibility is too great for Congress. That was fully demonstrated 20 years ago.

If the gentleman from Indiana [Mr. LUDLOW] succeeds in getting his amendment incorporated into the Federal Constitution he will deserve a monument as high and as grand as any that the American people have ever reared to the memory of their greatest and most beloved citizens.

It will be recalled by the House that some 3 weeks ago I introduced a concurrent resolution requesting the President to call an armaments-limitation conference. I hope with all my heart that this will be done; because if the present insane program of building up huge armaments, at tremendous cost to the people, is not halted, the world will be faced with bankruptcy and perhaps the destruction of civilization.

At this point, Mr. Speaker, I ask unanimous consent to incorporate in my remarks an editorial from the Akron (Ohio) Beacon-Journal on the Futility of War. This editorial contains some figures that graphically explain the cost of war. If we can bring this picture home to every Senator and Representative, as well as to the American people in general, it will do much to strengthen our determination to remain out of future wars with which we have no concern.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The editorial referred to is as follows:

[From the Akron (Ohio) Beacon Journal of Mar. 23, 1937]

THE FUTILITY OF WAR

Representative HAROLD KNUTSON, of Minnesota, has told his colleagues at Washington that if the entire amount of money loaned by the United States to European nations were repaid with interest it would:

Pay off the mortgage on every home and farm in America with enough left over to build 240,000 miles of hard-surfaced highways.

This is a graphic way of bringing to the understanding of American citizens the magnitude of the sum they lost when one-half the war debt was canceled by our own Government and the remainder repudiated by Old World borrowers.

The Minnesota Congressman may discuss this question with good grace. He was one of the few Members of Congress who had the courage to stand against the tide of propaganda which swept America into the World War in 1917.

Three years ago Dr. Nicholas Murray Butler, head of the Carnegie Endowment for International Peace, made an even stronger presentment of the frightful economic waste wrought by the World War. He said in substance that if the $400,000,000,000 which that war cost had been applied to pacific uses and betterment, it would have built a $2,500 house and furnished that house with $1,000 worth of furniture and placed it on five acres of land worth $100 an acre for each and every family in the United States and Canada, Australia, England, Wales, Ireland, Scotland, France, Belgium, Germany, and Russia.

After doing all this there would have been enough money left to give each city of 100,000 inhabitants and more in all the countries named a $5,000,000 library and a $10,000,000 university.

Then out of the balance there would still have been sufficient money to set aside a sum at 5-percent interest which would pay for all time to come a $1,000 yearly salary each for an army of 125,000 teachers, and in addition to this pay the same salary to an army of 125,000 nurses.

"And after having done all this", the report offered by Dr. Butler concluded, "we could still have had enough left of the four hundred billions to buy up all of France and Belgium, and everything of value that France and Belgium possessed in 1914; that is, every French and Belgian farm, home, bank, factory, church, and railroad."

In other words, the price which the leaders and statesmen of the allied nations, including the United States, made the people of the world pay for the victory over Germany was equal to the value of five countries like France plus five countries like Belgium.

Citation of these colossal figures of World War cost are lost upon the nations which are plotting another world war and spending $11,000,000,000 a year on an armament race to support their participation in it.

If it be even partially true that the economic motive is dominant in the mind of most human beings, then there is no more important task before the world's intelligence and scholarship than to make it clear to the public opinion of the people of every nation which hopes to be deemed civilized how directly the loss, the suffering, and the distress which they are now compelled to endure are the effect and result of the last World War.

The war debts which Congressman KNUTSON demands that Europe shall pay are only a minor fraction of that war's enormous losses. One might imagine that the people who were its dupes would mass their influence to restrain the madmen and dictators who are trying to bring on another conflict to promote imperial ambitions or avenge imagined wrongs put upon them by the statesmen who partitioned the spoils of war lost by the Kaiser.

America prefers a different course. War and preparation for war are not the normal objectives of its Government and society. This Nation favors spending its billions on benefits that may be derived only from peace. That is why the American people understand the meaning of the object lessons cited by Dr. Butler and Congressman KNUTSON and wonder why their purblind neighbors abroad fail to find in them the most convincing argument against rashly provoking another orgy of destruction.

[1] Deceased.

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

Mr. KNUTSON. I yield.

Mr. FISH. Mr. Speaker, I admire the gentleman from Minnesota for having the courage of his convictions and for his courage in voting as he did against the declaration of war 20 years ago. Would the gentleman mind inserting in the RECORD the names of the other Members of Congress who voted against the declaration of war?

Mr. KNUTSON. I may say to the gentleman I have already inserted the names.

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

Mr. KNUTSON. I yield to the gentleman from Ohio.

Mr. BIGELOW. Would not this day, the anniversary of our entrance into the war, be a good day for us all to sign discharge petition no. 11 for the Ludlow resolution?

Mr. KNUTSON. I am glad the gentleman brought that up. I hope the entire membership of the House will sign discharge petition no. 11, which is now on the Clerk's desk, in order that we may have an opportunity for an early vote on the Ludlow resolution. I have already signed it, and I hope the rest of the Members of the House will also sign it.

Mr. SIROVICH. Mr. Speaker, will my distinguished friend yield for a question?

Mr. KNUTSON. I am pleased to yield.

Mr. SIROVICH. I admire the distinguished gentleman from Minnesota for the stand he took 20 years ago.

Mr. KNUTSON. I thank the gentleman.

Mr. SIROVICH. However, in the light of the 20 years which have elapsed, does the gentleman feel that if Germany and the central European countries had won the war and England and France had been destroyed we would be in a better position than we are today?

Mr. KNUTSON. Does the gentleman think for a moment that we should endanger this Republic by taking part in wars in which we have no concern?

Mr. SIROVICH. May I answer my distinguished friend by stating that in the light of the experience of the past 20 years, if England and France, as our first line of defense, had been destroyed, we would have been the next nation to be destroyed? It is our duty to protect parliamentary, constitutional democracies throughout the world, in order to make the world safe for democracy and that dictatorships shall not destroy democracy. [Applause.]

Mr. KNUTSON. May I say to the gentleman that we heard a great deal about our going into the World War to make the world safe for democracy, but democracy is at a lower ebb today than ever before in the history of parliamentary government? [Applause.]

Mr. SIROVICH. Then we want more democracy in order to justify the fact we went into the World War. The cure for declining democracy is more democracy.

Mr. KNUTSON. That is true; but I do not believe we should endanger our own welfare in order to preserve democracy in Europe. If they want to kill themselves off it is their own affair. Let us stay at home and attend to our own business.

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

Mr. KNUTSON. I am pleased to yield to my good friend from California.

Mr. GEARHART. If we had not gone into the World War in defense of democracy, where would democracy be today?

Mr. KNUTSON. Where is it today?

Mr. GEARHART. It is better off than it has ever been in the past.

Mr. KNUTSON. I deny that such is the case.

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

Mr. KNUTSON. I yield.

Mr. MOTT. In the gentleman's opinion, is not the fact a good many democracies in Europe have been superseded by dictatorships because the people of the countries where dictatorships exist today are not fit for representative, constitutional government?

Mr. KNUTSON. I would say perhaps the form of government under which certain people live today is better adapted to their needs than is democracy.

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

Mr. KNUTSON. Yes.

Mr. GEARHART. The gentleman's answer to my former question suggests the idea democracy today is not as widespread in the world as it was prior to the World War.

Mr. KNUTSON. It is not; no, sir.

Mr. GEARHART. In what country where democracy obtained prior to the World War does it not exist today?

Mr. KNUTSON. Let us take Mexico, for instance, right next door to us. We will start close to home.

Mr. GEARHART. They have just as much democracy in Mexico today as they have ever had.

Mr. KNUTSON. There was more democracy in Germany, Italy, Russia, and Japan prior to the war than there is today.

Mr. GEARHART. Do you think the Germans have ever had any appreciation of what democracy means?

Mr. KNUTSON. Yes; I do; to say otherwise is preposterous. Any people that have given to the world the poets, the musicians, and the scientists Germany has have full conception of all the blessings that go with free government.

Mr. WHITE of Ohio. Mr. Speaker, will the gentleman yield.

Mr. KNUTSON. Yes.

Mr. WHITE of Ohio. Does the gentleman think we have had more or less democracy in the United States since the World War?

Mr. KNUTSON. We no longer have democracy here. We have not had for the past several years. [Laughter and applause.]

[Here the gavel fell.]

TWENTIETH ANNIVERSARY OF ENTRANCE INTO WORLD WAR

The SPEAKER. Under the previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 15 minutes.

Mr. FISH. Mr. Speaker, we have just listened to a very eloquent address by the gentleman from Minnesota [Mr. KNUTSON]. I respect and honor him. I admire his courage and independence in having voted against our entrance into war but I do not agree with him. I have no objection if the gentleman and all the others who voted against our entrance into war assemble each anniversary and congratulate themselves and tell the American people that they were right and Woodrow Wilson was all wrong. I, for one, think that Woodrow Wilson was right when he asked Congress to declare war, as he did on April 2, and I think Congress was right when it declared war on April 6. [Applause.] We were forced into that war by the attacks without warning of German submarines upon American ships. The record has been made. We cannot change that record now.

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

Mr. FISH. I yield; yes.

Mr. KNUTSON. Will the gentleman kindly inform the House what transpired between the election in November 1916, and the 6th day of April following that would justify a declaration of war? The American people had voted on the proposition of going into war. The motto of the Democratic Party in that campaign was "He kept us out of war", and on the strength of that the American people reelected Woodrow Wilson.

Mr. FISH. Mr. Speaker, my good friend and distinguished colleague from Minnesota has placed me in an embarrassing position. He has placed me as a Republican in the position of being a defender of our great war President, Woodrow Wilson, and I accept it gladly [applause] as one who served under him for 2 years on the battlefields of France.

As long as that question has been raised, let me answer it. As Al Smith says, "Let us look at the record", and what does the record disclose? The record discloses that years before we entered the war at the suggestion of Woodrow Wilson, a great many people, including a great many Republicans, thought we should have gone to war when Belgium was invaded. I for one was opposed to that. A great many others, Democrats and Republicans alike, thought we should have entered the World War when the *Lusitania* was sunk, and I am in accord with the views of Woodrow Wilson who kept us out of war at that time. It is true that Woodrow Wilson ran on a peace program to keep us out of war and was elected on that program, but between the election and April 2, 1917, when he made his war statement in Congress, and April 6, when we voted on it, our ships flying the American flag were torpedoed by German submarines without warning.

This is what forced us into war. Woodrow Wilson and his Secretary of State at that time had repeatedly warned Germany that if their submarines attacked our ships on the high seas without warning we would be forced to declare war, and the result was inevitable. Of course, our hindsight is always better than our foresight. I am not going to argue with my friend from Minnesota, because I admire him personally and I admire his courage, and I said so while he was speaking a few minutes ago and hope that will be read by every citizen of the State of Minnesota.

Mr. KNUTSON. And by posterity as well. Will the gentleman yield further?

Mr. FISH. I have only 10 minutes and I have hardly started.

Mr. SIROVICH. Mr. Speaker, will my distinguished colleague yield for a question?

Mr. FISH. If it is not too complicated.

Mr. SIROVICH. Is it not far better, after 20 years, to have preserved Anglo-Saxon civilization than a manifestation of a Teutonic interest throughout the world today?

Mr. FISH. I would like to answer that, too. I do not know what we preserved. I think we went into war because we were forced into war, first, because of our policy, which we have now changed, to preserve neutral rights on the high seas and freedom of the seas and to send our ships wherever we wanted. We have changed that since then in an effort to keep out of war; but we went into war, as Woodrow Wilson told us, to make the world safe for democracy, to end all wars, and when the gentleman asks me the question, these are the things we fought for, and what tragedies have occurred since then—what a mockery of the principles we fought for when you think of what is happening in the world today!

The world is armed to the teeth, spending three times as much money on armament as it did in 1914. Fifteen billion dollars is being spent this year on armament alone, mostly by the very nations that owe us huge war debts, and they are not paying even the interest on the money we lent them after the armistice; and insofar as making the world safe for democracy is concerned, what a farce and travesty! The nations of Europe which formerly had some degree of democracy and upheld free institutions have gone to the right or to the left, into dictatorships and autocracies, into communism or socialism of the left or nazi-ism or fascism of the right.

Of course, on the basis of hindsight we can say that the war was a tragedy, that we are disillusioned, but at that time we were forced into the war by the indiscriminate attacks of German submarines on American shipping. Those few Members of Congress who get up and say they voted against war remind me of the old story of the mother who saw Johnnie marching out of step and said, "Oh, look, all the rest of the company is out of step except Johnnie." Congress knew what it was doing when it declared war. The Members of Congress represented the American people back home. To declare war is an awful responsibility for Congress to assume. I am with the gentleman from Indiana [Mr. LUDLOW] to give the people the right to vote on war. In fact, I introduced such a bill a few years ago. I am supporting his now to submit to the American people a referendum on war. The reason I am speaking today is twofold. One is to partially answer some of these charges that we were rushed into war on a hysterical basis. Congress knew what it was doing. The Committee on Foreign Affairs, of which I was not then a member, knew exactly what it was about when it reported by a unanimous vote a declaration of war, and 95 percent of the Members of this House who voted for it knew what they were voting for. I have too much respect for Members of Congress to think that they did not know what they were doing or that they did not represent the views of their constituents.

The other reason I rise today is simply this. I have just seen thousands of young American boys marching out there on the street in uniform preparing for war. The only time to fight war is in time of peace. You cannot fight war once war has begun. Here we are on the twentieth anniversary of our entrance into the World War, and what are we doing to keep out of war? A number of suggestions have been made. My friend from Indiana [Mr. LUDLOW] has one suggestion, to give the people the right to vote. Senator NYE and I have introduced a resolution to prohibit the shipment of arms, ammunition, and implements of war in time of peace as well as in war, and I predict in 2 years' time public opinion will be behind that and some Members of Congress will be sorry for the vote that they cast here a few weeks ago against it. There are even greater issues. The President should call a conference of the leading naval nations of the world to reach an agreement to reduce and limit naval armament. We are now engaged in a naval armament race, spending $50,000,000 of dollars on each battleship, getting nowhere, except nearer to war and breeding enmity and hatred that eventuates in war. On this twentieth anniversary of the declaration of war I believe we should urge the adoption of those measures that lead to peace. Another proposal is to call a peace conference of the great nations of the world. We now have a world filled with rumors of war, predictions frequently made that there will be another world war within a year. Why not call a peace conference to determine the rights of neutrals on the high seas? I believe that Great Britain and Germany both would agree to permit neutral nations to carry foodstuffs in case of another war.

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

Mr. FISH. Yes.

Mr. PHILLIPS. Inasmuch as it is a known fact in the world that the nations of the world do not keep their agreements, that the nations of the world are guilty of breaking treaties all the time, with that as a background, what is the sense of getting ourselves into a disarmament conference?

Mr. FISH. I am glad the gentleman has asked that question. The gentleman is a new Member of Congress.

Mr. PHILLIPS. May I finish my question?

Mr. FISH. Oh, the gentleman has asked it often and I know it by heart, and I know the answer by heart.

Mr. PHILLIPS. Then give me the answer, if the gentleman knows it.

Mr. FISH. The gentleman says we should not enter into any agreement with any nation; that every nation in the world is dishonest except ourselves. The answer to that is that we did enter into a limitation of armament conference in 1922, the Washington limitation of naval armament conference, in which we agreed with Great Britain and Japan to limit battleships to a 5–5–3 basis—18 for Great Britain, 18 for ourselves, and 10 for Japan—saving the United States $250,000,000 annually, and when that treaty expired on the 31st of last December we had saved the United States taxpayers $4,000,000,000. I submit that every nation lived up to that agreement—Great Britain, Japan, and ourselves—and that is exactly what I want continued instead of this naval armament race into which we are now plunged.

Mr. PHILLIPS. Will the gentleman answer this question?

Mr. FISH. I think that is a very definite and a very concrete answer.

Mr. PHILLIPS. Is it not true that the nations of the world are guilty of breaking their word in international arrangements; and if a nation breaks its word with one nation, how do we know it will do any better in keeping it with us?

Mr. FISH. I think the gentleman has in mind the failure to pay the war debts. It is true, if we want to raise that question, that the great nations of the world welched on their war debts; and if the gentleman wants to raise it on this anniversary, I will be glad to say a few words about it.

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

Mr. FISH. I yield.

Mr. SIROVICH. My distinguished friend served with great distinction in the World War. Will he be kind enough to explain to the House the significance of a victory for the central European powers 20 years ago?

Mr. FISH. How can I explain the significance? All I can say to the gentleman is that we sent 2,000,000 soldiers to the other side and we did our part. We changed the tide of defeat into victory. We asked for nothing and we got exactly what we asked—nothing at all. We received no reparations, no indemnity, no plunder, and no new possessions or conquered territory of any kind. We do not claim we won the war, but we did change the tide of defeat into victory.

Mr. SIROVICH. Does the gentleman think we made a mistake in doing that?

Mr. FISH. I would have voted for war if I had been in Congress. That is why I am speaking today, because no Democrat has defended their own President when he was right. He was a great war President and only did his duty to his country. [Applause.]

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. CASE of South Dakota. Last night the Secretary of State, Mr. Hull, speaking in New York, declared—

> There is only one way to avert this impending doom.

He said:

> It is for the nations which today bend their major effort toward preparation for war to join those other nations which are intent on a policy of peace.

Does the gentleman have any idea how those nations can get together unless we have some sort of an international conference?

Mr. FISH. It must be self-evident that we ought to take the leadership. We are the strongest nation left in the world. We do not belong to any secret entangling alliances. We are the only nation left to take the moral leadership for peace, and they are begging us to do it. I have enough respect for Secretary Hull to believe that eventually we will get around to it. All I want to do is to build a little bonfire under him to get action before there is another world war.

It is all right to go down to a conference in South America, but what does that accomplish? Nothing at all except a little good will. They have no navies. They are not creating a world-war situation. We are now faced with a world war. How are we going to stop it? The only way is to take some leadership and call such an international conference.

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

Mr. FISH. I yield to my distinguished friend on the Foreign Affairs Committee.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to proceed for 5 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. If the gentleman will yield for a minute. The gentleman spoke about the disarmament conference. It either has to be on a mathematical ratio basis or it must be on a security basis. Does the gentleman believe we can have a disarmament conference unless we can guarantee security?

Mr. FISH. No. Perhaps the gentleman did not understand me. I did not ask for a disarmament conference. I asked for two separate conferences. One, a naval limitation conference.

Mr. SHANLEY. That is a mathematical ratio.

Mr. FISH. That is a mathematical ratio. We proved it in the Washington Treaty and the London Treaty, extending it for the smaller cruisers under 10,000 tons. That has been proven. The other conference is simply to implement the Kellogg Pact, to which we belong, that has outlawed war, or renounced war as an instrument of national policy, except for defense. My suggestion is that we should take the lead in calling these nations together which have signed the Kellogg Pact and which is not backed by force or coercion and ask them to agree on the rights of neutral nations to carry foodstuffs in case of another war, and not to ship arms, munitions, and implements of war to belligerent nations. These proposals are reasonable. We would have some chance of putting them into effect.

Mr. SHANLEY. I think the gentleman agrees that a recodification of international law is necessary. Does the gentleman know that meeting today in the Pan American Union are seven of the greatest jurists on this hemisphere, one of them a personal friend of the gentleman from New York, Professor Borchard? They are attempting to recodify international law, to delimit the law of contraband. Does not the gentleman believe that solidarity on this hemisphere in international law will give us protection for neutral trade? May I say, in the gentleman's time, that Sir Edward Grey said that the United States should have been the trustee of neutral nations, and that we failed to uphold that trust? We absolutely lost our right. I would like to speak at length on this at some other time.

Mr. FISH. The gentleman is talking against his own administration now.

Mr. SHANLEY. If my own administration is wrong the gentleman knows I will talk against it.

Mr. FISH. I do.

Mr. SHANLEY. I know the gentleman believes in the recodification of international law. Does he not believe that Secretary Hull is right in implementing international law on this hemisphere first?

Mr. FISH. Yes.

Mr. SHANLEY. And then going to the other nations if need be?

Mr. FISH. Yes; and I think what he did in South America will prove to be a step forward in the direction of peace, in spite of the fact that no Republicans were on his commission.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield for a further question?

Mr. FISH. I yield.

Mr. SIROVICH. With the central European dictatorial governments arming madly at the present time, could we not help to preserve peace by letting it be known that the moral support of the Government of the United States is behind the constitutional, democratic governments of England and France? Would this not help preserve peace in the world?

Mr. FISH. The gentleman knows this, and the world knows this, that America is a great peace-loving Nation with a borderline of 4,000 miles without a single fort, without a single gun, without a single soldier. I cannot agree with the ideology and philosophy of my colleague from New York that we have any concern whatever in the form of government of any other country. It is not our concern what form of government the Russians have, nor have we any concern with what kind of government there is in Nazi Germany or Fascist Italy. But, beyond any question, we are against both communism and socialism on the one hand and nazi-ism and fascism on the other, in this country.

There is no room for any such philosophy in free America. [Applause.]

Mr. SIROVICH. But did we not go into the World War to make the world safe for democracy? And if we have sacrificed 300,000 lives and $12,000,000,000, is it not our duty to see that these democracies—Great Britain and France—are preserved?

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

Mr. FISH. No; let me answer this myself.

[Here the gavel fell.]

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. FISH. Now, let us get the record straight. We did not lose 300,000 men in the first place. We lost about 60,000 killed and about 60,000 who died of disease, about 120,000 in the entire war.

I am sure the gentleman does not want to ask Congress to interfere with the kind of government that may exist in any foreign nation. We may disagree with certain governments and we do disagree, and we object to their bringing any of their propaganda into the United States to interfere, no matter to what degree, with our own domestic institutions and with our American system of government, whether it comes from Communist Russia, Fascist Italy, or Nazi Germany. There is one thing we have decided in this country, and it is the appropriate time to refer to it on this twentieth anniversary of our entrance into war. I believe Republicans and Democrats can agree on one common platform, and that is that no matter what kind of government these other nations have, if they insist on arming to the teeth and going to war it is their war and not our war. [Applause.]

Both Republicans and Democrats alike can also agree on this twentieth anniversary of war that we will appropriate sufficient funds for adequate national defense, but not one dollar to send an American soldier to foreign lands to fight other people's battles. [Applause.]

On this twentieth anniversary we can likewise agree in common on another issue, and that is that if we are to have a war in the future it must be a war in defense of the United States of America and not in defense of war profiteers, munitions makers, or any foreign nation. [Applause.]

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

Mr. FISH. I yield.

Mr. HOUSTON. What, in the gentleman's opinion, is adequate defense? I am not trying to be facetious, but this is a question that has been asked a great many times.

Mr. FISH. I am glad the gentleman asked the question and I shall try to answer it the best I can. I believe in a small, efficient, mechanized, and modernized Regular Army, a fair-sized federalized National Guard, and for military instruction in the R. O. T. C. and citizens' military training camps to prepare younger men to become officers in case of a future war. In other words, I believe in a democratic form of national defense. When it comes to a Navy, as long as we have gotten into this mad competition, as long as we are launched into a naval race with Japan, we must build ship for ship with Japan, because that is our first line of defense; and it is for defense and not for aggression.

Let us make clear to the world that we are a peaceful nation. In spite of the charges of Socialists and Communists that we are a great, greedy, avaricious, imperialistic nation, whether he be a Democrat or a Republican there is not a single Member of Congress who seeks a foot of additional territory anywhere in the world; yet we are accused of building navies for war. We are building them for defense, for defense of America and for peace, and for nothing else.

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

Mr. FISH. Yes; I yield to my exceedingly distinguished colleague from the great State of Missouri.

Mr. SHORT. The gentleman also believes in a very large air force and also in universal conscription? That is, conscription of wealth, of industry, and labor along with mankind?

Mr. FISH. I think that is one of the most important measures this Congress can consider. We have been shilly-shallying for years. Why do you not act? Why do not the Democrats bring out the Legion bill to draft capital, industry, and manpower on an equal basis and take the profit out of war? That should be the first thing for this Congress to do in order to promote peace. Take the profits out of war and that will be a deterrent from entering into future wars.

Mr. KNUTSON. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The gentleman must not overlook the international bankers, who are a prolific source for war. In fact, they brought on the last war.

Mr. FISH. They helped a great deal to bring on that war, there is no doubt about that. But it seems to me we have somewhat clipped the wings of the international bankers in the last few years.

Mr. KNUTSON. Well, they are coming out again. [Laughter.]

Mr. FISH. The gentleman is quite right. They are going to make every effort possible to come out again; but if the Congress will pass the American Legion bill to draft wealth and capital and profits as well as soldiers, the big international bankers will not exert much influence; and that is an added reason why we ought to pass that bill.

Mr. McFARLANE. How is the gentleman going to collect the war debts?

Mr. FISH. Have I not answered that yet? I would like to see another Andrew Jackson in the White House. If we had an Andrew Jackson in the White House today, we would get the war debts paid in about a year's time. He handled that situation 100 years ago in connection with France. We have received nothing except from honest little Finland, and this administration has not raised a finger to collect one penny of the war debt. It is about time for the representatives of the people to go to bat and insist on collecting the war debts themselves, before it is all spent on new armaments and the world is plunged into another world war. [Applause.]

[Here the gavel fell.]

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

Mr. BLOOM. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 191 to continue the terms of the members of the United States Constitution Sesquicentennial Commission.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There being no objection, the Clerk read the House joint resolution, as follows:

House Joint Resolution 191

Resolved, etc., That the membership of Senators and Members of the House of Representatives on the United States Constitution Sesquicentennial Commission shall continue irrespective of the terms of its members.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RICHARDS, for 3 days, on account of official business.

To Mr. BACON, for 1 week, on account of illness.

EXTENSION OF REMARKS

Mr. KENNEY asked and was given permission to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, in response to the inquiry made this morning by the gentleman from New York [Mr. SNELL], may I say I have consulted with members of the Judiciary Committee and it is their intention to call up first tomorrow the Mitchell antilynching bill. If consideration of that bill is completed in time, then it is expected to call up one of the court bills. There is pending what is known as the so-called Attorney General's bill, and also a bill creating two new circuit judges in the western part of the country.

Mr. GAVAGAN. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from New York.

Mr. GAVAGAN. Does the gentleman know whether the Committee on the Judiciary has filed a report as yet on the Mitchell antilynching bill?

Mr. RAYBURN. I do not.

Mr. HANCOCK of New York. I may say that report has been filed today.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Wednesday, April 7, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE POST OFFICE AND POST ROADS

The Subcommittee on Air Mail, Wednesday morning, April 7, 1937, at 10:30 a. m., will hold hearings on all pending air-mail bills.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., on Wednesday, April 7, 1937, for executive consideration of H. R. 30 (actors' bill).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Wednesday, April 7, 1937, at 10 a. m., for consideration of H. R. 1658 (Pan American Union Building).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will continue hearings on Wednesday, April 7, 1937, at 10 a. m., on aviation bills.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, April 7, 1937, at 10:30 a. m., to continue hearings on the Bonneville Dam project (H. R. 4948).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Thursday, April 8, 1937, for public consideration of H. R. 5573 (Dies bill).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Business Research Subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Monday, April 12, 1937. Business to be considered: Hearing of H. R. 4954—business research bill.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 a. m., in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

EXECUTIVE COMMUNICATIONS, ETC.

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

513. A letter from the Acting Secretary of Interior, transmitting a copy of certain legislation passed by the Municipal Council of St. Thomas and St. John on December 28, 1936; to the Committee on Insular Affairs.

514. A letter from the Acting Secretary of Interior, transmitting a copy of certain legislation passed by the Municipal Council of St. Thomas and St. John; to the Committee on Insular Affairs.

515. A letter from the Acting Secretary of Interior, transmitting a copy, together with justification, of certain legislation passed by the Municipal Council of St. Croix; to the Committee on Insular Affairs.

516. A letter from the Acting Secretary of Interior, transmitting a draft of a proposed bill for the protection of the Indians and their leases on the Allegany and Cattaraugus Reservations, N. Y.; to the Committee on Indian Affairs.

517. A communication from the President of the United States, transmitting a recommendation for the reenactment of legislation regarding minimum-wage law in the District of Columbia (H. Doc. No. 198); to the Committee on the District of Columbia and ordered to be printed.

518. A communication from the President of the United States, transmitting a supplementary and deficiency estimate of appropriations for the Navy Department for the fiscal year 1937 and prior years (H. Doc. No. 199); to the Committee on Appropriations and ordered to be printed.

519. A letter from the Chief Scout Executive, transmitting the Twenty-seventh Annual Report of the Boy Scouts of America (H. Doc. No. 18); to the Committee on Education and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BUCK: Committee on Ways and Means. House Joint Resolution 310. Joint resolution providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition to be held at San Francisco, Calif., in 1939, and for other purposes; without amendment (Rept. No. 560). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUINN: Committee on Flood Control. H. R. 4545. A bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; with amendment (Rept. No. 561). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTWRIGHT: Committee on Indian Affairs. H. R. 3008. A bill repealing section 2 of Public Law No. 716 of the Seventy-fourth Congress, being an act entitled "An act to relieve restricted Indians whose lands have been taxed or have been lost by failure to pay taxes, and for other purposes"; without amendment (Rept. No. 562). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 2251. A bill to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching; with amendment (Rept. No. 563). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. NORTON: Committee on the District of Columbia. H. R. 4876. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Frederick W. Didier; without amendment (Rept. No. 557). Referred to the Committee of the Whole House.

Mrs. NORTON: Committee on the District of Columbia. H. R. 4982. A bill to provide for the issuance of a license

to practice the healing art in the District of Columbia to Dr. William Justin Olds; without amendment (Rept. No. 558). Referred to the Committee of the Whole House.

Mrs. NORTON: Committee on the District of Columbia. H. R. 5142. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister; without amendment (Rept. No. 559). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 1844) for the relief of George E. Rice; and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DIMOND: A bill (H. R. 6167) to provide a surcharge on certain air mail carried in Alaska; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: A bill (H. R. 6168) to amend section 239 of the act of June 8, 1872 (17 Stat. 312; U. S. C., title 39, sec. 500); to the Committee on the Post Office and Post Roads.

By Mr. DORSEY: A bill (H. R. 6169) to adjust the salaries of station-carrier superintendents and finance-station superintendents; to the Committee on the Post Office and Post Roads.

By Mr. ANDRESEN of Minnesota: A bill (H. R. 6170) to authorize a preliminary examination and survey of the Zumbro River and the Whitewater River, in southeastern Minnesota, with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. BROOKS: A bill (H. R. 6171) to complete the Army airport at Barksdale Field, La.; to the Committee on Appropriations.

By Mr. BULWINKLE: A bill (H. R. 6172) to terminate the corporate surplus and other income-tax provisions of the Revenue Act of 1936, and for other purposes; to the Committee on Ways and Means.

By Mr. DORSEY: A bill (H. R. 6173) to authorize the attendance of the Army Band at the national convention of the Military Order of the Purple Heart to be held in Philadelphia, Pa., August 7, 1937; to the Committee on Military Affairs.

By Mr. HILL of Alabama: A bill (H. R. 6174) to amend the act approved June 7, 1935 (Public, No. 116, 74th Cong., 49 Stat. 332), to provide for an additional number of cadets at the United States Military Academy, and for other purposes; to the Committee on Military Affairs.

By Mr. O'CONNELL of Montana: A bill (H. R. 6175) to authorize the erection of additional facilities at the existing Veterans' Administration facility, Fort Harrison, Mont.; to the Committee on World War Veterans' Legislation.

By Mr. SPARKMAN: A bill (H. R. 6176) to admit to the United States and to extend naturalization privileges to alien veterans of the World War; to the Committee on Immigration and Naturalization.

By Mrs. NORTON (by request): A bill (H. R. 6177) to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors; to the Committee on the District of Columbia.

By Mr. SUMNERS of Texas: A bill (H. R. 6178) to abolish appeals in habeas-corpus proceedings brought to test the validity of orders of removal; to the Committee on the Judiciary.

By Mr. SMITH of Washington: A bill (H. R. 6179) to provide for the prompt disposition of disputes between employers and their employees relating to rates of pay, hours of work, and working conditions, and for other purposes; to the Committee on Labor.

By Mr. CONNERY: A bill (H. R. 6180) to establish a Civilian Conservation Corps, and for other purposes; to the Committee on Labor.

By Mr. LUCKEY of Nebraska: A bill (H. R. 6181) to amend sections 301 (b), 405 (a), and 406 (a) of the Packers and Stockyards Act of August 15, 1921, as amended; to the Committee on Agriculture.

By Mr. MAAS: A bill (H. R. 6182) to provide for the construction by the Secretary of the Navy of a Federal building for use as a Naval Reserve and Marine Corps Reserve Armory of the District of Columbia; to the Committee on Naval Affairs.

By Mr. PHILLIPS: A bill (H. R. 6183) preventing the deportation of political refugees; to the Committee on Immigration and Naturalization.

By Mr. KENNEY: A resolution (H. Res. 179) to make H. R. 4, a bill to create a Federal Lottery Commission, and for other purposes, a special order of business; to the Committee on Rules.

By Mr. WELCH: Joint resolution (H. J. Res. 314) providing for the participation of the United States in the exposition to be held by the San Francisco Bay Exposition, Inc., sponsors for the Golden Gate International Exposition, in the city of San Francisco during the year 1939, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BLOOM: Joint resolution (H. J. Res. 315) to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission; to the Committee on the Library.

By Mr. KRAMER: Joint resolution (H. J. Res. 316) to authorize the procurement for congressional distribution of copies of the booklet entitled "The Story of the Constitution", published by the United States Constitution Sesquicentennial Commission; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALESHIRE: A bill (H. R. 6184) granting a pension to Joseph H. Hulse; to the Committee on Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 6185) granting a pension to Joseph Oklahombi; to the Committee on Pensions.

By Mr. CASE of South Dakota: A bill (H. R. 6186) for the relief of Moses Red Bird; to the Committee on Claims.

By Mr. DISNEY: A bill (H. R. 6187) granting a pension to Mary W. Lessley; to the Committee on Invalid Pensions.

By Mr. EBERHARTER: A bill (H. R. 6188) for the relief of Clarence Reese; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 6189) for the relief of Louis Vauthier; to the Committee on Military Affairs.

By Mr. GUYER: A bill (H. R. 6190) granting an increase of pension to Martha J. Judd; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 6191) for the relief of Emil Gropper and the heirs of May Griner; to the Committee on Claims.

By Mr. JENKINS of Ohio: A bill (H. R. 6192) granting an increase of pension to Susan Lambert; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 6193) granting a pension to Jud James Tripp; to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 6194) granting a pension to Ray Beal; to the Committee on Pensions.

By Mr. QUINN: A bill (H. R. 6195) for the relief of Joseph G. Holland; to the Committee on Claims.

Also, a bill (H. R. 6196) for the relief of John Lackaki; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 6197) for the relief of Elbert Martin; to the Committee on Claims.

By Mr. THURSTON: A bill (H. R. 6198) granting a pension to Elizabeth Cooper; to the Committee on Invalid Pensions.

By Mr. WHITE of Idaho (by request): A bill (H. R. 6199) for the relief of Jack M. Winslow; to the Committee on Claims.

Also, a bill (H. R. 6200) for the relief of King Mayberry; to the Committee on Claims.

By Mr. WOLVERTON: A bill (H. R. 6201) for the relief of John Carvel; to the Committee on Military Affairs.

Also, a bill (H. R. 6202) for the relief of William Henry Heistand; to the Committee on Military Affairs.

Also, a bill (H. R. 6203) for the relief of Edwin Gaughem; to the Committee on Military Affairs.

Also, a bill (H. R. 6204) for the relief of Chief Boatswain Walter H. Amberger, United States Navy, retired; to the Committee on Naval Affairs.

PETITIONS, ETC.

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

1601. By Mr. ASHBROOK: Petition of the Ohio House of Representatives, urging Congress to appropriate such moneys as may be necessary for the construction of such dam or dams in Crawford, Ohio; to the Committee on Appropriations.

1602. Also, petition of the Ninety-second General Assembly of the State of Ohio, memorializing Congress to maintain a position of strict neutrality on the part of the United States; to the Committee on Foreign Affairs.

1603. By Mr. BEITER: Petition of Gottfried Wende, Fifteenth Ward Democratic Club of Buffalo, urging the enactment of the President's proposal to reform the judiciary; to the Committee on the Judiciary.

1604. By Mr. BLOOM: Petition of the board of directors of the Grand Street Boys' Association, Inc., urging prompt and favorable action on the Wagner-Steagall public housing bill; to the Committee on Banking and Currency.

1605. By Mr. CARTER: Petition of the Women Defenders of America, Inc., by Estelle V. DePue, chairman, and eight other officers, of Berkeley, Calif., protesting against an increase in the number of Justices of the Supreme Court; to the Committee on the Judiciary.

1606. Also, petition of the Tunnel, Aqueduct, and Subway Workers' Ladies' Auxiliary, No. 41, I. U. M. M. and S. W., by Maude Nicholls, president, and Lorine Kinz, recording secretary, of Oakland, Calif., endorsing President Roosevelt's proposed reform of the United States Supreme Court; to the Committee on the Judiciary.

1607. By Mr. CASE of South Dakota: Petition of Bertha Larson and 45 citizens of the towns of Firesteel, Isabel, and Eagle Butte, in South Dakota, protesting against the President's proposal to increase the size of the Supreme Court and urging that an independent judiciary be retained; to the Committee on the Judiciary.

1608. By Mr. CURLEY: Resolutions of the Kindergarten–6B Teachers Association of New York City, representing 8,000 members, endorsing Harrison-Black-Fletcher bill (H. R. 2288), providing Federal aid to the public schools; to the Committee on Education.

1609. Also, resolutions of the Alumni Association of the New York Institute for the Education of the Blind, opposing House bill 4881; to the Committee on Labor.

1610. Also, resolutions of the New York Chapter, American Institute of Architects, opposing any changes which would alter in material or design the central portion of the Capitol of the United States; to the Committee on Public Buildings and Grounds.

1611. By Mr. FORD of California: Resolution of the City Council of Los Angeles, Calif., urging the Senators from California and the Representatives from Los Angeles to support House bill 4215, a bill designed to exempt public deposits from the provisions of the Federal law which prohibit the payment of interest; to the Committee on Banking and Currency.

1612. By Mr. FISH: Petition signed by 235 residents and citizens of Orange County, N. Y., opposing to the utmost the proposal of the President to affect the decisions of the Supreme Court, and also opposing any compromise upon this fundamental American issue; to the Committee on the Judiciary.

1613. By Mr. HALLECK: Petition of citizens of La Fayette, Ind., opposing the pending bill to increase the number of Justices on the Supreme Court; to the Committee on the Judiciary.

1614. Also, petition of the Woman's Christian Temperance Union of Tyner, Ind., favoring pending legislation to control the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

1615. Also, petition of the Woman's Christian Temperance Union of Bremen, Ind., requesting hearings on and early consideration of pending bills for the regulation of the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

1616. By Mr. HILDEBRANDT: Resolutions relative to the Supreme Court; to the Committee on the Judiciary.

1617. By Mr. KEOGH: Petition of the New York Chapter, the American Institute of Achitects, concerning proposed alterations to the central portion of the United States Capitol; to the Committee on Public Buildings and Grounds.

1618. Also, petition of the Kindergarten–6B Teachers Association of the city of New York, concerning the Harrison-Black-Fletcher bill (H. R. 2288); to the Committee on Education.

1619. Also, petition of the Central Civic Association of Hollis, Long Island, N. Y., favoring the building of one of the authorized battleships in the Brooklyn (N. Y.) Navy Yard; to the Committee on Naval Affairs.

1620. By Mr. MERRITT: Resolution of the Central Civic Association of Hollis, N. Y., respectfully petitioning the Secretary of the Navy to give consideration to the allotment for the construction for one of the two battleships to the Brooklyn Navy Yard, as it would greatly provide and maintain steady employment to the employees of the Brooklyn Navy Yard, thereby decreasing the unemployment situation in the city of New York; to the Committee on Naval Affairs.

1621. Also, resolution of the Queens County Bankers Association, recommending the extension for 1 year of title I of the National Housing Act, with or without prevailing insurance clause, thereby permitting the banks to extend long-term loans without criticism; to the Committee on Banking and Currency.

1622. By Mr. SWOPE: Petition of L. H. Zimmerman and 17 other citizens of Dauphin County, Pa., favoring the enactment of House bill no. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1623. Also, petition of Ira L. Layton and 11 other citizens of Dauphin County, Pa., favoring the enactment of House bill no. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1624. By Mr. TURNER: Petition of the citizens of Lawrence and Wayne Counties, Tenn., protesting against the President's bill, or any substitutes, to permit the executive branch of the Government to control or subordinate the judicial or legislative powers established under the Constitution; to the Committee on the Judiciary.

1625. Also, petition of the citizens of Lawrence, Maury, and Williamson Counties, Tenn., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1626. Also, petition of the citizens of Columbia, Tenn., requesting that Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1627. Also, petition of Rev. and Mrs. E. M. Grubbs, of Columbia, Tenn., asking Congress to pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1628. By the SPEAKER: Petition of Gen. Thaddeus Kosciuszko Democratic Club, of Hamtramck, Mich., endorsing and approving the program of the President with regard to the Supreme Court; to the Committee on the Judiciary.

SENATE

WEDNESDAY, APRIL 7, 1937

The Reverend Bernard Braskamp, pastor of the Gunton Temple Memorial Presbyterian Church, of Washington, D. C., offered the following prayer:

O Thou who art great in Thy goodness and good in Thy greatness, we thank Thee for the revelation which Thou hast made of Thyself as a guiding Intelligence and an overruling Father. Wilt Thou fill our hearts with those desires which Thou dost delight to satisfy? May we live out our days in faith and faithfulness. Give us such a love for Thy truth that we shall come to know the truth of Thy love.

Bless the President and the Vice President of these United States and Thy servants whom Thou hast called to positions of leadership in the life of our Republic. May Thy hand of benediction rest upon the citizens of our beloved country. Grant that we may all seek to serve our generation according to Thy holy will. May we ever hold our wishes in suspense until Thou dost declare that will unto us. On Thee may we depend for light to know and for strength to perform our duties. May prosperity and happiness be the heritage of men everywhere.

In His name we pray, whose will is our peace. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, April 5, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed, without amendment, the following bills and joint resolution:

S. 179. An act for the relief of J. H. Richards;

S. 308. An act for the relief of the estate of Alice W. Miller, deceased;

S. 420. An act for the relief of A. D. Hampton;

S. 525. An act for the relief of Harry King;

S. 766. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction finder station, North Truro, Mass., on December 27, 1934;

S. 843. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department;

S. 1057. An act for the relief of Joseph A. Ganong;

S. 1125. An act to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes"; approved August 27, 1935, and for other purposes;

S. 1285. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property;

S. 1314. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930;

S. 1315. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the naval radio station, Eureka, Calif., on January 17, 1930;

S. 1317. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932;

S. 1320. An act to provide for the reimbursement of certain civilians employed at the naval operating base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on pier 7, at the naval operating base, on that date;

S. 1423. An act for the relief of G. A. Trotter;

S. 1441. An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy;

S. 1442. An act to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps;

S. 1454. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935;

S. 1470. An act authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800);

S. 1473. An act to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports;

S. 1500. An act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes;

S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit;

S. 1684. An act for the relief of the State of Pennsylvania;

S. 1901. An act to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); and

S. J. Res. 102. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 316. An act for the relief of Edward Y. Garcia and Aurelia Garcia;

S. 463. An act to settle claims of four persons arising from First Army maneuvers, August 1935;

S. 544. An act for the relief of M. K. Fisher;

S. 713. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

S. 784. An act for the relief of Amelia Corr;

S. 1038. An act for the relief of Victor M. Ruiz C and Luz Elena Robles;

S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard and also to officers of the Foreign Service of the United States at foreign stations;

S. 1310. An act for the relief of Cesaria Del Pilar;

S. 1311. An act for the relief of Norman Hildebrand; and

S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 462. An act to permit the exchange of used parts of certain types of equipment for new or reconditioned parts of the same equipment;

S. 1414. An act for the relief of Jack J. Wick; and

S. 1455. An act to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 8), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins."

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. DOUGHTON, Mr. CULLEN, Mr. FRED M. VINSON, Mr. TREADWAY, and Mr. CROWTHER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 417. An act for the relief of Arthur C. Knox;

H. R. 544. An act for the relief of Charles Dancause and Virginia P. Rogers;

H. R. 561. An act for the relief of Fay Pledger;

H. R. 593. An act for the relief of Albert Wheeler;

H. R. 705. An act for the relief of William E. Graham;

H. R. 710. An act for the relief of C. A. Jones and Elbert Gentry;

H. R. 844. An act for the relief of John Mack;

H. R. 860. An act for the relief of Mrs. Marion McGlothlin, the Baylor Hospital, Dr. F. M. Gilbert, and Dr. T. C. Gilbert;

H. R. 937. An act for the relief of Goldie Durham;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1084. An act for the relief of Samuel Cripps;

H. R. 1254. An act for the relief of William A. McMahan;

H. R. 1281. An act for the relief of Harold Wright, a minor;

H. R. 1304. An act for the relief of John E. Sandage;

H. R. 1689. An act for the relief of Dominga Pardo;

H. R. 1759. An act for the relief of Minnie D. Hines;

H. R. 1767. An act for the relief of the Rowesville Oil Co.;

H. R. 1770. An act for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.;

H. R. 1780. An act for the relief of Mary E. Cavey, Joseph C. Kinney, and the estate of J. Edgar Gift, deceased;

H. R. 1945. An act for the relief of Venice La Prad;

H. R. 2095. An act for the relief of Alex Lindsay;

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White;

H. R. 2114. An act for the relief of Ernst Nussbaum;

H. R. 2218. An act for the relief of Helen Marie Lewis;

H. R. 2223. An act for the relief of Mr. and Mrs. Walter B. Johnson and Joy Johnson, a minor;

H. R. 2297. An act to provide for the appointment of an additional district judge for the northern district of Georgia;

H. R. 2352. An act for the relief of Donald L. Bookwalter;

H. R. 2472. An act for the relief of Mr. and Mrs. Vernon Waldrep;

H. R. 2494. An act for the relief of J. E. Midgett, Luther E. Bozman, and Gordy Z. Parks;

H. R. 2630. An act for the relief of R. N. Teague and Minnie Teague;

H. R. 2757. An act to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.;

H. R. 2774. An act for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior;

H. R. 2893. An act validating a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 2985. An act for the relief of Edmond G. Warren;

H. R. 3135. An act for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site;

H. R. 3204. An act for the relief of F. E. Booth Co.;

H. R. 3471. An act to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States;

H. R. 3557. An act for the relief of the Coast Fir & Cedar Products Co., Inc.;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 3654. An act for the relief of Mrs. Lawrence Chlebeck;

H. R. 3687. An act to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers;

H. R. 3738. An act for the relief of Clifford Y. Long;

H. R. 3841. An act for the relief of Col. J. P. Barney;

H. R. 3924. An act for the relief of Harry W. Sturrup;

H. R. 3967. An act for the relief of Adele Fowlkes;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 4194. An act to authorize a preliminary examination and survey of the Delaware River with a view to the control of its floods;

H. R. 4233. An act for the relief of Annie E. Hyland;

H. R. 4242. An act for the relief of V. P. Johnson;

H. R. 4246. An act for the relief of N. C. Nelson;

H. R. 4259. An act for the relief of Ralph P. Kellogg;

H. R. 4329. An act for the relief of George T. Heppenstall;

H. R. 4427. An act for the relief of Merritt Rea;

H. R. 4508. An act for the relief of Margaret Grace and Alice Shriner;

H. R. 4522. An act for the relief of John J. Warner and W. B. Warner;

H. R. 4541. An act for a preliminary examination and survey of the Kickapoo River, Wis., with a view to the control of its floods;

H. R. 4591. An act for the relief of Sallie Gillespie;

H. R. 4679. An act for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States;

H. R. 4681. An act for the relief of Edward C. Paxton;

H. R. 4687. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927;

H. R. 4688. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during the hurricane in Samoa on January 15, 1931;

H. R. 4689. An act to provide an additional sum for the payment of claims under the act entitled "An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931", approved January 21, 1936 (49 Stat. 2212);

H. R. 4708. An act to authorize a preliminary examination and survey of the Scioto and Sandusky Rivers and their tributaries in the State of Ohio, with a view to the control of their floods;

H. R. 4714. An act to provide for a preliminary examination and survey of Illinois Bayou, Pope County, Ark., with a view to the controlling of floods;

H. R. 4715. An act to provide for a preliminary examination and survey of Big Piney Creek in Pope and Johnson Counties, Ark., with a view to the controlling of floods;

H. R. 4717. An act for the relief of Bernard Knopp;

H. R. 4770. An act for the relief of Elmer Geske;

S. 1320. An act to provide for the reimbursement of certain civilians employed at the naval operating base, Hamp-

States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have

H. R. 4778. An act to confer jurisdiction on the United States District Court for the Southern District of New York to hear, determine, and render judgment on the claim of A. Mateos & Sons, owner of the coal hulk *Callixene*;

H. R. 4892. An act to authorize the Secretary of War to convey to the International Young Men's Christian Association College and to the trustees of the Gunn Realty Trust all right, title, and interest of the United States in and to certain lands in Hampden County, Mass.;

H. R. 4896. An act to authorize a preliminary examination and survey of Cayuga, Buffalo, and Cazenovia Creeks, N. Y., with a view to the control of their floods;

H. R. 4956. An act to provide for a preliminary examination and survey of the White River in South Dakota with a view to flood control;

H. R. 4957. An act to provide for a preliminary examination and survey of the Keyapaha River in South Dakota with a view to flood control;

H. R. 4958. An act authorizing a preliminary examination and survey of the Bad River from Philip to Fort Pierre, S. Dak., with a view to the control of its floods;

H. R. 4963. An act authorizing a preliminary examination and survey of Estero River, Imperial River, Corkscrew River (Horse Creek), Gordon River, and Rock Creek, all in Florida, with a view to the control of their floods:

H. R. 5123. An act to provide for a preliminary examination and survey of Palarm Creek, a tributary of the Arkansas River, in Faulkner and Pulaski Counties, Ark., with a view to the control of floods;

H. R. 5128. An act to authorize a preliminary examination and survey of the Bayou Meto Basin, a tributary of the Arkansas River in the State of Arkansas, with a view to control of floodwaters;

H. R. 5129. An act to provide for a preliminary examination and survey of Sulphur River in Arkansas with a view to flood control;

H. R. 5130. An act to provide for a preliminary examination and survey of the Poteau River in Arkansas with a view to flood control;

H. R. 5136. An act to authorize the acquisition of land for cemeterial purposes in the vicinity of San Francisco, Calif.;

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5180. An act to authorize a preliminary examination and survey of Nestucca River and its tributaries in the State of Oregon with a view to the control of floods;

H. R. 5181. An act to provide a preliminary examination and survey of the Flathead River and tributaries in Flathead County, Mont., with a view to the control of its floodwaters;

H. R. 5206. An act for the relief of Jacob G. Ackerman;

H. R. 5304. An act for the relief of the Polygraphic Co. of America;

H. R. 5354. An act for the relief of Charles Somogi, Jr.;

H. R. 5408. An act to amend the act of Congress entitled "An act to provide for the protection and preservation of domestic sources of tin", approved February 15, 1936;

H. R. 5416. An act to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935;

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks;

H. R. 5551. An act to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians;

H. R. 5554. An act to authorize the Secretary of War to lend War Department equipment for use at the 1937 National Encampment of Veterans of Foreign Wars to be held in Buffalo and Niagara Falls, N. Y., from August 29 to September 3, 1937;

H. R. 5757. An act to simplify accounting;

H. J. Res. 150. Joint resolution to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes;

H. J. Res. 185. Joint resolution to authorize Capt. Harry G. Hamlet, Capt. Edward D. Jones, Lt. Comdr. Louis W. Perkins, Lt. Comdr. Frank T. Kenner, Lt. Dwight H. Dexter, and Chief Boatswain Thomas A. Ross, United States Coast Guard, to accept certain foreign decorations and diplomas; and

H. J. Res. 191. Joint resolution to continue the terms of the members of the United States Constitution Sesquicentennial Commission.

CALL OF THE ROLL

Mr. LEWIS. I am requested to ask for a roll call, in order to secure the presence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Clark	Johnson, Calif.	Overton
Andrews	Connally	Johnson, Colo.	Pepper
Ashurst	Copeland	King	Pope
Austin	Davis	Lee	Radcliffe
Bachman	Dieterich	Lewis	Reynolds
Bailey	Duffy	Lodge	Robinson
Bankhead	Ellender	Logan	Russell
Barkley	Frazier	Lonergan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Black	Gerry	McAdoo	Sheppard
Bone	Gibson	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Green	McKellar	Thomas, Okla.
Brown, Mich.	Guffey	McNary	Thomas, Utah
Brown, N. H.	Hale	Maloney	Townsend
Bulkley	Harrison	Minton	Truman
Bulow	Hatch	Moore	Tydings
Burke	Hayden	Murray	Vandenberg
Byrd	Herring	Neely	Van Nuys
Byrnes	Hitchcock	Norris	Wagner
Caraway	Holt	Nye	Walsh
Chavez	Hughes	O'Mahoney	Wheeler

Mr. HALE. I announce that my colleague the junior Senator from Maine [Mr. WHITE] is absent from the Senate because of illness.

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS], caused by illness.

The Senator from Nevada [Mr. PITTMAN] is detained from the Senate on official business.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] and the Senator from Kansas [Mr. CAPPER] are absent because of illness.

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

REGULATION OF BITUMINOUS-COAL INDUSTRY

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NEELY. Mr. President, I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NEELY, Mr. BARKLEY, and Mr. DAVIS conferees on the part of the Senate.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRNES. I present a conference report on House bill 4064, the executive and independent offices appropriation bill, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The report will be read.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 15, 16, and 17; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"CENTRAL STATISTICAL BOARD

"For every expenditure requisite for and incident to the work of the Central Statistical Board as authorized by law, including personal services in the District of Columbia; traveling expenses; materials; supplies; office equipment; services; newspapers; periodicals and press clippings; printing and binding; repairs and alterations; contract stenographic reporting services and not to exceed $200 for expenses of attendance at meetings which in the discretion of the chairman are necessary for the efficient discharge of the responsibilities of the Board, $87,000."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$700,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$717,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,500,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$244,100,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 7, 8, 11, 12, and 13.

CARTER GLASS,
JAMES F. BYRNES,
RICHARD B. RUSSELL, Jr.,
ALVA B. ADAMS,
FREDERICK STEIWER,
Managers on the part of the Senate.

C. A. WOODRUM,
JAMES M. FITZPATRICK,
GEO. W. JOHNSON,
JOHN M. HOUSTON,
R. B. WIGGLESWORTH,
EVERETT M. DIRKSEN,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina for the immediate consideration of the report? The Chair hears none, and the report is before the Senate.

Mr. KING. Mr. President, may I inquire of the Senator what the recessions are which have been made by the conferees on the part of the Senate?

Mr. BYRNES. Mr. President, the conferees on the part of the Senate have agreed to a compromise of the differences between the two Houses as to a number of items in the bill. If the Senator desires me to state each item in dispute, I shall be glad to do so.

Where $10,000,000 was appropriated for administrative expenses of the social security program by the bill as it passed the House, the Senate reduced the appropriation to $9,000,000. The conferees have agreed upon an appropriation of $9,500,000.

In another instance, where the House appropriated $29,000,000 and the Senate had appropriated $15,000,000, the conference report recommends an appropriation of $19,000,000, which is $10,000,000 less than the amount carried by the House bill and $4,000,000 more than the amount adopted by the Senate.

Similarly throughout the bill there are items as to which a compromise has been effected.

There is only one amendment as to which I desire to make a statement. When the bill was before the other House there was adopted a provision prohibiting the use of the employees of any executive department by a committee of the House or of the Senate. The Senate struck out that paragraph of the bill. The House conferees have receded from their position, and, under the conference report, the paragraph is stricken from the bill. The conferees on the part of the Senate, however, agreed that I should make to the Senate a statement as to the attitude of the House.

The House conferees stated that the House was impelled to take the action they did because it was disclosed that one investigating committee of the Senate was making use of the services of several employees from the W. P. A., several from the Commerce Department, and about 72 employees from the Interstate Commerce Commission. The House believed that taking as many as 72 employees or any large number of employees from any executive department would not only demoralize the work of the departments but would inevitably result in the departments seeking additional appropriations in order to employ additional men to take the place of those assigned to the Senate committee.

However, the Senate is not alone in using employees of the departments to help committees.

Investigation disclosed that committees of the House likewise were using employees from the departments. Pending in the House are two resolutions which propose to authorize the use of departmental employees by committees. The conferees on the part of the Senate and the House determined, in view of the fact that great good has been accomplished by the disclosure of the extent to which the practice has gone, that this matter could well be left to the good judgment of the members of the committees of the two Houses.

It is a fact that it is most unusual for a Senate committee to ask for so large a number of employees to be assigned to a committee. The chairman of the investigating committee of the Senate referred to has advised me, as chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, that he was unaware at the time of the number of men assigned to the investigating committee of the Senate. Since the matter has developed the number of employees assigned to that investigating committee has been greatly reduced, and the chairman of that committee advised the Audit and Control Committee that there would be a still further reduction in the number of employees assigned by the department to the committee.

I believe the House performed a useful service in calling the matter to the attention of both Houses. Under the agreement committees will not be deprived of the opportunity to secure the services of some individual in a department who may be deemed to be an expert upon some subject, and at the same time it is hoped and believed that committees will not call upon departments for many employees.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LEWIS. At the close of the last session I gave notice of my desire to discuss a subject which I believed would be of interest to the Senate. Under the ordinary rules of the Senate am I permitted to enter upon that discussion previous to the disposal of resolutions and other matters of regular business, or must I wait in order to conform to the rule of the Senate in that regard?

The VICE PRESIDENT. Under the rules of the Senate, the Senator has the right to submit his discussion on the conference report if he so desires. However, the Chair had intended to recognize the Senator from Illinois as soon as regular morning business shall have been concluded.

Mr. LEWIS. I thank the Chair. I do not desire to discuss the conference report and shall await my opportunity as suggested by the Chair.

Mr. KING. Mr. President, I ask the Senator from South Carolina what other items are in disagreement which call for further conference?

Mr. BYRNES. Under the rules of the House six items must be taken back to the House for action. Three involve appropriations which were added to in the Senate. The House conferees stated that these amendments would have to be taken to the House for action.

There are also involved three items relating to the Social Security Board. One of the items is a Senate amendment providing that the employees who are not under civil service and who draw salaries of $5,000 or more must hereafter be submitted to the Senate for confirmation. Another item relates to the salary of the Director of the Social Security Board. The third item relates to the classification of salaries of employees of the Board.

Mr. KING. Mr. President, I think, by and large, the Senate conferees have discharged with ability and fidelity the responsibilities resting upon them. I am compelled to state, however, that I regret that they made any concessions with respect to items dealing with the appropriations referred to by the Senator from South Carolina. The appropriation bill, in my opinion, carries too large appropriations, in view of the condition of the Treasury and the obvious and imperative necessity of the Government borrowing more money, notwithstanding the heavy burden of taxation, in order to meet expenses for the current year and the ensuing fiscal year.

I utter a word of warning that unless expenditures are reduced it will be imperative that Congress shall levy heavier taxes, drastic though the present taxes are and burdensome to the highest degree. I have not found—and I say this without any desire to be critical—any very strong disposition to reduce expenditures. I now make the prediction that, with the atmosphere which prevails here and elsewhere, when we shall have concluded our labors, whenever that may be—months from now probably—we will find appropriations for the ensuing fiscal year exceeding those for the present fiscal year, though there will be a deficit at the end of the current fiscal year of between $4,000,000,000 and $5,000,000,000.

Mr. BYRNES. Mr. President, I inquire of the Senator if he can recall many appropriation bills where the Senate has reduced the amount of the appropriations proposed by the House, and where the conference report on an appropriation bill has shown a reduction of the amount below the amount carried by the bill as it passed the House?

Mr. KING. I think the statement I made at the outset exonerates the Senate conferees. I compliment them upon having been able to secure as many reductions as the conference report shows.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

SUPPLEMENTAL ESTIMATE—ARCHITECT OF THE CAPITOL (S. DOC. NO. 50)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the legislative establishment, Architect of the Capitol, for the fiscal year 1938, in the sum of $148,373, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DISTRICT OF COLUMBIA MINIMUM-WAGE LAW

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting the opinion of the Attorney General respecting the present status of the District of Columbia minimum-wage law, in view of the recent decision of the Supreme Court in the case of West Coast Hotel Co. against Parrish overruling the case of *Adkins* v. *Children's Hospital* (261 U. S. 525), and making certain suggestions or recommendations relative to the District of Columbia minimum-wage law, which, with the accompanying paper, was referred to the Committee on the District of Columbia.

REPORT OF THE BOY SCOUTS OF AMERICA

The VICE PRESIDENT laid before the Senate a letter from the chief scout executive of the Boy Scouts of America, transmitting, pursuant to law, the twenty-seventh annual report of that organization for the year 1936, which, with the accompanying report, was referred to the Committee on Education and Labor.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Council of the City of Cleveland, Ohio, favoring the enactment of legislation requiring the Works Progress Administration to modify or limit the enforcement of the rule of priority so that persons upon W. P. A. projects will not be removed where the head of a family is eligible for work relief and is not receiving it, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by the Board of Commissioners of Newark, N. J., favoring the enactment of low-cost housing legislation, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the executive committee of the National Automobile Dealers Association, at Detroit, Mich., protesting against so-called sit-down strikes, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Board of Supervisors of the County of Monroe, N. Y., favoring the enactment of legislation to prohibit the shipment in interstate commerce of goods produced by child labor, which was referred to the Committee on Education and Labor.

He also laid before the Senate resolutions adopted by the General Thaddeus Kosciuszko Democratic Club, of Hamtramck, Mich., and the North Dakota Labor Association, Inc., of Bismarck, N. Dak., favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate a telegram in the nature of a memorial from F. E. Gannett, chairman, National Committee to Uphold Constitutional Government, of New York City, N. Y., protesting against certain alleged statements by Hon. James A. Farley with reference to the proposed reorganization of the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by Local Union No. 35, United Mine Workers, of Harco, Ill., favoring the enactment of legislation to prohibit the use of natural gas for heating purposes in public buildings, which was referred to the Committee on Public Buildings and Grounds.

Mr. KING presented a resolution adopted by the Association of Veterans of the Revolution, at Manila, P. I., favoring the prompt granting of full independence to the Philippine Islands, which was referred to the Committee on Territories and Insular Affairs.

Mr. HALE presented a memorial of sundry citizens of the State of Maine, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

Mr. WALSH presented resolutions adopted by the Massachusetts Women's Political Club, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. WALSH also presented the following concurrent resolutions of the General Court of Massachusetts, which were referred to the Committee on Education and Labor:

Resolutions memorializing Congress for enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions

Whereas the general court is convinced that industries operating in this and other States with advanced legal standards for labor and working conditions are at a decided disadvantage in competition with similar industries and establishments operating under lower standards elsewhere; and

Whereas it has been found impracticable to secure the adoption of agreements among the States for the establishment and maintenance of definite and reasonable standards for labor and working conditions in the absence of some provision for protection of industries in the States that may enter into such an agreement from competition by industries and establishments operating in States that have no such standards in the field of labor and industry; and

Whereas Congress has enacted the Hawes-Cooper Act, so-called, to aid the States in preventing the sale within their limits of goods and merchandise made by convict labor in other States when the protected State prohibits sale in the open market of goods and merchandise made by convict labor within its limits; and has likewise enacted the Ashurst-Sumners Act, so-called, which prohibits transportation in interstate commerce of goods and merchandise made by convict labor and destined for States in which the sale of such merchandise is forbidden; and

Whereas the Supreme Court of the United States, in decisions rendered on March 2, 1936, and January 4, 1937, has sustained the constitutionality of the Hawes-Cooper Act and of the Ashurst-Sumners Act, respectively; and

Whereas the action of Congress and the decisions of the Supreme Court concerning the subject of interstate commerce in convict-made goods and merchandise appear clearly to point the way to

a method of protecting the industries of States with high legal standards for labor and working conditions from competition originating under lower standards elsewhere: Therefore be it

Resolved, That the General Court of Massachusetts hereby memorializes the Congress of the United States to enact legislation permitting States with established standards for labor and working conditions to protect their industries from competition originating under lower standards elsewhere, and forbidding the transportation in interstate commerce of goods and merchandise produced under low legal standards for labor and working conditions into States in which adequate and reasonable standards on these subjects have been established and maintained; and be it further

Resolved, That the secretary of the Commonwealth transmit forthwith copies of these resolutions to the President of the United States, the Secretary of Labor of the United States, the presiding officers of both branches of Congress, each Senator and Representative from Massachusetts in Congress, and to the Governors of all the States of the Union, with an urgent request that they cooperate with this Commonwealth in securing the enactment of the proposed legislation.

Mr. COPELAND presented a resolution adopted by Hollis-St. Albans Civic Association, Inc., of St. Albans, N. Y., favoring the enactment of legislation extending Home Owners' Loan Corporation mortgages for an additional 5 years and making a reduction of interest rates thereon, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Queens County Bankers Association, of Queensborough, N. Y., favoring an extension for 1 year of title I of the National Housing Act, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Soroptimist Club, of Washington, D. C., favoring the enactment of minimum-wage legislation for men, women, and children in the District of Columbia, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Syracuse (N. Y.) Housing Authority and the Grand Street Boys' Association, of New York City, N. Y., favoring the enactment of legislation providing low-cost housing construction, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Brooklyn Metal Trades Council, of Brooklyn, N. Y., favoring continuation of the investigation by a Senate committee of violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Boards of Education of Central Rural School District No. 1, towns of Jay and Keene; Union Free School District No. 13, towns of Perinton and Pittsford; and Central School District No. 1, towns of Marcellus and others, in Onondaga County, and the Building and Construction Trades Council of Greater New York and Long Island, of New York City, all in the State of New York, favoring the continuation of the Public Works Administration, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by sundry citizens, being residents of the Tenth Congressional District of New York, favoring the passage of House bill 4199, the so-called General Welfare Act of 1937, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Brooklyn and New York, N. Y., remonstrating against the placing of embargoes on shipments of arms to Spain, which were referred to the Committee on Foreign Relations.

He also presented the petition of members of the history classes of Monticello High School, of Monticello, N. Y., praying for the retention of the Indian Reorganization Act of 1934, which was referred to the Committee on Indian Affairs.

He also presented a resolution adopted by the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., favoring the enactment of legislation to apply a uniform postage rate of 2 cents within the city of New York, which was referred to the Committee on Post Offices and Post Roads.

HOME-MORTGAGE RELIEF

Mr. COPELAND presented a resolution of the Board of Aldermen of the City of New York, which was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Resolution memorializing Congress of the United States to act favorably on S. 1678 and H. R. 4739, relative to providing additional home-mortgage relief within the metropolitan area

Whereas a serious situation has arisen with reference to loans granted by the Home Owners' Loan Corporation to small home owners in order to enable them to hold their property, by reason of numerous foreclosures and the taking of deficiency judgments by the H. O. L. C. in various parts of our country and more especially in the metropolitan area; and

Whereas a bill has been introduced in the Senate of the United States by Senator ROYAL S. COPELAND, of New York, and in the House of Representatives by Congressman EDWARD W. CURLEY, of New York, known specifically as S. 1678 and H. R. 4739, to provide additional home-mortgage relief by providing for (1) a moratorium on foreclosures permitting appropriate legislation to provide further emergency relief to home-mortgage indebtedness; (2) to further refinance home mortgages; (3) to reduce the rate of interest and extend payment and amortization of mortgages; (4) to eliminate personal and deficiency judgments in foreclosures, and for other purposes: Now, therefore, be it

Resolved, That the Congress of the United States be, and hereby is, memorialized to act favorably on S. 1678 and H. R. 4739 to accomplish the purposes set forth above; and

Resolved, That a copy of this memorial be transmitted to the Clerk of the House of Representatives and the Secretary of the Senate, and to each Member of the House of Representatives and to each Senator elected from New York State.

TITLE I, NATIONAL HOUSING ACT

Mr. WAGNER presented a resolution adopted by the Queens County (N. Y.) Bankers Association, which was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

QUEENS COUNTY BANKERS ASSOCIATION,
Queensborough, N. Y., March 29, 1937.

Hon. ROBERT F. WAGNER,
Senator from New York, Washington, D. C.

DEAR SIR: At the last meeting of the Queens County Bankers Association, held March 11, 1937, a general discussion was held in connection with title I of the Federal Housing Act, which expires April 1, 1937, and upon motion duly made, seconded, and unanimously carried it was—

"*Resolved*, That this association recommend and request, on behalf of its members, to the representative Senators and Congressmen in Washington, D. C., the extension for 1 year of title I of the National Housing Act with or without the prevailing insurance clause, thereby permitting the banks to extend long-term loans without criticism."

I have been directed to submit this recommendation to you and ask that immediate action be taken.

Respectfully yours,

E. H. DAWSON,
Secretary, Queens County Bankers Association.

LOW-COST HOUSING

Mr. WAGNER presented resolutions of several housing organizations relative to low-cost housing, which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Resolution passed by the Boston City Housing Authority on the Wagner-Steagall housing bill

Whereas over a period of years it is obvious that substandard housing is not only injurious to health but that such conditions show an economic deficit in the maintenance of any city; and

Whereas private interests have never in this country found it profitable to furnish habitations for persons of small income; and

Whereas the public approval has acknowledged, through its Government, that governmental aid is necessary in this country as has been the case in most countries of Europe over a long period of years; and

Whereas the city of Boston Housing Authority has become aware of the fact that without Government aid proper low-cost housing or slum clearance is impossible in the city of Boston: Therefore be it

Resolved, That the Boston City Housing Authority endorses a bill, being S. 1685 and H. R. 5033, introduced in the Senate by the Honorable ROBERT F. WAGNER, United States Senator from New York, and in the House of Representatives by the Honorable HENRY B. STEAGALL, Congressman from Pennsylvania, which reads as follows:

"A bill to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes"; be it further

Resolved, That a copy of this resolution be forwarded to Hon. ROBERT F. WAGNER, and Hon. H. B. STEAGALL, Congressman from Pennsylvania, and to Senators H. C. LODGE, Jr., and DAVID I. WALSH, Senators from Massachusetts, and to the Members of Congress

representing the city of Boston, namely, JOHN W. MCCORMACK, JOHN P. HIGGINS, ROBERT LUCK, and GEORGE HOLDEN TINKHAM.

Resolution memorializing the Congress of the United States to enact the United States Housing Act of 1937, being S. 1685 and H. R. 5033

Whereas many persons in this community are unable to provide themselves and their families with decent, safe, and sanitary housing facilities without some degree of aid from the Government; and

Whereas the continued maintenance of our blighted areas and slums is not only a social menace but constitutes a great economic drain upon the entire community and must therefore be no longer tolerated; and

Whereas it is desirable to preserve the benefits of the program which has been so far undertaken and make use of the experience thus accumulated; and

Whereas no moneys for either loans or subsidies to continue this program are now available unless a permanent Federal agency is created with power to make loans and grants for housing and unless Congress makes the necessary appropriations; and

Whereas there has been introduced in the Congress of the United States the United States Housing Act of 1937, being S. 1685 and H. R. 5033, which, if enacted, will make possible the continuation of low-cost housing activities and embodies the major provisions of the Housing Act passed during the last session by the Senate; and

Whereas the enactment of this act will serve as a foundation for an intelligent and well-balanced approach to the solution of our housing problems in this country: Therefore be it

Resolved by the San Francisco Housing Association, That the United States Senate be, and it is hereby, memorialized to enact at the earliest possible date the United States Housing Act of 1937, being Senate bill 1685, and that the House of Representatives be, and it is hereby, memorialized to enact the identical measure, being H. R. 5033; and a copy of this resolution be sent to the President and Vice President of the United States and to the Speaker of the House of Representatives; to Senator HUGO BLACK, chairman of the Senate Committee on Education and Labor; to Senator ROBERT F. WAGNER; to Representative HENRY B. STEAGALL, chairman of the Committee on Banking and Currency of the House of Representatives; and to Senators and Members of the House of Representatives from the State of California.

Resolution on the Wagner-Steagall low-rent housing bill

Whereas the State housing authority of New Jersey, a designated agency for the State of New Jersey, is charged with the duties of surveying housing conditions, and securing public low-rent housing for the wage earners or for the lower income groups; and

Whereas the surveys in New Jersey already conducted by this authority, with the assistance of the Federal Government, have disclosed a dire need for relief of housing conditions throughout the State, and particularly in the congested industrial cities; and

Whereas further surveys have proved to this authority that the necessity for providing decent American standard housing accommodations is acute and that there are imminent housing shortages; and

Whereas rehousing for these lower income groups would provide needed employment and stimulate the building trades and the capital-goods industries and the natural resources in this State; and

Whereas the surveys further show that the economic rent-paying ability of these families precludes the possibility of private capital providing this rehousing on a profitable basis; and

Whereas the Wagner-Steagall bill as introduced in Congress will provide great aid in accomplishing slum clearance and low-rent housing in New Jersey and through the country: Now, therefore, be it

Resolved, That the State housing authority of New Jersey endorses that bill and urges its passage; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the Governor of the State of New Jersey, the Honorable ROBERT F. WAGNER, the Honorable HENRY B. STEAGALL, New Jersey's representatives in both Houses of Congress, the members of the Legislature of New Jersey, the mayors of our principal cities, the president of the League of Municipalities of New Jersey, the president of the State chamber of commerce, and other civic bodies interested in housing.

ENLARGEMENT OF MEMBERSHIP OF THE SUPREME COURT

Mr. WHEELER presented a letter from Robin Hood, secretary-treasurer of the National Cooperative Council, Washington, D. C., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

NATIONAL COOPERATIVE COUNCIL,
Washington, D. C., April 5, 1937.

Hon. BURTON K. WHEELER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WHEELER: Pursuant to our telephone conversation, I am able to report the results of the referendum taken of directors and executive committeemen of the National Cooperative Council on the question of President Roosevelt's plan to increase the number of Justices of the Supreme Court to a maximum of 15.

Officially as an organization the council is neutral on the subject. We were directed to take a referendum and to make the result available to all who may be interested. The following question was put to the 40 persons who constitute the council's executive committee and directorate:

"Do you personally approve President Roosevelt's plan to increase the number of Supreme Court Justices from 9 to a maximum of 15?"

The result is as follows: Nine "yes." Twenty-nine "no." Two not voting.

Geographically I find that the States of the South divided their 12 votes, 8 "yes" and 4 "no." The States of the North and the West divided 1 "yes" and 25 "no."

Very truly yours,

ROBIN HOOD, *Secretary-Treasurer.*

REORGANIZATION OF FEDERAL JUDICIARY

Mr. GIBSON. Mr. President, I have a comparatively short letter from a leading lawyer of my State in the nature of a petition relating to the action of the Vermont Bar Association in connection with a recent referendum in regard to the President's court proposal. It makes some seemingly helpful suggestions. I ask that the letter may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

MONTPELIER, VT., *March 11, 1937.*

Hon. ERNEST W. GIBSON,
United States Senator, Washington, D. C.

DEAR SENATOR GIBSON: In connection with a referendum to the members of the Vermont Bar Association on the President's measure for enlarging the Supreme Court, it has been requested that we write our Vermont delegation at Washington. I would have done so long since had I felt there was any need to express my views. Moreover, I am sure that none of you need any encouragement in opposing this measure. I feel impelled, however, to suggest a point of view that seems to me to have escaped notice.

Everything I have read or heard about the project, even from its most vigorous opponents, assumes the constitutionality of the proposed legislation. I believe the assumption is unfounded, or at least quite doubtful, although as a practical matter an enlarged court—unless the added Justices should decently decline to participate in a decision of the question—would probably give it short shrift.

It appears well settled that the general rules of constitutional construction are the same as those of statutory construction, that the cardinal rule is the intent of the framers, and that this intent is properly ascertained, not only from the letter of the provision under inquiry, but from its spirit, even in direct opposition to the letter when necessary to give effect to its manifest intent. Happily, my view does not go to this last-mentioned extreme. In the instant matter we have to consider, first, the intent of section 1 of article III of the Constitution, and, second, the intent of the bill in question, and to ascertain whether the latter intent is consistent with, or conflicts with, the former intent.

Having in mind the fundamental conception of the Constitution, that the three deparments of government shall be separate, distinct, independent, and respectively check each upon the others, it strikes me that the manifest and controlling intent of article III, in order to make that concept a reality, was to assure the stability of the tenure of the judges. This was accomplished by the two provisions for duration of tenure "during good behavior" and to prohibit diminution of compensation during continuance in office. While part of the section conceivably permits Congress "from time to time to ordain and establish" one Supreme Court, and thus enlarge its membership, is it not clear enough that the exercise of that power must not infringe upon the principle of stability of tenure? Is it not equally clear that what cannot be done directly cannot be done by indirection?

As to the intent of the proposed legislation, while the President's message undertook to place the project upon proper grounds of celerity in the dispatch of business, his later public statements frankly announce that the real intent is to coerce certain Justices to retire and make way for the appointment of successors who will apply the Constitution to legislation in conformity with the President's views. In a word, the avowed intent of this bill is not to ordain and establish a Supreme Court of larger membership or more productive capacity, but to undermine the guaranteed stability of tenure of the present Judges by coercing their retirement.

I submit that such an intent, so clashing with the manifest intent of article III of the Constitution, cannot constitutionally be made effective by an act of Congress. If these views are sound, as I believe they are, why is everyone so ready to concede that the pending measure has no constitutional infirmity? I am fully aware that the point doubtless has no value as an "argument to the people", but it might weigh somewhat with thinking men who are honestly in doubt.

Cordially yours,

GEORGE L. HUNT.

REPORT OF COMMITTEE ON NAVAL AFFAIRS

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 1949) to increase the number of midshipmen allowed at the United States Naval Academy from the District of Columbia, reported it with amendments and submitted a report (No. 292) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. MCNARY:

A bill (S. 2094) to provide reamortization of Land Bank Commissioner loans which have heretofore been made by the Land Bank Commissioner and which provide for liquidation of principal and interest in a 10- or 13-year period; to the Committee on Agriculture and Forestry.

By Mr. BROWN of New Hampshire:

A bill (S. 2095) granting a pension to Eliza Manzer; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 2096) for the relief of Roy Chandler; and

A bill (S. 2097) providing for the advancement on the retired list of the Army of John E. Ketchum; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 2098) to adjust the rank of certain Coast Guard officers on the retired list; and

A bill (S. 2099) to authorize the construction of bridges over navigable waters of the United States, and for other purposes; to the Committee on Commerce.

A bill (S. 2100) granting a pension to Louise Phillips; to the Committee on Pensions.

By Mr. DAVIS:

A bill (S. 2101) for the relief of Mary Robinson; to the Committee on Claims.

By Mr. BLACK:

A bill (S. 2102) to establish a Civilian Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. WALSH:

A bill (S. 2103) for the relief of Lawrence Dziegiel;

A bill (S. 2104) for the relief of Capt. Francis H. S. McKeon;

A bill (S. 2105) to refund to Haffenreffer & Co., Inc., a Massachusetts corporation, certain taxes paid for revenue stamps; and

A bill (S. 2106) for the allowance of certain claims, not heretofore paid, for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims; to the Committee on Claims.

A bill (S. 2107) to provide for the reincorporation of the Daughters of Union Veterans of the Civil War; to the Committee on the Judiciary.

(Mr. WALSH also introduced Senate bill 2108, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. STEIWER:

A bill (S. 2109) to provide additional relief for dependents of deceased veterans of the military and naval forces; to the Committee on Pensions.

By Mr. BULOW (by request):

A bill (S. 2110) to amend Public Law No. 383, Seventy-third Congress (48 Stat. L. 984), relating to Indians, by exempting from the provisions of such act the Yankton Sioux Tribe of Indians of the State of South Dakota; to the Committee on Indian Affairs.

By Mr. BANKHEAD:

A bill (S. 2111) to provide for the purchase of outstanding cotton pool participation trust certificates, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. LONERGAN:

A joint resolution (S. J. Res. 126) authorizing the issuance of a special postage stamp in honor of Brig. Gen. Thaddeus Kosciusko; to the Committee on Post Offices and Post Roads.

By Mr. MURRAY:

A joint resolution (S. J. Res. 127) memorializing the Honorable Frank F. Merriam, Governor of the State of California, to grant to Thomas J. Mooney a full and complete pardon; to the Committee on the Judiciary.

By Mr. DAVIS:

A joint resolution (S. J. Res. 128) to continue the terms of the members of the United States Constitution Sesquicentennial Commission; to the Committee on the Library.

By Mr. RUSSELL:

A joint resolution (S. J. Res. 129) authorizing the issuance of a special postage stamp in honor of the late Thomas E. Watson for his services in the origination of the Rural Free Delivery Service; to the Committee on Post Offices and Post Roads.

AMENDMENT OF NATIONAL LABOR RELATIONS ACT

Mr. WALSH. Mr. President, at the request of the American Federation of Labor, I introduce a bill to amend the National Labor Relations Act of July 5, 1935, which I ask may be referred to the appropriate committee.

I also request that a copy of the amendatory bill, which is very brief, and correspondence between John P. Frey, president of the Metal Trades Department, A. F. of L., and Mr. J. Warren Madden, chairman of the National Labor Relations Board, be inserted in the RECORD.

The VICE PRESIDENT. Without objection, the bill of the Senator from Massachusetts will be received and appropriately referred, and the correspondence will be printed in the RECORD, together with the bill.

The bill (S. 2108) to amend the National Labor Relations Act, was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That paragraph (b) of section 9 of the act approved July 5, 1935 (National Labor Relations Act), be, and the same is hereby, amended by adding at the end of the paragraph, after striking out the period and inserting a colon, the following:

"*Provided, however*, That in any case where a majority of the employees of a particular craft shall so decide the Board shall designate such craft as a unit appropriate for the purposes of collective bargaining."

The correspondence presented by Mr. WALSH in connection with the bill is as follows:

MARCH 25, 1937.

MR. J. WARREN MADDEN,
Chairman, National Labor Relations Board,
1010 Vermont Avenue NW., Washington, D. C.

DEAR MR. MADDEN: A conference between representatives of international unions affiliated with the metal trades department, A. F. of L., which was held today, instructed me to communicate with you relative to petitions for elections to determine exclusive representation, which are received by the National Labor Relations Board.

It was the opinion of the conference that in addition to verbal presentations which have been made by representatives of the metal trades to the Board that it was advisable to place before you officially the request of the metal trades department and the reasons for making it.

In many of the industries, and particularly those employing semiskilled labor and so-called mass-production workers, there are also employed skilled craftsmen. In most instances some of the latter are members of the international union of their craft or occupation. In other instances all of the skilled craftsmen are members of their respective organizations. Almost invariably these skilled workmen have verbal or written agreements with their employers.

In many of the industries these skilled workers are in a minority, perhaps a small one. The outnumbering majority being so-called mass-production or semiskilled workers.

It is obvious that if a vote of all of the employees were taken on the question of establishing one organization as the sole body to represent all of the employees that the semiskilled or production workers could easily prove a majority in favor of the organization they desired. A vote taken on such a basis and under such circumstances would be a denial of the rights of a minority, the very minority who had first established trade-union organization, a minority having a prior right to consideration.

It seems obvious that should the groups of skilled workers be denied the privilege of voting separately as to who should represent them, that decisions of the National Labor Relations Board in connection with the elections held could result, seriously handicapping, if not destroying, local unions of skilled workers which have existed for many years.

If you find yourself in disagreement with the views just expressed, we would appreciate your giving us this information, so that perhaps through conferences a clearer understanding of all that is involved could be reached.

of 15.

Cordially yours,

GEORGE L. HUNT.

Kosciusko; to the Committee on Post Offices and Post Roads.

that is involved could be reached.

If you are in agreement with the necessity for giving the skilled workers an opportunity to express their preference separately, so that the rights of the majority may not be applied in a manner which destroys the rights of the minority, then may we request that you communicate with your regional directors, so that they may have a better understanding of the policy which is to be carried out by all representatives of the National Labor Relations Board in connection with employee elections held for the purpose of determining representation?

Cordially and respectfully yours,

JOHN P. FREY,
President, Metal Trades Department.

NATIONAL LABOR RELATIONS BOARD,
Washington, D. C., April 1, 1937.

[J. Warren Madden, Chairman; Edwin S. Smith; Donald Wakefield Smith]

JOHN P. FREY,
President, Metal Trades Department,
American Federation of Labor,
Ninth and Massachusetts Avenue NW.,
Washington, D. C.

DEAR MR. FREY: This is in reply to your letter of March 25 inquiring as to the Board's policy with reference to the representation of skilled workers, members of craft organizations, who work in so-called mass-production industries.

Where the question has arisen concerning unions affiliated with one parent body, such as the American Federation of Labor, the Board has, as you know, sought to have the question of appropriate bargaining units agreed upon by the unions themselves, or when this could not be done, has as a matter of policy waived jurisdiction in hope that the matter would be settled by the Federation itself.

In cases where there is no superior parent body to decide between conflicting unions, each seeking representation but with different ideas on bargaining units, the Board seems plainly to have the responsibility of decision. It is equally plain that the Board should be guided by the wishes of the employees, ascertained in such a way as to make their choice a free one. But as to just how these general principles would work out in any particular case which might come before the Board, neither I nor the Board can speak with finality except in the decision of our cases.

We shall, as in the past, welcome any participation which you or any of the members of your department desire to have in any cases involving them. We should also be glad to have you present your views informally to the Board for its information. We are all trying to educate ourselves toward a possible wise solution of a difficult problem.

With kind regards, I am,

Very truly yours,

J. WARREN MADDEN.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 417. An act for the relief of Arthur C. Knox;

H. R. 544. An act for the relief of Charles Dancause and Virginia P. Rogers;

H. R. 561. An act for the relief of Fay Pledger;

H. R. 593. An act for the relief of Albert Wheeler;

H. R. 705. An act for the relief of William E. Graham;

H. R. 710. An act for the relief of C. A. Jones and Elbert Gentry;

H. R. 844. An act for the relief of John Mack;

H. R. 860. An act for the relief of Mrs. Marion McGlothlin, the Baylor Hospital, Dr. F. M. Gilbert, and Dr. T. C. Gilbert;

H. R. 937. An act for the relief of Goldie Durham;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1084. An act for the relief of Samuel Cripps;

H. R. 1254. An act for the relief of William A. McMahan;

H. R. 1281. An act for the relief of Harold Wright, a minor;

H. R. 1304. An act for the relief of John E. Sandage;

H. R. 1689. An act for the relief of Dominga Pardo;

H. R. 1759. An act for the relief of Minnie D. Hines;

H. R. 1767. An act for the relief of the Rowesville Oil Co.;

H. R. 1770. An act for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.;

H. R. 1780. An act for the relief of Mary E. Cavey, Joseph C. Kinney, and the estate of J. Edgar Gift, deceased;

H. R. 1945. An act for the relief of Venice La Prad;

H. R. 2114. An act for the relief of Ernst Nussbaum;

H. R. 2218. An act for the relief of Helen Marie Lewis;

H. R. 2223. An act for the relief of Mr. and Mrs. Walter B. Johnson and Joy Johnson, a minor;

H. R. 2352. An act for the relief of Donald L. Bookwalter;

H. R. 2472. An act for the relief of Mr. and Mrs. Vernon Waldrep;

H. R. 2494. An act for the relief of J. E. Midgett, Luther E. Bozman, and Gordy Z. Parks;

H. R. 2630. An act for the relief of R. N. Teague and Minnie Teague;

H. R. 2757. An act to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.;

H. R. 2774. An act for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior;

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 2985. An act for the relief of Edmond G. Warren;

H. R. 3204. An act for the relief of F. E. Booth Co.;

H. R. 3557. An act for the relief of the Coast Fir & Cedar Products Co., Inc.;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 3654. An act for the relief of Mrs. Lawrence Chlebeck;

H. R. 3738. An act for the relief of Clifford Y. Long;

H. R. 3841. An act for the relief of Col. J. P. Barney;

H. R. 3924. An act for the relief of Harry W. Sturrup;

H. R. 3967. An act for the relief of Adele Fowlkes;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 4233. An act for the relief of Annie E. Hyland;

H. R. 4242. An act for the relief of V. P. Johnson;

H. R. 4246. An act for the relief of N. C. Nelson;

H. R. 4259. An act for the relief of Ralph P. Kellogg;

H. R. 4329. An act for the relief of George T. Heppenstall;

H. R. 4427. An act for the relief of Merritt Rea;

H. R. 4508. An act for the relief of Margaret Grace and Alice Shriner;

H. R. 4522. An act for the relief of John J. Warner and W. B. Warner;

H. R. 4591. An act for the relief of Sallie Gillespie;

H. R. 4679. An act for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States;

H. R. 4681. An act for the relief of Edward C. Paxton;

H. R. 4688. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during the hurricane in Samoa on January 15, 1931;

H. R. 4689. An act to provide an additional sum for the payment of claims under the act entitled "An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931", approved January 21, 1936 (49 Stat. 2212);

H. R. 4717. An act for the relief of Bernard Knopp;

H. R. 4770. An act for the relief of Elmer Geske;

H. R. 4778. An act to confer jurisdiction on the United States District Court for the Southern District of New York to hear, determine, and render judgment on the claim of A. Mateos & Sons, owner of the coal hulk *Callixene;*

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5206. An act for the relief of Jacob G. Ackerman;

H. R. 5304. An act for the relief of the Polygraphic Co. of America;

H. R. 5354. An act for the relief of Charles Somogi, Jr.; and

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks; to the Committee on Claims.

H. R. 2095. An act for the relief of Alex Lindsay;

H. R. 4892. An act to authorize the Secretary of War to convey to the International Young Men's Christian Association College and to the trustees of the Gunn Realty Trust all right, title, and interest of the United States in and to certain lands in Hampden County, Mass.;

H. R. 5136. An act to authorize the acquisition of land for cemeterial purposes in the vicinity of San Francisco, Calif.;

H. R. 5408. An act to amend the act of Congress entitled "An act to provide for the protection and preservation of domestic sources of tin", approved February 15, 1936; and

H. R. 5554. An act to authorize the Secretary of War to lend War Department equipment for use at the 1937 National Encampment of Veterans of Foreign Wars, to be held in Buffalo and Niagara Falls, N. Y., from August 29 to September 3, 1937; to the Committee on Military Affairs.

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White; to the calendar.

H. R. 2297. An act to provide for the appointment of an additional district judge for the northern district of Georgia; to the Committee on the Judiciary.

H. R. 2893. An act validating a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); to the Committee on Public Lands and Surveys.

H. R. 3135. An act for the exchange of land in Hudson Falls, N. Y., for the purpose of the post-office site; to the Committee on Public Buildings and Grounds.

H. R. 3471. An act to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States; to the Committee on Immigration.

H. R. 3687. An act to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers; to the Committee on Agriculture and Forestry.

H. R. 4194. An act to authorize a preliminary examination and survey of the Delaware River with a view to the control of its floods;

H. R. 4541. An act for a preliminary examination and survey of the Kickapoo River, Wis., with a view to the control of its floods;

H. R. 4708. An act to authorize a preliminary examination and survey of the Scioto and Sandusky Rivers and their tributaries in the State of Ohio with a view to the control of their floods;

H. R. 4714. An act to provide for a preliminary examination and survey of Illinois Bayou, Pope County, Ark., with a view to the controlling of floods;

H. R. 4715. An act to provide for a preliminary examination and survey of Big Piney Creek in Pope and Johnson Counties, Ark., with a view to the controlling of floods;

H. R. 4896. An act to authorize a preliminary examination and survey of Cayuga, Buffalo, and Cazenovia Creeks, N. Y., with a view to the control of their floods;

H. R. 4956. An act to provide for a preliminary examination and survey of the White River in South Dakota with a view to flood control;

H. R. 4957. An act to provide for a preliminary examination and survey of the Keyapaha River in South Dakota with a view to flood control;

H. R. 4958. An act authorizing a preliminary examination and survey of the Bad River from Philip to Fort Pierre, S. Dak., with a view to the control of its floods;

H. R. 4963. An act authorizing a preliminary examination and survey of Estero River, Imperial River, Corkscrew River (Horse Creek), Gordon River, and Rock Creek, all in Florida, with a view to the control of their floods;

H. R. 5123. An act to provide for a preliminary examination and survey of Palarm Creek, a tributary of the Arkansas River, in Faulkner and Pulaski Counties, Ark., with a view to the control of floods;

H. R. 5128. An act to authorize a preliminary examination and survey of the Bayou Meto Basin, a tributary of the Arkansas River in the State of Arkansas, with a view to control of floodwaters;

H. R. 5129. An act to provide for a preliminary examination and survey of Sulphur River in Arkansas with a view to flood control;

H. R. 5130. An act to provide for a preliminary examination and survey of the Poteau River in Arkansas with a view to flood control;

H. R. 5180. An act to authorize a preliminary examination and survey of Nestucca River and its tributaries in the State of Oregon with a view to the control of floods;

H. R. 5181. An act to provide a preliminary examination and survey of the Flathead River and tributaries in Flathead County, Mont., with a view to the control of its floodwaters; and

H. J. Res. 185. Joint resolution to authorize Capt. Harry G. Hamlet, Capt. Edward D. Jones, Lt. Comdr. Louis W. Perkins, Lt. Comdr. Frank T. Kenner, Lt. Dwight H. Dexter, and Chief Boatswain Thomas A. Ross, United States Coast Guard, to accept certain foreign decorations and diplomas; to the Committee on Commerce.

H. R. 5416. An act to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935; to the Committee on Territories and Insular Affairs.

H. R. 5757. An act to simplify accounting; to the Committee on Appropriations.

H. J. Res. 150. Joint resolution to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes; to the Committee on Irrigation and Reclamation.

H. J. Res. 191. Joint resolution to continue the terms of the members of the United States Constitution Sesquicentennial Commission; to the Committee on the Library.

CHANGES OF REFERENCE

On motion by Mr. PEPPER, the Committee on Agriculture and Forestry was discharged from the further consideration of the bill (S. 1679) to provide for establishing engineering experiment stations at the land-grant colleges, and it was referred to the Committee on Education and Labor.

Mr. ADAMS. Mr. President, Senate bill 1176, for the relief of Charles Augustus Lathrop, was referred to the Committee on Claims, when, in fact, it belongs to the Committee on Finance. I have spoken to the chairman of the Committee on Claims, who approves the transfer. Therefore I request unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMUTING OF ALIENS FROM FOREIGN CONTIGUOUS TERRITORY—AMENDMENTS

Mr. COPELAND submitted amendments intended to be proposed by him to the bill (H. R. 3679) to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in the United States, which were referred to the Committee on Immigration and ordered to be printed.

NATURALIZATION AND CITIZENSHIP—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. LEWIS asked and obtained leave to have printed in the Appendix an address entitled "Tampering With a Birthright", delivered by Senator THOMAS of Utah on the evening, Apr. 2, 1937, at the Hotel Astor, New York City, which appears in the Appendix.]

THE SOUTH LOOKS AHEAD—ADDRESS BY SENATOR REYNOLDS

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD an address entitled "The South Looks Ahead", delivered by Senator REYNOLDS before the Southern Traffic Safety Conference in Atlanta, Ga., Apr. 5, 1937, which appears in the Appendix.]

ADDRESSES BY POSTMASTER GENERAL FARLEY IN TEXAS

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD a number of addresses delivered in Texas by Postmaster General James A. Farley, which appear in the Appendix.]

MINIMUM-WAGE DECISIONS—LETTER OF EDWARD F. PRICHARDS, JR.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a letter written by Edward F. Prichard, Jr., dealing with the minimum-wage decisions rendered by the Supreme Court, which appears in the Appendix.]

T. V. A. FOR COLUMBIA BASIN

[Mr. POPE asked and obtained leave to have printed in the RECORD an article by Richard L. Neuberger on the subject of T. V. A. for the Columbia Basin, which appears in the Appendix.]

ORDER OF BUSINESS

The VICE PRESIDENT. Resolutions coming over from a previous day are in order.

Mr. ROBINSON. Mr. President, I ask that the two resolutions coming over from a previous day, and all other resolutions relating to the subject of sit-down strikes, be passed over for the present. I will state that after the unanimous-consent agreement has been carried out it is my intention to submit a motion to proceed to the consideration of Senate Concurrent Resolution 7.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. McNARY. Mr. President, the resolutions do not come up automatically. They are now on the table and can come up only by motion, particularly the one which was submitted by the Senator from Nevada [Mr. PITTMAN].

I address myself to the Vice President in the nature of a parliamentary inquiry. Cannot the concurrent resolution introduced by the Senator from Nevada, which is now on the table, come up only on motion?

The VICE PRESIDENT. That is correct.

Mr. McNARY. That motion must be made after the conclusion of morning business and, under the unanimous-consent agreement, after the call of the calendar. Is not that correct?

The VICE PRESIDENT. That is correct. The only problem involved is that there is one resolution relating to sit-down strikes, which comes over from a previous day. That resolution would come up now in the regular order of business unless the request of the Senator from Arkansas is granted.

Mr. McNARY. I thought the able Senator from Arkansas referred only to the Pittman concurrent resolution.

Mr. ROBINSON. No; I said all resolutions, and then referred particularly to Senate Concurrent Resolution 7.

The VICE PRESIDENT. The Senator from Utah [Mr. KING] offered a resolution, which went over under the rule. Is there objection to the request of the Senator from Arkansas [Mr. ROBINSON]? The Chair hears none, and it is so ordered.

EMBARGOES AGAINST NATIONS AIDING OTHER NATIONS IN CIVIL STRIFE

Mr. NYE. Mr. President——

The VICE PRESIDENT. With the exception of the resolutions referred to by the Senator from Arkansas, the clerk will state in order the resolutions coming over from a previous day.

The Chief Clerk read Senate Resolution 100, submitted by Mr. NYE on March 25, 1937, requesting information as to authority to declare embargoes against a nation engaged in civil war.

Mr. NYE. Mr. President, this resolution has gone over under the rule. I hoped it might be taken up today. Unavoidable absence on the part of the senior Senator from Nevada [Mr. PITTMAN], who desires to be present when the resolution is considered, prompts me to request that it may go over without prejudice.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

CROP-INSURANCE SYSTEM FOR FRUIT AND VEGETABLES

The Chief Clerk read Senate Resolution 108, submitted by Mr. PEPPER on March 31, 1937, as follows:

Resolved, That the Secretary of Agriculture is requested to transmit to the Senate, at the earliest practicable date, a plan and recommendations for the establishment of a system of crop insurance for fruits and vegetables, and to make such studies as may be necessary in connection therewith.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. ROBINSON. Mr. President, I think there should be an explanation of the resolution. It is a matter of importance. The resolution apparently commits the Senate to a plan for the establishment of a crop-insurance system for fruits and vegetables. It calls upon the Department of Agriculture to supply a plan at once. Before the Senate is committed to any plan on the subject, or to extending crop insurance to fruits and vegetables, it ought to understand just what it is doing.

Mr. PEPPER. Mr. President, I feel that it was an historic day when the Senate last week passed the bill sponsored by the Senator from Idaho [Mr. POPE] providing for crop insurance for wheat. I thought at the time, however, that the Senator from Idaho responded properly when he said that in principle, at least, crop insurance should first be provided for those crops with respect to which there is the greatest natural hazard.

I have just had a very vivid illustration of that principle in my own State of Florida. I received yesterday a telegram reading as follows:

> Practically entire Glades farms destroyed last night by rain and hail. Thousands destitute, and unless can get assistance community confronted with a serious situation.

In a subsequent telegram from the same source I am advised that an area of about 50 square miles between Pahokee and Belleglade was totally destroyed by this rain and hail storm. That is the sort of thing which should be provided against by some sound system of crop insurance.

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

Mr. PEPPER. Certainly.

Mr. BARKLEY. I am in sympathy with the Senator's resolution and the object sought to be accomplished by it; but it was stated the other day, during the consideration of our crop-insurance bill with reference to wheat, that the Department of Agriculture is now making a study with reference to many other agricultural products besides wheat, with a view of making a recommendation for legislation on that subject. I am wondering whether it really is wise to pick out any one agricultural product and emphasize it and give it a preferred status with respect to its own production and danger without doing the same thing with respect to others.

There are many other crops that are subject to drought, and damage by hail and storm and other things; and I am satisfied that the Department is giving consideration to the whole subject. I appreciate the situation of the Senator from Florida, coming as he does from a fruit-growing State; yet we are all from fruit-growing States and tobacco-growing States and corn-growing States, and I wonder whether it is really fair to these other crops to pick out one of them and ask the Department to make a special study of it and report upon it without regard to the Department's activities with respect to other crops. What is the Senator's view about that matter?

Mr. PEPPER. Mr. President, in reply to the queries of the Senator from Kentucky, I will state that I remember that the Senator from Idaho [Mr. POPE] the other day made the statement that fruits and vegetables, because of their peculiar nature, would have to be dealt with by a different kind of crop-insurance plan than that which might be applicable to more stable crops and those less subject to natural hazard. For that reason I thought it would be appropriate that a particular study should be made with respect to crops of this kind. I certainly have no desire to keep any other Senator from having a study made about the commodities in which he is interested. I wanted an assurance that these crops which are so subject to natural hazards shall be considered in the Department of Agriculture with respect to some kind of crop insurance, and that a plan shall be submitted when and as one shall come to the mind of the Secretary of Agriculture.

Mr. BARKLEY. Would the Senator object to an amendment which would make the resolution read "fruits, vegetables, and other agricultural crops"?

Mr. PEPPER. That is quite all right.

Mr. BARKLEY. I do not wish to interfere with the Senator's purpose, and yet I am sure he can realize the position of many of us who are interested in other crops as well as fruits. I will say that I am interested in fruits also.

Mr. PEPPER. Will the Senator, in his amendment, indicate that preference shall be given to those crops which are most subject to natural hazards?

Mr. BARKLEY. That certainly would be a proper thing to do, but I do not know whether or not it would be necessary to state it in the resolution.

Mr. ROBINSON. Mr. President, I wonder if the Senator from Florida would object to this resolution going over, in order that the Senate may be afforded an opportunity to consider it more fully than we can consider it this morning. It occurs to me that it would be desirable to ascertain what is now going on in the Department of Agriculture with respect to this study, and what information has been assembled. It is recalled that some time ago the announcement was made that the information was not available upon which to base a general crop-insurance system at this time.

I suggest to the Senator from Florida that he let the resolution go over for the present, with the understanding that it will be taken up later.

Mr. PEPPER. I shall be glad to do that.

The VICE PRESIDENT. Without objection, the resolution will go over.

Mr. POPE. Mr. President, I desire to ask the Senator from Florida a question. Has the Senator made inquiry of the Secretary of Agriculture as to the amount of work which would be involved in evolving a plan?

Of course, the bill which was passed a few days ago contains an authorization for the Department to proceed with its investigation as to any other commodities, which would include fruits and vegetables.

As I attempted to point out, there is a difference in the consideration of perishable fruits. It seems to me the same plan would not apply in reference to perishable fruits as in reference to wheat or cotton or corn or any other commodity which might be stored for a considerable period of time. The only question in my mind is whether or not the amount of work which would be involved in working out a new plan might require the services of additional persons or an additional appropriation.

I am very much in favor of this resolution; and I hope the Secretary of Agriculture, as the result of this resolution, or of something else, will proceed with the investigation of fruits and vegetables, because I realize that in the fruit States the hazards are just as great, and oftentimes greater and more destructive, than in the grain States, and therefore there is in some respects a greater need for insurance on fruits and vegetables than on wheat or corn because the former may be more easily destroyed.

Therefore I am very much in favor of this resolution, and I shall join with the Senator at any time in urging that some sort of a practical plan be worked out; but I should be interested to know how much additional labor or additional money might be required to comply with this resolution. Since the resolution has gone over anyway, if the Senator can obtain some information on that subject I am sure I should like to have it.

Mr. PEPPER. The matter in which I am interested is that the attention of the Department of Agriculture shall be directed very specifically to this subject, and that the Secretary shall proceed with all possible haste toward some kind of a reasonable conclusion. I shall be glad to collaborate with the Senator from Idaho on that inquiry.

The VICE PRESIDENT. Without objection, the resolution will go over.

The clerk will state the next resolution coming over from a previous day.

EFFECT OF BONNEVILLE DAM ON PROPAGATION OF FISH

The Chief Clerk read Senate Resolution 113, submitted by Mr. STEIWER on April 5, 1937,

Mr. ROBINSON. Mr. President, apparently the Senator from Oregon [Mr. STEIWER], who submitted the resolution, is not present at this time. I wonder if the Senator from Oregon [Mr. McNARY] would like to have it go over.

Mr. McNARY. I think so.

Mr. ROBINSON. I ask that the resolution be passed over.

The VICE PRESIDENT. Is there objection to the resolution being passed over? The Chair hears none.

Under the unanimous agreement entered into on Monday last the clerk will call the calendar for the consideration of unobjected bills.

Mr. LEWIS rose.

The VICE PRESIDENT. Does the Senator from Illinois desire recognition now?

Mr. LEWIS. Mr. President, I understood the Chair to state that I was to be recognized now, unless such action would run counter to some of the regulations prevailing in the practice of the Senate.

The VICE PRESIDENT. There is a unanimous-consent agreement under which the consideration of unobjected bills on the calendar is now in order. The Chair does not know how long it will take, but very likely not very long.

Mr. LEWIS. And is it the suggestion of the Chair that at the close of the consideration of such bills I shall be recognized?

The VICE PRESIDENT. The Chair will recognize the Senator from Illinois at the conclusion of the consideration of unobjected bills on the calendar.

Mr. LEWIS. I yield to whatever the practice is.

THE CALENDAR

BILLS AND RESOLUTIONS PASSED OVER

The VICE PRESIDENT. The clerk will state the first business in order on the calendar.

The first business on the calendar was the resolution (S. Res. 8) limiting debate on general appropriation bills.

Mr. ROBINSON and Mr. McNARY (and other Senators). Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. HAYDEN. Mr. President, I obtained the information I have been seeking with reference to this bill, and presented it yesterday to the Senator from Nebraska [Mr. BURKE], the chairman of the subcommittee which handled the bill. The Senator from Nebraska is not present, and I ask that the bill be passed over. In the meantime, I understand that the House has passed an identical bill.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. KING. I also ask to have that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. SCHWELLENBACH. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION OF FEASIBILITY OF RECLAMATION PROJECTS

The bill (S. 48) to authorize an appropriation for investigations under the Federal reclamation laws was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. O'MAHONEY. Mr. President, this is a measure intended to authorize an appropriation to enable the Bureau of Reclamation to carry on certain investigations in the drought-stricken areas, for which a great many requests have been made.

Mr. McKELLAR. About how much money will be required?

Mr. O'MAHONEY. The authorization is for $600,000. A great many requests have been made, and the Department in its report stated:

Hundreds of requests have been received to investigate the feasibility of reclamation projects. Some of these projects should be examined, when funds are available, and a definite conclusion reached as to whether the essential factors of soil, water, and climate are present in such degree as to give a reasonable assurance of constructing and developing a successful project—

And so forth. The Committee on Irrigation and Reclamation feels that this authorization should be made. Steps will afterward be taken to determine whether any appropriation should be made under the authorization.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. McKELLAR. Let it go over today. I desire to confer with the Senator about it.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 532) to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train-dispatching offices and train-dispatching service and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers was announced as next in order.

Mr. DIETERICH. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation was announced as next in order.

Mr. DUFFY. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CREATION OF INDIAN CLAIMS COMMISSION

The bill (S. 1902) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, was announced as next in order.

Mr. KING. May we have an explanation of the bill?

Mr. THOMAS of Oklahoma. Mr. President, a bill similar to this one was introduced and considered during the last Congress, and was passed by the Senate. Because it passed late in the session, it did not get through the House of Representatives. The bill is a departmental measure, recommended by the Secretary of the Interior. It has been considered by the Department of Justice, and the Department suggested a few slight amendments. The bill before the Senate embodies those amendments.

The reason for the bill is the long delay in the consideration of Indian claims before the Court of Claims. In 1927 a measure was enacted giving the California Indians the right to go into court and present their claims. Their case has been pending since 1927. The case was filed by the Attorney General of California, but it is not being prosecuted; nothing is being done. It is to help Indians of that class that the measure before us is being urged. In 1925 or 1926 the Senate referred a case to the Court of Claims for an examination and a report. That case has not as yet been returned to the Senate.

It is to help the Indians get their claims in shape; it is to help the Department of the Interior and the Department of Justice that the proposed commission is being suggested. It is very urgently recommended by the Department of the Interior that the bill be enacted.

Mr. KING. Mr. President, when we have been so liberal in permitting Indians and Indian tribes to present their claims to the Court of Claims, a judicial body guided by the rules of judicial procedure, and yet with a great deal of authority to make investigations, it seems a work of supererogation to create another commission. Obviously the Court of Claims could handle these matters.

The Senator has referred to a case from California, where the Attorney General of California has not prosecuted the case—I did not understand whether for lack of information, or for some other reason, good, bad, or indifferent. But it seems to me that where we have set up a tribunal which can handle these matters, and cases have been referred to it, and the members of the Court of Claims are men of character and ability, men of experience, to create another commission would be adding to the machinery of the Government unnecessarily. I do not know how many members are to compose the commission at a salary of $10,000 each; I have not had a chance to read the bill. I respectfully ask the Senator to let the bill go over so that I may have an opportunity to look into it.

Mr. THOMAS of Oklahoma. Just one further word, if I may. If the present procedure is followed, the claims to which I have referred will be pending before the Government for another hundred years. Constant expense will be incurred by the Government and the several agencies of the Government and the Indians themselves in prosecuting their claims.

Let us take the California case, for instance. There are 23,000 Indians in California. They reside in every section of the State, in small bands and in larger bands. It is obvious that those Indians cannot get together and present a united case, and unless some body is created to help them they never will get together. The Court of Claims sits as a judicial tribunal and listens to cases presented, but the Court of Claims cannot go out and organize and present a case to itself. The Indians are financially unable to do it, and because of their location they cannot do it. The measure before us is proposed to give these Indian tribes a tribunal to represent them in presenting their cases properly to the Court of Claims for adjudication. I think it is in the interest of economy and efficiency that assistance be afforded in getting these cases ready for trial within a reasonable time, and it is for that reason that the committee is urging the enactment of the proposed legislation.

The VICE PRESIDENT. Objection being heard, the bill will be passed over.

INDIAN IRRIGATION WORKS

The bill (S. 1621) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works was announced as next in order.

Mr. ROBINSON. Mr. President, the bill apparently is of considerable importance. It contemplates the expenditure of approximately $4,000,000. The report shows that the act of August 1, 1914, shifted the reimbursable costs from a tribal obligation to the individuals who own the lands benefited under the respective irrigation projects. To the extent that such costs or expenditures are liens against the lands of the respective projects, they would continue to be liens even after the tribal funds of the Indians of the reservations involved have been reimbursed as contemplated in the proposed legislation. It is noted that there is an adverse budgetary recommendation. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

EXCHANGE OF LANDS AT MILITARY RESERVATIONS

The bill (S. 1273) to authorize exchange of lands at military reservations, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey by quitclaim deeds the tracts of real estate now owned by the United States hereafter described, and in exchange therefor to acquire the title to the tracts hereafter described, or rights pertaining thereto or interests therein, for the purposes named:

(a) A strip of land comprising part of the Quartermaster Depot Military Reservation at Jeffersonville, Ind., lying along the right-of-way of the Louisville & Jeffersonville Bridge & Railroad Co. as part of the consideration for land now owned by said railroad company lying adjacent to the main section of said depot.

(b) To enter into and execute an agreement or agreements with the owners or claimants of adjoining land to fix and establish a location for the western boundary line of that part of the Plattsburg Barracks Military Reservation, N. Y., acquired from Pliny Moore, and others, by deed dated December 30, 1814, and he may, if he deems it advisable, give to or receive from such owners or claimants appropriate releases, by way of quitclaim deeds or otherwise.

SEC. 2. That in conveying property of the United States under authority contained in this act, the Secretary of War shall determine that the exchange is to the best interest of the Government.

HOLABIRD QUARTERMASTER DEPOT, BALTIMORE, MD.

The Senate proceeded to consider the bill (S. 1586) to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird Quartermaster Depot, Baltimore, Md., which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, to strike out "comprising a part of Holabird Quartermaster Depot, Baltimore, Md., and situated at the northwest corner thereof, west of Broening Highway, which tract is no longer" and to insert in lieu thereof "comprising that part of the Holabird Quartermaster Depot, Baltimore, Md., lying south of the right-of-way of the Baltimore & Ohio Railroad Co. and west of the Broening Highway, which tract is no longer", so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell in his discretion to General Motors Corporation, a Delaware corporation, upon such terms and conditions as he considers advisable, a tract of land containing approximately 2.734 acres, comprising that part of the Holabird Quartermaster Depot, Baltimore, Md., lying south of the right-of-way of the Baltimore & Ohio Railroad Co. and west of the Broening Highway, which tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, any and all contracts, conveyances, or other instruments necessary to effectuate such sale; the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of miscellaneous receipts: *Provided*, That the Secretary of War shall have the said tract appraised: *Provided further*, That the Secretary of War shall not sell the said tract of land for a less consideration than the appraised value thereof.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT D. CASTLEBERRY

The Senate proceeded to consider the bill (S. 880) for the relief of Albert D. Castleberry, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Albert D. Castleberry, who was a member of Company I, Forty-fourth Regiment United States Volunteer Infantry, Philippine Insurrection, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 20th day of May 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? I note that the report concludes as follows:

The War Department strongly recommends that the bill be not favorably acted upon.

Mr. LOGAN. The War Department has recommended against the enactment of a similar bill a number of times, but it has been passed in the House of Representatives in three Congresses, and perhaps once or twice in the Senate.

This is a case where a good soldier in the Philippines, in combat service, was arrested on a charge made by two Filipinos that he had been guilty of larceny. He denied the charge, but he was convicted by the court martial. He was not identified, the record shows, and there was really no proof before the court martial that the Filipinos had been robbed at all.

Upon a very careful consideration by the Senator from Wyoming [Mr. SCHWARTZ], who is chairman of the subcommittee of the Committee on Military Affairs which handled the matter, and by the full committee, we reached the conclusion this man was entitled to the relief sought, in view of his very excellent service while he was in the Philippines.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

FAIR TRADE PRACTICES

The bill (S. 100) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, was announced as next in order.

Mr. KING. Mr. President, is this what is called the fair trade practice bill?

Mr. HATCH. It is.

Mr. KING. I have just recently received the report of the hearings, and I did not know that the bill was to be reached this morning. I shall not object to it being taken up tomorrow or at any other time, but I request that it go over for the present.

The VICE PRESIDENT. The bill will be passed over.

FRANCIS GERRITY

The bill (S. 1826) for the relief of Francis Gerrity was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Francis Gerrity shall be held and considered as having been honorably discharged from the military service of the United States as a private, Troop D, Fourth Regiment United States Cavalry on December 16, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

BOWLING ON THE SABBATH

The joint resolution (S. J. Res. 82) to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended, was announced as next in order.

Mr. McKELLAR. Mr. President, we ought to have an explanation of this measure.

Mr. KING. I ask that House Joint Resolution 226, now on the calendar, be substituted for the Senate joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. McKELLAR. Mr. President, I may have no objection, but I think the Senator from Utah should explain the measure.

Mr. KING. The report was presented by me for the Senator from North Carolina [Mr. REYNOLDS]. The joint resolution was offered by the Senator from New York [Mr. COPELAND] at the request of the Commissioners. It merely provides, in view of the fact that there are so many fine organizations in the city engaged in bowling—10, 15, or 20—that they shall be permitted on the Sabbath Day to bowl from 2 p. m. to midnight.

Mr. McKELLAR. I have no objection.

Mr. KING. The bill is endorsed by scores of organizations.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none.

Mr. KING. I ask to have House Joint Resolution 226 substituted for the Senate joint resolution and considered at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 226) to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended, which was ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That paragraph 21 of section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", as amended, be amended by striking out the period at the end of the paragraph, inserting a colon, and

adding the following words: *"Provided, however,* That bowling-alley establishments licensed under this section shall be closed at midnight on Saturday night and shall remain closed until 2 o'clock postmeridian."

The VICE PRESIDENT. Without objection, Senate Joint Resolution 82 will be indefinitely postponed.

VOCATIONAL REHABILITATION OF DISABLED DISTRICT RESIDENTS

The Senate proceeded to consider the bill (H. R. 157) to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.), which was read, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes", approved February 23, 1929 (Public, No. 801, 70th Cong.), be, and it is hereby, amended by striking out "$15,000" wherever it appears and inserting in lieu thereof "$25,000, to be immediately available": *Provided,* That no such additional appropriation shall be available for expenditure except when matched by equal appropriations of District of Columbia funds, which are hereby authorized.

Mr. KING. Mr. President, under the basic law of the District of Columbia $15,000 is the maximum that may be expended for vocational rehabilitation within the District of Columbia. The Commissioners have strongly recommended that this basic limitation be raised to $25,000. All the bill does is to make that change.

The VICE PRESIDENT. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

EXTENSION OF FEDERAL ROAD AID TO DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 978) to extend the provisions of certain laws to the District of Columbia, which was read, as follows:

Be it enacted, etc., That beginning with the fiscal year ending June 30, 1938, the District of Columbia shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States and the District of Columbia shall be included in the calculations to determine the basis of apportionment of such funds: *Provided,* That the system of roads on which Federal-aid apportionments to the District of Columbia shall be expended may be determined and agreed upon by the highway departments of the said District and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions.

Mr. McKELLAR. Mr. President, let us have a statement about that measure.

Mr. KING. Mr. President, this bill has been strongly recommended by the Secretary of Agriculture, who has charge of public roads, and by the Bureau of Public Roads, and by the Commissioners of the District. Senators know that Hawaii and other Territories of the United States have the benefit of the provisions of the Cartwright Act.

Mr. McKELLAR. The bill merely applies to the District of Columbia the same rules that now obtain in regard to Federal road aid in other parts of the country?

Mr. KING. That is correct. It simply extends to the District of Columbia the same privileges that are accorded to Hawaii, Alaska, and Puerto Rico.

Mr. McKELLAR. Is any amendment proposed to the bill?

Mr. KING. No.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KING subsequently said: Mr. President, I am compelled to leave the Chamber to attend a committee meeting. A few moments ago Calendar No. 268, Senate bill 978, to extend the provisions of certain laws to the District of Columbia, was passed. I have received a letter from Secretary Wallace, brought to my attention since the bill passed, in which the Secretary states that while he approves the bill, it ought not to go into effect until June 30, 1939, instead of June 30, 1938, for the reason that allocations have been made for the fiscal year 1938, and therefore the District of Columbia ought not to come under the terms of the act until the next appropriation bill shall have been passed.

Accordingly, I ask unanimous consent to reconsider the votes by which the bill was ordered to be engrossed for a third reading and passed, in order that I may offer the appropriate amendment.

The VICE PRESIDENT. Without objection, the votes will be reconsidered.

Mr. KING. I now move to amend the bill, on page 1, line 3, by striking out the numerals "1938" and inserting the numerals "1939."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, it is proposed to strike out "1938" and insert "1939."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROMOTION OF SAFETY ON HIGHWAYS OF DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 1226) to amend the act of May 3, 1935, relating to the promotion of safety on the highways of the District of Columbia, which was read, as follows:

Be it enacted, etc., That sections 3 and 9 of the act entitled "An act to promote safety on the public highways of the District of Columbia by providing for the financial responsibility of owners and operators of motor vehicles for damages caused by motor vehicles on the public highways in the District of Columbia; to prescribe penalties for the violation of the provisions of this act, and for other purposes", approved May 3, 1935, are amended by striking out the phrase "in excess of $100" where it appears in such sections.

SEC. 2. Section 4 of such act is amended by striking out the phrase "over $100 in amount."

Mr. ROBINSON. Mr. President, I should like to have this bill analyzed by the Senator from Utah [Mr. KING]. It modifies the existing statute with respect to safe operation of motor vehicles in the District of Columbia. What changes does this measure make in the present law?

Mr. KING. Mr. President, the purpose of this bill is to promote safety on the highways of the District of Columbia. It seeks to amend the Safety Responsibility Act approved May 3, 1935, which provides that a motor-vehicle operator's permit and registration certificate may be suspended if the operator has been convicted of operating an automobile while under the influence of intoxicating liquor, and so forth, or of leaving the scence of an accident in which personal injury has occurred without making his identity known, or has had a judgment rendered against him in excess of $100, which judgment remains unsatisfied for a period of 30 days.

The bill amends sections 3 and 9 of the act referred to, wherein it provides that the motor-vehicle operator's permit and registration certificate may be suspended if a judgment in excess of $100 has been procured against the operator and the judgment has remained unsatisfied for a period of 30 days, by striking from sections 3 and 9 the words and figures "in excess of $100", and in section 4 the phrase "over $100 in amount."

A majority of the judgments procured against motor-vehicle operators which remain unsatisfied are less than $100 in amount, and it has been deemed proper to make the provisions of the law effective in those cases where the judgments obtained are less than $100 in amount.

There are some operators who do not respond in damages, and whose motor vehicles are so dilapidated and insecure that they ought not be used upon the streets. As stated, many accidents are caused by the negligence of operators driving vehicles of the character referred to, and whose permits and registration certificate are not suspended because of the small judgments obtained. It is believed that the law should be amended in the particulars referred to.

Mr. ROBINSON. The bill is intended to give strength to the statute for the protection of persons driving in motor vehicles against carelessness?

Mr. KING. Yes; it is for protection against carelessness.

Mr. ROBINSON. I have no objection.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 77) for payment of compensation to persons serving as postmaster at third- and fourth-class post offices was announced as next in order.

Mr. ROBINSON. Mr. President, I think we should have an explanation of this bill.

Mr. McKELLAR. The Senator from Arizona [Mr. HAYDEN], the author of the bill, is not present. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. MINTON. Mr. President, may I ask the Senator from Tennessee whether that is the bill which the Senator from Arizona [Mr. HAYDEN] and I introduced jointly?

Mr. ROBINSON. This is a House bill.

Mr. HAYDEN subsequently said: Mr. President, I was called from the Chamber a few moments ago, and have been informed that during my absence a request was made that Calendar No. 270, House bill 77, for payment of compensation to persons serving as postmaster at third- and fourth-class post offices should be temporarily passed over. I shall be glad to explain the bill.

When the bill came from the House it was referred to the Post Office Department by the Senate Committee on Post Offices and Post Roads. The Post Office Department pointed out that while the bill corrects the situation with respect to the past it does not take care of the future. I will illustrate the situation sought to be corrected. Recently a postmaster died; and in the interim between the time of the death of the preceding postmaster and the time when the acting postmaster could be appointed services were necessarily rendered in the post office. The purpose of the bill is to take care of the interim between the time of the death, resignation, or removal of the postmaster and the appointment regularly of an acting postmaster.

Mr. McKELLAR. Mr. President, when the bill was reached a few moments ago I had forgotten the facts, and the Senator from Arizona was not present on the floor at that moment. For that reason I asked that the bill go over. Someone asked for an explanation, and I could not give it at the time. I now recall the facts, since the Senator from Arizona has made his statement. It seems to me that postmasters undoubtedly should be paid for the time they actually serve; and I hope the bill will be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with an amendment to strike out all after the enacting clause and to insert:

That the proviso, following the appropriation for compensation to postmasters, contained in the act approved March 1, 1921 (41 Stat., p. 1151; U. S. C., title 39, sec. 39), is hereby amended by adding, after the words "unnecessary delay", at the end thereof the following: "A person who, upon the occurrence of a vacancy and pending the appointment of a postmaster or the designation of an acting postmaster, assumes and properly performs the duties of postmaster at any third- or fourth-class post office shall be allowed compensation as postmaster for the period of such service: *Provided,* That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for compensation for service heretofore rendered, but subsequent to June 30, 1930, is hereby authorized and directed to allow compensation as postmaster for service rendered under the circumstances and conditions hereinbefore prescribed."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HECTOR H. PERRY

The bill (S. 870) for the relief of Hector H. Perry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Hector H. Perry, who was a member of the Medical Detachment, Second Regiment United States Engineers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 21st day of September 1928: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

DISTRIBUTION OF PRODUCTS OF THE FISHING INDUSTRY

The Senate proceeded to consider the joint resolution (H. J. Res. 278) to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry, which was read, as follows:

Resolved, etc., That not to exceed $1,000,000 of the funds available to the Federal Surplus Commodities Corporation may be used by such Corporation for the purpose of diverting surplus fish (including shellfish) and the products thereof from the normal channels of trade and commerce by the acquisition and distribution thereof in accordance with the provisions of the act entitled "An act to authorize the purchase and distribution of products of the fishing industry", approved March 5, 1937.

Mr. McKELLAR. Mr. President, has not a House bill covering that matter been passed?

Mr. WALSH. Mr. President, a bill was passed authorizing the inclusion of fish among other products that the Federal Surplus Commodities Corporation could dispose of, but there was no money available to carry out the provisions of the act. This joint resolution completes the former action taken and sets aside a million dollars for this purpose.

Mr. McKELLAR. Mr. President, I think the House bill has become law, and under that law an appropriation of a million dollars has been made.

Mr. WALSH. No; that is not the fact. It is necessary to take this step in order to complete the authority that was given in a previous act passed during this session of Congress providing for the fishing industry the same relief we have provided for the farm industry under the A. A. A.

Mr. McKELLAR. I know the Committee on Appropriations has had before it a bill carrying a provision for a million dollars, and I am quite sure it was passed. It is not intended to have another million dollars appropriated for that purpose, is it?

Mr. WALSH. It certainly is not.

Mr. ADAMS. Mr. President, will the Senator yield to me to add a word?

Mr. McKELLAR. I shall be glad to have the Senator do so. He has knowledge concerning this particular matter.

Mr. ADAMS. The Senator from Tennessee appointed me a member of the subcommittee from which this joint resolution has come to the Senate. On March 5 of this year Congress passed an act authorizing the use of $2,000,000 to relieve the fishing industry. It did not make a direct appropriation. The measure now before us followed that, and instead of making a new appropriation makes available $1,000,000 out of money already available to the Federal Surplus Commodities Corporation. The joint resolution does not call for a new appropriation but is necessary because the Federal Surplus Commodities Corporation was not authorized to use its funds for this particular industry.

Mr. McKELLAR. In other words, this measure does not involve a new appropriation of money; it merely authorizes an appropriation of money already in the hands of the Federal Surplus Commodities Corporation. Is that correct?

Mr. ADAMS. It authorizes the application of money now on hand for a use for which it was not previously authorized.

Mr. McKELLAR. In the light of those facts, I see no objection to the passage of the joint resolution.

Mr. WALSH. The Bureau of the Budget recommended $2,000,000, but the House cut the amount to $1,000,000.

Mr. McKELLAR. The House cut the amount to $1,000,000, and, in order to make the proper appropriation, the joint resolution is proposed. It does not involve the appropriation of any new money.

Mr. WALSH. The Federal Surplus Commodities Corporation cannot spend more than a million dollars for this purpose, and need not spend that much, if it sees fit not to do so.

The VICE PRESIDENT. The question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

CHARLES E. LA VATTA

The Senate proceeded to consider the bill (S. 208) for the relief of Charles E. La Vatta, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 5, after the words "sum of", to strike out "$2,500" and insert "$1,000", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Charles E. La Vatta, of Fort Hall, Idaho, the sum of $1,000 in full settlement of his claim against the United States for loss of property of said Charles E. La Vatta located in land to which he had not title: *Provided*, That the Secretary of the Interior may deposit the said sum to the credit of the said Charles E. La Vatta and handle it in the same manner as other individual money: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CREEK EQUALIZATION CLAIMS

The Senate proceeded to consider the bill (S. 1652) to provide for the payment of certain Creek equalization claims, and for other purposes, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized under such rules and regulations as he may prescribe to pay the net amount of the judgment obtained by the Creek Nation of Indians in the Court of Claims Case No. H-510, amounting to $144,106.01, to the enrolled Creek Indians by blood and the enrolled Creek freedmen, or their heirs, who, as shown by the records of the Interior Department, have unpaid claims for moneys to equalize their land allotment rights, including claims not filed or adjudicated within the time specified by the act of June 30, 1919 (41 Stat. 3-24), on the basis of $860, pursuant to law as the standard value of a Creek allotment, provided that all such claims shall be filed within a period of 2 years from the date of approval of this act. Applications shall be filed with the superintendent of the Five Civilized Tribes Agency, Muskogee, Okla.

SEC. 2. That the Secretary of the Interior shall give notice through such newspaper advertisement as he may designate, of the provisions of this act authorizing the payment of the claims, immediately after the date of approval hereof, and such further notice through newspaper advertisement as may be deemed necessary not later than 6 months prior to the expiration of the 2-year period above indicated, and any claims not filed within said period shall thereafter be barred.

SEC. 3. That the net amount of the judgment shall be ascertained by deducting from the total amount thereof such fees as may be due or payable to the attorneys who represented the Creek Nation in the case before the Court of Claims and a further sum of not more than $300 to be used in the payment of expenses incident to publishing notice of readiness to pay the claims as herein provided. Any balance of the net amount of such judgment remaining after the payment of the claims as herein provided shall remain on deposit to the credit of the Creek Nation of Indians until otherwise provided by Congress.

SEC. 4. That the provisions of the Deficiency Appropriation Act of June 19, 1934 (48 Stat. 1021-1033), reading as follows, are hereby repealed: "The Creek Nation: The appropriation of $144,106.01 contained in section 4, title I, of this act for payment of a judgment rendered by the Court of Claims in favor of the Creek Nation shall be placed to the credit of the Creek Nation on the books of the Treasury Department and such sum is hereby appropriated and, after deducting the attorneys' fees and expenses allowed by the Court of Claims and the estimated expenses of making the roll and the payment herein provided for, shall be paid by the Secretary of the Interior per capita to the members of the Creek Tribe of Indians entitled thereto or their heirs, upon a roll made as of date of December 4, 1933, under the direction of and approved by the Secretary of the Interior."

Mr. KING. Mr. President, let us have an explanation of this bill.

Mr. THOMAS of Oklahoma. Mr. President, some years ago the Congress gave the Indians of the Creek Tribe the right to go into the Court of Claims and present their demands against the Government. Pursuant to that jurisdictional act, suit was filed and judgment obtained in the sum of about $144,000; but there is no provision of law directing the Secretary as to whom he should pay the money, or in what quantity. This bill simply seeks to give the Secretary direction as to the payment of $144,000 to the members of the Creek Tribe.

Mr. KING. I have no objection.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPITAN GRANDE BAND OF MISSION INDIANS

The bill (S. 1832) to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following-described public domain be, and it is hereby, withdrawn from entry, sale, or other disposition and set aside as an addition to the Barona Ranch, a tract of land purchased for the Capitan Grande Band of Mission Indians under authority contained in the act of May 4, 1932 (48 Stat. L. 146): Lots 1 and 2 of section 23, township 14 south, range 1 east, San Bernardino meridian, California, containing 12.19 acres: *Provided*, That said withdrawal shall not affect any valid rights initiated prior to approval hereof.

CONCESSIONS TO INDIANS ON RESERVOIR SITES AND OTHER LANDS

The bill (S. 1945) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with irrigation projects for the benefit in whole or in part of Indians, and to lease such lands for agricultural, grazing, or other purposes: *Provided*, That such concessions may be granted or lands leased by the Secretary of the Interior under such rules and regulations as he may prescribe, for such considerations, monetary or otherwise, and for such periods of time as he may deem proper, the term of no concession to exceed a period of 10 years: *Provided further*, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure in accordance with the existing laws in the operation and maintenance of the irrigation projects with which they are connected. Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe: *Provided further*, That where tribal lands of any Indian tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 984), have been withdrawn or reserved for the purposes hereinbefore mentioned, such lands may be leased or concessions may be granted thereon only by the proper tribal authorities, upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws or charter of the respective tribes.

SANTA ROSA BAND OF MISSION INDIANS

The bill (H. R. 5293) to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase in the name of the United States of America in trust for the Santa Rosa Band of Mission Indians 640 acres of land described as section 36, township 7 south, range 4 east, San Bernardino meridian, California, and for that purpose there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $500.

POSTAGE RATES ON CERTAIN THIRD-CLASS MAIL MATTER

The Senate proceeded to consider the bill (H. R. 1521) to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter, which was read, as follows:

Be it enacted, etc., That section 206 (a) of the act entitled "An act reclassifying the salaries of postmasters and employees of the

Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, as amended (43 Stat. 1053; U. S. C., 1934 ed., title 39, sec. 235), is hereby amended by inserting before the period at the end of such section a comma and the following: "but bills or statements of account produced by any photographic or mechanical process shall not be accepted as mail matter of the third class unless presented in quantities of 20 or more identical copies. When such bills or statements are not identical or are presented in quantities of less than 20 identical copies, they shall be subject to postage at the first-class rate."

Mr. ROBINSON. Mr. President, what is the change in the present law which this bill makes with respect to postal rates?

Mr. McKELLAR. The bill contains the following wording:

But bills or statements of account produced by any photographic or mechanical process shall not be accepted as mail matter of the third class unless presented in quantities of 20 or more identical copies.

The report of the Post Office Department on this bill is as follows:

This bill embodies the identical provisions of H. R. 11954 recommended by this Department and passed by the House of Representatives on June 1, 1936.

In the past, bills and statements of account have for the most part been prepared by means of the typewriter, or billing machines operating on principles similar to the typewriter, and have been subject to postage at the first-class rate. In recent years, however, new printing processes have been perfected which are so flexible that the text or printed matter on each separate bill or statement is changed with almost the same facility as if it were produced on a typewriter. One process involves the punching of cards according to the information desired to be conveyed. The cards are then run through a tabulating machine which simultaneously tabulates the figures and prints a complete line at a time on the bill or statement. The actual printing process is entirely automatic, and under the present regulations such bills or statements appear to be mailable at the third-class rate of postage, provided, of course, they are not in facsimile of typewriting.

In other words, by these new processes the payment of the first-class mail rate is obviated in the case of certain of these publications and the third-class rate applies. For that reason the Department felt that this amendment ought to be incorporated in the law, in view of the results accomplished by these mechanical devices.

The VICE PRESIDENT. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act relative to the classification of bills or statements of account produced by photostatic or mechanical process."

RATES OF POSTAGE ON MATTER FOR THE BLIND

The bill (H. R. 4286) to provide special rates of postage on matter for the blind was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That magazines, periodicals, and other regularly issued publications in raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements, when furnished by an organization, institution, or association not conducted for private profit, to a blind person, at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe.

CONSOLIDATION OF RURAL MAIL ROUTES

The Senate proceeded to consider the bill (S. 585) relative to consolidation of rural mail routes, which had been reported from the Committee on Post Offices and Post Roads with amendments, in line 5, after the word "the", to strike out "patrons of such" and insert "boxholders of each"; after line 6, to strike out "Sec. 2. That when routes are consolidated and carriers are appointed to fill such consolidated routes, there shall be no increase in the pay of such carriers for carrying such consolidated routes"; in line 11, to change the section number from "3" to "2"; and in line 12, after the word "extent", to strike out "in" and insert "of such", so as to make the bill read:

Be it enacted, etc., That hereafter consolidation of rural mail routes shall not be made by the Postmaster General unless and until a majority of the box holders of each route, in writing, shall request such consolidation.

SEC. 2. That all laws in conflict be, and are hereby, repealed to the extent of such conflict.

Mr. McNARY. Mr. President, this seems to be an important measure.

Mr. McKELLAR. Mr. President, the provisions of this bill were on the statute books for a great many years. When the last Code of Laws was prepared it seems to have been left out. During the past 6 or 7 years rural routes have been consolidated to a very remarkable degree. During that time, since this process of consolidation has been under way, the appropriations for rural routes have decreased in the Nation by something like $10,000,000. Of course, it is perfectly natural that there should be a desire on the part of the Department to consolidate routes where improved roads have been provided, but in many instances the Department has disregarded the almost universal desire of the patrons on the routes in making the consolidations. So it seems to me, in view of the tremendous decrease in mail facilities afforded people living in the country, there ought to be some limitation placed on the Department in bringing about consolidations of rural routes.

I have had requests from almost every State in the Union concerning this matter complaining of the curtailment of rural mail facilities by the Department beginning, as I now recall, as long ago as 8 years.

For these reasons the committee felt that there ought to be some limitation. Of course, wherever routes should be consolidated, it will be easy enough to have the patrons agree to the consolidation.

Mr. ROBINSON. Mr. President, right there, I should like to ask the Senator a question.

Mr. McKELLAR. I will be happy to answer it if I can.

Mr. ROBINSON. Mr. President, this bill requires that, before any consolidation shall be made, the Postmaster General must secure the approval of a majority of the patrons on all routes affected. It is entirely conceivable to me, from my acquaintance with these matters, that the interest of the carriers rather than the service rendered to the patrons might become the paramount consideration in the consolidation of the routes.

I never knew a carrier or his friends who wanted his route consolidated unless he was going to be the carrier on the consolidated route. Some of the most difficult questions that have been presented to me during recent years have grown out of this matter and have been the result of the desire of the carriers themselves to perpetuate their services. It is quite a natural desire, and no complaint arises out of that; but, at the same time, with the improvement in the highways and of transportation facilities, one carrier may now serve many times the number of patrons that were formerly served by a single carrier. I do not know whether it is desirable to place the entire control of the matter in the boxholders on the routes. They usually like their carriers, and, if a carrier does not want his route consolidated, they would respond to his wish in the matter. I merely make that suggestion to the Senator who is in charge of the bill.

Mr. McKELLAR. Mr. President, I am very glad to answer the Senator's suggestion. The condition he has stated is the real reason for this bill. There have been many consolidations of routes, and they are usually made at the request of the carriers. That is true, and especially is it true, since adoption of the practice to increase the carrier's compensation by something like 50 percent. If the carrier is getting, say, $1,800, and two routes are consolidated and his mileage is thereby tremendously added to, he may do the work in half the time it took him to do it before, but the salary of the particular carrier is increased by just about 50 percent. The cost of the service is decreased at the same time, but, under the present arrangement the Department gets about half the saving effected and the favored carrier gets about the other half. Those are the facts. In the meantime, the patrons along the route suffer, and I say they ought not to suffer. The Government ought to give to those living in the country reasonable and proper mail service.

Mr. ROBINSON. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. I yield.

Mr. ROBINSON. The Senator says "the patrons suffer." My statement or question was premised on the consideration that any consolidation that is made will not impair the service. If it should, perhaps the consolidation should not be made. How do the patrons suffer when routes are consolidated?

Mr. McKELLAR. Those residing in the country, whose homes are not on the fine highways which have been built during the last few years—and I hope their number may increase—are forced to go to those highways for their mail when the little routes along which they live are consolidated with a route along the improved highway. Ordinarily when a consolidation takes place a carrier has his route added to so that it becomes 40 or 50 or even 60 miles in length, and over such route he can operate his automobile and deliver the mails at a very much less cost and in very much less time and obtain a 50-percent increase of salary. In the meantime the country people not living on the main highways suffer, because they either have to go to the highways for their mail or do without it.

Mr. ROBINSON. Do they not have to do that now?

Mr. McKELLAR. No; the routes have been very carefully laid out so as to serve the patrons.

Mr. FRAZIER rose.

Mr. McKELLAR. I see the Senator from North Dakota [Mr. FRAZIER] is on his feet. I think he can give an illustration which will make clear what the committee had in view in this particular matter.

Mr. FRAZIER. Mr. President, if the Senator from Tennessee will yield, I should like to give just one illustration in answer to the question of the Senator from Arkansas. There is now pending in my home county a proposal to consolidate two rural routes with which I am perfectly familiar, they being only a short distance from where I live. One is a daily route and the other a triweekly, and it is proposed to consolidate the routes. The train reaches the town where the routes start about 1 o'clock in the afternoon, and that day's mail reaches the patrons the same afternoon. Under the proposed plan of consolidation, on the triweekly route the carrier will have to go out with the mail before the train comes and thus have only the mail that arrived on the previous day. The mail is distributed on Tuesdays, Thursdays, and Saturdays; the mail would be delivered in the forenoon; and the Saturday afternoon mail would not reach the patrons until the following Tuesday. The patrons of both routes are complaining very bitterly over the situation. The Department has recommended that the change be made effective on the 16th day of the present month, as I recall. I have asked them to hold it up pending the passage of this bill.

Mr. KING. Mr. President, it seems to me that the postal authorities ought to have, and I think they do have, authority to lay out such postal routes as they deem necessary. I know they have in my State been very responsive to the wishes of the people and very generous in providing routes that would be satisfactory.

Mr. FRAZIER. In the particular case I mentioned I believe practically 100 percent of the patrons of both routes have protested against the consolidation, and I think with logical arguments; but the Department has gone over their wishes and proposed the consolidation.

Mr. McKELLAR. Mr. President, I will say to the Senator from Utah, if I may, that I imagine the condition to which he refers as being satisfactory was that which existed when the very law which this bill seeks to reestablish was in effect, because until about 8 years ago the law on the statute books provided that the box holders, the patrons of the routes, should be consulted as to changes in the routes. I hope the Senator will let the bill pass.

The VICE PRESIDENT. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENTAL MONOPOLY OF CARRIAGE OF MAIL

The bill (S. 1426) to protect more effectively the governmental monopoly of the carriage of mail was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 181 of the Criminal Code (U. S. C., title 18, sec. 304) be, and the same is hereby, amended to read as follows:

"SEC. 181. Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same over any post route which is or may be established by law, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, or whoever shall aid or assist therein shall be fined not more than $500 or imprisoned not more than 6 months, or both. Nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post office, postal car, or other authorized depository for mail matter, any mail matter properly stamped."

SEC. 2. Section 186 of the Criminal Code, as amended (48 Stat. 1207; U. S. C., title 18, sec. 309), is amended to read as follows:

"SEC. 186. Nothing in this chapter shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or the conveyance for one sender, in any one day of not more than 25 letters or packets by special messenger employed for the particular occasion: *Provided*, That whenever more than 25 such letters or packets are conveyed or transmitted by such special messenger for one sender in any one day, the requirements of section 3982 of the Revised Statutes (U. S. C., title 39, sec. 500) shall be observed as to each piece."

BILL PASSED OVER

The bill (S. 1431) limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE J. FRANK

The bill (S. 1263) to authorize the award of a decoration for distinguished service to George J. Frank was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is hereby authorized to cause the recommendation for the award of a decoration to George J. Frank, formerly a bugler, Company K, Thirtieth Regiment United States Infantry, for distinguished conduct during the German offensive at the Marne River, on July 15, 1918, to be considered by the proper boards or authorities, and such award made to Frank as his said conduct merits.

The title was amended so as to read: "A bill to authorize the consideration of recommendation of an award of a decoration to George J. Frank for distinguished service."

JOHN PATE

The Senate proceeded to consider the bill (S. 1538) to correct the military record of John Pate, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the name "John Pate", to insert "deceased", so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers John Pate, deceased, who was a member of Company I, Sixteenth Regiment Indiana Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill relative to the military record of John Pate, deceased."

FRANK FISHER

The bill (S. 1572) for the relief of Frank Fisher was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Frank Fisher, who was a member of Troop E, Second Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 19th day of June 1884: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

WALTER S. HENDERSHOT

The Senate proceeded to consider the bill (S. 890) for the relief of Walter S. Hendershot, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to consider the application of Walter S. Hendershot, former second lieutenant, Fifty-first Infantry, United States Army, for the benefits of the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War", approved May 24, 1928: *Provided*, That the application of the said Walter S. Hendershot shall be filed with the Administrator of Veterans' Affairs within 6 months from the date of the approval of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

F. P. DELAHANTY

The Senate proceeded to consider the bill (S. 772) for the relief of F. P. Delahanty, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 10, to strike out "1925" and insert "1923", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Lt. Comdr. F. P. Delahanty, Supply Corps, United States Navy, with the sum $820.80, representing the amount of payments made by him in good faith to Lt. Comdr. C. K. Osborne, United States Navy, for rental and subsistence allowance of his dependent mother during the period July 1 to December 31, 1923.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOSSES BY FIRE AT HAMPTON ROADS NAVAL TRAINING STATION

The bill (S. 1316) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the naval training station, Hampton Roads, Va., on February 21, 1927, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $3,500, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Navy, for value of personal effects lost as a result of the fire which occurred in unit J, naval operating base, Hampton Roads, Va., on February 21, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. WALSH subsequently said: Mr. President, earlier in the session today the Senate passed Senate bill 1316, a naval relief bill. I am informed that the House has passed a similar bill, which is now on the clerk's desk. I ask the Chair to lay the House bill before the Senate.

The VICE PRESIDENT laid before the Senate the bill (H. R. 4687) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927, which was read twice by its title.

Mr. WALSH. I ask unanimous consent that the vote by which Senate bill 1316 was passed be reconsidered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. WALSH. I now ask that the Senate proceed to the consideration of House bill 4687, which is identical with Senate bill 1316.

There being no objection, the Senate proceeded to consider the bill (H. R. 4687) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927, which was ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 1316 will be indefinitely postponed.

JOHN MULHERN

The Senate proceeded to consider the bill (S. 545) for the relief of John Mulhern, which had been reported from the Committee on Claims with amendments, on page 1, line 3, after the enacting clause, to strike out "That there is hereby authorized to be appropriated for payment by the Secretary of the Treasury to John Mulhern, or his legal representatives" and insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Mulhern, out of any money in the Treasury not otherwise appropriated", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Mulhern, out of any money in the Treasury not otherwise appropriated, the sum of $202, as full compensation for a gasoline tank, gasoline pump, and 105 gallons of gasoline, destroyed on March 11, 1934, by fire caused by pupils of the Truxton Canon Indian school, Valentine, Ariz.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WHITE

The Senate proceeded to consider the bill (S. 1479) for the relief of the estate of Charles White, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, the sum of $250 to the estate of Charles White, late of Gonzalez, Fla., in full satisfaction of all claims of such estate against the United States for damages for losses resulting from the destruction by members of the seven hundred and fifty-seventh Civilian Conservation Corps Company of approximately 100 trees growing on property owned by the said Charles White and occupied by such company under a lease dated October 3, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN WAR MOTHERS, INC., AND OTHERS

The bill (S. 1516) to authorize certain payments to the American War Mothers, Inc., the Veterans of Foreign Wars of the United States, Inc., and the Disabled American Veterans of the World War, Inc., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to set aside as a special fund in the Treasury

the sum of $294,852.97, representing the unexpended balance of the sum transferred from the funds "Stars and Stripes" and "Other funds" by the act of March 4, 1933 (47 Stat. 1573), to the fund entitled "Recreation fund, Army", which latter fund was covered into the surplus fund of the Treasury by the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1229).

SEC. 2. The special fund created pursuant to this act is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to divide said special fund into three as nearly equal parts as is possible and to pay one such part to each of the following organizations: The American War Mothers, Inc., the Veterans of Foreign Wars of the United States, Inc., and the Disabled American Veterans of the World War, Inc.

SEC. 3. Each such corporation shall use the funds so received to aid and assist disabled, destitute, or unemployed veterans, and/or their dependents; and shall make a full and complete report to the Congress not later than the 1st day of January of each year of the amount so expended during the preceding fiscal year.

FORT ETHAN ALLEN, VT.

The Senate proceeded to consider the bill (S. 720) to authorize the acquisition of land for military purposes at Fort Ethan Allen, Vt., which had been reported from the Committee on Military Affairs with an amendment to add a new section at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, approximately 3,000 acres of land located in the State of Vermont near the Fort Ethan Allen artillery range, for use in enlarging the artillery range and for other military purposes. The purchase price of such land shall not exceed $175,000, and such land shall be warranted free of all encumbrances and when purchased shall be a part of Fort Ethan Allen.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to acquire upon such terms as he shall deem expedient, a perpetual easement for a road right-of-way from the Fort Ethan Allen Military Reservation to United States Highway No. 7 and to convey therefor, as part consideration, all the right, title, and interest of the United States in and to the 33-foot road right-of-way acquired from Edmund J. Mosely and wife by deed dated September 14, 1893. The purchase price of such right-of-way shall not exceed $100 and the right, title, and interest of the United States in and to the above-mentioned 33-foot right-of-way.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. JONES

The bill (S. 652) for the relief of John B. Jones was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John B. Jones, who served as a first lieutenant, One Hundred and Forty-third Infantry, United States Army, shall hereafter be held and considered to have been discharged under honorable conditions from the military service of the United States on the 8th day of June 1918: *Provided*, That no back pay, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this act.

ERNEST AND LOTTIE DUNFORD

The Senate proceeded to consider the bill (H. R. 456) for the relief of Ernest and Lottie Dunford, which had been reported from the Committee on Claims, with an amendment, on page 1, line 4, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Ernest and Lottie Dunford, of Ramsey Town, Henry County, Va., jointly, the sum of $5,500 in full settlement of their claim against the United States for the death of their minor child, Hattie M. Dunford, who was struck and killed by a Civilian Conservation Corps truck on June 23, 1934, at Ramsey Town, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN W. BECK

The Senate proceeded to consider the bill (S. 1239) for the relief of John W. Beck, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, after the word "Army", to strike out "setting aside his classification in class B, and immediately thereafter place him upon the retired list of the Regular Army for physical disability incurred in line of duty, and said retirement shall be held and considered to have taken place on December 26, 1928 (the date of his retirement under class B), and he shall receive the full retired pay and allowances of an officer of his grade from January 2, 1929 (the date of his separation from active duty): *Provided*, That the amount of the retired pay already received by him since January 2, 1929, shall be deducted from the amount due him under this act", and insert "and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said John W. Beck shall not be entitled to any back pay or allowances by the passage of this act", so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to summon John W. Beck, a first lieutenant, United States Army, retired, before a retiring board, to inquire whether at the time of his retirement under section 24b, National Defense Act, as amended, he was incapacitated for active service, and whether such incapacity was a result of an incident of service, and if, as a result of such inquiry, it is found that he was so incapacitated, the President is authorized to nominate and appoint, by and with the consent of the Senate, the said John W. Beck, a first lieutenant, Regular Army, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said John W. Beck shall not be entitled to any back pay or allowances by the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE YUSKO

The bill (S. 1367) for the relief of George Yusko was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army George Yusko shall be held and considered to have been honorably discharged as a private of Company D, One Hundred and Fifty-seventh Regiment United States Infantry, on April 20, 1919: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued by reason of this act prior to its passage.

ARAPAHOE AND CHEYENNE INDIANS

The bill (S. 1622) authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal in the usual and prescribed manner to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statute of limitations, to hear, examine, adjudicate, and render final judgment in any and all legal and equitable claims, not heretofore finally determined by the Court of Claims or the Supreme Court of the United States, arising under or growing out of any agreement, Executive order, treaty, or act of Congress with or affecting the land or other rights of the Arapahoe and Cheyenne Indian Tribes or bands thereof residing in the States of Wyoming, Montana, and Oklahoma, against the United States: *Provided*, That if the said tribes or any band thereof claim any interest in the lands, moneys, or other property involved in any proceedings already instituted and pending in the Court of Claims, except the case or cases of the Sioux Indians against the United States, such tribe or band thereof may file an intervening petition therein and be made parties thereto, with all the rights and privileges as if original parties to such proceedings, including the right to have judgment for any sum or sums found due such intervenors.

SEC. 2. That if any claim or claims be submitted to the court hereunder, it shall determine the rights hereunder, both legal and equitable, of each and all the parties thereto, as upon a fair arbitration and award, notwithstanding the lapse of time or the statutes of limitation; and any payment which may have been made upon such claims shall not operate as an estoppel but may be pleaded as a set-off, and the United States shall be entitled and allowed credit for all sums, including gratuities, if properly chargeable in such proceedings, paid to or expended for the benefit of such tribes or bands of said Indians. The claim or claims of each of said tribes or bands of Indians may be presented separately or jointly by petition, subject, however, to amendment and consolidation in proper cases. Such action shall make the petitioner or petitioners party or parties plaintiff and the United States party defendant; and any nation, tribe, or band of Indians the court may deem necessary to the final determination of such suit or suits may be joined therein by order of the court.

The petitioner shall set forth the facts upon which the said claim or claims are based and the law, treaties, agreements, Executive orders, act of Congress, or wrongful actions of the United States under and upon which recovery is sought, it being the intent of this act to give the Court of Claims full and complete jurisdiction to determine all legal and equitable rights of the said Indians against the United States: *Provided, however*, That if any claim or claims are asserted against the United States for minerals mined and removed by white persons without authority and in trespass from lands reserved to the said Indians prior to the time the same were ceded to the United States, and the said Indians have not been compensated therefor, the Court of Claims is authorized and empowered to base any judgment entered for such minerals at one-eighth of the value of the minimum amount shown to have been so mined and removed in trespass, and this provision shall not be construed as creating any right of a legal or equitable nature but shall authorize the said Indians to present their claims in this respect to the Court of Claims for adjudication as such claims may exist under treaties or agreements with the United States.

The petition shall be signed and verified by the attorney or attorneys employed to prosecute such claim or claims under contract or contracts with said Indians and approved in accordance with existing law: *Provided*, That any and all such claims against the United States shall be forever barred unless suit be instituted or petition filed herein in the Court of Claims within 5 years of the date of this act.

Official letters, papers, documents, or other public records or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys for the said tribes or bands of Indians to such records.

SEC. 3. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee or fees, not to exceed 10 percent of the amount recovered, to be paid to the attorney or attorneys for the said tribes or bands of Indians, together with all necessary and proper expenses incurred in the preparation and prosecution of the suit or suits, and the same shall be included in the decree of the said court and shall be paid out of any sum or sums found to be due the said Indians under such suit or suits.

SEC. 4. The proceeds of all amounts, if any, recovered for said Indians, less the fees and expenses of the attorney or attorneys, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by the said court to be entitled thereto and shall draw interest at the rate of 4 percent per annum from the date of the original judgment or decree, and thereafter shall be subject to appropriation by the Congress for the benefit and uses of the said Indians.

The VICE PRESIDENT. That completes the calendar. The Senator from Illinois [Mr. LEWIS] is recognized.

THE THREAT OF NEW WAR AND PROPOSED MEDIATION IN EUROPEAN AND ASIATIC CONFLICTS

Mr. LEWIS. Mr. President, I did not mean, of course, to be importunate when once or twice earlier in the day I sought information from the Presiding Officer as to when, under the calendar for today, it would be appropriate for me to fulfill the notice which I gave respecting my privilege of addressing the Senate this morning; but Senators, I am sure, have had the experience of meeting a committee from the home State who had arrived in the city and, having an engagement with a member of the Cabinet, expected their messenger—sometimes extravagantly called a United States Senator—who had made the engagement for them, to accompany them to the meeting. This explains why I was urged to call upon the Chair, and explains the necessity for my seeking the opportunity at the earliest possible moment to comply with my assignment to address the Senate.

Mr. President, I gave notice to the Senate of my desire to give expression today to a matter which I felt was pertinent touching a phase of our foreign relations. Personal engagements such as that to which I have just alluded, calling for me to leave the Senate, make it impossible that I should enter into detail on the subject as fully as otherwise I should have liked to do. That which I shall say shall partake of nothing more in force than suggestion.

I think we recall the confession that Byron puts in the mouth of the Giaour:

If among ye dwell a single thought, or rest with you a memory, I am content.

Mr. President, today, sir, and yesterday, are the anniversaries of the days when we voted for the war we call the World War. I was a Member of this honorable body at the time. I participated in that vote, voting affirmatively upon the representations made to the body and the facts as they then existed. We turn regretfully to note today, sir, that while the contribution of life and all of our Treasury was tendered in order to secure peace and in the hope that we might end war in the world, the Honorable Lloyd George, the war Premier and war director of England in the conflict, in a late address makes this declaration:

Truth must record, whether men and women realize it or not, civilization the world over is losing its supremacy over the human mind. Barbarism, from which we fondly hoped our race had emerged, is once more beginning to darken the human scene.

Mr. President, as to our own country, we feel this truth. Some of you may recall that in the Hall of Eblis, as given us by the painter Beckford, those who were its occupants walked up and down in long rows and in circles with their hands upon their bosoms. When investigation came, it revealed that beneath where their hands rested were their wounds bleeding, but which they hid, that the extent of the agonies might not be seen.

All around us today our American citizen is in something of that position. He moves around in the hallways of his encounter, in the circles of his pursuit, with something of a question within himself, touching his heart and throbbing against it, whether he is not to confront again the pains of war; whether there shall not flow from him and those who are his the blood as once before it was given for the sacrifice. To our soldier we declare, we esteem him "who lives as one who lived free, and who in death sleeps in victory."

Mr. President, we are compelled to note, sir, that it is being reported here to the Senate, to America, and to our countrymen, and put in constant circulation, that this, the United States of America, is being solicited to join again the faction of one party or another of the different countries which were once termed our "allies." We are called on to state that we wish to join them in their enterprise in some form, and give our approval to something of their undertaking, and much more, sir, our support. I ask to have printed in the RECORD at this point an Associated Press dispatch from Paris dealing with this subject.

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

FORMER ALLIES WOO AMERICA FOR NEXT WAR—TWENTY YEARS AFTER WORLD CONFLICT BRITAIN, FRANCE LOOK TO UNITED STATES

PARIS, April 6.—France and Great Britain, in fear that war may come to Europe again, have become more insistent in wooing the support of the United States for such an eventuality today, 20 years after America entered the World War.

So fixed has the idea become that the United States would once again come to the aid of her former allies that no speech on international politics by French and British statesmen is complete without some reference to "the ties that bind us to our brothers in the great democracy over the water."

Both Great Britain and France have based their efforts to insure an alliance with Washington through appeals to a common democratic form of government.

The French, in particular, have emphasized that the United States can ill afford to have her "two outposts of democracy"—France and Britain—beaten by an array of Fascist powers, which would then be free to turn their attention toward America.

No neutrality bill, the French are convinced, will be sufficient to localize the next world war.

In fact, they read into one provision of the Washington neutrality bill a preliminary indication that the United States would again favor her old allies. The provision is that belligerents, in case America remains neutral, buy prime commodities for cash only and for transportation only in the purchaser's own ships.

Only France and Britain, French sources maintained, have the necessary financial resources to make such purchases and the fleets to transport them with adequate protection.

French statesmen have stated that in the event of any war during President Roosevelt's term of office they could count on his known sympathy with the people's front experiment.

They also pointed to a recent address in Paris of United States Ambassador Bullitt as the beginning of a trend to abandon the

"never again" policy America has proclaimed since she entered the last "war to end wars."

Bullitt's statement that there was "always some possibility some nation might be sufficiently reckless to drive us into war", they were frank to interpret as a direct warning to Europe's totalitarian states.

"It has come just 20 years after," one statesman said, "but better late than never."

Observers pointed out that the Franco-British efforts to woo Washington were not going unnoticed by Germany and Italy and that steps were being taken on their part to strengthen American friendship. These observers considered the recent appointment of Dr. Hans Dieckhoff as German Ambassador to the United States as such a move.

Mr. LEWIS. Mr. President, I invite you and my colleagues of the Senate to remember that it was just that pursuit that carried us into the World War. I remember too well how many there were in this honorable body of all those which we describe as political parties, who, through this form of propaganda inserting itself with such insidious influence, were gradually led to the conclusion that the former doctrine of ours which was "against alliance with foreign countries" should then be abated, if not wholly repealed. Sirs, little by little we began to yield to these constant assertions that it was due to ourselves on the one hand, and to humanity on the other, that we conjoin with these of European combination in their efforts to have that particular faction favored by them prevail as against the other within the same country, the two then politically contesting against each other.

Mr. President, it is a sad thing to relate how susceptible we are, as human beings, to the influence of precedent. It will be recalled by those who sit about me that Bolingbroke, in his treatise on The Uses of History, had occasion to allude to a situation very similar to that which now surrounds us, saying:

All proves that we are ever exposed to the influence of picture, and surrender to precedent, summoning us to beware of the illusion that bewitches to delude.

And then Bolingbroke proceeds and proclaims:

We are besieged even in our strongest holds. Temptations, conducted by the passions of other men, assault us; and our own passions, which correspond with these, soon betray us.

Mr. President, we are naturally assumed to resist these attempts, and to apprehend conquest as the result of these precedents; but we turn to ask ourselves, With what result? We turn now to the evidences, and I speak to you of the present record. I summon you to note the concurrence and the rapid multiplication of these systems as they were devised and carried out.

First, you will recall that within our memory—for I shall not go beyond it—in 1931 it was openly declared abroad that this, our home country, and our Government, had entered into an understanding by which we joined one faction of one party and one party of another nation with the object of adjudging who was the aggressor. Then when a conclusion was reached in our judgment as to who was the aggressor, accepting the judgment of other nations that were deciding this question for themselves, this United States was to visit its penalty upon that so-called "aggressor" by policies of discrimination, either as to financial favor or as to the contribution of material and supplies. In this manner we should awaken all the enmity of those against whom we decided, and have nothing to hope in the form of a contributing friendship from those in whose favor we joined. Senators on both sides had to rise on the floor of this honorable body to remind those in power that no such authority had been given those who were speaking abroad, and assuming to speak in our behalf. Little by little it was persisting by repetition. It was a long time before it gradually melted away; still we saw the insistence continue.

Then, sir, we will recall, it was not long afterward that there arose also from the foreign sources the public statement and the assertion that those abroad in official power had solicited with success this our United States to meet in a convention, designated a "disarmament conference", to decide the limitations of the arms of some countries, with privileges of enlargement to be extended to the others. It is to be deplored when you recall that this particular disarmament prospect and project, particularly limited the United States of America in special detail.

Fortunately our people were not inclined to yield. They had seen something of just these observations and understood these inducements. Therefore, this presumption likewise, sir, failed of its purpose.

One would have imagined that those who had assumed this encounter would have grown tired, if not discouraged, in the attempt to purloin this United States of America in these meretricious undertakings. Yet, alas, sir! we are compelled to note that it was only some months afterward that the question arose, strangely, interestingly, when the subject of the increase of the Navy was being considered. A set of voices abroad promptly asserted that there was a movement afoot, to which we were to be a party, by which there was to be a limitation of navies, the word "disarmament" having been dropped. I beseech you to recall, as the distinguished leader of the honorable opposition party, the Senator from Oregon [Mr. McNARY], who here sits with attention to us, will recall with detail—for he, too, took part in the discussion—that it was announced that we should limit our Navy according to that which should be decided by those who sat abroad. Unhappily, it may be, regretfully, it should ever be—it was stated that they were to prescribe the exact limitations upon our Navy, and, sir, the circumference of our defense of ourselves as against their assault upon us.

One would assume, sir, that this might end the audacious assumptions when the proponents of this scheme had seen how the spirit of America resented this intrusion. But we call attention, sir, to the fact that promptly, and not long after, you saw an exhibition when certain governments of the world assembled in a certain meeting at a certain place in Europe known and recalled by you all, and gave out to the world that there had been an expression from our State Department that this Government, its President, and its officials, were "in sympathy" with those governments that assumed to lay what were called "sanctions" upon Italy—Italy at that particular time being at war with Ethiopia.

It was of no concern to the United States as to what those countries in Europe desired to do among themselves or cared to do. Still when they placed us in the position of giving what they called "our sympathy", and thus our encouragement and our aid, to their undertaking against a fellow nation in Europe or Asia, and awaken our Italian-Americans in direct hostility to the United States, they went further than the good sense of this land could possibly excuse.

May I be pardoned if I allude to myself? I had been, just before this announcement, very ill in Russia. A small Government errand, unsuccessfully discharged, had been put in my hands. During this long illness I received further duties which justified me to go to Rome. When in Rome I was compelled to confront how it was difficult even to get what we call a "taxi", a mere conveyance of travel. Everywhere the remark was made, "He is an American." The feeling was so severe against Americans, on the theory that Italy all over believed that which had just gone forth—that we had lent ourselves to those who were placing some limitation upon them in what they felt were their rights. Then all import from the United States or export to Italy was suddenly discouraged under a system by which, if it took the form of anything that looked like favor to us, we were promptly joined in condemnation to another country, also greatly denounced, and the cry would go forth as to the leper, "Unclean! Unclean!" I boldly in Rome made the assertion that there was no justification for saying the United States was "in sympathy" with any foreign government in any of its actions against some other government friendly to the United States. That whenever there was to be such, we would announce it in such proper manner that there could be no misconception as to our meaning, and a complete understanding of the limit.

It will be recalled—may I be pardoned—that I went from there to Geneva. There, despite the situation which officials of foreign lands could have gotten the United States into, officials assembled at Geneva, representing certain foreign governments, boldly rose in their places and reannounced

that the United States authorized the statement of our partiality in the Italy-Ethiopia conflict. Then came the injustice to the distinguished Senator from Idaho [Mr. POPE], who had been over in Geneva and abroad on an errand of education for himself as to international affairs, by the announcement that he had authorized that which we all knew under no condition had he ever spoken—the "sympathy" of the United States in the economic boycott of Italy.

But, sir, there at the League of Nations the assertion was revived. Upon my return to my home, particularly in my city of Chicago, with its near 300,000 Italians, I was able to see, to my great regret, that these Italian fellow citizens had aroused themselves to the belief that we had joined the League of Nations and the nations which were members of it to war against the interests of Italy.

Sir, as we recall this, and the efforts that it took for us to overcome these prejudices, we wonder why these duplications of such fables should be continued without justification, why these peculiar practices of misrepresentation were multiplied upon us. And now, sir, we turn to ask, What motive have these who do such things? We do not know, but we cannot but conceive the one that truly exists. We find it in the Thirty-fifth Psalm of the Holy Scripture, the wail of protest that can be the voice of our Nation:

Let not them that are mine enemies wrongfully rejoice over me: neither let them wink with the eye that hate me without a cause. For they speak not peace: but they devise deceitful matters against them that are quiet in the land.

How fitting, sir, do we find the sacred epitome. And now comes the report, as our public press brings it to us. There is the intimation that the distinguished President of the United States has joined with certain gentlemen well known through international public life to call a meeting at Copenhagen, Denmark, and there our President is to assemble and give directions under which we are to interfere with the affairs of those who find from their situation multiplied armament necessary, or believe themselves in some situation which impels them to prepare for conflict.

In addition to this comes a further report that a gentleman representing us abroad upon a single subject, such as sugar, and a convention of sugar producers is authorized to receive the propositions of these nations abroad to us of the exchange, that they will limit their armaments if we will provide that wherever the armament is deficient for the purposes of their necessary conflict we will repair that deficiency by contributing our own Navy, and with it our Treasury, in order to aid them with supplies.

Surely Senators will know there never was foundation for such, and surely Senators will not fail to see how this is awakening against the United States a hatred in some sections, and among our own countrymen some fear and great suspicion. Because of such it is that they are asking themselves, "Are we again going into a foreign world preparing to maintain their conflicts? Are we again to inaugurate another April 6 and 7, when war must be declared out of the necessity of things which we allow, endorse, and encourage?"

Mr. President, we answer these European soothsayers and say, "You are laboring under great error. This United States will permit no military alliance with you. There will be no political partnership with any of you. We offer to all nations every association that looks for peace. We offer our aid to none that would bludgeon this land into war, and we will have nothing to do with your blood bondage that brings the world, as it is now, into a coliseum of destruction. We rather would have you know that in a better word we express ourselves:

True to our colors, though our shadows grow dark,
We will guide our sure sails as before—
And hold hard the rudder that governs our bark—
Nor ask how we look from the shore.

Mr. President, I bring these thoughts to the attention of Senators that I may make a contrast. There stood on this floor as our guest the distinguished Governor General of Canada. He addressed himself to this body in something of a recognition of the reception the Senate gave to that eminent official. It was with great interest that we noted that this scholar of literature, this former member of Parliament, this legislator—one established, sir, as a student of history—stood before us and wholly recognized and appreciated where he was.

He spoke of the times in which we, the English-speaking people, were in the past all united to the single object of peace and harmony among mankind. He tendered again the wish and hope that we could conjoin with each other looking again to establishing our doctrine, peace, and brotherhood. From this eminent official came no word suggesting alliance, nothing intimating that we should be politically subordinate to some country while we remained, if you please, in a secondary status. We are pleased to recall that that address has awakened our constant increase in admiration of this distinguished official and of his renowned country.

Now we ask, what position will it be understood we are in? Ours is simply this: We turn again to the sacred law when the reply to a question comes forth from the prophet saying, while we know not as to others—

But as for me and my house, we will serve the Lord.

We recall that our distinguished President lately assembled in behalf of peace with our neighbors of North and South America, and there presented the idea of the peace we seek, and as Milton says of the angel of peace, "So vital that but by annihilation can it die." To this conclusion we turn to ask, What is now our duty?

Mr. President, I here make bold to offer some suggestions. The hour has come upon the United States, as I see our situation, when we should fulfill the destiny for which this Republic was established—the brotherhood of man and peace among nations. There is over in Spain a conflict within a family itself. Across to the east are China and Japan, and China having war within itself. I take the liberty to suggest that it is now the hour when the legislative body of our country could well suggest to the President of the United States the tender of the United States in mediation. We to ask these nations to name their delegates, and have those delegates assemble in the United States of America, not in their own lands, or nearby, where ancient political prejudices long inherited may so control their operations, in the intense hate of the hour, by which they are surrounded and so controlled as wholly to prevent the success of the enterprise. We summon them to come here to our firesides of warmth and welcome; to our atmosphere of soft air and glowing light, to assemble where peace awaits the session and justice blesses the scene.

In support of this thought I tender the precedent to my fellow Senators and to our distinguished countrymen. Recall that a former President of the United States, the Honorable Theodore Roosevelt, summoned Japan and Russia, when they were in conflict, to a meeting for peace, and had them assemble here in the United States of America, at Portsmouth, N. H. The result brought those countries to peace. Since then, as we have observed with pleasure, they have remained moving along the same ground of hope, of amity, as between themselves; and, whatever we may hear as to the outbreak within that zone, we are gratified that we began, through the United States of America, the prospect which now may be theirs of a continuous peace.

In this connection, I go further. If we are proceeding to constitute peace, as it is our hope, I make the motion to my country to consider, since we are a party to the peace treaty executed at Versailles, seeing that it is that compact that has scattered, as from a sinister hand, the seed from which there has sprung this ominous growth of war, may we not ask, Has not the hour come when we can appropriately ask the nations which are parties to this peace treaty to assemble with their delegates here in the United States of America, far removed from the influences which brought about the unhappy combat of blood commonly referred to as the World War. There there was planted that which in growth scattered again the instruments of cannonading

and grenades and all weapons of distress bursting from this document called a "peace treaty"?

Here, it may be, the nations party to the treaty could revise this document along the line of the new thought of these people who were parties to the making and who now, seeing that peace could be had, and some degree of harmony reassured, by some revision of this document, could restore it to where no longer would there be this license for future, and the desperate hatreds which we know now are threatening all Europe with war, if not with world encounter.

Will my comrades in this body say, "Is not LEWIS unusual in suggesting a partnership with foreign powers, in view of our past course of ever keeping our hands off foreign disputation?" But I advise a search of history. When France and Germany came to peace in 1872, our then distinguished Secretary of State, Hamilton Fish, and the then President, the distinguished soldier, Grant, under the advice of distinguished statesmen at that time, Republican on the one side and Democratic on the other, were able to make suggestions as to peace between France and Germany, after we had offered slight mediation, but not intruding our Nation as director or dictating. The suggestions were adopted. Those amendations, once approved, kept the peace between Germany and France completely for a generation until lately, unhappily, it was broken by situations more local than we are willing at this particular point and in this place to describe in detail.

Will not my colleagues further recall that when Austria and Germany were at war, and came to terms, it looked as if it would be the destruction of that which we call Schleswig-Holstein. Our distinguished officials, who were looking only for peace and accord between ourselves and those countries, but, of course, having in mind the residents of those countries in our midst, and the desire to maintain them in peace as our neighbors and fellow citizens, tendered from this country a suggestion, which was easily received and finally adopted, by which Germany and Austria reestablished their relation at peace, Schleswig-Holstein was disposed of according to the joint suggestion, and Denmark remains a country independent in itself, and a peaceful land, as an example to the nation neighbors about her?

I refer to but one other, and that, I am sure, is quite easily recalled by us. This country observed the unhappy situation between England and one of her own possessions known as South Africa. After an unfortunate defeat which befell England, that country desired to return to the conflict, for the purpose, no doubt, of maintaining her prestige. While our sympathies extended to the Boers in a great degree, those who were in power in this Government made suggestions to our friend, England, by which she was able, though in a second conflict, to come to terms with her possession, though the latter was inspired by encouragement from Ireland and America.

Thereby, from this entrance of American thought, as my fellow Senators will recall, England and South Africa were brought together in a common bond, which today, apart from local disturbances, is a bond of peace.

I therefore make the suggestion which I propose, and I ask, Are we wandering from the course that is traditionally that of the United States? We are a land of peace. These foreign countries trust us. They know we seek no conquest; we ask no territory; we demand no penalties; we are asking only that that shall be done which will accord peace to them and justice to humanity.

Shall it be said now that the President of the United States having started in the south in behalf of America, we shall not carry out the policy to all the world, if our tenders are received with the understanding that we prohibit for ourselves reward or punishment to others?

Here, sir, may I take the liberty to ask, Will you envision with me this advance of our United States in this new order? Let us conceive her as we bind about her brow the commandments of God; we place in her right hand the Sermon on the Mount, in her left hand the Constitution of the United States. Armored with this trinity, she advances to the new temple of international peace. If, sirs, it be that from any sphere there be the challenge, "Who comes?" let us know that the whole glad earth will respond, "Thank God, this is America!"

SIT-DOWN STRIKES AND UNFAIR INDUSTRIAL PRACTICES

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

The PRESIDING OFFICER (Mr. MINTON in the chair). The clerk will call the roll.

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

Adams	Clark	Johnson, Calif.	Overton
Andrews	Connally	Johnson, Colo.	Pepper
Ashurst	Copeland	King	Pope
Austin	Davis	Lee	Radcliffe
Bachman	Dieterich	Lewis	Reynolds
Bailey	Duffy	Lodge	Robinson
Bankhead	Ellender	Logan	Russell
Barkley	Frazier	Lonergan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Black	Gerry	McAdoo	Sheppard
Bone	Gibson	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Green	McKellar	Thomas, Okla.
Brown, Mich.	Guffey	McNary	Thomas, Utah
Brown, N. H.	Hale	Maloney	Townsend
Bulkley	Harrison	Minton	Truman
Bulow	Hatch	Moore	Tydings
Burke	Hayden	Murray	Vandenberg
Byrd	Herring	Neely	Van Nuys
Byrnes	Hitchcock	Norris	Wagner
Caraway	Holt	Nye	Walsh
Chavez	Hughes	O'Mahoney	Wheeler

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

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of Senate Concurrent Resolution No. 7.

The PRESIDING OFFICER. The concurrent resolution will be read.

The legislative clerk read Senate Concurrent Resolution 7, submitted by Mr. PITTMAN on the calendar day of April 5, 1937, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy; and

That the so-called industrial spy system breeds fear, suspicion, and animosities and is contrary to sound public policy—

The Congress only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas.

Mr. MCNARY. Mr. President, I do not rise to object. My observation will be more in the nature of a parliamentary inquiry.

I recall that when the Senator from Nevada [Mr. PITTMAN] proposed his resolution, it took the form of an amendment. Later it was somewhat modified and was proposed by the Senator from South Carolina [Mr. BYRNES] as an amendment to the Guffey coal bill, which the Senate passed day before yesterday. Did the Senator from Nevada at that time, or has he subsequently to that time, submitted it as a concurrent resolution?

The PRESIDING OFFICER. The Chair will state that the Senator from Nevada submitted the concurrent resolution immediately following the vote upon the amendment offered by the Senator from South Carolina.

Mr. MCNARY. It went then to the Secretary's desk?

The PRESIDING OFFICER. It was ordered to lie on the table.

Mr. MCNARY. Therefore it is in order to move to proceed to its consideration?

The PRESIDING OFFICER. It is in order. The question is on the motion of the Senator from Arkansas [Mr. ROBINSON].

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution.

Mr. ROBINSON. Mr. President, I offer an amendment to the concurrent resolution, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the semicolon in line 4 and to insert in lieu thereof the following:

That the so-called industrial spy system breeds fear, suspicion, and animosity, tends to cause strikes and industrial warfare, and is contrary to sound public policy; and

That it is likewise contrary to sound public policy for any employer to deny the right of collective bargaining, to foster the company union, or to engage in any other unfair labor practice as defined in the National Labor Relations Act.

Mr. MCNARY. Mr. President, at this point may we not have the whole concurrent resolution read?

Mr. ROBINSON. I am about to read it. If the amendment which has just been offered should be agreed to, the concurrent resolution as a whole would read as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy; and

That the so-called industrial spy system breeds fear, suspicion, and animosity, tends to cause strikes and industrial warfare, and is contrary to sound public policy; and

That it is likewise contrary to sound public policy for any employer to deny the right of collective bargaining, to foster the company union, or to engage in any other unfair labor practice as defined in the National Labor Relations Act.

Mr. President, during the consideration of the so-called Guffey coal bill——

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

Mr. ROBINSON. I yield.

Mr. MCNARY. From the declaration and reading, it appears that the first paragraph is identical in language with the amendment that was offered to the Guffey coal bill and defeated?

Mr. ROBINSON. That is true.

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

Mr. ROBINSON. I yield.

Mr. STEIWER. I merely want to ask a question about the amendment. As the Senator read the amendment just now, the lines 8 and 9 appear to have been eliminated or deleted from the resolution.

Mr. ROBINSON. Yes. The original Pittman resolution contained lines 8 and 9, as follows:

The Congress only assumes to speak as to strikes in industries within the jurisdiction of the Federal Government.

Those lines are eliminated, and the resolution as now presented conforms to the original amendment proposed by the Senator from South Carolina [Mr. BYRNES] in that particular. It makes no distinction as to strikes alleged to be within the Federal jurisdiction—and, indeed, I do not know what strikes are in the Federal jurisdiction—and expresses a general policy on the part of the legislative branch of the Government.

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

Mr. ROBINSON. I yield.

Mr. MCNARY. From the reading of the amendment—of which we have no copy before us—it appears that it refers to the National Labor Relations Act and such unfair practices as are therein outlawed.

Mr. ROBINSON. Yes.

Mr. MCNARY. What are those practices?

Mr. ROBINSON. Mr. President, the amendment as proposed specifies two of the unfair practices, namely, the resort to the use of spies and the denial of the right of collective bargaining through the use of the company union. The remainder of the provision is general in character, and is intended to assert as a matter of public policy the obligation on the part of all persons to observe the law passed by the Congress which is known as the Labor Relations Act.

Mr. ADAMS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Colorado.

Mr. ADAMS. I merely wish to ask whether or not the form of the amendment in the second line may not be open to an interpretation that the Senator does not desire. It reads:

That the so-called industrial spy system breeds fear, suspicion, and animosity; tends to cause strikes—

And so forth. I assume the Senator does not mean to denounce strikes generally or to declare that strikes are contrary to public policy?

Mr. ROBINSON. No. I thank the Senator for the suggestion. It is not the intention of the resolution to denounce lawful strikes. The first provision of the resolution denounces the sit-down strike as unlawful. The second provision denounces the use of spies in labor controversies and negotiations as calculated to cause strikes and industrial warfare. While strikes are not to be regarded as unlawful except when they are in the nature of sit-down strikes, nevertheless it is not desirable that employers themselves should encourage strikes or stimulate them by the use of unfair methods.

The evidence before a committee of the Senate shows that on occasions employers have hired representatives of detective agencies, induced them to join unions of workers and to work their way to the head of the workers unions, all the while reporting to the employers the names of those composing the union and prompting the employers with information which has resulted in the discharge of many thousand workers. If any Senator here wishes to approve of that method and of such agencies, of course, his remedy now is to vote against the amendment; but it would be difficult, according to my opinion, to conceive of anything that is more unfair or more certainly calculated to cause disturbance among laborers than to hire thugs, and, for that matter, ordinary detectives, prompt those thugs and detectives to join labor unions, and so worm themselves into the confidence of the workers as to become officers of the unions. In some instances the evidence showed that hired detectives of the employers have secured all the offices of an employees' union, and, all the while, they have reported to the employers the names of those who composed the union, and, while themselves belonging to the union, they have incited conditions among the laborers which have inevitably resulted in strikes, disturbances, and industrial warfare.

Mr. WAGNER. Mr. President——

Mr. ROBINSON. I yield to the Senator from New York.

Mr. WAGNER. I should like to suggest to the Senator that in one instance finally the only member of the union left was the spy who joined the union at the request of the employer, all the other members of the union having been discharged.

Mr. ROBINSON. That is a remarkable statement, but it is supported by the evidence. Here is a case where laborers, in the exercise of their right, recognized in accordance with sound public policy, formed an organization; then a secret enemy, hired for the purpose, joined the union, reported back to the employers the names of the laborers who were members of the union, whereupon the laborers were discharged, and the union consisted solely of the crook—and I use the term advisedly; I think he was a crook; certainly he did not deserve confidence—who was employed to break it up.

Mr. STEIWER. Mr. President, will the Senator yield at this point?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. ROBINSON. Certainly.

Mr. STEIWER. I should like to obtain the Senator's interpretation of his own proposal. In the opinion of the Senator from Arkansas, would the amendment constitute a denunciation of the use of a spy for the purpose of preventing sabotage, we will say, in an industrial plant?

Mr. ROBINSON. Oh, certainly not. I do not know what service a spy would perform to prevent sabotage; but the use of industrial spies as the term is employed in this amendment has come to have a pretty well-established meaning.

Mr. STEIWER. May I further intrude upon the Senator?

Mr. ROBINSON. Yes.

Mr. STEIWER. I take it, then, that the Senator's purpose in offering the amendment is to denounce the spy system so far as it relates to interference with the rights of employees to organize or to bargain collectively?

Mr. ROBINSON. Yes.

Mr. STEIWER. Or to choose their own agents in their negotiations with their employers?

Mr. ROBINSON. Certainly. I do not think that the resolution implies any denunciation of the lawful use of any agency to prevent lawless acts.

Mr. STEIWER. I assume, of course, that the Senator did not intend that purpose, but I have been told that the United States Government uses agents in its efforts to safeguard against subversive influences and that Federal agents sometimes are on the pay rolls of institutions. In a proper case, of course, no one would want to denounce that.

Mr. ROBINSON. Oh, no. And this resolution does not denounce any honest act or effort to conserve the law. What it does, and what it is intended to do, is to denounce those acts which are commonly accepted as violative of sound public policy; and in that class the so-called industrial spy system falls.

I do not wish to quibble about language; I have only a public interest in this matter, and my object is to see that right and justice are done to both parties to an acute labor controversy when we come to attempt to define a Federal policy. I have repeatedly stated to the Senate that, in my judgment, the sit-down strike is unlawful and is not to be approved; but I have neither in my heart nor mind approval for those unfair methods which have been employed in order to prevent laborers from having and enjoying reasonable opportunities to organize themselves for the betterment of their condition and for the protection of their rights.

Mr. President, I have said all at this time that I care to say.

Mr. BRIDGES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. ROBINSON. Certainly.

Mr. BRIDGES. Will the Senator clarify the expression "company union" in his amendment? There is perhaps a great diversity of opinion as to what a "company union" is.

Mr. ROBINSON. Yes. The Senator from New York [Mr. WAGNER] probably will discuss that question at some length. Of course, I think we all understand what is meant by the words "company union." Whenever an organization is fostered and promoted and financed by the company itself for the purpose of controlling the laborers and preventing them from exercising the rights which sound public policy guarantees to them it constitutes a "company union." Of course, such union is not always heralded as a scheme or enterprise to interfere with the rights of laborers, but, as a matter of fact, the object is to control the workers themselves, particularly in their exercise of the right of collective bargaining.

Mr. President, I am entirely content, so far as I am concerned, that the Senate should vote on this resolution whenever it is ready to vote. I realize that it involves subjects that are of intense interest, but I do not feel, as was stated on a former occasion, that it is any part of the obligation of Congress in attempting to formulate a public policy to take one side of the controversy and strike a blow at those who are, in some instances, going beyond their rights, and, at the same time, palliate and excuse or approve the actions of others who are on the opposite side of the controversy whose action is equally in violation of public rights and of sound public policy.

Mr. McNARY. Mr. President, I observe that the resolution offered is a Senate concurrent resolution, of course, originating here. The resolution would become effective after it passed the Senate and the House. It occurs to me—and I am simply desirous of submitting an inquiry to the Senator from Arkansas—that if a joint resolution should be passed by both bodies of Congress and signed by the President, it would necessarily be of more dignity and would carry into effect the objective sought by the resolution. The query is, Would the Senator from Arkansas be willing to accept an amendment so as to make the Senate concurrent resolution a Senate joint resolution?

Mr. ROBINSON. Mr. President, in answer to the question of the Senator from Oregon, I do not approve of attempting to give the effect of law to any resolution we pass on this subject. It is merely a definition of a policy of the Congress. The resolution as presented by the Senator from Nevada [Mr. PITTMAN] was in the form of a concurrent resolution. The Senate and the House are able to express the policy of the Congress. This is intended to be an expression of the policy of the Congress.

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

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from West Virginia?

Mr. ROBINSON. Certainly.

Mr. NEELY. Let me inquire of the able Senator from Arkansas if he is not of the opinion that if the Congress desires to commit the President on this proposition, it should express its desire by means of a bill instead of attempting to have him either approve or disapprove a declaration of policy which cannot be enforced?

Mr. McNARY. A joint resolution has all the force of a statute. We are now in the process of declaring ourselves on a very important subject.

Mr. ROBINSON. That is correct.

Mr. McNARY. If I may answer the Senator from West Virginia further, it is not necessary to introduce a bill. A mere amendment making this a Senate joint resolution instead of Senate concurrent resolution would not only bring about a declaration by the Congress, but also by the administration and the Government. With that great voice speaking, it occurred to me in the best of good faith, that it might be well to offer the suggested amendment in order that we may have back of the resolution all the forces that can be marshalled when we speak.

Mr. NEELY. Mr. President, if the concurrent resolution were transformed into a joint resolution, will the Senator from Oregon explain how any department of the Government could enforce it?

Mr. McNARY. Of course, that question was thoroughly discussed. We all know it is a declaration of policy. All I am seeking and suggesting is to get all the forces back of the resolution that can be assembled. I repeat that the force of the Government, as expressed by the approval of the President, would do that particular thing, and I offered the suggestion to the able Senator from Arkansas.

Mr. ROBINSON. I understand the suggestion fully and the motive underlying it. There is no obscurity in my mind as to what is intended to be accomplished by the proposal to convert the concurrent resolution into a joint resolution.

There are many who feel that unless the Congress has jurisdiction to legislate there is difficulty in announcing a policy; that unless there is some act which we propose to prevent by Federal influence or some other act which we propose to require by Federal influence, we are not justified in legislating upon it at all. The proposal was made to express the intention of the Congress, to express the policy of the Congress. No one here claims that if this policy is disregarded by either employers or employees we can do anything except feel regret and continue to look for some method by which the policy may be enforced.

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

Mr. ROBINSON. I yield.

Mr. BARKLEY. A joint resolution is on almost the same basis as a bill, if it should be enacted and become the law, and therefore has to be signed by the President. It seems to me it would be ridiculous to pass a resolution declaring the policy of Congress as the law, and say it is the law, that Congress believes this ought to be the public policy of the United States. Of course it cannot have the force of law. It is not binding upon anyone. We cannot penalize anyone for violating it. It is merely an expression of opinion by the Congress, and it is not necessary for anybody, except Congress, to join in the passage of such a resolution expressing the policy of Congress.

Mr. ROBINSON. I think perhaps the Senator from Kentucky has made my viewpoint clearer than I made it myself. Congress is assuming now to express its views concerning certain matters pertaining to public policy. In order to express the opinion of the Congress it is not necessary to pursue the course which is ordinarily pursued in regard to legislation. No doubt that is the reason which inspired the Senator from Nevada to present the matter in the form of a concurrent resolution, namely, that the Congress itself could say what it has to say upon the subject without the approval or disapproval of anyone else.

I do not mean to imply by this statement that the President would veto such a resolution as that which is proposed. Neither do I mean to say that he would approve. What I mean to say is that if Congress is going to express its opinion, it has the right and the power to do so without either the approval or disapproval of any other authority in the Government. Since there is nothing to be done pursuant to the resolution, since it is merely an expression of policy and is only intended to express the policy of the Congress, it is in proper form when presented as a concurrent resolution.

I may say that the Senator from Nevada, in fulfilling an engagement which was made some months ago, is absent from the city, but he authorized me to say to the Senate that the proposed changes in his concurrent resolution meet with his entire approval. He is heartily in favor of the resolution as submitted here today.

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

Mr. ROBINSON. Certainly.

Mr. McNARY. My suggestion to the Senator from Arkansas was made upon the basis that, in my opinion, under the rules and practices governing the Senate, such an amendment as I have suggested could not be offered, but that the change could only be made by unanimous consent. That is the reason why I asked the Senator from Arkansas if he had any objection to making the change. Otherwise, I should offer an amendment.

Mr. ROBINSON. In the form in which the resolution is presented I have approved it after considerable study. I do not propose any other amendment myself and do not think any amendment is necessary in addition to the one under consideration. I am entirely content to submit the matter to the Senate for such consideration and action as it believes meritorious.

Mr. McADOO. Mr. President, I should like briefly to submit to the Senate some observations on this concurrent resolution.

While I construe the pending resolution as merely declaratory, nevertheless it may prove helpful in requickening in the American consciousness the pregnant fact that "obedience to law is liberty", and that without it the constitutional guaranty of the sacred right of "life, liberty, and property" is but an empty phrase. Without life, liberty is worthless; without liberty, life is unendurable; but even life and liberty cannot be realized in full measure unless every citizen is permitted to enjoy the fruits of his labor or efforts; unless he is made secure in the possession of his lawfully acquired property.

It is for these reasons that the Constitution of the United States, in the fifth amendment, provides:

> No person shall be • • • deprived of life, liberty, or property without due process of law.

And in the fourteenth amendment that—

> No State shall • • • deprive any person of life, liberty, or property without due process of law.

And again in the fifth amendment:

> Nor shall private property be taken for public use without just compensation.

The fundamental law of the land, the Constitution itself, prohibits the Government of the United States and the government of every State from taking the property—to say nothing of life and liberty—of the citizen "without due process of law." It is because the sit-down strike violates the fundamental law of the land by taking property without due process of law that I cannot endorse it without disregarding my oath of office and my conscientious conviction that the mistaken policy and illegality of the sit-down strike, if carried to its logical conclusion, will inevitably lead to anarchy and the demoralization of organized society.

The Government of the United States itself does not have the power, which the sit-down strike asserts, to take possession of private property without due process of law. The State of Michigan possesses no such power. When private property is taken by Government, Federal, or State, for public use, just compensation must be provided.

Suppose the Federal Government or any State government arbitrarily seized a factory, an office building, a warehouse, or a ranch, and drove out the owners. Such action would be reprehended by every citizen in the land. Government must set an example to the citizen, must live within the law, and proceed in strict conformity with law in every action it may take. It cannot be claimed that sit-down strikers possess a power which transcends that of the sovereign Government of the United States and of the States composing the Union.

Aside from these considerations I cannot, as a consistent friend of labor over a period of many years, endorse a course which, if persisted in, will do grave injury to the just cause of labor. Correction of the obvious evils in our economic and social order cannot, in my judgment, be achieved by lawless methods on the part of capital or labor. With the long struggle of labor for reasonable hours and better working conditions and a more equitable share in the fruits of its industry, I am now, as I have always been, in full sympathy. As a Member of this body I have voted for every measure which I thought would contribute to the achievement of these ends. As a member of the Cabinet of that great statesman and friend of the workingman, Woodrow Wilson, during the World War, I was brought into intimate contact with the problems of labor, industry, and agriculture because of the grave responsibilities imposed upon me by my official duties. I hope my colleagues on the floor will acquit me of even the semblance of egotism if I refer to some phases of my administration as Director General of the Railroads of the United States.

By Executive order some 250,000,000 miles of railroad were taken over by the Government on the 27th day of December 1917 as a war measure, and supreme authority over them was conferred upon me as Director General. I found myself in command of more than 2,000,000 railway employees. Transportation was disorganized; the spirit of the employees was at low ebb because of inadequate wages, unsatisfactory and, to some extent, inhuman working conditions. Strikes were impending in various parts of the country, not because of a lack of patriotism but because of the harsh conditions under which employees were compelled to toil. The draft law deprived the railroads of the service of much skilled labor, and the scale of wages in competitive war industries was so much higher than the scales prevailing on the railroads that men were going to shipyards and war industries, where they could work with equal patriotism and receive wages far in excess of those the railroads were paying. On many of the lines organized labor was unrecognized.

After a thorough investigation of the conditions I issued general order no. 27 on May 25, 1918. The basic 8-hour day was recognized in every line of railroad work. Discrimination against employees because they were or were not members of a labor union was prohibited. The fundamental injustice of paying women in the employ of the railroads less for their services than was paid to men for exactly the same class of work was removed, and the pay of women was equalized with that of men for the same services rendered.

For many years the Negro employees of the railroads, such as firemen, trainmen, and switchmen, were paid less for identically the same work than was paid to white men in like capacities. That discrimination was struck down, and equal pay for the same services performed was accorded to Negroes and to white men alike.

Increases in the pay of employees to put them on a comparable basis with those who worked in war industries, in shipyards, and in other industries throughout the country, were granted. These resulted in a gross increase in the wages of railroad employees during the year 1918 of more than $700,000,000. The amount of the gross addition to income is not particularly important, but it has a bearing upon the magnitude of the problem then presented of equalizing the pay of railroad workers with the pay of those engaged in competitive industries.

These and other corrective acts brought peace and contentment to the great army of railroad men and women

who, in that critical time, were charged with providing transportation for troops, supplies, and equipment indispensable to victory on the fields of France.

I recite these things to point the moral that justice to labor in industry will produce contentment, improve efficiency, and bring peace and just rewards to both capital and labor.

Mr. President, we are going through one of those epochal changes in the life of nations when fundamental and sometimes radical readjustments, economic and social, are involved. The processes of change and reform require patience, intelligence, and the highest order of statesmanship. It is my hope that out of the disturbances that now agitate the industrial world a new formula to govern the relations between labor and capital may emerge. It must emerge if peace in the industrial world is to be secured. It cannot emerge, however, unless our great captains of industry abandon ideas made archaic by a machine age, and recognize frankly that their resistance to laws enacted by Congress to promote industrial justice must be abandoned and a policy of cooperation with government and labor substituted if the great boon of industrial peace and stability is to be secured. I agree with my distinguished colleague, the Senator from New York [Mr. WAGNER], that if the provisions of the National Labor Relations Act for collective bargaining had been accepted by industrial captains instead of being resisted by court proceedings which, although within their technical right to institute, seem to me to have been unenlightened policy, this situation would probably not have arisen. But we are face to face with it now. What are we going to do about it?

A mere denunciation of the sit-down strike will not solve the problem. Compulsory arbitration will get us nowhere. The validity of the Wagner Labor Relations Act, if sustained by the Supreme Court, will prove a valuable contribution, but not in itself a solution.

A new formula, of which I have spoken, to govern the relations between labor and capital must be found. This can be found only if capital and labor will cooperate to that end, aided by government and guided by government. I should like to see action by the Senate which would initiate conferences between the leaders of labor and industry for discussion and counsel on this superlatively important matter. Under the friendly auspices of government, in an atmosphere permeated by patriotism and with a determination to gain the great objective, I am confident that the outcome will set civilization upon a new path toward the ultimate goal of human rights, industrial peace, and contentment.

But, Mr. President, these ends cannot be secured through force or violence. We need the calm of peace for deliberate judgment.

Over the main entrance to the courthouse in Worcester, Mass., is this fine phrase: "Obedience to law is liberty." It is, to my mind, a perfect definition of liberty—liberty regulated by law; the only kind of liberty which assures to every man, however humble, security for his life and property; the only kind of liberty under which civilization has been able to advance; the only kind of liberty under which the people of this great Republic have been able to acquire a commanding position among the powers of the earth. Liberty without lawlessness is the greatest goal of free men. Liberty cursed with lawlessness produces a cancerous growth on the body of society which can lead only to irreparable disaster.

Mr. VANDENBERG. Mr. President, I desire to ask one or two questions about the phraseology of the concurrent resolution. I regret that the able Senator from Arkansas [Mr. ROBINSON] has left the floor. I think I shall have to appeal to the Senator from Kentucky [Mr. BARKLEY].

So far as the initial sentences are concerned, as respects a declaration of public policy, it seems to me the situation is quite clear; and I am quite prepared to say—

> That it is the sense of Congress that the so-called sit-down strike is illegal and contrary to sound public policy.

Then I am quite prepared to say—

> That the so-called industrial spy system breeds fear, suspicion, and animosity, tends to cause strikes and industrial warfare, and is contrary to sound public policy.

I think that is clear; and I think the situation which has been disclosed by the La Follette committee is so utterly indefensible that there could not be any argument as to the importance of a declaration against the industrial spy system.

Then we come to the third paragraph:

> That it is likewise contrary to sound public policy for any employer to deny the right of collective bargaining—

I would agree to that without reservation. I think it is unsound public policy for any employer to deny the right of collective bargaining; and one might even go further, I should think, without much controversy, and add a further declaration of the right of the employee to be entirely free from coercion and intimidation in connection with his choice of a bargaining agency.

Now we come to the language concerning which I desire to inquire:

> To foster the company union or to engage in any other unfair labor practice as defined in the National Labor Relations Act.

I do not understand that all company unions ipso facto are contrary to sound public policy, and that all company unions, just because they are company unions, are under the inhibition of the so-called Wagner Act. Am I right or wrong about that?

Mr. BARKLEY. The company union, as we understand it in common parlance, is a development of recent years brought about by the efforts of certain employers either to discourage or in some way to prohibit the formation or the joining of what we call national unions, or unions which cover more than one company, which cover a large number of employees in various companies in different sections. It was fostered and is fostered wherever it is attempted by the employers in order to prevent the organization of their employees on a national or a larger scale than simply within their factories.

It is entirely possible that employees might voluntarily, without any coercion or encouragement on the part of the employers, form a union limited only to the employees of the company; but when we say in the resolution that it is against public policy for an employer to foster the organization of a company union, we have in mind the very sort of company unions which have been fostered by employers as substitutes for general unions covering all organizations.

Mr. VANDENBERG. The Senator is coming to the point of my inquiry. I am fully aware of the fact that the company-union technique has been used very definitely as a weapon of offense against organized labor, and my inquiry does not go to that sort of company union at all, because I think it is quite clear that that sort of a company union is a very doubtful instrumentality, to put it very mildly. But I was wondering whether this language went beyond that in its scope when it says that any company union, even though the factor the Senator has been discussing is absent, is contrary to sound public policy.

Mr. BARKLEY. No; I would not so interpret it. Let us assume that in any factory the initiative of forming a union of the men in the factory were taken by the employees themselves. We will say they might want to form a union that was not representative in a general sense, to form some new organization of their own accord and by their own initiative, without any suggestion or encouragement or without it being fostered by the employers. Of course, this would not apply to such an organization, because it would not in that case be fostered by the company.

Mr. VANDENBERG. But if there were such an organization, it would ultimately have to be fostered, or acknowledged in some fashion, in order to get anywhere.

Mr. BARKLEY. Of course, that would be only a matter of agreement between it and the employer.

Mr. VANDENBERG. Precisely.

Mr. BARKLEY. If the organization represented the employees, and a question of wages and conditions of labor were in issue, and any dispute should arise as to the scope of the negotiations between the employer and the employees, and the employer had not fostered, had not brought about, had not initiated, the movement for the organization of the union within the company, certainly the mere fact that it dealt with matters of wages and hours and conditions of labor would not be interpreted as a fostering of the union in the sense in with the term is used in the resolution.

Mr. VANDENBERG. In the way the Senator and I understand and use the word "foster", I probably have no complaint. My fear would be that the condemnation might be interpreted to go beyond that point.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Michigan yield to the Senator from Washington?

Mr. VANDENBERG. I yield.

Mr. SCHWELLENBACH. Under the interpretation of the resolution as it reads, it seems to me that the kind of company union that is condemned must necessarily be the kind that is condemned in the National Labor Relations Act. That act provides that it is contrary to public policy for any employer to do certain things:

First. Deny the right of collective bargaining.

Second. Foster the company union.

Third. Or engage in any other unfair labor practice as defined in the National Labor Relations Act.

The interpretation I give is that the last set of words, "as defined in the National Labor Relations Act", refers to all three of the practices which are condemned in the resolution.

Mr. BARKLEY. The National Labor Relations Act sets out in some detail the type of union which is denounced and condemned and referred to in this language.

Mr. VANDENBERG. Mr. President, that does not help me much, because it brings me to my second difficulty.

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

Mr. VANDENBERG. I yield.

Mr. WALSH. I was chairman of the committee which conducted the hearings resulting in the National Labor Relations Act, and I reported from the Committee on Education and Labor the bill which later became that statute. For the information of Senators I will state that there is no mention by name of the so-called company union in the law, it is neither defined nor mentioned; but there is a provision in the law which prevents an employer from performing certain acts which could be applied to the so-called company union, but it is made general, and applied to all labor unions. I will read that phrase:

> It shall be an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

That is the only clause I can think of at this moment which defines an unfair practice on the part of the employer in his relationship with the members of a company union. There is another clause, which prevents the employer from discriminating, in the matter of compensation and in the matter of hiring or discharging employees because of a particular union to which they may belong. The language I have read deals with all labor organizations.

Mr. WAGNER. Mr. President, will the Senator from Michigan yield?

Mr. VANDENBERG. I yield.

Mr. WAGNER. I think I know what is troubling the Senator from Michigan. The Senator is apprehensive that somewhere in this country there may be what is called a company union, namely, a union organized within one plant, but nonetheless free from any interference by the employer, and that such an organization would be hit by this resolution. Of course, I believe this is purely an academic question, for I have never heard of such a union. I do not know whether the Senator who offered the resolution would object, but to relieve the Senator's apprehension I suggest inserting in place of the word "fostered" the word "dominated", so that it would read, "a company-dominated union." That would clear up the Senator's doubt, if there is room for doubt.

Mr. ROBINSON. Mr. President, my recollection is that the exact language employed was "company dominated or controlled." I have no objection to the insertion of that language. I think it means the same as the language in the resolution, but so far as I am concerned, I do not object to it.

Mr. WAGNER. Mr. President, I agree with the interpretation placed on the language by the junior Senator from Washington [Mr. SCHWELLENBACH]. Outside of the question of sit-downs, we are dealing really with the provisions of the National Labor Relations Act, and under that act the practices under which company unions are organized and fostered are prohibited.

Mr. VANDENBERG. In other words, it is the Senator's interpretation that the phrase "to foster a company union" is modified as defined in the National Labor Relations Act?

Mr. WAGNER. I think so, very clearly.

Mr. WALSH. Mr. President, I think the suggestion of the Senator from Arkansas would be most helpful.

Mr. WAGNER. I think the Senator from Michigan knows enough about company unions to make it unnecessary for me to discuss it any further. My reason for saying this is that the Senator from Arkansas a little while ago said I was going to make a somewhat lengthy explanation and immediately after that he himself in two sentences simply and clearly explained just what a company union is.

Mr. VANDENBERG. That is, he explained just what a company union such as he proposes to condemn is.

Mr. WAGNER. The kind about which we are talking, and there are not any other kinds.

Mr. VANDENBERG. That is a pretty broad statement.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. VANDENBERG. I yield.

Mr. NORRIS. Lest silence might be interpreted as assent to the proposed change, I desire to say that I would not permit the change to be made by unanimous consent, by any means, unless it is explained further that there is a great deal of difference between "dominating" and "fostering." It seems to me, as I understand it, that fostering a union is a very clear expression. A company might foster a union and not dominate it completely, at least, but it might be very influential in its management. As I understand, the word "foster" means to do anything to bring about the organization of a union.

It is possible, in theory, to conceive of a company union which is in no way fostered by the company itself, although I never heard of such a one, and I do not believe such a one is in existence. However, such a thing could be possible. If that were true, this definition in the amendment would not have any application to it whatever. The language condemns only a union which is fostered by the company, with the organization and management of which the company had something to do. The company may not be in complete control of the union. The company may control it for some purposes and not for other purposes. The company may be entirely inactive in one particular regard and absolutely controlling in another. Such relationship would be a fostering by the company, and that is the only thing that is condemned.

If we take an imaginary case where the employees of a certain company, without any inducement, without any attempt on the part of the company or any official to control or to induce them to do a thing, should organize a union and confine it to the employees of that company alone they would not be affected by the language of this bill at all as I see it.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Michigan yield to the Senator from Maryland?

Mr. VANDENBERG. I yield.

Mr. TYDINGS. I am not so interested in preserving a company union, but I am interested in permitting the man to join any union he wants to without any intimidation or coercion from any source, either from another union, or the employer, or anybody else. It so happens that a short while ago a group of men who represent an industry in which some 15,000 or 16,000 people are employed in my State came over and asked me to introduce an amendment

to the Wagner Labor Relations Act, which contained the words that men could join a union without intimidation or coercion from anybody. On the 24th of last May I tried to get that amendment adopted by the Senate. The Senator in charge of the bill, for reasons he felt sufficient, did not see fit to accede to that request, and the Senate did not agree to that amendment.

Mr. WAGNER. And I would not today.

Mr. TYDINGS. Does the Senator from New York mean that the men cannot have the right to join the union if they want to?

Mr. WAGNER. In due time I shall answer.

Mr. TYDINGS. The reason I rise at this time is that I want to present that case. The case may have been misrepresented to me, but suppose those 16,000 men, of their own volition desire to join what they call a union that does not come within the purview of this definition, do I understand that those men cannot join that union if they want to? That is what I understand now, that notwithstanding these men may want to join a particular union which suits them, the Congress of the United States says, "No; you cannot join that union even though a majority of you say you want to have that kind of union."

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

Mr. VANDENBERG. I yield.

Mr. BARKLEY. I am afraid my friend from Maryland [Mr. TYDINGS] did not listen to the entire discussion, because if he had he would not have placed such interpretation as he has upon anything that has been said here today. Nobody has said that any number of employees who of their own volition and of their own initiative wanted to join any union could not do so. The question was propounded as to whether this language would prevent the organization by the employees of a union in any plant so long as the union was not fostered or dominated by the employers, and the reply to that was it would not. Certainly nobody here wishes to prohibit any number of employees of their own accord and of their own initiative and of their own free will from joining any union that suits them. What we are seeking to do is to declare that it is against public policy to permit company unions to be organized under the fostering care and domination of the employer, when we know that those things are done in order to keep the men out of other unions.

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

Mr. VANDENBERG. I yield.

Mr. TYDINGS. I see the point of the Senator's argument; but suppose the men go to the ballot boxes and vote that they want to join the company union. What business have we to say that they cannot join such a union if they want to?

Mr. BARKLEY. If it is their own union, organized by themselves, free from any coercion, domination, or fostering by the employer, they have a perfect right to join it.

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

Mr. VANDENBERG. I yield.

Mr. TYDINGS. I do not care whose union it is, or how it is gotten up. If the employees voluntarily want to join that particular union, I ask who in the Senate is going to say that they have not the right to do so?

Mr. BARKLEY. I do not know of anybody who has the right to say it, or anybody who has said it.

Mr. TYDINGS. If the Senator from Michigan will further yield, I wish to say, it seems to me that what we are attempting to say is that even though men want to join a company union—and perhaps nobody in America wants to join one; that is something I do not know—but even though they want to join a company union they have no right to do it. Must they join the kind of union that the United States Senate says they must join, or can they not pick out their own union? As I understand the remarks of the Senator from Kentucky [Mr. BARKLEY] and the Senator from New York [Mr. WAGNER] they do not want the men to join that kind of a union, even though the men themselves vote to say they want to join that particular kind of a union. I do not think that is being fair to the laboring men.

Mr. BARKLEY. So far as the Senator from Kentucky is concerned I will say to my friend from Maryland that he has totally and completely misunderstood what I said upon the subject. I am willing for any laboring man to join any union he wants to join, so long as he joins it of his own free will and his own accord, but I am not willing for him to be forced in any union because his employer wants him to join any particular union.

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

Mr. VANDENBERG. I yield.

Mr. TYDINGS. And I do not want him to join any company union or any other kind of a union that he does not want to join. It strikes me that the wording we ought to use is that labor shall be free to join any union which it wishes to join, free of any intimidation or coercion from any source whatsoever, and leave the company union out of the equation, and let labor then make its own election. But the way we are proposing to act under cover here is to tell labor that it can only join the kind of union that we want it to join.

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

Mr. VANDENBERG. I yield to the Senator from New York.

Mr. WAGNER. The Senator and I argued this whole question out when the Labor Relations Act was before the Senate, and at the time the amendment itself was suggested by a large industry in his State——

Mr. TYDINGS. The Senator is wrong. No large industry did. The men themselves came to my office, the working men, and asked me to propose my amendment.

Mr. WAGNER. I understand that. They appeared before the committee and I asked them a number of questions, and I explained upon the floor of the Senate what kind of a union the Senator from Maryland was talking about. The Labor Relations Act provides that very independence which the Senator is speaking of. It provides that without any economic pressure from the employer the worker shall have a right to make his choice. Now I shall tell a little about the company union defended by the Senator from Maryland. There was no election asking the workers in that particular industry whether they wanted to belong to one union or the other. The foreman walked among the workers, and the workers were handed——

Mr. TYDINGS rose.

Mr. WAGNER. Please let me finish this statement.

Mr. TYDINGS. I have not said a word. [Laughter in the galleries.]

Mr. WAGNER. Perhaps I should not get so intense about the question.

Mr. LEWIS. Mr. President, I regret to interrupt the Senator, but I beseech the Chair to inform the occupants of the galleries that, while we are glad to have them present, there should be on their part no interruption by any form of expression. Anything of that kind is a violation of the rule of the Senate and has the effect of disturbing the debate on the floor of the Senate and making it difficult to hear on the part of those who desire to hear it.

The PRESIDING OFFICER. The Chair advises the occupants of the galleries that they are the guests of the Senate and are not permitted to indulge in any form of applause.

Mr. VANDENBERG. Tell them we are for law and order.

Mr. WAGNER. If I am interrupting the Senator——

Mr. VANDENBERG. Oh, no; the Senator is very welcome.

Mr. WAGNER. I desire to enlighten him upon a subject which the Senator ought to know something about, because these same practices took place in the State of Michigan and the matters were before the Labor Board, of which I was chairman at the time.

Let me talk about this company-dominated union. What happened? The foreman walked among the workers with a printed constitution. Who drew that constitution? The lawyers for the employers. No worker ever had anything to do with it. No meetings were held to determine organization; no meetings were held to determine a constitution; and each one of the workers was handed one of these constitutions.

By the way, let me say that this is the ordinary way of organizing the company unions. I speak now as the result of experience, not of conjecture.

The moment the worker got this constitution he was told, "Now you are a member of this union." That was all there was to it. No meetings were ever held. No collective bargaining was ever agreed to. There was an election held for representatives. The foreman stood right there while these men walked up to the box and voted for the representatives that the employer wanted. Besides, the constitution provided that the men could not elect any representative except someone working in the plant, and the employer, at least from the economic standpoint, always controlled this representative.

Do Senators call that genuine representation? Any time that the representative made a protest on matters of wages or other conditions of employment the employer was in a position to say, "Now, you shut up or you lose your job." That is all there was to the organization. Never was there a collective bargaining agreement made; never did the representatives ask for an increase of wages or anything else in the case of this particular concern.

Then the Senator from Maryland [Mr. TYDINGS] said to me—this will all appear in the RECORD of 2 years ago; I have a very clear recollection of it—"All right; suppose they did have a constitution drawn by the employers' lawyers; after the workers entered the organization and had their independent meetings, could they not amend the constitution?" I said, "No, Senator; that is the difficulty; they could not. The management makes sure of the control of the company union and its representatives." That is so in all these cases, because it is provided that the constitution cannot be amended without the consent of the employer.

Who would say that that is a genuine union? Who would say that that gives the worker the independent right of collective bargaining? It is an absurdity so to contend. It is that type of dummy organization by which the employer wants to control both sides of the table if there is any collective bargaining.

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

Mr. WAGNER. I might as well tell the whole story. A similar provision was contained in the Railway Labor Act, which was passed about the same time as the National Labor Relations Act. What happened as a result of that provision? Certain practices were declared to be unfair in the railway industry, and, after 2 years, I do not know of a single company union that now exists. Why? Because the workers obtained the real right to an election supervised by a Government agency; in that way they made their independent selection, and in no case did the company union survive. The strongest company union was that of the Pennsylvania Railroad, and about 6 months ago that finally gave way. The collective-bargaining agency is now the outside union.

The United States Supreme Court the other day sustained the Railway Act, holding that it would be unlawful to enter into a contract with the company union organized and formed by the railroad company. The Court upheld the rule of the majority, a rule for which for a hundred years workers have been contending but have been unable heretofore to have embodied in a statute. The Supreme Court said that the independent majority union could make a binding contract with the employer for the working conditions under which the workers are to labor.

I will have a little more to say about it later on.

Mr. TYDINGS. Mr. President, will the Senator from Michigan yield to me?

Mr. VANDENBERG. I yield once more to the Senator from Maryland.

Mr. TYDINGS. My mission here is not to defend the company union or to condone the practices which the Senator from New York has pointed out; but is it not singular that, after listening to an argument similar to that of just a few minutes ago when I offered an amendment providing that a worker should not be intimidated or coerced from any source—any source—the Senator who wants the workingmen to have all these privileges and freedom to join whatever union they desired to join could not accept my amendment, which simply provided that the laboring man should have the right to choose his own organization, free from intimidation or coercion from any source whatsoever? That was the amendment to which the Senator from New York objected. He was very anxious to outlaw a particular union, which, I admit, as he describes it, is a bad one; but he wanted to stop there. I wanted to go further; I wanted to give to the laboring man the right to select whatever organization he wanted, without intimidation from his employer, without intimidation from this union or that union or a company union or any other union; but the Senator from New York could not accept that; he said that would be denying the workingman his right. If that be so, I should like to know in what respect it is so. When I proposed that the workingman should have the right to join the union of his own selection, without coercion of John Brown or Bill Smith or the company union or the men in the plant or any other group of men on the face of the earth, the Senator could not accept that suggestion. Though his heart bleeds for the right of the workingmen to join a union of their own choosing, yet he would not permit the writing in of language which would have guaranteed that right in the Wagner Labor Relations Act.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. VANDENBERG. I yield.

Mr. BORAH. I do not desire to get into this debate, but, as a member of the committee that had something to do with the framing of the Labor Act to which the Senator from Maryland has referred, I should like to say that if there is anything in that act which prevents the laboring man from joining any union he wishes to join, I do not know where it is. I never intended any such thing.

Mr. TYDINGS. I have not the act before me, but I may say to the Senator that I do not believe his observation is altogether accurate.

Mr. BORAH. I know that matter was before the committee; I know how I felt about it; I know what was done; and, in my opinion, the workingman in this country under that act can join any union he desires to join.

Mr. TYDINGS. Even a company union?

Mr. BORAH. If he is not coerced, if he is not in any way influenced, if it is his voluntary act, he may join any union. If the Senator from Maryland is correct in his contention, then his amendment should have been adopted.

Mr. TYDINGS. The Senator from New York, who was the author of the bill referred to, has just said on the floor that his purpose in offering that bill was to break up the company union.

Mr. BORAH. It might happen if the workers were acting voluntarily——

Mr. WAGNER. Exactly.

Mr. BORAH. That all the company unions would disappear. What we undertook to do was to see that the employees were free to do what they desired to do. I want the workman to be absolutely free to join a union of his choice—company union or any union.

Mr. TYDINGS. And all I wanted was to make sure that they should be free to act without intimidation or coercion from any source whatsoever, but the Senator from New York says he would not accept that amendment.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. VANDENBERG. I yield.

Mr. WAGNER. I think the Senator from Maryland makes an unfair statement when he says my purpose was to break up the company unions. My purpose was to make the worker a free man, so that under economic pressure he would not be compelled to join one particular union. That is all I had in mind.

Mr. TYDINGS. I join the Senator in that.

Mr. WAGNER. And the Senator from Idaho does me the justice to say that I repeated time and again that I wanted

to make American workers who, in many cases, have been economic slaves, free men, at liberty to join whatever union they desired.

Mr. TYDINGS. Mr. President, if the Senator from Michigan will yield further, I should like to ask the Senator from New York why he was opposed to my amendment which simply provided in effect that the worker should be free to join any organization he desired without coercion or intimidation from any source whatsoever.

Why could the Senator not accept that amendment?

Mr. WAGNER. Because the workingmen of this country would have asked me to defeat the bill with such an amendment in it, and justly so.

Mr. TYDINGS. What would have been the harm of such a declaration?

Mr. WAGNER. Mr. Emery, that great friend of labor, came before the committee at its hearings and said, "If you will take this amendment everyone of us who now oppose this proposed legislation will approve it." That was the anti-union organization's attitude, because they saw there a chance to go into the courts——

Mr. TYDINGS. Oh, well——

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

Mr. VANDENBERG. I should like to proceed for a moment and obtain a little more information.

Mr. BARKLEY. The Senator does not mean that he has not obtained a lot of it I hope.

Mr. O'MAHONEY. Mr. President, will the Senator from Michigan yield to me for the purpose of reading into the RECORD the pertinent terms of the National Labor Relations Act?

Mr. VANDENBERG. The Senator from Massachusetts has already read that act into the debate.

Mr. O'MAHONEY. Has he read the terms of the act concerning which the Senator from Michigan is now propounding his questions?

Mr. VANDENBERG. Yes; I think he did. The Senator means the provision regarding unfair labor practices?

Mr. O'MAHONEY. The portions with reference to the company union.

Mr. VANDENBERG. Yes; I think he did.

Mr. O'MAHONEY. Then, may I ask the Senator if the act does not make clear the whole subject of this discussion?

Mr. VANDENBERG. If I may proceed now to answer the Senator's question, perhaps, I can indicate what was in my mind.

I have no interest whatever in easing the way for the company union; that is entirely beside the point. I have no interest in the company union at all. I realize that the average company union is a thoroughly selfish sort of instrumentality in its original inception under management auspices. I am simply trying to find out whether the purpose of this declaration is to declare that all company unions are contrary to sound public policy or whether the declaration is limited in the aspect that the Senator from Kentucky has indicated, namely, that only such company unions are proscribed as fall under the term "unfair labor practices" as defined in the National Labor Relations Act. That is a much more limited expression of condemnation than the general one now before us would be.

Mr. O'MAHONEY. May I respond to the Senator on that phase of the subject?

Mr. VANDENBERG. Yes.

Mr. O'MAHONEY. The paragraph in the pending amendment to which the Senator is alluding reads as follows:

> That it is likewise contrary to sound public policy for any employer to deny the right of collective bargaining, to foster the company union or to engage in any other unfair labor practice as defined in the National Labor Relations Act.

The use of the words "any other" in this connection, the grammatical structure, and the punctuation, all indicate that it is intended to convey the understanding that what is condemned as being contrary to sound public policy are the unfair labor practices which are defined in the National Labor Relations Act, including, among others the denial of the right of collective bargaining and the fostering of the company union.

Mr. VANDENBERG. Very well, let us assume we have that straightened out.

Let me come to the second question I want to submit regarding the purpose to declare as unsound public policy any challenge to the definition in the National Labor Relations Act.

Mr. O'MAHONEY. Of course, that is not the purpose of the amendment.

Mr. VANDENBERG. What is the purpose of the amendment?

Mr. O'MAHONEY. The Senator said to declare as unsound public policy any challenge made of any definition in the act. That, of course, is not to be inferred from any language in the amendment. Any citizen may challenge any act at any time, or may challenge the Constitution, and do it with perfect propriety.

Mr. VANDENBERG. That is exactly the point to which I am coming. The National Labor Relations Act is still a matter of legal controversy, and citizens, acting entirely within their legal rights in some jurisdictions, are not only questioning it but in some jurisdictions, even though they have not questioned it, find it outlawed by the courts for the time being. As I understand, the National Labor Relations Act has gone to the circuit court of appeals—I think the Senator from New York [Mr. WAGNER] said in six out of the nine circuits. In those circuits I assume citizens were entirely entitled to raise the question of what their rights were under the act, and to raise the question whether the act itself was in contravention of the Constitution. The Senator from New York himself indicated that that was a legitimate appeal if anybody wanted to take it under the law.

What I want to know is whether we are now asserting it to be contrary to sound public policy to fail to recognize the definitions in the National Labor Relations Act, which are still a matter of legal controversy in a perfectly proper jurisdiction?

Mr. O'MAHONEY. May I ask the Senator a question?

Mr. VANDENBERG. I yield.

Mr. O'MAHONEY. Does the Senator contend——

Mr. VANDENBERG. I am not contending anything. I am trying to get some information.

Mr. O'MAHONEY. Does the Senator contend that it is within the right of a citizen to decline to observe any particular law until he has had an adjudication of that law by the courts?

Mr. VANDENBERG. Oh, no; but I contend that it is not fair to say that it is against sound public policy to condemn John Doe for failing to observe all of the provisions of a law which the circuit court of appeals has said is not the law.

Mr. O'MAHONEY. Does the Senator contend that John Doe, having taken a particular law to the district court or to the circuit court of appeals, and a final judgment not having been entered, may decline to observe the law while it is still the law until some indefinite time in the future when, after the long delays to which court procedure is susceptible, a final judgment may be had in the court of last resort?

Mr. VANDENBERG. The Senator is asking me for a legal interpretation which I am not competent as a layman to give.

Mr. O'MAHONEY. I conceive, and I think the Senator believes also, that when the Congress of the United States has enacted a statute and that statute has been signed by the President of the United States, it is the law of the land.

Mr. VANDENBERG. Is it the law of the land after the Circuit Court of Appeals has set it aside?

Mr. O'MAHONEY. It certainly is if it has been appealed from. There never was a lawyer who contended that the courts or any court had the right to repeal a particular act. The courts may say in a particular case, "under the circumstances of this case this law is unconstitutional"; but the power of the court is expressly limited by the Constitution to the cases which come before the court, and until there has been an adjudication by the highest court in the land no citizen of the United States is justified, if then, in saying that the particular law is not a valid enactment of his Government entitled to full respect and obedience.

Mr. VANDENBERG. Suppose he is protected by injunction procured from the court or, regardless of whether within an injunction or not, cannot he be protected in that condition?

Mr. O'MAHONEY. That depends altogether on the type of injunction and the sort of bond he gives to support the injunction.

Mr. VANDENBERG. Of course it does. I know nothing about the type, and I decline to be drawn into a legal controversy when I have no legal qualifications with which to contend against my able friend from Wyoming. I am submitting the fundamental problem in fair play solely. Is it fair to say, upon the solemn responsibility of the Senate, that it is unsound public policy for a citizen to engage in any practice under a law which may have been suspended in his behalf by a court?

Mr. O'MAHONEY. But the Senator says "a law which may have been suspended." There is no authority in any court to suspend any law. The only question that lies before the Senate in the amendment which is presented here is whether or not the laws enacted by the law-making body, whether they apply to employers or employees, shall be recognized as long as they are on the statute books. That is the only question.

Mr. VANDENBERG. I wish it were the only question. If the Senator can satisfy me that it is, that is all I want to know. I am perfectly willing to insist that employers and employees shall live under the law.

Mr. O'MAHONEY. Of course, that is all the amendment proposes to declare.

Mr. VANDENBERG. I wish I could be sure of that.

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

Mr. VANDENBERG. I yield to the Senator from Kentucky.

Mr. BARKLEY. I think there is nothing in the resolution that can be interpreted as denying to any citizen of the United States the right to go into any court to contest the constitutionality of an act or to litigate his rights under it. We are not doing anything that emphasizes the enforceability of the Labor Relations Act. We are setting up a sort of yardstick of public policy, based upon fair labor practices. If the Labor Relations Act had not been passed, and if it were not now pending before the Court, we could have included in the resolution a detailed stipulation as to the things we might think are unfair labor practices, and we might have said it is against sound public policy to engage in any practices which we believe to be unfair.

If the Supreme Court should declare the Wagner Act unconstitutional so that it would be no longer enforceable, or if it held it unconstitutional in some regard but not entirely, in either case it might leave the definition of unfair labor practices as set out in that act as the fair standard by which Congress might determine the matter of public policy. Even if the Court should declare null and void the entire act, the definition of unfair labor practices in that act would still be a legitimate basis upon which we might found a resolution declaring it to be against public policy for the employer to do certain things set out in that act as being unfair to labor. If we might assume the Court would hold the sit-down strike to be legal or not unlawful, we still would be going on record in this resolution as declaring it against public policy to do any of the things defined in that act as unfair labor practices. I do not wish irreparably or to any other extent, except as a definition and guide, to tie this resolution to the Labor Relations Act referred to by the Senator from Michigan.

Mr. VANDENBERG. I thank all the Senators who have contributed to the discussion.

Mr. WAGNER. Mr. President, the Senator from Michigan has been very generous to me, but will he yield again? On this point I shall be very calm.

Mr. VANDENBERG. Very well. I yield to the Senator from New York.

Mr. WAGNER. One of the points brought out by the Senator from Kentucky [Mr. BARKLEY] was that if two or three jurisdictions decided the sit-down strike not to be illegal, the Senator and I would still vote for the resolution so far as the sit-down strike is concerned. In the labor cases, the question has been decided differently in different jurisdictions. In some jurisdictions it has been held that in the particular instance the hearing applied to an industry over which the board had jurisdiction.

In other cases, it was not so much the general policy to which the court was opposed, as that in the particular case brought before it the Labor Board exceeded its jurisdiction. But the fact that the law applies in some cases and not in others should not stop us from reiterating the general policy which we declared 2 years ago, protecting the workers in their right to organize and bargain collectively.

I overlooked something I meant to say in connection with company unions. They are also, may I say to the Senator, financed by the employer. It is like one litigant paying the attorneys on both sides of the case. The representatives of the employees are bought by the employer, so how can it be said they are independent?

Mr. TYDINGS. Mr. President, will the Senator from Michigan yield? I am not going to get into further debate of that question at all. I have ended that debate. I want to bring another point to the attention of the Senator.

Mr. VANDENBERG. I yield to the Senator with trepidation.

Mr. TYDINGS. If the Senator will look at the Wagner Labor Relations Act, section 8, on page 4, the Senator will find that it reads as follows:

> It shall be unfair labor practice for an employer—

Then it goes on to enumerate what the unfair practices shall be. Anybody else but an employer may do all of these things. They may coerce labor; they may interfere with a union men wish to join; or prevent them from joining another union; but there is nothing in the Wagner Act which prevents coercion or intimidation upon employees unless it comes from an employer.

Mr. WAGNER. Mr. President, will the Senator yield on that point?

Mr. VANDENBERG. I was very fearful this would happen. I yield, however.

Mr. WAGNER. The Senator from Maryland is a distinguished member of the bar of his State. If any coercion were exerted against any of the employees of the employer the Senator has in mind he would rush to court, as he would have a right to do, and secure an injunction to prohibit that coercion. That is a legal right which exists today, and no additional statute on the subject is needed.

Mr. TYDINGS. I thank the Senator for telling me that that is a legal right; but, if it is a legal right, I still do not understand why the Senator from New York objected to putting it in the act.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from California.

Mr. JOHNSON of California. Thus you see, my friend, as Mr. Chesterton says, the sanctity of futile debate. [Laughter.]

Mr. VANDENBERG. Mr. President, the observations of the Senator from California may apply to a portion of this discussion, but not to all of it, because I have found a considerable part quite illuminating.

Mr. BARKLEY. Mr. President, will the Senator, while he is in a good humor, yield to me again?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. VANDENBERG. I object to yielding on that premise, because it implies that I am not always in a good humor, which I deny. [Laughter.]

Mr. BARKLEY. I withdraw the premise.

Mr VANDENBERG. I yield.

Mr. BARKLEY. With reference to the amendment offered 2 years ago by the Senator from Maryland [Mr. TYDINGS], I recall that amendment. I recall the reasons why it was opposed, and I was one of those who opposed it.

Of course, the object of the amendment was to make it unlawful for any labor-union official or member to attempt to persuade other laborers to join a particular union. I think I made a very brief little speech against it, and the Senator from New York [Mr. WAGNER] did, because one or two courts in the United States, especially Federal courts, had held that for one laboring man to try to persuade another to join his particular union might be construed as coercion; and therefore the word "coercion" or the word "intimidation" might be applied by some of these unfriendly courts to a mere friendly conversation in which one union man tried to persuade other laboring men to join his particular organization.

That was the reason why the amendment was objected to on the part of the Senator from New York. Certainly it was the reason why I voted against it; and I should vote against it again under the same circumstances.

Mr. TYDINGS. Mr. President, will the Senator from Michigan yield just for a short observation?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. VANDENBERG. Yes; I yield.

Mr. TYDINGS. Of course everybody knows that coercion and intimidation are entirely different from persuasion; and if what the Senator from New York said was true, the right of free speech would have been impaired. The amendment, however, was only five lines in length. I have the amendment here, and I am going to read it, with the Senator's permission. Let us see how much prevention there would be, in the amendment I offered, of a union man trying to persuade a workingman to join his union.

The amendment reads as follows. I read from page 7653 of the CONGRESSIONAL RECORD of May 16, 1935:

> Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, free from coercion or intimidation from any source.

How in the world that would stop a mere argument being addressed to a laboring man is one thing; but I rather suspect—and I do not attribute any improper motives to the Senator from Kentucky or the Senator from New York—that those who tried to bring about, and did bring about, the defeat of this amendment did want the right to coerce the laboring man to join their organization, whether he wanted to do it or not; and that was the underlying reason why the laboring man was denied the American right not to be intimidated or coerced from any source whatsoever. Every Senator on this floor knows that was the reason. Let us be frank about the matter. The Senator from Kentucky has taken the clothes off this child, and there it stands nakedly exposed before us, because the labor unions wanted the right to coerce, although they denied the employer the right to coerce. What the Senator from Maryland wanted was to give the working man his liberty without anybody—labor or labor organizations, or employer—having the right to coerce him as to what he should or should not do.

Mr. BARKLEY. Mr. President, the only clothes I have taken off this baby were the clothes of the Senator from Maryland. [Laughter.]

Mr. TYDINGS. Well, it was a good suit, if the Senator did. [Laughter.]

Mr. VANDENBERG. Mr. President, before we get into the clothing business I wish to quit the floor, because all I rose for was to ask two very innocent questions about just what the authors of this amendment had in mind.

Personally, I very much regret that when we started out for the simple purpose of announcing that law is still law in America, and that illegal trespass is illegal, no matter who the trespasser is, we have had to be drawn into the necessity of all this collateral discussion about other matters.

I do not believe the National Labor Relations Act has yet reached the point of complete finality where it is entitled to be included in a declaration of public policy by the Senate in respect to these fundamental relationships. The American Federation of Labor today proposed amendments to the Wagner Act. The Wagner Act manifestly is going to require amendment in many directions; and I should like to join hopefully in expanding the Wagner Act to such an extent that it may meet some of the challenges which we now confront.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. VANDENBERG. No; I decline to yield. The Senator from Wyoming cannot charge me with any lack of generosity if I conclude.

Mr. O'MAHONEY. Certainly not.

Mr. VANDENBERG. The National Labor Act manifestly needs to be amended in respect to the increased protection for labor in regard to spies and kindred methods of espionage, and many other factors of that inimical nature.

Mr. WAGNER and Mr. O'MAHONEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. VANDENBERG. I decline to yield.

The act certainly needs to be expanded in respect to the authority which it puts behind the contracts which it undertakes to establish; because when we see within recent memory a situation where one contract was followed by 30 subsequent sit-down strikes; after presumably the whole matter had been liquidated, we manifestly have not yet created the stabilities which are essential to the kind of relationship which both the Senator from New York and I would like to establish under the act.

All in the world I rose to find out was what four or five words meant; and I am almost inclined to believe that I understand.

Mr. O'MAHONEY. Mr. President, before the Senator takes his seat, may I ask him a question or two?

Mr. VANDENBERG. If I must still stand up and listen to some more speeches, I shall be glad to do so.

Mr. O'MAHONEY. I am not making a speech. I have just made a few inquiries.

Does the Senator contend that no act of Congress should be obeyed until the process of amendment is completed?

Mr. VANDENBERG. Oh, I have never said anything of the sort.

Mr. O'MAHONEY. That is the implication of every word the Senator says.

Mr. VANDENBERG. Nothing of the sort. That is sheer quibbling.

Mr. O'MAHONEY. The Senator says the National Labor Relations Act requires additional amendments. As long as a law has been enacted and stands upon the statute books, does not the Senator believe it should be obeyed in all its terms?

Mr. VANDENBERG. I said from the beginning that I am prepared to join in asserting that law is law, and, so far as I am concerned, it applies to everybody. If the Senator wishes to say that in words of one syllable, I shall be delighted to join him.

Mr. O'MAHONEY. That is exactly what this amendment says, and in words of not more than two or three syllables.

Mr. WAGNER. Mr. President, I do not desire to prolong the discussion unduly. Perhaps I have already offended; but I hear so many statements made in general language, without any specific suggestions, that "the law ought to be amended."

The Senator from Michigan [Mr. VANDENBERG] a moment ago said that the law ought to be amended with reference to spies. The National Labor Relations Act covers that subject very fully. Why were spies used? They were used to ascertain who were members of the union. Just think of what the worker is still up against. Spies were used to ascertain who among the employees were secretly joining an outside union; and upon the spy's informing the employer the workers were discharged. That is a violation of the National Labor Relations Act today. Therefore, so far as the spy system is concerned, the present law covers it in full.

The Senator spoke about some strikes in Michigan. I am sure the Senator must be well enough informed as to the controversy that existed between the employers and the workers in those unfortunate sit-down strikes to know that

in every case the question involved the right of the majority to bargain collectively. If the National Labor Relations Act had been recognized, which gives the majority of the workers the right to bargain collectively for all, those strikes never would have existed. But, in violation of the act, collective bargaining until very recently was denied.

Happily the Chrysler strike has been settled, and the General Motors strike has been settled. No one is happier than I, and I hope it means that from now on employers and employees will recognize each other's rights and their own obligation and settle their disputes by peaceful means and by the observation of the law which protects both. No one realizes more keenly than I the hardships inflicted on both industry and labor by bitter and prolonged industrial warfare. My efforts have always been to bring to both industry and labor the blessings of industrial peace. That is the objective of the National Labor Relations Act, and the fact that the peace terms in the General Motors and Chrysler controversies accept the principles of that act prove that the act is an instrument for peace and justice for both industry and labor.

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

Mr. WAGNER. I yield.

Mr. VANDENBERG. The Senator referred to some statement I had made regarding recent strikes. The statement I made referred to 30 sit-down strikes in the General Motors plants subsequent to what was presumed to be a conclusive contract under the collective-bargaining process. That was the thing to which I referred.

Mr. WAGNER. No one can defend that.

Mr. VANDENBERG. Exactly; and I was saying that that demonstrates the need for additional stability.

Mr. WAGNER. What does the Senator suggest?

Mr. VANDENBERG. There must be some kind of responsibility behind a contract after it is written.

Mr. WAGNER. I think Governor Murphy, although some of his critics are attempting here and there to make capital out of it, did a marvelous job in being patient in this critical situation. Without the loss of a single life, so far as I know, he has brought about an amicable adjustment. Had he, in line with some of the suggestions, or even demands, that were made, sent troops to get the men out of the plants immediately, we are sure that bloodshed would have occurred. How far it would have spread, no one knows. I am one who desires to congratulate Governor Murphy for this very amicable conclusion, and I believe he deserves the praise of all thoughtful citizens. He has done a magnificently constructive piece of industrial statesmanship.

Mr. VANDENBERG. Was the Senator imputing to me the partisan criticisms?

Mr. WAGNER. Oh, no.

Mr. WALSH. Mr. President, there seems to be a good deal of difference of opinion as to the extent and effectiveness of the national labor relations law.

The recent decision of the Supreme Court in the matter of the railroad law in my opinion makes it clear that the national labor relations law, in its definition of the rights granted to labor, and in the provision relating to unfair practices, will be found constitutional.

The important question the Supreme Court will have to decide some day is the jurisdiction of the Congress over employees who heretofore have not been held by the courts to be engaged in employment relating to interstate commerce. In my opinion, transportation and communication companies will unquestionably be found to be within the scope and character of the law.

Whether or not the Court would say that the employees of a manufacturing plant in Massachusetts or Pittsburgh or any other city or State which ships its products in interstate commerce are embraced within the provisions of the national labor relations law is a question which can be answered only after the Supreme Court speaks. It seems to me that heretofore the interpretation of the law has been that manufacturing plants as such, though their products are shipped in interstate commerce, do not come within the protection or purview of the interstate-commerce clause. In my humble judgment, I do not think there is any question about the national labor relations law being found constitutional under certain facts, and that where it is clear and unmistakable, as in the case of transportation companies and communication companies, they are engaged in interstate commerce. The question the Court will have to decide which will be of supreme and tremendous importance as to the power of the Congress in dealing with employers and employees will revolve around where the Court places the dividing line between local control and interstate commerce.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. O'MAHONEY. Is the Senator of the opinion that it rests absolutely and finally with the Court to determine where the dividing line lies, or does he not believe that the dividing line is to be delineated by the facts as they exist?

Mr. WALSH. In a particular case.

Mr. O'MAHONEY. When Congress undertakes to legislate upon a matter which obviously concerns the entire people, is the Congress not entitled to survey the economic situation, and, having surveyed that situation, to say that in order to regulate commerce among the States it is necessary to go to this length or to that length in the regulation of intrastate activities, and then expect the Court to follow?

Mr. WALSH. The Court has not heretofore taken that position, the Senator will agree, and that is why the coming decision on this law will be of supreme importance. The national labor relations law has no legal standing at all unless it is based on the commerce clause of the Constitution. There are certain things that are national and definitely interstate. There can, in my opinion, be no doubt about the employees of a line operating busses from one State to another, an express company, a telephone company, or a telegraph company being within the purview of the law.

Does the Senator think that the courts heretofore have held the employees of a manufacturing plant at Pittsburgh are engaged in interstate commerce?

Mr. O'MAHONEY. Certainly not. The courts have heretofore held that production or manufacture is not within the commerce clause, but they have done that because there has not been a proper representation to the courts as to what constitutes interstate commerce.

Mr. WALSH. That is an indictment of former officials in the Department of Justice.

Mr. O'MAHONEY. I do not hesitate to make that indictment; but it may be proper to add that only last week the Supreme Court recognized that the labor of mechanics in a railroad shop, though wholly intrastate, is nevertheless within the jurisdiction of Congress.

Mr. WALSH. I am not differing with the Senator. I simply rose to call attention to the importance of the coming decision, and to state that our authority and our power over employees and employers would depend tremendously upon whether the Court expands the interpretation it has heretofore made.

Mr. O'MAHONEY. The Senator is quite right, and in explanation of what I have said I call the Senator's attention to the fact that the courts, without exception, from the earliest days down to this—and when I refer to the courts I include the Supreme Court—have held that it is within the authority of Congress, in exercising its power under the commerce clause, to regulate matters which are not in interstate commerce, if it is necessary to do so, to regulate that which is acknowledged to be interstate commerce.

Mr. WALSH. I think the Senator has correctly stated that point.

Mr. O'MAHONEY. There is before the Committee on the Judiciary, of which the able Senator from Arizona is the distinguished and affable chairman, a measure (S. 10) designed to provide for licensing and chartering corporations engaged in commerce among the States, and I desire to make just a brief allusion to the testimony which has been developed before the committee.

It has been demonstrated, for example, that almost 10 percent of all the dairy products which supply the city of New

York come from the State of Nebraska. I could cite numerous other instances of exactly the same kind, all tending to prove the fundamental fact that in our modern economic system production and distribution are essential parts of commerce among the States. The debate which we are having here this afternoon is a demonstration, if one needed it, that the effect of purely local aspects of the commerce and industry upon which we all depend is national in its scope.

Mr. WALSH. The point I tried to make is that there is a limitation somewhere. Let us consider some of the extreme suggestions. It was argued before our committee, when the national labor relations law was under consideration, that the elevator man operating in an apartment house in Boston, or in Washington, or in Chicago, who carried a box of oranges, that were shipped from Florida, up to an apartment, was within the scope of the law. Is he or is he not? The courts have to answer.

I have no doubt in my own mind, especially in view of the recent decision of the Supreme Court in the railroad case, that the national labor relations law will be held constitutional insofar as it relates to communication and transportation companies.

Mr. O'MAHONEY. I may say, in further reference to what the Senator has been discussing, that to my mind it is perfectly clear what the distinction is. The law sponsored by the distinguished Senator from New York [Mr. WAGNER], and almost every other law which attempts to deal with these vast problems of commerce among the States, is drawn in terms of persons. The National Labor Relations Act refers to employers as "persons", when as a matter of common sense we know that such employers may not be persons at all. Indeed, in most cases they are distinctly not persons. Take the case of the General Motors Corporation, with respect to which the very first of the sit-down strikes was initiated. Is the General Motors Corporation a person? Because the Supreme Court at one time said that a corporation is entitled to the equal protection of the laws as any natural person is, does not mean that the Congress is bound forever after to regard a corporation as a person.

It is not really a person; it is merely an artificial person, an entity that exists only by reason of the action of some government. Corporations exist only by reason of some government grant. The General Motors Corporation, called into existence by the State of Delaware, has more than 300,000 stockholders scattered all over the United States and has plants in half a dozen different States. It has more than 250,000 employees. It is a social and economic agency which exercises direct influence upon the daily lives of the people of practically every State in the Union. Of course, the operations of the General Motors Corporation are matters of national concern. That is why we stand upon this floor today considering the effect of sit-down strikes upon the national economy of the whole United States. The distinction, I will say to the Senator, which we all ought to bear in mind is between the natural person, the man or woman of flesh and blood, and the corporate person, which engages in commerce among the States. I have no hesitation in saying that until the Congress of the United States is willing to recognize this difference, which is as clear as the aisle between the two sides of this Chamber, it will be impossible to reach any salutary solution of this problem.

The commercial or industrial activities of the natural person are confined within ordinary human limitations of time and energy. The natural person operates with limited capital, and he exercises an influence only within a very restricted geographical area. With the aid of a corporate charter which relieves him from personal responsibility, he can extend the circle of his influence to such a degree that his activity becomes a matter of national concern.

By the combination of the wealth and power of innumerable natural persons under one management, in the corporate form, an agency is created which can extend its influence not only across State lines but even throughout the world. The idea that such an economic organization is to be governed by the same principles which govern a natural person is simply preposterous. We in Congress allow these vast interstate corporations to dominate the economic life of the country without in the slightest degree defining the powers which they may exercise.

The Senator from Idaho [Mr. BORAH], several years ago introduced in this body a bill to provide for the licensing of corporations engaged in commerce among the States. Congress, for one reason or another, did not see fit to act upon that suggestion; and because Congress has not acted upon it, we have been multiplying one Federal bureau on top of another until we have a situation here with more Federal employees than we had in the midst of the war.

I say again, without intending to take more of the time of the Senate, that until we are willing to recognize the fact which everyone who stops to look must see that there is a difference between natural persons operating within a State and interstate corporations that produce and distribute for the sole purpose of supplying the national market, we shall not begin to solve this question of national economy. The expansion of the Federal bureaucracy is the inevitable result of the continued concentration of economic power in corporate hands. We can use the corporation as an instrument of freedom and democracy and plenty for all, if we are only willing to take the time to do so. Until we take that time we shall be forced to continue to meet concentrated economic power with concentrated political power.

Mr. BRIDGES. Mr. President, this morning I addressed to the distinguished Senator from Arkansas [Mr. ROBINSON] a question relative to the definition of a company union. The definition given by the Senator from Arkansas was, in my opinion, a most excellent one. Since that time we have heard much comment and a great deal of discussion in this body relative to the company union. In order that this may be clarified, I offer an amendment to the amendment of the Senator from Arkansas, and ask that it be read; and following the reading of the amendment, I should like to say a word with reference to it.

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

The LEGISLATIVE CLERK. It is proposed to strike out the words "to foster the company union" and to insert in lieu thereof "to dominate or interfere with the formation or administration of any labor organization or to contribute financial or other support to it."

Mr. BRIDGES. Mr. President, if the amendment should be adopted, the amended resolution then would read:

That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy; and

That the so-called industrial spy system breeds fear, suspicion, and animosity, tends to cause strikes and industrial warfare, and is contrary to sound public opinion; and

That it is likewise contrary to sound public policy for any employer to deny the right of collective bargaining, to dominate or interfere with the formation or administration of any labor organization or to contribute financial or other support to it, or to engage in any other unfair labor practice as defined in the National Labor Relations Act.

It seems to me that in line with the definition of a company union given by the distinguished Senator from Arkansas this morning, my clarifying amendment, which simply outlines or is a definition of the undesirable thing which we wish to denounce, would make the meaning plain.

Mr. NORRIS. Mr. President, in the consideration of this concurrent resolution I think we should first realize that it can have no technical legal effect. I do not desire, however, to minimize the importance of it by that statement. Its introduction came about because when we were considering the so-called Guffey coal bill the Senator from South Carolina [Mr. BYRNES] offered an amendment condemning the so-called sit-down strike in connection with the coal-mining industry.

Those of us who, for various reasons given at the time, did not wish to have the amendment put on that bill voted against it and succeeded in defeating it. As I remember now, no one in that debate upheld the so-called sit-down strike. I think one of the main reasons which actuated many of us was that we did not think it fair to attach the amendment to the particular bill then under consideration;

but we were also, in reality, in favor of going further and applying it to all operations and of coupling with it condemnation of unfair practices on the part of the employer as well as the employee, so that the policy might be more fully and more definitely expressed. Those favoring that idea prevailed.

Various questions were asked, and insinuations were made at that time that those who were opposed to putting the amendment on the Guffey coal bill were not acting in good faith when they suggested that the amendment could be taken up after the bill was disposed of and broadened, as I think the amendment now has been broadened. At that time various questions were asked, and insinuations were made that the matter would be referred to a committee, and that it would be delayed, and that it would finally die. I think we have now had a demonstration that those of us who favored the course that was followed were attempting to mislead neither the Senate nor the country, nor acting otherwise than in entirely good faith.

Personally, I do not think it is of very great importance for Congress to express its opinion as to policies when we are not able to enact those policies into law. However, as I said then, I repeat now that I have no objection to the Senate expressing its opinions as to policy; and to those who conscientiously believe that such an opinion should have been expressed in the Guffey coal bill I will say that I think we now have an opportunity to express the opinion of Congress in a much broader and a more comprehensive manner. Therefore, I favor the amendment which has been proposed by the Senator from Arkansas.

The discussion has to some extent reduced itself to a definition of the company union. The company union was not born yesterday. For many, many years the company union has been an instrumentality by which employers sought to prevent their employees from having a union under their own control and of their own choosing. Senators who have studied the history of the conflict, if it may be called such, between capital and labor cannot have missed the point that all along, for many years, the company union has been an instrumentality intended to defeat the real union of organized labor, and it has been very successfully used for such a purpose on innumerable occasions. Companies which desire to prevent their employees from forming organizations entirely free from company management have clung to the company union as one of the means to defeat the object of organized labor. They were successful for many years; and I confess that from the voluminous testimony I have heard during the consideration of several bills in committee, at which time many witnesses were heard upon the subject and where a demonstration was had as to the evils accomplished by company unions, I feel suspicious that an attempt to strike out the language now used in the amendment of the Senator from Arkansas and substitute other language, however conscientiously it may be suggested, will result in evil rather than good. It is a case of Greeks bearing gifts, it seems to me. I do not think the Senate ought to be deceived; and if Senators will read the history of the conflict between labor and capital, they will not be deceived.

Particularly is what I have said true as to the coal industry. In defeating the cause of organized labor the company union has been employed for many years. Of all the industries, I think that pertaining to coal is one in which we ought not to apply this amendment, because that industry has been practically free from the influence of the sit-down strike, that form of strike has to no appreciable extent made advancement in the coal industry; it has not been resorted to. I believe, however, that we ought to couple with any declaration of policy a denunciation of the evils that, as must be apparent to every student of the subject, organized capital has for many years used effectively to destroy the influence of organizations of employees. The coal industry had suffered, it seems to me, more than any one industry. Its employees had been held in practical bondage for many years. Conditions in the industry are today much better than they were 10 years ago, and they were better 10 years ago than they were 25 or 50 years ago; but if we will take the history of the coal industry from the beginning we will find that that industry started with its laborers substantially under the control of the employers, who held them down practically as slaves.

Men in that industry are born into it, to a great extent, and remain in it until they die of old age. It has become in the last 15 years rather a sick industry; it has not been prosperous; and the evils have in some respects grown on that account. But, as has been said here, it was not many years ago—and perhaps it is still true in some places in the United States—that those who worked in the mines, which is the hardest work, it seems to me, that is known to manual labor, were governed by rules and regulations imposed by organized capital which were disgraceful, which denied human freedom, and which really defied the law. Men were required to live on company property; they were required to live in miserable hovels; they were subject for a great many years to the merciless punishment of injunctions issued by courts that had no sympathy for the men who toil. The investigations of some of the committees of this body will demonstrate that some of the injunctions issued were cruel beyond description; that some of them went so far as to prohibit even medical advice, even doctors from coming onto the property and administering help in case of sickness. There are instances of children being born where it was impossible, on account of an injunction, to obtain the assistance of a physician. The miners were starved into subjection in many cases.

As I have read the history of the industry, it has seemed to me that the miner was treated with greater cruelty than were workers in any other line of human endeavor. I remember that a few years ago, when I was campaigning in Pennsylvania, I passed by a cemetery and had my attention called to an epitaph on a rough stone slab, marking a human grave. There lay beneath that slab the body of a man almost born a miner, who went into the mines previous to the Civil War. When that war began he came out of the mines, enlisted in the Union Army, and fought for 4 years to free the men of color from bondage and human slavery. At the close of the war he went back again into the mines. As has been said in this debate, it was always the object of the employer to keep those men in debt to the company. They had to buy their groceries at the company's store; they had to live in the little hovels the company provided on company property; and at the end of the month usually they found themselves a little bit behind, and were never able to catch up. Their terms of employment were such that they could not leave a job in one mine and take a job in another; they had to sign the "yellow dog" contract. The miner to whom I was referring went back into the mine in Pennsylvania after the close of the Civil War and remained there until he died. When he was stricken, and knew that death was only a few hours away, from his humble couch he wrote an epitaph for his own tombstone. That epitaph read:

For 40 years beneath the ground, with pick and spade, I did my task, the coal king's slave, but now, thank God, I am free at last.

That is the story of a million miners all over the United States. One of the things they have had to fight, in the effort to make some progress toward a higher civilization, has been the company union. The employers know what a company union means; the employees know what it means; there is no secret about it. The definition of company union is well understood. There is no effort in the resolution, so far as I know, to deceive anybody about what the company union usually—in fact, always—is.

So far as I know, though there may be exceptions, I have not discovered them in my investigation of the subject. I concede, as I said a while ago to the Senator from Michigan, who does not happen to be now in his place, there is, in theory, the possibility of organizing a company union that would be perfect, to which there could be no objection, but the trouble is that in practice such an animal does not exist, and whenever the camel is allowed to get its nose under the tent it will be found, in the end, that the company union has some ulterior motive to control the employees and injure and, if possible, destroy organized labor.

I think, therefore, that the word "foster", which is in the amendment now, ought to remain in it. It is better than to use "dominate." I do not believe it is wise, even though I concede the amendment offered by the Senator from New Hampshire just a few moments ago was offered in the best of faith, that we should take any chance in trying to define "company unions." As I have said, there is no doubt as to what the term means.

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

Mr. NORRIS. I yield.

Mr. BARKLEY. The word "foster" not only includes what may happen to the union in the way of domination and control and financing after it is organized, but it also carries with it the meaning of condemnation of the practice of initiating it and nurturing the organization of the union to begin with.

Mr. NORRIS. That is what fostering means, as I understand the word. A company union, of course, has to be organized, and the amendment offered by the Senator from Arkansas provides that the employer shall not foster a company union; that they shall keep their hands off of the union.

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

Mr. NORRIS. Certainly.

Mr. ROBINSON. The word "foster" includes all the acts embraced in the amendment proposed by the Senator from New Hampshire.

Mr. NORRIS. I think it does.

Mr. ROBINSON. It might embrace some other acts.

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

Mr. NORRIS. Certainly.

Mr. BRIDGES. Would it be better if my amendment, which now reads "to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it", should be changed so as to read:

To foster, dominate, or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

Mr. NORRIS. I am not finding fault with the Senator's amendment. So far as I now see it, at first blush, there is nothing wrong with it. The point I am trying to make is that the phrase "company union" is so well understood that we may run some danger if we try to change it, and we may let in something that we would rather keep out. In other words, I believe the language as it reads now fully comprehends and controls the situation. I do not wish to say that the Senator's amendment does not do the same thing. Perhaps it does. I should not vote against the resolution even if the Senator's amendment were adopted and made a part of the resolution, but I doubt the wisdom of adding it to the resolution.

Mr. BRIDGES. If the Senator's objection is to the omission of the word "foster", I should be glad to insert that word. I have no objection to the word "foster" as a clarifying expression.

Mr. NORRIS. I think the word "foster" has been condemned by some Senators, but the word "foster", so far as I now can see, is the most comprehensive and applicable word that can be used in the amendment. It seems to me it is comprehensive. It fully states the point.

Mr. President, if we are going to express our opinion, which is something everyone must concede we have a right to do—and whether we are foolish in trying to do it where no law is involved is another question—I concede some good might come from it, and I have no objection to doing it.

I am opposed to making the resolution a joint resolution, as suggested by my good friend from Oregon [Mr. McNARY], although I should support it if it were a joint resolution. We are trying to express the opinion of Congress. The body of the resolution says so. We are not trying to express the opinion of anybody else. We ought not to try to express the opinion of anyone else.

We are not trying to express the opinion of the President. He can express his own opinion. We ought not to take any chances, it seems to me, although I do not believe it would be taking a chance to express our opinion and then say, "Before this declaration goes forth we must have the approval of somebody else, such as the President", though, as a matter of fact, we are trying to express only our own opinion. So far as my individual view is concerned, I am expressing my own opinion and assisting in the expression of the collective opinion of my colleagues in Congress. I do not believe we ought to try to go any further than that.

I thought, from the debate which took place the other day when the amendment relating to the sit-down strike was offered to the coal bill, that the action now proposed would be done today, probably by unanimous consent. Everybody seemed to favor it. It seems to me practically everybody is for it. Why all this argument over an amendment or against language which, so far as I am able to determine, is better than anything that has been suggested as a substitute? I think the language of the resolution is comprehensive. I hope it expresses the opinion of Congress. I am heartily in favor of it. It expresses my opinion fully and without any exception, including the sit-down strike and including everything else that is covered by the amendment. It seems to me all these things ought to be included in the resolution and that we ought not to make a declaration against labor without making an equally strong declaration against organized capital, which, after all, is to blame for nearly every strike with which I am familiar, and in many cases is to blame even for the violations of law on the part of employees.

Mr. WHEELER. Mr. President, has the amendment of the Senator from Arkansas [Mr. ROBINSON] been adopted?

The VICE PRESIDENT. It has not.

Mr. WHEELER. I am particularly in favor of the amendment which has been offered by the Senator from Arkansas. If we are going to pass a resolution which expresses the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy, then most assuredly the amendment offered by the Senator from Arkansas should be adopted.

With reference to company unions, and with reference to the so-called industrial spy system, I have had a great deal of experience, particularly with the industrial spy system. Some years ago in Montana there was in operation probably one of the greatest industrial spy systems ever employed in any State. It developed that during the war many of the so-called spies got into what came to be known in the West as the I. W. W.'s; as a matter of fact, they became the leaders of that organization. They were heralded from one end of the country to the other as dangerous people, and they were dangerous, but they were almost invariably Pinkerton or Burns or Thiel detectives.

I should like to go much further than passing a mere resolution, which does not mean anything except that it expresses the sense of the Congress. I should like to see a law placed on the statute books, if it were possible to enact such a law, which would make it a felony for any company to use industrial spies in the United States. I am not at all sure that it is impossible or improper to do so in relation to companies engaged in interstate commerce.

To me it is one of the most dangerous things that can possibly happen in this country, not so much for the labor unions themselves as for the companies that employ them.

When I was a prosecuting attorney I had occasion to investigate some of these cases. I found that what would happen would be that industrial spies would get into a union and then would go out and try to get decent union men to commit some crime—to blow up a transformer, to put dynamite under a building, or blow up something—or they would drive nails into logs or set fire to mines and try to get decent men belonging to the unions to do these very things, for the purpose of creating jobs for the spies' particular organization. In two particular cases we had direct, positive evidence of this being done during the period of which I speak.

With reference to the company union, as has been said here, I think the term has a very definite meaning. Of course a great many unions are more or less controlled by the company, although they are not known as company unions, and are not what we ordinarily term "company unions." By the term "company unions", I take it we mean those unions which are organized and fostered by the company itself; but those of us who have had experience with unions know that while a union may not be organized by the company, sometimes the company gets control of the particular leaders of the union and dominates it to a large extent.

As a matter of fact, before the industrial spy system was started to any great extent in the labor movement of the United States, the plan of most of the companies was, if they organized a company union, to elect their particular man president or secretary of the union, thereby controlling and dominating it. That has gone on in unions all over this country.

When that plan ceased to be very effective, the Burns and the Pinkerton and the Thiel and the other detective agencies conceived the idea of placing the industrial spy system in operation; and the agencies went out all over the country and made trouble between union men and their employers so that the agencies would be able to get employment for their particular men. It was one of the greatest rackets that we uncovered during the war. The Department of Justice uncovered the racket that was going on, and we particularly uncovered it throughout the Northwest. In the State of Washington, the State of Montana, in other Northwestern States, and all through the western country, the industrial spy system at that time was carried on to a far greater extent than in the East or the Middle West. As a matter of fact, it was not being carried on particularly in the East or the Middle West, because those sections of the country did not have the strong unions that we had in our part of the country.

As I said a moment ago, these spies would get into the union, and then would go out and create a situation whereby they would frighten the lawyers and the officers of the company to such an extent that they would have to employ a great many more men to watch these "dangerous" men; and when the "dangerous" literature that was being put out, or the suggestions that were being made by supposedly bad men, were traced down, they were almost invariably traced to the Pinkerton or the Burns or the Thiel detective who was lurking in the background.

I must confess that a resolution that it is the sense of Congress that the so-called sit-down strike is illegal does not mean very much to me, because while I think we all have in mind what a sit-down strike is, there is a chance that an entirely different construction might be placed upon it.

If we are going to pass the resolution, however, certainly we should adopt the amendment offered by the Senator from Arkansas [Mr. ROBINSON]. I do not think we ought to try to change the language otherwise, because, as I read the resolution, it sets out in about as simple and concise language as possible what we are trying to do; and I doubt that there can be any misunderstanding of the meaning of the words that are used.

I hope the amendment of the Senator from Arkansas [Mr. ROBINSON] will be adopted, and that the amendment offered by the Senator from New Hampshire [Mr. BRIDGES] will be defeated.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. BRIDGES] to the amendment of the Senator from Arkansas [Mr. ROBINSON].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

The amendment was agreed to.

The VICE PRESIDENT. The question is on the passage of the concurrent resolution, as amended.

Mr. ROBINSON, Mr. McKELLAR, and other Senators called for the yeas and nays, and they were ordered.

Mr. FRAZIER. Mr. President, I was glad the Senate adopted the amendment offered by the Senator from Arkansas [Mr. ROBINSON]; but I desire to raise one question in regard to the first paragraph of the resolution, and that is as to the advisability of the Congress saying that the so-called sit-down strike is illegal.

It seems to me there might be some such strikes to which that term should not be applied. While I am not a lawyer, it seems to me to be just a little beyond the functions of the Congress of the United States to declare what is illegal. I have always been led to believe that it was the function of the courts instead of the function of the Congress to say what is illegal or unlawful.

I have here an article written by Mr. Leon Green, the dean of the Northwestern Law School of Chicago, which is considered to be one of the great law schools of the Nation. He is at the present time what is known as the visiting professor in Yale University Law School. He has written an article appearing in the New Republic of March 24 of this year, entitled "The Case for the Sit-Down Strike", in which he makes what seems to me to be a very logical argument. He sums up the matter with two or three statements, and I desire to read the last statement of his summary. He says:

Occupation in good faith and peacefully of a plant devoted to industry by employees awaiting the adjustment of differences growing out of the industrial relation is but an incident of the industrial relation and in no sense unlawful.

It seems to me there might be a sit-down strike which would be perfectly legal and lawful, in which the employees would be within their rights, and within the law. Therefore, it seems to me that the word "illegal" should be stricken out of the concurrent resolution.

This article by the dean of Northwestern Law School appeals to me as a very clear presentation of the subject, and I ask unanimous consent to have it published in the Appendix of the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The VICE PRESIDENT. The question is on the passage of the concurrent resolution as amended. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this vote I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I am advised that if the Senator from Mississippi were present he would vote as I am about to vote. I vote "yea."

Mr. McNARY (when Mr. STEIWER's name was called). My colleague [Mr. STEIWER] is absent on official business. If he were present, he would vote "yea."

The roll call was concluded.

Mr. AUSTIN. The Senator from Minnesota [Mr. SHIPSTEAD] has a general pair with the Senator from Virginia [Mr. GLASS]. I am not advised how either Senator would vote on the pending question if he were present and voting.

The senior Senator from Kansas [Mr. CAPPER] is absent on account of illness.

Mr. HALE. My colleague the junior Senator from Maine [Mr. WHITE] is absent on account of illness. He asked me to secure a pair for him in favor of the pending joint resolution. I have not been able to do so. If present, my colleague would vote "yea."

Mr. LEWIS. I announce that the Senator from Nebraska [Mr. BURKE], the Senator from Missouri [Mr. CLARK], the Senator from Mississippi [Mr. HARRISON], the senior Senator from Nevada [Mr. PITTMAN], the Senator from Oklahoma [Mr. THOMAS], and the junior Senator from Utah [Mr. THOMAS] are detained from the Senate on important public business. I am advised if present and voting these Senators would vote "yea."

The Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS] are detained because of illness.

The senior Senator from Utah [Mr. KING] and the junior Senator from Nevada [Mr. McCARRAN] are unavoidably detained.

Mr. NORRIS. The senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent. If he were present, he would vote "yea."

The result was announced—yeas 75, nays 3, as follows:

YEAS—75

Adams	Connally	Johnson, Calif.	Pepper
Andrews	Copeland	Johnson, Colo.	Pope
Ashurst	Davis	Lee	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bachman	Duffy	Lodge	Robinson
Bankhead	Ellender	Logan	Russell
Barkley	George	Lonergan	Schwartz
Bilbo	Gerry	McAdoo	Schwellenbach
Black	Gibson	McGill	Sheppard
Bone	Gillette	McKellar	Smith
Bridges	Green	McNary	Townsend
Brown, Mich.	Guffey	Maloney	Truman
Brown, N. H.	Hale	Minton	Tydings
Bulkley	Hatch	Moore	Vandenberg
Bulow	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Norris	Walsh
Caraway	Holt	O'Mahoney	Wheeler
Chavez	Hughes	Overton	

NAYS—3

Borah	Frazier	Lundeen	

NOT VOTING—17

Bailey	Glass	Nye	Thomas, Utah
Burke	Harrison	Pittman	White
Capper	King	Shipstead	
Clark	La Follette	Steiwer	
Donahey	McCarran	Thomas, Okla.	

So the concurrent resolution (S. Con. Res. 7), as amended, was passed, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy;

That the so-called industrial spy system breeds fear, suspicion, and animosity, tends to cause strikes and industrial warfare, and is contrary to sound public policy; and

That it is likewise contrary to sound public policy for any employer to deny the right of collective bargaining, to foster the company union, or to engage in any other unfair labor practice as defined in the National Labor Relations Act.

CHARLES M. PERKINS—REQUEST FOR RETURN OF AN ENROLLED BILL

The VICE PRESIDENT laid before the Senate a concurrent resolution (H. Con. Res. 8), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives the enrolled bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins."

Mr. ROBINSON. I move that the Senate concur in the resolution.

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

The motion was agreed to.

M. K. FISHER

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 544) for the relief of M. K. Fisher, which was, on page 1, line 5, after "Fisher", to insert "of Clarkdale, Ariz."

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

The motion was agreed to.

AMELIA CORR

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 784) for the relief of Amelia Corr, which was, on page 2, line 4, after "Government", to insert a colon and the following additional proviso:

Provided further, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

The motion was agreed to.

EDWARD Y. GARCIA AND AURELIA GARCIA

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 316) for the relief of Edward Y. Garcia and Aurelia Garcia, which was, on page 1, line 8, to strike out "$2,000" and insert "$2,500."

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

The motion was agreed to.

COMMISSARY PRIVILEGES TO CERTAIN WIDOWS OF OFFICERS AND ENLISTED MEN

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1133) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard and also to officers of the Foreign Service of the United States at foreign stations, which was, on page 1, line 7, to strike out the comma and "Marine Corps, and Coast Guard" and insert "and Marine Corps,".

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

The motion was agreed to.

NORMAN HILDEBRAND

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1311) for the relief of Norman Hildebrand, which was, on page 1, line 6, after "Navy", to insert "in full satisfaction of his claim against the United States."

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

The motion was agreed to.

ACCEPTANCE OF FOREIGN DECORATIONS, ETC., BY CERTAIN OFFICERS AND ENLISTED MEN

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1455) to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered, which were, on page 1, line 3, to strike out "Navy" and insert "Navy, officers, enlisted men, and civilian employees of the United States Army"; on page 2, line 7, after "DeWolfe", to insert "; Capt. Charles C. Gill; Capt. Henry K. Hewitt; Capt. Paul H. Bastedo; Capt. Ross T. McIntire (MC); Lt. Paul W. Hord; and Lt. Augustus D. Clark"; on page 2, after line 7, to insert "United States Army: Maj. Gen. Andrew Moses; Col. Charles Burnett; Col. Albert Gilmor; Lt. Col. John A. Crane; Lt. Col. Henry B. Cheadle; Lt. Col. Clarence H. Danielson; Lt. Col. James A. Dorst; Lt. Col. Robert L. Eichelberger; Lt. Col. James A. Lester; Lt. Col. Herbert E. Marshburn; Lt. Col. Alvan C. Sanderford; Lt. Col. Rodney H. Smith; Lt. Col. Iverson B. Summers; Lt. Col. Basilio J. Valdes, Philippine Army; Lt. Col. Robert H. Van Volkenburgh; Maj. Charles R. Finley; Maj. William Sackville; Maj. William E. Shipp; Capt. William D. Hohenthal; Capt. Carnes B. Lee; Capt. Edwin L. Sibert; Second Lt. Stephen Walsh Holderness; Pvt. Mikael Torres; Dr. William H. Brown, civilian employee, Philippine Government; Dr. Samuel M. Burka, Air Corps civilian employee; Capt. Ciriado Carillo, Philippine Coast Guard; John B. Johnson, Air Corps civilian employee; Jean A. Roche, Air Corps civilian employee"; and on page 2, line 11, after "Belton", insert "; Maj. Gen. Charles H. Lyman; Lt. James Roosevelt (VMCR); and Capt. John D. Blanchard"; and to amend the title so as to read: "An act to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army, and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered."

Mr. WALSH. I move that the Senate concur in the House amendments.

The motion was agreed to.

CLAIMS ARISING FROM EXPLOSION AT LAKE DENMARK, N. J.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 713) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, which was, on page 2, line 11, after "$1,000", to insert a colon and the following proviso:

Provided, That any payment made hereunder shall be accepted in full settlement of this claim against the United States: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MOORE. I move that the Senate agree to the amendment of the House, with an amendment striking out the additional proviso contained in the House amendment in the following words:

Provided further, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

So as to read:

Provided, That any payment made hereunder shall be accepted in full settlement of this claim against the United States.

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

The amendment of Mr. MOORE to the amendment of the House was agreed to.

The amendment of the House, as amended, was agreed to.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEE ON NAVAL AFFAIRS

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers in the Marine Corps.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of Carl Watson to be State administrator for Ohio.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. WALSH. I ask that the nominations for promotions in the Navy be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations in the Navy are confirmed en bloc.

That completes the Executive Calendar.

ADJOURNMENT TO FRIDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate adjourn until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 4 o'clock and 46 minutes p. m.) the Senate adjourned until Friday, April 9, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 7, 1937

UNITED STATES MARSHAL

Henry Robert Bell, of Tennessee, to be United States marshal for the eastern district of Tennesee, vice Chester R. Hackney, resigned.

POSTMASTERS

ALABAMA

Alba M. King to be postmaster at Newton, Ala. Office became Presidential July 1, 1936.

Annie M. McCane to be postmaster at Repton, Ala. Office became Presidential July 1, 1936.

Thomas O. Smith, Jr., to be postmaster at Wilsonville, Ala. Office became Presidential July 1, 1936.

ARKANSAS

Charles M. Davis to be postmaster at Scott, Ark. Office became Presidential July 1, 1936.

Don H. Stalls to be postmaster at Turrell, Ark. Office became Presidential July 1, 1936.

CALIFORNIA

Jack W. Landis to be postmaster at Diamond Spring, Calif. Office became Presidential July 1, 1936.

COLORADO

William B. Sweezy to be postmaster at Fort Lyon, Colo., in place of W. B. Sweezy. Incumbent's commission expired January 22, 1936.

Edward F. Baldwin to be postmaster at Nucla, Colo. Office became Presidential July 1, 1936.

CONNECTICUT

Frank E. Collins to be postmaster at Rockfall, Conn. Office became Presidential July 1, 1936.

FLORIDA

Walter Edward Clark to be postmaster at Fruitland Park, Fla., in place of W. E. Clark. Incumbent's commission expired June 1, 1936.

Horace J. Charles to be postmaster at Oxford, Fla. Office became Presidential July 1, 1936.

Matilda R. Pasteur to be postmaster at Silver Springs, Fla. Office became Presidential July 1, 1936.

GEORGIA

Judge T. D. Conley to be postmaster at College Park, Ga., in place of J. T. D. Conley. Incumbent's commission expired May 19, 1936.

Mrs. Hubert H. Berry to be postmaster at Sparta, Ga., in place of Mrs. H. H. Berry. Incumbent's commission expired April 27, 1936.

ILLINOIS

Lawrence L. McMorris to be postmaster at Greenup, Ill., in place of C. W. Sampson, deceased.

Daisy Pedigo to be postmaster at Hindsboro, Ill. Office became Presidential July 1, 1936.

Joseph S. Flaherty to be postmaster at Harvey, Ill., in place of G. F. Sutton, transferred.

George J. Pfaff to be postmaster at Itasca, Ill. Office became Presidential July 1, 1936.

Paul H. Ryan to be postmaster at New Holland, Ill. Office became Presidential July 1, 1936.

Thomas A. Dossett to be postmaster at Stanford, Ill. Office became Presidential July 1, 1936.

Charles E. Reilly to be postmaster at Winnebago, Ill. Office became Presidential July 1, 1936.

INDIANA

Leander Franklin Adams to be postmaster at Depauw, Ind. Office became Presidential October 1, 1936.

Ruth O. Storen to be postmaster at Lexington, Ind. Office became Presidential July 1, 1936.

Bessie D. Perkins to be postmaster at Whiteland, Ind. Office became Presidential July 1, 1936.

KANSAS

Halcie M. Brundage to be postmaster at Brownell, Kans. Office became Presidential July 1, 1936.

Robert L. Harris to be postmaster at Udall, Kans. Office became Presidential July 1, 1936.

LOUISIANA

Charles J. Slack to be postmaster at Maringouin, La., in place of C. J. Slack. Incumbent's commission expired June 6, 1934.

Silvio Broussard to be postmaster at New Iberia, La., in place of Silvio Broussard. Incumbent's commission expired February 21, 1935.

Paul W. Arnolie to be postmaster at Port Sulphur, La. Office became Presidential July 1, 1936.

Jessie M. Murphy to be postmaster at Simsboro, La. Office became Presidential July 1, 1936.

Stellie F. Milstead to be postmaster at Sterlington, La. Office became Presidential July 1, 1936.

Stephen O. Wilson to be postmaster at Vivian, La., in place of S. O. Wilson. Incumbent's commission expired June 23, 1936.

MARYLAND

Florence Blair to be postmaster at Midland, Md. Office became Presidential July 1, 1936.

MASSACHUSETTS

Martin J. Healey to be postmaster at Hubbardston, Mass. Office became Presidential July 1, 1936.

MICHIGAN

Charles F. Greenlease to be postmaster at Biteley, Mich. Office became Presidential July 1, 1936.

MINNESOTA

Clarence E. Scheibe to be postmaster at Cloquet, Minn., in place of E. S. Scheibe, deceased.

Howard O. Haggberg to be postmaster at Isle, Minn., in place of H. O. Haggberg. Incumbent's commission expired June 1, 1936.

Ole E. Nelson to be postmaster at Marietta, Minn., in place of E. J. Farrell, appointee declined.

George Neumann to be postmaster at Osseo, Minn., in place of George Neumann. Incumbent's commission expired April 29, 1936.

MISSISSIPPI

Robert B. Cox to be postmaster at Batesville, Miss., in place of R. B. Cox. Incumbent's commission expired January 13, 1936.

Scott H. Speck to be postmaster at Blue Springs, Miss., in place of S. H. Speck. Incumbent's commission expired January 13, 1936.

Frances H. Cooke to be postmaster at Coffeeville, Miss., in place of F. H. Cooke. Incumbent's commission expired January 25, 1936.

Nathan B. Williams to be postmaster at Fernwood, Miss. Office became Presidential July 1, 1936.

Nadine L. Hall to be postmaster at Hickory Flat., Miss. Office became Presidential July 1, 1936.

Fannie L. Pierce to be postmaster at Kreole, Miss. Office became Presidential July 1, 1936.

William F. Henson to be postmaster at Ripley, Miss., in place of W. F. Henson. Incumbent's commission expired January 28, 1936.

Ruby M. Summers to be postmaster at Saucier, Miss. Office became Presidential July 1, 1936.

MISSOURI

James A. Parrett to be postmaster at Elmer, Mo. Office became Presidential July 1, 1936.

Jesse H. Parsons to be postmaster at Otterville, Mo. Office became Presidential July 1, 1936.

James D. Evans to be postmaster at Stoutland, Mo. Office became Presidential July 1, 1936.

Ethel L. Lauderdale to be postmaster at Wellington, Mo. Office became Presidential July 1, 1936.

MONTANA

Nora F. Witt to be postmaster at McCone City, Mont. Office became Presidential July 1, 1936.

NEBRASKA

Howard W. Botsford to be postmaster at Meadow Grove, Nebr., in place of H. W. Botsford. Incumbent's commission expired May 23, 1936.

Mildred I. Onstot to be postmaster at Riverton, Nebr. Office became Presidential July 1, 1936.

NEVADA

Mildred Robison to be postmaster at Overton, Nev. Office became Presidential July 1, 1936.

NEW JERSEY

Anna T. Heus to be postmaster at Demarest, N. J., in place of A. T. Heus. Incumbent's commission expired February 9, 1936.

Paul N. Hindenach to be postmaster at Riegelsville, N. J. Office became Presidential July 1, 1936.

Mary F. Brophy to be postmaster at Skillman, N. J. Office became Presidential July 1, 1936.

John P. Ryan to be postmaster at Warren Point, N. J., in place of J. P. Ryan. Incumbent's commission expired March 28, 1936.

NEW MEXICO

Charles E. Gibbs tc be postmaster at Madrid, N. Mex. Office became Presidential July 1, 1936.

NEW YORK

John J. Lynch to be postmaster at Oscawana, N. Y., in place of J. J. Lynch. Incumbent's commission expired January 18, 1936.

NORTH CAROLINA

Fred L. Key to be postmaster at Boonville, N. C. Office became Presidential July 1, 1936.

William E. Butler to be postmaster at Valdese, N. C., in place of J. F. Trom, Jr., transferred.

Nelle C. Lewis to be postmaster at West End, N. C. Office became Presidential July 1, 1936.

OHIO

Ivah Averill to be postmaster at Copley, Ohio. Office became Presidential July 1, 1936.

John Roth to be postmaster at Excello, Ohio, in place of John Roth. Incumbent's commission expired February 5, 1936.

Clark W. Mathias to be postmaster at Northfield, Ohio. Office became Presidential July 1, 1936.

OKLAHOMA

Edna M. Smith to be postmaster at Deer Creek, Okla. Office became Presidential July 1, 1936.

Katharine L. Hickman to be postmaster at Jet, Okla. Office became Presidential July 1, 1936.

Enid Clark Stout to be postmaster at Marland, Okla. Office became Presidential July 1, 1936.

C. Estelle Douthat to be postmaster at Quapaw, Okla. Office became Presidential July 1, 1936.

Riley T. Holbert to be postmaster at Sperry, Okla. Office became Presidential July 1, 1936.

Loyd Barclay to be postmaster at Tryon, Okla. Office became Presidential July 1, 1936.

PENNSYLVANIA

Clarence R. Earnest to be postmaster at Delmont, Pa. Office became Presidential July 1, 1936.

Mabelle G. Creen to be postmaster at Mountainhome, Pa. Office became Presidential July 1, 1936.

Athay E. Brenneman to be postmaster at Portersville, Pa. Office became Presidential July 1, 1936.

Nellie M. Graham to be postmaster at Torrance, Pa. Office became Presidential July 1, 1936.

SOUTH CAROLINA

Fred Mishoe to be postmaster at Greelyville, S. C. Office became Presidential July 1, 1936.

James V. Askew, Jr., to be postmaster at Lockhart, S. C., in place of J. V. Askew, Jr. Incumbent's commission expired April 29, 1936.

John B. Harmon, Jr., to be postmaster at McCormick, S. C., in place of J. B. Harmon, Jr. Incumbent's commission expired January 25, 1936.

TENNESSEE

Ynez Smith to be postmaster at Bluff City, Tenn. Office became Presidential July 1, 1936.

Robert L. Woods to be postmaster at Concord, Tenn. Office became Presidential July 1, 1936.

TEXAS

Ralph B. Martin to be postmaster at Camden, Tex. Office became Presidential July 1, 1936.

Oscar J. Halm to be postmaster at Kingsbury, Tex. Office became Presidential July 1, 1936.

John H. Watson to be postmaster at McDade, Tex. Office became Presidential July 1, 1936.

Calvin E. Baker to be postmaster at Matagorda, Tex. Office became Presidential July 1, 1936.

Charles B. Morris to be postmaster at Rhome, Tex. Office became Presidential July 1, 1936.

Athenlar Wade to be postmaster at San Augustine, Tex., in place of Athenlar Wade. Incumbent's commission expired January 8, 1936.

Farris A. Brown to be postmaster at Talco, Tex. Office became Presidential October 1, 1936.

John Krieg to be postmaster at Thrall, Tex. Office became Presidential July 1, 1936.

VIRGINIA

William A. Coates to be postmaster at Arlington, Va. Office established July 1, 1936.

WASHINGTON

Oscar A. Carlson to be postmaster at Burton, Wash. Office became Presidential July 1, 1936.

Anna M. Robertson to be postmaster at Montesano, Wash., in place of A. M. Robertson. Incumbent's commission expired February 5, 1936.

Alvin R. Lehmann to be postmaster at Parkland, Wash., in place of A. R. Lehmann. Incumbent's commission expired February 5, 1936.

WISCONSIN

Ella W. Weidner to be postmaster at Abrams, Wis. Office became Presidential July 1, 1936.

Velma C. Grossman to be postmaster at Dale, Wis. Office became Presidential July 1, 1936.

WYOMING

Freda Mae Newall to be postmaster at Rock River, Wyo. Office became Presidential July 1, 1936.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 7, 1937

WORKS PROGRESS ADMINISTRATION

Carl Watson to be State administrator in the Works Progress Administration for Ohio.

PROMOTIONS IN THE NAVY

Frederic T. Van Auken to be captain.
Worrall R. Carter to be captain.
William W. Smith to be captain.
John D. Price to be commander.
Andrew C. McFall to be commander.
Herbert J. Grassie to be commander.
Cassin Young to be commander.
Nicholas B. Van Bergen to be lieutenant commander.
Herbert W. Taylor, Jr., to be lieutenant commander.
Carl S. Drischler to be lieutenant commander.
James S. Freeman to be lieutenant commander.
William V. Hamilton to be lieutenant commander.
Robert G. Norman to be lieutenant.
James H. Brett, Jr., to be lieutenant.
David W. Todd, Jr., to be lieutenant.
William E. Eaton to be medical director.
Claude W. Carr to be medical director.
Frederick Ceres to be medical director.
Jesse B. Helm to be medical director.
Raymond Lamoreaux to be assistant civil engineer.
Edwards R. Hinson to be chief machinist.
Sylvester R. Foley to be chief pharmacist.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 7, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our everlasting Father, who dost all things in heaven and earth, mercifully hear our supplication. With each day come fresh duties. May we waste no time on lost opportunities, but turn the leaf of another day and behold the page with confidence and assurance. We beseech Thee to graciously equip us for the tasks that await us. Grant that we may have hearts and dispositions that make labor a delight and doing good to others a sacred privilege. Save us from angry passions and stimulate us with good desires. When we are selfish, forgive; when we wander astray, recall; and when we think ill of others, do Thou restrain. Clothe us, we pray Thee, with that deep wisdom that never fails to bear fruits of happiness and good will, and Thine shall be the glory. Through Christ our Savior. Amen.

CALL OF THE HOUSE

Mr. GAVAGAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. GAVAGAN. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Allen, Ill.	Englebright	Kloeb	Richards
Amlie	Garrett	Lanzetta	Robsion, Ky.
Bacon	Gilchrist	Lesinski	Ryan
Beam	Goodwin	McGehee	Schaefer, Ill.
Binderup	Hennings	McGroarty	Secrest
Buckley, N. Y.	Higgins	Mouton	Shannon
Cannon, Wis.	Hook	Norton	Tobey
Clark, Idaho	Hull	Parsons	Treadway
Cravens	Izac	Pettengill	Wadsworth
Crowther	Kelly, N. Y.	Quinn	White, Idaho
Curley	Kerr	Reece, Tenn.	

The SPEAKER. Three hundred and eighty-six Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

The SPEAKER. The Clerk will read the Journal.

Mr. FISH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. FISH. I demand the reading of the Journal in full.

The SPEAKER. The Chair may state to the gentleman the Journal is always read in full.

The Clerk will read the Journal.

Mr. FISH. I am interested in knowing who was present yesterday when I addressed the House.

The SPEAKER. The Clerk will read the Journal.

THE JOURNAL

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

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a very interesting and illuminating address entitled "Twenty Years After", delivered over the radio last night by our colleague the gentleman from Ohio, Representative WILLIAM A. ASHBROOK.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a joint resolution from the California State Senate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the special orders already agreed upon, the gentleman from Massachusetts [Mr. TREADWAY] may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by our colleague, the distinguished chairman of the Interstate and Foreign Commerce Committee [Mr. LEA], on April 1 on the occasion of the fiftieth anniversary of the establishment of the Interstate Commerce Commission, on the subject of the Interstate Commerce Act and the Interstate Commerce Commission From the Standpoint of the House Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BEITER. Mr. Speaker, under the rules of procedure many of the proponents and opponents of antilynching legislation have been denied the privilege of addressing the House. I am one of such Members. I therefore ask unanimous consent to extend my own remarks in the RECORD on antilynching legislation and to include therein three short telegrams received from constituents of mine.

Mr. MITCHELL of Illinois. Mr. Speaker, reserving the right to object, what is the nature of the telegrams?

Mr. BEITER. They are three brief telegrams received from constituents of mine with reference to antilynching legislation.

Mr. MITCHELL of Illinois. I object to the telegrams going into the RECORD, but not to the gentleman extending his own remarks.

The SPEAKER. Is there objection to the gentleman from New York extending his own remarks?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that on tomorrow after the reading of the Journal and disposition of matters on the Speaker's desk I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a radio address which I delivered today.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of committees.

Mr. CELLER (when the Committee on the Judiciary was called). Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 2251) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) if any officer, agent, or employee of any State or governmental subdivision thereof shall have any person in his custody by virtue of his power or authority as such officer, agent, or employee, and shall, without lawful justification or excuse, suffer or permit such person to be taken from his custody and injured or put to death or to be unlawfully injured or put to death while in his custody, the said State shall be deemed to have denied to the said person the equal protection of its laws. (b) Proof that any person being in the custody of any such officer, agent, or employee was unlawfully injured or put to death or unlawfully taken from such custody and injured or put to death shall be prima-facie evidence that such officer, agent, or employee suffered or permitted such person to be so taken from his custody or injured or put to death therein.

SEC. 2. (a) Any officer, agent, or employee of any State or governmental subdivision thereof who shall have any person in his custody by virtue of his power or authority as such officer, agent, or employee, and who shall, without lawful justification or excuse, suffer or permit such person to be taken from his custody and injured or put to death or to be unlawfully injured or put to death while in his custody, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

(b) Proof that any person being in the custody of any such officer, agent, or employee was unlawfully injured or put to death or unlawfully taken from such custody and injured or put to death shall be prima-facie evidence that such officer, agent, or employee suffered or permitted such person to be so taken from his custody or injured or put to death therein.

SEC. 3. Any officer, agent, or employee of any State or governmental subdivision thereof, acting as such officer, agent, or employee under authority of law, having in his custody or control a prisoner, who shall conspire, combine, or confederate with any person to injure or put such prisoner to death, or who shall conspire, combine, or confederate with any person to suffer or permit any person to take such prisoner from his custody or control to be injured or put to death, shall be guilty of a felony, and those who so conspire, combine, or confederate with any officer, agent, or employee shall likewise be guilty of a felony. On conviction the parties participating therein shall be punished by imprisonment for not less than 2 years and not more than 10 years.

SEC. 4. If any person shall be taken from the custody of any officer, agent, or employee of any State or governmental subdivision thereof and unlawfully injured or put to death, or shall be unlawfully injured or put to death while in the custody of any such officer, agent, or employee, the said State and the said governmental subdivision of the said State shall be deemed to have denied to such person the equal protection of its laws, and the said governmental subdivision of said State shall be liable to the injured person, or, in the event of death, to the legal representatives of the deceased, for a sum of not less than $2,000 nor more than $10,000, which sum may be recovered in a civil action against such county or other governmental subdivision of a State in the United States district court of the judicial district wherein such person is injured or put to death: *Provided*, That when any such person shall have been taken from the custody of any such officer, agent, or employee of any State who is not an officer, agent, or employee of any governmental subdivision thereof, the county or other governmental subdivision of said State wherein the said person shall have been so injured or put to death shall be liable to the injured person, or, in event of death, to the legal representatives of the deceased, as aforesaid. When any person shall have been injured as aforesaid, the cause of action for such injury shall not abate with the death of the person.

SEC. 5. If any provision, sentence, or clause of this act or the application thereof to any person or circumstances is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. CELLER (interrupting the reading of the bill). Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. FISH. I object, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the reading of the bill.

Mr. FISH. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The Clerk will continue the reading of the bill.

The Clerk resumed and completed the reading of the bill. With the following committee amendments:

Page 1, line 3, strike out "(a)."

Page 2, line 1, after the word "laws", strike out the remainder of line 1 and all of lines 2, 3, 4, 5, 6, and 7.

Page 2, line 8, strike out "(a)."

Page 2, after line 18, strike out all of subsection (b), from lines 19 to 25, inclusive.

Page 4, line 3, after the word "death", strike out the proviso ending in line 11.

The SPEAKER. This bill is on the House Calendar.

Mr. FISH. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from New York raises the question of consideration.

The question is, Will the House consider the bill (H. R. 2251) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching?

Those who favor the consideration of the bill will say "aye" when their names are called and those opposed will say "no."

The question was taken; and on a division (demanded by Mr. CELLER and Mr. MITCHELL of Illinois) there were—ayes 103, noes 100.

Mr. BOILEAU and Mr. GAVAGAN demanded the yeas and nays.

Mr. FISH and Mr. ANDREWS objected to the vote on the ground there was not a quorum present.

The SPEAKER. The gentleman from New York makes the point of order there is no quorum present. The Chair will count. [After counting.] Two hundred and forty-one Members present, a quorum.

Mr. GAVAGAN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays on the proposition of whether or not the House will consider the bill. As many as are in favor of taking the vote by the yeas and nays will rise and stand until counted. [After a pause.] Evidently a sufficient number, and the yeas and nays are ordered.

Those in favor of considering the bill will, when their names are called, say "yea" and those opposed "nay."

Mr. GAVAGAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. GAVAGAN. To submit a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GAVAGAN. Mr. Speaker, I understood the Chair to state that those who are opposed to the consideration of this bill will vote "nay" and those who are in favor of its consideration will vote "yea." Did the Chair so announce?

The SPEAKER. The Chair in just as definite and clear terms as possible announced that that was the vote.

Mr. GAVAGAN. I thank the Chair.

The question was taken; and there were—yeas 123, nays 257, not voting 50, as follows:

[Roll No. 37]

YEAS—123

Aleshire	Flannagan	Kramer	Pierce
Allen, Del.	Fletcher	Larrabee	Polk
Anderson, Mo.	Ford, Calif.	Lea	Rabaut
Arnold	Frey, Pa.	Lesinski	Rayburn
Biermann	Fries, Ill.	Lewis, Colo.	Reece, Tenn.
Boland, Pa.	Gambrill	Lewis, Md.	Reed, Ill.
Boyer	Gildea	Long	Reilly
Boylan, N. Y.	Gingery	Lucas	Rigney
Buck	Goldsborough	Luecke, Mich.	Robinson, Utah
Buckler, Minn.	Gray, Ind.	McAndrews	Robsion, Ky.
Cannon, Mo.	Greenwood	McCormack	Romjue
Celler	Greever	McGrath	Ryan
Champion	Griswold	McLaughlin	Sabath
Claypool	Gwynne	Massingale	Sadowski
Colden	Haines	Maverick	Schaefer, Ill.
Cole, Md.	Hamilton	Mead	Schuetz
Creal	Hancock, N. C.	Meeks	Schulte
Crosby	Harrington	Mitchell, Ill.	Short
Crosser	Harter	Moser, Pa.	Sirovich
Cummings	Hill, Okla.	Mosier, Ohio	Snyder, Pa.
Daly	Hook	Murdock, Utah	Sumners, Tex.
Dingell	Houston	Nelson	Sweeney
Dockweiler	Imhoff	O'Brien, Ill.	Taylor, Tenn.
Dowell	Jacobsen	O'Brien, Mich.	Thomason, Tex.
Drewry, Va.	Keller	O'Connor, Mont.	Thompson, Ill.
Eckert	Kelly, Ill.	O'Connor, N. Y.	Transue
Edmiston	Kennedy, Md.	O'Neal, Ky.	Voorhis
Eicher	Kirwan	Palmisano	Wearin
Faddis	Kloeb	Patterson	Williams
Farley	Knutson	Pettengill	Zimmerman
Ferguson	Kopplemann	Phillips	

NAYS—257

Allen, La.	Barden	Binderup	Bradley
Allen, Pa.	Barry	Bland	Brewster
Amlie	Bates	Bloom	Brooks
Andresen, Minn.	Beiter	Boehne	Brown
Andrews	Bell	Boileau	Burch
Arends	Bernard	Boren	Burdick
Atkinson	Bigelow	Boykin	Caldwell
Carlson	Forand	McKeough	Scott
Carter	Ford, Miss.	McLean	Seger
Cartwright	Fuller	McMillan	Shafer, Mich.
Case, S. Dak.	Fulmer	McReynolds	Shanley
Casey, Mass.	Gasque	Maas	Sheppard
Chandler	Gavagan	Magnuson	Smith, Conn.
Church	Gearhart	Mahon, S. C.	Smith, Maine
Citron	Gehrmann	Mahon, Tex.	Smith, Va.
Clark, N. C.	Gifford	Maloney	Smith, W. Va.
Clason	Gray, Pa.	Mansfield	Snell
Cluett	Green	Mapes	South
Cochran	Gregory	Martin, Colo.	Sparkman
Coffee, Nebr.	Griffith	Martin, Mass.	Spence
Coffee, Wash.	Guyer	Mason	Stack
Cole, N. Y.	Halleck	May	Starnes
Collins	Hancock, N. Y.	Merritt	Steagall
Colmer	Hart	Michener	Stefan
Connery	Hartley	Millard	Sutphin
Cooley	Havenner	Miller	Swope
Cooper	Healey	Mills	Taber
Costello	Hendricks	Mott	Tarver
Cox	Hildebrandt	Murdock, Ariz.	Taylor, S. C.
Crawford	Hill, Ala.	O'Connell, Mont.	Teigan
Crowe	Hill, Wash.	O'Connell, R. I.	Terry
Crowther	Hobbs	O'Leary	Thom
Culkin	Hoffman	O'Malley	Thomas, N. J.
Cullen	Holmes	O'Neill, N. J.	Thomas, Tex.
Deen	Hope	O'Toole	Thurston
Delaney	Hunter	Oliver	Tinkham
Dempsey	Jarman	Owen	Tobey
DeMuth	Jarrett	Pace	Tolan
DeRouen	Jenkins, Ohio	Patman	Towey
Dickstein	Jenks, N. H.	Patrick	Turner
Dies	Johnson, Minn.	Patton	Umstead
Dirksen	Johnson, Okla.	Pearson	Vincent, B. M.
Disney	Johnson, Tex.	Peterson, Fla.	Vinson, Ga.
Ditter	Johnson, W. Va.	Peterson, Ga.	Vinson, P. M.
Dixon	Jones	Peyser	Wallgren
Dondero	Kelly, N. Y.	Pfeifer	Walter
Dorsey	Kennedy, N. Y.	Plumley	Warren
Doughton	Kenney	Poage	Weaver
Douglas	Kinzer	Powers	Welch
Doxey	Kitchens	Quinn	Wene
Drew, Pa.	Kleberg	Ramsay	West
Driver	Knutson	Ramspeck	Whelchel
Duncan	Kocialkowski	Randolph	White, Ohio
Dunn	Kvale	Rankin	Whittington
Eaton	Lambertson	Reed, N. Y.	Wigglesworth
Eberharter	Lambeth	Rees, Kans.	Wilcox
Ellenbogen	Lanham	Rich	Withrow
Engel	Leavy	Robertson	Wolcott
Englebright	Lemke	Rogers, Mass.	Wolfenden
Evans	Luce	Rogers, Okla.	Wolverton
Fish	Luckey, Nebr.	Rutherford	Woodruff
Fitzgerald	Ludlow	Sacks	Woodrum
Fitzpatrick	McClellan	Sanders	
Flannery	McFarlane	Sauthoff	
Fleger	McGranery	Schneider, Wis.	

NOT VOTING—50

Allen, Ill.	Garrett	Lamneck	Scrugham
Ashbrook	Gilchrist	Lanzetta	Secrest
Bacon	Goodwin	Lord	Shannon
Beam	Harlan	McGehee	Smith, Wash.
Buckley, N. Y.	Hennings	McGroarty	Somers, N. Y.
Bulwinkle	Higgins	McSweeney	Sullivan
Byrne	Honeyman	Mitchell, Tenn.	Taylor, Colo.
Cannon, Wis.	Hull	Mouton	Treadway
Chapman	Izac	Nichols	Wadsworth
Clark, Idaho	Jenckes, Ind.	Norton	White, Idaho
Cravens	Kee	O'Day	Wood
Curley	Keogh	Parsons	
Fernandez	Kerr	Richards	

So the House refused to consider the bill.

The Clerk announced the following pairs:

On this vote:

Mr. Hennings (for) with Mr. Wadsworth (against).

General pairs until further notice:

Mr. Richards with Mr. Treadway.
Mr. Taylor of Colorado with Mr. Bacon.
Mr. Parsons with Mr. Allen of Illinois.
Mr. Lamneck with Mr. Gilchrist.
Mr. Cravens with Mr. Lord.
Mr. Bulwinkle with Mr. Goodwin.
Mr. Beam with Mr. Hull.
Mr. Scrugham with Mr. Smith of Washington.
Mrs. Jenckes of Indiana with Mr. McGroarty.
Mr. Mitchell of Tennessee with Mr. Buckley of New York.
Mr. Chapman with Mr. Mouton.
Mr. Fernandez with Mr. Secrest.
Mr. Ashbrook with Mr. White of Idaho.
Mr. Kerr with Mrs. Honeyman.
Mr. Clark of Idaho with Mr. Byrne.
Mr. Nichols with Mr. Somers of New York.
Mr. McSweeney with Mr. Curley.
Mrs. O'Day with Mr. Wood.
Mr. Marlan with Mr. Izac.
Mr. Garrett with Mr. Kee.
Mr. Shannon with Mr. Snyder of Pennsylvania.

Mr. KVALE. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded as voting "present."

Mr. KVALE. Mr. Speaker, I change my vote from present to "no."

Mr. CONNERY. Mr. Speaker, my colleage, Mr. HIGGINS, is unavoidably absent. If present, he would vote "no."

Mr. FORD of Mississippi. Mr. Speaker, my colleague, Mr. MCGEHEE, is unavoidably detained from the Chamber. If present, he would vote "no."

Mr. HART. Mr. Speaker, my colleague, Mrs. NORTON, is unavoidably detained by illness. If present, she would vote "no."

Mr. DEROUEN. Mr. Speaker, my colleagues, Mr. MOUTON and Mr. FERNANDEZ, are unavoidably absent. If present, they would vote "no."

Mr. LUCKEY of Nebraska changed his vote from "aye" to "no."

Mr. GAVAGAN. Mr. Speaker, my colleague, Mr. LANZETTA, of New York, is unavoidably absent, on account of illness. If present, he would vote "no." Also, my colleague, Mr. KEOGH, is unavoidably absent. If present, he would vote. "no."

The result of the vote was announced as above recorded.

Mr. FISH. Mr. Speaker, I move to reconsider the vote by which the House refused to consider the bill and lay that motion on the table.

The SPEAKER. The Chair thinks that that motion is not in order on a vote of this character.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the antilynching bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ADDITIONAL CIRCUIT JUDGES, NINTH JUDICIAL CIRCUIT

Mr. SUMNERS of Texas. Mr. Speaker, by direction of the Committee on the Judiciary I call up the bill (S. 1550) to provide for the appointment of two additional circuit judges for the ninth judicial circuit and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the consent of the Senate, two additional circuit judges for the ninth judicial circuit.

Mr. SUMNERS of Texas. Mr. Speaker, this bill proposes two additional judges for the ninth circuit. That circuit embraces seven of the Western States and runs from Canada to Mexico. It has jurisdiction of Alaska, the Hawaiian Islands, and our court in China. The bill passed the Senate unanimously and has been reported unanimously by the Committee on the Judiciary of the House. I believe everybody who has examined the situation agrees that it is imperative that that court have relief.

If there are any questions any Member of the House would like to ask I should be very glad to yield.

Mr. RANKIN. Mr. Speaker, these are circuit judges?

Mr. SUMNERS of Texas. Yes.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. TOLAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate insists upon its amendments to the bill (H. R. 4985) entitled "An act to regulate interstate commerce in bituminous coal, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NEELY, Mr. BULKLEY, and Mr. DAVIS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4064) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes."

APPEARANCE BY ATTORNEY GENERAL IN CASES INVOLVING CONSTITUTIONALITY OF ACTS OF CONGRESS

Mr. SUMNERS of Texas. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 2260) to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved.

The Clerk read the title of the bill.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. GUYER. Mr. Speaker, there is opposition to this bill. I object.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2260, with Mr. WOODRUM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I will make a very brief statement about this bill and will then be glad to answer any questions which I may be able to answer.

There have been some statements made about this bill already and I believe the membership of the House understands that the bill provides that in any case of private litigation in a Federal court, where the constitutionality of an act of Congress is drawn in question, the Attorney General may intervene to defend, solely, the question of constitutionality.

In this connection may I state there will be offered an amendment also giving to the Attorney General the right to appeal directly to the Supreme Court from an adverse decision on the question of constitutionality; in those cases where the Government is an original party or where some agency of the Government is a party, and where such right to appeal does not now obtain.

This legislation is drawn on the theory which seems to me and to a majority of the Committee on the Judiciary to be sound. It is our view that when, in private litigation, the constitutionality of an act of Congress is drawn in question, that question of constitutionality becomes the big question in that litigation. Not only is the question as to whether or not the legislative branch of the Government has operated within constitutional limits of concern to the Government as an entity, but there may be many thousands of private citizens who have various sorts of relationships depending upon the constitutionality of that act; but in that private litigation there is no opportunity for those other people whose interests are just as vital as the two litigants, to appear, and there is nobody there to represent this House of Congress.

If we can get away from the legalistic mind, the mind of a lawyer, and visualize a situation as it often actually is, we can appreciate how absurd it is for the question whether you and I have acted within constitutional limitations to be dependent for its proper presentation upon some person who may not be a real lawyer at all, selected by a private person and appearing in a private lawsuit.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Just in a moment I will yield.

Now, it ought not be so that litigation is determined by the quality of lawyer one has, but we know that much is determined by the legal ability of the man who appears in the case.

I now yield to the gentleman from Georgia.

Mr. COX. I am interested in getting the gentleman's opinion as to what benefit would result from intervention in such a case by the Attorney General, other than that it might expedite final determination. In other words, how would intervention on the part of the Attorney General in such a case result in a better determination of the issues involved?

Mr. SUMNERS of Texas. May I make this statement? As a matter of fact, when the constitutionality of an act of Congress is drawn in question in private litigation, there is absent, as a matter of fact, a necessary and proper party insofar as representation is concerned. You have involved in that case the right of the two litigants. There is also involved in that case the constitutionality of an act of Congress. The Government is a necessary and proper party, practically speaking.

The rights of citizens; maybe thousands of citizens are involved, and only one citizen is there represented. There is a public question and a public interest involved. There ought to be a public representative of that interest.

I do not want to mention the case, but I call to mind that within the last 2 or 3 years the committee of which I am a member reported a very important bill. The constitutionality of that bill was drawn in issue in private litigation. The constitutionality of that act was poorly defended, I thought, and I have always thought none too well considered in the Court. After the committee had gone to a great deal of effort to try to work that thing out and many private persons all over the country had come to depend upon the constitutionality of that act, that whole matter was determined in a private litigation, with the public interest dependent upon a private lawyer hired by a private person to try his case. Nobody anywhere in the whole proceedings undertook to speak for the Government, for the Congress, whose act was under attack, for the many and varied interests of other people which were in fact being determined in that lawsuit.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. COX. Is it the gentleman's expectation that the intervention of the Attorney General will bring to bear upon the issue some extraordinary legal power?

Mr. SUMNERS of Texas. My answer, of course, is "yes."

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. SAUTHOFF. I approve of the purpose and design of this legislation, but I ask the chairman of the Committee on the Judiciary if in the deliberations of his committee the rights of the litigants on such appeal were considered?

Mr. SUMNERS of Texas. Yes, they were. That subject was very much discussed.

Mr. SAUTHOFF. What protection have they against being visited with extra costs?

Mr. SUMNERS of Texas. There is no arrangement in this bill dealing with the matter of costs.

Mr. SAUTHOFF. No; I do not find any. I think they should be protected.

Mr. SUMNERS of Texas. What is the gentleman's suggestion about it?

Mr. COX. Mr. Chairman, will the gentleman yield further?

Mr. SUMNERS of Texas. I yield.

Mr. COX. I have no objection whatever to the intervention of the Attorney General, but I thought his intervention was to be in the interest of expedition rather than of aid to the Court in deciding the question.

Mr. SUMNERS of Texas. It is for expedition, but I would not be candid, I may say to the gentleman from Georgia, if I did not say that the committee had the expectation that the great law officer of the United States ought to be the best prepared of anybody to defend an act of the United States Congress when it is challenged.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. FORD of Mississippi. In connection with what the gentleman from Minnesota has suggested, what thought did the committee give in reference to the delay that the intervention of the Attorney General might cause the litigation? I think this is an excellent piece of legislation and I want to see it passed, but I think some amendment should be offered to require the Attorney General to intervene within a reasonable time and that the Government pay the expense of his intervention.

Mr. SUMNERS of Texas. I may say to my friend, the gentleman from Mississippi, that the committee considered that, too. There were many suggestions with reference to time, but it was finally concluded by the committee, finally determined by the committee, to let him come in as an ordinary intervenor and be governed by the rules of procedure of the court. We thought that should be the practice at least in the experimental stage—and this is merely experimental—we would not attempt to say that we have a bill here that ought not to be amended. We had one or two main thoughts. One was that acts of Congress are often attacked with nobody in court whose business it is to defend the acts of the Congress. We have sought to remedy that. We considered whether we should undertake to write into the bill limitations as to the length of time which the Attorney General may have in which to intervene, and so forth. We decided, and I think decided unanimously, and I believe wisely, that in the experimental stage of this bill we would let the Attorney General come in as an ordinary intervenor under the general rules of the court governing such situations.

Mr. COX. Mr. Chairman, will the gentleman yield for a further question?

Mr. SUMNERS of Texas. I yield.

Mr. COX. May I not inquire of the gentleman if his committee had not well worked out this proposition in a general way prior to the time that the proposal to reform the judiciary, which some have referred to as a packing of the Court involving a sacking and a stacking, arose?

Mr. SUMNERS of Texas. This bill was introduced by me early in the session, and whatever responsibility there is for it, I must bear.

Mr. COX. And it came about as a result of that original move on the part of the gentleman from Texas, and not as the result of another general proposal which is now being very widely discussed?

Mr. SUMNERS of Texas. It came about as a result of a thought which got into my head and which finally got on paper.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. BREWSTER. Supplementing the earlier question as to possible delays incident to the intervention of the Attorney General, with the tremendous territory involved, has the gentleman any figures as to the probable number of cases in which there might be intervention?

Mr. SUMNERS of Texas. I must say to my friend, the gentleman from Maine, that I do not know the number of cases. I doubt that the number will be tremendously large. I do not know, I could not give any estimate; but I may say to my friend that regardless of the number of cases I believe the Judiciary Committee unanimously agreed that we ought

to try this thing. I do not think there is any serious opposition.

Mr. BREWSTER. And in what way will it be possible for the Attorney General with his present staff possibly to assume the responsibilities that are involved, without considerable delay, unless he sets up a greatly enlarged organization?

Mr. SUMNERS of Texas. He would have to conform to the rules of the Court.

Mr. BREWSTER. But, obviously, the Court cannot require that he, with his limited staff, shall be present in every tribunal in this country where lawyers are delighted to raise constitutional questions.

Mr. SUMNERS of Texas. May I suggest to the gentleman, this matter is discretionary and I do not believe the Attorney General would appear in all cases. In the first place, under this bill he comes in only when the judge thinks the constitutional question involved is a serious one. When the Court thinks there is a serious question raised, then the Attorney General is advised. We thought the Attorney General ought to be advised when the Court thinks the question is serious, and be given an opportunity to represent the public interest involved.

Mr. BREWSTER. May I make it clear I am entirely in sympathy with anything that will obviate delays in our courts so far as determination of constitutional questions is concerned.

Mr. LANHAM. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. LANHAM. As a matter of fact, if the same constitutional question was pending in many tribunals, in order for that constitutional question to be determined it would be necessary for the Attorney General to appear in only one forum?

Mr. SUMNERS of Texas. In one forum, yes; and may I suggest, having appeared in that one forum, if the determination is against the constitutionality of the act he can go immediately to the Supreme Court, which shuts off a long period of suspense for the litigants in other cases.

Mr. LANHAM. That would make it unnecessary to go to more than one court where the same question was pending in more than one court?

Mr. SUMNERS of Texas. Yes. Because of the fact that this action on the part of the Attorney General would speed up the final determination by the Supreme Court, it would probably be to the advantage of everybody to let some of those other cases stand by until the matter was settled.

Mr. RANKIN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN. The bill provides that the Attorney General may appeal directly to the Supreme Court?

Mr. SUMNERS of Texas. Yes.

Mr. RANKIN. There is no provision, as I read the bill, for private attorneys in a case to go directly to the Supreme Court in case the Attorney General does not intervene?

Mr. SUMNERS of Texas. No.

Mr. RANKIN. Why not permit the litigants through their attorneys, if they so desire, to appeal directly to the Supreme Court where a constitutional question is involved?

Mr. SUMNERS of Texas. I may say the committee did not consider that in connection with this bill and I hope it will not be injected into the bill.

Mr. RANKIN. I have certain reasons for making this inquiry.

Mr. SUMNERS of Texas. I can appreciate the force of the gentleman's thought.

Mr. RANKIN. We have in my own territory a number of instances in which the municipalities have been paralyzed. Now, then, we want the attorneys for those municipalities to be able to appeal directly to the Supreme Court of the United States in order to get the constitutionality of the particular statute cleared up.

Mr. SUMNERS of Texas. I may say that the committee will be glad to consider the question if it is presented.

Mr. RANKIN. If this bill is passed, I fear it will be the end of the matter.

Mr. SUMNERS of Texas. No; it is not.

Mr. MILLER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Arkansas.

Mr. MILLER. I may say to the gentleman from Mississippi that we are giving that matter consideration now; but in undertaking to settle the rights of private litigants, or in considering the question of amending the law providing for appeal by private litigants, it involves giving consideration practically to the entire appellate jurisdiction of our courts. I do not think that would be wise, notwithstanding the laudable statement made by the gentleman from Mississippi.

Mr. RANKIN. That could only be done in cases where a constitutional question is involved.

Mr. MILLER. I know; but if the constitutional question is decided, that is a question based on the merits of the act.

Mr. RANKIN. A man of ordinary means nowadays cannot get to the Supreme Court of the United States. He is under a judicial handicap, and his case is determined without getting to the Supreme Court.

Mr. SUMNERS of Texas. We give the Attorney General the right to intervene in that case or any other case; but may I say one of the most serious things the committee had to consider in this connection was whether or not, even with this limitation, we were not putting too great a burden upon the Supreme Court. Everybody was apprehensive in that regard. May I also say we recognize this is an experimental piece of legislation, but it seems to be a step in the right direction. I had given a good deal of thought to it before I introduced the bill. I would not undertake to say it is going to work, but we think it will.

Mr. RANKIN. If the burden becomes too heavy for the Court, we will provide for some additional Supreme Court Judges.

Mr. SUMNERS of Texas. Some people have a doubt as to how much we can help the Supreme Court by adding Judges, but we will not go into that matter now.

Mr. JONES. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. JONES. There is one question that bothers me in reference to the duty of the Court to notify the Attorney General. I heard the latter part of the gentleman's explanation. The way this bill is worded, would there not be the opportunity to delay a suit by raising the question? It is simply stated, "If the constitutional question is drawn into issue."

Mr. SUMNERS of Texas. Yes.

Mr. JONES. The Court is not given proper discretion, it seems to me, to determine that there is a real serious question involved.

Mr. SUMNERS of Texas. Yes; we do.

Mr. JONES. If someone wanted to delay a suit, could they raise the question?

Mr. MILLER. The bill answers the question of the gentleman from Texas on page 2, line 1.

Mr. SUMNERS of Texas. We took care of that situation, I may say to the gentleman from Texas.

Mr. JONES. I just read the first part.

Mr. SUMNERS of Texas. We gave that considerable thought.

Mr. MAGNUSON. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Washington.

Mr. MAGNUSON. Is it not a fact that the Attorney General intervening in a case under this bill is subject to the same rules as laid down by the Supreme Court as anyone else that intervenes in the Court?

Mr. SUMNERS of Texas. Yes; that is right.

Mr. MAGNUSON. He is subject to the same time limitation and the same rules of the Supreme Court?

Mr. SUMNERS of Texas. Yes. As I stated a moment ago, many suggestions were made in committee that we fix time

limits, and so forth; but we finally arrived at the conclusion we better let the Attorney General come in under the rules and regulations as prescribed for litigants generally.

Mr. MAGNUSON. And under that situation he could not delay proceedings any more than the proceedings may now be delayed?

Mr. SUMNERS of Texas. The gentleman is correct.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. In line with the question asked by the gentleman from Texas with reference to the authority and power of the Court, in section (a) it is stated:

Provided, That if the Court believes there is a real constitutional question presented, it is the mandatory duty of the Court to notify the Attorney General.

Mr. SUMNERS of Texas. That is right.

Mr. JENKINS of Ohio. Suppose the Court does not do this, or suppose at the beginning of the trial of the case the constitutional question does not appear, and later, before the case is concluded, it appears a real constitutional question is involved, but there is not enough time to notify the Attorney General and the Court goes ahead and decides the case. Let us turn now to section (b). In section (b) you provide the Attorney General may come in at that time, after the decision, even though he has not been in the original trial, but you have no provision making it mandatory on the Court to notify the Attorney General the Court has decided a case in which there is a constitutional question. I presume the committee may have thought the Attorney General by that time ought to be wide enough awake to know something about the constitutional question. Is that the reason the committee did not insert such a provision in the bill?

Mr. SUMNERS of Texas. No; that was not the original reason.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. SPENCE. As I understand it, the Court itself decides whether or not there is substantial ground for questioning the constitutionality of the statute?

Mr. SUMNERS of Texas. That is right.

Mr. SPENCE The Court will not notify the Attorney General until he has come to a tentative judgment, at least, on the subject?

Mr. SUMNERS of Texas. My idea is that when he reads the pleadings and from other sources he will discover whether or not a serious question of constitutionality is presented.

Mr. SPENCE. He would have to anticipate; he would have to decide against the constitutionality before he notified the Attorney General?

Mr. SUMNERS of Texas. He would have some idea, at least, that it was a serious question. I may say to the gentleman it is exactly like the situation the gentleman has undoubtedly experienced many times in court, when one counsel gets up and the court says, "I do not want to hear from you, but I will hear from Mr. Jones, on the other side." That is about the situation.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. SUMNERS of Texas. Yes.

Mr. TABER. Is not the net effect of this bill the absolute destruction of the opportunity of the poor man to have his case heard in court?

Mr. SUMNERS of Texas. That would be very bad, would it not?

Mr. TABER. It would occur in this way: The minute a poor man begins a suit in an attempt to protect himself or his property from an infringement of his constitutional rights he has to go up against the full power and full force of the Attorney General's office, under this provision.

The Attorney General is not only permitted to come into court and argue the question, which perhaps might be proper, but is permitted to intervene as a party, and to conduct an appeal and to play horse with it. It seems to me this operation is simply making it a little bit more difficult than it was before for the poor man to have any chance to have his day in court. The rich man will be able to spread himself out so that he can get his day in court regardless of the intervention of the Attorney General, but the poor man will have no chance whatever. Is not this about the situation which is presented?

Mr. SUMNERS of Texas. If it is, it is a funny thing it has not occurred to the committee, is it not?

Mr. TABER. It has occurred to a lot of Members.

Mr. SUMNERS of Texas. I do not think the gentleman is right about it.

Mr. TABER. It would work that way.

Mr. SUMNERS of Texas. Here is a concrete proposition: You are a Member of this Congress. You have gone to a lot of trouble getting a bill through. I think you must assume, however violent some may consider the assumption, that when Congress expresses its legislative judgment it thinks it is acting within constitutional limitations and passing a good law. Does the gentleman object to that position being presented to the trial court properly by someone who is representing you and your colleagues, the Government, and nobody else? I do not think the House does.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. WOODRUFF. I think the question propounded to the chairman of the committee by the gentleman from New York is very pertinent. I think there is some ground for the apprehension the gentleman from New York expresses, because I find in my experience here that on a number of different occasions there have been presented to me instances where representatives of the Department of Justice have intervened in cases before the patent courts of this land to prevent poor American citizens from securing rights to certain patents they would have under the law if they had the financial resources to proceed to the same length in prosecuting their claims people in affluent circumstances would be permitted to proceed. I think it is a very pertinent question which has been raised by the gentleman from New York.

Mr. SUMNERS of Texas. The gentleman from Michigan does not think this is a case similar to that, does he?

Mr. WOODRUFF. I beg your pardon?

Mr. SUMNERS of Texas. I will not ask the question.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Michigan.

Mr. MICHENER. I may say to my colleague, the gentleman from Michigan [Mr. WOODRUFF], that if he were a lawyer he probably would not make the comparison he has just made. The gentleman is a good doctor, but not a doctor of law. This bill affects only constitutional questions. It has nothing to do with procedure before the departments in patent cases.

In answer to what the gentleman from New York [Mr. TABER] has stated about the poor man, as the chairman of the committee well knows, for a number of years the committee, with the assistance of the judiciary, has been trying to make it possible for the poor man to have his case disposed of by a final tribunal with as little expense as possible. It occurs to me the gentleman from New York [Mr. TABER] is just as wrong as he can be in his analysis when he states this bill will injure the poor man because the poor man cannot get his case tried. The real trouble today is that the man of means goes into the court of original jurisdiction and may linger long in that court of original jurisdiction. Then he appeals to the circuit court of appeals, another court, and takes this poor man about whom we are talking away off yonder somewhere to have his case heard. Then, if the poor man has sufficient funds, when he gets through in that court way off yonder, he is dragged down here to Washington by the man of means who can do that, so that the man without means is cut off.

The bill provides that in certain cases where this poor man, whom the committee is trying to help, has a direct

appeal, he does not need to print briefs, it is not necessary for him to hire counsel to go to the circuit court of appeals, ofttimes several hundred miles from his home, and spend a week or 2 weeks in having his case disposed of, but he may go directly to the Supreme Court of the United States, where there is justice, and from which Court there is no appeal. I cannot see for the life of me how you are going to injure the poor man in a case like that.

Mr. HANCOCK of New York. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. WOODRUFF. Mr. Chairman, will the gentleman from Texas yield?

Mr. HANCOCK of New York. It would depend on which side of the constitutional question the poor man stood, would it not?

Mr. WOODRUFF. Mr. Chairman, I was under the impression the gentleman from Texas had the floor.

Mr. MICHENER. I asked the gentleman from Michigan if he had finished his statement.

Mr. WOODRUFF. The gentleman from Michigan will recall he passed some remarks about his colleague from Michigan.

Mr. MICHENER. I hope they were complimentary.

Mr. WOODRUFF. They were not.

Mr. MICHENER. If they were not, I withdraw them and apologize to the gentleman.

Mr. WOODRUFF. Mr. Chairman, will the gentleman from Texas yield to me?

Mr. SUMNERS of Texas. Yes.

Mr. WOODRUFF. May I say that while this particular gentleman from Michigan does not happen to be a lawyer, he is familiar enough with court procedure in this country to know that what the gentleman from Michigan [Mr. MICHENER] has said is correct. I realize that, and I understood that before the gentleman told the House about it, but I know also, Mr. Chairman, that the matter I related to the House a moment ago is true. There have been many instances where all the power of the Department of Justice has been used before the courts of this country to keep the poor people of the country from receiving justice at the hands of the courts.

Mr. SUMNERS of Texas. May I say to my friend from Michigan that as I understood his colleague from Michigan, he stated that in these patent-appeal cases, to which the gentleman from Michigan referred, there was no constitutional question involved.

Mr. WOODRUFF. I will say to my friend that the gentleman from Michigan knew that perfectly. The thing I was calling to the attention of the House was the fact that whenever all the power of the Department of Justice is taken into a court to prevent a poor man from getting justice, it is usually successful.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Certainly.

Mr. ROBSION of Kentucky. I wish to add just a word to what our colleague, the gentleman from Michigan [Mr. MICHENER], has said, as well as our distinguished Chairman. I find, as a general rule, the people who are looking around with spy glasses and questioning the constitutionality of nearly all the acts of Congress, are not the poor men referred to by our friend, the gentleman from New York [Mr. TABER], but the powerful corporations, the powerful rich fellows, and this measure brings in the Attorney General to uphold not only the act of Congress, but the rights of the average poor man under an act of Congress, and I think, as a general rule, this will help the poor man instead of hurting him.

Mr. RANKIN. And, if the gentleman from Texas will permit, as a rule, it is a foreign corporation, incorporated in some other State, and using the Federal court because it is to his advantage to do so.

Mr. ROBSION of Kentucky. I think in, perhaps, the great majority of cases this will put the Attorney General and the Government on the side of the poor fellow and against the powerful, foreign corporations.

Mr. HANCOCK of New York. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to my friend from New York.

Mr. HANCOCK of New York. If this poor man that so many Members are worrying about questions the constitutionality of an act, he is going to be at a disadvantage, because the Attorney General is going to be against him; on the other hand, if he relies on the constitutionality of an act, the Attorney General is going to be for him. So the gentleman from New York and the gentleman from Michigan are both correct.

Mr. SUMNERS of Texas. I want to make this statement, and I want the folks on my side of the aisle to observe it. All on earth you have got to do, if you are wondering why they keep on sending Republicans here, is to see the members of the Committee on the Judiciary on the Republican side of the House in action. You will then know why they send them here. [Applause.]

Mr. PHILLIPS. Mr. Chairman, will the gentleman from Texas yield to me to ask a question of the gentleman from Michigan?

Mr. SUMNERS of Texas. I yield.

Mr. PHILLIPS. I would like to ask the gentleman from Michigan, who made a statement about the Attorney General's Department, to tell just where and when the power of the Attorney General's office has been projected against the poor man.

Mr. WOODRUFF. Mr. Chairman, will the gentleman from Texas yield?

Mr. SUMNERS of Texas. Yes.

Mr. WOODRUFF. I may say to the gentleman who just propounded the question that if he will examine the records of the Court of Patent Appeals in the District of Columbia he will find all the evidence he wants.

Mr. PHILLIPS. I would like to have the gentleman make a definite statement.

Mr. WOODRUFF. I shall have to ask the gentleman to make his own investigation, as I have done. The gentleman can follow my advice and get all the information he wants, and more besides.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. COLDEN. Mr. Chairman, these delays that are caused by present procedure fall very heavily on the poor man, but they are of great interest to the attorneys, who get additional fees by carrying these cases up to the circuit court of appeals and then to the Supreme Court. I think, perhaps, some of these attorneys are speaking for themselves rather than the poor man.

Mr. SUMNERS of Texas. I believe the poor man is being taken care of pretty well in this bill.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LUCAS. In the early part of the gentleman's remarks, as I recall it, he referred to a certain case, which was carried up from the lower courts to the Supreme Court of the United States, where the constitutionality of the act was involved. Am I correct in inferring from the remarks the gentleman made that had that case been tried on a different theory, had it been argued by the Attorney General of the United States, who should have been vitally interested, and was, but could not appear, the case might have been decided differently by the Supreme Court of the United States?

Mr. SUMNERS of Texas. If the gentleman will just add one thing to that—that is, if I had been the Attorney General I believe I could have won the case [laughter].

Mr. LUCAS. In other words, if this act becomes a law, we seek to protect the acts that we pass by having competent and reputable counsel from the time the constitutionality is attacked until it is finally decided by the Supreme Court of the United States. It not that true?

Mr. SUMNERS of Texas. We are doing our best.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. PACE. It appears from the reading of the bill that the Attorney General would have the right to present evidence and arguments. Do I understand that the Attorney General would not have the right to make motions?

Mr. SUMNERS of Texas. I think he would have every right that an intervener would have.

Mr. PACE. Does the bill cover that?

Mr. SUMNERS of Texas. I do not know. I have not examined it carefully on that point. I have the general notion about the bill that when the Attorney General is in Court he would be there practically in the status of an ordinary intervener, and would be limited to the one thing, and that is the defense of the constitutionality of the act.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DONDERO. Do I understand that the question of the constitutionality still rests with the Court in its discretion—that is, as to whether or not the Attorney General shall be called in?

Mr. SUMNERS of Texas. Yes.

Mr. DONDERO. In other words, it is within the power of the Court to determine whether it wants the Attorney General in the case or not.

Mr. SUMNERS of Texas. No; not that. It means in substance that the Attorney General would be called in when the judge thinks the question of constitutionality is a serious question, and in practical application the Court would not decide an act unconstitutional without having given the Attorney General an opportunity to appear.

Mr. DONDERO. But the Court itself would be the judge of whether he should be called in?

Mr. SUMNERS of Texas. Yes; because the Court is going to render the judgment.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. CHURCH. Did the committee consider the fact that placing that discretion in the Court to determine, that might itself be unconstitutional?

Mr SUMNERS of Texas. No; we do not think so.

Mr. CHURCH. Discretion that one party might get the benefit of it and the other party might not get the benefit.

Mr. SUMNERS of Texas. No; we do not have any apprehension about constitutionality on that score.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. JENKINS of Ohio. In line with the question asked by the gentleman from Michigan [Mr. DONDERO], if the Attorney General can make a showing of the constitutionality or unconstitutionality of a law he may ask to intervene. The Court may then permit him, if he can show sufficient reason for his intervention.

Mr. SUMNERS of Texas. On that point I do not think the committee has any apprehension that the Court will decide a question unconstitutional without having given the Attorney General an opportunity to appear. That is a comprehensive statement and gives the view of the committee.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. CELLER. As a matter of fact, this bill does not make any serious change when we consider the present procedure, as we know it today, in almost every instance. The Attorney General could really intervene as amicus curiae in a case involving the constitutionality of any question if he wished, so that really in substance we are not changing our procedure in a very serious way?

Mr. SUMNERS of Texas. Except that this gives him the right to intervene as a matter of right, and there the intervention is dependent upon the will of the Court.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. McLAUGHLIN. Is there not also this additional difference between the law, if enacted, and the present law—that, if this law is enacted, the fact that the constitutionality of a statute is attacked will be immediately presented to the Attorney General by the court before whom it is attacked, whereas under the present situation that is not the case and the Attorney General may not know of it?

Mr. SUMNERS of Texas. If the court thinks it is a serious question, he will notify the Attorney General, but assuming that the question of constitutionality is raised and the court thinks it is a trivial thing, in that sort of a case he would not notify the Attorney General.

Mr. McLAUGHLIN. But under the law as it exists at present, even if a substantial question of constitutionality is raised before the trial judge in a Federal court, he does not notify the Attorney General.

Mr. SUMNERS of Texas. That is right.

Mr. McLAUGHLIN. The Attorney General therefore does not know of the question being involved.

Mr. SUMNERS of Texas. That is right.

Mr. CELLER. Will the gentleman yield further?

Mr. SUMNERS of Texas. I yield.

Mr. CELLER. Under this bill the Attorney General can introduce evidence also, and under the present procedure he cannot.

Mr. SUMNERS of Texas. That is right; and he could appeal also.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MILLARD. If the court is going to allow the Attorney General to intervene, he will put it right in the order that he must intervene within 30 or 60 days?

Mr. SUMNERS of Texas. Yes. He would limit the Attorney General to the same rights given to ordinary litigants.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MAGNUSON. After the court notifies the Attorney General, then it is discretionary with the Attorney General whether or not he wants to go into the case?

Mr. SUMNERS of Texas. That is right.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. RANKIN. Even if a case is decided by a district court, under this law the Attorney General would have the right to intervene, would he not?

Mr. SUMNERS of Texas. Yes; anywhere up the line.

Mr. RANKIN. Just so long as it was a constitutional question?

Mr. SUMNERS of Texas. Yes; anywhere up the line.

Now, I do not want to trespass further on the House myself. I want to be as useful as I can.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MAY. As I understand the purpose of this bill, it is to give the Attorney General of the United States authority to intervene in any suit in which the constitutionality of an act of Congress is brought into question?

Mr. SUMNERS of Texas. Yes.

Mr. MAY. Under the provisions of the first section it is stated that when a question of constitutionality is raised, then you leave it to the trial court in which the question is raised to determine whether or not it is a substantial question.

Mr. SUMNERS of Texas. That is right. He is going to pass on it.

Mr. MAY. Do you not think it would be better, if we are going to allow the Attorney General to intervene at all, to himself be judge as to whether it is substantial?

Mr. SUMNERS of Texas. No. We do not think that.

Mr. MAY. Because when it is raised it will be raised by the pleadings?

Mr. SUMNERS of Texas. Yes.

Mr. MAY. The Attorney General ought to be lawyer enough to know whether or not the pleadings raise a question that is substantial. If not, he ought not be Attorney General.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MILLER. Assuming that that question arises, if the Attorney General is of the opinion that it is not a substantial question or that it has been settled, he will not intervene, in any event?

Mr. SUMNERS of Texas. Yes. May I say to the gentleman from Kentucky [Mr. MAY] we tried to prevent the necessity of hiring enough lawyers to intervene in every case where the question is raised, when the judge does not think it is serious. That is what we tried to do.

Mr. MAY. Let us say that the Attorney General is of the opinion, in good faith, that there is a substantial constitutional question involved but that the Court is not of that opinion. The Court then has the power to prevent his intervening, not withstanding his judgment.

Mr. SUMNERS of Texas. That is right, but it is the duty of the Court not to decide the constitutional question adversely until the Attorney General has been notified and given an opportunity to appear and defend. Later on we may have to amend if this does not work. The committee, however, thinks that this is as far as we want to go now.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DONDERO. Suppose there is a substantial question in the case and the Court does not ask the Attorney General to intervene, that the case goes to decision. If this bill becomes law, what will be the effect upon that decision in case the Attorney General has not been asked to intervene or to represent the Government?

Mr. SUMNERS of Texas. That, of course, would present a question; but we are assuming that the courts of the country would not do that. We are bound to assume that.

Mr. DONDERO. Might it invalidate the decision?

Mr. SUMNERS of Texas. It might; but we think that before a court decides a constitutional question, if this law is on the statute books, the court would notify the Attorney General; that if the court did not, we would fuss at the court or in some way straighten it out so that the court would not do it again.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MILLER. In the event that the court decides a statute unconstitutional and the Attorney General has not intervened, could he intervene on appeal?

Mr. SUMNERS of Texas. Yes.

Mr. MILLER. He could protect the law just the same.

Mr. SUMNERS of Texas. I understood the gentleman was asking as to the effect on the judgment. The Attorney General, under this bill, can intervene anywhere along the line.

Mr. DONDERO. That, of course, might cause delay and more litigation.

Mr. SUMNERS of Texas. It might; yes.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. KENNEY. At what point in the case is it intended that the judge shall notify the Attorney General of the pendency of a constitutional question?

Mr. SUMNERS of Texas. Before he decides against the constitutionality of the act, I think the way it will work out is that when the case is filed the Court will know what questions are at issue, especially in an important case where the question of constitutionality is raised, and then the Court will make up its mind as to whether or not it should notify the Attorney General.

Mr. KENNEY. But does not the gentleman know that in some jurisdictions pleadings are filed and remain on file a year or two before they are brought before the Court? Should there not be some provision in those cases where constitutional questions are involved, of having that fact brought to the attention of the Court in the first instance so that the Attorney General may have opportunity to prepare his case before it actually comes up for trial?

Mr. SUMNERS of Texas. It might be so, but I may say to my friend, the gentleman from New Jersey, that we feel that in any case where an important constitutional question is involved the Attorney General will be notified. It may not work out.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. SPENCE. Is it not a fact that in the majority of instances these questions of constitutionality are raised in respect of municipal corporations and public-service corporations? I have had some experience on this line. We know that the municipal corporation is usually represented by the city attorney and the large public-service corporations by a great array of lawyers. The case may be poorly presented and decided, yet it will stand as a precedent for all other cases involving like questions, and we see a gradual accretion of the rights of these corporations and a diminution of the rights of the plain people. I think this bill, if enacted into law, will have a very beneficial effect on such situations.

Mr. SUMNERS of Texas. We think it will have a beneficial effect, and if it does not we are willing to amend it; but may I say to the gentleman from Kentucky that this is as far as we felt we wanted to burden judicial procedure and burden the Attorney General at this time. Let us take this bill now as we have presented it. If it does not work right, this Congress is not the last one.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. McFARLANE. I notice the bill, at the bottom of page 2 and the top of page 3, would allow the Attorney General, in his discretion, to appeal directly to the Supreme Court. Would this take the entire case directly to the Supreme Court in case of such intervention, or just the question of constitutionality?

Mr. SUMNERS of Texas. It would come up on the question of constitutionality.

I do not like to take all the time, Mr. Chairman, but I do not want to quit if any Member wants to ask me a question.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. CASE of South Dakota. Just a question on that same subject: In case the Attorney General does intervene, the language now carried in the bill provides that such case shall have precedence over every other case in the Supreme Court. Would that mean that such case would have precedence over other cases which raised constitutional questions, or would it come up in the regular order?

Mr. SUMNERS of Texas. Under the language now carried in the bill it would take precedence, but I would not be surprised if something has to be done about that. I think the gentleman has asked a very pertinent question. We will put that up to the Senate, probably with a suggestion, and see what they think about it.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I want to make this observation. Perhaps it has been made already. Do not the district courts, the circuit courts, and the Supreme Court permit the Department of Justice to intervene as a friend of the court without any law of this kind?

Mr. SUMNERS of Texas. That is right.

Mr. ROBSION of Kentucky. This merely gives the Attorney General an additional right?

Mr SUMNERS of Texas. Yes.

Mr. RANKIN. I think the bill itself answers the question asked by the gentleman from South Dakota. It says the case shall take precedence over pending litigation. It is stated, "and appeals so taken shall have precedence over other cases in the Supreme Court."

Mr. SUMNERS of Texas. But the question which has been raised is a proper one and a very important question. It is whether the case should have precedence over other cases in which a constitutional question may be raised.

Mr. McFARLANE. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. McFARLANE. I think the language clearly means it takes precedence over other cases that may be pending, but will retain its place in connection with other cases of the same nature. It would take precedence over cases coming up otherwise.

Mr. MICHENER. If there is any question about that, it can be settled very easily by a word or two by the way of an amendment.

Mr. SUMNERS of Texas. Yes. I do not think there will be any objection to the amendment, but suppose we let it go through as it is and if the bill should be amended, we can take it up in the Senate.

Mr. DOWELL. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Iowa.

Mr. DOWELL. Assuming that litigants have other questions involved and that on the other questions an appeal is taken from the district court. Assume further the Attorney General intervenes on a constitutional question. How would the litigant proceed in the court of appeals so far as their appeal is concerned?

Mr. SUMNERS of Texas. I do not know what arrangement will be made in reference to a split case. It will be somewhat similar to a case that goes up on an appeal from an interlocutory order, an injunction or cases of that sort.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. HANCOCK of New York. In answer to the query of the gentleman from Georgia a moment ago, I think it ought to appear specifically in the RECORD that this bill was introduced by our learned, genial, popular, and distinguished chairman of the Judiciary Committee on January 8; but the President's message to Congress on the subject of Federal courts was not delivered until February 5.

Mr. COLE of Maryland. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. May I ask the gentleman a question with reference to a particular situation. The constitutionality of many of our important statutes, of course, is raised in the trial of criminal cases under a practice of procedure in the United States district courts; that is, the same as in most of the State courts. It frequently happens a trial actually starts and an indictment must be changed or the pleadings might be changed. In case the constitutional question was raised after the trial had started, I understand then it is the court's duty to declare a mistrial and suspend all proceedings until the Attorney General can catch up and enter his appearance?

Mr. SUMNERS of Texas. I do not know. What does the gentleman think?

Mr. COLE of Maryland. I am asking the chairman of the Judiciary Committee. I think it is a situation that might easily arise under this bill.

Mr. SUMNERS of Texas. When the question of the constitutionality of an act of Congress is raised, and it is a serious question, it is the judgment of the members of the committee that that question ought to be presented to the Supreme Court just as quickly as it can be carried there properly. If it should happen to cause delay in the trial of one specific case, the committee believed that case should be delayed until the big question that might affect a thousand persons similarly situated is disposed of. That is my judgment.

Mr. CHURCH. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. CHURCH. In cases where the Attorney General intervenes, and similar cases, this act means that the Attorney General, the Government, in criminal cases may intervene?

Mr. SUMNERS of Texas. He is already in there.

Mr. CHURCH. He is already in there; yes, but he will delay those cases necessarily under this act, thereby depriving a defendant of his rights because this act brings the civil cases into the Supreme Court ahead of other cases. That in itself raises a constitutional question.

Mr. SUMNERS of Texas. I was a prosecutor myself for some years and I never heard many defendants raising Cain because they could not get to trial.

Mr. CHURCH. If the defendant had won out in the lower court, he is entitled to a decision by the Supreme Court. The Attorney General denies him that right and delays the matter under this act because the Attorney General is involved in a civil suit, which would be taken to the Supreme Court ahead of other cases. I just raise that question.

Mr. SUMNERS of Texas. Do not raise it. I have enough questions now.

Mr. RANKIN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Mississippi.

Mr. RANKIN. At the bottom of page 1 and at the top of page 2 there is this language:

> If the Court is of the opinion that a substantial ground exists for questioning the constitutionality of the statute.

Then the Attorney General may intervene. Suppose the Court holds an act unconstitutional and says nothing to the Attorney General. Can the Attorney General then, on his own motion, intervene?

Mr. SUMNERS of Texas. Does the gentleman mean after decision of the lower court?

Mr. RANKIN. Yes.

Mr. SUMNERS of Texas. He may intervene anywhere along the line.

Mr. RANKIN. He would not have to have the Court's consent?

Mr. SUMNERS of Texas. No.

Mr. Chairman, I reserve the balance of my time.

Mr. GUYER. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GWYNNE] 10 minutes.

Mr. GWYNNE. Mr. Chairman, may I say at the outset I am in favor of the general purpose of this legislation; however, I cannot vote for this particular bill for several reasons.

In the first place, parts of this bill, in my judgment, are of doubtful constitutionality; in the second place, the bill puts an unnecessary hardship on litigants; and, in the third place, it goes beyond the needs of the Attorney General in these particular cases.

As has been suggested, in most instances important constitutional questions are settled in cases in which the Government is a party.

Mr. Chairman, I wish to make it clear at the outset that I favor the general purpose of this type of legislation. The decision of the courts on any constitutional question is of importance to the people.

I do not, however, favor this bill in its present form for several reasons:

First. Parts of the bill are, in my opinion, of doubtful constitutionality.

Second. It will put unnecessary hardship on litigants.

Third. It goes far beyond the needs of the Office of the Attorney General.

In most instances great constitutional questions are decided in cases in which the Government is necessarily a party. In those cases this legislation is, of course, unnecessary. This bill is designed to apply only to litigation in which the Government is not a party, and under ordinary rules cannot become a party. It provides for an interference with orderly litigation between private parties in a manner not contemplated in the Constitution. The history of the Constitution and the cases decided under it make this clear.

In England the House of Lords has a right to summon the judges and require their opinion as to a legal question. At the time of the adoption of the Constitution I believe the

King of England also had this right. Seven States of the American Union provide in their constitution for advisory opinions. The framers of the American Constitution rejected the advisory opinion, although it was urged upon them and although it was then well established in England.

Instead the framers established a government with three coordinate branches: Executive, legislative, and judicial. The judicial branch is established in article III, from which I quote the following:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. • • •
>
> SEC. 2. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, • • • to controversies to which the United States shall be a party—to controversies between two or more States, • • •. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Under this power Congress may create inferior courts and define their jurisdiction. It may make exceptions and regulations in matters of appeal. However, it has always been held that the power and authority of the courts depend, not upon Congress but upon the Constitution. The Supreme Court has held that it has no jurisdiction, either original or appellate, which is not included in this general grant of judicial power set out in article III (*La.* v. *Texas*, 176 U. S. 1; *Duhne* v. *New Jersey*, 251 U. S. 311). Consequently Congress cannot put upon the courts other than judicial duties (*In re Spingarns Estate*, 159 N. Y. Sup. 605), nor can it provide for an appeal to the Supreme Court from other than a judicial tribunal acting in the exercise of its constitutional judicial power (*U. S.* v. *Ferreira*, 13 Howard 40).

The judicial power of the courts is limited by the Constitution to cases and controversies. A case was defined by Chief Justice Marshall in *Marbury* v. *Madison* (1 Cranch, 137) to be a suit instituted according to the regular course of judicial procedure. The term "controversies" is less comprehensive than "cases", and includes only suits of a civil nature (*In re Pacific Railway Com.*, 32 Fed. 241).

In *Muskrat* v. *United States* (219 U. S. 346) the Supreme Court said:

> By "cases" and "controversies" are intended the claims of litigants brought before the Court for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the Court for adjudication • • •. In that case Chief Justice Marshall, who spoke for the Court, was careful to point out that the right to declare an act of Congress unconstitutional could only be exercised when a proper case between opposing parties was submitted for judicial determination; that there was no general veto power in the Court on the legislation of Congress.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. CHURCH. Has the gentleman ever heard of the right of a friend of the court to appeal?

Mr. GWYNNE. A friend of the court has no such right. A friend of the court may appear by the grace of the court and make an argument as to the law, which is as far as this privilege has ever been extended.

Mr. CHURCH. As the gentleman is pointing out, a friend of the court is not a party to the proceeding?

Mr. GWYNNE. That is right.

In a long line of cases the Supreme Court has repeatedly held that the jurisdiction of the courts is confined to actual lawsuits between actual litigants who are there to protect some right or to enforce some obligation. In other words, the courts have no jurisdiction over purely moot questions.

Now, what is the criterion for determining whether there is an actual case or controversy, or simply a moot question? That apparently is determined by the character of the judgment which the court may render. The courts have no jurisdiction in any case where they cannot render judgment in the legal sense of the term, and they have no jurisdiction over any party if they cannot render judgment either for or against that party. The court has no jurisdiction either over moot questions or over moot litigants, as the Attorney General would be in this type of case.

In *Muskrat* v. *United States* (219 U. S., 346), the Supreme Court considered the constitutionality of a statute of Congress authorizing Muskrat et al. to bring a suit in the Court of Claims for the purpose of determining the validity of certain acts of Congress. The act further provided for appearance on behalf of the Government and for the necessary appeal to the Supreme Court.

[Here the gavel fell.]

Mr. GUYER. I yield 5 additional minutes to the gentleman from Iowa.

Mr. GWYNNE. In other words, the statute attempted to set up the necessary machinery for getting an opinion from the Supreme Court as to the legality of its acts. In dismissing the petitions for want of jurisdiction the Supreme Court had this to say:

> It is therefore evident that there is neither more nor less in this procedure than an attempt to provide for a judicial determination, final in this Court, of the constitutional validity of an act of Congress. Is such a determination within the judicial power conferred by the Constitution, as the same has been interpreted and defined in the authoritative decisions to which we have referred? We think it is not. That judicial power, as we have seen, is the right to determine actual controversies arising between adverse litigants duly instituted in courts of proper jurisdiction.

I submit the Attorney General in this type of case is not an actual litigant and has no adverse interest. He has no interest at all which he is entitled to be defending in this Court or any other court. If he has such a right as a representative of the executive arm of the Government, then he could appear in the court, anyway.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. SUMNERS of Texas. Does not the gentleman think when the constitutionality of an act of the Government is attacked the Government has an interest which it has a right to appear to defend?

Mr. GWYNNE. I am afraid not. I admit it has an academic interest, but the point I make is this: The power of the Court to decide cases does not depend upon the Congress, but upon the Constitution. The Court can decide no case unless the party comes into Court in defense of some actual material right.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. HEALEY. Under present conditions the Attorney General may appear, in the discretion of the court, as a friend of the court and argue the constitutionality of a question which has arisen in the pleadings or during the conduct of the proceedings in the court.

Mr. GWYNNE. That is right.

Mr. HEALEY. This bill merely gives him the right, which he now has at the discretion of the court, to come in as a friend of the court.

Mr. GWYNNE. No; we go beyond that in this bill. We make the Attorney General an intervenor. We make him a party. He is entitled to come into the case, to be heard on the constitutional question, and to offer evidence. Then—and this is the part of the bill which seems to me to be clearly unconstitutional—he is given the right to appeal.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. O'CONNOR of Montana. The language of the bill is:

> When • • • the constitutionality of any statute of the United States is brought in question.

Is it the contention of the gentleman that not only should this feature appear but it should likewise appear that a determination of the validity of the statute is necessary in order for the court to decide the issues between the parties?

Mr. GWYNNE. No.

Mr. O'CONNOR of Montana. Is not the gentleman making that distinction?

Mr. GWYNNE. No; I am not making that distinction. Of course, by a committee amendment, as I understand, the word "validity" will be taken out of the bill and "constitutionality" put in. The point I make is that in those cases in which the Attorney General appears in defense of some right of the Government, he has a right to appear, of course, just as you or I or any other litigant, but if he has only the academic interest of a man who is interested in what the Court is going to say about some law that some Congress has passed—and this is all the interest he has in this type of cases—I claim that under the Constitution he has no right to appear at all.

Mr. O'CONNOR of Montana. In other words, if the decision is on the validity of the statute in question, it becomes more than an academic question; it becomes an issue in the case which is necessary to its determination.

Mr. GWYNNE. Very true.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. COX. Under those circumstances the question would be entirely moot so far as the Government is concerned.

Mr. GWYNNE. That is the point I make; yes.

Mr. COX. As it could have no possible interest which it would be called upon to defend; in other words, the question of the validity of an act might arise in litigation between parties, and if the Attorney General is permitted to intervene then, of course, we are obliged to assume he will necessarily dominate the litigation to the extent he participates, and if he should bring to bear upon the question any considerable influence, he would put the other party to the case at a great disadvantage.

Mr. GWYNNE. If I understood the gentleman correctly, he has stated my objection to this legislation, which is that the Attorney General in this type of case has nothing but a moot question on which the courts will not hear him.

Mr. COX. In other words, the Government has no possible interest to defend justifying its intervention.

Mr. GWYNNE. That is right.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. The gentleman speaks here of the United States "intervening." The language of the bill is not such. The language of the bill, at page 2, lines 15 to 18, gives the Attorney General the same right of review of such decision "as if the United States were a party to the suit or proceeding." I apprehend there would be no difficulty about inducing the party to the litigation against whom a decision had been rendered to avail himself of the services of the Attorney General. What I am emphasizing is that this measure does not provide for the Attorney General or for the United States becoming a party to the case.

Mr. GWYNNE. From my reading of the bill I think it does provide for him to be a party.

Mr. LEWIS of Colorado. Will the gentleman point out that language? Perhaps I have overlooked it.

Mr. GWYNNE. I refer the gentleman to the first paragraph of the bill. I gather from that language he can appear and offer evidence and do almost anything a litigant can do, including an appeal.

Mr. LEWIS of Colorado. But the gentleman's argument is based on the fact that the Attorney General or the United States actually becomes a party in the proceeding. Such is not the language of the bill.

Mr. GWYNNE. That is where I disagree with the gentleman.

Mr. LEWIS of Colorado. The Attorney General would not become an actual party any more than a friend of the court is a party.

Mr. GWYNNE. No; I cannot agree with the gentleman about that.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. GYWNNE. I yield.

Mr. MOTT. Does the gentleman know of any case where the Attorney General has asked to be allowed to intervene as a friend of the court where such request has been refused?

Mr. GWYNNE. I have heard of no such case.

Mr. MOTT. I have not either.

Mr. GWYNNE. I have heard of no case where any interested party was denied the right to appear and argue questions of law.

Mr. MOTT. As a matter of fact, where any officer asks to intervene in an important case as a friend of the court, whether he is the Attorney General of anyone else, the court is usually glad to allow him to intervene.

Mr. GWYNNE. That is true.

Mr. MOTT. If I may ask the gentleman a further question, does the gentleman conceive it is any of the proper business of the Attorney General, as an agent or a member of the executive department of the Government, how a Federal court may rule as to the constitutionality of a law?

Mr. GWYNNE. Not the slightest. The Attorney General is simply the attorney for the executive branch of the Government. He has no more interest in the legislation than I have or the gentleman, as a Member of the Congress.

Mr. MOTT. I concur in the gentleman's opinion.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. HEALEY. Under the terms of this bill the Attorney General is confined to a presentation of facts and law relating only to the constitutional question which has been raised.

Mr. GWYNNE. That is true.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. PACE. The gentleman stated that the Attorney General would have no interest, or that the United States would have no interest. Does not the gentleman understand that the purpose of this bill is to give them an interest?

Mr. GWYNNE. That is true. I agree with the gentleman that that is the purpose of the bill, but the answer is the Constitution does not allow Congress to give the Attorney General that interest.

Mr. COX. In other words, subject their right to litigate to the right of the Attorney General to intervene?

Mr. GWYNNE. That is right.

On March 23, 1792, the Congress passed the first Invalid Pension Act, and required of the courts certain nonjudicial duties in determining who was eligible for a pension. Many of the lower Federal courts raised the question as to their authority to perform these acts. In *Hayburn's case* (2 Dallas, 408), the Attorney General Randolph appeared in the Supreme Court asking for a writ of mandamus against a circuit court in Pennsylvania, commanding the said court to proceed in a certain pension of William Hayburn, who had appealed to be put on the pension list as an invalid pensioner. The Attorney General made the motion ex-officio without an application from any particular person but with a view to procure the execution of an act of Congress particularly interesting to a meritorious and unfortunate class of citizens. The Court held that the Attorney General had no right to appear in such cases merely by virtue of his office.

Suppose the Congress should pass a law in some way interfering with the rights of religious worship guaranteed in the first amendment, not, however, putting upon the Attorney General any duty of enforcement. Such a law might be a matter of great concern to many citizens, to certain religious organizations, and even to the Attorney General. However, the Attorney General could not bring a suit in court simply for the purpose of learning the view of the court in the matter. The question of constitutionality could only be raised by someone whose rights were directly invaded. Their academic interest gives no one a standing in the court. In this respect the Federal Government is exactly on the same basis as every other litigant. Its representative, the Attorney General, is on the same basis as every other lawyer. If the Attorney General has no standing in court to try what is to him purely a moot question, how can he acquire any such right by hitching himself onto someone else's lawsuit? It is an attempt to do indirectly what he cannot do directly.

Now, note how far this bill wanders from ordinary judicial process. Whenever, in private litigation, the constitutionality of a statute is drawn in question, the trial court is required to certify that fact to the Attorney General. Whether or not that is putting a nonjudicial duty upon the court I will not here stop to inquire. He must then give the Attorney General the right to appear and present argument on the constitutionality of the statute. Against that part of the bill there should be no complaint. In fact, the Attorney General now does that as amicus curiae. This bill virtually gives the Attorney General the right to intervene and introduce evidence. It is an attempt to make him a party to a lawsuit where, by well-established rules of jurisprudence, he has no right to intervene. If we can allow him to do so, then Congress may give a right of intervention to any citizen, to any case in which he has an academic interest. That such a person has no standing to maintain such a suit is declared in *Fairchild* v. *Hughes* (258 U. S. 126).

This bill further contains provisions allowing an appeal by the Attorney General, even giving him greater rights in this respect than the actual litigants.

From what is the Attorney General going to appeal? Here is a case between A and B involving the constitutionality of a statute. A judgment is rendered against one of them. There can be no judgment against the Government, because, admittedly, the Attorney General is not appearing to protect any right of the Government. Otherwise, he would be a party in the ordinary sense. From what, then, does the Attorney General appeal? Upon what theory can he carry on the litigation in the appellate courts when the real parties at interest have decided to accept the judgment or decree of the trial court?

In *United States* v. *Evans* (213 U. S. 297) the Supreme Court considered the constitutionality of a statute for the District of Columbia giving the Government a right of appeal upon a verdict of not guilty. The appeal was for the purpose of establishing the law, so that the Government would be advised as to the future. The Supreme Court held that the appeal presented only a moot question and declined to consider it. If the Government cannot appeal to settle a moot question in a suit in which it is actually a party, how can it do so in a case in which, from the very beginning, it has nothing but a moot interest?

Furthermore, the law would seriously handicap litigants. This is the way it would operate: John Smith brings a suit against a railway in his State. The case is removed to the Federal district court. At the trial the railway company raises the question of constitutionality. And, bear in mind, the question of constitutionality can easily be raised at the trial, or still more easily when the issues are finally made up just prior to the trial. If the court so decides, the Attorney General must be given an opportunity to appear. This would necessitate a continuance. I dare say that, out of an abundance of caution, the trial court would certify most constitutional questions; out of an abundance of caution the Attorney General would appear in most such cases; out of further abundance of caution, his representative would introduce evidence so that the question of constitutionality might be presented favorably to his view. Suppose the question involved were that of interstate commerce, as under the N. R. A. Think of the record that might be made by the Attorney General.

In any event, there is bound to be delay. How easy for the railroad company, for example, to raise a constitutional question for the very purpose of delay. On the other hand, the litigant, without means to finance a protracted lawsuit, might hesitate to raise a constitutional question because of this certain delay. Furthermore, suppose the question raised is one upon which the Government does not desire an immediate decision. You remember it was said in the N. R. A. case that the Federal Government displayed no great haste in getting before the Supreme Court.

Could not this law be amended to give more consideration to the rights of litigants and less to the convenience of the Attorney General? I would prefer a law giving the Attorney General the right to appear only in appellate courts. If, however, it is deemed desirable to allow the Attorney General to appear in the trial courts, some amendments should be added to this bill. Indiscriminate introduction of evidence by the Attorney General in many cases might prejudice the rights of the real parties. In my judgment, the Attorney General should be allowed to introduce testimony only with the consent of the trial court. This would probably result in a sufficient record for all purposes through the cooperation of the Attorney General, the parties, and the court. Furthermore, the record having been made under the supervision of the court, there would be less danger of reversal on account of prejudice to any of the real litigants. The bill should further provide that not more than one continuance should be granted to the Attorney General. It should be further provided that all appeals involving constitutional questions should be direct to the Supreme Court and should have precedence over other appeals.

Mr. COX. In other words, the parties to the case might get a determination entirely satisfactory to them; and with the Attorney General intervening, he could, in effect, take it away from them and bring it to the Supreme Court for review.

Mr. GWYNNE. That is true.

Mr. RAMSAY. Mr. Chairman, will the gentleman yield for a question?

Mr. GWYNNE. I yield.

Mr. RAMSAY. Is it the gentleman's contention that the Constitution prohibits the Congress from passing any rules regulating the pleading and practice of the inferior and Federal courts?

Mr. GWYNNE. No. My contention is simply this: Under the Constitution, the judicial power is limited to cases and controversies; and the Attorney General has no case or controversy. That is the point I make, and we cannot give him one.

Mr. COX. Is not that the rule that is not only practiced by the Supreme Court but by practically all of the courts of the various jurisdictions?

Mr. GWYNNE. That is true.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. CHURCH. Does not this run contrary to the very principles of our Government, namely, the three divisions, administrative, judicial, and legislative? And in that connection, does not this encourage Congress to enact measures that are not constitutional? In other words, we are inviting another department to come in here and make constitutional the things which we do, and we will do them more carelessly if this is enacted?

Mr. GWYNNE. I favor the general theory back of this bill. I think it would be possible to pass some kind of law embodying the good features set out in this bill. My fear is that this bill will be held unconstitutional, particularly that part of the bill that provides that the Attorney General may appeal. For instance, here is the case of the United States against Evans, where the Congress provided that in the District of Columbia, if a defendant were acquitted in a criminal case, the Government could appeal for the purpose of getting the law settled. The Supreme Court held that law unconstitutional. They said the Government has nothing in this appeal but a moot interest. I submit that if in that kind of a case they say we cannot appeal, we cannot appeal in a case in which from the very start we had nothing but a moot interest. That is the point.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, this is a bill which to my mind should be disposed of on its merits and not just because it has been brought in here by a great committee of this House. To my mind, I do not believe that any step has been taken by the Congress which is more apt to bring into disrepute the constitutional and legal system of this country than this particular bill. It provides that the Attorney General shall be advised by any court which has jurisdiction of a suit or proceeding, if in the opinion of that court a substantial ground exists for questioning the constitutionality of any statute of the United States. If that situation is found, the Attorney General is given an opportunity to intervene in the suit and have the same rights as a party, to the extent necessary for the proper presentation of the facts and the law relating to the constitutionality of the statute.

Now what happens? The Congress might perhaps pass a law which would infringe upon the constitutional rights of a poor man. It might provide that property shall be taken without due compensation. It may destroy his right to work. It may, by some other provision, impose such restrictions upon him that he will be unable to pursue his ordinary livelihood. What happens? He attempts to protect his rights by a suit in the United States district court. He comes into court, and he has a good case, but he does not have very much money, not enough so that he can pay for the papers, the briefs, the printing bills, and pay a high-priced lawyer to go into court and follow that case all the way through. The Attorney General is advised of the status of the case and he comes into the case and by means of interminable appeals and by means of bringing to bear the power and strength of the Government of the United States, he so bears down on that poor man that he leaves him absolutely stranded and absolutely helpless.

Frankly I do not want my name to be a party to voting for such a bill. We can all remember when poor men, not so very long ago, were oppressed by the Government of the United States. There are not many of us who cannot remember the Schechter case, how that poor man was played horse with, his business ruined, and he was carted all over the lot before he could get a determination in the Supreme Court of the United States.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MICHENER. If this law had been in effect at that time the Schechter case would have been appealed directly, and the man would have been saved from bankruptcy. [Applause.]

Mr. TABER. No; he would not. He would not, because that provision does not apply to that kind of a case. The provision to which the gentleman refers at the bottom of page 2 does not apply to that kind of a case, because the Government was a party to that case, and this bill only applies to suits between private parties. I was using that case, not as an illustration of how this appeal would work, but as an illustration of how the Attorney General and the Government of the United States, with the power of the Government behind it, could play horse with a private individual and ruin him. That is what I was using it for. That provision at the bottom of page 2 only applies to a case where it is litigation between private parties and the Government is not a party.

It seems to me, Mr. Chairman, that we are going far afield when we come to think of passing this kind of bill and placing that almost insuperable burden upon the poor man who might want to have his case determined in court. I can see no advantage to it except the glorification of bureaucracy and the lowering of the level at which the individual in this country must stand.

I hope that this House will not pass this kind of bill abridging and interfering with the rights of the ordinary man in the United States. [Applause.]

Mr. GUYER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, I think we are all interested in the effort on the part of the gentleman from Michigan to defend the dilatory action of the Attorney General and the Department of Justice in connection with the famous Schechter case. It is generally admitted and acknowledged on all sides that in connection with the famous N. R. A. the Department of Justice waited until it could secure a case which would best suit its purposes in its efforts to establish the constitutionality of the N. R. A.; and it seems hardly fitting for the gentleman from Michigan to question the declarations made by the gentleman from New York, which were purely for the purpose of analogy to show the possible lengths to which legislation of this kind can go in the hands of an all-powerful administration. I think all of us realize that the present tendencies of government—and I am not applying this directly to our own Government but government generally—the general tendency of government today is to overreach, to go into, as far as it can, the field of the individual's life and liberty, and to explore into those activities that heretofore have been looked upon as sacred to the individual. In this legislation that is before us today it seems to me that it is only another step on the part of governmental agencies to concern themselves with those matters which are purely the affairs of the individual.

No one can deny here that this bill definitely gives to one party in a litigious matter a distinct advantage. Two litigants appear before the bar of justice, the one claiming that an act is constitutional and the other questioning the constitutionality of the act. This legislation brings in back of one of the parties litigant the power of the Department of Justice and the Attorney General with all of the ability, experience, and power of that Department, and leaves the other litigant absolutely helpless to effectively combat the combined efforts of his opponent and the Government. If you are going to the point of providing for this intervention by the Attorney General, then why should we not go a step further and provide that the other party to that suit should have counsel provided for him at the expense of the Federal Government? If you are going to bring the prestige and power of the entire Department of Justice behind one litigant in order to establish constitutionality and to maintain constitutionality, then you should bring to the other man a lawyer, or a battery of lawyers, paid for by the Government to protect his position with the same fervor, and the same enthusiasm, and the same ability, as you give to his opponent to maintain the constitutionality of this particular act.

Mr. FRED M. VINSON. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield.

Mr. FRED M. VINSON. It seems to me that the question of constitutionality is not one that is of interest solely to the parties in litigation.

Mr. DITTER. The gentleman will agree with me that it distinctly affects the individual citizen.

Mr. FRED M. VINSON. Of course it does, and the question is to get it determined correctly, because it affects not only the litigants in the particular case, but it affects many others. It ought to be decided right in the public interest.

Mr. DITTER. Does the gentleman, by his statement, infer that the constitutional questions that have been raised and decided in the past, particularly within our own experiences, have been incorrectly decided?

Mr. FRED M. VINSON. In many instances, yes; and I may say that Justices of the Supreme Court in the history of our country have said that the character, the mentality, the legal learning of gentlemen representing litigants has had its effect in determining the question of constitutionality; and, oftentimes, even our courts, our highest Court, calls in "a friend of the court" in order that the constitutional question may be the more carefully considered.

Mr. DITTER. I did not yield to the gentleman for a speech. Then, I think the gentleman will probably be in accord with me that the Government should provide to the other litigant the same type of counsel as the Government has at its command to establish the constitutionality of the act. That would be justice.

Mr. FRED M. VINSON. I think that the gentleman, to develop that point, would have to assume that the Government had interest in the litigation. The Government's concern is a public interest; that is, the interest of having the question of constitutionality determined correctly.

Mr. DITTER. That is exactly the point, Mr. Chairman, that I wanted the gentleman to raise, for it certainly seems to me that the Attorney General being a part of the executive department of the Government would be most anxious to establish the constitutionality of the act, and under no

circumstance would he be inclined to question the constitutionality of the act.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I could not help but yield to my friend from New York.

Mr. O'CONNOR of New York. Assuming that Congress passes a bill and that the Attorney General advises the President that the act is unconstitutional, whereupon the President vetoes the act and Congress passes the act over the veto of the President and makes it a law. Then in a court the question of the constitutionality of the act arises and the Attorney General intervenes.

Will he sustain the constitutionality and give it as his written opinion that the law is unconstitutional?

Mr. DITTER. I appreciate the contribution my distinguished friend from New York has brought to the case.

Mr. CHURCH. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Illinois.

Mr. CHURCH. The mere fact that the Attorney General was wrong in the first place is no reason why the litigant, having had his rights determined in the lower court, should have to go all the way to the Supreme Court, brought there by the Attorney General and the administrative end of this Government.

Mr. DITTER. May I say in perfect candor to the Members of the House, of course the observations I am presently making are very naturally colored to some extent by the experiences that have been ours during the last 4 years, especially in the light of the present Attorney General's position in desiring to continue the constitutionality or establish the constitutionality of many of those acts that have been previously declared unconstitutional. The pertinence of an inquiry directed by my distinguished friend the gentleman from Georgia during colloquy this afternoon presents itself to me, when he asked with respect to the ability of the present Attorney General; but whether there is ability or not, I am convinced that he would have but one motive and that is to drive through to constitutionality the enactments of the present administration.

Mr. CELLER. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from New York.

Mr. CELLER. It may be of interest to the gentleman to know when the matter was presented to us in the Judiciary Committee, we were told in many cases where there was a constitutional question of great public interest, the question was not presented properly from the constitutional side; that, on the contrary, these arguments were presented by lawyers of inferior talent. One purpose of this act is to see to it that when the constitutional question is defended there shall be somebody of consequence, ability, ingenuity, and resourcefulness to present the Government's side. Does not the gentleman think it would be rather unfair to leave constitutional questions to be presented by persons who may be inferior in the presentation of such questions?

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DITTER. Mr. Chairman, from what the gentleman says, I take it he feels that the Government has a side it should take in litigation between private individuals?

Mr. CELLER. Only where there is a constitutional question involved of real and substantial importance.

Mr. DITTER. It seems to me that is the very point I am opposed to. With respect to litigation as between private individuals the Government has no part.

Mr. CELLER. If it were limited to private interests, I would say "yes", but there is something more involved. The Government's point of view is involved. The constitutionality of the question is involved for you and me and the rest of the people of the land. Our interests are involved and our interests are at stake.

Mr. DITTER. The gentleman admits by his statement it is making the Government a party to a private lawsuit.

Mr. CELLER. That is getting into the Muskrat case.

Mr. DITTER. Is that not the position the gentleman is contending for?

Mr. CELLER. No. Nowhere in this bill does the gentleman find words making the Government an actual party.

Mr. DITTER. Will the gentleman distinguish for me between this present program and an ordinary interpleader proceeding? Is not this an interpleader proceeding on the part of the Government?

Mr. CELLER. There is an analogy, but the Government does not interplead as a party at all.

Mr. DITTER. It is a party.

Mr. CELLER. It is not a party in interest in the case.

Mr. DITTER. But the gentleman admitted a moment ago that the Government should be made a party in interest.

Mr. CELLER. I said the Government should have the right to come in and protect what it believes to be the constitutionality of the question. But that does not make the Government a party.

Mr. DITTER. Does the gentleman mean by that that the Government has a duty placed upon it through the Attorney General to defend the constitutionality of all legislation?

Mr. CELLER. No; it is not a duty. I would say the Attorney General under this act would be doing little more than he has the right to do now. He may come in and defend the constitutionality of a statute as amicus curiae. I do not think there would be a judge anywhere who would deny the right of the Attorney General to come in and argue the constitutionality of a particular statute, regardless of the fact that the controversy might be between private litigants.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. DITTER. I yield to the distinguished chairman of the Judiciary Committee.

Mr. SUMNERS of Texas. To make a suggestion and get the gentleman's judgment, in many jurisdictions where the court may pass on the constitutionality of the act of a legislative body, they have the right to ask the court in the first instance as to whether or not the law is constitutional. This is an effort to do the next best thing we can. There is at present a great deal of confusion in this country by reason of the long delays in the proper determination of constitutional questions.

Mr. DITTER. May I interrupt the gentleman there to say that I want under no circumstance any misunderstanding. I am for expedition, and were I convinced that litigation would be disposed of more speedily and satisfactorily and without harmful attendant conditions, then I certainly would not be opposed to it; but there has not been any effort at expedition so far as appellate work is concerned thus far. This will not bring about expedition. The Attorney General may or may not intervene. He may be dilatory if he sees fit, or he may be expeditious if he sees fit. It is a matter entirely within his own discretion.

Mr. SUMNERS of Texas. I appreciate the gentleman does recognize the public interest that is involved in the expeditious determination of questions involving constitutionality. This is the best we can do.

Mr. DITTER. May I say to the gentleman right there that no matter how great the value of expedition may be, it seems to me that expedition sinks into insignificance when the probable rights of party litigants under our present constitutional scheme may be jeopardized in the future by hasty legislation of this character.

In my opinion, this is simply an effort to protect the enactments of the Congress and to disregard the rights of the citizens. Our first duty is to be jealous of the rights of the people and not to be concerned chiefly about the maintenance of the bills which we pass. If we concern ourselves more seriously during the consideration of legislation about its constitutionality instead of passing bills irrespective of any question of constitutionality private litigants will be able to take care of their own interests in the courts.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Chairman, I am heartily in favor of this legislation. I have introduced H. R. 4899, which in

effect carries out the same purposes as does this legislation. I think the record made during the past few years certainly justifies this kind and character of legislation. It is our duty to expedite in every way possible the determination of the constitutionality of acts under the order of things as they now exist. I am one of many Members of this body who has never been able to agree that the Supreme Court has ever been given the right to declare acts of Congress invalid. I believe that Madison's notes of the Constitutional Convention clearly show this to be true; but this is a matter to be determined later.

It seems to me this legislation, as the chairman has just indicated, is the best plan which has been offered. It is easy to criticize, but it would be hard to suggest a better remedy. Certainly this is the best remedy which has been brought before the House thus far to expedite the testing of the constitutionality of acts of Congress. As Members of Congress we have a very great interest in seeing our acts upheld, and this legislation will bring this about.

I know and you know that during recent years—yes; I will say recent months—measures have been brought before the Supreme Court in which the validity of acts of Congress has not been as well presented as it should be, and the acts have thus been declared invalid. This bill will place all the force of the legal department of the Government behind the acts of Congress. Certainly every Member of this body ought to want to see the measures we enact into law, if possible, upheld as being valid. That is what this legislation does.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. COX. Is it contemplated by this proposed legislation the Attorney General shall intervene in every instance where the constitutionality of acts is questioned, or is the Attorney General vested with discretion, leaving him to intervene where he thinks the public interest is such as to justify such intervention?

Mr. McFARLANE. I think that is a matter which is left with the discretion of the Attorney General. However, the gentleman can read the bill for himself. I think that depends upon the questions as they arise. Certainly, as Members of Congress, we ought to be interested to the extent of seeing that every possible force is brought into effect to uphold the validity of our own acts. For this reason I cannot see how any Member can vote against this legislation.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. HEALEY. The bill itself provides the court will not notify the Attorney General unless and until a substantial constitutional question has been raised.

Mr. McFARLANE. I thank the gentleman.

Mr. HEALEY. Thereupon, the Attorney General is afforded an opportunity to appear and to argue for the constitutionality of the law.

Mr. McFARLANE. I thank the gentleman.

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. Yes.

Mr. CHURCH. The gentleman has made the challenge that we suggest a better remedy.

Mr. McFARLANE. Yes.

Mr. CHURCH. May I suggest a better remedy, far better than the bill now under consideration, is that the Congress stop passing legislation of doubtful constitutionality. This is my answer to the gentleman's challenge.

Mr. McFARLANE. Well, tweedledee and tweedledum, that is my answer to the remedy the gentleman suggests. I believe Members of Congress under the direction and with the cooperation of our legislative counsel have just as much sense as those who pass upon these laws.

Mr. CHURCH. Laws of doubtful constitutionality are the ones I am questioning at this time. There is too much passing of laws of doubtful constitutionality.

Mr. McFARLANE. I understand the question the gentleman is raising, but I do not think he has brought forth any remedy which will correct that. I am not willing as a Member of Congress to admit we have not given every consideration to the measures we have enacted into law. The fact we have put through a program which has benefited the country and has raised us out of the depths and put us well on the road to prosperity, although we have had a large number of these acts nullified, has not convinced me, and I am sure it has not convinced a large majority of the people of this country, that such acts were not valid, even though they have been declared unconstitutional by a majority of the Supreme Court.

Mr. CHURCH. Does the gentleman think that justifies the Attorney General in bringing the poor defendant all the way from the lower court to the Supreme Court to get the same kind of a decision?

Mr. McFARLANE. If I had more time, I would be pleased to answer the gentleman's question.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I am very much impressed with one idea with reference to this discussion which was brought out in the address made by the gentleman from Pennsylvania [Mr. DITTER]. I am afraid this bill is going to open up an avenue by which the Government of the United States may inject itself into all private litigation which involves constitutional questions. I cannot see why that will not be true.

Answering the question brought out by the distinguished gentleman from New York [Mr. O'CONNOR] when he asked whether or not the Government would be a party if the Attorney General appeared in a case between private individuals, regardless of how the case was decided and whether the parties were satisfied or not, I will say that the test is that if the Attorney General wants to take the case up to the Supreme Court he can do so. If that is so, he is surely a very important party, is he not? If the Attorney General can carry on an appeal when both parties to the litigation are ready to quit, when they are ready to settle and adjust their differences, he can thus take the place of both plaintiff and defendant. He can control the whole case from then on to its final conclusion.

When we first started the discussion of this bill I was inclined to favor it, but I am afraid of this proposition. Why should the Attorney General be protected in this way? Why should the judges of our courts be compelled to be a watching post for the Attorney General? The litigation has been brought by a private individual. When he brings the case he does not turn his interests over to the judge. He simply asks the judge to preside over his trial. The judge is not bound to notify either of the counsel of the interested parties. Why should he be compelled to notify a person not a party and why not at least substitute the word "may" for the word "shall"; then it would read:

The judge may notify the Attorney General.

Why should he be brought into the case and made practically a compulsory party in litigation between private individuals? If a real question of constitutionality is involved, the Attorney General can come into the case at any time. Any judge sitting anywhere will, of course, permit the Attorney General to intervene if the Attorney General comes before the court and represents to the court that an important constitutional question is involved.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield the balance of the time to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, it seems to me we have gone far afield in our discussion of this matter. There has been a great effort on the part of some here today to use the argument about increasing the number of agencies and administrations during the last 4 years, and to bring a tinge of politics, so to speak, into the argument, and then to start arguing whether or not we favor the legislation which has been enacted during the last 4 years. That is all beside the question. Possibly I favor as little of it as any man on the floor, but this has nothing to do with the legislation before us, and I hope I am big enough and broad enough and fair enough, as a legislator, to look at proposed legislation of this

merit without any personal bias, especially where it affects the courts, and surely should not in any sense be a political question.

In a sense this bill is a measure for the protection of laws passed by the Congress. The purpose of this bill is to guarantee a competent presentation to the Court of the constitutionality of laws passed by the Congress. The Constitution places this duty upon the Congress to pass only such laws as the Congress believes to be constitutional. We must assume that the Congress never disregards this constitutional mandate. The Congress has taken an oath not to do otherwise. When the Congress has thus conscientiously passed a law, it seems to me that the Congress has a perfect right, as well as a duty, to see to it that the Congress' constitutional right to pass the law is properly presented to the Court; that is, of course, if the constitutionality is questioned.

We must not lose sight of the fact that the Congress has full authority to pass legislation even over the President's veto. When a law is enacted by the Congress, it then becomes the duty of the Executive to execute the law. The executive branch of the Government, through the Attorney General, is presumed to see to it that the laws on our statute books are carried out. It is the duty of the Supreme Court to determine whether or not the Congress exceeded its constitutional authority in enacting law. It seems to me that the Congress has full authority to make provision for the protection of its laws before the courts when such laws are questioned by litigants. Where the constitutionality is questioned, more than the rights of individual litigants in the suit are involved. The rights of all of the people who might be affected by the laws are involved, and in these days time is of the essence in many of these important cases coming before the Supreme Court.

This bill makes it possible that whenever a constitutional question is raised in a Federal court for the Attorney General to intercede at once, see to it that the validity of the statute is properly presented to the court, and then to appeal directly to the highest tribunal when that course seems advisable to sustain the law. Personally, I favor a law permitting a direct appeal to the Supreme Court in every case where a substantial constitutional question as to the validity of the law is raised. Whether or not the question is substantial and not frivolous must be determined by the Court. In this way much delay and expense will be eliminated. So-called court justice is not justice at all if its benefits can only be bestowed upon the citizen who has sufficient financial resources, as well as endurance, to travel the gamut of all the courts from his home town in the interior to the Supreme Court in Washington.

This statute has two primary purposes. First, to guarantee that where important constitutional questions are involved before the courts, there is a proper presentation on the part of the Government in an effort to sustain that which the Congress determined was a constitutional law. Second, to expedite the question and get a speedy determination with the minimum cost and inconvenience not only to the litigant involved but also to all of the people who are expected to be the beneficiaries of the law enacted by their representative, the Congress.

We must have some faith in our courts, and whenever the court believes a substantial, constitutional question has been raised, the court must or shall notify—and I am perfectly willing to make it "may", because I am willing to trust the courts—the Attorney General of the United States that a constitutional question of vast importance, not only to private litigants but to all the people, is involved, then the Attorney General—the branch of the Government whose duty it is to enforce the law—is asked to come in and defend the law as to its constitutionality.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes; although I have only a moment.

Mr. COX. Will the gentleman explain whether, under the terms of the bill, the Attorney General on intervening in a pending cause, would be compelled to defend the constitutionality of the act that had been attacked against his conviction that it is unconstitutional? In other words, does the bill compel him, where he intervenes, to defend the constitutionality of the act?

Mr. MICHENER. No; there is no such compulsion whatever. The Attorney General is notified and then he will use his discretion in the matter. However, my personal opinion is that when the Congress has exercised its constitutional duty and has enacted a law, under its oath, that it believes to be constitutional, it is almost the duty of the Attorney General of the United States to appear in any such a case when any court of the land suggests that he appear, and present all the arguments that he has at his command to sustain the Congress in the enactment of a law which the Congress believes constitutional.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. BROWN. Does this bill provide that the constitutionality of such a law must be raised by the pleadings in the case?

Mr. MICHENER. No; but whenever it appears to the Court that there is an important constitutional question involved the Attorney General must be notified.

Someone suggested here today that this is a part of the President's program. As I said when the bill was up on the floor once before, this bill was not born in the manger at the White House——

Mr. COX. Mr. Chairman, will the gentleman yield there?

Mr. MICHENER. Yes.

Mr. COX. How would the court know of its duty to inform the Attorney General unless the question of its constitutionality was raised by the pleadings in the case?

Mr. MICHENER. If the judge on his own volition felt that an important constitutional question was involved, he could notify the Attorney General. This bill does not make it possible for the rich corporations referred to to wear out the poor litigant; exactly the opposite is true. The more courts through which a litigant must pass the more expensive it is for him. The people have a right to have the laws passed by Congress protected within the Constitution. Every time a law is attacked a public interest greater than the interest of the individual attaches. The maintenance of the statutes is a public question. This bill will aid the courts, but will not interfere with the courts. It will expedite procedure in the courts to the end that the poor litigant can have his day in court, and the laws will have the protection to which they are entitled. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I am sorry to take so much time, but here is the practical situation we confront in this country. All over this country we hear a demand to deny the Supreme Court the right to pass on constitutional questions. That demand is augmented by two or three things which we can do something about; first, the delay, and second, the fact that courts pass on constitutional questions and hold laws unconstitutional sometimes when they have not been properly represented. It is of the highest public importance that the Supreme Court, before it holds an act of this Congress unconstitutional, should have all the assistance which legal knowledge can give to it. [Applause.] There ought to be just as little delay between the enactments of Congress and the determination by the Supreme Court as can be arranged. If that is not good, practical common sense, then I do not understand anything about the situation.

All over this country there is this demand to take away from the Supreme Court the right to pass upon the constitutionality of acts of Congress. Now, we want to try this thing which we can do by legislation before we try that thing by amending the Constitution, and see if it will not be possible to take a middle ground; see if it will not be possible for the Supreme Court to back out of the field where governmental policy is fixed; if it would not be possible for proper presentation to aid the Supreme Court to hold a larger percentage of the acts of Congress constitutional; if it would not be possible for the Congress more and more to legislate consciously under its obligations to stay within its constitutional limitations.

We have a lot of things to straighten out in this country, and we believe this will help. We admit it is experimental in a sense. We do not claim to have a perfect bill. We do not know what will happen, but it seems to the members of the committee the proper thing to do, to afford the Court as quick an opportunity to get to these acts as possible. In many jurisdictions we submit such questions to the Supreme Court in the first instance. It is ridiculous that the final determination as to the constitutionality of an act of Congress be held in abeyance for 2 or 3 years and nobody knows whether or not it is constitutional. We have tried to short circuit that. It is absolutely ridiculous that the defense of the constitutionality of things you and I do here under our duty as national legislators should be left entirely to some little 2-by-4 lawyer in a private litigation, with nobody there to speak in behalf of the Congress of the United States.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. O'CONNOR of New York. Some time ago the distinguished gentleman appeared before the Supreme Court, in addition to the Attorney General, and argued a case before it. We were all very proud of him and we believe the opinion of the Supreme Court was founded on his argument; but this is what bothers me: How does the gentleman reconcile this, that an appointee of the executive department represents the legislative department in a controversy in the courts, as to whether or not the legislation we pass should be passed?

Mr. SUMNERS of Texas. May I suggest to the gentleman that that is his job. He appears day after day in the Supreme Court in matters in which this Government is a party, to defend the constitutionality of the acts of Congress.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. COLE of Maryland. I should like to direct the gentleman's attention to a situation such as this: The practice in our United States courts permits, of course, the amendment of or the filing of new pleadings, in the discretion of the court, even during the trial of the case and it frequently happens on the first day when a case is assigned for actual trial, just as a plea to an indictment is drawn and a demurrer is filed, that the pleadings in a civil action are also changed. This procedure is, of course, analogous to the rules of procedure in most of our State courts. With that situation admitted, under this bill, is it the opinion of the distinguished chairman of the committee that in the conduct of a case, at any stage of the trial, when interrupted with the approval of the court or the injection of new pleadings, and for the first time a constitutional question would be injected, then, all further proceedings, even though the case might be before a jury, would be suspended pending the certification of the fact that a constitutional question was involved, to the Attorney General and his appearance subsequently entered in the case? I do not know whether I have made myself entirely clear, but I am sure the gentleman understands without a greater length picture, the very obvious situation which I am sure will arise, and I would appreciate any statement he might make as to how this bill would operate in such cases.

Mr. SUMNERS of Texas. All such questions would be settled by the court under its discretion within the general applicable rules governing procedure. The Attorney General now represents us in those cases where the Government is a party. He is the chief law officer of the Nation. Will you tell me that the chief law officer of the Nation ought not be permitted to defend an act of the great legislative branch of the Nation?

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. CHURCH. Why is not the complete answer to the gentleman that we should refer the actions of this Congress to the Supreme Court when we finish? Is that not reducing it to the last degree?

Mr. SUMNERS of Texas. That cannot be done. This is as near as we can do it.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The Clerk read as follows:

Be it enacted, etc., That (a) whenever in any court of the United States in any suit or proceeding to which the United States or any agency thereof or any officer or employee thereof, as such officer or employee, is not a party, the validity of any statute of the United States is drawn in question, the court having jurisdiction of the suit or proceeding shall certify such fact to the Attorney General if the court is of opinion that a substantial ground exists for questioning the validity of the statute. The court shall afford an opportunity for presentation of evidence (if evidence is otherwise receivable in such suit or proceeding) and argument on behalf of the United States by the Attorney General or counsel designated by him. In the suit or proceeding the United States shall, subject to the applicable provisions of law, have the same rights as a party to the extent necessary for a proper presentation of the facts and law relating to the validity of the statute.

(b) In any suit or proceeding in which the decision of a court of the United States is against the validity of any statute of the United States, the United States, by the Attorney General or counsel designated by him, shall have the same right of review of such decision in the proper appellate court, and subject to the same provisions of law relating to appellate jurisdiction, as if the United States were a party to the suit or proceeding. Such review may be had whether or not appearance and argument on behalf of the United States in a lower court has been made under the provisions of subsection (a).

(c) The Attorney General is authorized and directed, by himself or by counsel designated by him, to appear and argue in cases described in subsection (a) and to invoke appellate jurisdiction in cases described in subsection (b).

(d) As used in this section, the term "court of the United States" means the courts of record of Alaska, Hawaii, and Puerto Rico, the Customs Court, the Court of Customs and Patent Appeals, the Court of Claims, the District Court of the United States for the District of Columbia, any district court of the United States, the United States Court of Appeals for the District of Columbia, any circuit court of appeals, and the Supreme Court.

With the following committee amendments:

Page 1, line 6, strike out the word "validity" and insert "constitutionality."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 2, strike out "validity" and insert "constitutionality."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 10, strike out "validity" and insert "constitutionality."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 12, strike out the word "validity" and insert "constitutionality."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 21, after the period, insert "In such cases the Attorney General may also in his discretion appeal directly to the Supreme Court, either from a final or interlocutory judgment, decree, or order, or from an intermediate order, and appeals so taken shall have precedence over other cases in the Supreme Court."

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota to the committee amendment: On page 3, line 1, strike out the word "other", and in line 2 strike out the period and insert "in which a substantial question of constitutionality has not been drawn."

The CHAIRMAN. The question is on the amendment to the committee amendment.

Mr. SUMNERS of Texas. Mr. Chairman, I ask to have the amendment to the committee amendment explained.

Mr. CASE of South Dakota. The purpose of the amendment is to correct the defect indicated by my question during the debate. As I then pointed out, the language of the original bill would mean that appeals taken by the Attorney General would not only take precedence over every other ordinary case but over appeals on constitutional questions which had come up in the regular order. My amendment

merely provides that these appeals so taken shall take precedence over cases which do not involve the question of constitutionality, but shall not take precedence over those cases which do involve constitutional questions and which come up in the regular order.

Mr. SUMNERS of Texas. We have no objection to that.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 3, strike out the words "and directed."

The committee amendment was agreed to.

Mr. JENKINS of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio: Page 1, line 9, strike out the word "shall" and insert in lieu thereof the word "may."

Mr. SUMNERS of Texas. Mr. Chairman, I lodge an objection to that amendment.

Mr. JENKINS of Ohio. Mr. Chairman, my reason for offering this amendment is that, as I said a while ago, it appears to me that there is no question but that this bill if it is enacted might open the door to the entrance of a Government bureau in many private lawsuits that might be brought in any United States court. I am not ready to cast my vote to permit such to occur. Litigation between private parties should be no concern of the Government if it is not legally interested. I am ready to vote for this kind of proposition, that if a district judge sitting in the district court, or a circuit court of appeals judge sitting anywhere, feels that in a case before him a substantial constitutional question is involved, and that it is a major proposition transcending all other propositions, he should request the Attorney General to intervene.

But let us take the case of two individuals litigating. One feels that his rights are being invaded by the other. They get into court. That is a private right that is just as dear to a man as his very life. When he brings a lawsuit he selects a court as the forum for deciding his case. He brings it where the law says he must bring it. There are two lawyers in the case. Let us say that I am on one side and that the distinguished gentleman from Arkansas [Mr. MILLER], who is much interested in this legislation, is on the other side. We are litigating our case, and we know each other. We have been lawyers opposing each other many times. We know what we want to do. We want our case tried to a conclusion. But if either one of us should bring out anything that would appear to be a constitutional question, the judge is bound under this bill to report it to the Attorney General. Then the Attorney General comes into that case and he takes it away from us. We may not want that case to go off on a constitutional question. We want it to go off on its merits. The constitutional question may be so small and the merits so transcendental that we do not want to be delayed with the question of constitutionality. We are the lawyers, we represent the people who brought the lawsuit, and we ought not to be forced to go out of that court in any way except the way we want to go out. We should have the control of the method of procedure. Suppose I represent the defendant, and I know I can win and my client does not want to rely upon a defense of unconstitutionality. I should be permitted to conduct my client's defense as he wishes it conducted.

I say to you that if you will change this word "shall" to "may", I am willing to depend on the judge. I have the highest regard for the judges of this country. I think the judge would be moved by consideration of justice to all parties concerned. If the judge thinks that the case involves a constitutional question of great importance, then I think it ought to be his duty to thrash out that constitutional question, but he ought to have the right to say whether or not it is important. He should not be bound to submit it to the Attorney General regardless of whether its consequences to the lawsuit in question may be small and its consequences to some other cases that might come up are great.

Mr. HEALEY. He has that right now.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. McLAUGHLIN. He has that right under the bill. The bill says if the court is of opinion that a substantial ground exists, the court shall notify the Attorney General.

Mr. JENKINS of Ohio. I want that word "shall" changed to "may." Then the judge will have a chance to use his discretion. He will have the option of submitting or not submitting, even if there is a constitutional question which might be an important question to the country. Why should the Attorney General come into my case if the constitutional question is not a material one to me? Why should he not be required to go and start a law suit of his own? Of course, if the question is material to the decision of the case by the judge, then let the judge indicate as much and ask the Attorney General to intervene.

Mr. McLAUGHLIN. I call the gentleman's attention to the qualification that appears at the bottom of page 1 and the top of page 2, which states that if the court is of opinion that a substantial ground exists for questioning the constitutionality of the statute the court shall certify such fact to the Attorney General. That gives the court the option the gentleman asks by his amendment.

Mr. JENKINS of Ohio. No; it is not optional; it is mandatory. The word "shall" is mandatory. The word "may" is optional. You cannot get an option out of the word "shall."

Mr. McLAUGHLIN. But you can out of the words that I have quoted.

Mr. JENKINS of Ohio. I know; but the question then will be whether or not it is a substantial question, and the court will be concerned with whether it is a "substantial question" and he will be afraid to make a mistake, and all questions will be "substantial questions" and the Attorney General will project himself into many cases where he has no business.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I hope the House will vote down this proposed amendment.

The judge, under this bill, does not certify the question unless he thinks it is substantial. In such a situation we want the bill to provide that he shall certify to the Attorney General that there is pending in his court a constitutional question which he, the court, regards as substantial. There is discretion in the Attorney General, but we put the whole bill out of kilter if the judge considers a question substantial and the Attorney General is not given an opportunity by notice to appear.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Suppose the litigants are ready to dispose of their case by settlement. If there is a substantial constitutional question involved, the court shall refer it, regardless of whether the litigants want to settle or not.

Mr. SUMNERS of Texas. Yes; and that is what we want.

Mr. MILLER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Arkansas.

Mr. MILLER. There would not be a substantial constitutional question raised if the issues in the case were ready for settlement. When the merits of a case are settled, the case passes out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. JENKINS].

The amendment was rejected.

Mr. GWYNNE. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GWYNNE: Page 2, line 2, after the period, strike out the balance of the paragraph and insert the following: "The Attorney General, or counsel designated by him, shall be entitled to appear in said suit, or proceeding, on behalf of the United States and be heard on the constitutionality of said statute. With the consent of the Court, he shall also be entitled to present evidence bearing on said subject. Not more than one continuance shall be granted on motion of the Attorney General except with the consent of all parties. Subject to the above, and all other applicable provisions of law, the United States shall have the same rights as a party, to the extent necessary for a proper presentation of the facts and law relating to the constitutionality of the statute."

Mr. GWYNNE. Mr. Chairman, I suppose I should say it comes with rather poor grace from me to offer this amendment because I am frank to say, and I want you to know, I expect to vote against this bill because I believe it to be unconstitutional. However, the amendment is submitted in the hope that if the bill is passed with this amendment inserted therein it will be an improvement over the present bill.

Let us consider for a moment the practical situation here. Someone has asked if constitutional questions must be raised by pleading. Of course not under this law. It is true, I suppose, in 95 percent of the cases it will be so raised. However, we should bear in mind constitutional questions may be raised right at the time of trial and in a ruling on certain testimony. In my own district, for example, it is the practice to make up the issues a day before the case goes to trial.

Let us consider for a moment the following situation: I bring suit against a railroad company. The railroad company gets that case into the Federal court, and you may trust them to do that very thing. The case comes to trial and suddenly a constitutional question is raised. There is nothing for me, my client, and witnesses to do but go home. The matter then has to be certified to the Attorney General, involving a great deal of delay.

I object very much to any provision which allows the Attorney General to come into a court like a bull in a china shop and introduce evidence that he thinks is right and present his views on any constitutional features that may be raised in the case.

If this amendment is agreed to, here is the practical result. If the evidence could be introduced with the consent of the court, and by cooperation between the Attorney General and the attorneys representing the real litigants, a sufficient record would be made for everyone concerned. When the case is appealed the fact that the court had consented to this intervention and had heard in advance probably the testimony would be a strong reason for the appellate court refusing to reverse the case on the ground there had been some prejudice to some of the parties.

Mr. CELLER. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from New York.

Mr. CELLER. Do I understand by any stretch of the imagination that the amendment which the gentleman offers will cure the unconstitutionality that he has alluded to?

Mr. GWYNNE. No.

Mr. CELLER. As set out in the Muskrat case?

Mr. GWYNNE. No.

Mr. CELLER. Under the bill as presently drafted the Attorney General, once he is in the case, would have the right to present evidence without asking the permission of the court. The gentleman's amendment would place the burden upon the Attorney General, in the event he wishes to present evidence, to ask permission of the court, and he could not present evidence unless the court granted that permission.

Mr. GWYNNE. The gentleman is correct, and that is the purpose of my amendment. He could not introduce any evidence at all unless the court granted him permission.

Mr. CELLER. Suppose there were a case in which there appeared to be collusion between private litigants—actually a manufactured case—in which a constitutional question has arisen. Does not the gentleman think it would be necessary for the Attorney General to introduce some sort of evidence without asking permission of the court? The court may refuse to grant him permission under the amendment which the gentleman has offered; then you would have this collusive case go on without the Attorney General, the Government of the United States, or the people of the country having any right or say in the litigation. It might be essential to present evidence in order to properly raise the constitutional feature.

Mr. GWYNNE. Does not the gentleman think, if there was collusion, the court might see it just as quickly as anyone else and allow the evidence to be introduced?

Mr. CELLER. I understand in Baltimore, in connection with the Wheeler-Rayburn Act, there was a case in which absolute collusion occurred.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the amendment is ill-advised, because if the Attorney General is to intervene in a case he should have the full and complete right to do so, and among those rights there should be the privilege of presenting evidence. If you do not present evidence properly, skillfully, and carefully, then your right to appeal may be a worthless right. It is an inane proposition. Therefore there might be a situation I adverted to before, involving a case in which there was collusion. There was a case recently brought to test the constitutionality of the Wheeler-Rayburn bill. There seemed to be collusion, and it was a very important case. If there were a repetition of such a case and the Attorney General sought to come in, under the amendment offered by the gentleman from Iowa he would enter as a spectator only. He could not do much more than that. He might get up on his feet on occasion and make objections; he might make a motion; but on appeal it is quite essential to have a record in which you participated, one which you helped to prepare and which you helped formulate; and I think those who have practiced in appellate courts realize this; otherwise there is no need to appeal, because it would not do very much good. Unless we give full and complete right to the Attorney General, this bill may be torn into tatters and may be absolutely useless.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GWYNNE. Does not the gentleman think it would be better in the long run and in 99 percent of the cases if we left the trial under the control of the judge and not under the control of the Attorney General?

Mr. CELLER. We do not take the control out of the Court.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. SUMNERS of Texas. The judge would control and would not permit evidence which was not admissible to be introduced.

Mr. GWYNNE. That is true; I agree with that.

Mr. SUMNERS of Texas. Should not the party who has this responsibility be permitted to introduce evidence which, under the ordinary rules governing the introduction of testimony, is admissible?

Mr. GWYNNE. May I be permitted to answer that in the gentleman's time?

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Arkansas.

Mr. MILLER. May I suggest, Mr. Chairman, we had this same amendment before the committee and discussed it rather thoroughly. I call the attention of the Committee to lines 3 and 4 of page 2 of the pending bill, which limit the admission of evidence in a case considerably, because it is conceivable there are cases where a constitutional question is raised which should not be cluttered up by evidence. If you will notice the bill, the provision to which I have just referred limits the admission of evidence to those cases only where it is absolutely essential the record be made in order that the facts may be clearly presented, not only for

a complete adjudication in the lower court, but also in the appellate court. If you are going to inject the Attorney General into the situation at all and give him any authority, then why not follow the provisions of the bill as drawn? Let him go in as a party, let him be bound by the rules which bind other parties, and let him have free sway to test the constitutional question. There is no use of saying to the Attorney General, "Go into court", and then tying his hands by restrictions which will prevent a full and free discussion and a full and free presentation of the question to the court, if we are to have the question finally determined.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GWYNNE].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 21, noes 82.

So the amendment was rejected.

Mr. SUMNERS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. SUMNERS of Texas: Following subsection (b), add a new subsection, as follows:

"(c) In any suit or proceeding in any court of the United States to which the United States or any agency thereof, or any officer or employee thereof, as such officer or employee, is a party, in which the decision is against the constitutionality of any statute of the United States, the United States may, in its discretion, in its own name or in the name of such agency, officer, or employee, as the case may be, appeal therefrom to the Supreme Court. This subsection shall not apply to any judgment, decree, or order of a district court of the United States which may, under existing provisions of law, be appealed directly to the Supreme Court."

Redesignate the present subsection (c) as subsection (d), and redesignate the present subsection (d) as (e).

Mr. MARTIN of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I take the floor only for the purpose of asking the gentleman from New York [Mr. CELLER] to insert in the RECORD any information he may have with regard to the Baltimore case to which he referred a few minutes ago as a case of collusion, which was instituted against the Wheeler-Rayburn Act. The Wheeler-Rayburn Act is the Holding Company Act, a very important piece of legislation. I have heard it stated a number of times that a collusive suit was started in Baltimore in the Federal court for the purpose of obtaining an adverse ruling on the constitutionality of the act, and that when the distinguished corporation lawyer from New York City, Mr. Morgan's personal attorney, appeared in court to try the case, he had to be introduced to his client. He was only there to lend the weight of his august name and connections against the law.

The fact is we have had a perpetual open season in the inferior Federal courts of this country against acts of Congress. If I had my way about it, instead of aiming to reach the evil by a bill of this character, giving the Attorney General the right to intervene when the question of constitutionality is raised, I would require, whenever such a question was raised in the lower Federal courts, the immediate certification of the case to the Supreme Court of the United States for its determination of the question [applause] and then I would require that the case be remanded in accordance with whatever procedure should follow the ruling of the Supreme Court. If this procedure were followed, you would find you would knock in the head 90 percent of the suits attacking the constitutionality of acts of Congress.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from New York.

Mr. CELLER. It might interest the Members of the House to know that when this case came up in the Federal court in Baltimore both sides to the controversy indicated clearly and publicly that they did not believe in the constitutionality of the act but, on the contrary, believed the act to be absolutely unconstitutional. This was a case where both sides tried to show the act was unconstitutional, and no opportunity was given to any branch of the Government or the Attorney General, or anyone outside of the parties, to argue the constitutionality of the act. Furthermore, the United States Supreme Court refused to entertain the appeal because of collusion.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Mississippi.

Mr. RANKIN. May I ask the gentleman from New York whether or not they followed their usual procedure of first hunting a friendly court in which to try the case?

Mr. CELLER. I do not know about that, but undoubtedly there was collusion.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I make this motion for only one purpose and that is to have the amendment explained.

Mr. SUMNERS of Texas. Mr. Chairman, the amendment simply provides that in cases where the Government or some agency of the Government is a party and the decision is adverse to the constitutionality of the act in question, the Government, in such event, may appeal directly to the Supreme Court in order to expedite the determination of the constitutional question.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Mississippi.

Mr. FORD of Mississippi. Does that take care of cases now pending as well as those that may arise in the future?

Mr. SUMNERS of Texas. Yes.

Mr. CHANDLER. Mr. Chairman, I rise in opposition to the pro-forma amendment for the purpose of asking whether the proposed amendment relates to criminal cases as well as civil causes. If it relates to criminal cases, the acquittal of the defendant ends the litigation, and I believe the point raised by the gentleman from Iowa [Mr. GWYNNE] would make it advisable that the word "civil" should be inserted before the word "suits", or the words "of a civil nature" inserted after the word "proceedings."

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. With pleasure.

Mr. RANKIN. That would not be the case, though, where there was a quashing of a demurrer or a motion to strike out.

Mr. CHANDLER. That is true, but in those cases the statute already provides for direct appeal to the Supreme Court, and therefore that point is not involved here.

Mr. RANKIN. The amendment only adds to that provision, and they would not be affected.

Mr. CHANDLER. But it now says "in any suits or proceedings", and it might apply to a case which has been tried on its merits, and the party having been put in jeopardy, the right of appeal by the Government would not lie.

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

Mr. CHANDLER. I yield.

Mr. McCORMACK. In criminal cases, is not the Attorney General's Office represented by a United States attorney inasmuch as criminal cases are instituted by the Government itself?

Mr. CHANDLER. But I am speaking about this particular amendment, which seeks to give direct appeal in all suits in which the United States is a party, and I am simply raising the point whether as to criminal cases it would be an error to provide that.

Mr. SUMNERS of Texas. May I make this suggestion to my colleague? Of course, this would not attempt to give the right of appeal where the right to appeal does not now exist under the law; at least, that is our view. It gives the right of appeal directly to the Supreme Court in cases where the right to appeal would now be to the Circuit Court of Appeals.

Mr. CHANDLER. Mr. Chairman, I did not so understand the proposed amendment when it was read. If criminal cases are included, certainly the case cited by the gentleman from Iowa [Mr. GWYNNE] would make that part of the amendment invalid. *United States* v. *Evans* (213 U. S. 297) is exactly in point. The appeal would lie only in behalf of the defendant; and if he were acquitted by reason of the unconstitutionality of the Federal statute, the case would be a moot one, because the judgment could not be affected by the decision of the appellate court.

Mr. Chairman, the right of direct appeal to the United States Supreme Court now lies in almost every civil cause involving important statutes, except, strangely, the constitutionality of acts of Congress. For example, Congress has seen to it that in antitrust litigations appeal from the decree of the district court lies only to the Supreme Court, and must be taken in 60 days. There suits against monopolies have been expedited by Congress. Congress has seen to it that the constitutionality of State statutes can be determined by direct appeal from a three-judge court to the United States Supreme Court. It has seen to it that decrees of the district courts in the Packers and Stockyards Act are reviewable by direct appeal to the United States Supreme Court. It has seen to it that appeals from injunctions by the district court as to orders of the Interstate Commerce Commission are direct to the Supreme Court, and in that statute Congress provided that notice had to be given to the Attorney General of the United States. And in criminal cases, in which preliminary questions of law are decided against the United States, appeal lies direct to the United States. But Congress seems to have overlooked the prime point of interest, and that is the sustaining of the acts of this body. We pass laws affecting the whole people, and yet we have not expedited the determination of their constitutionality when the lowest courts declare them invalid. The interest of all the citizens is paramount to the interest of the private litigants themselves. This bill fills a gap, and will not add materially to the costs; but it will hasten the settlement of cases. Generally, the question of constitutionality is the controlling one in the case. If the parties do not want that determined, they can withdraw it and let the case rest on other grounds; but they should not raise constitutional questions and complain if Congress is sufficiently interested in backing up its own enactments to send in an effective counsel to defend our acts.

But I rose to raise the question here as a matter of clarification and in order to avoid making a mistake.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SUMNERS].

The amendment was agreed to.

Mr. RABAUT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RABAUT: On page 2, line 10, after the word "statutes", strike out the period, insert a colon and the following proviso: "*Provided*, That not more than one adjournment of such cause shall be granted on the motion of the Attorney General except with the consent of all parties in such cause."

Mr. RABAUT. Mr. Chairman, my amendment is a very simple amendment. It follows the word "statute" in line 10, page 2, and reads:

Provided, That not more than one adjournment of such cause shall be granted on the motion of the Attorney General except with the consent of all parties in such cause.

The amendment is offered for the simple purpose of expediting the business before the Court. To accomplish that purpose, it is provided that the Attorney General's office may not be accused of delaying matters that come before the Court and holding up litigants before the Court.

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. SACKS. Does this not supersede the discretion of the Court? Does it not take away the discretion of the Court to try the case, and set it up in the act as mandatory upon the Court to try it after the first adjournment?

Mr. RABAUT. I would not say that it does, if the parties to the case agree.

Mr. SACKS. The Court is not a party to the case. For instance, under your amendment, would that not make it mandatory for the Court to try the case after one adjournment?

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. SUMNERS of Texas. May I suggest to the gentleman that it seems the best policy, when we are more or less in the experimental stage with regard to this matter, to not do too much to hamper the Court or anybody else? I hope the gentleman will not insist on his amendment.

Mr. RABAUT. Mr. Chairman, in deference to the request of the distinguished chairman of the Judiciary Committee [Mr. SUMNERS], I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. O'CONNOR of Montana. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question.

The gentleman from Pennsylvania a few moments ago made the statement that at the moment of intervention on the part of the Attorney General those who are trying the lawsuit might as well pack up their books and go home. Now, suppose we pass this law, and suppose the Court has certified to the Attorney General that it is a case where the Attorney General should appear, I wish to know if, under this bill, it would result in a continuance of the trial of the lawsuit upon the merits, aside from the question of constitutionality?

Mr. SUMNERS of Texas. I do not think it would occasion much delay; but, to be entirely candid with the gentleman, it is conceivable that conditions would develop in which some delay might result, but that would be under the control of the Court, governed by the ordinary rules of procedure that govern in the trial of cases. That is about the best we can do.

Mr. O'CONNOR of Montana. In other words, it is not written in the bill that any continuance would result from interference on the part of the Attorney General?

Mr. SUMNERS of Texas. That is right.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FRED M. VINSON] having resumed the chair, Mr. WOODRUM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 2260) to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demended on any amendment? If not, the amendments will be considered en bloc.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. TABER) there were ayes 122 and noes 14.

So the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the life of Horace Mann.

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

There was no objection.

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks on the bill just passed.

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

There was no objection.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my own remarks on the bill just passed and include certain excerpts.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FEDERAL REGISTER ACT

Mr. CELLER. Mr. Speaker, by order of the Committee on the Judiciary, I call up the bill (H. R. 5721) to amend the Federal Register Act.

The Clerk read the title of the bill.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 11 of the Federal Register Act, approved July 26, 1935 (49 Stat. 500), is hereby amended to read as follows:

"SEC. 11. (a) On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938. The Committee shall, within 90 days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register.

"(b) There is hereby established a Codification Board, which shall consist of six members: The Director of the Division of the Federal Register, chairman ex officio; three attorneys of the Department of Justice, designated by the Attorney General; and two attorneys of the Division of the Federal Register, designated by the Archivist. The Board shall supervise and coordinate the form, style, arrangement, and indexing of the codifications of the various agencies.

"(c) The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of subsection (a) hereof, as amended by documents subsequently filed with the Division and published in the daily issues of the Federal Register, shall be prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication thereof.

"(d) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that on Friday, after the special order that has already been made for that day, the gentleman from New Jersey [Mr. EATON] may address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SUGAR QUOTAS

Mr. WOODRUFF. Mr. Speaker, the Committee on Agriculture has had before it for some time a new sugar control act, sent up from the Department with the usual demand, I suppose, to pass it without undue delay. A subcommittee was appointed to hold hearings on that bill and proceeded for some days. Suddenly the bill was recalled by the Department. It seems that certain other departments of the Government desired to have something to say about what that bill should provide. I understand that the Department of State, the War Department, and certain other departments have been in a huddle as to the provisions of a new bill, each claiming some vital interest therein.

We have not been able to secure a copy of the new bill as yet, and I am wondering if a dispatch appearing in the papers within the last day or two, coming from the sugar conference in London, has had anything to do with the delay in presenting the new bill to the committee.

Mr. Norman L. Davis is our representative to the conference. As to his knowledge of sugar production I am not informed, although it is generally recognized that he is fully informed as to the President's program in foreign affairs.

I find in an article appearing in the New York Journal of Commerce this statement concerning negotiations that are going on over there, and I quote:

Arguing in favor of an adjustment of the world sugar market, the United States promised to make proportionate sacrifices either by reducing production or enabling more foreign participation in the American market.

Mr. Speaker, the farmers of this country produce only a little more than 25 percent of the sugar consumed in the country. We have seen the quotas so arranged as to be rather disturbing to the sugar-beet industry, particularly to that part of it in the eastern section of the country. In my home city I have seen one fine beet-sugar refinery go out of business since the Jones-Costigan law was put into effect. Within the past few weeks it has been announced by the officials of still another sugar company that their plant will likewise close.

Mr. Speaker, with these things in mind it is pertinent to ask what is going on in these negotiations in which our roving Ambassador, Mr. Davis, undertakes to make a pawn of the American sugar industry without the knowledge of the American beet- and cane-sugar producers. Is the American sugar industry to be made the pawn in some secret international arrangement, to be moved about, squeezed, and eventually strangled, because foreign interests desire it?

We know the attitude of Secretary Wallace, who has declared before the Senate Finance Committee that if he had planned the economy of the United States years ago he would never have permitted the American sugar industry to be established.

We know the attitude of the then chief of the sugar section, who admitted on the witness stand before the House Committee on Agriculture that the legislation proposed at that time could be likened to a "shot in the arm" before our domestic sugar industry was put out of existence.

Is this still the attitude of the administration? In the face of the needs of American agriculture, and in the face of the solemn promises of this administration to give earnest, honest, and constructive consideration to the needs of American agriculture, are the sugar-beet farmers and the cane growers of the United States to have their market traded away from them in some international game in which a dream of world amity is to be attempted by giving away our markets and selling our own people down the river?

In the face of the admitted unemployment now existing in the United States, are more American workers to be thrown into the ranks of those on relief, are American refineries to be shut down, and the investment of American farmers and American refiners to be sacrificed ruthlessly to some secret international game of "you scratch me and I'll pat you?"

What shadow of excuse can be offered, Mr. Speaker, for giving away our American sugar market, exposing us more and more, as a Nation, to dependence on foreign supplies of sugar in the event of war; for forcing more American workingmen into relief ranks, more American businessmen and more American farmers into bankruptcy, because foreigners want the markets of America, while American producers are not permitted now to produce more than 25 percent of our own requirements?

What shadow of justice or sense in a policy that declares, as Mr. Roosevelt declared, that we would take care of troubles in America first—meaning unemployment, stale

business, dead investments in industry—and then trading away—aye, giving away—the market for one domestic industry that contributes the greater part of production costs to payments to beet growers and in wages to American working men and women?

Why all this secrecy about the bill now held from the committee? Why the reticence of the departmental officials regarding its terms? Why the reluctance of those same officials to take the stand and explain the provisions of the bill so recently withdrawn from the committee? Why these strange reports from abroad? What is this game? What lies behind this situation? Is the American sugar industry marked for slaughter?

The United States, producing as it does only 25 percent of its own needs through its domestic industry, certainly is not contributing to any world surplus of sugar.

We do not need to enter into engagements with the rest of the world to further restrict our production of sugar. The fact is we already give to producers outside continental United States 75 percent of the domestic market. That should be considered a reasonable contribution toward the stabilization of the sugar production of the world.

Further, we do not need to enter into any engagements in order to insure a fair price in this country for the producers of sugar. Experience under the quota clause of the Jones-Costigan Act has established the fact that a fair price can be maintained at all times.

My criticism of the present sugar program is that it has not been administered primarily in the interests of the American producer and the American consumer. This is confirmed by the idle sugar-refining plants in certain beet-growing areas of the country.

If this negotiation now going on abroad results in a commitment by the United States which will further curtail the American production of sugar, it means that in all probability still other sugar operations, now active and profitable in this country, will be strangled and destroyed.

Is it the policy of this administration to settle the troubles of the world first and then do whatever may be done for America?

Is it the policy of this administration to look after the interests of all the foreign producers of sugar and other products now made in this country, and if anything be left to sustain American industry to hand the morsel to American business?

Is it the policy of this administration to have care for the wage earners of all other countries before caring for our own?

Is it the policy of this administration to trade away, give away, or submit to the forcible taking by foreign interests, of our domestic markets in some hope that the other countries of the world will feel more kindly toward us?

Again I ask, What lies behind these moves to sacrifice American farmers, American industry, American workingmen to a policy of placation and persuasion of other countries to regard us kindly? Is it a lack of vision, lack of courage, or lack of interest in America?

EXTENSION OF REMARKS

Mr. WOODRUFF and Mr. MARTIN of Colorado asked and were given permission to revise and extend their own remarks.

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute on the same subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SUGAR QUOTAS

Mr. BIERMANN. Mr. Speaker, the gentleman from Michigan said that a sugar factory in his district had closed since the sugar quota bill had gone into effect.

Mr. WOODRUFF. Yes.

Mr. BIERMANN. He said that another one is going to close. The point is that the factory could not have closed on account of any sugar legislation passed by this administration, because, under the quota provisions of the sugar bill, the beet-sugar people have never produced as much sugar as we allowed them to produce under the bill.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield at that point?

Mr. BIERMANN. I yield.

Mr. WOODRUFF. I am perfectly frank to admit that the quota system, if administered for the benefit of the American producer, is a lifesaver for the American sugar industry. I concede that.

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LANZETTA, for 1 day, on account of important business.

To Mr. IMHOFF, for the balance of the week, on account of the death of secretary.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman from Michigan has stated that a fine sugar plant has been shut down in his district. May I say to him that during the Coolidge-Hoover administrations I had two very fine sugar plants shut down in my district and may I say to him further that at the time of the passage of the Jones-Costigan Sugar Act the sugar industry in my State was bankrupt. The stocks of the companies had gone down to almost nothing and had quit paying dividends. Sugar beets were worth only about $4.50 a ton. Labor was only getting about $11 or $12 an acre. At the present time every sugar factory in my district and my State are making money, sugar beets are $6.50 a ton and labor gets $18 to $19 an acre. Their stocks have gone back to par. The farmers have been getting 50 percent more for their beets and labor has been getting 50 percent more for its work. The Jones-Costigan Act has saved the sugar-beet industry in my State.

Mr. WOODRUFF. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Michigan.

Mr. WOODRUFF. The gentleman has challenged a statement I made.

Mr. MARTIN of Colorado. No; I did not challenge the statement. I challenged the inference that the shut-down was due to the Jones-Costigan Act.

Mr. WOODRUFF. If the gentleman will listen to me for a moment I think he will agree I am quite correct in the inference I conveyed. I have already said to the gentleman that the quota system has saved the sugar industry of the United States. The gentleman agrees to that?

Mr. MARTIN of Colorado. Yes.

Mr. WOODRUFF. I say to the gentleman that the quota allowed the eastern refiners and the eastern growers has not been enough to permit all of our Michigan sugar companies to operate.

Mr. MARTIN of Colorado. May I say in answer to that the beet-sugar industry has only once in its history reached the quota allowed it under existing law, and in all other years has fallen below it.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, I do not believe the domestic sugar industry has ever but once reached the quota allowed under the Jones-Costigan Act. The gentleman further made the statement that domestic sugar was about 25 percent of the consumption. I do not believe it is that much, and it has never exceeded that in history,

notwithstanding all of the sugar laws and tariffs going clear back to the bonus under McKinley. It has never been able to reach 25 percent of consumption.

Mr. WOODRUFF. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Michigan.

Mr. WOODRUFF. The gentleman will agree that inasmuch as we have a number of idle sugar factories in Michigan, and the conditions under which beets can be grown and sugar manufactured now being satisfactory, if we had a proper quota in Michigan the wheels of every one of those factories would be turning each year during the time the beets are being refined?

Mr. MARTIN of Colorado. I cannot state about conditions in Michigan. I know the conditions in Colorado.

Mr. WOODRUFF. It does not require information about local conditions to tell you if a man has a plant he can operate profitably, he will operate it.

Mr. MARTIN of Colorado. Why did not the gentleman's plants operate profitably before this administration came in, and the quota law, as well as the processing tax?

Mr. WOODRUFF. For the same reasons the Colorado plants did not operate.

Mr. McCORMACK. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman's observation was only to answer the inference that the gentleman from Michigan conveyed?

Mr. MARTIN of Colorado. That is all.

Mr. McCORMACK. Under Republican regime there was no quota and if they had continued in power we would have had no refineries.

Mr. MARTIN of Colorado. The gentleman is correct. I may say to the gentleman from Massachusetts we did not have anything but a lot of busted sugar factories and sugar-beet growers when the other party went out of power. Colorado sugar is now prosperous.

Mr. McCORMACK. The gentleman is quite right.

Mr. WOODRUFF. I conveyed to the gentleman my satisfaction that we have the quota system. I have already conceded that. I have said that at other times, I have said it back home, I have stated it at other places, and I repeat it here for the benefit of the gentleman from Colorado.

Mr. McCORMACK. I think we can thank the gentleman, coming from the Republican side, for his statement in reference to this great piece of work which the Democrats have done.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. MARTIN of Colorado, Mr. RABAUT, Mr. GWYNNE, and Mr. MICHENER asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks by including in the Appendix of the RECORD a speech I made at Benton Harbor, Mich., on April 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that Committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5299. An act to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until tomorrow, Thursday, April 8, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

The special subcommittee appointed by the Committee on the District of Columbia to consider fiscal relations will meet Thursday, April 8, 1937, at 10:30 a. m., in room 345, House Office Building.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Thursday, April 8, 1937, at 10 a. m., in room 328, House Office Building, to further consider H. R. 5472, and also to consider various other bills.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, April 8, 1937, at 10:30 a. m., to begin hearings on the report on the Atlantic-Gulf Waterway (Florida ship canal).

COMMITTEE ON EDUCATION

The Committee on Education will hold a hearing on H. R. 5962, known as the Harrison-Black-Fletcher bill, Thursday, April 8, 1937, at 10:30 a. m., in room 356, the Veterans' Committee room.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will meet on Thursday, April 8, 1937, at 10 a. m., to continue hearings on aviation bills.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Thursday, April 8, 1937, for public consideration of H. R. 5573 (Dies bill).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the business research subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Monday, April 12, 1937. Business to be considered: Hearing of H. R. 4954 (business research bill).

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 a. m., in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

EXECUTIVE COMMUNICATIONS, ETC.

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

520. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of St. Thomas Harbor, Virgin Islands, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 200); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

521. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of, and review of reports on Skipanon Channel and River, Oreg., authorized by the River and Harbor Act approved August 30, 1935, and requested by resolutions of the Committee on Commerce, United States Senate, adopted May 8, 1935, and the Committee on Rivers and Harbors, House of Representatives, adopted January 30, 1935 (H. Doc. No. 201); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

522. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of De Poe Bay, Oreg., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 202); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

523. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 1, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Columbia River at Rainier, Oreg., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 203); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

524. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 2, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Rock Hall Harbor, Kent County, Md., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 204); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Washington: Committee on Claims. H. R. 733. A bill for the relief of George E. Titter; with amendment (Rept. No. 564). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 736. A bill for the relief of Mallery Toy; with amendment (Rept. No. 565). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5343) granting a pension to Alta Manypenny; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3952) granting a pension to Susie E. Payne; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4934) granting a pension to Emma Washburn; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2778) granting the retired pay and allowances commensurate with the rank and grade of lieutenant colonel to Edmund Sears Sayer, United States Marine Corps, retired; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FITZGERALD: A bill (H. R. 6205) to enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards; to the Committee on Labor.

By Mr. KRAMER: A bill (H. R. 6206) to protect the domestic use of wine names of foreign origin; to the Committee on Ways and Means.

By Mrs. NORTON: A bill (H. R. 6207) to extend certain benefits of the Public Health Service to certain seamen, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RAMSAY: A bill (H. R. 6208) to amend an act of Congress entitled "An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia", approved June 22, 1936, by changing the times provided therein for holding the United States district court at various places now fixed by law in the State of West Virginia; to the Committee on the Judiciary.

By Mr. TERRY: A bill (H. R. 6209) to authorize the erection of an addition to the existing Veterans' Administration facility at North Little Rock, Ark.; to the Committee on World War Veterans' Legislation.

By Mr. BERNARD: A bill (H. R. 6210) to amend an act entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, as extended by the Emergency Relief Appropriation Act of 1935; to the Committee on Labor.

By Mr. KELLY of New York: A bill (H. R. 6211) to prescribe a moratorium for 1 year on principal payments on home mortgages held by the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

By Mr. STACK: A bill (H. R. 6212) to provide that the officer in charge of the Chaplains Division of the Bureau of Navigation of the Navy Department shall have the rank, pay, and allowances of a chief of bureau of the Navy Department; to the Committee on Naval Affairs.

By Mr. MAAS: A bill (H. R. 6213) to provide for the application of the 2-cent rate on first-class mail matter for delivery within the confines of any incorporated city and to contiguous cities; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of Colorado: A bill (H. R. 6214) to prevent interstate commerce in the products of child labor, and for other purposes; to the Committee on Labor.

By Mr. DOUGHTON: A bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations; to the Committee on Ways and Means.

By Mr. CHURCH: A bill (H. R. 6216) to authorize the erection of two additions to the existing Veterans' Administration facility at North Chicago, Ill.; to the Committee on World War Veterans' Legislation.

By Mr. MAAS: A bill (H. R. 6217) to confer certain benefits on commissioned officers and enlisted men of the Army, Navy, Marine Corps, Coast Guard, Geodetic Survey, or Public Health Service of the United States who are placed on the retired list for physical disability as result of an airplane accident; to the Committee on Military Affairs.

By Mr. O'CONNELL of Montana: Resolution (H. Res. 180) authorizing such congressional investigations of the cause or causes producing sit-down strikes as would assist the Congress in the enactment of such necessary remedial legislation as would prohibit the use of armed spies, provocateurs, strikebreakers, and gunmen, and all other means promoted by industry to destroy or prevent the organization of genuine labor unions; to the Committee on Rules.

By Mr. BURDICK: Joint resolution (H. J. Res. 317) to restore to Congress the sole power to issue money and regulate the value thereof; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States for enactment of Federal legislation to protect against unfair competition concerning labor and working conditions; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALESHIRE: A bill (H. R. 6218) granting an increase of pension to Elmira E. Ballinger; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 6219) granting an increase of pension to Etta Bloomer; to the Committee on Invalid Pensions.

By Mr. BERNARD: A bill (H. R. 6220) to clarify certain provisions of the act of August 27, 1935, entitled "An act for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October 1918"; to the Committee on Claims.

By Mr. CHANDLER: A bill (H. R. 6221) for the relief of the city of Memphis, Tenn.; to the Committee on Claims.

Also, a bill (H. R. 6222) for the relief of the county of Shelby, in the State of Tennessee; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 6223) granting a pension to Thomas G. Solosky; to the Committee on Invalid Pensions.

By Mr. DUNCAN: A bill (H. R. 6224) granting an increase of pension to Clara B. Teegarden; to the Committee on Invalid Pensions.

By Mr. GRAY of Pennsylvania: A bill (H. R. 6225) granting a pension to James Y. Bowser; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 6226) granting a pension to Dorthy C. Murphy; to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A bill (H. R. 6227) for the relief of Walter James Armstrong; to the Committee on Naval Affairs.

By Mr. HAMILTON: A bill (H. R. 6228) for the relief of Howard Lewter; to the Committee on Naval Affairs.

By Mrs. JENCKES of Indiana: A bill (H. R. 6229) granting a pension to Lee Whitehall; to the Committee on Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 6230) for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration); to the Committee on Claims.

Also, a bill (H. R. 6231) for the relief of Halle D. McCullough; to the Committee on Claims.

Also, a bill (H. R. 6232) for the relief of Frank Christy, and other disbursing agents in the Indian Service of the United States; to the Committee on Claims.

By Mr. McGRANERY: A bill (H. R. 6233) for the relief of Stewart A. McDowell; to the Committee on Military Affairs.

Also, a bill (H. R. 6234) providing for the appointment of George B. Rice, formerly a lieutenant of the United States Navy, as a lieutenant in the Navy, and his retirement in that grade; to the Committee on Naval Affairs.

By Mr. MASON: A bill (H. R. 6235) granting an increase of pension to Laura S. Gage; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 6236) for the relief of the estate of W. Y. Carver, deceased; to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 6237) for the relief of Frank Charles Robie; to the Committee on Naval Affairs.

By Mr. SWEENEY: A bill (H. R. 6238) for the relief of J. C. Prosser; to the Committee on Claims.

By Mr. TEIGAN: A bill (H. R. 6239) for the relief of F. C. Gangloff; to the Committee on Military Affairs.

PETITIONS, ETC.

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

1629. By Mr. ASHBROOK: Petition of Virgil Adams, Della Adams, Bessie Adams, and Grace Nelson, of Roscoe, and Pearl Honabarger, of Warsaw, Ohio, urging that no law be passed to affect freedom of right of religion and of freedom of speech and of the press; to the Committee on the Judiciary.

1630. By Mr. BARRY: Petition of the Central Civic Association of Hollis, Inc., favoring the construction of one of the two authorized battleships to the Brooklyn Navy Yard; to the Committee on Naval Affairs.

1631. Also, petition of the Queens County Bakers Association, recommending the extension for 1 year of title I of the National Housing Act; to the Committee on Banking and Currency.

1632. By Mr. COLDEN: Resolution adopted by the Produce Exchange of Los Angeles, Calif., protesting against suggested legislation providing for the reduction of hours of labor of railway employees; to the Committee on Labor.

1633. By Mr. FISH: Petition signed by Miss H. Kinkead and 30 other citizens and residents of the city of Poughkeepsie, Dutchess County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1634. Also, petition signed by Mary S. Colt and 18 other citizens and residents of Garrison, Putnam County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1635. By Mr. GWYNNE: Petition of the Beauty and Barber Supply Institute to repeal section 603 of the Revenue Act of 1932; to the Committee on Ways and Means.

1636. By Mr. KVALE: Petition of the Minnesota State Legislature, urging the Secretary of Agriculture, as chairman of the President's committee, to extend the period of time used as a production base to 15 years, beginning with the year 1920; to the Committee on Agriculture.

1637. By Mr. RICH: Petition of citizens of Tioga County, protesting against the President's plan to change the judiciary; to the Committee on the Judiciary.

1638. Also, petition of citizens of Williamsport, Pa., protesting against the President's plan to increase the membership of the United States Supreme Court; to the Committee on the Judiciary.

1639. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memorializing Congress for enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions; to the Committee on Labor.

1640. By Mr. SANDERS: Resolution of the County School Board of Van Zandt County, Tex., favoring passage of Harrison-Fletcher-Black education bill; to the Committee on Education.

1641. By Mr. TEIGAN: Petition of township chairmen, weed inspectors, and county commissioners of Yellow Medicine County, Minn., requesting Congress to pass the Clark bill providing appropriation of $50,000,000 for weed control and eradication; to the Committee on Appropriations.

1642. By Mr. THOMAS of New Jersey: Petition of 133 citizens of Glen Rock, Ridgewood, Oradell, Hohokus, Oakland, and Wyckoff, N. J., opposing to the utmost the proposal of the President to affect the decisions of the Supreme Court by increasing its membership; also opposing any compromise upon this fundamental American issue; to the Committee on the Judiciary.

1643. Also, resolution adopted by Branch No. 2120 of the International Workers Union of Garfield, N. J., favoring the enactment of the Bernard neutrality bill; to the Committee on Foreign Affairs.

1644. Also, resolution adopted by Branch No. 2120 of the International Workers Union of Garfield, N. J., favoring the enactment of the President's Supreme Court bill; to the Committee on the Judiciary.

1645. Also, resolution adopted by Branch No. 2120 of the International Workers' Order of Garfield, N. J., favoring the constitutional amendment which aims to abolish child labor; to the Committee on Labor.

1646. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, memorializing Congress for enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions; to the Committee on Labor.

1647. By the SPEAKER: Petition of the Hampton Roads Maritime Exchange, Norfolk, Va., concerning Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1648. Also, petition of the Ecological Society of America, concerning the Atlantic-Gulf or Florida ship canal; to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 8, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, morning, noon, and night, out of Thine own divine nature, Thou art bestowing upon us those affections which enkindle happiness and enlarge the spheres of human life. Almighty God, Thou art transcendent in power, infinite in excellence over all, and blessed forevermore. We pray for all classes and conditions of men. Take them unto Thyself, and may they be united in a genuine desire to succor their fellow men and be raised from the carnal life into a truly brotherly life, in which there is justice, peace, and good will. Speak to their storms and passions and allay strife and contention. We pray that all men may become free by becoming better, fuller of the divine manhood; thus bound together in a common sympathy and fraternity. Be pleased to be with us this day, O Lord, through Christ. Amen.

THE JOURNAL

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. MAVERICK (interrupting the reading of the Journal). Mr. Speaker, I make the point of order that the Journal is not being read in full.

The SPEAKER. The Journal is being read in full.

Mr. MAVERICK. Mr. Speaker, the Clerk read that the following Members failed to answer to their names, and did not read the names of the Members who failed to answer. Obviously the Journal is not being read in full.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

The Clerk resumed the reading of the Journal.

Mr. MAVERICK (again interrupting the reading of the Journal). Mr. Speaker, I make the point of order the Clerk is not reading the Journal in full. I made the same point of order before, and I think, as a matter of good faith, it should all be read.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

The Clerk resumed the reading of the Journal.

Mr. RAYBURN (further interrupting the reading of the Journal). Mr. Speaker, I ask unanimous consent that the further reading of the Journal of yesterday be dispensed with, and that the Journal be approved.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills, joint resolutions, and a concurrent resolution of the House of the following titles:

H. R. 157. An act to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.);

H. R. 4286. An act to provide special rates of postage on matter for the blind;

H. R. 5293. An act to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California;

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended;

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry; and

H. Con. Res. 8. Concurrent resolution requesting the President of the United States to return to the House of Representatives the enrolled bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins."

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 456. An act for the relief of Ernest and Lottie Dunford; and

H. R. 1521. An act to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 208. An act for the relief of Charles E. La Vatta;

S. 545. An act for the relief of John Mulhern;

S. 585. An act relative to consolidation of rural mail routes;

S. 652. An act for the relief of John B. Jones;

S. 720. An act to authorize the acquisition of land for military purposes at Fort Ethan Allen, Vt.;

S. 772. An act for the relief of F. P. Delahanty;

S. 870. An act for the relief of Hector H. Perry;

S. 880. An act for the relief of Albert D. Castleberry;

S. 890. An act for the relief of Walter S. Hendershot;

S. 978. An act to extend the provisions of certain laws to the District of Columbia;

S. 1226. An act to amend the act of May 3, 1935, relating to the promotion of safety on the highways of the District of Columbia;

S. 1239. An act for the relief of John W. Beck;

S. 1263. An act to authorize the consideration of recommendation of an award of a decoration to George J. Frank for distinguished service;

S. 1278. An act to authorize exchange of lands at military reservations, and for other purposes;

S. 1367. An act for the relief of George Yusko;

S. 1426. An act to protect more effectively the governmental monopoly of the carriage of mail;

S. 1479. An act for the relief of the estate of Charles White;

S. 1516. An act to authorize certain payments to the American War Mothers, Inc.; the Veterans of Foreign Wars of the United States, Inc.; and the Disabled American Veterans of the World War, Inc.;

S. 1538. An act relative to the military record of John Pate, deceased;

S. 1572. An act for the relief of Frank Fisher;

S. 1586. An act to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird Quartermaster Depot, Baltimore, Md.;

S. 1622. An act authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes;

S. 1652. An act to provide for the payment of certain Creek equalization claims, and for other purposes;

S. 1826. An act for the relief of Francis Gerrity;

S. 1945. An act to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes; and

S. Con. Res. 7. Concurrent resolution expressing the sense of Congress on so-called sit-down strikes and the industrial-spy system.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 316. An act for the relief of Edward Y. Garcia and Aurelia Garcia;

S. 544. An act for the relief of M. K. Fisher;

S. 784. An act for the relief of Amelia Corr;

S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard and also to officers of the Foreign Service of the United States at foreign stations;

S. 1311. An act for the relief of Norman Hildebrand; and

S. 1455. An act to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 713) entitled "An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal

injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926", with an amendment.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On April 3, 1937:

H. R. 635. An act for the relief of Mary Daley;

H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War; and

H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor.

On April 6, 1937:

H. R. 1088. An act for the relief of the Baker-Whiteley Coal Co.

On April 7, 1937:

H. R. 1245. An act for the relief of Malinda J. Mast and William Lee Mast.

DIRECTOR OF THE COLUMBIA INSTITUTE FOR THE DEAF

The SPEAKER. Pursuant to the provisions of Section 4863, Revised Statutes of the United States, the Chair appoints as director of the Columbia Institute for the Deaf, to fill the existing vacancy, the gentleman from Pennsylvania [Mr. KINZER].

MINUTE MEN OF 1937

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for a minute and a half.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, with the minute and one-half allotted to me I want to refer to the meeting called by the President of the United States upon his return from Warm Springs, Ga., several weeks ago when he called together the leaders of the Senate and the Speaker of the House of Representatives, the majority leader, and others to discuss the sit-down menace raging in our land, where the sit-downers confiscate private property withcut due process of law. Since the meeting the President, the Speaker, the majority leader, the leaders of the Senate, the Governor of Michigan, the Governor of Pennsylvania are all sitting down. It seems as though they cannot get up.

THE FARMERS OF PENNSYLVANIA THE MINUTE MEN OF 1937

Law and order is not now maintained by the elected authorities, or they would not permit confiscation of property by sit-down strikers.

In the great State of Pennsylvania—of which I am proud and of its people—the Governor will not protect private property. Up in Hershey yesterday it became necessary for those loyal Americans, the farmers and the employees of the Hershey Chocolate Co., to drive from the plant of that concern "sit-downers" who undertook to seize private property and interfere with the legal operation of the plant. Those patriotic American citizens, according to reports, drove the "sit-downers" from the plant and from the town of Hershey. This action was necessary in order to save their daily supply of some 800,000 pounds of milk, and to protect the employees who wanted to faithfully perform their duties, and the right to support their families.

Mr. Speaker, the farmers of Pennsylvania who yesterday demonstrated their independence and devotion to American principles will take their place in history with the patriotic fervor of John Brown and his ante-bellum activities. [Applause.]

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, as usual, the gentleman from Pennsylvania [Mr. RICH] is wrong. As usual, he does not know his facts.

Mr. RICH rose.

Mr. RAYBURN. I am not going to yield.

The President of the United States did not call a conference of the Speaker and the leader of the House and the Vice President and the leader of the Senate to discuss sit-down strikes. There was no policy concerning sit-down strikes discussed in the meeting, as far as the Speaker and the leader of the House are concerned. I want this statement to go in the RECORD in repudiation of what the gentleman from Pennsylvania has stated. As usual, the gentleman does not understand what he is talking about. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under previous order of the House, the gentleman from Texas is recognized for 5 minutes.

CALL OF THE HOUSE

Mr. VOORHIS. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-three Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 38]

Allen, Ill.	Gilchrist	Lesinski	Richards
Amlie	Goldsborough	Long	Robertson
Buckley, N. Y.	Goodwin	Lord	Scrugham
Byrne	Griswold	McGehee	Sullivan
Chapman	Healey	McGroarty	Taylor, Colo.
Clark, Idaho	Higgins	Maas	Taylor, S. C.
Cravens	Hildebrandt	Magnuson	Taylor, Tenn.
Culkin	Hull	Mouton	Thomas, N. J.
Cummings	Imhoff	Norton	Tinkham
Curley	Keller	O'Connor, Mont.	Tobey
Dingell	Kelly, N. Y.	Parsons	Treadway
Ferguson	Kerr	Pettengill	Wadsworth
Fries, Ill.	Kniffin	Quinn	White, Ohio
Garrett	Larrabee	Reece, Tenn.	

The SPEAKER. Three hundred and seventy-four Members having answered to their names, a quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

COMMITTEE ON AGRICULTURE

Mr. JONES. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may meet during sessions of the House today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. LUCAS. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein the preamble to the constitution of the Military Order of the World War and an address made on the night of April 6 by the Secretary of War, the Honorable Harry Woodring.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, today the Children's Bureau is celebrating the twenty-fifth anniversary of its foundation. I know the Members of the House are extremely anxious to have the children of the country given all opportunity for health and happiness, and I ask unanimous consent to extend my own remarks at this point and to include therein certain material from the Children's Bureau which shows that the Bureau has helped many a child to better and happier living.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the very first bill ever introduced in Congress proposing a children's bureau was that of Senator Winthrop Murray Crane, of my own State of Massachusetts, in 1906. President Theodore Roosevelt was strongly in favor of the creation of such a bureau, and he recommended the legislation in his annual message to Congress.

President William Howard Taft, who has been widely quoted for his comment, made a speech in 1910, in which he cited the large amounts of money then being spent by the Department of Agriculture in telling the farmers how to raise hogs, cattle, and horses, and then advocated the expenditure of money for a bureau to tell people how to develop good men and women.

Every Member of Congress knows of the fine work of the Children's Bureau. Its Chief, Miss Katherine F. Lenroot, is held in highest esteem for the excellent and conscientious work she is doing. Most of us know of the vitally important work the Bureau has done in the distribution of bulletins pertaining to prenatal care and the raising of children. These publications are recognized everywhere as authority upon the subjects covered. Nursing organizations all over the country use them to educate mothers in the care of their children. The booklets have played a large part in the strides made in the improvement of our child-mortality rate.

I hold in my hand the first copy of a new Children's Bureau publication just off the press today. It is entitled "The Children's Bureau—Yesterday, Today, and Tomorrow", written by Mrs. Elizabeth Shirley Enochs. I commend it to you for your reading, for it draws the picture so well of how, why, and when the Bureau was created, and what have been its accomplishments. After reading it, one realizes how important a part this Bureau is playing in the lives of all of us.

The following statement issued by the Children's Bureau gives the facts concerning its establishment and work:

The bill creating the Children's Bureau was signed by President William Howard Taft April 9, 1912, and the first appropriation became available August 23 of the same year. By this act Congress enabled the United States to lead the nations of the world in establishing a Federal agency in the sole interests of children and to consider as a whole the problems affecting them. Since 1912 children's bureaus have been established in 28 countries, 8 nations having organizations similar to that of the United States.

The creation of such a Federal bureau was first suggested in 1906 by Lillian D. Wald, founder of the Henry Street Settlement in New York City. The idea was taken up by the first White House conference on child welfare called by President Theodore Roosevelt in 1909, and President Roosevelt in his message to Congress, recommended the creation of such a bureau. The impetus given at that conference by the Nation-wide support of social-service workers and educators, judges, and philanthropists finally carried the measure through.

The National Child Labor Committee (of which Miss Wald was a member at that time) was sponsor for the bill introduced in Congress in 1909. It was supported by a concerted effort of 25,000 clergymen in sermons asking their hearers to recognize society's obligation to the child. At the same time national organizations of women's clubs, the consumers' leagues throughout the country, college and school alumnae associations, societies for the promotion of special interests of children, the various State child-labor committees—representing in their membership and executive committees education, labor, law, medicines, and business—officially gave their endorsement.

Many bills were introduced from 1906 to 1912. The first bill was introduced by Senator Winthrop Murray Crane, of Massachusetts, January 10, 1906. Others were introduced by Senator Frank P. Flint, of California, Representative John J. Gardner, of New Jersey, Representative Henry A. Barnhart, of Indiana, Representative Andrew J. Peters, of Massachusetts, and Representative Herbert E. Parsons, of New York. The bill, which finally passed, was introduced by Senator BORAH.

One of the most enthusiastic advocates of the establishment of the Children's Bureau was President Theodore Roosevelt. In urging Congress to favorable action on February 15, 1909 (about 3 weeks after the first White House conference), he said:

"It is not only discreditable to us as a people that there is now no recognized and authoritative source of information upon these subjects relating to child life, but in the absence of such information as should be supplied by the Federal Government many abuses have gone unchecked; for public sentiment, with its great corrective power, can only be aroused by full knowledge of the facts. In addition to such information as the Census Bureau and other existing agencies of the Federal Government already provide, there remains much to be ascertained through lines of research not now authorized by law; and there should be correlation and dissemination of the knowledge obtained without any duplication of effort or interference with what is already being done.

"There are few things more vital to the welfare of the Nation than accurate and dependable knowledge of the best methods of dealing with children, especially with those who are in one way or another handicapped by misfortune; and in the absence of such knowledge each community is left to work out its own problem without being able to learn of and profit by the success or failure of other communities along the same lines of endeavor. The bills for the establishment of the Children's Bureau are advocated not only by this conference but by a large number of national organizations that are disinterestedly working for the welfare of children, and also by philanthropic, educational, and religious bodies in all parts of the country."

President Taft was also one of the advocates of the establishment of the Children's Bureau. In a speech in Albany, March 19, 1910, he said:

"We have an Agricultural Department and we are spending $14,000,000 or $15,000,000 a year to tell the farmers, by the result of our research, how they ought to treat the soil and how they ought to treat the cattle and the horses, with a view to having good hogs and good cattle and good horses. Now, there is nothing in the Constitution especially about hogs or cattle or horses, and if out of the Public Treasury at Washington we can establish a department for that purpose, it does not seem to be a long step or a stretch of logic to say that we have the power to spend the money in a bureau of research to tell how we may develop good men and women."

The Children's Bureau was directed to "investigate and report * * * upon all matters pertaining to the welfare of children and child life among all classes of our people." It was especially charged with investigating "infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories."

At first a part of the Department of Commerce and Labor, the Bureau was transferred to the newly created Department of Labor March 4, 1913. The first Chief of the Bureau was Julia C. Lathrop, who was succeeded in August 1921 by Grace Abbott. Miss Abbott in turn was succeeded in 1934 by Katharine F. Lenroot, the present Chief.

Two quotations from the annual reports of its two Chiefs may be cited as expressing the spirit and method by which the many and interrelated problems of child life and child welfare in our country have been approached by the Bureau:

Miss Lathrop: "It is obvious that the Bureau is to be a center of information useful to all the children of America, to ascertain and to popularize just standards for their life and development."

Miss Abbott: "The trial-error method in the care of children is giving way to a scientific determination of their needs through careful study of community resources and of accumulated experience as to methods of care and training, and through carefully conducted experiments along lines indicated by experience."

Neither mothers nor those who are working in the field of child welfare need any introduction to the work of the Children's Bureau. More than 16,000,000 copies of its popular bulletins on prenatal care, infant care, child care, and child management have gone to mothers during the Bureau's existence. Physicians and public-health workers are familiar with its studies of maternal and infant mortality and of basic problems related to the physical, mental, and emotional health of children. Social workers are familiar with its studies of illegitimacy, dependency, delinquency, child labor, recreation, unemployment, and legislation affecting children. They all know the part the Bureau has played with the cooperation of acknowledged leaders in their respective fields in the development of minimum standards which have been used as a basis of community action for child welfare. They know, too, of the varied methods the Bureau has developed to report its findings in order that the facts may be useful to all—its popular literature, exhibits, health conferences, and radio talks for mothers; its technical scientific reports for students and workers; and its use as well of the conference with local and national groups.

Great progress has been made in the whole field of child welfare since the Children's Bureau was established. But much yet remains to be done. Miss Lathrop's statement in 1921 may well be cited now as expressive of what lies ahead:

"Plainly the task of social study is progressive and cannot be completed, and thus far the Bureau has hardly made a beginning in performing the vast task assigned to it."

Among those who attended the first White House conference and urged the creation of the Children's Bureau were the following: Jane Addams, Lillian D. Wald, Julia Lathrop, Mrs. William Einstein, Dr. William P. Spratling, Adolph Lewisohn, Lee K. Frankel, Judge Ben B. Lindsey, Jacob A. Riis, Julius Rosenwald, Andrew Carnegie, Dr. Edward T. Devine, Samuel S. Fleisher, Ernest P. Bicknell, Judge M. W. Pinckney, Homer Folks, Judge Julian W. Mack, Rabbi Emil G. Hirsch, Dr. Charles F. McKenna, Michael J. Scanlan, Rt. Rev. D. J. McMahon, Prof. Samuel McCune Lindsay, Thomas Mott Osborne, Jacob H. Schiff, Owen R. Lovejoy, Myron T. Herrick, Dr. Hastings H. Hart, Prof. Charles Richmond Henderson, V. Everit Macy, Rev. William McMahon, Robert Treat Whitehouse, Dr. Booker T. Washington, Thomas F. Walsh, Thomas M. Mulry, James E. West, Edmond J. Butler, John M. Glenn, Charles W. Birtwell, and A. J. McKelway.

INVESTIGATION OF SIT-DOWN STRIKES AND UN-AMERICAN ACTIVITIES

The SPEAKER. Under the special order of the House, the gentleman from Texas [Mr. MAVERICK] is recognized for 5 minutes.

DICKSTEIN AND DIES RESOLUTIONS SHOULD BE DEFEATED

Mr. MAVERICK. Mr. Speaker, we have coming before the House today some of the most important matters that will come before us in probably 10 or 15 years. I refer to the resolution introduced by the gentleman from New York [Mr. DICKSTEIN] and the resolution introduced by the gentleman from Texas [Mr. DIES].

I have heard it said that the sit-down strikes presage fascism. I do not believe the people are about to march on Washington in black shirts to overthrow our Government. I still think democracy and parliamentary government are supreme in this country.

We also have the Dickstein resolution that proposes to go out and hunt Fascists. I have received many scurrilous letters against the Jews, but I know they are unfounded. But if the Dickstein resolution is passed it will hurt them.

Now, Mr. Speaker, I do not believe these scurrilous letters. But I believe the gentleman from New York [Mr. DICKSTEIN] is bringing criticism on his own people and bringing forth anti-Semitic propaganda all over the United States, and therefore his resolution ought to be killed. [Applause.]

Mr. Speaker, I think there is another thing to be said about both of these resolutions. Neither of them is necessary and both of them are a waste of money and both will hurt the prestige of the Congress of the United States. [Applause.]

DICKSTEIN RESOLUTION WILL HURT JEWS, GERMANS, AND ALL OTHER AMERICANS

Now, what will the Dickstein resolution do? It will not help the Jews in this country. It will subject them to embarrassment from every source. It will not help the German-Americans in this country in any way whatsoever. It will help no one, and will only cause distress to all citizens.

The resolution of the gentleman from Texas [Mr. DIES] will not help labor, it will not help capital, and it will not help the American people.

They should both be defeated.

LIBERTY LEAGUE LAWYERS ADVISE EMPLOYERS TO VIOLATE LAW

Let us now review especially the resolution concerning the sit-down strikes. The Congress of the United States passed legislation for the purpose of protecting the employers and the employees in their disputes, but what did the Liberty League lawyers do? These smug-mug attorneys told their clients, "Go out and violate the law of the land."

They told them to do this. They conspired to violate the law. Worse, they openly defied it.

What else did they do? They told their employers to fight the Labor Relations Board and get injunctions to break down the law of the Congress, the law of the land. Then who is to blame for sit-down strikes? Is it altogether the people who sit down?

LET THE AMERICAN PEOPLE STAND IN JUDGMENT

Mr. Speaker, it may be some of the employers had something to do with it. Let the American people stand in judgment.

I now call attention to the Dies resolution. One of the whereases states:

Whereas people are picketing the courthouses.

My God, are we to be the nursemaid of all the sheriffs and police in the country? Why, there is not anything in this that concerns Congress in any way whatsoever.

PRESIDENT HAS NO CONSTITUTIONAL RIGHT TO INTERFERE IN LOCAL DISTURBANCES

I also call your attention to the fact that, whether any man states the contrary or not, the President of the United States has no constitutional right to interfere with the local affairs of this Nation. Then they say to us, "Congress, you have no power to settle disputes, you have no power to mediate, but have the President of the United States go out and do it."

TALK ABOUT DICTATORS—THIS RESOLUTION CALLS FOR ONE

How can he do this? He could only do it by using his extraordinary powers as Commander in Chief of the Army and Navy of the United States; in other words, by the passage of such a resolution we would be putting the President of the United States in the position of being a dictator.

The Constitution provides that the President, in the event of domestic violence, can only send out troops at the request of the Governor of a State or the legislature, if it is in session. So I would say to all of these people who are constantly talking about States' rights that they go back to their States and enforce their own laws.

NOBODY HAS ASKED TO INVESTIGATE SIT-DOWNS

Let us see just what situation we have here. First of all, the employers have not asked us to investigate the sit-down strikes; second, the employees have not asked it; third, the State of Michigan has not asked it; and, fourth, the American people have not asked it. Therefore this Dies resolution is nothing but a lot of show, a lot of noise. It accomplishes nothing; it embarrasses Congress—the Legislature of the United States—and the President; and both the Dies resolution and the Dickstein resolution ought to be defeated. [Applause.]

[Here the gavel fell.]

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MITCHELL of Illinois. Mr. Speaker, I rise to call the attention of the House to what I think is a violation of the rules of the House.

Yesterday, the House will recall that when the gentleman from New York [Mr. BEITER] rose and asked permission to put certain documents in the RECORD I objected. Now, the gentleman from New York [Mr. BEITER], without the consent of this House, put one of those documents in the RECORD over my objection and without the consent of the House. I hold that is a violation of the rules of this House, and what he has put into the RECORD ought to be stricken. I shall later move to have this unauthorized matter stricken from the RECORD, so that it will not appear in the permanent RECORD.

I wish to say further that this is characteristic of the propaganda that has been used by those who opposed the consideration of my antilynching bill, H. R. 2251, which resulted in kicking my bill out the front door of the House yesterday.

[Here the gavel fell.]

SIT-DOWN STRIKES

Mr. SADOWSKI. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SADOWSKI. Mr. Speaker, I have asked for time on the Dies resolution. It is highly important to every Member of Congress from Michigan that we be heard, but we are unable to get time. This committee has seen fit to gag those who oppose this resolution.

I just want to bring out this one fact this afternoon—the Democratic Members of Congress from the State of Michigan are unanimously opposed to the Dies resolution. [Applause.] We are against it unanimously. It is a direct attack upon labor. We are handling the situation in Michigan very nicely. Governor Murphy has done a fine job. There has been no bloodshed. There is no need for this House to create trouble by appointing this useless committee to agitate and aggravate labor. The Chrysler strike has been settled; the General Motors strike has been settled. Those strikes are being taken care of in the proper way. We have the La Follette committee in the Senate, and the report on their investigation is available to every Member of this House. They have made a most thorough investigation of every phase of the labor situation and the causes of the strikes in Michigan and throughout the country.

Every Member of the House knows the causes for the sit-down strikes. Labor has used it as a weapon to enforce the right of the majority to bargain collectively. This right is guaranteed to labor under the Wagner bill. It is imperative that the Supreme Court make an early decision on the National Labor Relations Act. Why is the Supreme Court postponing action? The Court is responsible for a great deal of this unrest. The remedy for industrial discontent is not this Dies investigation, not new legislation, but rather the enforcement of the National Labor Relations Act. [Applause.]

INVESTIGATION OF UN-AMERICAN ACTIVITIES

Mr. GREENWOOD. Mr. Speaker, I call up House Resolution 88 and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 88

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a special committee, to be composed of seven members, not more than five of whom may be from the same political party, for the purpose of conducting an investigation of facts regarding (1) the character, objects, extent of operations, roster of membership and officers, all sources of revenue, and distribution of finances by and of any organizations or groups of individuals acting together found operating in the United States for the purpose of diffusing within the United States of slanderous or libelous un-American propaganda of religious, racial, or subversive political prejudices which tends to incite to the use of force and violence or which tends to incite libelous attacks upon the President of the United States or other officers of the Federal Government, whether such propaganda appears to be of foreign or domestic origin; (2) the extent and method of use of the United States mails and United States Postal Service for the transmission and diffusion within the United States of all information and propaganda by, for, or in behalf of all organizations herein authorized to be investigated, including a study of all possible violations of existing postal laws and regulations; and (3) and all other questions in relation thereto which would assist Congress in the enactment of necessary remedial legislation, including necessary amendments to the postal laws.

Such special committee when organized, is hereby authorized to have custody, for its use, of all the records, documents, files, and other papers which were in the possession of the special committee of the House of Representatives, which was appointed and operated pursuant to H. Res. 198, H. Res. 199, and H. Res. 424, of the Seventy-third Congress, second session.

Such special committee is authorized to request the fullest cooperation in the conduct of this investigation from the Department of Justice, the Post Office Department, and such other departments of the Government that the committee may deem necessary, including access to all files from such departments pertinent to the investigation, and use of such employees and facilities of such departments as may be advantageous to the conduct of such investigation.

That said special committee, or any subcommittee thereof, is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such records, books, papers, and documents, by subpena or otherwise, and to take such testimony as it may deem necessary.

Subpenas shall be issued under the signature of the Speaker of the House of Representatives at the request of the chairman and shall be served by the Sergeant at Arms of the House or any person designated by him. The chairman of the committee or any member thereof may administer oaths or affirmations to witnesses.

Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized or who, having been required to produce records, books, papers, and documents pertinent to the investigation heretofore authorized, fails or refuses to produce such required records, books, papers, and documents, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192), as amended.

Mr. GREENWOOD. Mr. Speaker, I yield one-half of the time to the gentleman from Tennessee [Mr. TAYLOR].

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

Mr. GREENWOOD. I prefer to make my statement in an orderly way, and then I will be glad to yield.

Mr. SNELL. I wanted to ask the gentleman if he would not consider extending the time. I appreciate that 1 hour is the usual time on one of these resolutions, but on account of the extraordinary interest and the extraordinary demands for time, I wondered if the gentleman would not ask to extend the time?

Mr. GREENWOOD. There is another matter or two to follow this today. I have not had unusual demands for time on my side of the House. I think I will be able to take care of the requests on our side within the time allotted. I would not at this time want to ask for any such extension.

Mr. SNELL. There are several requests for time coming from the gentleman's side of the aisle.

Mr. MARTIN of Colorado. I would like to make a request for time.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I prefer to make my statement first.

Mr. O'MALLEY. I wanted to ask about time.

Mr. GREENWOOD. I will make a notation, and I will yield at the close of my remarks.

Mr. MAPES. Mr. Speaker, will the gentleman yield so that I may submit a parliamentary inquiry, not to be taken out of the gentleman's time?

Mr. GREENWOOD. I yield for that purpose.

The SPEAKER. If the gentleman yields, it comes out of his time.

Mr. GREENWOOD. Then I prefer to make my statement. I will not yield for that purpose at this time.

The SPEAKER. The Chair will state to the gentleman from Michigan [Mr. MAPES] that the only exception where interruptions are not taken out of the time of the speaker is on points of order.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that I be permitted to make a parliamentary inquiry, the time not to be taken out of the gentleman's time.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. Mr. Speaker, this resolution and the one to follow it, the Dies resolution, provide for the appointment of investigating committees. Each resolution is somewhat extensive and contains separate paragraphs and sections that relate to different subject matters. My inquiry is, Will there be opportunity to read the resolutions section by section and to offer amendments to them?

The SPEAKER. The resolution is being considered in the House under the rules and precedents, and it will be considered in its entirety.

Mr. MAPES. To construe the Speaker's ruling——

The SPEAKER. If the previous question is ordered, of course, there will be no opportunity to offer amendments to the resolution.

Mr. MAPES. There will be no opportunity for amendments?

The SPEAKER. Not if the previous question is agreed to.

The gentleman from Indiana [Mr. GREENWOOD] is recognized.

Mr. GREENWOOD. I decline to yield further at this time.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. After I have concluded my statement, I will be glad to yield to the gentleman from Wisconsin.

Mr. Speaker, I again make the request that I be not asked to yield until after I have made my statement. Then I shall be glad to yield to anyone for any question he may desire to ask.

Mr. Speaker, the resolution before us was reported by the Rules Committee after rather extended hearings. It provides for the appointment of a special committee of seven members to investigate un-American activities and is reported as the result of evidence which was presented before the Rules Committee. I am one who does not necessarily favor investigations. I think many of them often are futile and do not reach a place where we can follow them with legislation. On the other hand, they are often of great value to the Nation by uncovering facts that are needed both for Congress to legislate intelligently and in order that the American people may know all the facts surrounding any particular circumstance. If this were a question merely

of freedom of speech, of people having the right under all circumstances to define their ideas of government, or perhaps changes, that would be one thing. I think we would all be in favor of that. If it were just a question of haranguing by a radical on a soap box somewhere or in a hall, none of us would object to that; that is American. But the evidence that came before the Rules Committee was that foreign money was coming into the United States and was being used to formulate certain organizations that were drilling in uniform, the members of which were taking an oath to support a foreign power; it was being used for the purpose of gathering children together and hauling them in buses to certain concentration camps where they were drilled and took an oath to support a foreign power. The evidence showed that this was being done to bring the Government of the United States into disrepute. The evidence also showed that foreign money was being used for the delivery of questionnaires to people of foreign birth asking them in what section of the foreign military service they preferred to enlist. Further facts were presented to the committee that I think the Congress and the American people ought to know and understand. I think the House has the right to hear it and pass upon it.

So I appreciate that we are all more or less against investigations. They do cost a little money, but many of them, in my experience in Congress, have been well worth the expenditure. We believe that this committee when selected, if the House shall see fit to support this resolution, should be a select committee of Members who have had nothing to do with presenting this matter before the committee. The Members will understand, of course, that I am not suggesting what the Speaker ought to do. We all have full confidence that he will select a committee that has no predilections or prejudices to be satisfied. One Member said this morning, in a short speech before the House, that we are going out to hunt fascism. That is not the idea of this investigation. There are many un-American organizations in the United States. It is not necessary to confine this investigation to fascism, nazi-ism, or communism. It is expected to cover all of these un-American activities that advocate the overthrow of our Government by force. To bring out the facts by giving the committee power not only to summon but to compel those who are connected with these activities to come before the committee, and also giving the committee power to compel them to testify when they do come.

If the Congress of the United States is going to act with reference to these un-American activities, they must do it with intelligence and should know the facts. This investigation could lead to legislation. There are certain handicaps or limitations in the matter of the mails, one of them being lack of power to prevent the use of the mails for many of these un-American activities; and the mails are being used for this purpose. There are certain amendments that could be made to our immigration laws growing out of an investigation of this kind leading to deportation of aliens who have not taken American citizenship and who are engaged in this kind of activity to help destroy or undermine the American Government. There should be deportation provided against this undesirable and vicious group.

This proposition has been supported by many patriotic societies—the American Legion, the Veterans of Foreign Wars, and other patriotic organizations. They have had their own committees investigating certain of these activities, and they are willing to present that evidence to a committee of this Congress. So I assumed, and the Committee on Rules assumed, that these facts, which were rather unusual, ought to be presented to the House of Representatives for their consideration.

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

Mr. GREENWOOD. I yield.

Mr. TABER. I wonder, Mr. Speaker, why the appropriate committees do not bring in legislation to outlaw the activities involved, and why the authorities do not enforce the law that exists instead of having an investigation?

Mr. GREENWOOD. In the first place, I do not assume that all of the facts embodied in the question are true; and if they be true, I am not in a position to give the gentleman the correct answer.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. O'MALLEY. Is it the intention of the gentleman to move the previous question so that it will be impossible for some of us Members who would like to amend this resolution to make it apply to all organizations engaged in the dissemination of propaganda to offer such amendments?

Mr. GREENWOOD. I may say to the gentleman from Wisconsin that I think the resolution is broad enough to enable the committee to investigate all such organizations; and when the time allotted for consideration of the resolution shall have expired I expect to move the previous question. It will then be up to the House to decide whether they will open it up for amendment.

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

Mr. GREENWOOD. I yield.

Mr. MAVERICK. Did the gentleman have before the Rules Committee any officer of the United States Army or Navy Intelligence Department showing an overt act against the Government?

Mr. GREENWOOD. I did not attend all the sessions of the Rules Committee, but I do not recall that there were such officers present.

Mr. MAVERICK. Did the committee ask Mr. J. Edgar Hoover or any of that group about these various activities?

Mr. GREENWOOD. I do not recall that Mr. Hoover appeared before the committee.

Mr. SNELL. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from New York.

Mr. SNELL. I agree with the gentleman that the only excuse for an investigation is to get information as a basis for legislation. We have been investigating this general subject for the last 8 or 10 years. Can the gentleman state any piece of constructive legislation that has been introduced and passed by the Members of the House as a result of any of these investigations?

Mr. GREENWOOD. I may say to the gentleman from New York, I do not recall whether there has been or not. There have been some laws passed with reference to immigration matters. Since then I do not know what effect the facts brought out by those investigations had. However, the activities are continuing and have done so even since the former committees were in existence. They have grown in their intensity and in their viciousness, and those investigations, I may say, occurred 3 or 4 years ago. We still think, from evidence presented to the Rules Committee, that there is abundant reason why there should be an investigation as provided by this resolution.

Mr. SNELL. The last committee ceased its investigation only with the last Congress. I notice by this resolution you are going to take the information compiled by that committee and furnish it to this new committee. What advantage was there in the other investigation if you are going to continue this one?

Mr. GREENWOOD. It would be an advantage to take the results of that investigation as a basis upon which to make this one.

Mr. SNELL. If there have been certain results that came from the other investigation, why is not legislation introduced based on the information secured in the last investigation?

Mr. GREENWOOD. I have stated I think an investigation like this could lead to proper legislation. There is another item of legislation to which it might lead.

The Constitution of the United States gives the Congress the power to pass laws punishing people for treason. The Constitution says that treason is the levying of war. There is a division of opinion as to just how far the Congress can go in defining treason under the Constitution. The question arises in my mind whether we have to wait until war actually breaks out with a foreign power before we defend the sovereignty of the United States against organizations that are boring from within and are attempting to destroy our Government, which in the end would lead to war. It might be that a proper committee of this Congress could lay down a congressional definition of treason which would cover some of the more radical elements that appeared in the evidence which came before our committee.

Mr. JOHNSON of Minnesota. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Minnesota.

Mr. JOHNSON of Minnesota. I think the Members of the House are entitled to know before they vote on this resolution just where the committee is going to go. What is meant by un-American activities? What is meant by the un-American organizations that are the source of this trouble that is being investigated? Will the gentleman give the Members of the House a definition of what he considers "un-American propaganda of religious, racial, or subversive political prejudices"?

Mr. GREENWOOD. I do not expect to be a member of that committee. The committee may read this resolution and put whatever interpretation they see fit upon it without any limitation, so far as I am concerned.

Mr. JOHNSON of Minnesota. That is the danger of this resolution.

Mr. O'MALLEY. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. The gentleman states that the Rules Committee had certain evidence which brought about the introduction of this resolution. The House ought to know what that evidence consisted of. Where is this money coming from and what foreign power is supporting these organizations which may bring about a state of war between this country and that foreign power?

Mr. GREENWOOD. We had evidence of that. There was also presented to our committee photographs showing the camps that have been organized. These photographs also showed the people in uniform and taking the oath to certain foreign powers.

Mr. O'MALLEY. What foreign power did they take that oath of allegiance to?

Mr. GREENWOOD. The evidence was presented to the Rules Committee and should be heard by a special committee.

Mr. O'MALLEY. Does not the gentleman think the membership of the House, before voting on this matter, should know what foreign power is involved?

Mr. GREENWOOD. I may say there are other gentlemen who will speak on this matter. I have yielded one-half of the time to the gentleman from Tennessee [Mr. TAYLOR], who was a member of the former committee. I have given the House what has come to my attention as a member of the Rules Committee.

Mr. O'MALLEY. I wanted to find out the name of the foreign power.

Mr. REED of New York. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from New York.

Mr. REED of New York. I am very much interested in the remarks of the gentleman in regard to this resolution. The gentleman will remember that some years ago the Department of Justice not only conducted investigations but also raids on communistic organizations all over the country. Unless it destroyed the records, the gentleman can get photostatic copies of the documents found in these various places that were raided at that time. He will find in these documents the instructions that were given in the communistic schools, conducted in the basement of various buildings in cities, where the children were taught to repeat in unison "I hate the American flag." He will find all of that down there. That was known years ago. If we had taken steps to cut out this subversive cancer at that time, as we should have done with the information available at that time, we would not be in the position we are today. The committee has full power now to secure that evidence, which was brought up on the floor of this House. They can then bring in legislation, have it properly debated and passed, and put a stop to this business. [Applause.]

Mr. GREENWOOD. I thank the gentleman for his contribution. There is more evidence abroad in the land than I had thought there was. I think a committee of the House should consider all of these documents and evidence. I think a high-class committee, selected by the Speaker of the House, in whom we all have confidence, can look into the documents suggested by the gentleman from New York as well as the other things the Rules Committee discovered.

Mr. DUNN. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Pennsylvania.

Mr. DUNN. Will the gentleman tell me whether this investigating committee will investigate the owners of these great munitions plants that are trying to involve us in war? The gentleman spoke about people from other countries coming into our country and trying to get us into war. It seems to me if this proposed investigating committee would investigate the owners of these great munitions plants it would be doing something for the benefit of the people of the United States.

Mr. GREENWOOD. I may say to the gentleman from Pennsylvania, I have no desire to put any limitations upon this committee. The committee will take this resolution, and it is broad enough to investigate all matters of a subversive or un-American character that have been inaugurated in this country. I assume the gentleman from Pennsylvania could request the opportunity to appear before the special committee and lay any matter before that committee which he saw fit.

Mr. DUNN. But would I be successful in getting the information? I would not have the power of subpena; and would they do it?

Mr. GREENWOOD. I cannot tell the gentleman what they will do. They have the power to do anything—to subpena and compel testimony.

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

Mr. GREENWOOD. I yield to the gentleman from Illinois.

Mr. LUCAS. The gentleman made the statement the American Legion is supporting this bill. Do I understand correctly the national organization of the American Legion has gone on record specifically for this bill, or is it some branch or auxiliary of the national organization?

Mr. GREENWOOD. I understand they have done so, but I would not like to make a positive statement to that effect. They have a committee on un-American activities. This committee has approved the resolution.

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

Mr. GREENWOOD. Can the gentleman from New York answer the gentleman's question?

Mr. FISH. Yes. I have never heard of the American Legion endorsing any such bill at all. If the gentleman had included the words "communism, fascism, and nazi-ism", I think the Legion would have come out for that; but this bill does not include any of these names. This bill sets up an un-American check-up, nothing more or less, and restores the alien sedition laws. The American Legion would never be for that.

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

Mr. GREENWOOD. I yield to the gentleman from New York.

Mr. DICKSTEIN. May I say to the gentleman from New York the American Legion and the Veterans of Foreign Wars, through their headquarters in Washington, fully endorse this investigation, which is broad enough to cover all subversive activity within the United States.

Mr. FISH. Not this bill at all. I am quite sure the American Legion would never endorse it.

Mr. MAVERICK. Give me the endorsement of the Veterans of Foreign Wars.

The regular order was demanded.

Mr. GREENWOOD. Mr. Speaker, I reserve the balance of my time.

NAVY DEPARTMENT APPROPRIATION BILL, 1938

Mr. UMSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5232) making appropriations for the Navy Department and the naval

service for the fiscal year ending June 30, 1938, and for other purposes, with Senate amendments, disagree to the Senate amendments, and request a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. UMSTEAD, Mr. THOM, Mr. JOHNSON of West Virginia, Mr. SCRUGHAM, Mr. FERNANDEZ, Mr. DITTER, and Mr. PLUMLEY.

UN-AMERICAN ACTIVITIES

Mr. TAYLOR of Tennessee. Mr. Speaker, there is very little of material interest I could add to the very able presentation of this resolution by the distinguished gentleman from Indiana.

This is the second investigation of this character which has been conducted by Congress during the past 7 years. In 1930 Congress set up a special committee, of which the distinguished gentleman from New York [Mr. FISH] was chairman, which carried on a very extensive and thorough and very beneficial investigation at that time.

The Seventy-third Congress set up a special committee to investigate un-American activities, and I had the honor to be a member of the committee. We were seriously handicapped due to the fact that we did not have sufficient funds, less than $30,000, and, furthermore, we did not have authority to compel attendance of witnesses except when we sat in the city of Washington, or to require witnesses to produce documents and material of that kind. However, as the result of this investigation Congress has since enacted a statute which confers such authority upon special committees. It is an authority which the committee now sought to be created can employ if it is permitted to make this investigation. We were seriously handicapped and embarrassed by the refusal of witnesses whom we summoned to appear and to produce papers and documents. If this resolution is passed, however, the committee set up will not have this difficulty.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. TAYLOR of Tennessee. I yield.

Mr. SNELL. I was somewhat surprised at the statement that under the original resolution the committee could not compel the attendance of witnesses and the production of books and papers.

Mr. TAYLOR of Tennessee. Only when the committee sat in the District of Columbia.

Mr. SNELL. So that was it?

Mr. TAYLOR of Tennessee. Yes.

Mr. SNELL. I know we did that years and years ago, for a long time.

Mr. TAYLOR of Tennessee. Since that time, may I say to the gentleman from New York, Congress has enacted a statute which confers that authority on special committees.

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

Mr. TAYLOR of Tennessee. Yes.

Mr. KNUTSON. Will the gentleman kindly tell the House what legislation resulted from this long, protracted investigation?

Mr. TAYLOR of Tennessee. This one piece of legislation I have mentioned resulted from it. May I say, modestly, because I was a member of the committee, that I think the special committee set up by the Seventy-third Congress did a splendid work. It had as chairman the distinguished gentleman from Massachusetts [Mr. MCCORMACK], a man of outstanding ability, who rendered really high-class constructive service as the chairman of the committee.

Mr. COLDEN. Did the committee hold official hearings in Mexico City and in Germany and other foreign countries?

Mr. TAYLOR of Tennessee. No; we did not leave the United States.

It seems to me recent developments certainly warrant an investigation of un-American activities in this country. I think it is universally agreed that communistic influences to some extent are back of the sit-down strike epidemic which is afflicting our Nation. In reading accounts in the press of the speakers who have harangued the strikers in Detroit, I noticed that of the score or more of so-called orators who harangued the mobs out there only two or three had American names. I think perhaps a large percentage of them were alien Communists.

Mr. BOILEAU. If the gentleman will yield, will the gentleman tell us what an American name is, in his judgment?

Mr. TAYLOR of Tennessee. I think I can. I think I can recognize a good American name.

Mr. BOILEAU. It seems to me that in this House there are Members with names of various nationalities.

Mr. TAYLOR of Tennessee. I think "Boileau" is a good American name.

Mr. BOILEAU. Thank you very kindly. I appreciate that. However, it seems to me that is one of the fallacies we have to get out of the minds of the American people.

Mr. TAYLOR of Tennessee. This resolution is not directed at any particular class or any particular group. It is universal in its application.

Mr. JOHNSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I must decline to yield; I have so many requests for time.

Mr. JOHNSON of Minnesota. The gentleman mentioned the C. I. O.

Mr. TAYLOR of Tennessee. I understand the C. I. O. has repudiated the sit-down strikes.

Mr. JOHNSON of Minnesota. What I would like to find out is what is un-American. I cannot seem to get anybody on the committee to give us a definition of that.

Mr. TAYLOR of Tennessee. The gentleman should experience no difficulty in determining a proper definition for "un-American." May I cite Fritz Kuhn, who was naturalized in Detroit December 3, 1934, after Hitler had ordered all the members of the Friends of New Germany to be American citizens.

By the way, may I say that in my opinion our investigation 3 years ago was responsible for the disruption and disintegration of the organization known as the Friends of New Germany, but another organization has sprung up in its wake, known as the Storm Troopers, whose leader claims a membership of over 200,000 in the United States. They have purchased large tracts of land where they are training German youths of the United States.

Mr. KELLER. Where?

Mr. TAYLOR of Tennessee. In the State of New York, on Long Island. They bought the camp that was used by the United States Government to mobilize troops during the war before sending them abroad. They own this camp, and on Sunday mornings they go out there in German uniforms and march and salute, "Heil, Hitler." There is another camp in New Jersey where they have such training schools on Sundays, and children 5 and 6 years of age are taught reverence for and loyalty to the German Government instead of reverence and loyalty for their own Government.

They dress in uniforms patterned after the storm troops of Germany and are trained the same as German storm troops; trained in good Hitler fashion to salute, "Heil, Hitler", and take an oath of allegiance to Hitler, using the Nazi flag and the swastika instead of using the red, white, and blue.

I contend that a situation of this kind should not be tolerated on American soil.

A moment ago, just before I rose, there was some controversy about the endorsement of this bill by the American Legion. I have here a letter from Mr. Chaillaux, director of the national Americanism commission of the American Legion, dated March 4, in which he says:

> The last two national conventions of the American Legion have unanimously expressed their bitter opposition and their determination to oppose communism or fascism and nazi-ism in the United States. It is hoped that if H. R. 88 is adopted and a committee appointed the committee will go into a very thorough investigation of the activities of organizations and individuals of all three of the before-mentioned "isms."

Mr. THOMAS of New Jersey and Mr. O'MALLEY rose.

Mr. TAYLOR of Tennessee. I should not consume further time, as I have so many requests for time, but I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. Did the gentleman see the parade that passed the Capitol here the other day?

Mr. TAYLOR of Tennessee. I did.

Mr. THOMAS of New Jersey. Did the gentleman notice in that parade the soldiers that were dressed in Scottish kilts and playing bagpipes?

Mr. TAYLOR of Tennessee. I do not believe I saw that.

Mr. THOMAS of New Jersey. Well, they were in the parade.

Mr. TAYLOR of Tennessee. Perhaps so; and that was very appropriate under the circumstances.

Mr. THOMAS of New Jersey. Under this resolution we should really investigate them, too. [Laughter.]

Mr. TAYLOR of Tennessee. Oh, no; but we should investigate the organization of which Mr. Fritz Kuhn is the director.

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

Mr. TAYLOR of Tennessee. I yield.

Mr. CARLSON. May I ask the gentleman if the committee went into the proposed or estimated cost of this investigation in any way, and what we may consider to be a fair estimate of the cost?

Mr. TAYLOR of Tennessee. Of course, if the committee is set up it ought to be adequately financed. A committee that is hampered or crippled by lack of funds is absolutely useless and its efforts are abortive. I would say that from $50,000 to $75,000 would be ample.

Mr. CARLSON. Would that be the maximum?

Mr. TAYLOR of Tennessee. I would say that $75,000 would certainly be the maximum.

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

Mr. TAYLOR of Tennessee. I yield.

Mr. MOTT. The gentleman is denouncing communism, Hitlerism, and fascism, and we are all opposed to such isms, and I think we all would like to have an investigation of those activities, and I suggest to the gentleman that if he really wants this bill to pass he should have it provide for an investigation of communism, Hitlerism, and fascism and then it will pass, but if the gentleman keeps the present language in here, the bill will not pass.

Mr. TAYLOR of Tennessee. I think the language is sufficiently broad to cover the point raised by the gentleman.

Mr. Speaker, I reserve the balance of my time and yield 10 minutes to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Speaker, if the House is in the mood today to do something that is truly worthless and useless, I can conceive of nothing more fitting than the passage of this resolution. [Laughter and applause.] It proposes to let another investigation committee sit until January 3, 1939.

This is just a fine example of the type of investigation the House has been ordering, because we find it had completely finished its work in the Seventy-fourth Congress, and now they seek to revive and rehash everything that was done at that time.

Mr. Speaker, I do not desire to be unkind. I speak entirely impersonally, for I do not refer to any individual Member, but investigations of this nature, and the membership of the House knows it, are generally for the self-glorification and advertisement of those who conduct them and who have an itch and flair for publicity and advertisement in the papers of the Nation, rather than in the sober forum of the committee rooms. [Applause.]

Now, what has the House of Representatives been doing on this question? In 1930, Mr. FISH, investigating the Communists, spent $20,000. In 1934, Mr. DICKSTEIN comes in and gets $30,000 for an investigation he now seeks to continue. The then Speaker of the House prevailed upon the distinguished gentleman from Massachusetts [Mr. MCCORMACK] to head that investigation. My love and affection and esteem and my admiration for his outstanding ability is well known by most of the Members. Certainly any report that he brings to this body is worthy of careful consideration and thought. That report was filed and six recommendations were made. Five required legislative action. One minor one was passed, and what became of the others? A bill was introduced and was favorably reported by a committee of this House to shorten and terminate the stay in the United States of certain aliens not admitted for permanent residence. What happened to it? It was reported out of committee on February 21, 1935, in a session of Congress that lasted until August 30. Then we had the entire second session of that Congress to consider that measure. It was embalmed and put to sleep without a rule being brought in to permit us to consider it.

What else did they do? They brought in a bill to provide for the exclusion and expulsion of alien Fascists and Communists. Is there anything wrong with that? That was reported out on May 17, 1935, and what became of that? It quietly rested without a rule during the duration of the Seventy-fourth Congress.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes; I yield.

Mr. O'CONNOR of New York. If either one of those measures were ever in the Rules Committee, the Rules Committee was never conscious of it. Nobody ever spoke to the Rules Committee about them being there.

Mr. MCCORMACK. What bill did the gentleman first mention?

Mr. WARREN. I am referring to a bill to shorten and terminate the stay of certain aliens in the United States.

Mr. MCCORMACK. Two bills were reported out, one making it a crime to willfully and knowingly advocate the overthrow of government by force and violence. The Rules Committee never gave a hearing, and the gentleman knows I talked with him many times about it.

Mr. O'CONNOR of New York. On that particular "crackpot" proposal the gentleman has in mind——

Mr. WARREN. I do not yield further, Mr. Speaker.

Mr. O'CONNOR of New York. The Rules Committee was never even asked to give a hearing.

Mr. MCCORMACK. When the gentleman talks about a "crackpot proposal", that leaves the gentleman open to criticism.

Mr. WARREN. I decline to yield further, Mr. Speaker.

Now, as the gentleman from Massachusetts [Mr. MCCORMACK] just stated, a third bill recommended by this investigation committee was to prohibit statements and publications advocating the overthrow of the Government by violence. That was reported out on August 21, 1935. Where is it? What is the matter with a bill of that nature? Why should not the House of Representatives have a right to vote upon it? The McCormack committee acted with due diligence. It reported out these measures as a result of its investigations, and the House was never permitted to consider anything they did.

Now, here is the irony of it: The same committee that either failed or refused to bring in rules to pass legislation as a result of that investigation now brings in this resolution today to continue the investigation. [Laughter and applause.] Ah, Mr. Speaker, why should the House of Representatives wish to do anything more to stir up racial and religious intolerance and bigotry throughout this Nation? [Applause.] Why should we again fan the flames for the personal gratification of someone who might wish to be on some investigating committee? [Applause.]

Here is a letter I received from the editor of one of the leading Jewish papers in America. It is dated March 26. It is from the editor of the American Hebrew. He says:

> Convinced that the present pressure on Members of the House of Representatives to secure congressional sanction for another investigation into un-American activities is unwarranted and unsupported by public sentiment, we beg to call to your attention the attached editorial from our current issue.
>
> Our views are based on first-hand contact with responsible Jewish opinion throughout the Nation as well as on the impression that Americans generally would prefer legislation in accordance with recommendations made some time ago by the House committee on un-American activities.
>
> We all realize the dangers of un-American propaganda, but we are convinced that those earlier recommendations provide amply for remedial legislation—if acted upon concertedly and without

delay. Certainly, a fresh investigation would only tend to leave the gates open for a further influx of propagandists, not to speak of the known sinister activities of existing subversive factors.

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

Mr. WARREN. Not now.

What are we going to investigate again? We have the Department of Justice in Washington. We have a Bureau of Investigation that is the pride of this Nation. We have postal inspectors who have made their mark throughout the history of the Post Office Department. If subversive movements are going on, if legislation is necessary, let us pass a law. If men are marching the streets of this country in alien uniforms, let us pass a law. Let us resurrect the bills which the able gentleman from Massachusetts [Mr. McCORMACK] brought out here at the last Congress and pass them, and not go ahead and create another investigating committee every time anyone says "boo!" at Congress. [Laughter and applause.]

I do not know anything about all this un-American stuff, Mr. Speaker. It does not exist in the section of the country that I come from. No crank or "crackpot" or alien or Fascist or Communist is going to undermine this Government. If this Nation is destroyed, if this Nation is undermined, if our form of government is ever changed, it is going to be by the duly elected representatives of the people, gathered here in the Congress of the United States. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. McCORMACK. Mr. Speaker, I happened to be chairman of the special committee of the Seventy-third Congress, to which the distinguished gentleman and my personal friend the gentleman from North Carolina [Mr. WARREN] has referred. There is one observation that I want to make which I think overshadows legislative recommendations, and that is that in a democracy the power that is greater than anyone or anything, greater than President, Vice President, Senator, Congressman, Governor, or anyone else elected or appointed to public office, is "the public opinion of the United States." When you start investigating organizations engaged in subversive activities the greatest results that can be obtained from such committees is the arousing of public opinion. If a committee accomplishes that purpose, so far as beneficial results are concerned, it has rendered generally the greatest service possible.

Subversive activities oftentimes operate in a manner so that they cannot be legislated against without invading clearly the constitutional rights of freedom of speech and freedom of the press. Where to draw the line of demarcation from a legislative angle is difficult to determine, because legislation might be recommended and invariably would have to be recommended that would interfere with organizations and activities that are absolutely consistent with our ideals of government.

If a condition exists which requires investigation, in order to present the evidence obtained to the American public to form public opinion, then it should be done without regard to what the legislative results are.

The committee of which I was chairman made 6 proposals out of over 50 proposals before us. Some of them I would not support. I may differ with people, but if they are acting within the law I will insist upon their constitutional rights being protected.

I recognize the right of any person or any movement to advocate anything that they want to under our constitutional set-up, subject to the law of libel and slander, so long as they do it within the law, so long as they do not advocate the immediate or ultimate overthrow of our Government by force and violence. When anybody undertakes to say that a bill making it a crime to "willfully and knowingly to advocate the overthrow of Government by force and violence" is "crackpot" legislation, I challenge that statement. [Applause.] Since when is it "crackpot" legislation to propose a bill making it a crime for a person to "willfully and knowingly to advocate the overthrow of Government by force and violence"? That bill was reported out of the Judiciary Committee but could not get a hearing before the Rules Committee.

Of the recommendations made by the Special Committee on Un-American Activities, five were legislative and one was not legislative. The gentleman from North Carolina [Mr. WARREN] has correctly stated the situation from that angle. I think four bills were reported out of the committee, but at least three were reported out. One has become law.

As a result of our investigation, valuable information from an immigration angle was obtained, and became the basis of legislative consideration by the Committee on Immigration and Naturalization. One bill is now pending before the Committee on Foreign Affairs. This committee, however, has been exceedingly busy with important legislation, and I have refrained from asking them for a hearing, because I appreciated the fact that the committee was so busy. This session and last session they have devoted practically their entire attention to neutrality legislation. When the neutrality bill is out of the way I am going to ask for a hearing before the Foreign Affairs Committee on a bill which I introduced carrying out one of the recommendations of the committee.

Our recommendations were consistent with our ideals of our Government. It must be remembered that a special committee must be very careful in the making of legislative recommendations, because if they are not they will make recommendations which conflict with the constitutional rights which every one of us possess.

The great value of investigating committees of this kind, as I see them, is to obtain the evidence of a subversive nature and give it to the American people, to bring these subversive activities out into the open. If this is done, the public opinion of this country will be aroused in the right direction. The committee of which I was chairman operated for only 6 months. We never had one adverse editorial criticism. Thousands of editorials complimented the committee.

[Here the gavel fell.]

Mr. GREENWOOD. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. McCORMACK. No elements of the American people were under investigation by this committee. This committee had the confidence of all of the people who were interested in and concerned about the investigation. The committee specifically complimented the Americans of German blood in this country. Because of the fact that nazi-ism was under investigation the committee in its report specifically complimented the approximately 20,000,000 Americans of German blood in this country. We were not investigating them. We were investigating the small group that was trying to transport from Germany to this country vicious persecution, which was trying to array American against American because of difference of religion and blood.

Mr. Speaker, the great value that a special committee of this kind will have to the people and to our country is the arousing of public opinion against subversive activities and in stalwart support of our constitutional and democratic processes of government. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, I was a member of the McCormack committee. I yield to no man in paying proper deference to the chairman of that committee, the gentleman from Massachusetts, Mr. McCORMACK, who has just addressed us; but in spite of that I find myself unable to support this resolution. In the first place, I am opposed to the expenditure of the money necessary to carry on this investigation. It is not wise to spend $50,000 or $75,000 on this investigation. The investigation that our committee made 3 years ago cost the Government approximately $30,000. We brought out enough evidence upon which to build all the legislation necessary. This proposed investigation is for the purpose of gaining information upon which to build additional legislation. I maintain that we already have such information. I think that if the distinguished gentleman from Massachusetts, Mr. McCORMACK, and the distinguished gentleman, Mr. TAYLOR of Tennessee, will get together and

from the wealth of information that they already have, present legislation to cover this situation. And if they will advocate the same as forcibly and eloquently as they have spoken today, I think the House will support it. Why waste this money? I am against it. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. MAVERICK].

LET US PREVENT WAVE OF ANTISEMITIC PROPAGANDA

Mr. MAVERICK. Mr. Speaker, I think we have arrived at the place now where this resolution is going to be defeated. That is the way it looks to me, although I do not know.

Mr. Speaker, I believe that this resolution proposed by Mr. DICKSTEIN is a very dangerous thing. I have mentioned before that I have received scurrilous letters about the Jews. Of course, I receive scurrilous letters about everything, including myself. These ill-advised letters are only a beginning to what will come if we pass this resolution.

I am very fearful of this resolution. If it is passed it will have the tendency to start a wave of anti-Semitic propaganda all over this country. I believe the resolution is ill-advised, and of no good purpose whatsoever.

If you want to do Mr. DICKSTEIN a favor, if you want to stand by the Jews of this country, as well as all other citizens, you ought to vote this resolution down.

Mr. Speaker, the Army of the United States has the best intelligence department in the world. The Navy also has a good intelligence department; in fact, I think it is a little better. Mr. J. Edgar Hoover has a fine secret-service department. We have the Department of Justice. This Nation is in no danger.

AH, THE GENTLEMAN WITH A SWASTIKA ON HIS CHEST

This is nothing but a witch-hunt, that is all it is. The last time they were hunting Communists. This time they are going to hunt Fascists. All we ought to do is to have Mr. DICKSTEIN get up and have somebody parade before him with a swastika in front of him, get plenty of pictures, and end the whole business. That would be best for all.

DICKSTEIN RESOLUTION A BOOMERANG OF INTOLERANCE

Mr. Speaker, seriously, this is a dangerous thing. The resolution goes on to say,

Slanderous or libelous un-American propaganda of religious, racial, or subversive political prejudices.

That covers everything on the face of the earth.

Let the proponents of the bill beware. It may be a boomerang of intolerance, and return to curse those who favor it. Kill this resolution. Cut it down.

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, I agree with preceding speakers who have stated there is absolutely no justification or necessity for the passage of this legislation. The gentleman from New York has on a number of occasions, if quoted correctly in the press, stated he knows several hundred in our country who are carrying on subversive activities against this Government. May I ask the gentleman from New York if he has submitted those names to the Department of Justice?

Mr. DICKSTEIN. I have submitted a lot of lists to the Department of Justice and they are helpless. They want some witnesses to testify under oath, so that they may follow some of these agitators right on down the line.

Mr. KNUTSON. The Department of Justice refuses to follow a lot of old women's tales. They are to be commended.

Mr. Speaker, I am not one of those who looks under the bed upon retiring at night, expecting to find a Communist or Fascist.

Mr. DUNN of Pennsylvania. Or an Irishman.

Mr. KNUTSON. They will take the Irish in before they get through, especially the Hibernians.

Mr. McCORMACK. Will the gentleman yield?

Mr. KNUTSON. I yield to my good friend from Massachusetts.

Mr. McCORMACK. May I correct an erroneous impression that the gentleman from North Carolina [Mr. WARREN] unintentionally created? The Department of Justice has no authority to make an investigation unless there is involved the violation of a Federal law. The only law with reference to communism has to do with conspiracy, where two or more persons conspire to violate a Federal statute. They have absolutely no authority otherwise. They did have some authority during and shortly after the war in this respect, but the appropriations were taken away from them after the war.

Mr. KNUTSON. Mr. Speaker, I have known of a number of investigating committees in my time, and I do not recall any that has brought forth substantial results, except to afford the membership an opportunity to go around the country, live at the best hotels at the expense of the taxpayer, and indulge in a lot of self-glorification. May I say that one or two of these special committees which have been appointed by this House have degenerated into rackets. Indeed, they threaten to become a national scandal. Where are you going to stop under this resolution?

Mr. SMITH of Washington. Name those committees.

Mr. KNUTSON. I am not going to.

Mr. SMITH of Washington. Why not?

Mr. KNUTSON. Because I think the gentleman is intelligent enough to know what has been going on, and I do not want to insult his intelligence.

Mr. Speaker, this resolution should be overwhelmingly defeated. I am sorry that the racial question has been brought up today, because it has no place on the floor of this American Congress. I realize, however, that in view of what has transpired in the past it was inevitable that it should come up, although I may say to the House that a very considerable element of the Jewish people are opposed to this resolution, and in support of that statement I at this point insert a portion of a leading editorial from the American Hebrew, a leading Jewish magazine, in its issue of March 26:

Another congressional investigation of racial, religious, and "subversive political" propaganda is being sought, although American Jewry at large does not want it.

The House Rules Committee has been belabored by Representative SAMUEL DICKSTEIN, of New York, all session for approval of his latest investigatorial resolution. What the House itself will do is undetermined, but the powerful Rules Committee may not be able to withstand the strong artificial pressure.

If you believe as we do that the bigotry and intolerance of the ages cannot be stopped by a congressional head-hunting expedition; that American Jewry's best interests will not be furthered by a daily parade in the papers of anti-Jewish drivel; if you believe sufficient is known about the situation to warrant not investigation but new laws—then get in touch with your Congressman and tell him so. Tell him, moreover, that sufficient effective legislation, if passed, is contained in the recommendations of the original House Committee on Un-American Activities, which were as follows:

"1. That Congress should enact a statute requiring all publicity, propaganda, or public relations agents or other agents or agencies, who represent in this country any foreign government or a foreign political party or foreign industrial or commercial organization, to register with the Secretary of State of the United States, and to state name and location of such foreign employer, the character of the service to be rendered, and the amount of compensation paid or to be paid therefor.

"2. That Congress should enact a statute conferring upon the Secretary of Labor authority to shorten or terminate the stay in this country of any visitor admitted here under temporary visa, whenever in the judgment of the Secretary such visitor shall engage in the promotion or dissemination of propaganda or engage in political activity in the United States.

"3. We recommend negotiation by the State Department, in collaboration with the Department of Labor, of treaties and agreements with foreign nations by which such nations shall agree to receive back any persons entering this country from such foreign nation at any time such immigrant shall become subject to deportation under our laws.

"4. That Congress will make it unlawful to advise, counsel, or urge any member of the military or naval forces of the United States to disobey the laws or regulations governing such forces.

"5. That Congress shall enact necessary legislation enabling the United States attorneys outside of the District of Columbia to proceed against witnesses who refuse to answer questions, or refuse to produce documents and records, or refuse to appear, or who in any other manner hold in contempt the authority of any congressional committee vested with the powers herein described at any time during the official life of the committee.

"6. That Congress shall make it unlawful for any person to advocate changes in a manner that incites to the overthrow or destruction by force and violence of the Government of the United States, or of the form of government guaranteed to the several States by article IV of the Constitution of the United States."

Those of the Jewish faith who advocate the proposed investigation are rendering a distinct disservice to their kinsmen in other lands. This constant agitation can only be to their hurt.

We want none of this in our country. Here all should be free to live their own lives, so long as they do not conflict with our laws. In this land of the free there is no place for religious and racial prejudice; but let me warn my friend from New York that such ill-tempered statements as he has frequently made against the German people can only work to the injury of his coreligionists in other lands and perhaps ultimately in this country. I fear that this very serious subject is being made a football by designing and unscrupulous politicians and ultimately may result in untold suffering among millions of innocent people.

I join with the American Hebrew in asking for the defeat of this legislation, and I do so because I have an abhorrence for the evil consequences that its passage would inevitably bring about.

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, may I call the attention of the House to the fact that when an appropriation bill came up for consideration a short time ago this House went into a great dither about a legislative limitation in that bill which would preclude committees of Congress from going down to the departments and siphoning people out of those departments and using the regular appropriations for that purpose.

Now, if you will examine the language of this bill on the bottom of page 2 and the top of page 3, you will find that this investigating committee would be authorized to draw upon the employees and the facilities of the Department of Justice and the Post Office Department. Under this bill they could siphon almost every member of the F. B. I. out of the Department of Justice and exhaust their regular appropriation, making no accounting for it. The proposed committee could impound the services of the G-men and divert them from their regular duties. If that is not an abuse, I never saw an abuse in the history of legislation in this House. [Applause.]

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. O'MALLEY].

Mr. O'MALLEY. Mr. Speaker, when the original investigation of this type came up 2 years ago, I opposed the investigation, because I believe it is impossible to fight persecution with persecution, and that it is impossible to fight bigotry with bigotry and expect any success or benefit to our country. There is no need for bringing upon the floor of this House any resolution which questions the Americanism of anybody. I regretted very much to hear a Member of this House say there are such things as American names. I represent a district which has many people of foreign birth, and they are just as good Americans as anybody in this House.

I hope this resolution will be defeated, because all it will do is stir up again the racial prejudice this country happily in the last few years seems to have discarded and forgotten about.

May I also point out that although the committee which was previously created recommended five bills, the gentleman who introduced this resolution never filed a discharge petition to bring out a single one of the bills and never made a move which would give us a chance under the rules to vote on the bills his own investigating committee recommended. If he is so interested in putting through legislation to stop these un-American activities he claims exist, he should get busy on these bills and forget about any further investigations.

Mr. GREENWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. Cox].

Mr. COX. Mr. Speaker, I am not particularly enamored of this resolution. I developed my objections to it in the Committee on Rules, but they were overcome by evidence which I thought most impressive. We know, Mr. Speaker, that a controversy has been running on for a long time which has been most disturbing to large groups of our people, and which the good of the whole demands should be brought to an end. There are those, Mr. Speaker, who believe the particular propaganda to which reference has been made is fostered by certain governments. I do not believe that. I believe the activities referred to in most instances are rackets that are being engineered by certain individuals. This investigation would at least develop the truthfulness of charges made with respect to these activities. It would tend, in my opinion, to bring about a better understanding and a more friendly relation between these particular groups. The purpose of the resolution is to investigate un-American propaganda which tends to incite the use of force and violence. In that respect the resolution meets all the demands of those who have objected to its adoption, expressing preference for a resolution to investigate communism in this country. Communism is un-American, and these other subversive activities referred to are un-American. Again, the resolution provides for the investigation of un-American activities in this country.

I believe, Mr. Speaker, the good of the country, and particularly the peace of mind of a very large group of our citizenry would be well served if this resolution were adopted and the investigation called for properly conducted. I hope, Mr. Speaker, the House will see fit to adopt the resolution, because I believe this large group to which I have referred will be sorely disappointed, and fairly so, if the House takes unfavorable action upon it.

[Here the gavel fell.]

Mr. GREENWOOD. Mr. Speaker, I move the previous question on the resolution.

Mr. O'MALLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'MALLEY. If the motion for the previous question is defeated, the resolution will then be open for amendment?

The SPEAKER pro tempore. The gentleman is well informed.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. If we vote down the motion for the previous question, then, the Speaker states, the resolution will be open for amendment. Will we then be under the 5-minute rule? Will the rest of us who are opposed to the resolution be enabled to speak on it or offer amendments?

The SPEAKER pro tempore. Being in the House, its consideration will be under the 1-hour rule.

Mr. RANKIN. Then every Member who rose to speak would be recognized for 1 hour? I am for that.

The SPEAKER pro tempore. Any Member recognized by the Chair would be entitled to recognition for 1 hour.

The gentleman from Indiana moves the previous question on the resolution.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

Mr. WARREN. Mr. Speaker, I move to lay the resolution upon the table.

The SPEAKER pro tempore. The question is upon the preferential motion of the gentleman from North Carolina to lay the resolution on the table.

The question was taken; and there were on a division (demanded by Mr. GREENWOOD)—ayes 184, nays 38.

So the motion to lay the resolution on the table was agreed to.

On motion of Mr. WARREN, a motion to reconsider the vote by which the resolution was tabled was laid on the table.

Mr. WARREN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WARREN. Mr. Speaker, in a few minutes another resolution for an investigation will be called up. It deals with the sit-down strike. I, of course, am opposed to sit-down strikes. I condemn and denounce them as lawless and un-American, and stand ready to vote for any proper declaration of policy affecting them. I am opposed, however, to a congressional investigation, for there is no Federal question involved.

The word has gone out on the minority side of the Chamber that all those gentlemen who joined with us just now in defeating one resolution should stand up and vote for the next resolution, for they think it might tend to embarrass the present administration.

Mr. COX. Mr. Speaker, will the gentleman yield there?

Mr. WARREN. I said the minority side of the House.

Mr. COX. I was wondering if the gentleman meant to put the administration on record on this proposition?

Mr. WARREN. I cannot yield. I did not say so.

Under this rule there is 1 hour of debate, which is controlled entirely by the Committee on Rules. The gentleman from Georgia informed me yesterday he had allotted at least 20 of his 30 minutes to those in favor of the resolution. I understood the gentleman from Massachusetts [Mr. MARTIN] to say this morning he had tentatively allotted 25 of his 30 minutes to those favoring the resolution.

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

The regular order was demanded.

The SPEAKER pro tempore. Does the gentleman decline to yield?

Mr. WARREN. I decline to yield.

Mr. COX. He ought to yield, because I offered him time.

The regular order was again demanded.

Mr. WARREN. I have nothing further to say on this subject. I do not desire any more time; but in the spirit of fairness, this time ought to be extended so it could be equally divided between those who are in favor of and those who are opposed to this resolution. [Applause.]

EXTENSION OF REMARKS

Mr. ELLENBOGEN asked and was given permission to extend his own remarks in the RECORD.

INVESTIGATION OF SIT-DOWN STRIKES

Mr. COX. Mr. Speaker, I call up House Resolution 162 for immediate consideration.

Mr. BOILEAU. Mr. Speaker——

The SPEAKER pro tempore (Mr. FRED M. VINSON). For what purpose does the gentleman from Wisconsin rise?

Mr. BOILEAU. To propound a unanimous-consent request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent that in the consideration of the resolution that is now about to be brought up the time for debate be extended 1 hour, and that one-half of the additional time be yielded to those who are opposed to the resolution.

The SPEAKER pro tempore. The Chair will state to the gentleman from Wisconsin that there is nothing before the House at this time.

Mr. BOILEAU. I refer, Mr. Speaker, to the resolution which will be brought up, House Resolution 162, and ask, when that resolution is brought up, the time be extended 1 hour.

The SPEAKER pro tempore. At the appropriate time the gentleman may submit his request.

Mr. BOILEAU. Is not this the proper time to make the request?

The SPEAKER pro tempore. It is not; the resolution is not before the House.

Mr. BOILEAU. Will I be recognized at the time the measure is called up?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia [Mr. Cox].

Mr. COX. Mr. Speaker, I call up House Resolution 162 for present consideration.

The Clerk read as follows:

Whereas an epidemic of sit-down strikes is sweeping the Nation and threatening the very foundations of orderly government; and

Whereas many of such sit-down strikes are accompanied by refusal on the part of the strikers to permit the owners of the property to enter their property or to have access to their files or to exercise any of the prerogatives of lawful ownership; and

Whereas such sit-down strikes are doing infinitely more harm to the cause of labor than to the cause of industry and will likely produce a public reaction which will set back the cause of labor for another decade; and

Whereas it has been reported that some of the participants in these sit-down strikes have gone so far as to picket the courthouses and interfere with the orderly administration of justice; and

Whereas it is imperative that the Congress of the United States shall know the cause or causes of such sit-down strikes and what influences are producing same; and

Whereas it has been reported that some of these sit-down strikes are engineered by some who wish to discredit labor in the eyes of the American people; and

Whereas it is imperative that Congress shall investigate the whole situation from every angle and, as the same affects management, stockholders, and employees, to determine not only the causes but to immediately determine what steps the Federal Government can take to remedy this deplorable situation; and

Whereas such strikes have become Nation-wide in scope and directly influence the free movement of commerce from one State to another and from one section to another; and

Whereas labor is losing millions of dollars in consequence of such sit-down strikes: Therefore be it

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a special committee to be composed of seven members, not more than five of whom may be from the same political party, for the purpose of conducting an investigation of facts regarding (1) the cause or causes producing such sit-down strikes; (2) the truth as to actual conduct of all parties to such strike, including the management and those acting under the management as well as those who take part in the strike; (3) upon whose advice and instigation such sit-down strikes were called and carried on; (4) the true condition in the affected industries in reference to wages, hours of work, and other conditions under which the employees are compelled to work; (5) the charges that the management of such affected industries have employed agents to perpetrate violence upon their employees; (6) the efforts made by the local and State authorities to prevent such sit-down strikes; (7) and all other charges which have been made or will be made by the representatives of labor on the one hand and the management of industry on the other so that a full, complete, and impartial finding of facts may be had; (8) and all other questions in relation thereto that would assist Congress in the immediate enactment of necessary remedial legislation.

Such special committee when organized is hereby authorized to request the fullest cooperation in the conduct of this investigation from the Department of Labor and the Department of Justice, and such other departments of the Government that the committee may deem necessary, including access to all files from such departments pertinent to the investigation, and use of such employees and facilities of such departments as may be advantageous to the conduct of such investigation.

That said special committee, or any subcommittee thereof, is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such records, books, papers, and documents, by subpena or otherwise, and to take such testimony as it may deem necessary.

Subpenas shall be issued under the signature of the Speaker of the House of Representatives at the request of the chairman and shall be served by the Sergeant at Arms of the House or any person designated by him. The chairman of the committee or any member thereof may administer oaths or affirmations to witnesses.

Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, or who, having been required to produce records, books, papers, and documents pertinent to the investigation heretofore authorized, fails or refuses to produce such required records, books, papers, and documents, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192), as amended.

Mr. COX and Mr. BOILEAU rose.

Mr. COX. Mr. Speaker, in view of the very great interest in this resolution which has been manifested here on the floor of the House, I feel justified in asking unanimous consent that the debate be extended 1 hour, making a total of 2 hours of debate on the resolution.

Mr. ANDREWS and Mr. MARTIN of Colorado rose.

Mr. ANDREWS. I object, Mr. Speaker.

Mr. COX. Then I may say in connection with this request, Mr. Speaker, that with the time at my disposal I shall undertake to divide the time equally between those for and against the resolution, and I hope the same course will be followed by the gentleman controlling the time for the minority.

Mr. ANDREWS. I object, Mr. Speaker.

Mr. RAYBURN. Mr. Speaker, will the gentleman from Georgia yield?

Mr. COX. Yes; with pleasure.

Mr. RAYBURN. Mr. Speaker, this is an important resolution, and in view of some statements that have been made here, I ask unanimous consent that the time may be extended 30 minutes, the time to be equally divided between the gentleman from Georgia [Mr. Cox] and the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I do this simply for the purpose of correcting the RECORD as it now stands. The gentleman from North Carolina [Mr. WARREN] a short time ago made the statement I had said that 25 minutes of the 30 minutes allocated to this side was to be given to those who are supporting the resolution. I know the gentleman did not purposely make a misstatement and it was due to a misunderstanding. I never knew exactly how my time was to be divided until the debate started.

Mr. WARREN. Mr. Speaker, I just came into the Chamber. Will the gentleman from Massachusetts yield?

Mr. MARTIN of Massachusetts. Certainly.

Mr. WARREN. I did not hear all the gentleman said. If I misunderstood him, I am sorry and regret very much that I got the wrong impression.

Mr. COX. Will not the gentleman from Massachusetts yield to me for the purpose of asking the gentleman from North Carolina a question?

Mr. MARTIN of Massachusetts. I yield.

Mr. COX. Does not the gentleman from North Carolina recall that in the reading room here on yesterday he stated to me he wanted 3 minutes' time?

Mr. WARREN. That is correct.

Mr. COX. And I finally consented to give it to the gentleman out of my time?

Mr. WARREN. The gentleman finally consented to give me 2 minutes.

Mr. COX. Did I not tell the gentleman, as we stepped out of the room and were joking with one another, that I would give him the 3 minutes?

Mr. WARREN. The gentleman told me 2 minutes and I told him I did not care for it, and the gentleman told me the only one he had agreed to yield time to who was opposed to it was the gentleman from Ohio [Mr. HARLAN], to whom he had agreed to yield 10 minutes.

Mr. COX. Yes; Mr. Harlan is a member of the committee.

Mr. MARTIN of Colorado. Mr. Speaker, reserving the right to object——

Mr. FITZPATRICK. Regular order, Mr. Speaker.

Mr. MARTIN of Colorado. I object, Mr. Speaker. If we can get only 30 minutes, we do not want any time. It is very obvious the Rules Committee think they can shove this resolution down our throats without any debate. [Cries of "Vote!" "Vote!"]

Mr. COX. Mr. Speaker, may I repeat my unanimous-consent request to extend the time for debate by 1 hour with the understanding the time shall be equally divided between those for and against the resolution?

The regular order was demanded.

Mr. COX. Mr. Speaker, I would like to renew my unanimous-consent request to extend the time for debate by 1 hour with the understanding that the time shall be divided equally between those for and against the resolution.

Mr. ANDREWS. I object, Mr. Speaker.

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

Mr. COX. With pleasure.

Mr. TARVER. If it is the desire of the House to have additional time notwithstanding these objections, by voting down the previous question, it could have additional time.

Mr. BOILEAU. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Georgia yield to the gentleman from Wisconsin?

Mr. COX. Only for the purpose of submitting a unanimous-consent request.

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent that the time be extended for one-half hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. MARTIN of Colorado. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. Cox] is recognized.

Mr. COX. Mr. Speaker, this resolution rests upon the assumption that the sit-down strike, which involves the holding of other people's property without their consent and against their will, is unlawful. The proposal is to investigate the cause of such strikes and place responsibility, in order that the public may be informed and the basis laid for legislation, either State or Federal, probably both, as some such practices may come within the jurisdiction of one sovereign and some the other.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield for a question?

Mr. COX. I cannot. But, aside from all this, a moral responsibility rests somewhere and upon somebody to speak up and condemn this form of lawlessness that threatens the peace and security of the Nation, and it might as well be here and upon this body as any other. [Applause.]

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. COX. I cannot.

No Member should vote for this resolution who believes that the laborer, in the enforcement of his demands, has the legal right to seize and hold the property of his employer in an effort to force compliance with his demands. But for those who believe that such a seizure is trespass, and when used for purposes of compulsion is extortion, that it is contrary to law and good morals, then there should be no hesitation, but each should be eager to express himself and thereby place this branch of the Congress on the side of law and order. [Applause.]

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

Mr. COX. No; I do not yield.

There is nothing in the resolution that is unfriendly to labor [laughter], except where labors favors the employment of illegal weapons in the effort to enforce rights, and this labor does not do. It is freely said that the sit-down strike is the result of alien influences in the ranks of labor. This I do not know, but I do know that the cause of labor demands the immediate expulsion from its ranks of all who preach, as well as all who practice, such lawlessness, for no organization can live, or ought to live, that flagrantly violates the rights of others or contemptuously defies the law. These communistic sit-down strikes should turn to the record of railway labor for a lesson from which they could profit.

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

Mr. COX. No.

This talk about being against the resolution because of a lack of power in the Congress to legislate with respect to the evil is a mere pretense of concern in the maintenance of State rights. Gentlemen who take this position today will tomorrow contend that the Federal Government should go into the States and exercise police powers which are peculiarly the prerogatives of local government. The opposition to this measure arises out of a disinclination to displease labor, and everybody knows it.

Mr. Speaker, the resolution presents an opportunity to the membership of this House to stand up and be counted either on the side of law and order or on the side of a government by lawless mobs. [Applause.]

The SPEAKER pro tempore. The gentleman from Georgia has consumed 6 minutes.

Mr. BERNARD. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BERNARD. Is this a democratic body or what is it? Is Mussolini or Hitler ruling here or what?

The SPEAKER pro tempore. The gentleman is out of order.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

ANOTHER OVERLORD SEEKS TO EXERCISE AUTHORITY IN THE PRINCIPALITY OF MICHIGAN

Mr. HOFFMAN. Mr. Speaker, I request that I be not interrupted.

Mr. Speaker, the gentleman from North Carolina [Mr. WARREN] a few moments ago made the statement that we on the Republican side of the House voted against the resolution then pending but would later vote for this resolution in order

to embarrass the President. That statement is decidedly unfair, is unworthy of the gentleman from North Carolina, and I am sure it is not in accord with the facts. The gentleman might at least credit those on this side and those on the Democratic side who voted "no" on the other resolution and who may vote "yes" on this resolution, with the same desire to serve our country that he claims for himself.

Sooner or later this House will be called upon to pass legislation having to do with labor troubles. We have the Wagner Act. That is on the books. During all these strikes it never was invoked by labor. My understanding is it could not be invoked by the employers.

Admitting that everything that has been charged against the employer as being improper is true, the fact remains that we have had these strikes, and the loss in wages alone ran as high as $1,000,000 a day for more than 40 days. This in the Flint strikes.

In the more recent Chrysler strike, the loss was more than $10,000,000 in wages, with a loss to retail merchants of Detroit and vicinity of $6,000,000, and to wholesalers of $7,750,000.

Nor is that the worst of the situation. After many days of conference, a solemn, written agreement was made between the corporation and the union that further sit-down strikes would not be countenanced, that production would not be interfered with.

Notwithstanding that agreement, strike after strike has occurred in the plants of General Motors during the period in which it was agreed that there would be none.

The following is a statement of the date of the strikes, the places where they occurred, the department of the factory, the time when the strike was called, the man-hours lost, and the number of employees involved:

Strikes in General Motors plants between date of settlement and Apr. 2, 1937

Date	Division	Department	Time	Man-hours lost	Employees involved
Mar. 16, 1937	Chevrolet, Flint	Sheet-metal inspection.	10 a. m.	13	25
Do	Fisher, Pontiac	Door department.	7:30 a. m.	38	50
Mar. 17, 1937	Fisher, Flint 1	North unit sewing room.		770	280
Mar. 18, 1937	Fisher, Cleveland	Press annex		12	21
Mar. 17, 1937	Chevrolet, Flint	Sheet-metal hood department.	2 p. m.	15	30
Mar. 19, 1937	Fisher, Flint 1	South unit sewing room.	8:30 a. m.	1,403	187
Do	do	North unit sewing room.	12	95	380
Do	do	Metal handlers and body loaders.		170	85
Mar. 20, 1937	Fisher, Cleveland	Pressroom, line C.		89	37
Mar. 23, 1937	do	Receiving	3:30 p. m.	93	53
Mar. 24, 1937	Cadillac, Detroit	Sheet-metal pressroom.	2:30 p. m.	750	300
Mar. 26, 1937	Chevrolet, Bay City.	All departments.	10 a. m.	5,178	863
Mar. 27, 1937	Chevrolet, Flint	Motor connecting rod.	3:30 p. m.	225	300
Mar. 29, 1937	do	do	1:15 p. m.	150	300
Do	Chevrolet, Oakland assembly.	All		18,000	2,000
Do	Fisher, Flint 1	Line welders, north unit.	10 a. m.	4	30
Do	do	do	11 a. m.	10	30
Mar. 30, 1937	do	do	5 p. m.	15	30
Mar. 31, 1937	do	Body metal, south unit.	2 p. m.	7	20
Do	Ternstedt	Die-cast melters.	3 p. m.	13	40
Do	Fisher, Cleveland	Knock-down	8 a. m.	188	150
Do	do	Die and machinery repair.	7:15 p. m.	3,750	500
Do	Buick, Flint	Motor plant		1,994	725
Do	do	Assembly		1,800	900
Apr. 1, 1937	G. M. truck, Pontiac.	Entire plant	9 a. m.	37,992	5,845
Do	Fisher, Pontiac	do		131,500	7,033
Do	Chevrolet, Flint assembly.	All	8 a. m.	6,690	892
Do	Chevrolet, Flint	Parts and service.	9:30 a. m.	3,177	450
Do	do	Entire plant	9:50 p. m.	21,125	6,500
Apr. 2, 1937	G. M. truck, Pontiac.	do		46,760	5,845
Do	Chevrolet, Flint	All plants		131,841	14,649

Does not this demonstrate the need for detailed and accurate information as to the cause underlying the present situation?

It must be assumed, for the sake of the argument, that all parties who entered into this agreement intended to comply with its terms. Then why was that agreement so repeatedly violated?

What are we going to do about it? Do we want the facts? Do we want to know whether or not just a few days ago, when Martin, a labor leader in Detroit, said they were going to put out of Michigan Reuther, Kraus, and Mortimer because of their "red" tendencies, he was correct or he was wrong? Do we want to know whether these strikes are caused by conditions which justify them; whether there is some excuse; or do we want to legislate in ignorance?

Do we want to know whether these strikes are the product, as some of the labor leaders have themselves stated, of "red" agitators within their ranks, or whether they are justified and are called, notwithstanding the agreement, on the order of the officers of the union?

In fairness to the officers of the union, we should cast aside all rumors, all newspaper reports, and ascertain for ourselves just who called these strikes, who participated in them, and the reason for such action.

Do we want to shut our eyes and close our ears and refuse to listen, or do we want to accept what the newspapers say or what comes from merely prejudiced or biased sources?

ANOTHER OVERLORD SEEKS TO EXERCISE AUTHORITY IN THE PRINCIPALITY OF MICHIGAN

A principality is a territory parcelled out to a prince. When the President called Murphy back from the Philippine Islands to be elected Governor of Michigan he assigned that territory to him.

Murphy's success in refusing to give to the people of Michigan their rights under the Constitution of the United States, his success in preventing the enforcement of the law when the citizens of Flint, when the police officers of that city, when the sheriff of that city, would have dispossessed those who held unlawful possession of the factories of that city and the streets of that city, has emboldened those with red tendencies within the ranks of the C. I. O.

It was a C. I. O. organizer who told police, when the big mass meeting was to be held in Cadillac Square in Detroit, that they might have authority to direct traffic. It was another of these leaders, who places himself above the law, who made the statement that he did not place the sit-downers in the factory and that he would not tell them to get out.

Here is a new statement, a new claim to arbitrary power. A headline of today's papers, in bold type, states, "Unionization or No Autos, Ford Told." The news report quotes Frankensteen, one of the chiefs in the automobile union, with saying, "Henry will either recognize the union or he won't build automobiles", and he points, as reason for his statement, to the submission of General Motors to previous demands.

Now listen to this statement again, it is: "Ford will either recognize the union or he won't build automobiles." Who is this man and with what authority does he speak?

The President of the United States speaks by virtue of the power granted by the people through their lawmakers and the Constitution. Congress enacts laws because of the power granted by the people. The Federal courts, the Federal marshals, derive their authority from that conferred upon them by the people. The governors of the States derive their authority from the State constitutions and the laws enacted by the legislatures of the States. So, too, do the sheriffs, the constables of the various counties.

But here comes a man who has no authority, yet he assumes to speak with authority. I am familiar with the law of Michigan which requires me to obtain a license from the secretary of state in order that I may drive my automobile. I know that if I want to sell liquor I must have a license from the liquor commission. And so on, through innumerable instances, permission from some officer created and recognized by the law must be obtained.

But think of this, you citizens of Michigan, and you, too, of the South, where the sit-down strike has not yet made its

force felt. Why is it that in this country Frankensteen or anyone else can say that Henry Ford shall not make automobiles unless he does thus or so?

Frankensteen does not work for Ford; he does not speak for the workers in Ford's plants. Ford is the man who established the minimum wage. He is the man who has been labor's friend, and so recognized the world over. Those employed in his factories are making no complaint about anything.

Yet here comes a rank outsider and says that the whole works must stop unless Ford bows the head and bends the knee.

Verily, we have another man aspiring to authority, challenging the rule or nonrule of Governor Murphy, of Lewis.

Sometimes I have wondered what would have happened had General Motors, Chrysler, and Ford all closed their factories when the first General Motors strike was called at Flint.

If a declaration like this can be permitted to pass unchallenged, and if later an attempt is made to enforce that demand and the Ford factories are closed not because of any ill treatment by Ford of those employed but because he will not recognize Frankensteen, Lewis, or some other man who happens to be in power in the union at that particular time, then upon our shoulders will rest the responsibility for our failure to legislate to prevent such happenings.

Do you stand for that doctrine? If you do, that is all there is to it. Liberty of action is at an end, and no man will engage in industry, nor will industry endeavor to give employment, if it is subject to such a demand.

I will go one step further: I call your attention to a little factory up in the northeast corner of Michigan, at Algonac, the Chris-Craft. There were 600 workers in that factory, 600 men and women who were satisfied with their conditions; and the town went to considerable trouble to get that factory in there. During all these years it has operated to the satisfaction of the owners and to the satisfacion of the workers; yet on the 20th day of March 60 of the workers pulled a sit-down strike.

So far as shown by newspaper accounts, there were no demands for higher wages, no complaints as to working conditions or hours presented to the management. Apparently it was a sit-down strike to compel recognition.

Five hundred and forty of the workers wanted to go down and throw the sit-downers out and continue with their work. But being law-abiding citizens, they yielded to the pleas of the officials of the village and refrained from action.

Once again the wordy Governor Murphy was called upon. The strike is still on. The text of the company's statement is as follows. Read it, ponder, and then decide for yourselves whether something must not soon be done in this land of ours.

On March 20, 1937, Chris-Craft Corporation closed its plants to avoid violence between 540 employees who wished to go back to work and approximately 60 agitators who started a picket line. Since that time the picket line has continued to hold our plants and offices unlawfully, making it impossible to resume operations without violence.

The management of Chris-Craft Corporation feels at this time it is to the best interest of our employees that they be advised to seek employment elsewhere, as the operation of our plants will not be resumed until we have possession of our plants and offices and there is law and order in this vicinity. Office employees and executives are being notified of the termination of their employment.

The management wishes to express appreciation of the loyalty of 540 of our employees, representing 90 percent of our total employees, in their cooperation in an attempt to open our plant.

CHRIS-CRAFT CORPORATION,
By JAY W. SMITH, *President*.

You can get some idea of how the people of that vicinity feel about sit-down strikes when you look at the election returns from the first division of Clay Township, which cast 111 votes for the Democratic candidate for supreme court judge and 378 for a Republican candidate for the same office. Or go down to Yale Township, where they had a sit-down strike, and 203 votes were cast for the same Democratic candidate while 533 were cast for the Republican candidate.

Now, you men who talk in favor of labor and say that a man has the right to work—what about the 540 in the Chris-Craft plant? What are you going to do about them? Are you going to let that condition go unchallenged? Are you going to let the Governor of the State, who would not maintain order, continue in his nonenforcement policy? Are you going to let him force all laborers into the C. I. O. organization whether they wish to join or wish to remain free agents?

What happened the other day? Lewis is reported to have said that if this violence did not cease, that if these strikes continued—referring to the violation of the agreement entered into by the union not to strike in the General Motors situation—that he would call in his flying squadron of strong-arm men from the United Mine Workers to maintain order.

Think of the situation! A Governor who refuses to permit the sheriff of Genesee County to maintain order in that community, who refuses to permit him to enforce the lawful orders of the court; and the leader of the C. I. O., who boldly announces that the strong-arm men of his own organization will enforce his—not the law's—mandates.

Frankensteen will force Ford, willy-nilly, to recognize the union. Murphy will force the workers into the C. I. O., and Lewis will bring in his sluggers to see that the program is carried out. Just how far is it from where we now are in this matter to mob rule or to a successful revolution? Just what rights have the workers and the manufacturers of Michigan at the present time?

Mr. MARTIN of Colorado. Does the gentleman want to know——

Mr. HOFFMAN. Mr. Speaker, have I the floor or has the gentleman from Colorado? I decline to yield.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 3 additional minutes to the gentleman from Michigan.

Mr. HOFFMAN. So there you have the question in the organization itself through the statement of the head of the union itself. Do you want to know what the facts are or do you not want to know? Do you want to go ahead and legislate blindly or do you want information so that we may legislate intelligently?

And I call to your attention that Flint, in Genesee County, last year went 30,000 for the Democratic candidate. That county this week went 3,500 to 4,000 the other way. Which shows what? It shows what the people think of the sit-down strike.

Mr. SADOWSKI. Mr. Speaker, does the gentleman want to know?

Mr. HOFFMAN. Mr. Speaker, I decline to yield.

Mr. SADOWSKI. I want to correct a misstatement.

The SPEAKER pro tempore. The Chair recognizes the request of the gentleman that he be not interrupted. The gentleman declines to yield.

Mr. HOFFMAN. That is a fair example. I suppose you all think I am talking politics now, do you not? [Laughter.] All right, I am not talking politics. We have factories in my district, we have workingmen there. Can you not conceive of anything except a political talk? It shows the difference in the sentiment of the people between the time they voted on national policies and the present time. It shows what they think of the sit-down strikes.

What happened up in Pennsylvania? Do you want more of that? No; I am not in favor of violence; but you know what happened at that plant at Hershey. There was angry dissatisfaction on the part of the farmers, and into the factory they went, and they threw out the sit-down strikers and they restored the market for their milk.

The very bloodshed which Murphy said he wished to prevent will follow in the wake of the procedure instituted by him. All over this land this epidemic of sit-down strikes, if it continues, will be followed by violence, by fights between those who insist upon their right to work and those who seek to deprive the workers of their jobs. The fight will be laborer against laborer, worker against worker, not industrialists against workers.

Let us get the facts, let us know where we are, and then let us pass legislation that not only will protect labor but will protect everybody equally.

Mr. DINGELL. Faker.

Mr. HOFFMAN. Now, you call me faker. Be man enough, have courage enough, to come down into the Well of the House and make that statement, or make it off the floor of the House; come outside and make it; make it in the corridor, or remain silent. Do not sit there and mumble.

You come from Detroit, where the authorities went in and sent a number of your people to the State penitentiary for fraud in the Detroit and Wayne election. You come from Detroit, where the law has been defied; where anarchy and rebellion have prevailed for weeks; where thousands of workingmen have been deprived of their jobs; where your retail merchants have been deprived of business; where your wholesalers have lost upward of $7,000,000; where housewives, who need money for their groceries, have been unable to get it from their husbands' checks because you permitted these outsiders to come in and take possession of the factories. You sit in this House and you remain silent. You dare not raise your voice for justice and for right, for the protection of the honest workingman.

A vote in favor of this resolution is notice to the world that we do not approve of the sit-down strike. Any other vote will be construed by many as approval of the failure to enforce the law, of the methods employed at Flint and Detroit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back 2 minutes.

Mr. COX. Mr. Speaker, I am trying to divide the time at my disposal evenly as between those for and those against the resolution.

Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Speaker, I rise to a question of personal privilege based on the remarks of the last speaker, and ask for 1 hour.

Mr. COX. Mr. Speaker, I did not yield to the gentleman for that purpose.

Mr. HOOK. Then, Mr. Speaker, I ask unanimous consent that I be allowed to proceed for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. PLUMLEY. Mr. Speaker, I object.

Mr. HOOK. Mr. Speaker, I then insist upon my right to rise to a question of personal privilege. The gentleman threatened us.

The SPEAKER pro tempore. The gentleman from Michigan cannot take the gentleman from Georgia off the floor by raising a question of personal privilege.

Mr. HOOK. The gentleman yielded 30 seconds to me.

Mr. COX. Mr. Speaker, I know the gentleman will not break faith with me. He asked me to yield him 30 seconds in order to propound a unanimous-consent request. I yielded to him for that purpose and that purpose only.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Speaker, I would like to know where the gentleman from Michigan, and some of the other gentlemen who are so much interested in these sit-down strikes, were before. I happen to be the first one to have raised the question of sit-down strikes, and I condemned them as anarchy. I so condemn them today. I was requested from a number of different sources to introduce a resolution to investigate these strikes, and I informed those who suggested such action that I was not a demagogue and was not looking for publicity. In my opinion, an investigation would do more harm than good. It will take 6 months or more to investigate—and, in the meantime, what will happen?

We as American citizens will take care of the sit-down strikes and we do not need to have any investigation which will just build up somebody in the newspapers. I believe the American people are strong enough in their attitude of justice and fairness and big enough in character to take care of sit-down strikes. Public opinion will end them. The farmers at Hershey, Pa., took care of them.

May I say to you that the sit-down strikes did not have anything to do with the election in Michigan. Michigan went Democratic this spring and it will go Democratic again at the next election. The sit-down strikes were brought about by the monopolistic price-fixing corporations that exist today. If democracy is to survive we must have law and order—and if we are going to have law and order, let us have law and order on both sides! [Applause.] Let us enforce the antitrust laws. Let us enforce the laws condemning monopolies that have been passed on the floor of this House. When we do that we will have law and order and we will save democracy, but not until then. America will not stand for any of the communistic movements behind the sit-down strikes. Neither will we condone fascism. Americanism and democracy, which are synonymous with justice, will prevail. In America the people will rule.

Vote down this resolution and save time and money. [Applause.]

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, I am not especially interested from a local standpoint in sit-down strikes. We do not have such strikes in my section of the country, unless we get tired and sit down under a shade tree. However, I am interested in the provisions of this resolution and the results which may follow if it is adopted.

May I call upon the membership of this House to strip this resolution of its "window dressing" and "whereases" and consider where we are going if we adopt the resolution. What right has the Congress of the United States to inquire into the efforts made by the local and State authorities to prevent sit-down strikes? What right has Congress to interfere in the local affairs of the communities, the States, and counties of this Nation?

May I call attention to some of the things it proposes to do? It proposes to take from the Committee on Labor in this House the responsibility of investigating labor conditions, maximum hours, and minimum wages. It proposes to take from the Department of Justice and every other law-enforcing agency of our Government the question of whether or not a conspiracy has been entered into by both labor and employers. May I say in all frankness the American people are just about fed up on the proposition of Congress "nosing" into everything? [Applause.] We will have more trouble in this country just as long as we undertake to deprive the communities of their rights of local self-government. The communities can settle these things. The communities can settle sit-down strikes, and they can settle most of their troubles. The trouble with us is we have undertaken to settle everything and have settled nothing.

Every Member of this House has his own opinion as to what should be done in reference to the lawless conditions existing in our Nation. I am not defending the action of the sit-down strikers nor of the employers of labor in the situations that have arisen over a great part of our Nation. During the last few years the Congress has undertaken to regulate everything; to define human rights and property rights, and to deprive the States and local communities of their rights to determine for themselves questions that specially affect their communities. No one would undertake to say that the action of the sit-down strikers has been or is legal. In my opinion, they have violated the laws of every State in which such strikes have occurred; but whose duty is it to enforce the law of the State? Certainly it is not the duty of the Congress. It is the duty of the State authorities, and every unlawful strike that has occurred in the United States could and should have been settled by the State authorities.

Labor has certain rights guaranteed to it under the laws of the United States, as well as under the laws of the various States. Employers have certain rights, likewise so guaranteed, and so long as neither the employer nor labor violates the Federal laws Congress has no business of interfering in the strikes or in the troubles. If the Federal laws are violated, we have ample machinery to enforce those laws, and the Department of Justice can—and, I presume, would—enforce the law if it appears it is being violated. We do not render a service to our people when we undertake to remove

from the people the power and the obligation resting upon them to maintain law and order in their own communities.

No good can be accomplished by such an investigation as is proposed by this resolution. It may cost the taxpayers a large sum of money and still nothing will be settled by such an investigation. We have ample laws already in existence to protect life, liberty, and property in this Nation. If property rights have been unlawfully interfered with by the sit-down strikers, or if the rights of the strikers have been or are being interfered with by capital, then they are entitled to the protection of the existing laws, and the machinery of the Government is ample to afford this protection.

More harm than good will result if this resolution in its present form is adopted.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, if we are going to stop these sit-down strikes that are now going on throughout the country, it seems to me the first sit-down strike we should stop is the one that is taking place right across the Capitol plaza, in which the Supreme Court has sat down on the Wagner Labor Disputes Act. [Applause.] Week after week, when the Court meets on Mondays to hand down decisions, the members of the press have been going over hoping that finally the Supreme Court may hand down its decision on the validity of the Wagner Labor Disputes Act, and week after week not only the press but the entire country has been disappointed. I submit, if the Supreme Court performed its duty and handed down that decision without regard to the political consequences so that the people of this country would know whether or not in the Court's opinion the Wagner Labor Disputes Act is constitutional, that would go a long way toward settling the sit-down strike situation in this country. In the first place, if the Court held it to be constitutional, then the employers would have no excuse to further deny labor the right to organize and bargain collectively. On the other hand, if the Court held that act to be unconstitutional, then we in Congress would have the responsibility of immediately reconsidering our previous action and could get to work and enact a bill which in our judgment would meet the objections of the Supreme Court.

Mr. Speaker, I submit the responsibility is squarely upon that Court to hand down this decision immediately and quit sitting down on a most important case.

I regret that in the very short period of time I cannot discuss at great length this important piece of legislation. I regret more than my own inability to have sufficient time, the inability to hear from other Members of the House, who are vitally interested in this subject and who will not have an opportunity to express themselves at all.

Mr. Speaker, it is a deplorable situation that in this House today we are discussing and formulating a policy for this Government on the one matter that is uppermost in the minds of the American people and we are doing it in only 1 hour, without a single Member of the House having the opportunity to offer an amendment to the resolution, unless perchance the gentleman from Georgia should yield for that purpose, and I have no reason to believe he will yield for that purpose. In other words, we must take this resolution as it is, discuss the whole problem of sit-down strikes, discuss the problem of the relationship between employer and labor, and discuss what our policy shall be for the future all in 1 hour and under a most vicious gag rule. [Applause.]

Mr. Speaker, of course, the manner in which this resolution is brought to us for consideration is not in violation of the rules of the House. It is brought up under the customary 1-hour debate, just as other matters coming from the Rules Committee. But because of the great importance of this subject the same Rules Committee that reported this resolution could also at the same time have passed another rule making it possible for us to have sufficient time to discuss the matter and could have provided the opportunity to offer amendments on the floor. I submit the manner in which this resolution has been brought up is sufficient in itself to cause the membership of the House to throw it back to the Rules Committee and tell them that we do not want this kind of practice in the future.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Speaker, I am opposed to the resolution before us today for numerous reasons. First, because it is being "railroaded" through this body. There have been no hearings held upon this very important resolution. No written testimony is available to the Members of the House. In addition, it is being considered with 1 hour of general debate, without any amendments to the resolution permissible. The worst kind of strong-arm tactics are being resorted to.

I am opposed to the resolution for the further reason that the question involved here today is not a question of whether or not you believe or approve of sit-down strikes. The question presented in the resolution before us is, Shall we give authority to a committee of this Congress to meddle into affairs which properly should and do come under the jurisdiction of the respective States and of the local communities? If we do not vote this resolution down this investigation committee will come into being. It makes little difference who is appointed on the committee. I predict if the committee is permitted to function there will be a deluge of half truths printed in the press as to the testimony taken, which will create more bitterness between employers and employees than has been caused by any other act of Congress.

In my opinion, this act is ill-conceived, ill-advised, and inopportune. Certainly it has not been afforded mature and deliberate consideration. It can be compared to the Economy Act of 1933, which was a creature of the night, conceived behind closed doors, without any hearings being held upon it. It, too, was "railroaded" through this body with 1 hour debate, without any amendments being permitted.

Immediately after it was enacted into law we were compelled to devise ways and means whereby we could remedy the evils which had been created by reason of its mistaken passage. To you who voted for the Economy Act of 1933 and are fortunate enough to be here today, I say, remember that ever since you voted for that un-American measure you have either been explaining or apologizing for your vote.

The committee appointed under the authority of this resolution would also duplicate investigating activities now going on in the Senate.

If we are to adopt a policy of "railroading" through this body under "gag" rules measures of this type, we might much better close the doors of this Chamber and go home with bowed heads. [Applause.]

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Speaker, I am opposed to this resolution. I opposed it in the committee for two main reasons, first, that it is useless, and, second, that it is harmful.

The resolution is useless for the reason that Congress has no juridiction over the subject matter. The Supreme Court in deciding the case involving the Guffey-Snyder Coal Act used these words:

Labor disputes—

Such as result in sit-down strikes—

are all local evils over which the Federal Government has no control.

It is my purpose if the previous question is voted down to introduce an amendment to this bill limiting the investigation to strikes in interstate transportation, which will bring it at least within the Constitution as construed by our present Supreme Court, but at the same time will emasculate the bill because there are no strikes in this field. If the motion for the previous question is voted down, we will have an additional hour for debate in the House, which I think is very much needed.

The resolution is also useless for the reason that the Senate has passed a concurrent resolution, which is yet to be voted on in the House, which will give us ample opportunity to condemn sit-down strikes if we feel like doing so. The concurrent resolution is drawn so as to cover the whole problem, so that we do not have to go out of our way as in this case to stir up trouble in order to voice our opposition to sit-down strikes.

The resolution is useless because the gentleman from Texas [Mr. DIES] has already introduced bills to cover the ends sought to be achieved through this committee.

The resolution is also useless, Mr. Chairman, for the reason that the only legitimate or fair purpose which anyone could ascribe to this resolution is that it would have given us an opportunity to investigate subversive influences as affecting labor in this country. We have voted down the Dickstein resolution, which would have accomplished that purpose. We do not want an investigation into subversive influences; so all that is left in this resolution is a labor-baiting, snooping proposition. That is all there is to it. [Applause.] We are not interested in subversive influences in this country. We do not want to know about communism; we do not want to know about nazi-ism. We must be very much interested, though, if this resolution is passed, in an attempt to direct the condemnation of the House of Representatives against the activities of organized labor in their effort to get a living wage and recognition.

In addition to being useless, the resolution is harmful, because it is very poor politics; and I am going to talk now to the Democratic side of the House for just a minute. It is not necessary for me to go into details.

There are certain Members on our side of the House whose political success does not depend upon whether or not there is a national Democratic Party. Most of us, though, who constitute this great majority, come from sections of the country where conditions are such we do not want questions of this kind needlessly stirred up for political capital, and that is all there is to this. Why is it that the other side of the House is almost unanimously for this resolution? It seems to me when you cannot find the leadership of our party back of a resolution, and you find the opposition solidly in favor of it, you ought to want to look into the common sense of it. You ought not to have to look very closely into that rat hole for poison.

The resolution is also harmful because the animus of the whole thing is directed toward labor. They talk about investigating the whole thing, but you have heard the speeches. The man who introduced the resolution—and I like him very much—talked before this House and also before the movietone. You know why this resolution is wanted without any further argument. The resolution is contrary to an act we passed here just the other day, to strike at the La Follette investigating committee. We passed a resolution the other day requiring that no Federal employee should be used in any of these investigations.

Yet, on page 3 of the resolution there is a provision that all Government departments and all employees shall be subject to this committee, the exact opposite of the expression or sentiment of the House as expressed just a few days ago. We did not want the La Follette committee to have the Government aid in investigating subversive activities of employers, but we are asked to give such help in investigating labor.

The resolution interferes with State rights. There is not a State in this Union, so far as I know, that does not have laws against the appropriation of somebody else's property. When I see a gentleman like the gentleman from Georgia, who is always talking about State rights, getting up here and advocating the Federal Government going into the States and taking over their police power, it looks funny to me. [Laughter.]

The resolution is harmful, Mr. Speaker, because the net result of this investigation will be to nullify the beneficial effects of the investigation of the Committee on Labor and Education in another legislative body. This committee has so exposed labor conditions and espionage in this country that most abuses have been more or less curtailed up to the present time.

The industries, apparently, have stopped their effort to spend money to corrupt and undermine labor organizations, but now, if we start in on this snooping proposition here, they will have the strong arm of the Federal Government back of them, they will not be called upon to spend the money, and they will simply have in effect an Ogpu in the United States. This is no place for that kind of governmental activity.

The Chrysler Motor Corporation and General Motors Corporation in the last couple of years have spent over $1,000,000 to tear down and destroy labor unions by corrupting and bribing their officers, hiring bruisers and thugs to interfere when labor disputes come up. During this time they have spent almost $1,000,000 in firearms, munitions, and poisonous and noxious gases to destroy human life. They have solved the old type of strike. Industry has solved that. They do this by getting their agents into labor unions, by the use of poisonous and noxious gases. And by hiring roughnecks to simulate strike sympathizers and start fights in order to alienate popular support.

Let me read to the House, Mr. Speaker, a couple of letters that were produced before the Senate Investigating Committee. There were three companies selling poison gas and tear gas to industrial organizations. A salesman for one of them wrote to his employer, "Do not bill the city of Flint for these materials."

The materials were guns, clubs, and shells bought by James Mill, chief of police, apparently from the record, and the letter goes on to say:

Instead, bill it to the Manufacturers' Association of Flint, 901 Industrial Building. For your information only, I have reason to believe this material is for the Chevrolet Motor Co., but they do not want it advertised or generally known that they are the buyers.

The good old Manufacturers' Association, the hard-boiled brothers who were for sabotage and who killed the child-labor amendment, are in action in Flint, apparently.

In July of last year, another salesman for the same company wrote—just listen to this—in a civilized country a salesman for a poison-gas outfit writes to his company:

I am doing a lot of missionary work in anticipation of a strike this spring, and I am in a position to send in some good orders if it will only mature. Wish a hell of a strike would get under way. Hope this strike matures and that it is a damned bad one. We need the money.

[Laughter and applause.]

A saleman for the Federal Laboratories of Pittsburgh wrote to his home office during a strike in San Francisco:

I might mention that during one of the riots, I shot a long-range projectile into a group, a shell hitting one man and causing a fracture of the skull, from which he has since died. As he was a Communist, I have had no feeling in the matter and I am sorry that I did not get more.

His employer, through its vice president, expressed its gratitude in the following reply:

DEAR MR. ROUSH: I have just read your five-page report regarding which I wired you yesterday. The report is splendid and we think enough of it to excerpt a large portion of it to send out to the men, so you will be well known when you come in September 1.

FEDERAL LABORATORIES, INC.,
(Signed) B. H. BARKER, *Vice President*.

Mr. Speaker, the old methods of settling labor disputes through modern defensive means employed by the employing group is just as obsolete as wooden battleships. Our Supreme Court, which in most of its decisions during the last 3 years seems also to be about as obsolete as wooden battleships, tells us that the Federal Government can create no civilized method of arbitrating or settling labor disputes. They have scotched the N. R. A., the Guffey coal bill, and unless they reverse their prior decisions they will nullify the Wagner Labor Relations Act.

The adjudication of this act reached the Supreme Court last October. It was argued 4 months later. Over 8 weeks have now elapsed pending the decision of this question involving questions of law that have been argued and reargued for the last 3 years.

In the meantime sit-down strikes go merrily on. While in the interstate transportation industries where the Federal courts have permitted arbitration instrumentalities, the labor relations received perfect accord and harmony.

It is not my intention, Mr. Speaker, to defend the sit-down strikes. I do not like the violation of private property rights any better than anyone else, but as we look over the preparations and the tactics of the employing groups we can see that any other kind of strike would have ended in wholesale and inevitable bloodshed, with not the faintest hope for labor ever to have accomplished anything.

The technique of the sit-down strike has thrown much of the instrumentalities of slaughter prepared by the employers into the discard. Their thugs and gunmen cannot well start fights because the real strikers are in the factories and under discipline. The throwing of bombs and poisonous and noxious gas is not advisable because it will destroy the property of the employers, and so while this type of labor activity cannot be condoned, it at least has the virtue that while the Supreme Court is sitting in meditation over the good old days that are past, the strikers can sit down in comparative safety, effecting little injury to property, and have a chance of success.

The rapidity with which General Motors Corporation got back into production at the end of the strike is conclusive proof that there was practically no destruction of property.

I can see no occasion, no matter how much we dislike sit-down strikes, to get hysterical over the matter.

Every move that labor has made in its long struggle from serfdom up to its present position has been initiated at a time when such activity was violently against the law.

In the early fourteenth century Watt Tyler led a wholesale strike in England of artisans and agricultural workers. If you think that we are excited about the violation of existing law now, read the acts of Parliament of those days, where these striking laborers were berated for actually going from county to county in search of employment, and gathered together in groups and refused to take the maximum wages which the laws of Parliament had provided.

Or, go down two centuries later into Germany, where the serfs felt that they should have higher wages, lower rent, and the right to capture fish in the flowing streams as well as to kill wild game running on their own property. The lords of creation in those days owned the fish in the stream, the game that went through the woods, and the body of the serfs just as completely as any corporation board of directors owns the factory plant today. Yet when these serfs peacefully protested, what they got was the mailed fist, and while they were in revolt a spokesman for the manufacturers' association of that day issued these tender words:

> Because they are setting themselves against the higher powers, willfully and with violence, they have forfeited body and soul as faithless, perjured, lying, disobedient knaves and scoundrels are wont to do * * *. For if a man is an open rebel, every man is his judge and executioner * * *. Therefore, let everyone who can, smite, slay, and stab, secretly or openly, remembering that nothing can be so poisonous, hurtful, or disobedient than a rebel * * *. It is just as when one must kill a mad dog.

No, Mr. Speaker; that is not Martin Luther Dies talking in the twentieth century. That is just plain Martin Luther of the sixteenth.

This message conveys great consolation to many of us who have recently been somewhat irritated as men of the cloth have in recent years attempted to take over the settlement of all of our political and economic questions. We can at least realize that preachers in politics are at least no worse now than they were four centuries ago.

Going back to the early days of our own country, the very membership in a labor union constituted a conspiracy which was in radical violation of the law. In fact, a laborer in the early part of the seventeenth century in this country could not even attempt to fix his own wage.

That difficult task was performed for him by the employers in the various occupations, who got together and agreed among themselves what they would pay, and woe, indeed, to the laborer who did not accept that pay or attempted to organize for his own benefit. If he did not work he was a vagabond and liable to be sold into bondage. If he joined with another to protest he was a conspirator.

The struggle from that day to this to obtain higher wages, to reduce working hours from an average of 13 or 14 per day, to get decent sanitation in factories and reasonable safety devices, has been one long, continuous struggle by labor, usually violating the laws. And so, Mr. Speaker, in looking back over history I am not going to get panicky or hysterical about the sit-down strike situation.

Our State laws are ample to solve the problem. If the Governors cannot maintain law in their own States, they have ample opportunity under the Federal statutes to get aid from the President. Congress not only at the present time has no authority to act, but there is no necessity to act.

We have no need in this country of an Ogpu, and that is exactly what this bill would establish. I urge the defeat of this resolution. [Applause.]

Mr. COX. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. DIES].

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 additional minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Speaker, ladies and gentlemen of the House, the real issue presented by this resolution so far as the general public is concerned is whether we approve or disapprove the sit-down-strike lawlessness. Those who condone sit-down strikes or who are at heart in sympathy with this lawless method should oppose an investigation. But those who say that they are opposed to sit-down strikes cannot camouflage the issue by resorting to the well-known pretext that they cannot see any need for the investigation or any good that can be accomplished by it. On many occasions the House has created committees to investigate matters of far less importance than the present one. The argument used against this resolution can be urged with equal propriety against any investigation, regardless of the subject involved. If an investigation is not justified under the grave circumstances which now exist, I cannot conceive of any condition that would authorize this Congress to set up an investigating committee. So if those who are opposing this investigation not because they favor sit-down strikes but because they do not see any need for an investigation or any good that can be accomplished by it are consistent, they should oppose every investigation in the future; and the defeat of this resolution should establish a fixed precedent in this House which will preclude the consideration of any similar resolution in the future and the practice of setting up investigating committees should be permanently discontinued. [Applause.]

But let me emphasize that the man on the street will not be deceived by this specious argument. The issue is squarely before us. Those who believe that the sit-down-strike technique is indefensible and can no longer be tolerated in a land of law and order should support this resolution so that we can determine the cause or causes of the epidemic and recommend appropriate legislation, if it is deemed advisable and necessary.

That there is an immediate need for an investigation is demonstrated by the Nation-wide proportions which this form of lawlessness has assumed. It is spreading from coast to coast, in spite of the published statements of such outstanding labor leaders as William Green, Sidney Hillman, Martin, and Harvey Fremming to the effect that they do not approve of this strike method. Even if this epidemic should subside, we have no assurance against its recurrence upon an ever-increasing scale. When we consider the utter failure of many local authorities to stem this lawless tide, which threatens the destruction of the very foundation upon which constitutional democracy is erected, we must admit that there is a pressing need for an immediate congressional inquiry. But we are confronted with the question, What will you find out as a result of the investigation that you do not now know? Of course, the investigation will not establish the illegality of the sit-down strike method. The common law, which was gradually evolved through hundreds of years of painful experience, and which represents the noblest achievement of the Anglo-Saxon race, and every pertinent statute dealing with the subject have already established beyond the peradventure of a doubt that sit-down strikes are illegal. Therefore, on the question as to the illegality of sit-down strikes there is no need for an investigation. But when we come to the matter of determining the cause and fixing the responsibility, we encounter so many cross currents of conflicting charges that there is no possibility of getting the truth in the absence of an impartial inquiry. Those responsible for these sit-down strikes are making grave charges against the employers. In substance they indict these employers on many counts, which, if true, convict such employers of a lawlessness which no man can defend or justify. On the other hand, the employers charge those responsible for the sit-down strikes with a determined effort to impose the arbitrary will of ambitious labor leaders, independent of any consideration of equity or public welfare. Until the truth of these conflicting charges is ascertained and the responsibility fixed where it belongs, Congress cannot determine either the need for new legislation or the character of legislation necessary to prevent a recurrence of this lawlessness. Most of the outstanding labor leaders have recently denied any responsibility for these sit-down strikes in published statements which have appeared throughout the press. If they are not responsible, it is doubly important for Congress to determine who are responsible.

I wish to make it clear that this resolution is not directed at the labor unions. There are few Members of this Congress who have as many laboring people in their districts as I do. In one of my counties some of the largest refineries are situated. These refineries employ thousands of laboring people, many of whom belong to unions. I am as deeply interested in the protection of their rights to strike, to bargain collectively, and to receive reasonable wages for reasonable hours of work as any Member could be. I would, therefore, be the last man to support any resolution of investigation to conduct a prejudiced inquiry for the purpose of fixing the responsibility upon the labor side to the controversy. Our able Speaker can be depended upon to appoint fair and impartial men who will give all sides a full opportunity to be heard and who will seek the truth without fear or favor. It is ridiculous for the opponents of this resolution to contend that the personnel of this committee will be biased in their conduct of the inquiry and in the conclusions they reach. To make this statement is to charge our great Speaker with a complete renunciation of all those progressive ideals and principles which have ever distinguished his public career. No one can deny that the overwhelming majority of the membership of this House, including our Speaker and leaders, are the friends of labor. To fear an impartial investigation at the hands of their proven friends would be to confess guilt. I am, therefore, certain that labor will welcome this investigation as an opportunity to vindicate itself in the eyes of the public. If, as some of the union leaders contend, the cause of the sit-down strikes can be traced to the misconduct and misdeeds of the employers they should invite this investigation. If on the other hand it develops that radical and un-American elements have inspired and directed this lawless movement for the purpose of undermining the foundation of this Republic, such revelation will enable honest and deserving labor to purge itself of this element and avoid the inevitable consequences of public condemnation and disapproval. If the labor unions involved are right they need have no fear of this investigation. On the other hand, if they are wrong they deserve no more consideration at the hands of Congress than any other group. The last man in this House to oppose this resolution ought to be a friend of labor. When any man or group of men resist a fair and impartial inquiry into their conduct and actions, such resistance is tantamount to a confession of guilt.

Our opponents say, "What good can be accomplished since sit-down strikes are local and therefore constitute questions for the State and not the National Government?" This is a very inconsistent argument coming from those who condemn the Supreme Court for denying to Congress the right to legislate in regard to hours, wages, and arbitration of industrial disputes. If, as they contend, the conditions of labor are proper questions for national legislation then certainly the prevalence of sit-down strikes on a Nation-wide scale is a subject for Federal inquiry. Regardless of Federal power to regulate hours, wages, and industrial disputes, it is clear that Congress does have the power to protect interstate commerce and the transportation of mails. In Ex Parte Siebold, decided many years ago, the Supreme Court said:

> The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of mails.

Sit-down strikes conducted on a Nation-wide scale will not only obstruct interstate commerce but will completely destroy it. In most of the plants where sit-down strikes have occurred the major portion of the output was destined for interstate shipment. In addition to this, it was reported in the press that the delivery of the mails was prevented by the strikers, but I do not vouch for the accuracy of this statement. Before Congress exempted labor from the application of the antitrust laws sit-down strikes would have clearly violated the penal sections of those laws. There is no question but that Congress can, if it sees fit, pass legislation to include sit-down strikes in the definition of what constitutes a conspiracy and combination in restraint of trade, and give the striking workers protection from plant resumption during the negotiations of the disputes. I am not saying that Congress will do this or that the special committee will recommend it, but I am making this statement to refute the specious argument that this resolution should be defeated because there is nothing that Congress can do about the matter.

Let it not be forgotten that the purpose of the New Deal labor program and objectives is to legislate nationally in regard to questions which are no more national in scope and character than sit-down strikes.

Mr. Speaker, no one can truthfully say that this resolution singles out labor for an investigation. The resolution requires the committee to find out the truth as to the actual conduct of all parties to such strike, including the management and those acting under the management, as well as those who take part in the strike. It also requires the committee to find out the true condition in the affected industries in reference to wages, hours of work, and other conditions under which the employees are compelled to work. It makes it necessary for the committee to investigate the charges that the management of such affected industries have employed agents to perpetrate violence upon their employees. It also requires the committee to investigate all other charges which have been made or will be made by the representatives of labor on the one hand and the management of industry on the other, so that a full, complete, and impartial finding of facts may be had. If anyone can construe this language as unfriendly to labor he has a very vivid imagination. As I have proven, by my speeches and my votes, I have always been in favor of the right of labor to strike, but not to seize possession of other peoples' property and hold it against their will. The industries of this country are owned by 36,000,000 stockholders. Many of these stockholders have invested their life savings in these stocks. A great majority of them own less than $500. Therefore the industries seized by the sit-down strikers do not belong to the management, but to these millions of unprotected people who have a right to the enjoyment of their property. While, as I said, labor has the unquestioned right to strike, I also believe that after they strike and leave the plant peaceably they should be protected, so that a reasonable time will be allowed for negotiation and adjustment of the disputes, during which time the plant will not be operated by scab labor. I have introduced a bill to give labor this right.

But it will be argued that we can pass the necessary legislation without an investigation. The answer is that no intelligent legislation can be passed or should be passed until Congress knows the facts and the true cause or causes of the condition concerning which it proposes to legislate. A standing committee of the House cannot do the job. In the first place, the standing committee to which a pertinent bill would be referred is already occupied with many important measures which are now under consideration. In the second place, such committee could not subpena witnesses or send impartial investigators on the scene to gather the facts. A standing committee has many bills to consider. The

importance of sit-down strikes requires the consideration of a committee which can devote its undivided attention to this one subject.

Mr. Speaker, ever since I began to take an active part in public affairs I have consistently condemned lawlessness and abuses in the business, financial, and industrial world. I have voted for legislation to curb this lawlessness and to make amenable to the law the financial pirates who almost wrecked our economic system by their greed. My record in opposition to this lawlessness was approved by the laboring people in the last election by an overwhelming majority. Always I have made it clear that I am opposed to lawlessness in every form or shape and under every condition. When the Ku Klux Klan was in political control of my district I took the stump in opposition to the lawlessness practiced by many of its members. I lived through that stormy period, and my subsequent election to Congress was a complete justification of my stand. Having always condemned and opposed lawlessness whether committed by mobs, organized groups, or organized money, I would convict myself of a cowardly inconsistency if I did not condemn sit-down strikes and use every method at my command to put an end to it. If I hesitated or procrastinated in the face of this great menace to my country, I could never defend myself against the charge that I had opposed lawlessness in big business, not because of the principle involved but because it was politically popular to do so. If I wavered or faltered through fear of political consequences, I would be compelled to hang my head in shame when the terrible charge was hurled at me that I condemned unpopular lawlessness but condoned lawlessness which I feared might prove to be popular. If we defeat this resolution, we may explain until we are black in the face, but there is only one explanation that the thinking people of America will be willing to accept, and that is that we are unwilling to meet this bold challenge which has been hurled into our very face. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, I should have been very glad to have transferred my 3 minutes to the gentleman from Texas. I rise at this time because I am pleased to be able to remind you that more than a month ago I stood in the well of this House and demanded consideration of this matter of sit-down strikes. A month went by, and there was practically only one Member, the gentleman from Michigan [Mr. HOFFMAN], who has had the temerity to keep constantly before us the gravity of the situation. I am very glad that the serious consequences are now so well recognized and that action is suggested by the majority side of the Chamber. They have now offered to assume the responsibility. I would suggest that those who will object to this investigation may naturally be suspected as the ones who fear the results of the findings of such investigation.

Mr. WARREN. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from North Carolina.

Mr. WARREN. I may say, if this resolution should be voted down, it is my purpose to immediately ask unanimous consent to call up Senate Concurrent Resolution No. 7. [Applause.]

Mr. GIFFORD. Mr. Speaker, I think there is some necessity for an investigation. We would learn from whence in Europe this strike method came, who went to Europe and studied it and brought it over here. I asked the Members to consider its source a month ago. We wish to know the leaders advocating this method. According to the newspapers, criminals and people with communistic affiliations helped foment many strikes. Names, criminal records, and affiliations are given. Heretofore we have been eager enough to investigate business and banking methods. Why not investigate this patently illegal action? I do not favor many of these investigations and voted against the previous one considered. Let us not attempt to excuse this lawlessness by attempting to place responsibility on the Supreme Court. That is not the issue.

My time is exhausted, but I rejoice that the Congress is ready to take some action, and that action is in the hands of the majority. We on this side will assist you. [Applause.]

Mr. MEAD. Will the gentleman from Massachusetts yield for a parliamentary inquiry?

Mr. MARTIN of Massachusetts. I do not yield for that purpose. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, this debate seems to me not to have brought into sufficient prominence that feature of the resolution which most appeals to me. It is the feature that concerns the opening words of the Constitution of the United States:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity—

Mark you that the third reason why our Constitution was adopted was to insure domestic tranquillity.

Mr. Speaker, if this resolution may result in restoring domestic tranquillity, then "we, the people of the United States", will have carried out a fundamental purpose of our being as a Union. Much has been said about the damage that has been wrought by the action of those who indulge in sit-down strikes. It reminds me of the old colored woman who was struck by an automobile. Her neighbors asked her if she was going to sue for damages. She said, "Lord, no; I don't want no damages. What I wants is repairs."

That is what I want here—repairs. I want a remedy for the situation. There have come before this body few situations that more demanded a study for remedy. There is plenty of occasion for study. There is plenty of ground for reaching judgment, for presenting legislation, which is the primary purpose of investigation.

At the north of us is a country where for nearly 30 years has been developing a system that nearly cures these evils. In Canada from 1907 to 1935, 640 labor disputes were referred to boards, and in 589 cases, in 92 percent, strikes were either averted or ended. With that example right at hand, why may we question the possibility of discovering for ourselves some remedy for this situation, some repairs of law, if you please?

Mr. Speaker, they say this is not of national concern. I deny that statement. There is probably nothing confronting the American people which so reaches into every corner and into every household of the Nation. Yesterday's paper reported a sit-down strike in the State of Pennsylvania—I vouch not for the accuracy of the following figures—where the farmers found that their market for 800,000 pounds of milk a day had been taken away from them by a sit-down strike in a factory. Every man, woman, and child in the United States can be affected by such happenings as that.

The deluge of sit-down strikes is sweeping from the Atlantic to the Pacific. In the Maine town where I was born there are 22 shoe factories, every one of them closed at the present time. Like report comes from California and every State between. From one side of the country to the other "We the people of the United States" see "domestic tranquillity" endangered. By reason thereof we suffer.

Surely it is not beyond the power, outside the province, of this body to attempt to bring to the people of the United States relief from this injury. I speak not for labor today. I speak not for capital. What I have in my heart is the injury to the United States if this state of affairs which is of such great public concern is allowed to continue and repeat. Surely it demands that we pay attention to the securing of "domestic tranquillity." Let us not quibble about details. Let us not question as to constitutional rights. Let use do what Theodore Roosevelt did in the great anthracite-coal strike when he used the position of President of the United States to create a commission and when he publicly commended its report, both to the strikers and to the employers. Peace was his aim.

Mr. Speaker, "We the people of the United States" ask for domestic tranquillity. [Applause.]

The SPEAKER pro tempore. All time has expired.

Mr. MEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MEAD. I desire to offer a substitute, which would substitute the Committee on Labor of the House for the special committee as provided by this resolution. May I ask if that amendment can be considered at this time?

The SPEAKER pro tempore. Not unless the gentleman from Georgia yields for that purpose.

Mr. COX. Mr. Speaker, I did not yield for that purpose.

Mr. MEAD. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MEAD. I understand if the previous question is voted down, then my amendment substituting the House Labor Committee for the special committee can be considered?

The SPEAKER pro tempore. If the gentleman is recognized, the amendment may be offered.

Mr. MEAD. If the previous question is voted down?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MEAD. I hope that will be done so we may consider the amendment.

Mr. COX. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and on a division (demanded by Mr. DIES) there were—ayes 117, noes 179.

Mr. SHORT. Mr. Speaker, I demand the yeas and nays.

Mr. WARREN. Mr. Speaker, I move the resolution be laid on the table.

Mr. DIES. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. O'MALLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'MALLEY. This vote is on ordering the previous question and not on the resolution?

The SPEAKER pro tempore. The vote is on ordering the previous question.

The question was taken; and there were—yeas 150, nays 236, not voting 44, as follows:

[Roll No. 39]

YEAS—150

Anderson, Mo.	Drewry, Va.	Lea	Robertson
Andresen, Minn.	Driver	Lewis, Colo.	Rogers, Mass.
Andrews	Duncan	Lord	Romjue
Arends	Eaton	Luce	Rutherford
Bates	Englebright	McLaughlin	Ryan
Bell	Faddis	McLean	Sanders
Bland	Farley	McMillan	Seger
Boykin	Fish	Maas	Shafer, Mich.
Brewster	Ford, Miss.	Mapes	Short
Brown	Fuller	Martin, Mass.	Smith, Maine
Bulwinkle	Gearhart	Mason	Smith, Va.
Burch	Gifford	Meeks	Snell
Caldwell	Gray, Pa.	Michener	Starnes
Cannon, Mo.	Greever	Millard	Steagall
Carlson	Gregory	Mitchell, Tenn.	Stefan
Carter	Guyer	Mott	Taber
Case, S. Dak.	Gwynne	O'Connor, N. Y.	Taylor, Tenn.
Chapman	Haines	O'Neal, Ky.	Thomas, N. J.
Church	Halleck	O'Neill, N. J.	Thurston
Clark, N. C.	Hancock, N. Y.	Owen	Tinkham
Clason	Hartley	Pace	Tobey
Cluett	Hobbs	Patman	Towey
Coffee, Nebr.	Hoffman	Patrick	Turner
Cole, N. Y.	Holmes	Patton	Vinson, Ga.
Colmer	Hope	Peterson, Ga.	West
Connery	Jarman	Pierce	Whelchel
Cox	Jarrett	Plumley	White, Ohio
Crowther	Jenckes, Ind.	Poage	Whittington
Culkin	Jenks, N. H.	Polk	Wigglesworth
Deen	Johnson, Tex.	Powers	Wilcox
Dempsey	Jones	Randolph	Williams
Dies	Kinzer	Rankin	Wolcott
Dirksen	Kleberg	Rayburn	Wolfenden
Ditter	Knutson	Reece, Tenn.	Wolverton
Dockweiler	Lambertson	Reed, Ill.	Woodruff
Dondero	Lambeth	Reed, N. Y.	Zimmerman
Douglas	Lamneck	Rees, Kans.	
Doxey	Lanham	Rich	

NAYS—236

Aleshire	Beiter	Boren	Casey, Mass.
Allen, Del.	Bernard	Boyer	Celler
Allen, La.	Biermann	Boylan, N. Y.	Champion
Allen, Pa.	Bigelow	Bradley	Chandler
Arnold	Binderup	Brooks	Citron
Ashbrook	Bloom	Buckler, Minn.	Claypool
Atkinson	Boehne	Burdick	Cochran
Barry	Boileau	Cannon, Wis.	Coffee, Wash.
Beam	Boland, Pa.	Cartwright	Colden
Cole, Md.	Greenwood	McAndrews	Sabath
Collins	Griffith	McClellan	Sacks
Cooley	Hamilton	McCormack	Sadowski
Cooper	Hancock, N. C.	McFarlane	Sauthoff
Costello	Harlan	McGranery	Schaefer, Ill.
Crawford	Harrington	McGrath	Schneider, Wis.
Creal	Hart	McKeough	Schuetz
Crosby	Harter	McReynolds	Schulte
Crosser	Havenner	Magnuson	Scott
Crowe	Healey	Mahon, S. C.	Scrugham
Cullen	Hendricks	Mahon, Tex.	Secrest
Daly	Hennings	Martin, Colo.	Shanley
Delaney	Hildebrandt	Massingale	Shannon
DeMuth	Hill, Ala.	Maverick	Sheppard
Dingell	Hill, Okla.	May	Sirovich
Disney	Hill, Wash.	Mead	Smith, Conn.
Dixon	Honeyman	Merritt	Smith, Wash.
Dorsey	Hook	Miller	Smith, W. Va.
Doughton	Houston	Mills	Snyder, Pa.
Dowell	Hunter	Mitchell, Ill.	South
Drew, Pa.	Izac	Moser, Pa.	Sparkman
Dunn	Jacobsen	Mosier, Ohio	Spence
Eberharter	Jenkins, Ohio	Murdock, Ariz.	Stack
Eckert	Johnson, Minn.	Murdock, Utah	Sutphin
Edmiston	Johnson, Okla.	Nelson	Sweeney
Elcher	Johnson, W. Va.	O'Brien, Ill.	Swope
Ellenbogen	Keller	O'Brien, Mich.	Tarver
Engel	Kelly, Ill.	O'Connell, Mont.	Telgan
Evans	Kelly, N. Y.	O'Connell, R. I.	Terry
Fernandez	Kennedy, Md.	O'Connor, Mont.	Thom
Fitzgerald	Kennedy, N. Y.	O'Day	Thomas, Tex.
Fitzpatrick	Kenney	O'Leary	Thomason, Tex.
Flannagan	Keogh	Oliver	Thompson, Ill.
Flannery	Kirwan	O'Malley	Tolan
Fleger	Kitchens	O'Toole	Transue
Fletcher	Kloeb	Palmisano	Umstead
Forand	Kniffin	Patterson	Vincent, B. M.
Ford, Calif.	Kocialkowski	Pearson	Vinson, Fred, M.
Frey, Pa.	Kopplemann	Peterson, Fla.	Voorhis
Fries, Ill.	Kramer	Pfeifer	Wallgren
Fulmer	Kvale	Phillips	Walter
Gambrill	Lanzetta	Quinn	Warren
Gasque	Leavy	Rabaut	Wearin
Gavagan	Lemke	Ramsay	Weaver
Gehrmann	Lewis, Md.	Ramspeck	Welch
Gildea	Long	Reilly	Wene
Gingery	Lucas	Rigney	White, Idaho
Goldsborough	Luckey, Nebr.	Robinson, Utah	Withrow
Gray, Ind.	Ludlow	Robsion, Ky.	Wood
Green	Luecke, Mich.	Rogers, Okla.	Woodrum

NOT VOTING—44

Allen, Ill.	DeRouen	Kerr	Parsons
Amlie	Dickstein	Larrabee	Pettengill
Bacon	Ferguson	Lesinski	Peyser
Barden	Garrett	McGehee	Richards
Buck	Gilchrist	McGroarty	Somers, N. Y.
Buckley, N. Y.	Goodwin	McSweeney	Sullivan
Byrne	Griswold	Maloney	Summers, Tex.
Clark, Idaho	Higgins	Mansfield	Taylor, Colo.
Cravens	Hull	Mouton	Taylor, S. C.
Cummings	Imhoff	Nichols	Treadway
Curley	Kee	Norton	Wadsworth

So the motion to order the previous question was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Wadsworth (for) with Mr. Hull (against).
Mr. Treadway (for) with Mr. Sullivan (against).
Mr. Taylor of South Carolina (for) with Mr. Amlie (against).
Mr. Goodwin (for) with Mr. Somers of New York (against).
Mr. Clark of Idaho (for) with Mr. Byrne (against).

General pairs:

Mr. Parsons with Mr. Allen of Illinois.
Mr. Sumners of Texas with Mr. Gilchrist.
Mr. Kerr with Mr. Powers.
Mr. Mansfield with Mr. Bacon.
Mr. Taylor of Colorado with Mr. Buckley of New York.
Mr. Higgins with Mr. Richards.
Mr. Peyser with Mr. Imhoff.
Mr. Barden with Mr. Ferguson.
Mr. Pettengill with Mr. McGehee.
Mrs. Norton with Mr. Nichols.
Mr. DeRouen with Mr. Garrett.
Mr. McSweeney with Mr. Cummings.
Mr. Larrabee with Mr. Buck.
Mr. Cravens with Mr. Griswold.
Mr. Maloney with Mr. Dickstein.
Mr. Curley with Mr. McGroarty.
Mr. Kee with Mr. Mouton.

The result of the vote was announced as above recorded.

Mr. WARREN. Mr. Speaker, I offer a preferential motion.

Mr. Speaker, I move to lay the resolution (H. Res. 162) upon the table.

The motion to lay the resolution (H. Res. 162) on the table was agreed to.

SIT-DOWN STRIKES

Mr. WARREN. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution (S. Con. Res. 7), which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the so-called sit-down strike is illegal and contrary to sound public policy;

That the so-called industrial spy system breeds fear, suspicion, and animosity, tends to cause strikes and industrial warfare, and is contrary to sound public policy; and

That it is likewise contrary to sound public policy for any employer to deny the right of collective bargaining, to foster the company union, or to engage in any other unfair labor practice as defined in the National Labor Relations Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. WITHROW and Mr. O'CONNELL of Montana objected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—CHARLES M. PERKINS

The SPEAKER pro tempore laid before the House the following communication from the President of the United States, which was read, as follows:

To the House of Representatives:

In compliance with the request contained in the resolution of the House of Representatives of April 7, 1937 (the Senate concurring), I return herewith H. R. 1089, "An act for the relief of Charles M. Perkins."

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 8, 1937.*

Mr. KENNEDY of Maryland. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 9), and ask for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 9

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the President of the Senate in signing the enrolled bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins" be rescinded, and that in the reenrollment of the said bill the Clerk of the House of Representatives be, and he is hereby, authorized and directed to make the following correction, to wit:

Strike out the figures "$14,987.66" and insert in lieu thereof the figures "$14,897.66."

The concurrent resolution was agreed to.

EXTENSION OF REMARKS

Mr. ENGEL, Mr. ROBSION of Kentucky, Mr. MICHENER, Mr. MAVERICK, Mr. RABAUT, Mr. KELLER, and Mr. TRANSUE asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent that on Thursday, March 15, after the reading of the Journal and disposition of business on the Speaker's table, I may address the House for 15 minutes on why the Federal Government is going in the red $7,935,006 a day, or $546,856 more every day this year than it went in the red last year.

The SPEAKER pro tempore. The Chair is of the opinion it would be impossible to grant the request, as March 15, 1937, has passed.

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Thursday the 15th, after the disposition of business on the Speaker's desk.

The SPEAKER pro tempore. The Chair understood the gentleman to say March 15.

Mr. RICH. The 15th of April.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CARTWRIGHT. Mr. Speaker, I object.

PERMISSION TO EXTEND REMARKS

Mr. RAYBURN. Mr. Speaker, I desire to submit a unanimous-consent request which I think may cover the situation. I ask unanimous consent that all Members of the House may be granted 5 legislative days in which to extend their own remarks on the two resolutions acted upon today.

Mr. SNELL. Mr. Speaker, reserving the right to object, after the wonderful exhibition of Democratic management here today, I think they ought to have 5 days to extend their remarks and explain their arguments. I agree to the request.

Mr. O'CONNOR of New York. Mr. Speaker, in view of those remarks, I object.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some remarks of Rev. Linus Lilly, professor of law at St. Louis University.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that all Members who spoke on the two resolutions acted on today may be given 5 legislative days within which to extend their own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent that on Thursday next, April 15, after the reading of the Journal and the disposition of matters on the Speaker's desk, I may address the House for 15 minutes.

Mr. KENNEY. Mr. Speaker, reserving the right to object, may I inquire the nature of the talk?

Mr. RICH. I expect to speak in reference to the expenditure of Federal funds by the Democratic administration and the enormous amount of money they are wasting and the fact the President of the United States states we are going to have a balanced Budget.

Mr. KENNEY. I hope the gentleman will mention the fact we can balance the Budget if we pass the national lottery bill. I withdraw my reservation of objection, Mr. Speaker.

Mr. CARTWRIGHT. I object, Mr. Speaker.

EXTENSION OF REMARKS

Mr. VOORHIS asked and was given permission to extend his own remarks in the RECORD.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 179. An act for the relief of J. H. Richards;

S. 308. An act for the relief of the estate of Alice W. Miller, deceased;

S. 420. An act for the relief of A. D. Hampton;

S. 766. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction-finder station, North Truro, Mass., on December 27, 1934;

S. 843. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department;

S. 1057. An act for the relief of Joseph A. Ganong;

S. 1125. An act to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes;

S. 1285. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property;

S. 1314. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930;

S. 1315. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the Naval Radio Station, Eureka, Calif., on January 17, 1930;

S. 1317. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the Naval Radio Station, Libugon, Guam, on April 15, 1932;

S. 1320. An act to provide for the reimbursement of certain civilians employed at the naval operating base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on pier 7 at the naval operating base on that date;

S. 1423. An act for the relief of G. A. Trotter;

S. 1441. An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy;

S. 1442. An act to enable the Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps;

S. 1454. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935;

S. 1470. An act authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800);

S. 1473. An act to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America, and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets, and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports;

S. 1500. An act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes;

S. 1684. An act for the relief of the State of Pennsylvania;

S. 1901. An act to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); and

S. J. Res. 102. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until tomorrow, Friday, April 9, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Friday, April 9, 1937, at 10:30 a. m., to continue hearings on the report on the Atlantic-Gulf Waterway (Florida ship canal).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the inland-waterways subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Friday afternoon, April 9, 1937. Business to be considered: Hearing on H. R. 4213—Authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to the Savannah River.

COMMITTEE ON THE POST OFFICE AND POST ROADS

The Subcommittee on Air Mail will continue hearings on Friday morning, April 9, 1937, at 10 a. m., on all pending air-mail bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the business-research subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Monday, April 12, 1937. Business to be considered: Hearing on H. R. 4954—Business-research bill.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 a. m., in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

There will be a meeting of the Committee on the Public Lands at 10 a. m., Tuesday, April 20, 1937, in room 328, House Office Building, to consider H. R. 5394—Addition to Yosemite National Park lands.

EXECUTIVE COMMUNICATIONS, ETC.

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

525. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 2, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of, and review of reports on, Detroit River, Mich., authorized by the River and Harbor Act approved August 30, 1935, and requested by resolution of the Committee on Rivers and Harbors, House of Representatives, adopted January 28, 1935 (H. Doc. No. 205); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

526. A letter from the Secretary of the Interior, transmitting a draft of a proposed bill which would authorize the deposit of Indian funds in banks and the investment of such funds in United States bonds and any other bonds which the United States guarantees as to principal and interest; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ANDREWS: Committee on Military Affairs. H. R. 1978. A bill to authorize an appropriation for construction at Fort Niagara, N. Y.; with amendment (Rept. No. 566). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. H. R. 6142. A bill to authorize the furnishing of steam from the Central Heating Plant to the District of Columbia; without amendment (Rept. No. 567). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOTT: Committee on the Public Lands. H. R. 195. A bill to convey certain lands to Clackamas County, Oreg., for public-park purposes; without amendment (Rept. No. 568). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 1995. A bill to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes; without amendment (Rept. No. 569). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Georgia: Committee on Public Lands. H. R. 3421. A bill to quiet title and possession with respect to certain lands in Tuscumbia, Ala.; without amendment (Rept. No. 570). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 4852. A bill to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes; without amendment (Rept. No. 571). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 4890. A bill relative to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas; with amendment (Rept. No. 572). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 5171. A bill to reimpose a trust on certain lands allotted on the Yakima Indian Reservation; without amendment (Rept. No. 573). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. JONES: A bill (H. R. 6240) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes; to the Committee on Agriculture.

By Mr. HOFFMAN: A bill (H. R. 6241) to amend paragraph A, section 51 (Title I—Income Tax), of the Revenue Act of 1934; to the Committee on Ways and Means.

By Mr. BREWSTER: A bill (H. R. 6242) to protect the buyers of potatoes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PETERSON of Georgia: A bill (H. R. 6243) to authorize an appropriation of $50,000 with which to make a survey of the old Indian trail and the highway known as Oglethorpe Trail with a view of constructing a national roadway on this route to be known as the Oglethorpe National Trail and Parkway; to the Committee on the Public Lands.

Also, a bill (H. R. 6244) to provide for the acquisition of the Mulberry Grove Plantation in Chatham County, Ga., site of the invention of the cotton gin by Eli Whitney, and for the establishment thereon of a national monument to be known as the National Cotton Gin Museum; to the Committee on the Public Lands.

By Mr. O'TOOLE: A bill (H. R. 6245) to admit certain aliens from foreign countries who are subject to persecution on account of their race, religion, or political beliefs, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Connecticut: A bill (H. R. 6246) to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character; to the Committee on Military Affairs.

By Mr. HOOK: A bill (H. R. 6247) to amend the Wisconsin Chippewa Jurisdictional Act of August 30, 1935 (49 Stat. L. 1049); to the Committee on Indian Affairs.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 6248) for the protection of the Indians and their lessees within the Allegany and Cattaraugus Indian Reservations, N. Y.; to the Committee on Indian Affairs.

By Mr. MURDOCK of Utah: A bill (H. R. 6249) to reserve certain lands in the State of Utah for the Kanosh Band of Paiute Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 6250) to reserve certain lands in the State of Utah for the Shivwitz Band of Paiute Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 6251) to reserve certain lands in Utah as an addition to the Goshute Indian Reservation; to the Committee on Indian Affairs.

Also, a bill (H. R. 6252) to reserve certain lands in the State of Utah for the Koosharem Band of Paiute Indians; to the Committee on Indian Affairs.

By Mr. BREWSTER: A bill (H. R. 6253) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the Aroostook War, which led to the settlement of the international boundary line between the United States and Canada through the Webster-Ashburton treaty; to the Committee on Coinage, Weights, and Measures.

By Mr. DISNEY: A bill (H. R. 6254) authorizing an appropriation for the construction of court facilities in the proposed post-office building at Vinita, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. CANNON of Wisconsin: Joint resolution (H. J. Res. 318) amending article II, section 2, paragraph 2, of the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDERSON of Missouri: A bill (H. R. 6255) for the relief of the Frazier-Davis Construction Co.; to the Committee on Claims.

By Mr. BATES: A bill (H. R. 6256) for the relief of Delmar Edwin Runnals; to the Committee on Naval Affairs.

By Mr. BREWSTER: A bill (H. R. 6257) for the relief of Dr. G. A. Neal; to the Committee on Claims.

Also, a bill (H. R. 6258) granting a pension to James D. Shelters; to the Committee on Invalid Pensions.

By Mr. CHURCH: A bill (H. R. 6259) for the relief of Gilbert Stoll; to the Committee on Claims.

Also, a bill (H. R. 6260) granting an increase of pension to Martha E. Vanderburgh; to the Committee on Invalid Pensions.

By Mr. CROWE: A bill (H. R. 6261) for the relief of Strother B. and Mary N. Earls; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 6262) for the relief of Camille Carmignani; to the Committee on Claims.

Also, a bill (H. R. 6263) for the relief of Nelson W. Apple; to the Committee on Claims.

By Mr. GEHRMANN: A bill (H. R. 6264) for the relief of Guy W. Paulson; to the Committee on War Claims.

Also, a bill (H. R. 6265) for the relief of Frank W. Marino; to the Committee on War Claims.

Also, a bill (H. R. 6266) for the relief of Ernest C. Nolan; to the Committee on War Claims.

By Mr. KNUTSON: A bill (H. R. 6267) for the relief of Edward Walter Wipper; to the Committee on Naval Affairs.

By Mr. McANDREWS: A bill (H. R. 6268) for the relief of Frank Malles, Jr.; to the Committee on Claims.

By Mr. McLEAN: A bill (H. R. 6269) for the relief of Anton Kostiuk (Anthony Kostiuk); to the Committee on Immigration and Naturalization.

By Mr. MAPES: A bill (H. R. 6270) granting an increase of pension to Jane F. Hope; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 6271) for the relief of Annie Fleming, George Perdue, O. B. Ross, and Sadie Washington; to the Committee on Claims.

By Mr. SPENCE: A bill (H. R. 6272) for the relief of Harris A. Alister; to the Committee on Claims.

By Mr. SWEENEY: A bill (H. R. 6273) for the relief of Exum M. Haas; to the Committee on Claims.

By Mr. SWOPE: A bill (H. R. 6274) granting an increase of pension to Maggie R. Lanig; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 6275) to extend the benefits of the United States Employees' Compensation Act of September 7, 1916, to John J. Kelley; to the Committee on Claims.

PETITIONS, ETC.

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

1649. By Mr. ASHBROOK: Petition of J. S. Dunn, of Danville, Ohio, urging that no law be passed that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1650. Also, petition of the Democratic Women's Club of Genoa Township, Ohio, endorsing President Roosevelt's Supreme Court proposal; to the Committee on the Judiciary.

1651. By Mr. BARRY: Petition of the Northside Democratic Club of Corona, Long Island, N. Y., protesting against House bill 3134, which would impose a 1-cent tax on fuel oil; to the Committee on Ways and Means.

1652. By Mr. BREWSTER: Petition of Esther Gallagher and 72 others, petitioning that Congress shall pass no law disturbing the religious rights and privileges of the people; to the Committee on the Judiciary.

1653. By Mr. BUCK: Petition of residents of the Third Congressional District of California, in behalf of enactment of the national lottery measure; to the Committee on Ways and Means.

1654. By Mr. CARTER: Petition of G. H. Edwards, secretary-treasurer, Local No. 5, International Association of Oil Field, Gas Well, and Refinery Workers of America, Martinez, Calif., favoring President Roosevelt's proposed reform of the Federal Supreme Court, etc.; to the Committee on the Judiciary.

1655. By Mr. COFFEE of Washington: Resolution of the Northern Pacific Lodge, No. 1124, Brotherhood of Railway Clerks, of Tacoma, Wash., expressing dismay at the manner in which the Federal judiciary has been interpreting the Constitution, noting the conflict between decisions of Federal courts of equal standing, and urging that the Congress promptly pass the legislation advocated by President Roosevelt designed to liberalize the Federal judiciary; to the Committee on the Judiciary.

1656. Also, petition of the City Council of Tacoma, Wash., urging reestablishment of the Tacoma Weather Bureau office as necessary to shipping and agriculture; to the Committee on Appropriations.

1657. By Mr. CURLEY: Resolutions of the Empire City Lodge, No. 197, Brotherhood of Railroad Trainmen, supporting the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1658. By Mr. DELANEY: Petition of the Justinians of Brooklyn, N. Y., urging that the Judiciary Committee be discharged from further consideration of House Joint Resolution 199, and expressing their deep interest in this peace amendment; to the Committee on the Judiciary.

1659. By Mr. FISH: Petition signed by 41 residents of Southfields and Monroe, Orange County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1660. Also, petition signed by 20 residents of Middletown and Monroe, N. Y., in opposition to the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1661. Also, petition signed by Cornelia D. Kinkead and 42 other residents and citizens of Poughkeepsie, Dutchess County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1662. Also, petition signed by Charles Louis Seeger and 14 other residents and citizens of Patterson, Brewster, Towners, Carmel, and Pawling, Putnam County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1663. Also, petition signed by R. Grand Gould and 187 residents and citizens of Port Jervis, Orange County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1664. By Mr. GOODWIN: Petition of 43 residents of Pine Bush, Ulsterville, Walker Valley, etc., Ulster County, N. Y., protesting against increasing the membership of the Supreme Court, or any compromise thereof; to the Committee on the Judiciary.

1665. By Mr. TINKHAM: Memorial of the General Court of Massachusetts, requesting the enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions; to the Committee on Labor.

1666. By Mr. HALLECK: Petition of the Mental Culture Club of Logansport, Ind., favoring enactment of the Neely-Pettengill bill, for the control of the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

1667. By Mr. KEOGH: Petition of the New York Retail Hardware Association, Inc., concerning the Miller fair trade enabling bill (H. R. 1611); to the Committee on Ways and Means.

1668. By Mr. LORD: Petition of Susan Fenimore Cooper and 40 residents of Cooperstown, N. Y., protesting against the proposal of the President to affect the decisions of the Supreme Court by increasing its membership, also opposing any compromise upon this fundamental American issue; to the Committee on the Judiciary.

1669. Also, petition of Marie de L. Johnston and 80 residents, of Cooperstown, N. Y., protesting against the proposal of the President to affect the decisions of the Supreme Court by increasing its membership, also opposing any compromise upon this fundamental American issue; to the Committee on the Judiciary.

1670. By Mr. McLEAN: Petition of Save the Supreme Court Patriotic Committee, solicited by Philip V. R. Schuyler, and signed by 60 petitioners, protesting against the proposal to reorganize the Supreme Court; to the Committee on the Judiciary.

1671. Also, two petitions of Save the Supreme Court Patriotic Committee, bearing 41 names of petitioners, protesting against the proposal to reorganize the Supreme Court; to the Committee on the Judiciary.

1672. Also, petition of Save the Supreme Court Patriotic Committee, solicited by Arthur R. Wendell and signed by 20 petitioners, protesting against the proposal to reorganize the Supreme Court; to the Committee on the Judiciary.

1673. Also, petition of Save the Supreme Court Patriotic Committee, solicited by Frederick W. Goddard, Plainfield, N. J., protesting against the proposal to reorganize the Supreme Court; to the Committee on the Judiciary.

1674. Also, resolutions of the Republican Veterans' Association of Union County, N. J., protesting against the reorganization of the Supreme Court; to the Committee on the Judiciary.

1675. Also, resolutions of the Garden Club of New Jersey, petitioning Congress to take such action as to effectively prevent destruction of sugar-pine trees standing in grove contiguous to the Yosemite National Park, in California; to the Committee on Agriculture.

1676. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, urging the increase in the amount of Federal reimbursement to cities and towns granting old-age assistance benefits; to the Committee on Ways and Means.

1677. Also, memorial of the General Court of Massachusetts, urging enactment of Federal legislation to protect those States having high legal standards for labor and working conditions against unfair competition; to the Committee on the Judiciary.

1678. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memorializing Congress in favor of Federal legislation increasing the amount of Federal reimbursement for cities and towns granting old-age assistance; to the Committee on Ways and Means.

1679. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, memorializing Congress for enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, APRIL 9, 1937

Rev. Oliver J. Hart, D. D., rector of St. John's Episcopal Church, Washington, D. C., offered the following prayer:

Almighty God, our Heavenly Father, whose mercy is from everlasting to everlasting, we humbly beseech Thee that the people of these United States may always prove themselves worthy of their goodly heritage. Bless our Senate, now assembled in Thy name and presence, and grant that they may order all things in wisdom, righteousness, and peace, to the honor of Thy holy name and the good of Thy people. May all our desires and deeds be in accordance with Thy holy will. Scatter the darkness of our ignorance and grant that the littleness of our knowledge may be lost in the greatness of Thy love. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 7, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5232) making appropriations for the Navy Department and

the naval service for the fiscal year ending June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. UMSTEAD, Mr. THOM, Mr. JOHNSON of West Virginia, Mr. SCRUGHAM, Mr. FERNANDEZ, Mr. DITTER, and Mr. PLUMLEY were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2260. An act to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved; and

H. R. 5721. An act to amend the Federal Register Act.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 9), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the President of the Senate in signing the enrolled bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins", be rescinded, and that in the reenrollment of the said bill the Clerk of the House of Representatives be, and he is hereby, authorized and directed to make the following correction, to wit:

Strike out the figures "$14,987.66" and insert in lieu thereof the figures "$14,897.66."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 179. An act for the relief of J. H. Richards;

S. 308. An act for the relief of the estate of Alice W. Miller, deceased;

S. 420. An act for the relief of A. D. Hampton;

S. 766. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction-finder station, North Truro, Mass., on December 27, 1934;

S. 843. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department;

S. 1057. An act for the relief of Joseph A. Ganong;

S. 1125. An act to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes"; approved August 27, 1935, and for other purposes;

S. 1285. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property;

S. 1314. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930;

S. 1315. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the naval radio station, Eureka, Calif., on January 17, 1930;

S. 1317. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932;

S. 1320. An act to provide for the reimbursement of certain civilians employed at the naval operating base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on pier 7 at the naval operating base on that date;

S. 1423. An act for the relief of G. A. Trotter;

S. 1441. An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy;

S. 1442. An act to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps;

S. 1454. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935;

S. 1470. An act authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800);

S. 1473. An act to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports;

S. 1500. An act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes;

S. 1684. An act for the relief of the State of Pennsylvania;

S. 1901. An act to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); and

S. J. Res. 102. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

CALL OF THE ROLL

Mr. LEWIS. As we approach the consideration of the calendar, we will need a quorum, and I ask for a roll call.

The VICE PRESIDENT. The Clerk will call the roll.

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

Adams	Clark	Johnson, Colo.	Pope
Andrews	Connally	King	Radcliffe
Ashurst	Copeland	Lee	Reynolds
Austin	Davis	Lewis	Robinson
Bachman	Dieterich	Lodge	Russell
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Lonergan	Schwellenbach
Barkley	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Smith
Black	Gerry	McCarran	Steiwer
Bone	Gibson	McGill	Thomas, Okla.
Borah	Gillette	McKellar	Thomas, Utah
Bridges	Green	McNary	Truman
Brown, Mich.	Hale	Minton	Tydings
Brown, N. H.	Harrison	Murray	Vandenberg
Bulkley	Hatch	Neely	Van Nuys
Bulow	Hayden	Norris	Wagner
Burke	Herring	Nye	Walsh
Byrd	Hitchcock	O'Mahoney	Wheeler
Byrnes	Holt	Overton	
Caraway	Hughes	Pepper	
Chavez	Johnson, Calif.	Pittman	

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from Pennsylvania [Mr. GUFFEY] and the Senator from New Jersey [Mr. MOORE] are detained from the Senate on important public business.

The Senator from Connecticut [Mr. MALONEY] is detained because of illness in his family.

Mr. AUSTIN. I announce that the Senator from Kansas [Mr. CAPPER] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness.

Mr. HALE. I announce that my colleague the junior Senator from Maine [Mr. WHITE] is absent from the Senate because of illness.

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

CESARIA DEL PILAR

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1310) for the relief of Cesaria Del Pilar, which was, on page 1, line 6, to strike out "$250" and insert "$1,500."

Mr. WALSH. I move that the Senate concur in the House amendment.

The motion was agreed to.

CHARLES M. PERKINS

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution coming over from the House of Representatives, which will be read.

The legislative clerk read the resolution (H. Con. Res. 9), as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the President of the Senate in signing the enrolled bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins" be rescinded, and that in the reenrollment of the said bill the Clerk of the House of Representatives be, and he is hereby, authorized and directed to make the following correction, to wit:

Strike out the figures "$14,987.66" and insert in lieu thereof the figures "$14,897.66."

Mr. ROBINSON. I move that the Senate agree to the concurrent resolution of the House.

The concurrent resolution was agreed to.

EXCHANGE OF USED PARTS OF CERTAIN TYPES OF EQUIPMENT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 462) to permit the exchange of used parts of certain types of equipment for new or reconditioned parts of the same equipment, which were on page 1, line 3, after "That", to insert "any Government department is authorized to exchange"; on page 1, lines 5 and 6, to strike out "may be exchanged in whole or in part payment" and insert "as payment, in full or in part"; and to amend the title so as to read: "An act to authorize any Government department to exchange used parts of certain types of equipment for new or reconditioned parts of the same equipment."

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CLAIMS ARISING FROM FIRST ARMY MANEUVERS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 463) to settle claims of four persons arising from First Army maneuvers, August 1935, which was to amend the title so as to read: "An act for the relief of George A. Hardy, Mang B. Kiechle, John C. McLeod, and Earl W. Zimmer."

Mr. SHEPPARD. I move that the Senate concur in the House amendment.

The motion was agreed to.

VICTOR M. RUIZ C AND LUZ ELENA ROBLES

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1038) for the relief of Victor M. Ruiz C and Luz Elena Robles, which was, on page 1, line 5, to strike out all after "appropriated" down to and including "liability", in line 6.

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

The motion was agreed to.

CAPT. EUGENE BLAKE, JR.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1413) for the relief of Capt. Eugene Blake, Jr., United States Coast Guard, which was, on page 1, line 7, after "sum", to insert "and any interest thereon or court costs in connection therewith."

Mr. BAILEY. I move that the Senate concur in the House amendment.

The motion was agreed to.

TRANSFERS OF FIREARMS—EXEMPTION FROM TAX

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the House of Representatives, which will be read.

The legislative clerk read the resolution (H. Res. 170), as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 30, 1937.

Resolved, That the bill (S. 1905) to amend the National Firearms Act, approved June 26, 1934, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives, and is an infringement of the prerogatives of this House, and that said bill be respectfully returned to the Senate with a message communicating this resolution.

The VICE PRESIDENT. The resolution together with Senate bill 1905 will be referred to the Committee on Military Affairs.

DEPOSIT AND INVESTMENT OF INDIAN FUNDS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the deposit in banks, etc., and the investment of Indian funds, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Agriculture and Forestry:

Joint memorial to the Congress of the United States requesting the enactment of appropriate legislation for the creation of the Fort Peck power authority

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the Congress of the United States has enacted legislation creating the Tennessee Power Authority, which has been of great use and benefit to the many States served thereby; and

Whereas the Congress of the United States has enacted legislation for the creation of the Columbia River Valley Authority to, among other things, operate power projects at Bonneville Dam, which, it is anticipated, will be a great factor in developing the adjoining territory; and

Whereas, due to the engineering skill and efficiency of the Army engineers, headed by General Markham and Colonels Moore and Larkin, the great Fort Peck Dam will soon be completed; and

Whereas the plans of this, the world's greatest earthen dam, which is being constructed for navigation, power, irrigation, flood control, and soil erosion, and costing over $100,000,000, provides for the construction and installation of a great power plant; and

Whereas the territory appurtenant to this dam, vast and undeveloped, has great possibilities, and the State of Montana should anticipate the future and plan ahead of time to utilize to the best interest of all the people of the State of Montana the potential possibilities made possible by this great dam; and

Whereas much power will be needed to develop irrigation, manufacturing, carry on transportation, and otherwise develop the natural resources of the enormous area adjoining the Fort Peck Dam: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States of America be respectfully urged and petitioned to enact legislation creating the Fort Peck power authority, with powers and duties similar to that of the Tennessee Valley Authority and the Columbia River Valley Authority, including the right of this authority as far as possible to carry out President Roosevelt's rural electrification program, to own, control, and operate the power plants and projects and transmission lines, and to do all things necessary to utilize for the best interest of the people as a whole the power facilities the dam will provide; be it further

Resolved, That a copy of this joint memorial be submitted by the secretary of state of Montana to the President of the United States, to both Houses of the National Congress, and to the Secretary of War and Chief of the Army engineers, and to each of the Senators and Representatives in Congress from the State of Montana.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Irrigation and Reclamation:

Memorial for a survey of the Yellowstone River in Montana to determine the best and efficient use of its waters and to stabilize the irrigated and irrigable lands in the Yellowstone River basin and to further assist in the control of floods along the said Yellowstone River

A memorial to the President of the United States, to the honorable Secretary of the Interior, to the President of the Senate and Speaker of the House of Representatives, and to each Member in Congress from Montana, and to Governor Roy E. Ayers,

We, the members of the Twenty-fifth Legislative Assembly of the State of Montana (the senate and house concurring), respectfully represent:

Whereas the provision of insuring an adequate supply of water for irrigation and domestic purposes is the most pressing problem in that section of Montana drained by the Yellowstone River; and

Whereas during the present series of dry years there has been an insufficient available supply of water for the irrigation of areas now under ditch and to supply water for the reclamation of large areas of semiarid land within the Yellowstone River basin and immediately adjoining uplands thereof; and

Whereas there is unappropriated and unused water in the basin of the Yellowstone River which, if properly conserved and controlled, to provide an ample supply of water for irrigation and reclamation purposes to the extent that not only the lands now under irrigation but also the vast areas thereof susceptible of irrigation and reclamation by the use of said waters to the extent that the agricultural and farming industry in this section of Montana could be rehabilitated and its permanency insured: Now, therefore, be it

Resolved, That the Twenty-fifth Legislative Assembly of the State of Montana (the senate and house concurring) does hereby respectfully petition and request that the Congress of the United States and the Department of the Interior recommend the expenditure of at least $150,000 for the purpose of making a complete survey of the Yellowstone River basin in order to determine the feasibility of the various projects along said river to determine the method of best utilizing the waters of the said Yellowstone River for these purposes; be it further

Resolved, That copies of this memorial be mailed by the secretary of state of Montana to the President of the United States, to the Secretary of the Interior, to the President of the Senate and Speaker of the House of Representatives, to each of the Representatives in Congress from Montana, and to Governor Roy E. Ayers.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was ordered to lie on the table:

Joint memorial to the Congress of the United States requesting the enactment into law the ever-normal-granary and crop-insurance program

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas on December 3, 1936, representatives of the wheat growers of the United States, assembled in Washington, D. C., and went on record sponsoring the so-called "ever-normal-granary and crop-insurance program"; and

Whereas certain farm organizations and farmers in the State of Montana believe that the so-called "ever-normal-granary and crop-insurance program", if enacted into law, will be of great benefit and use to the people of the State of Montana: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States of America be respectfully urged and petitioned to enact legislation putting into force this so-called "ever-normal-granary and crop-insurance program" with a 15-year average used as a basis instead of 10 years; and be it further

Resolved, That a copy of this joint memorial be submitted by the Secretary of State of Montana to both Houses of the National Congress and to the Secretary of Agriculture and to each of the Senators and Representatives of the State of Montana in Congress.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the General Court of Massachusetts, favoring the enactment of legislation to protect the States having high legal standards for labor and working conditions against unfair competition, which was referred to the Committee on Education and Labor.

(See resolution printed in full when presented today by Mr. LODGE and Mr. WALSH.)

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the General Court of Massachusetts, favoring the enactment of legislation to amend the Social Security Act, so as to increase the maximum amount from $15 to $25 to be paid by the Federal Government for cities and towns granting old-age assistance, which was referred to the Committee on Finance.

(See resolution printed in full when presented today by Mr. WALSH and Mr. LODGE.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by a meeting of Perry County (Ill.) Democratic women, favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a telegram in the nature of a memorial from Vincent Leon, of Colorado Springs, Colo., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Maryland chapter, Rainbow Division Veterans Association, of Baltimore, Md., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the board of commissioners of the Utah State Bar, favoring the enactment of the joint resolution (H. J. Res. 19) for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which was referred to the Committee on the Library.

He also laid before the Senate a resolution adopted by the Pennsylvania Liquor Control Board Employees Association, at Pittsburgh, Pa., favoring the enactment of the so-called McCarran-Mead bill, being Senate bill 70, providing longevity pay for postal employees, which was referred to the Committee on Post Offices and Post Roads.

COMPLETION OF THE BLUE RIDGE PARKWAY, ETC.

Mr. REYNOLDS. Mr. President, I present for printing in the RECORD and appropriate reference Joint Resolution No. 38 of the Legislature of North Carolina memorializing the President of the United States to expedite the completion of the Blue Ridge Parkway, and memorializing the Governor and State Highway and Public Works Commission of North Carolina to put in first-class condition the State highways of North Carolina which intersect the parkway, which will connect the Shenandoah National Park of the State of Virginia and the Great Smoky Mountains Park of North Carolina.

In presenting the resolution I desire to avail myself of the opportunity to state to the Members of the Senate that the Great Smoky Mountains National Park of North Carolina is the largest national part east of the Rocky Mountains.

Mr. BACHMAN. Mr. President——

Mr. REYNOLDS. I yield to my very good friend from Tennessee, and I am glad to do so for the reason that part of the Great Smoky Mountains National Park is located in my sister State of Tennessee, so ably represented in part by my beloved friend who has risen to ask me to yield to him.

Mr. BACHMAN. Mr. President, I was about to make the correction which the Senator himself has now made. [Laughter.]

Mr. REYNOLDS. In pursuance of the resolution, I desire to state that the Great Smoky Mountains National Park of North Carolina, which is located in the western section of North Carolina near the eastern portion of the State of Tennessee, located within about 50 miles of Asheville, N. C., my home town, which is known to the world as the Little Gem City of the Mountains, last year received and entertained more visitors than any other national park in the United States of America, with the exception of Shenandoah National Park of the State of Virginia.

The Shenandoah National Park entertained 694,098 visitors whereas the Great Smoky Mountains National Park of western North Carolina entertained 602,000 visitors.

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

Mr. REYNOLDS. I shall be very glad to yield to the Senator from Montana, and to state to him, interested as I know he is in preserving the historic shrines of America, that in the Military Affairs Committee just a few moments ago I voted to report a measure which will insure the preservation as a historic monument in his great State of the site where occurred the last battle participated in by one of our American heroes, General Custer.

Mr. WHEELER. Mr. President, I thank the Senator very much. I was wondering if the Senator was entirely correct when he said the Smoky Mountains National Park entertained more visitors last year than any other park, because I had understood that one of the parks in California and the Yellowstone National Park had had more visitors than any other parks in the United States.

Mr. McNARY. Mr. President, may I ask what is the present order of business?

The VICE PRESIDENT. The presentation of petitions and memorials. The Senator from North Carolina presented a memorial from the Legislature of North Carolina, and the Chair thinks that, for the moment, he is describing the memorial, so far as the Chair is able to understand.

Mr. REYNOLDS. Mr. President, in answer to the inquiry directed to me by the able Senator from Montana, the Shenandoah National Park entertained more visitors than any other park in the United States last year. The Great Smoky Mountains National Park of western North Carolina was second, with 602,222 visitors; the Rocky Mountains National Park, third, with 550,496 visitors; Yellowstone National Park—which was mentioned specifically by the Senator from Montana—fourth, with 432,572 visitors; Yosemite National Park, fifth, with 431,192 visitors; sixth was Acadia National Park, with 340,000 visitors; seventh, Mount Rainier National Park, with 317,345 visitors; eighth was Hot Springs National Park, with 273,083 visitors; the Grand Canyon was ninth, with 268,412 visitors; and the Platt National Park was tenth, with 235,945 visitors.

I am extremely interested in having the parkway completed, because it will avail the people of the United States an opportunity to visit the great State of North Carolina, which State carved the cradle of liberty for the American people.

Mr. PITTMAN. Mr. President——

Mr. REYNOLDS. I am glad to yield to the Senator from Nevada.

Mr. PITTMAN. May I correct an error which the Senator from North Carolina has inadvertently made? Of course, he was only reading statistics in regard to national parks. I may say that at the Boulder Canyon project in Nevada, where Boulder Dam is located, more visitors were received last year than in any park of the United States.

Mr. REYNOLDS. I wish to thank the Senator from Nevada.

Mr. McNARY. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. McNARY. This discussion is all out of order.

The VICE PRESIDENT. The point of order is well taken. Senators are not permitted to discuss petitions and memorials except by unanimous consent.

The joint resolution presented by Mr. REYNOLDS was referred to the Committee on Education and Labor, as follows:

Joint resolution memorializing the President to expedite the completion of the Blue Ridge Parkway and memorializing the Governor and the State highway and public works commission to put in first-class condition the intersecting State highways in North Carolina

Whereas by Executive order there has heretofore been established the Blue Ridge Parkway, connecting the Shenandoah National Park in Virginia with the Great Smoky Mountains National Park in North Carolina and Tennessee; and

Whereas work has been in progress for some time on the said parkway out of funds allotted by the President; and

Whereas at the last session of Congress the said parkway was approved and placed under the supervision of the National Park Service, and appropriation for further work thereon was authorized to be effective after the 1st of July, 1937; and

Whereas it is of vital importance that active work on the construction of the said parkway be prosecuted pending the time when congressional appropriation will become available; and

Whereas the General Assembly of North Carolina has authorized and empowered the State highway and public works commission to take all necessary steps for the acquirement of the right-of-way for the said parkway through North Carolina; and

Whereas the said Blue Ridge Parkway will, when completed, not only afford great recreational facilities to a large part of the population of the United States but will be an integral part of the system of national defense; and

Whereas its early completion is a matter of vital interest to all the people of the United States: Now, therefore, be it

Resolved by the house of representatives (the senate concurring):

SECTION 1. That the General Assembly of North Carolina do memorialize the President of the United States to make available from the P. W. A. or such other funds as he may have at his disposal, money sufficient to keep the work on the said parkway in active operation until the Congress shall make available funds for its completion.

SEC. 2. That the General Assembly of North Carolina do memoralize the Governor and the State highway and public works commission to place in first-call condition all intersecting highways in North Carolina, so that people from all sections of the State may have easy and ready access to this great national parkway.

SEC. 3. That this resolution and the record of its adoption be transmitted through the usual and appropriate channels to the President of the United States, to the Governor of North Carolina, to the chairman of the State highway and public works commission, and a copy to each member of the North Carolina delegation in Congress.

SEC. 4. The Lieutenant Governor of North Carolina, the Speaker of the North Carolina House of Representatives, and a member of the North Carolina House of Representatives, to be designated by the Speaker, are hereby appointed a committee of three to deliver in person a ratified copy of this joint resolution to the President of the United States, and a copy to each member of the North Carolina delegation in Congress. The auditor and treasurer of the State of North Carolina are hereby directed to pay the actual expenses of this committee not to exceed $150.

SEC. 5. This resolution shall be in full force and effect from and after its ratification.

In the general assembly, read three times and ratified, this the 20th day of March, 1937.

ADDITIONAL PETITIONS AND MEMORIALS

Mr. WALSH and Mr. LODGE presented the following concurrent resolution of the General Court of Massachusetts, which was referred to the Committee on Finance:

Resolutions memorializing Congress in favor of Federal legislation increasing the amount of Federal reimbursement for cities and towns granting old-age assistance

Resolved, That the General Court of Massachusetts hereby urges the Congress of the United States to amend the Social Security Act, so-called, by increasing the maximum amount to be paid by the Federal Government to cities and towns, with respect to each individual granted old-age assistance by them, from $15 to $25; and be it further

Resolved, That the secretary of the Commonwealth send copies of these resolutions to each Member of Congress from this Commonwealth and to the presiding officers of both branches of Congress.

Mr. LODGE and Mr. WALSH presented the following concurrent resolution of the General Court of Massachusetts, which was referred to the Committee on Education and Labor:

Resolutions memorializing Congress for enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions

Whereas the general court is convinced that industries operating in this and other States with advanced legal standards for labor and working conditions are at a decided disadvantage in competition with similar industries and establishments operating under lower standards elsewhere; and

Whereas it has been found impracticable to secure the adoption of agreements among the States for the establishment and maintenance of definite and reasonable standards for labor and working conditions in the absence of some provision for protection of industries, in the States that may enter into such an agreement, from competition by industries and establishments operating in States that have no such standards in the field of labor and industry; and

Whereas Congress has enacted the Hawes-Cooper Act, so called, to aid the States in preventing the sale within their limits of goods and merchandise made by convict labor in other States, when the protected State prohibits sale in the open market of goods and merchandise made by convict labor within its limits, and has likewise enacted the Ashurst-Sumners Act, so called, which prohibits transportation in interstate commerce of goods and merchandise made by convict labor and destined for States in which the sale of such merchandise is forbidden; and

Whereas the Supreme Court of the United States, in decisions rendered on March 2, 1936, and January 4, 1937, has sustained the constitutionality of the Hawes-Cooper Act and of the Ashurst-Sumners Act, respectively; and

Whereas the action of Congress and the decisions of the Supreme Court concerning the subject of interstate commerce in convict-made goods and merchandise appear clearly to point the way to a method of protecting the industries of States with high legal standards for labor and working conditions from competition originating under lower standards elsewhere: Therefore be it

Resolved, That the General Court of Massachusetts hereby memorializes the Congress of the United States to enact legislation permitting States with established standards for labor and working conditions to protect their industries from competition originating under lower standards elsewhere, and forbidding the transportation in interstate commerce of goods and merchandise produced under low legal standards for labor and working conditions into States in which adequate and reasonable standards on these subjects have been established and maintained; and be it further

Resolved, That the secretary of the Commonwealth transmit forthwith copies of these resolutions to the President of the United States, the Secretary of Labor of the United States, the presiding officers of both branches of Congress, each Senator and Representative from Massachusetts in Congress, and to the Governors of all the States of the Union, with an urgent request that they cooperate with this Commonwealth in securing the enactment of the proposed legislation.

Mr. LODGE presented a resolution adopted by members of the Massachusetts Women's Political Club, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

AMERICANISM PROGRAM BY HILL TOP MEMORIAL POST, PITTSBURGH, PA.

Mr. DAVIS. Mr. President, I present and ask unanimous consent to have printed in the RECORD and referred to the Committee on Appropriations a resolution forwarded to me by the Hill Top Memorial Post, No. 438, the American Legion, of Pittsburgh, Pa.

There being no objection, the resolution was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA., *April 7, 1937.*

Hon. JAMES J. DAVIS,
Senate Office Building, Washington, D. C.:

Whereas Hill Top Memorial Post, No. 438, American Legion, prepared an Americanism program for February 15, 1937, in Knoxville Junior High School for the purpose of presenting to said school an American flag, a Bible, and a Bible marker, to which program the general public was invited, and a large audience responding to said invitations and a Federal theater orchestra under Works Progress Administration supervision was invited to take part; and

Whereas the said Federal theater orchestra upon request refused to play the Star-Spangled Banner or to in any other way participate in said Americanism program, but absolutely dictated its terms of participation in the program so that no music could be played or prepared speeches delivered, all of which are appropriate in the proper presentation of a flag, a Bible, and a Bible marker and the proper acceptance thereof: Now therefore be it

Resolved, That Hill Top Memorial Post, No. 438, American Legion, condemn such unpatriotic conduct of a governmental agency and such conduct as heretofore recited is hereby condemned to the end that the supervision of governmental projects be revised so that a repetition or repetitions of such unseemly conduct will not be repeated before any other audience of American citizens.

Adopted this 1st day of March, 1937.

HILL TOP MEMORIAL POST, NO. 438, AMERICAN LEGION,
WM. G. BRIGGS, *Post Commander.*
R. Q. RICHARDS, *Post Adjutant.*

REPORTS OF COMMITTEES

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (H. R. 1065) for the relief of Mrs. Louis Abner, reported it with an amendment and submitted a report (No. 293) thereon.

Mr. LOGAN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports as indicated thereon:

H. R. 1870. A bill for the relief of Kate Carter Lyons (Rept. No. 294);

H. R. 1923. A bill for the relief of Evangelos Karacostas (Rept. No. 295);

H. R. 2320. A bill for the relief of Peter Karampelis (Rept. No. 296); and

H. R. 2780. A bill for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased (Rept. No. 297).

Mr. LOGAN also, from the Committee on Claims, to which was referred the bill (H. R. 2801) for the relief of Claude Curteman, reported it with an amendment and submitted a report (No. 298) thereon.

Mr. BROWN of Michigan, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports as indicated thereon:

H. R. 1871. A bill for the relief of John S. Hemrick (Rept. No. 299); and

H. R. 2936. A bill for the relief of E. B. Gray (Rept. No. 300).

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 1934) for the relief of Halle D. McCullough, reported it without amendment and submitted a report (No. 301) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports as indicated thereon:

S. 1067. A bill for the relief of Asa J. Hunter (Rept. No. 302); and

S. 1764. A bill for the relief of Ruth Gaskins (Rept. No. 303).

Mr. SCHWARTZ also, from the Committee on Claims, to which was referred the bill (S. 1936) for the relief of Roy S. Kostenbader, reported it with amendments and submitted a report (No. 304) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 3701) for the relief of the Sterling Bronze Co., reported it without amendment and submitted a report (No. 305) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports as indicated thereon:

S. 171. A bill for the relief of George E. Shockley (Rept. No. 306); and

S. 593. A bill for the relief of Emily Hyer LaVergne, executrix of the estate of W. K. Hyer (Rept. No. 307).

Mr. LODGE, from the Committee on Military Affairs, to which was referred the bill (S. 1705) to authorize the Secretary of War to release a certain right-of-way no longer needed for military purposes at the Springfield Armory, Mass., reported it without amendment and submitted a report (No. 322) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports as indicated thereon:

S. 603. A bill to provide further for membership on the Board of Visitors, United States Military Academy (Rept. No. 308);

S. 1724. A bill to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory (Rept. No. 309);

S. 1972. A bill to authorize the Secretary of War to sell, loan, or give samples of supplies and equipment to prospective manufacturers (Rept. No. 310); and

S. 1973. A bill to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., and for other purposes (Rept. No. 311).

Mr. SHEPPARD also, from the Committee on Military Affairs, to which was referred the bill (S. 1472) to authorize the Secretary of War to dispose of material to the National Council of the Boy Scouts of America, reported it with an amendment and submitted a report (No. 312) thereon.

Mr. SHEPPARD also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports as indicated thereon:

S. 1104. A bill granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the lower Peninsula of Michigan (Rept. No. 313);

S. 1897. A bill to extend the times for commencing and completing the construction of a free highway bridge across the Mississsippi River at or near La Crosse, Wis. (Rept. No. 314);

S. 2076. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; and

S. 2077. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.

Mr. SHEPPARD also, from the Committee on Commerce, to which was referred the bill (S. 1917) to amend the act entitled "An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State", approved March 3, 1931, as amended, reported it with an amendment and submitted a report (No. 315) thereon.

Mr. OVERTON, from the Committee on Commerce, to which was referred the bill (S. 599) for the relief of Earl J. Thomas, reported it without amendment and submitted a report (No. 318) thereon.

Mr. JOHNSON of California, from the Committee on Commerce, to which was referred the bill (S. 1571) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, reported it without amendment and submitted a report (No. 320) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3306) to authorize a preliminary examination and survey of Santa Maria River with a view to the control of its floods, reported it with an amendment and submitted a report (No. 321) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 2084) to provide that graduates of approved school ships may be rated as able seamen upon graduation, and for other purposes, reported it without amendment and submitted a report (No. 323) thereon.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1504) to authorize cooperation in the development of farm forestry in the States and Territories, and for other purposes, reported it with amendments and submitted a report (No. 319) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 2049) to authorize the establishment of a naval air station on San Francisco Bay, Calif., and for other purposes, reported it with an amendment and submitted a report (No. 316) thereon.

NAVAL PETROLEUM RESERVES—REPORT OF COMMITTEE ON NAVAL AFFAIRS

Mr. WALSH. From the Committee on Naval Affairs I report back favorably with amendments another bill, being the bill (S. 1131) to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, and I submit a report (No. 317) thereon.

The report on Senate bill no. 1131 relates to the naval oil reserves. In view of the great interest in that subject heretofore, I believe it will be informative to have the report printed in the RECORD. This bill seeks to extend the authority of the Navy Department in relationship to the conservation of our naval oil reserves and the report deals extensively with all aspects of this important question. I ask that the report be printed in the RECORD.

There being no objection, the report (No. 317) was ordered to be printed in the RECORD, as follows:

MR. WALSH, from the Committee on Naval Affairs, submitted the following report (to accompany S. 1131):

The Committee on Naval Affairs, to whom was referred the bill (S. 1131) to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, having considered the same, report favorably thereon, with amendments, and, as amended, recommend that the bill do pass.

Amend the bill as follows:

Page 2, line 9, after the word "otherwise", add a comma and the clause "such use and operation to be for the protection of the aforesaid reserves or for carrying out the provisions of this act."

Page 2, line 14, strike out the word "all" and insert in lieu thereof "those."

Page 3, line 4, strike out the word "illegal" and insert in lieu thereof "wrongful."

Page 3, line 10, after the word "States", insert the clause "no contract to sell the oil and gas products thereof, other than royalty oil and gas products."

Page 4, line 3, strike out the word "annually."

Page 4, line 4, strike out the period and insert in lieu thereof a colon and add the clause "*Provided*, That the Secretary of the Navy shall report annually to the Congress all purchase and condemnation proceedings entered into under the authority herein granted."

Page 4, line 15, strike out the figures "1936" and insert in lieu thereof "1937."

Page 4, line 16, strike out the figures "1936" and insert in lieu thereof "1937."

Page 4, line 19, after the word "authority" insert ", limited as provided in such plan or lease."

Page 5, line 3, strike out the figures "1936" and insert in lieu thereof "1937."

Page 5, line 5, strike out the first "of" and insert in lieu thereof "from."

Page 5, line 8, strike out the period and insert in lieu thereof a comma and thereafter insert "and", and strike out the word "In" and insert in lieu thereof "in."

Page 5, line 9, strike out the words "the foregoing" and insert in lieu thereof "any of these."

Page 5, line 16, strike out the words "and upon such blanks."

EXPLANATION OF AMENDMENTS

The amendment on page 2, line 9, insures that the authority granted shall be used exclusively for the protection of the naval petroleum and oil-shale reserves or for carrying out the provisions of this bill.

The amendment on page 3, line 10, modifies the existing authority of the Secretary of the Navy in connection with the Navy's fuel-oil reserves and provides that all contracts for the sale of oil and gas products, other than royalty oil and gas products, shall not become effective until approved by the President.

The amendment on page 4, line 4, is to insure that action taken by the Navy Department to acquire lands or leases in naval petroleum reserve no. 1 by purchase or condemnation shall be reported annually to the Congress.

The other committee amendments are to clarify the language contained in the bill.

PURPOSE OF THE BILL

The purpose of the bill is to make better provision for the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves.

Although the provisions of this bill are applicable to all of the Navy's fuel-oil reserves, its chief purpose is to conserve and preserve underground the oil remaining in naval petroleum reserve no. 1. If the bill is enacted effective steps may be taken to carry out the original policy of maintaining a great naval petroleum reserve in the ground. The Elk Hills reserve can then be maintained as a form of national insurance protecting the Navy's future efficiency. As long as this reserve is protected from drainage, the Navy will have an adequate reserve supply of fuel oil underground. It is not improbable that some day the safety of the United States may depend on the oil remaining in this reserve.

STATUS OF NAVAL OIL RESERVES

A brief summary of the present status of the Navy's fuel-oil reserves is as follows:

Naval petroleum reserve no. 4 comprises 35,000 square miles in extreme northwest Alaska, well within the Arctic Circle, nearly 1,000 miles from the nearest open port and remote from the railroad. The value of this reserve is unknown, and no oil is being taken from this area at the present time.

Naval petroleum reserve no. 3 (Teapot Dome) comprises 9,321 acres in Natrona County, Wyo. The Mammoth Oil Co.'s lease in this reserve was voided by a decision of the United States Supreme Court, and all the land in this reserve is now under full control of the Navy Department. All oil and gas wells have been shut in (or capped), and no oil or gas is being taken from this reserve at the present time.

About 3,500,000 barrels of oil have been taken from this reserve, and it is estimated that approximately 17,000,000 barrels of oil still remain in it. The Navy Department intends to maintain this reserve in its present shut-in condition for extraction of oil in time of future national emergency.

Naval petroleum reserve no. 2 in Buena Vista Hills, Kern County, Calif., comprises 30,181 acres. Nineteen thousand seven hundred and thirty-five acres are privately owned and 10,446 acres are Government owned. The privately owned lands and the Government owned lands are so thoroughly checkerboarded in this reserve that it is of little value as a future oil reserve for the Navy from present sands. However, there is an excellent possibility of obtaining production from sands below the present oil-bearing zone. All Government lands in this area, except 1,220 acres, are now leased. Approximately 100,000,000 barrels of oil have been taken from these Government lands and it is estimated that approximately 50,000,000 barrels remain. The Navy Department, with the approval of the President, made a plan agreement with the lessees of Government lands in this reserve, effective the 1st of October 1935, in which the Navy agreed to extend the leases, but gains greater control over their operation. It is believed that this agreement will delay taking the oil out of the ground over a considerably longer period of time and that the oil will be taken out by the most economical methods possible. As all oil from the upper sands will be exhausted in approximately 10 or 15 years, the value of the Government lands in these sands as a future reserve is practically nil. However, the lands still have a high potential value if they can be used for exchange purposes in perfecting and preserving naval petroleum reserve no. 1, and as a source of income to the Treasury; and they may become very valuable if oil is found in the deeper sands.

Naval petroleum reserve no. 1 comprises 38,073 acres in Elk Hills, Kern County, Calif. Thirty-two thousand one hundred and forty-one acres are owned by the Government, 4,562 acres are owned by the Standard Oil Co. of California, and 1,270 acres are involved in litigation. Only 429 acres of Government land is leased at the present time. These leases were made to prevent the Standard Oil Co. of California, which owns secs. 35 and 36, T. 30 S., R. 24 E., bordering the reserve, from draining oil from the reserve. The amount of oil on Government land is estimated at 500,000,000 barrels, which may be doubled if oil is located below the present sands.

The Standard Oil Co. of California is not producing a great quantity of oil from their holdings in this area at the present time. However, it may become necessary for them to extend their operations in this area to their fee-owned lands within the reserve in the near future.

The United States claims that the 1,270 acres involved in litigation were known to be mineral lands when surveyed and therefore titles thereto were never vested in the State of California.

SHALE-OIL RESERVES

There are two naval shale-oil reserves in Colorado and one in Utah. These reserves were created to provide oil for the Navy when the supply of oil from wells becomes inadequate to meet the demands. They are not a wartime reserve and can only be used at some future time when the oil-shale industry has become established on a practical commercial basis.

The process of retorting oil from shale is still in an experimental state. From 20 to 25 gallons of oil may be obtained from a ton of shale. However, the cost of producing a barrel of oil from shale is estimated to be at least double the cost of extracting oil from wells. The oil-shale reserves will last the Navy indefinitely whenever the value of shale oil is sufficient to warrant its recovery and refining.

EXISTING LAWS

Under existing laws the Secretary of the Navy has jurisdiction over all Government lands and leases within the naval petroleum reserves and authority to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves for the benefit of the United States.

Over the naval oil-shale reserves the Secretary of the Navy has only jurisdiction under the Executive orders setting them aside.

THE PRESENT BILL

The bill as reported by the committee reenacts the authority giving the Secretary of the Navy jurisdiction over all Government lands and leases within the naval petroleum reserves and authority to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves for the benefit of the United States.

The bill grants additional authority as follows:

(1) Extends to the naval oil-shale reserves all applicable provisions of law covering the naval petroleum reserves.

(2) Authorizes the Secretary of the Navy, with the approval of the President—

(a) To enter into agreements with operators on adjoining private lands, which agreements have for their purpose the conservation of oil and gas on the Government's lands.

(b) To exchange Government lands in naval petroleum reserve no. 1 for private lands in naval petroleum reserve no. 1 in order to consolidate both Government and privately owned lands into solid blacks.

(c) To acquire privately owned lands in naval petroleum reserve no. 1 by purchase or condemnation.

(d) To use moneys due the Government as royalties from any of the naval petroleum reserves and moneys due the Government because of the illegal extraction of oil and gas from lands in naval petroleum reserve no. 1 in connection with (b) and (c) above.

(3) Authorizes the appropriation of those sums necessary to carry out the provisions of the act.

(4) Provides for the termination of existing leases in naval petroleum reserve no. 1 at the end of their initial 20-year periods by voiding the options for renewals.

(5) Provides for more advantageous leasing and greater control of operations under any new leases or agreements entered into involving the Government's lands.

(6) Provides that no leases of lands nor any benefits therefrom shall extend to foreigners whose governments do not grant reciprocal privileges to citizens of the United States.

(7) Vests in the Secretary necessary administrative authority.

(8) Provides that revenues accruing under the act shall be deposited as "Miscellaneous receipts", except as otherwise provided in the act.

(9) Provides for any or all royalties due the Government being taken either in cash or in kind as the Secretary elects.

(10) Provides for the cancelation of leases should a lessee fail to comply with the lease, the provisions of this act or of any regulations promulgated under the act.

NECESSITY FOR ADDITIONAL AUTHORITY

It is believed to be both necessary and advisable to extend to the naval oil-shale reserves and other naval fuel reserves all applicable provisions of law covering the naval petroleum reserves in order that the Navy Department's jurisdiction and administrative authority over all lands reserved for the same purpose may be covered by the same laws. The committee is of the opinion that authority will effect the most economical administration of the lands and will enable the Navy Department to make definite plans for the best use of its oil-shale lands when, eventually, they must be used for the purpose for which they were set aside.

The authority to authorize the Secretary of the Navy, with the approval of the President—

(a) To enter into agreements with operators on adjoining private lands, which agreements have for their purpose the conservation of oil and gas on the Government's lands, is necessary and advisable in order that the Secretary of the Navy may have specific authority to contract with operators on lands adjoining the Government's reserved lands, whose operations threaten drainage of the Government's lands, for the purpose of obtaining payment for such losses as the Government's lands might sustain through drainage. Such contracts or agreements would, by the payment of compensatory royalty, make it unnecessary for the Government to lease or operate its lands, as has been the custom in the past, and would result in the conservation in the ground of most of those petroleum products which become the lessee's share under leases.

(b) To exchange Government lands in naval petroleum reserve no. 1 for private lands in the reserve in order to consolidate both Government and privately owned lands into solid blocks is necessary in order to authorize the Secretary of the Navy to enter into negotiations with the owners of such private lands for the purpose of exchanging some of those sections owned by the Government which now are threatened with drainage from three sides, should adjoining private lands be developed, for lands which would make the Government's entire holdings much less vulnerable to drainage when the adjoining lands are developed. If this authority is granted, it is the opinion of the committee that an exchange of properties with the Standard Oil Co. of California can be effected which will place no section of the Government's lands in contact with the company's lands on more than one side.

(c) To acquire privately owned lands in naval petroleum reserve no. 1 by purchase or condemnation; this, unquestionably, would be the best solution of the Navy's problem in naval petroleum reserve no. 1, but it embraces the almost insurmountable difficulty of properly evaluating those possible oil-bearing horizons as yet undiscovered which may be present in those formations lying beneath the known oil zone. Present oil production in naval petroleum reserve no. 1 is encountered at depths of less than 4,000 feet in those wells which have been drilled in the eastern part of the Elk Hills field. However, it is anticipated that other oil-bearing sands may be discovered in the formations below the known oil zone. It is the opinion of the committee that authority to purchase or condemn the private lands in naval petroleum reserve no. 1 will materially aid the Government in any negotiations entered into for the purpose of exchanging lands to consolidate the Government's holdings in its most valuable oil reserve. The Navy Department has estimated that private lands in naval petroleum reserve no. 1 probably contain between 75,000,000 and 100,000,000 barrels of recoverable oil from known sands and it has further estimated the value of this oil at about 70 cents per barrel in the ground, based on present prices.

(d) To use the right to royalty production from any of the naval petroleum reserves and the right to any moneys due the Government as a result of the illegal extraction of oil and gas from lands in naval petroleum reserve no. 1 in connection with exchange for or purchase of private lands in naval petroleum reserve no. 1 is authority which it is believed will be necessary if the authority to negotiate with the Standard Oil Co. of California to either exchange lands or purchase the company's holdings in naval petroleum reserve no. 1 is granted. Approximately 5,000,000 barrels of crude oil, 61,000,000,000 cubic feet of natural gas, and 13,000,000 gallons of natural gasoline, having a value of approximately $13,000,000, have been produced and sold or used by the Standard Oil Co. of California from lands the company claimed in fee and lands leased from other claimants in sec. 36, T. 30 S., R 23 E, Mount Diablo meridian, a section of land in naval petroleum reserve no. 1. On January 24, 1935, as a result of a contest of title ordered filed by the Commissioner of the General Land Office, Department of the Interior, against claimants to section 36 on January 14, 1914, and the subsequent hearings and court actions, the Secretary of the Interior handed down an opinion that title to the section has remained vested in the United States and that the section never became the property of the State of California nor its transferees through which the Standard Oil Co. of California and others claimed title. On January 20, 1937, special counsel for the United States filed suit in the United States district court at Fresno, Calif., to dispossess the claimants to section 36 and to secure an accounting for the minerals produced and disposed of or used by them during their period of occupancy of the lands. It is the opinion of the committee that the Government's interests can best be protected by a compromise settlement of the Government's suit in connection with an agreement between the Government and the Standard Oil Co. of California in connection with the exchange of lands or purchase of the company's lands proposed in this legislation. It is not anticipated that the Government's royalties will be used in either an agreement to exchange lands or to purchase the Standard's holdings in the reserve, but it is thought advisable to have them made available in the event the wasting assets they represent need to be used in any arrangements made for the purpose of strengthening the Government's position in naval petroleum reserve no. 1.

ADDITIONAL PROVISIONS

Authorization for the appropriation of those sums necessary to carry out the provisions of the act is necessary should the Secretary of the Navy be unable to effect the necessary protection of the reserve by the other means provided in the bill and it is found necessary to purchase or condemn the lands in naval petroleum reserve no. 1, owned by the Standard Oil Co. of California, in order best to protect and conserve the oil in the Government's reserved lands. No funds whatever are appropriated by this bill for any purpose. It is believed that this authority will cause the Standard Oil Co. of California to defer the development of its lands in naval petroleum reserve no. 1 as long as it is possible for it to do so.

Provision for the termination of existing leases in naval petroleum reserve no. 1 at the end of their initial 20-year periods by voiding options for renewals is desirable in order to terminate leases made to lands in naval petroleum reserve no. 1, which, if the proposed legislation becomes law, may no longer be in the Government's best interests. Three of these four leases contain the following provision affecting tenure to the lands:

"SEC. 1. Purposes: That the lessor in consideration of rents and royalties to be paid, and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to drill for, mine, extract, remove, and dispose of all the oil and gas in or under the following-described trace of land * * * for a period of 20 years, with the preferential right in the lessee to renew this lease for successive periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the lessor, unless otherwise provided by law at the time of the expiration of such periods."

The Navy Department contends that these leases may no longer be in the public's interests and that provision should be made to terminate them when considered desirable after the end of the initial 20-year period. The Department is also of the opinion that under the circumstances the lessea may be terminated at the end of their initial 20-year periods; and if renewed, such renewals may be conditioned on such terms as the Secretary of the Navy may prescribe, giving full consideration to the fact that the lands constitute naval petroleum reserves and therefore differ from public lands generally. However, both the Department of the Interior, which Department is responsible for the leasing of public lands, and the several lessees contend that the renewal of the leases is mandatory and that the terms and conditions of such renewals cannot be more stringent than those in the present leases without being "unreasonable." Since all oil and gas leases in the naval petroleum reserves were made by the Interior Department and many of them under authority of the act of February 25, 1920 (41 Stat. 437), an act designed to cover the exploitation of gas and petroleum on the public domain, and since no differentiation was made in the terms thereof from similar leases on public lands, the committee is of the opinion that the Congress should definitely settle the controversy without the necessity of long and expensive litigation in the courts when the leases expire. This section of the bill is designed to bring all leases on the naval petroleum reserves under the cognizance of the act of June 4, 1920, and of this act, at the expiration of their initial 20-year periods.

Provision for more advantageous leasing and greater control of operations under any new leases or agreements entered into involving the Government's lands is necessary in order to strengthen the Government's position in naval petroleum reserve no. 1 in the event that no satisfactory exchange of lands can be arranged, that no purchase or condemnation of private lands in the reserve can be made, and that no other agreements to protect the Government's interest can be entered into to conserve the oil in the Government's lands. This provision is a precautionary measure designed to remedy what the Navy Department has found to be the most objectionable features of the present leases—i. e., lack of any authority to regulate or control the operations of a lessee when they are not in the lessor's interests. The Navy Department recognizes that as long as some of its oil lands remain interspersed among lands owned by others it may be necessary at any time to lease or otherwise operate such parts thereof as are vulnerable to drainage or to unite with owners or operators on adjoining private lands for the cooperative or unit development of their respective holdings in order to avoid waste, destructive competition, excessive investments in development and to regulate production to the mutual advantage of all those concerned. Such unit or cooperative operations result in greater efficiency, higher percentage recoveries of oil and gas, and consequently greater benefits to all. However, the committee is of the opinion that authority should be definitely vested in the Secretary of the Navy to regulate the rate of development on and the quantity and rate of production from the Government's lands in its naval petroleum reserves at all times and under all conditions.

Provision that no leases of lands nor any benefits therefrom shall extend to foreigners whose governments do not grant reciprocal privileges to citizens of the United States is a necessary provision designed to provide the protection to the naval petroleum and other naval fuel reserves which is extended to the public lands by the first section of the Leasing Act of February 25, 1920 (41 Stat. 437). In the event of a world-wide oil shortage, it is not improbable that those countries having oil resources will enact legislation designed to reserve the benefits of such resources for their own nationals; the reciprocity provision in this bill is designed to prevent foreigners of such nations receiving any benefits whatever from oil and gas operations conducted on any of the Navy's fuel reserves.

Vests in the Secretary the necessary administrative authority to prescribe necessary rules and regulations and to do any and all things necessary to administer leases or other operations on the Navy's fuel reserves.

Provision that revenues accruing under the act shall continue to be deposited in the Treasury as "miscellaneous receipts" except as otherwise provided in the bill under the section authorizing the use of the right to royalties in any agreements having for their purpose the exchange of lands or the purchase of privately owned lands in naval petroleum reserve no. 1. The committee is of the opinion that ordinarily the Government's best interests will be served by depositing all cash receipts from the Navy's fuel reserves as "miscellaneous receipts" where they can at least partially offset appropriations for fuel for the Navy.

Provision for any or all royalties due the Government being taken either in cash or in kind as the Secretary elects is necessary in order that the Government may secure the maximum benefit from operations conducted on the reserved lands. This section of the bill provides for the Government to elect to take any or all its royalties in kind whenever it is deemed possible to sell any royalty product at a price better than that obtained by the lessee.

Provision for the cancelation of leases should a lessee fail to comply with the lease, the provisions of the act, or of any regulations promulgated under the act is necessary in order for the Secretary of the Navy to institute action looking toward the cancelation of any lease because of the lessee's failure to perform properly the lease contract.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. REYNOLDS:

A bill (S. 2112) to amend the Social Security Act with respect to its application to employees of fraternal beneficiary societies, orders, and associations; to the Committee on Finance.

A bill (S. 2113) to provide benefits on account of disability or death due to service in the armed forces of the United States in the event of war, and for other purposes; to the Committee on Military Affairs.

By Mr. GEORGE:

A bill (S. 2114) for the relief of the parents of John Quincy Rawlins, deceased; to the Committee on Claims.

A bill (S. 2115) to amend section 77 of the Judicial Code, as amended, to transfer Clinch County from the southern district of Georgia to the middle district; to the Committee on the Judiciary.

By Mr. HARRISON:

A bill (S. 2116) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Natchez, Miss.; to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 2117) to expedite the dispatch of vessels from certain ports of call; to the Committee on Commerce.

By Mr. STEIWER:

A bill (S. 2118) to authorize a survey of Willow Creek, Oreg., with a view to the control of its floods; to the Committee on Commerce.

By Mr. LUNDEEN (for Mr. SHIPSTEAD):

A bill (S. 2119) to authorize a preliminary examination and survey of Gilmore Creek, Winona County, Minn., with a view to control of floodwaters; to the Committee on Commerce.

A bill (S. 2120) for the relief of Rev. C. G. Eidnes; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 2121) to amend the Civil Service Act approved January 16, 1883, as amended; to the Committee on Civil Service.

By Mr. THOMAS of Oklahoma (by request):

A bill (S. 2122) for the protection of the Indians and their lessees within the Allegany and Cattaraugus Indian Reservations, N. Y.; to the Committee on Indian Affairs.

By Mr. BULKLEY:

A bill (S. 2123) to pay the Printz-Biederman Co., of Cleveland, Ohio, the sum of $741.40, money paid as duty on merchandise imported under section 308 of the Tariff Act; to the Committee on Claims.

A bill (S. 2124) extending the benefits of the Emergency Officers' Retirement Act to Samuel Steele Conaway; to the Committee on Military Affairs.

By Mr. RADCLIFFE:

A bill (S. 2125) for the relief of the New York & Baltimore Transportation Line; and

A bill (S. 2126) for the relief of the Southern Overall Co.; to the Committee on Claims.

A bill (S. 2127) providing for the promotion of employees in the Customs Field Service; to the Committee on Finance.

By Mr. SHEPPARD:

A bill (S. 2128) relating to the legislative reference service; to the Committee on the Library.

By Mr. FRAZIER:

A joint resolution (S. J. Res. 130) to restore to Congress the sole power to issue money and regulate the value thereof; to the Committee on Banking and Currency.

By Mr. STEIWER:

A joint resolution (S. J. Res. 131) proposing an amendment to the Constitution of the United States relating to nominations of candidates for President and Vice President; to the Committee on the Judiciary.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H. R. 2260. An act to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved; and

H. R. 5721. An act to amend the Federal Register Act.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the War Department

appropriation bill for the fiscal year 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill to insert the following:

"Concurrent camp, Fort Sill, Okla.: For construction and installation of buildings and appurtenances thereto, including interior facilities, fixed, movable, and office equipment, necessary services, roads, swimming pool, connections to water, sewer, gas, and electric mains, purchase and installation of telephone equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734 of the Revised Statutes, including general overhead expenses of transportation, engineering, supplies, inspection and supervision, travel connected therewith, and such services as may be necessary in the office of the Quartermaster General; all for new construction at the concurrent camp at Fort Sill, Okla. $424,950, to remain available until June 30, 1939."

IMPROVEMENT OF RELATIONS BETWEEN INDUSTRY AND LABOR

Mr. McADOO. Mr. President, I submit a resolution, which I ask to have read, and I request then that it may lie on the table.

The resolution (S. Res. 115) was read and ordered to lie on the table, as follows:

Resolved, That a special committee of five Senators, to be appointed by the President of the Senate, be, and it is hereby, authorized to confer with leaders of industry and labor and such others as the committee may consider useful for the purpose of formulating a basis for improving the relations between industry and labor with a view to the elimination of industrial strife and the promotion of the general welfare. The committee shall report to the Senate as soon as practicable with a recommendation of appropriate legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such clerical and other assistants, and to make such expenditures as it deems advisable. The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

CAPITAN GRANDE BAND OF MISSION INDIANS

Mr. THOMAS of Oklahoma. Mr. President, on the last legislative day the Senate passed the bill (S. 1832) to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians. Since that bill was passed the House has passed an identical bill, being House bill 5551. I ask unanimous consent that the vote by which Senate bill 1832 was passed be reconsidered. If the Senate will agree to that request, I will then ask unanimous consent for the consideration of the House bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma that the vote by which Senate bill 1832 was passed on Wednesday last be reconsidered? The Chair hears none, and the vote is reconsidered.

The Chair now lays before the Senate House bill 5551.

The bill (H. R. 5551) to reserve certain public domain in the State of California for the benefit of the Capitan Grande Band of Mission Indians was read twice by its title.

Mr. THOMAS of Oklahoma. I now ask unanimous consent for the present consideration of the House bill.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, it is not an unusual request if there is no great disparity in the language or purpose of the House and Senate bills.

Mr. THOMAS of Oklahoma. The bills are identical.

The VICE PRESIDENT. Is there objection to the present consideration of the House bill?

There being no objection, the bill (H. R. 5551) to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following-described public domain be, and it is hereby, withdrawn from entry, sale, or other disposition and set aside as an addition to the Barona Ranch, a tract of land purchased for the Capitan Grande Band of Mission Indians under authority contained in the act of May 4, 1932 (47 Stat. L. 146): Lots 1 and 2 of section 23, township 14 south, range 1 east, San Bernardino meridian, California, containing 12.19 acres: *Provided*, That said withdrawal shall not affect any valid rights initiated prior to approval hereof.

The VICE PRESIDENT. Without objection, Senate bill 1832 will be indefinitely postponed.

NAVAL APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRNES. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BYRNES, Mr. COPELAND, Mr. THOMAS of Oklahoma, Mr. WALSH, and Mr. HALE conferees on the part of the Senate.

AMERICAN PEACE POLICY—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. POPE asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah at the semiannual meeting of the Academy of Political Science, Wednesday evening, Apr. 7, 1937, on the subject of The American Peace Policy, which appears in the Appendix.]

SENATOR NORRIS AND THE SUPREME COURT PLAN

[Mr. BROWN of Michigan asked and obtained leave to have printed in the RECORD an editorial from the Detroit News of Apr. 7 instant relative to a suggested amendment by Senator NORRIS to the Constitution with respect to the Supreme Court, which appears in the Appendix.]

MESSAGES TO MINNESOTA LEGISLATURE BY THE LATE GOVERNOR OLSON

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD the third inaugural message of the late Governor Olson to the Legislature of Minnesota, and also his special message of Dec. 3, 1935, which appear in the Appendix.]

LABOR AND LEGISLATION—ADDRESS BY I. M. ORNBURN

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD a radio address on the subject of Labor and Legislation, delivered by Mr. I. M. Ornburn, secretary and treasurer of the union label trades department of the American Federation of Labor, on Feb. 13, 1937, which will appear hereafter in the Appendix.]

REGULATION OF BITUMINOUS-COAL INDUSTRY—CONFERENCE REPORT

Mr. NEELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 20, 21, 22, 24, 25, 27, 28, 30, 37, 38, 39, 44, 46, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 64, 65, and 66.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 23, 26, 29, 31, 32, 33, 35, 36, 40, 41, 42, 43, 47, 48, 50, 51, 58, 63, 68, and 69; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "the managers and employees of the statistical bureaus hereinafter provided for" and a comma; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: At the end of the matter proposed to be inserted by said amendment strike out the period and insert a comma and the following: "but shall maintain its principal office in the District of Columbia" and a period; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "The Commission is hereby authorized to initiate, promote, and conduct research designed to improve standards and methods used in the mining, preparation, conservation, distribution, and utilization of coal and the discovery of additional uses for coal, and for such purposes shall have authority to assist educational, governmental, and other research institutions in conducting research in coal, and to do such other acts and things as it deems necessary and proper to promote the use of coal and its derivatives"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For each district there shall be established by the Commission a statistical bureau which shall be operated and maintained as an agency of the Commission"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "June 16, 1939"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"SEC. 4–A. Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that transactions in coal in intrastate commerce by any person or in any locality cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the one hand and interstate commerce in coal on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce in coal, or in any manner directly affect interstate commerce in coal, the Commission shall by order so declare and thereafter coal sold, delivered or offered for sale in such intrastate commerce shall be subject to the provisions of section 4."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "an agent or a place of business"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "(e) The term 'United States' when used in geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia."; and the Senate agree to the same.

M. M. NEELY,
ALBEN W. BARKLEY,
JAMES J. DAVIS,
Managers on the part of the Senate.

R. L. DOUGHTON,
THOS. H. CULLEN,
FRED M. VINSON,
FRANK CROWTHER,
Managers on the part of the House.

Mr. NEELY. Mr. President, the Senate made 69 amendments to the House bill. The House conferees have unconditionally concurred in 34 of those amendments. The House concurred in 8 of the remaining amendments with slight amendments, and the Senate conferees receded from 27 of the amendments made by the Senate.

Mr. BORAH. Mr. President——

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

Mr. NEELY. I yield.

Mr. BORAH. I think the Senate adopted an amendment which provided that farm organizations should be exempted from the operations of certain provisions of the bill. Does that amendment remain in the bill?

Mr. NEELY. That amendment remains in the bill. It was discussed at considerable length by the conferees.

I move that the Senate agree to the conference report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

SIT-DOWN STRIKES—INDEFINITE POSTPONEMENT OF RESOLUTION

On motion by Mr. DAVIS, Senate Resolution 111, submitted by him on the 5th instant, was ordered to be indefinitely postponed, as follows:

Resolved, That it is the sense of the Senate that so-called sit-down strikes and the intolerable menace of industrial espionage are illegal and contrary to sound public policy.

EMBARGOES AGAINST NATIONS AIDING OTHER NATIONS IN CIVIL STRIFE

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day which will be read.

The legislative clerk read Senate Resolution 100, submitted by Mr. NYE on March 25, 1937, as follows:

Resolved, That the Secretary of State is hereby requested, if not incompatible with the public interest, to advise the Senate through its Committee on Foreign Relations whether the existing neutrality laws of the United States are sufficient to provide an embargo against nations whose armed forces are engaged in active warfare in a nation where a state of civil war exists, which state of civil war has caused our Government to declare embargoes against exportation of arms, ammunitions, and implements of war to that nation.

Mr. PITTMAN. Mr. President, I have examined the resolution, and I am certain there are matters in it which should be considered by the Committee on Foreign Relations. I therefore move that the resolution be referred to the Committee on Foreign Relations.

Mr. NYE. Mr. President, reserving for the moment the right to object, I desire to address myself very briefly to the resolution in question.

We in the Senate should and do, of course, resent any insinuation offered by critics that our legislative acts are intended only to seem to offer benefits and advantages to the people, without actually affording them.

On January 6 I joined in the Senate's unanimous approval of Senate Joint Resolution No. 3, which had as its purpose the prohibition of the exportation of arms, ammunition, and implements of war from the United States to Spain, or to any other foreign country for transshipment to Spain, or for the use of either of the opposing factions in Spain. I undertook at the time to point out that the resolution did not pretend to be any part of our policy of neutrality, but that it was alone a measure intended to keep us out of war.

It was argued at the time, and feared, that to continue to allow war supplies to go from our shores into Spain might tend to draw us into the war prevailing and threatening to spread. Also, there was a feeling that a denial of arms to Spain would tend to hasten an end to the struggle raging there.

It has impressed me, Mr. President, that if there was danger of our becoming involved in the Spanish trouble by refraining from moving embargoes against the exportation of arms to Spain, there is equal danger in our failing to move with like embargoes against nations which might be exercising a very active hand in support of one side or the other in Spain.

Congress has authorized the moving of such embargoes. Our existing neutrality law provides as follows:

Whenever the President shall find that there exists a state of war between or among two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States * * * to any port of such belligerent states, or to any neutral port for transshipment thereto, or for the use of a belligerent country.

News which comes to us daily concerning the Spanish trouble, and the alleged activities of other nations in Spain, quite naturally calls our attention to the existing law cited—first, the Spanish arms embargo of January 6, 1937, and the neutrality resolution of February 29, 1936. This consideration led to my submission on March 25 of Senate Resolution 100, now under consideration.

Mr. President, I submit that no more favoritism or prejudice is shown in Senate Resolution 100, and in my action in submitting it, than was shown in my support of the Spanish arms embargo voted on January 6; yet there has been some little inclination in some fields to look upon the effort involved as being "anti" this, or "pro" that. If there is to be insistence on reading names into the resolution, I can only point out that the name of no one country in particular

should be used. It might be Portgual, it might be Italy, it might be Germany, it might be Russia, or it might be all of them. Again, it might be even others, depending upon the finding of certain facts concerning the action of nations in Spain; but I insist that the resclution is impartial, in proof of which I can but read it at this point:

Resolved, That the Secretary of State is hereby requested, if not incompatible with the public interest, to advise the Senate through its Committee on Foreign Relations whether the existing neutrality laws of the United States are sufficient to provide an embargo against nations whose armed forces are engaged in active warfare in a nation where a state of civil war exists, which state of civil war has caused our Government to declare embargoes against exportation of arms, ammunition, and implements of war to that nation.

Mr. President, what this resolution seeks is knowledge of the basis of our Government's present attitude toward the activities in and about Spain today, to the end that in our consideration of the general neutrality problem and question we may better know the effectiveness of such policy as we may adopt.

It is quite apparent to me that the Government has not yet found a state of war to exist in Europe, or it would have been so proclaimed by the President. Perhaps the information which our Government has on the subject does not bear out the repeated stories being published on the direct aid being accorded one side or the other in Spain by nations foreign to Spain. If that is the case, Mr. President, then it is fair that Congress should have knowledge of it. Perhaps a state of war does not exist in Europe. Then, let us have knowledge of when, under our policy of neutrality, our Government will recognize a state of war to exist.

So long as we legislate a discretion to the President to determine when a state of war exists, let us have some indication of how that discretion is to be exercised. Perhaps we could then afford to incorporate in the law language that would help clarify and strengthen our American purpose. To this extent, a response to Senate Resolution 100 seems to me most necessary.

I fully appreciate that the task of determining when a state of war exists is not an easy one; yet I must insist that if our wish, purpose, and interest were served by the passage of the Spanish arms embargo in January of this year, it should not be difficult to determine when our policy of neutrality should be invoked as other foreign nations may become involved in the Spanish conflict.

If our action of January 6 was just and sound from the standpoint of our security and our American interests, why would it not be sound policy to invoke the provisions of our neutrality laws against nations which may be actively engaged with one side or the other in Spain?

Surely our Government is not going to await official declaration of wars before invoking our neutrality laws. If we do so wait, wars may go on for years without resort to our policy.

An editorial in the Pittsburgh Press of March 29 rather clearly establishes the fact that there is nothing new about undeclared wars. I ask to have this editorial incorporated in my remarks in its entirety.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit A.)

Mr. NYE. This editorial in part declares:

While on the subject of when is a war not a war, we did a little research to see if there have been any historical parallels to the Spanish situation. And some interesting facts came to light.

If Italy, as loyalist sympathizers charge, is actually waging an undeclared war on Spain, it is not the first time such an unofficial conflict has taken place. Contrary to what many of us may think, there have been quite a few undeclared wars in the last 300 years.

Back in the middle of the eighteenth century, England and France fought for 2 years before they got around to a formal declaration of war. The United States did not declare war in 1812, and to this day the British consider that struggle only an unofficial byproduct of their fight to crush Napoleon.

In 1884 French gunboats bombarded Chinese ports without any severance of diplomatic relations. And in 1894 Japan did not declare war against China until about a month after fighting actually began. Likewise, in 1904, the Japanese fleet attacked Port Arthur several days before hostilities were formally proclaimed.

The World War was declared and fought in approved diplomatic fashion, although even then several nations started fighting after breaking off diplomatic relations.

More recently, the Chaco war between Bolivia and Paraguay was fought unofficially for 3 years until Paraguay finally declared hostilities in 1933. Japan did not declare war against China when occupying Manchuria. And Italy invaded Ethiopia in 1935 without a preliminary declaration of hostilities.

Hence, there is nothing new about undeclared wars. If the State Department thinks Italian intervention in Spain constitutes actual war, it can find plenty of historical precedents to bolster its case.

Mr. President, it has been suggested that there is not, perhaps, a sufficiency of evidence proving official participation by certain governments in the Spanish civil war. Some would have us feel that it is unwise even to discuss the probabilities in this connection. It seems to me experience has rather clearly demonstrated that we shall best serve ourselves and our country if we acknowledge certain conditions and contentions.

I do not think it is poor or dangerous practice to acknowledge the facts that are confronting us today. I insist that there is the strongest possible case for the presumption that foreign troops and munitions are actively engaged in the Spanish civil war, and that such soldiers and munitions are there by the active consent of their governments. This seems especially true of one government in particular. Dispatches each day are revealing the Italian premier to be concentrating new divisions of Italian troops for dispatch to aid the Spanish forces opposing the Government of Spain.

The Spanish Government—still, so far as our Government is concerned, a friendly government, having our full diplomatic recognition—has stated, in a note to the League of Nations, that foreign troops were on Spanish soil, including tank and machine-gun corps and flame-projector companies, all of these motorized.

If we would doubt the word of the Spanish Government as being partial and prejudicial in the circumstances, let us look to an official report by a high French official, Robert Lasuet, who is reported by the Associated Press as declaring that 100,000 foreigners are fighting in Spain.

The New York Times, hardly friendly to the Spanish Government, takes the responsibility for publishing an article from its special correspondent in London on March 5, in which is found a very definite charge of foreign troops and war machines in Spain.

Mr. Knickerbocker, the leading foreign correspondent for the Hearst papers, reports in his letters seeing foreign planes and pilots in Spanish engagements.

As early as last October the New York Times foreign correspondent, Kluckhohn, who was behind the insurgent lines in Spain, reported that the "backbone of General Franco's army is now foreign", and that only foreign aid has made the rebel success to date possible.

Edwin L. James is another important commentator whose veracity and judgment would both be seriously questioned if there were no evidence that there were active foreign troops and munitions in Spain. He reports to the New York Times great activity by foreign forces in Spain.

On December 1, 1936, another prominent foreign correspondent, Charles A. Selden, risked his reputation for truth in an account of information received by the British foreign office of the landing of large foreign forces in Spain, and he said: "There is no doubt of the authenticity of the report."

Is there doubt about Italian aid to the Franco cause in Spain? Even Italian newspapers have admitted that there has been official Italian aid in Spain.

Italian occupation of the Balearic Islands, belonging to Spain, is reported by the distinguished and independent Manchester Guardian weekly in another clipping before me.

Doubt about official intervention of foreign forces in Spain cannot possibly exist.

Look to the confident assertion of the editor of the Washington Post on March 27, that the "State Department files are bulging with evidence showing that the Italian Government is very deeply involved in the Spanish crisis." This editor is noted for his knowledge of foreign affairs.

I ask that the editorial from the Washington Post to which I have referred be printed in its entirety in connection with my remarks.

The VICE PRESIDENT. Is there objection?

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

[From the Washington Post of Mar. 27, 1937]

WHAT PRICE NEUTRALITY?

Administration leaders are taking a very curious attitude toward Senator NYE's temperate resolution asking the Department of State to provide pertinent information on the armed intervention of other nations in the Spanish civil war. Objections to its immediate consideration, raised by Senators ROBINSON and PITTMAN, clearly indicate a desire to prevent discussion of the issue and, above all, to keep information known to be in possession of the Department of State from coming to light.

Senator PITTMAN specifically claims that "there isn't the slightest evidence" to show that the Italian Government is supporting the Spanish rebels. If that is really the belief of the chairman of the Foreign Relations Committee, he certainly needs all the information which the Nye resolution might be instrumental in obtaining. For State Department files are bulging with evidence, from our own diplomatic representatives in Spain and from other reliable sources, showing that the Italian Government is very deeply involved in the Spanish crisis. The Senate and the American people have every right to know the substance of these reports.

That right is the more apparent because of the character of our neutrality legislation, both on the statute books and pending. Under the law now in operation, we have declared embargoes against both sides in the Spanish civil war. Of itself that has meant effective American assistance to the Spanish rebels. In defiance of traditional international law, we have ruled that a revolt against a duly elected government is good and sufficient reason for penalizing that government.

There is already a widespread realization that as this policy is operating it is not neutrality at all but merely disguised assistance to a Fascist rebellion. And if, on top of that, administration spokesmen deny credibility to the abundant evidence that Italy is now openly aiding the Spanish rebels, the deep-rooted American sense of fair play will be deeply outraged.

The Post, as has often been made clear in these columns, is no believer in the efficacy or desirability of a mandatory neutrality policy. But when such a policy has been decided upon, it must be vigorously and consistently applied. Otherwise it becomes not merely worthless but a shameful travesty on the national will which prompted neutrality. And that is pretty close to being the actual situation when we refuse to ship munitions to the legal Spanish Government but happily ship them to Italy, Germany, and Portugal to be used against the only Spanish Government which we recognize.

Senator NYE merely asks the Secretary of State to advise the Senate "whether the existing neutrality laws of the United States are sufficient to provide an embargo against nations whose armed forces are engaged in active warfare in a nation where a state of civil war exists." The question is academic. Of course, the existing laws are sufficient to apply an embargo against Italy tomorrow if it is shown that her troops are fighting under governmental direction on Spanish soil. But it is desirable that Secretary Hull should say flatly that this is the case, since the mere statement might make extension of our neutrality embargoes unnecessary.

Unless effective external pressure is now brought to bear on Mussolini, he is very likely to intervene in the Spanish war in a way which will seriously endanger world peace. Most effective pressure to prevent that outcome can be brought by the United States. In the Ethiopian conquest, President Roosevelt did not wait for the declaration of war, which never came, before he announced that Italy was a belligerent. He does not need to wait now if the evidence of hostilities is sufficient. And none knows better than Secretary Hull that the evidence of Italian military intervention is already very close to being amply sufficient to define that country as being actually at war with Spain.

Extension of the neutrality embargoes in the event of actual Italian intervention is not optional for the administration. It is mandatory. It is not a matter of whether such policy would be desirable, though this is clearly the case. A policy of ordained neutrality toward all actual belligerents has already been clearly laid down by Congress and approved by the President. If the latter refuses to apply this policy in its first real test, there will certainly be no point in wasting any further time on the far more extensive neutrality legislation now tangled between the two Houses of Congress.

Mr. NYE. Mr. President, the reports to which I have been referring could be multiplied a thousand times. It has not been observed that any responsible correspondent in Spain has cared to deny that foreign troops and munitions have been participating in the war in Spain. The presumptive case seems so clear that I feel that the burden of proof is upon those who would show that nations are not engaged with armed forces in Spain.

We know that control by the government is such in certain countries that not a penny can leave the nation without governmental authorization, that not a man can cross the border without governmental approval of his departure. These governments need soldiers, and need them badly. It is preposterous to believe that they would let millions of dollars worth of munitions and scores of thousands of men depart their borders without their consent, approval, and intent.

I hope we can have such action on Senate Resolution 100 as will give us a true picture of the relationship of our law or laws and our policy toward the Spanish situation at the present time.

I realize, of course, that there is need for moving cautiously in matters of this kind, and I shall not object to the resolution being referred to the Senate Foreign Relations Committee; but I must insist that all the rules of fair play and consistency dictate that we should move embargoes against all governments participating in the Spanish conflict—embargoes equal to those we voted against the warring factions in Spain.

Just one more word. It seems to me that the further we go in the consideration of the problems arising out of arming nations at war the more we have brought home to us emphatically every hour the utter need, regardless of what other governments may do, of the Government of the United States producing very largely its own requirements of munitions, and, further, the need of our Government forbidding the exportation of munitions of war to other nations, in peace time or in war time.

I should like to have incorporated in the RECORD at this point an editorial appearing in the Philadelphia Record of March 15, 1937, calling attention to the part which other nations are playing in bringing about a program which confines nations to their own defense.

The VICE PRESIDENT. Is there objection?

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

[From the Philadelphia Record of Mar. 15, 1937]

FRANCE OUTLAWS THE MUNITIONS RACKET

"Men have been shot who have betrayed their country less than M. Schneider has done." So cried Henri Audraud in the Chamber of Deputies at Paris 5 years ago. The M. Schneider referred to was head of the great Schneider-Creusot munitions works.

Yesterday the French Government nationalized the Schneider-Creusot munitions works.

No longer will that particular merchant of death peddle his wares to the enemies of France, to be used to shoot down the soldiers of France—as was the case in the World War.

The Schneider-Creusot firm has been French in name but international in activity. Even before the World War it held as much as 25,000,000 shares of stock in the Russian armament firm of Poutiloff, and a substantial part of the stock of the famous Skoda munitions works in Czechoslovakia.

And Schneider-Creusot, during the World War, paid a dividend of 30 percent.

Is it any wonder France, acting under legislation passed last summer, nationalizes this great industry, so that henceforth it will work for France and France alone?

When will America follow suit?

When will we take over our own munitions plants—not by seizure but by condemnation and payment as France is doing—so that henceforth American munitions plants will work for America, and America alone?

Let our conservatives ponder the fact that French conservatives voted for the legislation under which the Schneider-Creusot works is being taken over. They did so because the qustion was one of national defense—a declaration of French independence from the international munitions racket.

We all know the story. The Nye committee's investigation told it in detail:

Manufacture of war scares; playing nation against nation in munitions competition, with profits for the arms ring on all sides; influence on Government finance; the alliance in France of the munitions men and the metal trust; and our own experience in the World War—

When United States arms makers actually held up production—until the Government agreed to pay the exorbitant prices they demanded.

The French Government has moved to end this piracy. When will our own?

Surely there's no reason for Congress to hesitate. In case its Members have forgotten, we recall for them the Gallup poll which showed 82 percent of the American people in favor of nationalizing our munitions industry.

Mr. NYE. Mr. President, so many have been the inquiries concerning findings of the Senate Munitions Committee that I have seen fit to prepare a statement which can be sent to those many who make the inquiry. Without reading it, though it is very directly related to the subject I am discussing, especially the governmental control of the munitions industry, I ask unanimous consent that my statement on that question may be printed in the RECORD.

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

For the past few years, Congress has been studying and has recently adopted some legislation which, it was thought, would effectively express and embody the hope and the will of the American people not to engage in foreign wars. Until the States of Europe become united by the bonds of peace, as the States of America are united, the clouds of war will continue to threaten one-half of the earth and to menace our own peace.

What have been the underlying causes of our past involvements and how shall we avoid foreign entanglements in the future? These questions and others which have a direct bearing upon this subject which has engaged not only our own attention but that of the entire world ever since the close of the World War, which left a shattered world in its wake and resulted in the greatest economic upheaval and human distress in our own history—these questions are answered in a remarkable book, War Madness, by Stephen and Joan Raushenbush, which has just been published by the National Home Library Foundation, Washington, D. C., on a nonprofit basis.

This book is based largely on information made available to the public in the hearings and reports of the United States Senate Munitions Committee. In language which everybody can understand, it is a forceful presentation of the facts and findings resulting from the committee's investigations of nearly 2 years.

PRESIDENT ROOSEVELT, PRESIDENT WILSON, LLOYD GEORGE

President Roosevelt stated in 1934 that it was the munitions makers who were threatening our peace. Speaking of the armaments race, he said:

"This grave menace to the peace of the world is due in no small measure to the uncontrolled activities of the manufacturers and merchants of engines of destruction, and it must be met by the concerted action of the peoples of all nations."

President Wilson tried to have all private manufacture of arms eliminated after the World War. He proposed to include in the constitution for the League of Nations a provision that "the high contracting parties further agree that munitions and implements of war should not be manufactured by private enterprise and direct the executive council to advise how this practice can be dispensed with."

Lloyd George has told the British Royal Commission that private munitions makers should be abolished; that "it is not a healthy state of things in a community when a large and, on the whole, influential body of men * * * should have a direct pecuniary interest in war or agitations which lead to war."

AMERICA FACES THE ISSUE

The munitions makers do not like the thought, but Congress is going to have to vote for or against the munitions makers very soon.

War Madness discusses this most important subject. It describes the foreign-sales practice used by munitions companies in order to increase their foreign trade, and shows how they have worked in South America, Cuba, China, and Japan. It illustrates their antipeace activities and their interest in having disarmament conferences fail. The influence of these companies, plus that of the big Army and Navy supply companies in this country, is discussed. The American people are asked to consider seriously making the Army and Navy masters in their own house by asking them to produce all their combat weapons instead of producing only part of them and paying excessively high prices to the munitions and shipbuilding companies for the rest, as is the practice today.

CAN WE STAY OUT OF WAR?

Here is a summary of the influence of our war trade on our 1914–17 neutrality course and of the policy pursued during those years of permitting American babies and bullets to travel together on belligerent munitions-laden ships exposed to submarine attack. Using as background our 1914–17 experience, this book analyzes the various protective measures the United States might take if it wishes to avoid involvement in another major war into which our 1914–17 policies led us.

The authors see the decision for the American people as one between profits and peace, and point out that halfway neutrality measures will not do much toward keeping our peace. They see a war boom in this country as the greatest menace to our staying out of another major war. They recognize that real neutrality will cost us something; that it will mean giving up the large temporary profits of a war boom; but compared with the billions we would waste in war, the price of neutrality is cheap.

WAR WITHOUT PROFITS

A valuable service is performed by the book War Madness in analyzing the legislative attempt to take the profits out of war. After long study of this subject, the authors are convinced that the profits cannot be taken out of war, nor can the burdens of war be equalized for labor, drafted men, and capital. It warns the people against legislation purporting to do this. For lovers of democracy in the United States, this book calls attention to the Senate Munitions Committee report on the War Department's industrial mobilization plans for the next war and the committee's finding that under these plans there "may be actual operating dictatorship, under military control, in this country."

With the bombing of civilian populations and industrial centers from the air, intended to demoralize civilians and incite revolution, the danger to all democracy in another major war is emphasized. The question asked is whether lovers of democracy can contemplate participation in a future war without shuddering at the thought of the extremes another war will bring and without wondering whether democracy in any of the warring countries will survive the demands of war for complete and unquestioned control.

DID YOU KNOW?

How many know:

That Lammot du Pont, president of the most powerful industrial combination in the United States, thought "it was not helpful" to the peace of the world to have munitions makers going around trying to bribe governmental officials?

That the former president of the Navy League wrote of his desire to connive with the British Navy League to get rid of the London Naval Pact?

That the munitions makers made the Navy "pay through the nose" (this means the taxpayers) for ships in 1933 simply because the Navy needed the ships?

That a high admiral of the Navy planned to use Navy Day to defeat candidates for Congress?

That an Army general preferred to permit American military secrets to be sold abroad rather than let the munitions companies go without profits?

That a prominent banker and munitioneer thought increased armaments might bring on war rather than promote peace?

That the Munitions Committee suggested a referendum to be held in 1938 on whether men should ever be drafted for service outside continental America?

That there is a possibility that the United States is too poor to forego profits and stay out of foreign wars?

The authors of this book are well qualified to write on these all-important subjects. Stephen Raushenbush was secretary and chief investigator of the special Senate committee investigating the munitions industry during the entire course of its work. He is a recognized expert in this field. Mrs. Raushenbush, before her marriage, served as investigator for the committee and worked largely on the committee's studies of the neutrality policies of the United States from 1914–17, prior to our entrance into the war.

Written for the average American citizen, this book presents clearly the issues and questions so vital to the peace of this Nation. It asks the American people to examine them carefully if they desire to save the lives of America's young men and to use the resources of this Nation to further our own progress and well-being, and if they are determined to avoid the horrors of war.

War Madness, by Stephen and Joan Raushenbush, should be required reading for all American citizens.

EXHIBIT A

[From the Pittsburgh Press of Monday, Mar. 29, 1937]

SENATOR NYE'S QUESTION

It will be interesting to see what reply the State Department makes to Senator NYE's request for a statement as to whether or not Italy is at war with Spain.

Offhand, we would say that Italy is certainly fighting somebody in Spain, for she has an estimated 80,000 troops there, plus several hundred airplanes and tanks. Even the Italian Foreign Office cannot maintain that the soldiers are there simply for maneuvers or that they are innocent bystanders.

But, then, diplomats don't always take into consideration such concrete facts. Before there can be war, according to them, there must be a formal breaking off of diplomatic relations, followed by an ultimatum or two and then an equally formal declaration of war. Only then is it diplomatically permissible to send an army to invade a country's territory.

There has been no break in diplomatic relations between Spain and Italy, nor any ultimatum or declaration of hostilities. The Italians simply sent an army into Spain—they call it a "volunteer" force—and it started fighting.

Therefore, the State Department's reply to the NYE inquiry will not be easy to draft. Officially, it can say Italy is neutral. But try to tell that to Spanish Loyalists who have been the targets of Italian machine gunners and bombers. And if it says Italy and Spain are at war, Mussolini's Foreign Office can be depended upon to issue an indignant denial and to point to the diplomatic record to prove its case.

We don't envy the State Department its task. It's going to be damned if it does and damned if it doesn't. Whatever the reply, somebody is going to be offended.

In traditional diplomatic fashion, the Department could sidestep Senator NYE's question. But we hope that it won't. This is too serious a crisis to play blind man's buff.

Besides, that's what the European powers have been doing in regard to Spain. And as a result, the situation has got out of hand. Perhaps, if a few countries had done some plain talking, the present international complications of the Spanish struggle would have been avoided.

We don't profess to know what the State Department's reply should be, for it has access to accurate, direct, and unpublished information about this crisis that ordinary citizens don't possess. But we do think it should plainly and bluntly speak its mind.

There are times when frank diplomacy is the best diplomacy. We believe this is one of them.

While on the subject of when is a war not a war, we did a little research to see if there have been any historical parallels to the Spanish situation. And some interesting facts came to light.

If Italy, as Loyalist sympathizers charge, is actually waging an undeclared war on Spain, it is not the first time such an unofficial conflict has taken place. Contrary to what many of us may think, there have been quite a few undeclared wars in the last 300 years.

Back in the middle of the eighteenth century, England and France fought for 2 years before they got around to a formal declaration of war. The United States did not declare war in 1812, and to this day the British consider that struggle only an unofficial byproduct of their fight to crush Napoleon.

In 1884 French gunboats bombarded Chinese ports without any severance of diplomatic relations. And in 1894 Japan did not declare war against China until about a month after fighting actually began. Likewise, in 1904, the Japanese fleet attacked Port Arthur several days before hostilities were formally proclaimed.

The World War was declared and fought in approved diplomatic fashion, although even then several nations started fighting after breaking off diplomatic relations.

More recently, the Chaco war between Bolivia and Paraguay was fought unofficially for 3 years until Paraguay finally declared hostilities in 1933. Japan did not declare war against China when occupying Manchuria. And Italy invaded Ethiopia in 1935 without a preliminary declaration of hostilities.

Hence, there is nothing new about undeclared wars. If the State Department thinks Italian intervention in Spain constitutes actual war, it can find plenty of historical precedents to bolster its case.

Mr. PITTMAN. Mr. President, I have moved to refer the resolution to the Committee on Foreign Relations because, in the first place, in my opinion, it is not in proper form. The Senator from North Dakota states a hypothetical case and then asks for an opinion upon the hypothetical case. The Senator's resolution asks the opinion of the Secretary of State as to whether or not the embargo against the exportation of arms, ammunition, and implements of war to a state wherein there is civil war should be extended to those governments "whose armed forces are engaged in active warfare in such nation" where there is civil war.

The present law could not be extended to any state wherein there was not civil war, of course. It would be extended to another state if it were engaged in war with the government of the state where there is a civil war.

I take it that the words "armed forces" in international law universally mean military forces under the control of a government. I do not take it that "armed forces" mean nationals of a government who are under arms in a foreign country. If that were true, then the armed forces of the United States would be today engaged in war in Spain, because it is undobutedly true that a great many American citizens today are engaged in the civil war in that country on one side or the other. They are our citizens; they are under arms; they are in armed forces, but they are not a part of the armed forces of the United States.

The Senator assumes that the armed forces of some other country than Spain are engaged in war in Spain, and then says, "That being a fact, Mr. Secretary, should our embargo law apply to that country?"

Of course, it could not apply to that outside country unless we found that there was a state of war existing on the part of that outside country with the government of a country in which there is a civil war. I think possibly that is the question on which the Senator from North Dakota is attempting to obtain an opinion from the Secretary of State. If so, the resolution should be put in proper form by the Committee on Foreign Relations, if the committee decides that it is proper to ask such advice from the Secretary. We must not assume a certain state of facts and then ask for an opinion on such state of facts.

I think it is very unfortunate for any government, through any department, to take any official or semiofficial action insinuating that any other government is engaged in a wrongful act. I think it is very dangerous to our peace for any government, through any of its official or semi-official departments, to insinuate that one government is conducting an undeclared war against another government until the facts are clearly established—in fact, are obviously recognized, as they were in the case of the war between Italy and Ethiopia.

As to whether or not any armed forces, under the definition of "armed forces" generally recognized in military matters, are engaged in war in Spain, I have no evidence. I know that various governments which are undoubtdely interested in that civil war have charged other governments interested in that civil war either with sending or permitting their nationals to enter into Spain for the purpose of engaging on one side or the other of that conflict. Only recently it has been charged, I believe by the representative of the Russian Government, that the Government of Italy was violating the understanding with regard to nonintervention in Spain, but at the same time the representative of Italy at that meeting challenged the statement and denied it. That issue was referred to a committee of the Non-Intervention Committee, representing 27 governments. Similar charges have heretofore been flung back and forth between these countries. Now, all these charges have been referred to a committee of representatives of 27 governments interested in nonintervention, and interested in attempting to prevent that civil war from spreading. There are 27 governments which are opposed to intervention. There are 27 governments, most of which today have placed an embargo upon the shipment of arms and ammunition into Spain. That embargo is in existence. Nearly all of the governments have agreed to restrain their nationals from going into Spain any further.

The situation is as well in hand as the great governments in the world who are in the area of this threatned world war can have it in hand. They have authorized committees to try these questions. The questions are now submitted. If war breaks out, those countries will be immediately affected and endangered. In that circumstance why should we attempt to drag our Government into the fire of this serious and dangerous question which threatens universal war? We are not a member of the committee representing 27 governments. We are not a member of the League of Nations. We are not directly involved in the threatened European contest. We know that everything on earth is being done by most of those governments to localize the conflict and to prevent it from spreading. They will do so, if possible. Certainly there is nothing that we could do to stop the spread of that war—not a thing on earth. While we may eliminate some of the chief causes that tended to drag us into the last great World War, none of those acts will be of any benefit at all to us if we arouse the enmity and hatred of powerful governments of the world.

I think this matter should not be stirred up in this country when there is nothing that we can accomplish by stirring it up except to arouse hatred.

Mr. ROBINSON. Mr. President, before the motion is voted upon, I should like to add just one brief statement:

When Senate Resolution 100 was presented by the Senator from North Dakota [Mr. NYE], the Senator from Nevada [Mr. PITTMAN] was temporarily absent from the Chamber; and I asked that the resolution go over, explaining personally to the author of the resolution that, in my judgment, the resolution would not accomplish its purpose for the reason that it called for the expression of a legal opinion by the Secretary of State. The Secretary of State is not a law officer. He does not express opinions on legal questions. He does not advise either House of Congress on such subjects.

As will be noted from a reading of the resolution, the Secretary of State is asked to say—

Whether the existing neutrality laws of the United States are sufficient to provide an embargo against nations whose armed forces are engaged in active warfare in a nation where a state of civil war exists. * * *

Manifestly such a question should not be addressed to the Secretary of State; and manifestly, in all probability, the Secretary of State would refuse to act as the legal adviser of a Senator or of the Senate. He has no authority and no obligation under the law to perform such functions.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada [Mr. PITTMAN] that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 53) providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 316. An act for the relief of Edward Y. Garcia and Aurelia Garcia;

S. 525. An act for the relief of Harry King;

S. 544. An act for the relief of M. K. Fisher;

S. 784. An act for the relief of Amelia Corr;

S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and also to officers of the Foreign Service of the United States at foreign stations;

S. 1311. An act for the relief of Norman Hildebrand;

S. 1455. An act to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army, and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;

S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit;

H. R. 157. An act to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.);

H. R. 4286. An act to provide special rates of postage on matter for the blind;

H. R. 5293. An act to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California;

H. R. 5299. An act to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes;

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; and

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry.

JACK J. WICK

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1414) for the relief of Jack J. Wick, which were, on page 1, line 4, to strike out all after "to", down to and including "the" where it occurs the first time in line 9, and insert "receive, settle, and adjust all claims of contractors in connection with the constructing and equipping of the factory building at the Reedsville Experimental Community, a subsistence homestead project, at Arthurdale, W. Va. The"; page 2, line 1, after "extended", to insert "or so much thereof as may be necessary"; page 2, line 2, to strike out "claim" and insert "claims"; page 2, line 6, to strike out "said claim" and insert "these claims"; page 2, line 10, to strike out "said claim" and insert "these claims"; and to amend the title so as to read "An act to provide for the settlement and adjustment of claims of contractors in connection with the construction of the factory building at the Reedsville Experimental Community, Arthurdale, W. Va."

Mr. NEELY. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

REORGANIZATION OF FEDERAL JUDICIARY—PROCEDURE IN CERTIORARI CASES

Mr. AUSTIN. Mr. President, it is my intention to discuss one ground relied upon by the proponents of the bill to reorganize the judiciary, and if I am not drawn away from that ground by interrogatories I hope to confine my remarks so that material with reference to it will appear in one place in the RECORD, unified and all together, and not scattered over many days and interlarded with several different subjects. The subject I propose to discuss is petitions for certiorari provided for by the act of 1925, the principle that animates the act itself, the practice under the act by the Court, the fact that there is now no claim that the act is unwise or that it ought to be amended or repealed, and, ultimately, the fact that it is almost the last resort of those who support the President's proposal.

As the hearings before the Judiciary Committee proceed, and the sifting process of examination and cross-examination takes place, we must come practically to the conclusion that there is nothing wrong about the method provided by the law which gives to the Supreme Court a very broad discretion to pass upon what cases it will entertain jurisdiction of so as to hear them upon their merits. The facts adduced must bring the statement, "Yes; we admit that the Court is abreast of its docket; it is an indisputable fact that the Court is not in arrears in its work." The record taken before the committee from the very first witness, Hon. Homer Cummings, the Attorney General, down to the last witness, makes clear, beyond any question, the fundamental fact that the Court is not behind in its work.

Let me read just a line from the testimony, carefully prepared, of the Attorney General, who was the first witness. I read from page 19 of the transcript of the first volume:

> Nevertheless there are those who, with something of a flourish, reassert the undisputed fact that the Supreme Court is up with its docket, apparently unmindful that, under the existing practice, there is no reason why it should be otherwise.

Let us clear the decks for close fighting. The Attorney General, the man whose words are probably the words of the President of the United States, for, I think, it is safe to say that our Presidents occupy perhaps a similar position to that of Charles II which he described when he said, "My acts are my own, but my words are the words of my ministers."

So I think it is safe to say, if we read carefully the President's message to the Congress, and the accompanying letter of the Attorney General, and his carefully prepared written speech read by him before the Committee on the Judiciary, that when we go to headquarters, when we go to the source of this effort to reorganize the judiciary—and I am particularly interested in the Supreme Court in discussing this question—we find that it is admitted that the Court is up with its docket. But the charge that is made is another thing, and it is that to which I wish to direct attention. I shall not do so by argument; I wish I could avoid argument though, of course, it is natural to draw inferences as one goes along presenting evidence; but the main thing I am undertaking to do is to present evidence, to present the record, so that any man, without argument, may pass upon this charge that is pregnant in the words—

> Under the existing practice, there is no reason why it should be otherwise.

Again, on the same page, after passing over some of the text, occurs this expression by the Attorney General:

> The question is not whether the Court is up with the docket, but by what means it keeps up with the docket, and whether the burden that it must sustain is too great to warrant the careful consideration to which these petitions are entitled and whether assistance, by the appointment of additional Judges, is indicated.

Mr. President, my impression of the effect of the testimony before the Judiciary Committee is that the charge that age is a cause for this measure has practically been abandoned. In any event, if it has not been voluntarily abandoned, the great weight of the evidence is against it as a reason for changing the personnel of the Court by act of Congress and act of the Chief Executive. So we come right down to the question of whether the means by which the Court is able to do its work and keep abreast of its docket is contrary to the law or contrary to the public policy or contrary to the intention of the Congress; for, Mr. President, if there is anything wrong in the theory, if there is anything wrong in the power to exercise discretion in this matter, Congress and not the Court is responsible for that, and the remedy for it is not to increase the number of Judges on the Supreme Bench, but I apprehend it is to amend the act of 1925.

Some who support the proposal to increase the Court make the claim to which I am about to refer. The Senator from Tennessee [Mr. MCKELLAR], who is not present, but to whose office I sent a message this morning as soon as I knew that I would address the Senate upon this subject, referring to the letter of the Chief Justice, which was put in evidence before the committee and introduced into the record, said:

> In his letter he gives no information whatsoever concerning the method of disposition of these cases. The process is still as much of a mystery as it has always been. The President does not know the method. The Congress does not know the method. The lawyers do not know the method. The Court only knows the method, and does not disclose it.

Mr. President, I apprehend that the Senator from Tennessee had forgotten the facts to which I am going to call attention. I do not characterize his remarks. I think that, with the busy life we all lead, the utmost consideration for the frailty of humankind with respect to memory should always be given, and I hope it will always be accorded to me. The Senator from Tennessee was a Member of this body at the time when the bill was introduced which became the Judiciary Act of 1925.

I am going to refer to the hearings on Senate bill 2060 and Senate bill 2061, which cover the subject matter of the legislation enacted in 1925, one of them being the first draft of the law itself, and the other being an act to empower the Supreme Court to make rules that would govern applications for certiorari and the principles upon which they should be denied or granted.

I now read extracts from the record to show that there is no mystery about the principle involved in dealing with cases involving or petitions for certiorari; that it is not a secret which the Court conceals or can conceal or desires to conceal, and that every Senator was charged with knowledge before he voted on the act of 1925 of the entire principle governing the granting or denial of petitions for certiorari. More than that, he was charged with knowledge of the practice that has been followed for years with respect to such petitions. The story is fully unfolded in those hearings. I do not say that the Senator from Tennessee knew about them; but I have observed in the report of the hearings an extract from one of the speeches of the Senator from Tennessee relating to the conditions in the inferior courts, conditions which constituted a cause for the Judiciary Act of 1925. I read now from page 26 of the hearings before a subcommittee of the Committee on the Judiciary of the United States Senate, Sixty-eighth Congress, first session, on S. 2061 and S. 2060, when Mr. Justice Van Devanter was testifying:

> The title of the act as introduced in the Senate is, "A bill to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeal and of the Supreme Court, and for other purposes." What it does is to take up all the various statutes dealing with the appellate jurisdiction of the circuit courts of appeal and the appellate jurisdiction of the Supreme Court, to bring them together and restate the law on the subject, to make the various provisions harmonious, and to eliminate some of the obligatory jurisdiction now existing in the Supreme Court, to transfer some that now exists to the circuit courts of appeal, and to enlarge the discretionary jurisdiction which the Supreme Court now exercises on petitions for certiorari.

I do not need to discuss that. It presents the picture. Here the Congress was undertaking to do something beneficial, something constructive, something that had to do with the administration of justice and particularly with the speeding up of the trial of cases, not only in the lower courts but also in the Supreme Court, in order that the Court could get abreast of its docket and stay abreast of its docket. There at the outset, in a most concise manner, is a description of the purposes of the act of 1925 with respect to petitions for certiorari. It was designed to reduce the obligatory jurisdiction of the Supreme Court, to broaden out and increase its discretionary jurisdiction and amplify its power to say in principle, to which I am going to allude later, "These cases will not be heard" or "These cases will be heard."

I now read further from the testimony of Mr. Justice Van Devanter as it appears at page 28 of the hearings to which I have referred:

> Mr. Justice VAN DEVANTER. This bill extends existing statute so as to cover a large number of cases. There are classes of cases to which the existing certiorari provisions do not now apply and in which we could not, even if it seemed wise in point of merit, grant a writ of certiorari. This bill will enable us to grant such a writ in any case pending before a circuit court of appeals. It also does away with the obligatory jurisdiction on appeal or writ of error, as to circuit courts of appeal cases, by providing that no case shall come from those courts to the Supreme Court except on petition for certiorari.
>
> Mr. Justice MCREYNOLDS. The theory being that after two trials in a Federal court as of right—one in the district court and one in the circuit court of appeals—the matter should end, subject to a discretionary review in the Supreme Court for some superior reason.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point those portions of the committee hearings which I have indicated on pages 28, 29, and 30 of that record.

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

> Mr. Justice VAN DEVANTER. That is true. No case comes into a circuit court of appeals except it has passed already through the trial court, and when the trial court and the circuit court of appeals have both considered and decided it the bill proceeds on the theory that the Supreme Court should not be required to review the case unless there be in it some question or matter of such importance as would cause that Court in the exercise of a sound discretion to take the case.
>
> I may say something here about what is done with petitions for certiorari. Such a petition is presented on behalf of the litigant who feels aggrieved at the decision of the circuit court of appeals. It specifies the character of the case, its history, the questions decided, and the particular or particulars wherein it is insisted that the decision of the circuit court of appeals was wrong. A brief accompanies the petition. Both are served upon counsel for the other party, and he is given opportunity, and usually avails himself of it, to file an opposing brief. The Supreme Court then examines the matter on the petition, record, and briefs, each member of the Court making his own examination. In our conference a vote is taken on the question whether the petition shall be granted or refused, in the same way that we vote in other cases. If there be occasion for discussion, the discussion is had as in other matters. Not only that, but whenever the vote is relatively close the conference makes it a practice to grant the petition.
>
> Mr. Justice SUTHERLAND. Even though a majority be against it?
>
> Mr. Justice VAN DEVANTER. Yes. For instance, if there were five votes against granting the petition and four in favor of granting it, it would be granted, because we proceed upon the theory that when as many as four members of the Court, and even three, in some instances, are impressed with the propriety of our taking the case the petition should be granted. This is the uniform way in which petitions for writs of certiorari are considered.
>
> Senator CUMMINS. I should like to ask a question at this point. I am not sure that it is a proper question, but I know that the curious-minded will be apt to ask it when we get further along. In cases coming from the circuit court of appeals, of which you now have jurisdiction only through the writ of certiorari, does the Supreme Court in passing upon the application give greater heed to the amount involved or to the character of the questions involved?
>
> Mr. Justice VAN DEVANTER. I have no hesitation in answering to the character of the questions involved.
>
> Mr. Justice MCREYNOLDS. Really, the amount involved receives very little consideration.
>
> Mr. Justice VAN DEVANTER. I would make my answer positive on that matter.
>
> I deem it well to state further the lines on which the Court proceeds in determining whether a writ of certiorari shall be granted. The inquiry is, first, whether or not the case is one in which a petition for certiorari will lie at all; next, whether the questions presented in the case are of wide or public importance

or concern only the parties to the particular case; next, whether there is any conflict between the decision that is complained of and decisions on the same question in other circuit courts of appeal or in the Supreme Court; and next, if any of the questions determined by the circuit court of appeals be questions of State law, whether or not there is a conflict between the decision of that court thereon and the decisions of the court of last resort in the State on the same questions. Whenever we find such a conflict that, without more, leads to the granting of the petition, if the case be one in which a petition for certiorari will lie.

Generally speaking, the chief question is whether the case is of such a character that the last word, the ultimate guiding rule, should be announced by the Supreme Court so that there may be uniformity of decision in the several circuit courts of appeal, and also uniformity of decision in the State courts insofar as Federal matters are concerned.

One of the advantages of this discretionary jurisdiction on certiorari is that at the very threshold it enables the parties to learn whether the Supreme Court is going to take jurisdiction; whether their affairs shall be held in abeyance for a year or longer during the pendency of the case, or whether they must accept the decision of the circuit court of appeals. That is a very real advantage, for, besides providing uncertainty and delay in a very large number of cases, it saves a considerable amount of expense.

Mr. AUSTIN. Mr. Justice Van Devanter again said, on page 30:

Granting the writ means, and only means, that the Court finds probable cause for a full consideration of the case in ordinary course.

On page 36 he said further:

In dealing with petitions for certiorari from State courts the Court proceeds upon just the same lines that it does with petitions for certiorari to circuit courts of appeals, and all that I have said about the modes in which the latter are considered applies equally to petitions for certiorari coming from State courts.

At page 43 occurs the following:

Senator CUMMINS. There probably will be no legislation with regard to your procedure in that respect. But it seems to me there is suggested in this bill a plan for the speedier disposition of the ordinary cases that come before you. I understand you to say that there are a great many cases come before you that ought not to be there.

Mr. Justice VAN DEVANTER. Yes.

Senator CUMMINS. And that they are not of sufficient importance from any point of view to command the attention of the Supreme Court?

Mr. Justice VAN DEVANTER. I think that is true of a good many.

Senator CUMMINS. And the general suggestion of this bill is that cases might be eliminated, and if they were eliminated you would be able to dispose of the cases that really ought to be in the Supreme Court more speedily than you are now doing?

Mr. Justice VAN DEVANTER. I think so. I should say that under the operation of this bill cases ought not to remain on the docket more than 6 months, and perhaps a little less, before the time of ordinary hearing, even making allowance for advancing cases as required now.

Senator CUMMINS. Would not this be true, as a general statement that considering the delays incident to the trial of every case, if this bill were to pass the Supreme Court would be able to keep up with its business?

Mr. Justice VAN DEVANTER. I think it would be as nearly current as would be practicable, considering the time required for printing the records and the time that counsel ordinarily would take to prepare their briefs and the need for presenting them thoroughly. But making allowance for those things, I think that under this bill the business would be practically current. It would not become so immediately, but I should think it would within a year.

On page 45 Mr. Justice McReynolds testified:

The general theory is that after one has had two trials in a Federal court, one in the district court and one in the circuit court of appeals, mere private litigation should stop; but if the cause involves matter of general importance, some statute to be construed, some constitutional provision, it should come to us for final disposition. Also where circuit courts of appeals entertain different views, the case should come up.

Mr. President, it will be recalled that in the message to the Congress which came from the President that very point was raised with some emphasis, as I thought, namely, the point that in connection with recent legislation of the Congress some courts had held one way and other courts had held another, and that it is for the general welfare to have a court which will act with expedition in deciding which holding is correct and making the law uniform throughout the Nation.

To that I subscribe fully. The record shows, however, that for such delays as have occurred in a large number of cases of recent date we cannot charge the Supreme Court. It will be found that the delays were requested by the Government, by the Attorney General, and were granted at their request and on their representation that they needed more time in which to prepare for trial. I do not question that. I have no doubt they needed the time, that their request was reasonable, and that the extension was wisely granted. What I object to is, now in this emotional period, when half truths have the effect of whole truths, making use of the mere statement that there were delays, without having anybody know that the delays were occasioned at the request of the Government and not because the Court was crowded in its business.

Referring again to page 45 of the testimony of Mr. Justice McReynolds, I read further:

The last situation is illustrated by a case heard the other day. About 1904, as I recall, Congress provided for taxing adulterated butter. That statute was construed in the sixth circuit. Several years afterward the Eighth Circuit Court of Appeals arrived at a different conclusion. It came to us upon certiorari. Now the construction will be final.

I read now from page 47 of Mr. Justice Sutherland's testimony. I invite attention to the fact that Mr. Justice Sutherland had then only recently left the Senate and gone on the bench, and he was particularly expert as to the bill relating to the power to make rules governing certiorari cases. I think his testimony is devoted more particularly to that aspect of the matter, but it enters into any consideration we may make of the question whether there is in fact, in the practice under the Judiciary Act of 1925, any delay that is in conflict with public policy or any misapplication of the discretion granted by the act of 1925 which justifies Congress in creating six new vacancies on the Supreme Court Bench and having the President fill them.

Mr. Justice Sutherland said:

I can say this much about it from my observations thus far, that a very large proportion of the cases that come to that Court—I would not undertake to say what proportion—ought never to be there at all.

With the exception of cases from the Court of Claims, this bill does not deprive anybody of the right of appellate review. The only thing that it does is to stop the review in some cases at the circuit court of appeals which do not stop there under the existing law. The circuit court of appeals consists of three judges and ranks with any of the State supreme courts in the Union. With State litigation with the exception of such cases as may come to this court because they present some Federal question, the review stops with the State supreme court; that is, the States have thought it was sufficient with rare exceptions, to have a case reviewed by one appellate court; and I would say that perhaps half of the cases that come to our court now ought to stop with the circuit court of appeals; that when a litigant has had a trial before a trial judge, and has gone to a court of appeals of as high rank as the Circuit Court of Appeals of the United States he ought to stop there. The result of crowding the calendar here is, as both my brothers have said, to delay inordinately the hearing of the cases that are meritorious and that ought to be heard in the Supreme Court of the United States.

Mr. President, as further evidence that there was nothing mysterious about this discretionary power of the Court, nothing hidden, nothing furtive, and nothing necessary to say to the Congress of the United States today, because it was all said in 1925, I now call attention to the hearings in the House Judiciary Committee, which have been available since 1925, which were available last week, and which are available today.

I read from hearings before the Committee on the Judiciary, House of Representatives, Sixty-eighth Congress, second session, on H. R. 8206.

Let me, for the RECORD, coordinate that number with the numbers from which I have read. On December 18, 1924, H. R. 8206 was coordinated with S. 2060, as shown by the CONGRESSIONAL RECORD at various pages, to wit: For January 31, 1925, pages 2750–2754; for February 3, 1925, pages 2916–2925. Here the Senate, acting in Committee of the Whole, considered H. R. 8206, struck out all the matter after the enacting clause, and substituted all of the matter in S. 2060, as perfected by amendments. So we are dealing with the same subject matter in both of these hearings.

I first read from page 7, the testimony of Mr. Justice Van Devanter:

Two modes of invoking a review in the Supreme Court are now recognised. One is by writ of error or appeal, and is commonly spoken of as an obligatory jurisdiction, because it may be invoked as of right by a litigant whose case is within the class subject to that mode of review. The other is by writ of certiorari—

Let me digress long enough to call attention to the fact that we are now speaking of history. We are now speaking of experience. The right to invoke the jurisdiction of the Court by a petition for a writ to certify the record from a lower court did not originate in the act of 1925. It was in existence before that time; and, because it was in existence previously, no man in the United States Senate or anywhere else who can read, and who is sufficiently interested to read the RECORD, should be in ignorance about it, or believe that there is any mystery about it, or charge that the Court will not tell us what to do. Here is a record that tells what they did do, what their experience was. It is history speaking, with a somewhat venerable accent.

The other is by writ of certiorari, and is commonly spoken of as a discretionary jurisdiction because the court is invested with a discretion to deny a review unless it appears that the questions presented are of public importance or of wide general interest, or that in the interest of uniformity that court should consider and decide them.

Is there anything mysterious about that rule? Is it vague because it is too general? I will leave it to those who read it to answer that question. My own observation and experience is that a discretion that has not latitude in it, a discretion that is attempted to be circumscribed by legislation, is not of great utility, and that if this effort of Congress and of lawyers and of judges had any hope whatever of accomplishing and of perpetuating its objective, that hope rested in a discretion broad enough so that the Court could determine, on every petition, whether the matter presented was of sufficient public importance to justify devoting the attention of the Federal Supreme Court to it, or whether it was of wide general interest, or whether in the interest of uniformity, to which attention has been called previously, that court should consider and decide the matter.

I now read from page 8, from the statment of the same witness:

While the authority of the Supreme Court to take cases on petition for certiorari is spoken of as a discretionary jurisdiction, this does not mean that the Court is authorized merely to exercise a will in the matter but rather that the petition is to be granted or denied according to a sound judicial discretion. What actually is done may well be stated here with some particularity.

Mr. President, note that with particularity, now, the Court is telling of experience. No man exercising a reasonable amount of care in looking at a problem of this great importance should be ignorant of this history, because it answers the charge that there is something mysterious, that there is something covered up, that there is something sly and furtive, in the manner in which petitions for certiorari are dismissed.

What actually is done may well be stated here with some particularity. The party aggrieved by the decision of the circuit court of appeals and seeking a further review in the Supreme Court is required to present to it a petition and accompanying brief, setting forth the nature of the case, what questions are involved, how they were decided in the circuit court of appeals, and why the case should not rest on the decision of that court. The petition and brief are required to be served on the other party, and time is given for the presentation of an opposing brief. When this has been done copies of the printed record as it came from the circuit court of appeals and of the petition and briefs are distributed among the members of the Supreme Court, and each judge examines them and prepares a memorandum or note indicating his view of what should be done.

We heard the learned Senator from Tennessee [Mr. MCKELLAR] question whether each judge examined these documents, and heard him assert that the letter from the Chief Justice to the Senator from Montana [Mr. WHEELER] did not show whether each judge did or did not examine them. Here is the history of the case. Here is the history of the operation of the Court on petitions for certiorari before the act of 1925 was passed, given for the purpose of showing the Congress what would be done under the act of 1925.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Will the Senator from Vermont allow the present occupant of the chair to ask for information, if it will not disturb the Senator? When were these examinations had, and before what body of Congress and to what subject came this testimony?

Mr. AUSTIN. Mr. President, I thank the Presiding Officer for calling attention to a matter which I had omitted to state. The date of the hearing was December 18, 1924. It was before the Committee on the Judiciary of the House of Representatives on House bill 8206, which became the Judiciary Act of 1925, after the Senate struck out all after the enacting clause and substituted the text of the Senate bill relating to the same matter.

The PRESIDING OFFICER. The Chair thanks the Senator.

Mr. AUSTIN. Referring again to page 8, Mr. Justice Van Devanter appears to have justified, as follows:

In conference these cases are called, each in its turn, and each judge states his views in extenso or briefly as he thinks proper; and when all have spoken any difference in opinion is discussed and then a vote is taken. I explain this at some length because it seems to be thought outside that the cases are referred to particular judges, as, for instance, that those coming from a particular circuit are referred to the justice assigned to that circuit, and that he reports on them, and the others accept his report. That impression is wholly at variance with what actually occurs.

We do not grant or deny these petitions merely according to a majority vote. We always grant the petition when as many as four think that it should be granted, and sometimes when as many as three think that way. We proceed upon the theory that, if that number out of the nine are impressed with the thought that the case is one that ought to be heard and decided by us, the petition should be granted.

Mr. President, I submit that there is not much left to the imagination. In a brief paragraph, which occupies only half a page, there is a description in detail of what goes on inside the chamber of the Court on a petition for certiorari. There is no mystery about it. Every Justice studies every case. In conference every case comes up in regular order, and is discussed and disposed of as an individual case.

It is said in the testimony of the Attorney General that there are so many pages to the transcripts of testimony that a mathematical calculation can be made proving absolutely, and beyond any question at all, that the Court does not perform its duty; that is, that it could not, in the time allowed, read all the testimony.

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

Mr. AUSTIN. In just a moment. This record shows that under the practice as it existed when the bill then before Congress was being considered, testimony was studied if it became apparent from an examination of the petition that there was involved a matter of public import, a matter which affected the general welfare, or a matter which related to uniformity in the administration of the law, any of the matters which really gave jurisdiction, really excited into action the discretion given to the Court by the law. In all such cases the Court went into detail on the record of testimony and made a search. But I cannot conceive of a lawyer who has had experience in the trial of cases in court insisting upon the judge who passes upon the original question of color of right to a hearing reading the testimony page by page on every petition that is presented.

Now I yield to the Senator from Montana.

Mr. WHEELER. I think the Senator has covered the point I wanted to bring out. I was amazed to read the statement of the Attorney General to the effect that the judges had to read every page in order to know whether or not a certiorari should be granted. Any lawyer of experience who has ever tried a case, first in the lower court and then in the appellate court, knows that in practically no case in the appellate court is it necessary for the court to read all of the testimony. That is all the more true when the only question they have to examine in the appellate court on certiorari is as to whether or not there is a point involved which entitles the parties to certiorari, and that point will be stated in a brief filed by the attorneys who come up with the petition for certiorari, and it will be denied by the attorneys who oppose it. If the Attorney General would read the briefs which are ordinarily filed in certiorari cases, he would find that in no case does either the petitioner for the certiorari or those who are opposing the granting of the

certiorari take the evidence into consideration to any extent. It is not necessary for them to consider the evidence until the particular point comes before the Supreme Court after the petition for certiorari has been granted.

Mr. AUSTIN. Mr. President, I thank the Senator from Montana. I agree with him fully.

It occurred to me, as I thought this matter over, that if the lawyers keenly interested for their clients and for their causes are unable to present in the petition and answer, and in their briefs, any issue which ought to excite the exercise of discretion by the Court, it is not likely that the Court, occupying, as it does, a judicial attitude toward the matter, could discover such an issue if it went through the transcript of testimony with a fine-tooth comb. If a Federal question is involved, if a question which relates to the public interest in any way is involved, if there is a question which goes one step beyond the little private issue between two litigants, is it not safe to say that the counsel to whose benefit the setting up of the issue would inure would set it forth in his petition so that it would stand out to catch the eye of the Court at once? That being so it is rather amazing to find the Attorney General of the United States criticizing the physical power of the Court to read so many thousand pages in so many days.

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

Mr. AUSTIN. I yield.

Mr. WHEELER. Many times when there is a petition for certiorari going to the Supreme Court of the United States from the circuit court of appeals there will be only one point or two points involved, and the points will be set out in the brief very simply. So that it could not be possible that it would be necessary for the court to read all the evidence in the case in order to determine whether the one point, or the two points, or the three points, or the four points brought the case within the rule of the Supreme Court, or within a law enacted by the Congress.

Mr. AUSTIN. Mr. President, I thank the Senator from Montana. I believe his statement to be correct.

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

Mr. AUSTIN. I yield.

Mr. MINTON. I would not interrupt the Senator had he not already been interrupted. Did the Senator say that the Justices have stated in any of their testimony that in the first instance they read the petitions and briefs themselves?

Mr. AUSTIN. Oh, yes. I think that has been stated several times.

Mr. MINTON. They read each and every petition and each and every brief that is filed in certiorari?

Mr. AUSTIN. Yes. I have just read the statement of one Justice speaking that way. Let me repeat it. I read again from something I have already read, on page 8 of the report of the hearings before the committee of the House of Representatives:

> When this has been done, copies of the printed record as it came from the circuit court of appeals and of the petition and briefs, are distributed among the members of the Supreme Court, and each judge examines them and prepares a memorandum or note indicating his view of what should be done.

Mr. MINTON. Does the Senator understand they do that themselves, or do it through their law clerks?

Mr. AUSTIN. Of course, I do not know how that is.

Mr. MINTON. I will tell the Senator what one of the law clerks told me. He told me that the clerks did it.

Mr. AUSTIN. Of course, that may be; yet these Justices who have testified, in one situation or another, or whose words we find preserved, give us a different picture of the situation.

Here is something which I think quite touching; at any rate, I was moved emotionally when I read these extracts from letters published in the Saturday Evening Post of March 20, 1937, under the title How Old Is 91? After Mr. Justices Holmes' death in 1935, Dr. John C. H. Wu, a young Chinese to whom these letters were written by Mr. Justice Holmes, published them in his magazine in Shanghai, China, called the T'ien Hsia Monthly. Besides throwing light upon one of the greatest characters in American history, an excerpt from these letters throws a special light upon the question asked by the learned Senator from Indiana [Mr. MINTON]. I read from page 117 of that issue. This particular letter had started with the sentence:

> The chief sent me the other day a rather charming book by Morgan about John Morley, with a portrait in front that reminded me of Newman by a look of holiness.

Skipping down, I come to this:

> At our conference last Saturday I was indiscreet enough to show some understanding of or notions about a left-over case, wherefore it was assigned for me to write, and as the last chance on Monday brought in some 35 applicants for certiorari; i. e., for leaves to come up to us where it is not a matter of right, but depends on our discretion, each of which has to be examined with some care, my hands have been full, but that is all done now.

Senators will recall that in the testimony of the Attorney General he referred to certain language of the Chief Justice. I am reading from page 19 of the transcript of the Attorney General's testimony as follows:

> That the consideration of applications for certiorari places a heavy burden upon the Supreme Court is evidenced by the words of the Chief Justice himself, in an address delivered before the American Law Institute in May 1934.

That was some time before this issue arose, and, of course, was free from any interest whatever except the interest of truth.

> After explaining the operation of the system, he continued as follows:
> "Thus all the Justices pass upon the application for certiorari. During vacation the papers on these applications follow us wherever we are, at home or abroad. Having approximately 300 of them to deal with during the summer, you can see that during the period when the Court is not in session there is a large amount of judicial work to be done."

I now answer the Senator from Indiana [Mr. MINTON]. There may be cases—I know of none, but there may be cases—in connection with which the law clerk of the Justice analyzes the petition and answers and briefs, and thereupon submits the memorandum to his chief. If that is done, yet we find Mr. Justice Holmes in his lifetime, and at that patriarchal age, writing his friend that he personally studied his own cases. We find Mr. Justice Van Devanter, now still on the bench, testifying that he studied his own cases. We find the Chief Justice on this occasion, when there was not any issue about it, saying to the general public that he personally examined his cases; and the effect of all this, to my mind, is that though there may be exceptions, the rule is otherwise, and that the Justices themselves study their cases.

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

Mr. AUSTIN. I yield.

Mr. WHEELER. In the first place, I think we should probably take the word of Mr. Justice Holmes and of Chief Justice Hughes and of Mr. Justice Van Devanter rather than the word of some clerk who formerly worked for one of the Justices of the Supreme Court as to what he did when he worked for him.

Secondly, I wish to ask the Senator a question. These law clerks are provided by the Congress of the United States, are they not?

Mr. AUSTIN. Yes; I believe so.

Mr. WHEELER. And they are put there for the purpose of briefing material and assisting the Justices in the work of the Supreme Court?

Mr. AUSTIN. Mr. President, I understand that to be their function.

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

Mr. AUSTIN. I yield.

Mr. MINTON. I agree that the Justice, of course, must give consideration to applications for certiorari, because, after all, no one can take part in a conference but a Justice. It would be utterly purposeless to have a conference about certiorari if you did not understand what you were going to confer about. There is no reflection upon anyone because of the way in which certiorari petitions are handled. It seems to me that in the nature of things they have to be handled in that way. The law clerk, as I understand, examines and passes upon the petition in the first instance and prepares a memorandum for the Justice to guide his action with reference to the case, and the Justice goes into conference armed in that fashion. With this memorandum and his wide knowledge of the law, naturally he goes into conference well equipped to discuss the proposition of law that is presented in the petition for certiorari; but the fact remains that he does not wade through these petitions and responses and briefs in the first instance, but rather relies upon what he has a perfect right to rely upon—the assistance that we here in Congress furnish him.

Mr. AUSTIN. Mr. President, of course, the barrister system is recognized in the English practice, anyway, as a practice of good standing, under which all the preparation is made by another person, who sits in court and prods and prompts the man who really does the court work. There is nothing immoral, there is nothing unethical, there is nothing wrong about it. However, so far as my own knowledge goes, it is not done here. I could not say it is not done. I say, though, that such evidence as we have shows that it is not done here. The Senator from Indiana probably has some information on the subject to which he may later call our attention.

In any event, it seems to me the main point is not the method, but it is the fact that each Justice studies each petition for certiorari and arrives at his own personal opinion about it, and then in conference discusses the matter with his fellow Justices, and after discussion the entire Court passes upon the matter; and if as many as four of the Justices are excited to action upon the case—that is to say, if the case involves a question of public interest or any other question that excites the action of the Justices—then, if four of them say so, there is a hearing on the merits; and a hearing may be granted even though less than four so agree.

Mr. President, I have taken so much time that I am going to cut short some of this matter. I ask unanimous consent to have printed in the RECORD at this point what is marked on page 12 and page 13 of the hearing to which I have referred.

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

> It is not too much to say that one-third of the business which now comes to the Supreme Court results in no advantage to the litigants or the public. Permit me to explain how this is so: Cases coming from a State court have already passed through two courts, and so of cases coming from a circuit court of appeals. In each instance the case has been through a court of original jurisdiction and an appellate court. Of course, most of them have been rightly decided. Our obligatory jurisdiction operates to give a review in a third court as of right, even though the decision is obviously correct. A further review in such a case serves no useful purpose. It is of no benefit to anyone. In such cases the review usually is sought for purposes of delay or in an obstinate effort to wear out an adversary, and the crowded state of the docket assists in accomplishing that purpose. The summary or statement to which I have invited your attention shows that more than two-thirds of the cases which come to us under our obligatory jurisdiction—from State courts, circuit courts of appeal, district courts, and the Court of Claims—result in judgments of affirmance by our Court, and also a goodly number are ultimately dismissed for want of prosecution. This, we think, illustrates that the present statutes are too liberal—that they permit cases to come to us as of right with no benefit to the litigants or to the public. What we learn of the cases in examining them confirms and emphasizes this conclusion. Of course, in proportion as our attention is engaged with cases of that character, it is taken away from others which present grave questions and need careful consideration.
>
> One remedy proposed by the bill—the chief remedy—consists in diminishing the obligatory jurisdiction and enlarging the discretionary jurisdiction. I have already indicated some advantages which would come from this change. There are also others. It will enable the parties to learn promptly where they stand—whether they are to abide by the decision given below or must remain in a state of uncertainty for a year or so longer. I say "learn promptly" because a petition for certiorari must be presented within 3 months, and such petitions are almost always acted on and either granted or denied within a month after being presented—most of them are acted on within 2 or 3 weeks. The parties can then adjust their affairs accordingly. That in this there will be a real saving and a general benefit is illustrated by what occurred at the 1922 and 1923 terms. At the former, out of 398 petitions for certiorari, 86 were granted, and at the latter, out of 370 petitions, 70 were granted and 300 denied. Thus, in 1922 the litigants in 312 cases, and in 1923 the litigants in 300 cases, learned in the beginning, instead of after a year or more of waiting, that their cases were ended and that the judgments given below must be given effect.

Mr. AUSTIN. On page 21, I call attention to the following:

> All appeals from the district court shall go to the circuit courts of appeals, with certain minor exceptions, and there they shall be final, the theory being that after a man has had two trials in Federal courts, unless his case involves something more than his private interests and is of public importance, it ought to stop. It permits us to review every final judgment of a circuit court of appeals, whether it involves 10 cents or $10,000,000. There are a few cases, such as applications to stay orders of the Interstate Commerce Commission, and matters relating to antitrust subjects, which come to us still direct from the district courts, when composed of three judges.
>
> Then you have the judgments of State courts. This bill permits our court to review every final judgment of a State court which involves a Federal right, every one of them irrespective of amount. But it permits the litigants to come as of right only in certain specified cases, where the statute of a State, or the validity of a statute of the United States, or the validity of a treaty is involved, and things like that. All other cases from the State courts must come after application for certiorari, after the matter has been submitted to us in a preliminary way, to see whether or not the case should be reviewed.

The last quotation I am going to ask the Senate to consider from this particular hearing is found on page 28, Mr. Chief Justice Taft speaking:

> Well, I am not going into the Bible just at present; this is difficult enough. I only want to emphasize another feature. Often in the legislature there is resounding eloquence on the subject that every poor man should have the opportunity to carry his case to the last court. There is no statement that is so unfounded as that. The truth is that it is in the interest of the poor litigant that the litigation should be ended; and, my dear friends, there is nothing that offers such an opportunity for delay as a suggestion that a profound constitutional question is involved in sustaining a verdict in favor of the poor litigant when the rich litigant has a long purse with which to continue the litigation.
>
> It is a mistake to suppose that the mere suggestion of a constitutional question is something that should require the case going right through. The court ought to be able shortly to say whether the suggestion has any real substance when tested by recognized constitutional principles. You can cite the fourteenth amendment and the fifth amendment and you can get up a great deal of fog, which it is the business of the court, and which it ought to have a prompt opportunity to clear away by saying, "This case, although it purports to involve a constitutional question, really does not, and we cut it off."

Mr. President, there is more evidence that I intend to put in the RECORD showing that there is no mystery, that there is nothing furtive, that the Court does not conceal anything with respect to its procedure on petitions for certiorari. It is ancient history; it is all well known or ought to be well known to any legislator undertaking to pass on the pending Court reorganization bill.

There was a report submitted in the House to accompany H. R. 8206 from the hearings on which I have been reading. I will not read all the report; I realize that to do so would take too much of the time of Senators, but I wish to read a part of it and have inserted in the RECORD the remainder. Beginning in the middle of page 2, the committee refers to the object of the bill. That is one of the things which I think the American people ought to know. They ought to know what was the purpose of the Judiciary Act of 1925 in order to determine whether there has been any misconduct by the Court in exercising a jurisdiction which results in the denial to private litigants and to public litigants of a hearing on the merits. Now what was the object? This is a current utterance; this is the best evidence of what the object was. I read:

> THE OBJECT
>
> The bill is designed to lessen the number of cases which, under existing law, reach the Supreme Court. It will not lighten the burden or relieve the Supreme Court of work, but will remove from their consideration a class of cases which now burden the docket and have no public interest or value, and give the Supreme Court time to hear and determine those cases which should alone engage their attention.
>
> That Court is more than a year behind on its list of pending cases, and this condition will surely be aggravated each year if the Court is left without relief. It is hoped by this bill to enable the Court to overtake its work and keep up with it. Having to hear numbers of cases of a trivial character, or cases brought really for delay, or to wear out an adversary, the Court is hindered from hearing and determining more important cases and from efficiently functioning in the performance of its highest duty of

interpreting the Constitution and preserving uniformity of decisions by the intermediate courts of appeals.

There is much more of this, and I ask unanimous consent to have printed in the RECORD, at this point in my address, the remainder of page 2 and a part of page 3 to the point which is marked.

The PRESIDING OFFICER. In the absence of objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

The Supreme Court will always have plenty to do whether this bill passes or not. The problem is whether the time and attention and energy of the Court shall be devoted to matters of large public concern or whether they shall be consumed by matters of less concern, without especial general interest and only because the litigant wants to have the Court of last resort pass upon his right.

Although final decisions will be multiplied in the intermediate courts of appeals by this bill, if it shall become a law, yet every case now reviewable by the Supreme Court under existing law will still be reviewable by that tribunal whenever a question is presented which is of sufficient importance in the opinion of the Supreme Court. The obligatory appeal and writ of error is limited, and a very broad and comprehensive discretionary power is given by certiorari. Through this discretionary power there can and will be a weeding out of all trivial and unimportant cases; cases brought for delay, cases which cover matters already decided, etc., so that rapidity of action will be achieved; and the public questions—the vital and important ones—will be reviewed, considered, and decided.

The change of many cases from the obligatory class to the certiorari class will enable the Court by a denial of the writ to give immediate notice to the parties of the disposition of their cases. It will greatly reduce the number of those who have to wait until their cases are reached on the docket and relieve them of the needless suspense and delay to which they are now subjected. The opportunity of taking cases to the Supreme Court merely for delay will be almost entirely removed.

Lest it should be thought that the increase of discretionary jurisdiction might impair the administration of justice and lead to partial hearings, and not secure a decision by the whole Court, it is proper to call attention to the very thorough and complete system by which discretionary jurisdiction is exercised. In granting or refusing a prayer for a certiorari the petitioner gets the judgment of the whole Court. The application is not disposed of by a single Justice. The luminous and informing statement of Mr. Justice Van Devanter tells the whole story:

"While the authority of the Supreme Court to take cases on petition for certiorari is spoken of as a discretionary jurisdiction, this does not mean that the Court is authorized merely to exercise a will in the matter but rather that the petition is to be granted or denied according to a sound judicial discretion. What actually is done may well be stated here with some particularity. The party aggrieved by the decision of the circuit court of appeals and seeking a further review in the Supreme Court is required to present to it a petition and accompanying brief, setting forth the nature of the case, what questions are involved, how they were decided in the circuit court of appeals, and why the case should not rest on the decision of that court. The petition and brief are required to be served on the other party, and time is given for the presentation of an opposing brief. When this has been done copies of the printed record as it came from the circuit court of appeals and of the petition and briefs are distributed among the members of the Supreme Court, and each judge examines them and prepares a memorandum or note indicating his view of what should be done.

"In conference these cases are called, each in its turn, and each judge states his views in entence or briefly as he thinks proper; and when all have spoken any difference in opinion is discussed and then a vote is taken. I explain this at some length because it seems to be thought outside that the cases are referred to particular judges, as, for instance, that those coming from a particular circuit are referred to the justice assigned to that circuit, and that he reports on them, and the others accept his report. That impression is wholly at variance with what actually occurs.

"We do not grant or deny these petitions merely according to a majority vote. We always grant the petition when as many as four think that it should be granted, and sometimes when as many as three think that way. We proceed upon the theory that, if that number out of the nine are impressed with the thought that the case is one that ought to be heard and decided by us, the petition should be granted."

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. AUSTIN. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I am very much impressed by what the Senator has had to say, but I observe in the report from which he has just read a statement which has appeared in several other utterances upon this subject, namely, that the attention of the Supreme Court should be directed only to those cases which have a public interest or those cases in which constitutional questions are to be decided. I assume the Senator has not had time to consider the question which is aroused in my mind by this statement, namely, whether, under the Constitution, which ordained the creation of one Supreme Court and which defined the judicial power as extending to cases arising under the Constitution and the laws, Congress should undertake by law to say that only those cases which involve a matter of public interest and questions of a constitutional nature should go to the Supreme Court? That, it seems to me, goes to the heart of the subject matter of the act of 1925 and to the heart of the discussion which is now pending.

Mr. AUSTIN. Mr. President, I might have expected that question to come from the learned Senator from Wyoming. It is a profound question, and one that I would not be so intemperate as to try to answer on my feet without having better preparation to answer it than I now have. I confess I have thought of it; in my opening remarks I alluded to the fact that we are not confronted with an effort to amend the Judiciary Act of 1925, and that, of course, apprehended the point that is raised by the learned Senator from Wyoming. We are not really confronted as yet with the question of whether we have authority to curtail the jurisdiction of the Supreme Court. That bridge I do not want to cross this morning.

Mr. O'MAHONEY. Mr. President, will the Senator yield further?

Mr. AUSTIN. I yield.

Mr. O'MAHONEY. I assume, then, that the Senator takes the position that the Congress has already crossed that bridge, and has already placed it within the discretion of the Supreme Court to deny or grant petitions for certiorari?

Mr. AUSTIN. No, Mr. President, I have not; I believe we misunderstand each other. The act of 1925, so far as it relates to petitions for certiorari—and I think that is found in section 240 of the act—is clearly within the power of Congress, because it comes within the exceptions and regulations which the Constitution expressly refers to the Congress on matters of appeal and matters within the scope of the inferior courts. But I understood the question of the Senator from Wyoming to deal only with the jurisdiction within the Supreme Court, and not to relate to appellate jurisdiction or that which arises on petition for certiorari. Is not that correct?

Mr. O'MAHONEY. That is correct.

Mr. AUSTIN. I prefer to be excused from a discussion of it. Perhaps later we may take that up.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point what is marked on page 8 of the report to which I have referred, appearing under the heading The Way of Appeal Will Cease To Be a Trap.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

THE WAY OF APPEAL WILL CEASE TO BE A "TRAP"

Besides the relief of the Supreme Court docket, and turning aside a large number of cases from that Court and making the decisions of the circuit courts of appeals final in many cases and only reviewable by certiorari—this bill should become a law because it clarifies and makes understandable the law governing appeal whether by writ of error, appeal, or certiorari.

It was well said by the Chief Justice at the hearing that the present laws are a "trap" in procedure.

This bill will simplify the law of appellate jurisdiction, relieve lawyers and litigants of uncertainties and perils which cannot always be avoided even by the well-equipped and trained practitioner.

The statutes fixing the jurisdiction of the Supreme Court and the circuit courts of appeals are today fragmentary. They are scattered. Some are in the Revised Statutes of 1878; some in the Judicial Code of 1911; and others consist of amendments appearing here and there in many volumes of the Statutes at Large. They are difficult to find and when found are neither harmonious nor plain. Mr. Justice Van Devanter very forcefully pictured this state of the law when he said in the hearing:

"The Circuit Courts of Appeals Act, passed in 1891, besides defining the jurisdiction of those courts, contained many provisions relating to the jurisdiction of the Supreme Court. Most of these provisions and many amendatory enactments were brought together advantageously in the Judicial Code of 1911. But that was not a complete revision. It left some statutes, old ones, untouched and did not bring them forward; so no one could examine the Judicial Code and act safely merely upon what appeared there. It would be necessary to go back and search the Revised Statutes and the intermediate Statutes at Large to determine what course to pursue in invoking a review by either a circuit court of appeals or the Supreme Court. Not only so, but the statutes when found left it uncertain in some classes of cases in the district courts whether the case could be carried directly to the Supreme Court or must go to the circuit court of appeals.

"Since the Judicial Code of 1911 many statutes have been enacted which bear upon the jurisdiction of these courts—a statute would be adopted at one time with respect to one class of cases, and another statute would be adopted at another time with respect to another class. These statutes have been multiplied until now they are not harmonious. Neither do they follow a consistent plan or theory.

"The situation now is that in the Supreme Court a good many cases have to be dismissed, their merits left untouched, because they have been brought there from a district court when they should have gone to a circuit court of appeals, or because they have been brought from a circuit court of appeals on writ of error or appeal when they could come up only on certiorari, or because they have been brought from a State court on writ of error where certiorari was the only admissible mode of bringing them up.

"These mistakes are generally attributable to the fact that the practitioner has found a part of the statutes and not the rest. Sometimes the mistake is mere carelessness; but it not infrequently happens that lawyers who stand high in their profession at home mistake their remedy or the mode of invoking it either because they do not find the controlling statute or because they have difficulty in reconciling it with others."

Your committee expresses its deep obligation to the Chief Justice and Justices of the Supreme Court for their help not only in preparing this bill but explaining it thoroughly.

The proposed legislation was recommended by the President in his message of December 3, 1924, to the Congress.

Mr. AUSTIN. It will be noticed that the committee of the House recorded their appreciation of the assistance of the Supreme Court on those two bills in the following language:

Your committee expresses its deep obligation to the Chief Justice and Justices of the Supreme Court for their help not only in preparing this bill but explaining it thoroughly.

Mr. President, it is worthy of comment that when the Congress embarked upon a constructive effort to improve the judiciary system and the practice under the law it consulted, it conferred with the Department that was going to be most vitally affected by the legislation, and that it received a ready response from that Department. Consequently there was coordination; there was cooperation; there was not left behind the transaction a bitter feeling; there was not created in the minds and the emotions of the people the idea that one department was trying to whip another department into line, or that one department or two of them were combining against another department to curtail its powers or to overcome its independence and freedom. It is worthy of note, in passing, that in the pending bill the Supreme Court was not consulted, and, so far as I know, and so far as the record shows, nobody on behalf of the Supreme Court was conferred with in order to ascertain whether something need to be done; and if so, what ought to be done.

There is more proof that there is no mystery about the actions taken on petitions for certiorari, that nothing has been concealed, that nothing need be concealed; but, on the contrary, the procedure currently has been testified to in a hearing in a recent session of Congress. I am glad to invite attention to a hearing before the Committee on the Judiciary of the United States Senate, Seventy-fourth Congress, first session, on S. 2176, a bill providing for appeals from orders of Federal courts prohibiting compliance with Federal laws. The hearing occurred March 25, 1935, which is fairly current. Mr. Chief Justice Hughes, Mr. Justice Van Devanter, and Mr. Justice Brandeis appeared before that committee. Mr. Chief Justice Hughes testified as follows, reading from page 3:

That power of the Court to bring cases up by writ of certiorari in advance of decisions by the circuit court of appeals was declared many years ago under the act of March 3, 1891, which established the circuit courts of appeal. I think that you will find that matter discussed in the case of the Three Friends, which is reported in 166 U. S., at page 1, and at page 49 you will find the special reference that I have in mind.

The amended act of 1925, with respect to the jurisdiction of the Supreme Court, recognized in terms, you might say, conferred in terms, that authority upon the Supreme Court to bring up cases by certiorari in advance of the decisions of the circuit court of appeals. In short, whenever an order or a decree is appealed to the circuit court of appeals, as soon as that order or decree is appealed from and the case sent to the circuit court of appeals, the Supreme Court has the power to order it up immediately by writ of certiorari. That is true whether the order so appealed from is interlocutory or the decree is final. When the Supreme Court orders up a case by writ of certiorari, before judgment of the circuit court of appeals, the case is before the Supreme Court as if there had been an appeal directly from the order or the decree of the district court.

Of course, the Court exercises that power with what it deems to be proper regard for its own functions, and with appropriate consideration of the respect that the circuit courts of appeal are entitled to under our system of appellate jurisdiction in the Federal courts. But whenever there is a case of such importance that it should be at once heard and decided by the Supreme Court of the United States, the Court is ready to take that case in advance of the decision of the circuit court of appeals.

I may refer to a recent illustration of the exercise of that authority, for example, in the recent Gold Clause cases. One of those cases was from the district court in Missouri, which had rendered a decree in a bankruptcy proceeding with reference to the claim of the trustee of bonds issued by one of the railroads in the Missouri Pacific system, who claimed that the bonds should be paid in gold under the gold clause in the bonds in question.

There was a petition for certiorari, appeal having been taken to the circuit court of appeals, filed with the Supreme Court on October 17, 1934.

Mr. President, note that date—October 7, 1934.

We granted the writ on November 5, 1934.

In other words, the writ was granted within less than 30 days.

It is true that that case was not heard until January, but it could have been heard earlier except that the Government naturally desired more adequate time for preparation, and on the motion of the Solicitor General on November 19 the case was sent over to the January term.

But, I wish to call your attention to the point that there was a case of a decision by the district court, that the matter was deemed to be of great importance, and so, without waiting for a decision by the circuit court of appeals, the Government asked for a writ of certiorari, which was granted.

I digress for the purpose of emphasizing the fact that it is not right for the Attorney General of the United States to criticize delay in the hearing of this case when the fact is that the delay was caused by the Attorney General's department.

Another feature of that case was that the Government was the successful party below, and although it was the successful party below, the Court recognized the propriety of the application for certiorari, which the Court granted.

They did not have to wait for trial in the circuit court of appeals.

Another illustration of the exercise of that authority is in the case now pending before the Court as to what is called the "railroad retirement bill." That is case no. 566, *Railroad Retirement Board* v. *The Alton Railroad Company*, in which a decree was entered by the Supreme Court of the District of Columbia on October 30, 1934. A writ of certiorari was asked of the Supreme Court of the United States on December 7, 1934, and was granted on December 13, 1934.

In other words, it was granted within less than 1 week.

The case could have been heard earlier than it was heard, but because of the desire to have time for appropriate preparation the Government had its argument put over and the case was heard in February. There again, immediately, you might say, upon the entry of the decree in the Supreme Court of the District of Columbia, the Government entered its appeal to the Court of Appeals of the District of Columbia, and the Government thereupon made application to the Supreme Court of the United States for a writ of certiorari, which was immediately granted.

They did not have to wait for trial in the circuit court of appeals.

I may refer to another case, no. 694, *United States* v. *Certain Lands in Louisville, Ky.* There the question was as to the constitutional authority to condemn lands under section 203, subdivision (a), paragraph 3, of the National Industrial Recovery Act. There was a decree of the district court on January 12, 1935. A petition for certiorari, on appeal to the circuit court of appeals, was presented to the Supreme Court on February 9, 1935.

That was in less than 30 days.

But the Government saw fit to dismiss its petition on March 11. The case could have been heard if the Government had so desired.

Yet this is one of the cases comprehended in the eight-hundred-odd cases criticized in the President's message and in the testimony of the Attorney General because it was dismissed. I shall point out later that not this case alone but

more than 100 such cases were dismissed either at the request or with the consent of the Attorney General.

I think those are illustrative not only of the power of the Court but of the exercise of that power in cases where it appears to the Court that there is adequate reason, because of the great importance of the question and the desirability of an immediate decision, without waiting for the determination by the circuit court of appeals.

I am omitting much of this testimony, and turning over to page 7 for the purpose of bringing out the principle upon which the denial of jurisdiction is asserted under the act of 1925. This is still the testimony of the Chief Justice:

Under the jurisdictional act of 1925, there are only a limited number of cases in which the right of appeal to the Supreme Court is allowed, and the Court determines on application for certiorari what cases should be brought before the Court. That is a very important exercise of authority, and there is nothing that we do to which we give greater attention with reference to the protection of the jurisdiction of the Court and its appropriate exercise.

The principles are quite obvious.

This occurred in 1935; and yet, at the present session of Congress Senators stand on the floor and assert, in effect, that these principles are mysterious, and that the Court is concealing matters.

Cases should not go to the Supreme Court of the United States simply because of the amount of money involved, because of the character or prominence of the parties, or because of the counsel. The question before the Supreme Court is, manifestly, the importance of the question of law involved, the importance of an authoritative determination by the tribunal invested with that very important function. We consider these various applications with respect to that, not as to the parties, not as to the amount of money involved, not as to the counsel, but as to the law.

There is no other place on earth to which the American citizen can go and get the final word as to what is the law. There is no sanctuary for the law itself other than the Supreme Court of the United States, and there is nothing to which the Court should give greater concern than the protection of the law.

The parties have the right of appeal to the circuit courts of appeal. That satisfies the rights of individual litigants. When it comes to a further review by the Supreme Court of the United States, the higher principle of importance to the public at large is involved.

Mr. President, I ask unanimous consent to have inserted in the RECORD similar testimony by Mr. Justice Van Devanter which is marked on pages 9 and 10 of this report, and similar testimony by Mr. Justice Brandeis which is marked on page 10 of this report.

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

The matter referred to is as follows:

STATEMENT OF HON. WILLIS VAN DEVANTER, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

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The Chief Justice spoke of the bill being selective of a class of cases. Yes; it is. It permits the officers of the Government to take an appeal to us, but that is not a sufficient criterion. There ought to be a petition to the Supreme Court for certiorari, as there is now; and if the records were searched you would not find an instance in which, in an injunction case, a district court has held a statute of the United States unconstitutional. The Supreme Court has denied a petition for certiorari presented immediately after an appeal to the circuit court of appeals. There has been no such case. The Chief Justice, as an illustration, has spoken of three prominent cases which were all of such vital character that, of course, the Court granted the petitions.

I want to say one thing further. It is not a secret. We have stated it on many occasions. Petitions for certiorari are not determined by a majority vote. If as many as four members of the Court, which is a minority, vote for granting a petition for certiorari, it is invariably allowed. Mr. Justice Brandeis has been on the Court for 20 years, and he will not recall a single instance in all that period where a petition for certiorari which commended itself to four members of the Court was not granted. That is a rule that is understood and adhered to, and it works well. The point is that in exercising that certiorari jurisdiction the Court desires to be at fault in taking jurisdicton rather than to be at fault in rejecting it. That rule is not one of recent years. It originated before almost all of the members of the Court ever thought of being there.

I think there is not anything more that I wish to state, but I will say just this closing word. It is only indirectly apropos now. That is in reference to the laudable disposition about 12 years ago to simplify resort to our Court from State courts. There was an act passed—Senator NORRIS will recall it—that an appeal from a State court could be taken by just lodging a notice with the clerk of the supreme court of the State. That seemed simple on its face. It seemed as though it was in the interest of avoiding technicalities here and there. It had not been in force 10 days before there were appeals from convictions of murder in the State of Washington and two or three other States where there was not an iota of a Federal question. The Court was about to adjourn for the term. The appeals were holding up the whole matter of carrying the judgments into execution.

All of those cases, if presenting a Federal question, could have come to us by appeal or writ of certiorari, but not if devoid of such a question. Chief Justice Taft, Justice Brandeis, and I had an interview with Senator NORRIS and Senator WALSH. A bill was passed to eliminate the loose appeals, and, barring two or three appeals—I think four—no harm was done. Legislation along these lines should fit in with the existing legislation—with the existing system—and the principles upon which the existing legislation proceeds.

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STATEMENT OF HON. LOUIS D. BRANDEIS, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. Justice BRANDEIS. Mr. Chairman and gentlemen, the subject has been discussed so fully by the Chief Justice and Mr. Justice Van Devanter that I think I can aid you best by saying I agree absolutely with everything they have said.

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Mr. AUSTIN. Mr. President, I hasten to a further aspect of this special matter of the claim made by the proponents of the bill that there is in the practice of the Supreme Court on petitions for certiorari a reason for increasing the number of members of the Court. What I am about to refer to has to do with a part of the President's message, the testimony of the Attorney General, and the speech of the Senator from Tennessee [Mr. MCKELLAR]. I quote now from the speech of the Senator from Tennessee wherein he quoted the President's message, as appears on page 2810 of the CONGRESSIONAL RECORD:

Its [the Supreme Court's] difficulties in this respect were superficially lightened some years ago by authorizing the Court, in its discretion, to refuse to hear appeals in many classes of cases.

That is where the President is referring to the very same thing I have been discussing; namely, that part of the Judiciary Act of 1925 which enabled the Court to cast off this load of private litigation, and to select from all those cases that were offered to it by petitions for certiorari only certain well-defined cases on a certain well-defined principle.

Then the President is quoted as continuing thus:

This discretion was so freely exercised that in the last fiscal year, although 867 petitions for review were presented to the Supreme Court, it declined to hear 717 cases. If petitions in behalf of the Government are excluded, it appears that the Court permitted private litigants to prosecute appeals in only 108 cases out of 803 applications. Many of the refusals were doubtless warranted. But can it be said that full justice is achieved when a court is forced by the sheer necessity of keeping up with its business to decline, without even an explanation, to hear 87 percent of the cases presented to it by private litigants?

That statement was commented on by the Senator from Tennessee as follows on the same page of the RECORD:

In his statement it is seen that the President makes the issue perfectly plain. It is that the Court does not and apparently cannot give about 87 percent of the certiorari cases the attention that such cases are entitled to receive; that 87 percent of the cases presented by private litigants by petitions for certiorari are denied without even an explanation. What examination is accorded these cases nowhere appears. Who actually passes on them is not disclosed.

Of course, I have proved who examines the cases. I have shown that every Justice on the Court examines them, every Justice passes upon them, and what actually occurs is recorded here. It is in our RECORD now, but it has been in the record of committee hearings since 1924, available to every Senator to read.

Referring now to the Attorney General's report, that part of it written by the Solicitor General, page 13 of the report for the fiscal year ended June 30, 1936, we find this statement:

Rule 12, which was adopted in 1928 and amended in 1932, has resulted in a great saving of time both for the Court and for counsel, but the figures again disclose that a very large majority of the cases on the appellate docket do not possess sufficient merit to warrant consideration on the merits. It is quite erroneous to

regard the Court as constituted for the correction of error in every case. In the exercise of its discretionary jurisdiction under the Judiciary Act of 1925, it has become a court for the decision of important questions of general application and for the settlement of conflicts in the decisions of other courts.

Mr. President, how can the Attorney General of the United States take any other position than that today? Undoubtedly the President's information, stated in his words, came from the Attorney General. I say "undoubtedly" because there is intrinsic proof of it in the letter that accompanies the message, and in the testimony which I have read into the RECORD, the testimony of the Attorney General made on careful preparation, for it was a written statement.

The report of the Attorney General continues:

The limitations of the Court's statutory jurisdiction and its rules for the exercise of its discretionary jurisdiction should be more carefully observed.

That is a little admonition to the members of the bar.

Many petitions for writs of certiorari are filed which, in the light of settled practice, must be regarded as entirely without merit.

Again he says—I now read from page 18 of the Attorney General's report:

Careful appraisal of cases for certiorari takes place in the Solicitor General's office. An effort is made to lighten the burden of the Court by presenting only those cases which involve matters of public interest, the resolution of conflicts between the circuits, or broad administrative practices. It is believed this restrictive policy is not carried to a point which eliminates cases to the detriment of the Government. Eight percent of all petitions for certiorari at the last term were filed by the Government, a percentage slightly in excess of normal. It was equaled at the 1929 and 1930 terms. Of the total of 867 petitions for certiorari disposed of at the last term, 717, or 83 percent, were denied or dismissed, and only 150, or 17 percent, granted.

Now we come to the milk in the coconut. This part of the Attorney General's report is contiguous to the part I have just read. It is a part of the same paragraph, but it was not carried into the message that came to the Congress, into the Attorney General's testimony, or into the speech to which I have referred, and yet it is of the very essence of the situation.

No government can be heard ethically to complain of the dismissal of eight-hundred-odd cases when it participated in that dismissal itself, as shown by what I am about to read:

Separating the petitions for certiorari in Government cases from those in non-Government cases, it appears that in all but 9 percent of the cases in which the Government opposed certiorari the petition was denied.

Mr. President, reversing the statement in form, it appears that in 91 percent of the cases where the Government opposed the petition for certiorari they were successful in getting a dismissal; and now they come forward and use that as a basis for getting a reorganization of the Supreme Court. I think it is reduced to an absurdity. I read again:

Sixty-five percent of the petitions in which the Government was petitioner were granted. In 12 cases the Government either acquiesced in the granting of the petition or recommended certain action, and in all of these cases certiorari was either granted or the Government's recommendation followed.

That is in the report of June 30, 1936, for the year 1935.

I refer now to the report of the same Attorney General which appears under date of June 30, 1935, and was for the year 1934. At page 11 is repeated what he said in the report I have just read, showing his thorough knowledge of the object and purpose of granting to the Supreme Court discretion to refuse to hear cases on their merits which come up on petitions for certiorari, showing clearly his knowledge of the practice under that rule, and praising it, and saying that the Solicitor General exercises care to cooperate and make effective the function of discretion. There again he boasts of his success in this regard. At page 15 appears the following:

In less than 10 percent of the cases in which the Government opposed the granting of certiorari was the writ issued.

In other words, to put it conversely, in more than 90 percent of the cases where the Government opposed the granting of the writ it was successful. Can it be heard to complain about it now when complaining might serve a useful purpose to the Government? I do not admit, in asking that question, that it would be a useful purpose in the long run; it might help to accomplish an immediate objective.

Mr. President, here is another report, signed by the same Attorney General, bearing date June 30, 1934, for the year 1933. I call attention to the fact that on page 10 of this report substantially the same facts which were recorded with respect to the year 1935 and the year 1934 are recorded, and I ask to have inserted in the RECORD at this point the statement on page 10 which I have marked.

The PRESIDING OFFICER. Is there objection?

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

Rule 12, which was adopted in 1928, and amended in 1932, has resulted in a great saving of time both for the Court and for counsel, but the figures again disclose that a very large majority of the cases on the appellate docket do not possess sufficient merit to warrant consideration on the merits. It is quite erroneous to regard the Court as constituted for the correction of error in every case. In the exercise of its discretionary jurisdiction under the Judiciary Act of 1925, it has become a court for the decision of important questions of general application and for the settlement of conflicts in the decisions of other courts. The limitations of the Court's statutory jurisdiction and its rules for the exercise of its discretionary jurisdiction should be more carefully observed. Many petitions for writs of certiorari are filed which in the light of settled practice must be regarded as entirely without merit.

Mr. AUSTIN. Mr. President, what appears on page 13 must be read:

On this basis the Government's percentage of writs of certiorari allowed was over 56 percent as compared with less than 15 percent where the petitions were filed by private litigants.

The Government was eminently successful.

In only 8 percent of the cases in which the Government opposed the granting of certiorari was the writ issued.

Wonderful! Most efficient department! That is almost perfect. Stated conversely, in 92 percent of the cases where the Government opposed the granting of a writ of certiorari, it was successful. Should it now be heard to complain, and assert indirectly that that was wrong, and that the poor private litigants who were deprived of their hearing by virtue of the action of the Government were wrongfully deprived of it, and that they were deprived of it because the Court was trying to fit its docket to its capacity? The answer is obvious: Of course not.

Mr. President, that report was submitted only 3 years ago. Here is another report by the same Attorney General. This I believe to have been his first one. It is dated June 30, 1933, and is for the year 1932. It is a curious fact that there has been reiterated in every one of these reports the same statement. In the report before me it appears on page 10, the same page on which it appeared in the last report, the same statement regarding the facts, a statement which shows that the Attorney General's Department is familiar with that which has been called "mysterious", that there was no reason to charge the Supreme Court with concealing how it handled such cases. The Attorney General's Department knows all about it and is cooperating in it. I read from page 13:

One of the aims of the Solicitor General's office is not to burden the Supreme Court with useless appeals and applications for certiorari. Of the total of 800 petitions for certiorari disposed of at the last term, 649, or 81 percent, were denied or dismissed, and only 151, or 19 percent, were granted. Separating the petitions for certiorari in Government cases from those in non-Government cases, it appears that in all but 7 percent of the cases in which the Government opposed certiorari, the petition was denied.

That is better than any other of the Court records to which we have referred so far. To state it conversely, in 93 percent of all the cases where the Government opposed the granting of the petition for certiorari of the poor little citizen the Government was successful. It lost out in only 7 percent of its opposition. Yet we hear the Attorney General imputing to the Court something that would justify the Congress reaching in with a violent hand and creating six

vacancies on that Court, and thereupon the President filling those vacancies and increasing the number on the Court. The testimony of the Attorney General was not given in haste, was not given without thought, but was given after carefully writing it, for he read this from a prepared statement before the Committee on the Judiciary of the Senate. I read from page 19 of the testimony:

The question is not whether the Court is up with the docket—

It will be remembered that he admits that it is—

but by what means it keeps up with the docket; and whether the burden that it must sustain is too great to warrant the careful consideration to which these petitions are entitled and whether assistance, by the appointment of additional judges, is indicated.

Mr. President, that is all there is left to the case. When it is all summed up on the floor of the Senate, that will be the last thing the proponents of the plan will be arguing. Age is gone out of the window, and there is nothing left but this one claim.

I ask the Congress and the American people to lay that claim down beside the claims made annually by the Solicitor General, and subscribed to by the Attorney General in his letter of transmission to the Congress of the report. It must always be recognized that this is not the language of the Attorney General himself. The four reports which I have quoted are the language of the Solicitor General, submitted in the annual report of the Attorney General, and under his transmitting letter, which purports to be signed by him.

If in ordinary human affairs the same person came to one of us and made a statement which we checked up with statements made on four occasions annually preceding that statement, when there were no circumstances to cause the statement to be colored by an interest or by a bias or prejudice, and we found that on four separate annual occasions the statements of that individual were in direct conflict with the statement he now makes, we know very well what the verdict would be.

Mr. President, I am going to conclude this chapter, which I have tried to devote solely to one point in issue namely, the principle involved in the Act of 1925 which relates to petitions for certiorari, the practice thereunder, and the charge made here that it is cause for reorganization of the judiciary—with a reference to the revised rules of the Supreme Court adopted under that act of Congress, which gave the Supreme Court the power to adopt them. I have referred to them previously by number. I ask to have printed in the RECORD at this point the portions marked on pages 31, 32, 33, and 35 of the revised rules.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[From p. 31]

5. A review on writ of certiorari is not a matter of right, but a sound judicial discretion, and will be granted only where there are special and important reasons therefor. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of reasons which will be considered:

[From p. 32]

(c) Where the United States Court of Appeals for the District of Columbia has decided a question of general importance, or a question of substance relating to the construction or application of the Constitution, or a treaty or statute, of the United States, which has not been, but should be, settled by this Court; or where that court has not given proper effect to an applicable decision of this Court.

[From p. 33]

Proceedings to bring up to this Court on writ of certiorari a case pending in a circuit court of appeals or the United States Court of Appeals for the District of Columbia, before judgment is given in such court, should conform, as near as may be, to the provisions of rule 38; and similar reasons for granting or refusing the application will be applied. That the public interest will be promoted by prompt settlement in this Court of the questions involved may constitute a sufficient reason.

[From p. 35]

6. The same general considerations will control in respect of petitions for writs of certiorari to review judgments of the Court of Claims as are applied to applications for such writs to other courts. (See par. 5 of rule 38.)

Proceedings to bring up to this Court on writ of certiorari a case from the Court of Customs and Patent Appeals or from the Supreme Court of the Commonwealth of the Philippines should conform, as near as may be, to the provisions of rule 38. The same general considerations which control when such writs to other courts are sought will be applied to them.

Mr. AUSTIN. Mr. President, I was interested in this question, and I wrote to the Clerk of the Supreme Court and asked for data relating to the petitions for certiorari which are referred to in the President's message, in the testimony of the Attorney General, and in the speech of the Senator from Tennessee [Mr. MCKELLAR]. One would think, from the way the matter is presented, that the Court had arbitrarily and in some mysterious, hidden manner deprived private individuals of their day in court. To be sure, the statements made do not charge any illegal act, but they leave the trace of a shadow; they leave an imputation that is not directly expressed, but which it is hoped may be caught up by many citizens throughout our land—the common people. It is always that play to the common people which will be found in a statement of a half-truth which implies much more than that which is expressly stated, because, as Lincoln said, "God must have loved the common people; he made so many of us." I say, in the hope of exciting an emotion in the breasts of many of the people who may come within the category of private litigants at some time in their lives, that the charge is left there, without any limitation, that the Court has denied the opportunity to be heard to all this great number of 1,717 private litigants, without telling the world that in 143 cases the Government opposed the granting of those writs. This is known by the letter which the Clerk of the Supreme Court has written to me in answer to my letter. I read the letter, as follows:

OFFICE OF THE CLERK,
SUPREME COURT OF THE UNITED STATES,
Washington, D. C., March 31, 1937.

Hon. WARREN R. AUSTIN,
United States Senate, Washington, D. C.

DEAR SENATOR: I regret that I could not more promptly submit to you statistics, in response to the request contained in your letter of the 24th instant, which would show the position of the Department of Justice as regards the selection of cases to be reviewed by this Court on petition for certiorari. The vast amount of publicity received by the Court recently has reflected upon my comparatively small organization, which must naturally have an open mind and endeavor to supply information impartially, to such an extent that we are unable to transact business with the degree of efficiency we normally attempt to maintain. Figures which were already available could not be used without rechecking and taking into consideration several elements which, if not considered, might subject one using them to criticism which is not entirely justified, might prove embarrassing if not answerable knowingly. The figures obtained by my check of the dockets for the terms for which data was requested coincide substantially with the figures used by the Solicitors General in their reports of the business of the Court appearing in the Annual Report of the Attorney General of the United States, and I therefore use their figures where possible.

It is not accurate to count the number of cases on the docket wherein the Government was respondent, subtract the number of such cases wherein certiorari was granted, and state that the figure remaining represents the number of cases in which the Government successfully opposed the granting of the writ. Cases in which the Government was respondent and which were disposed of on the application for the writ, as distinguished from those cases disposed of after the writ was granted, must be classified into four groups:

(1) Cases wherein the petitioner requested that his petition be withdrawn, thus resulting in the dismissal of the petition without consideration of the Government's position.

(2) Cases filed by indigent litigants, docketed by the Clerk without prepayment of costs upon the filing of a pauper's oath, and which went to the Court on the petitioner's motion for leave to proceed in forma pauperis without giving the Government an opportunity to oppose the petition for certiorari, upon consideration of which the Court denied the application for certiorari as well as the motion to proceed in forma pauperis. In such cases it cannot be said that the Government was successful in opposing the granting of the writ, although had it had an opportunity it would probably have opposed with the same result.

(3) Cases wherein the Government filed a memorandum acquiescing in the granting of the writ for reasons peculiar to the particular case but wherein certiorari was nevertheless denied. The percentage of such cases to the whole is small, but the fact that the Government does upon occasion take such a position evidences its policy and understanding as regards the type of case which the Court will review on certiorari. I have examined the Government's briefs for the current term and have indicated in the attached table the number of cases wherein the Government took this position but wherein certiorari was nevertheless denied. In seven cases at the present term certiorari was granted wherein the Government either joined or acquiesced in the application for certiorari. I regret that time has prevented me from obtaining this figure for the other terms involved. To do so would entail the examination of all briefs filed by the Government in cases wherein certiorari was denied to determine the position actually taken by the Government. It can safely be said, however, that the number of such instances is relatively small and my estimate would be that there are less than 10 at each term.

(4) The number remaining represents those cases wherein the Government actively opposed the granting of the writ and such opposition was an element resulting in the denial thereof.

I again recommend the perusal of that portion of the annual report of the Attorney General dealing with this Court for a definite statement of the Government's position relative to the review by this Court of petitions for certiorari, and as illustrative quote the following excerpts:

"From the report covering the 1935 term: '* * * in all but 9 percent of the cases decided in which the Government opposed certiorari the petition was denied.'

"From the report covering the 1934 term: '* * * in less than 10 percent of the cases in which the Government opposed the granting of certiorari was the writ issued.'

"From the report covering the 1933 term: '* * * in only 8 percent of the cases in which the Government opposed the granting of certiorari was the writ issued.'"

The statistical table is attached and recent reports of the judicial conference requested enclosed.

Respectfully,

CHARLES ELMORE CROPLEY, *Clerk.*

	1933	1934	1935	[1] 1936
Total number of cases disposed of on petition for certiorari in which the Government was respondent	260	206	244	[1] 167
Petition for certiorari withdrawn on motion of counsel for petitioner	3	0	2	1
Motion to proceed in forma pauperis denied	25	15	17	16
Cases wherein Government filed memorandum acquiescing in granting of writ but where writ was nevertheless denied	(2)	(2)	(2)	7
Cases wherein Government actively opposed granting of certiorari and certiorari was denied not excluding the few instances in the 1933, 1934, and 1935 terms where the Department of Justice may have acquiesced in the granting of the writ but it was nevertheless denied	232	191	225	143
Total number of cases disposed of on application for certiorari excluding cases wherein the petition was withdrawn on motion of the petitioner	723	666	706	481

[1] The data for the October term, 1936, includes cases disposed of up to and including Mar. 15, 1937.
[2] No statistics.

The fourth bracket is the most eloquent one so far as the question I am presenting goes. It refers to cases wherein the Government actively opposing granting of certiorari, and certiorari was denied, not excluding the few instances in the 1933, 1934, and 1935 terms where the Department of Justice may have acquiesced in granting the writ, but nevertheless it was denied.

The reports for all the years in which the present Attorney General has been Attorney General of the United States show the following facts: The report for 1933 shows 232 of such denials—denials by the Court where the Attorney General opposed the granting of the writ. The report for 1934 shows 191 such denials. The report for 1935 shows 225, and the report for 1936 shows 143. The other items or brackets in this table are important, but I regard that evidence as the most important disqualifying evidence that could be produced in the present situation.

Not one of the denials of petitions is shown to have been arbitrary. On the contrary, they appear to have been made according to the spirit and the letter of the law.

If the only claim that is left to support this proposal to create six vacancies in the Supreme Court for the purpose of filling them—not six vacancies by driving any one off the Court but six vacancies by adding offices to the Court—if this violent action must rest upon the sole ground that in the year 1935 private litigants in eight-hundred-odd cases were denied their petitions for review by the Supreme Court, then the action should not be taken. No change in principle or in practice is contained in the pending bill. A change in the number of Justices is not supported by this claim.

INVESTIGATIONS UNDER FEDERAL RECLAMATION LAWS

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 176, being Senate bill 48, to authorize an appropriation for investigations under the Federal reclamation laws.

I may say that when this bill was reached upon the Calendar the other day, objection was made by the senior Senator from Tennessee [Mr. MCKELLAR]. He asked for an opportunity to confer with me regarding the amount of the authorization. The bill is reported unanimously by the Committee on Irrigation and Reclamation. The committee has recommended an authorization for $600,000. At the request of the Senator from Tennessee, and in agreement with him, I now move that that sum be reduced to $300,000.

Mr. ROBINSON. Mr. President, I myself, the Senator will recall, during his absence several times requested that the bill go over.

Mr. O'MAHONEY. That is correct.

Mr. ROBINSON. I inquire whether $300,000 will be adequate for the purposes of the bill?

Mr. O'MAHONEY. It will be adequate to initiate the work of investigation. I may say that there has been general agreement among all who have been studying the conditions in the States which have been affected by the drought that if adequate steps were taken to store the water of the upper reaches of the various rivers it would have the effect not only of preventing the bad results of the drought, but would also have the effect of preventing floods later on in the lower reaches of the river. I believe that a much larger sum than $300,000 could wisely and judiciously be expended upon this study, but I am quite willing to agree to the amendment suggested by the Senator from Tennessee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider bill (S. 48) to authorize an appropriation for investigations under the Federal Reclamation laws, which was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $600,000 to enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for the reconstruction and rehabilitation of existing projects, and studies of water conservation and development plans in cooperation with State agencies or other Federal agencies, including the Corps of Engineers, National Resources Committee, and the Federal Power Commission.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 1, line 5, after the words "sum of", it is proposed to strike out "$600,000" and insert "$300,000."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE UNITED STATES NAVY (S. DOC. NO. 35)

Mr. WALSH. Mr. President, on March 11, I asked and obtained consent for the publication of Senate Document 35, to be known as The United States Navy. I now ask unanimous consent that four pages of that document may be used for illustrations. It is necessary to secure the consent of the Senate in order that illustrations may be printed in a Senate document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORITY TO SIGN JOINT RESOLUTION DURING RECESS OR ADJOURNMENT

Mr. ROBINSON. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate to follow today's session the Vice President be authorized to sign Senate Joint Resolution 53, providing for the continuance of the participation of the United States in the Great Lakes Exposition.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EFFECT OF BONNEVILLE DAM ON PROPAGATION OF FISH

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

Mr. STEIWER. Mr. President, will the Senator withhold that motion for just a moment?

Mr. ROBINSON. Yes.

Mr. STEIWER. I had understood that Senate Resolution 113 would be called up today. I inquire if it was laid down by the Chair?

The PRESIDING OFFICER. It was not laid down before the hour of 2 o'clock, and was not thereafter in order, as the Chair is informed by the Parliamentarian.

Mr. ROBINSON. I inquire what is the resolution?

Mr. STEIWER. It is on the calendar under the heading "Resolutions and Motions Over Under the Rule" and is Senate Resolution 113. I think it will not cause any delay or take any time beyond a minute's explanation.

Mr. ROBINSON. Very well; I suggest that the Senator now make the explanation he has in mind.

Mr. STEIWER. I shall be happy to do so.

Mr. President, the resolution requests the Commissioner of Fisheries to make a certain survey and report to the Senate of conditions affecting the propagation of salmon on the Columbia River. I have talked with the Commissioner of Fisheries, who tells me that he has no objection to the request and is in a position to comply with it. The Bureau of Fisheries has in that area competent experts and with a minimum of expense can make the necessary survey and report.

I ought to add that the Senator from Washington [Mr. SCHWELLENBACH] was interested in this subject with me, although he did not join in presenting the resolution, and we desire to have this survey made for the purpose of formulating a plan later for some additional hatcheries in the area of the Bonneville Dam, on the Columbia River, in order to make sure that the works at that dam will not destroy the important fish industry of the Columbia River.

Mr. ROBINSON. Is the Senator prepared to state the approximate cost of the survey or investigation?

Mr. STEIWER. I cannot state the figure, but the Commissioner told me that the cost would be nominal. Those who would make the survey are already in the area.

Mr. ROBINSON. Very well; I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon for the present consideration of the resolution?

There being no objection, the resolution (S. Res. 113), submitted by Mr. STEIWER on the 5th instant, was considered and agreed to, as follows:

Resolved, That the Commissioner of Fisheries is hereby requested to make an immediate survey of the facilities for the passage of salmon and other commercial fish at Bonneville, on the Columbia River, and the effect, if any, of the Bonneville Dam on the propagation of salmon and other commercial fish, and to make recommendations with respect to the steps which may be necessary in connection with such dam in order to attain the full conservation of such fish and the preservation of the fishing industry on said river. The Commissioner is further requested to report to the Senate at the earliest practicable date the result of such survey, together with his recommendations.

SIT-DOWN STRIKES—RESOLUTION INDEFINITELY POSTPONED

Mr. ROBINSON. Mr. President, my attention has been called to the fact that Senate Resolution 112, submitted by the Senator from Utah [Mr. KING], and Senate Resolution 111, submitted by the Senator from Pennsylvania [Mr. DAVIS], relating to sit-down strikes, are still on the calendar of the Senate. Anticipating that neither of the Senators will desire action on his resolution, and with a view of obviating the necessity of carrying them on the calendar of the Senate, and with the understanding that should the Senators desire to have them reinstated on the calendar, such action will be taken, I move that Senate Resolutions 111 and 112 be indefinitely postponed.

Mr. MCNARY. Mr. President, let me say to the Senator from Arkansas that, on motion of the Senator from Pennsylvania [Mr. DAVIS], his resolution, being Senate Resolution 111, was indefinitely postponed earlier in the day.

Mr. ROBINSON. Very well. I move, then, that Senate Resolution 112, submitted by the Senator from Utah [Mr. KING], be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas.

The motion was agreed to.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Capt. Hugh Chester Downey, to be major in the Air Corps of the Regular Army, with temporary rank from April 13, 1937, under the provisions of law.

He also, from the same committee, reported favorably the nomination of Col. Walter Campbell Baker, Chemical Warfare Service, to be Chief of the Chemical Warfare Service, with the rank of major general, for a period of 4 years from date of acceptance, with rank from May 24, 1937, vice Maj. Gen. Claude E. Brigham; and also the nomination of Col. Charles Burnett, Cavalry, to be Chief of the Bureau of Insular Affairs, with the rank of brigadier general, for a period of 4 years from date of acceptance, with rank from May 24, 1937, vice Brig. Gen. Creed F. Cox.

He also, from the same committee, reported favorably the nominations of several officers for appointment, by transfer, in the Regular Army.

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations in order on the calendar.

IN THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations for promotion in the Marine Corps.

Mr. WALSH. I ask unanimous consent that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

That completes the Executive Calendar.

ADJOURNMENT TO MONDAY

Mr. ROBINSON. I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 12, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 9, 1937

PROMOTIONS IN THE NAVY

MARINE CORPS

Joseph A. Rossell to be colonel.
John Kaluf to be major.
William M. Hudson to be first lieutenant.
Thomas Whitesel to be chief marine gunner.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 9, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, whose throne is in the heavens and whose footstool is the earth, be pleased to put us in the mood of prayer. Lead us in Thy righteousness and make Thy way straight before us. We pray Thee to stir within us those qualities which lift us into the elect of a sturdy, invigorating manhood. We must deny ourselves, overcome our sins, and build characters which become the children of the Most High. Blessed be Thy holy name for the humanities of Thy kingdom. Keep us alive to human suffering and eager to serve our country's need. Grant, our Father, that peace and happiness may come over our people like a glorious sunrise, brightening up the remotest corners of our land. Feed us with the bread of life. Through Christ our Redeemer. Amen.

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

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, a few days ago I asked unanimous consent to insert a statement in the CONGRESSIONAL RECORD regarding veterans and their benefits in the different States. It exceeded the amount of space permitted by the Joint Committee on Printing. I have received an estimate from the Joint Committee, and I would now ask unanimous consent to insert the statement, notwithstanding the estimate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas what the cost will be for the insertion?

Mr. PATMAN. It is a statement gotten up by the Disabled American Veterans of benefits for veterans in each State. It is very valuable to the veterans and to Members of Congress. It costs $585. That is very low compared to the value of it. I am sure the gentleman himself and the veterans in his district will get that much value out of it. It cost hundreds of dollars to prepare.

Mr. RICH. I do not object, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution, adopted by the Bar Association of Puerto Rico, relative to two citizenship bills pending which I introduced, and also several very short pertinent statements made by Hon. Henry L. Stimson, the late Elihu Root, Dr. Ernest Gruening, and Col. William Cattron Rigby in behalf of Puerto Rico.

The SPEAKER. Without objection it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that after the special order of the gentleman from New Jersey [Mr. EATON], today I may be allowed to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, would the gentleman mind putting that over until after the other business. There are two little bills and I do not think they are very controversial and will not take very much time.

Mr. GIFFORD. That is why I thought I would like to follow the gentleman from New Jersey. My remarks parallel with his. I thought it would just take a short time on those matters.

Mr. RAYBURN. I would rather the gentleman would wait until we dispose of these other matters.

Mr. GIFFORD. I will compromise with the gentleman. I ask unanimous consent, Mr. Speaker, that after the disposition of the two matters referred to by the gentleman from Texas, I may be allowed to address the House for 30 minutes.

Mr. RAYBURN. The gentleman means after the business of the day?

Mr. GIFFORD. Yes.

Mr. RAYBURN. I have no objection.

The SPEAKER. The gentleman from Massachusetts modifies his request to ask unanimous consent that at the conclusion of the business on the calendar today he may be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

PERMISSION TO SUBCOMMITTEE OF THE COMMITTEE ON AGRICULTURE TO SIT DURING THE SESSION OF THE HOUSE

Mr. MITCHELL of Tennessee. Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Agriculture may be permitted to sit during the session of the House this afternoon.

The SPEAKER. Is there objection?

There was no objection.

EXTENDING TIME FOR NATURALIZATION TO ALIEN VETERANS OF WORLD WAR

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent that I may be permitted to file a supplemental report on the bill (H. R. 4291) to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent that on Thursday next, April 15, after the reading of the Journal and the disposition of the business on the Speaker's desk I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CARTWRIGHT. Mr. Speaker, I reserve the right to object. I made a simple request the other day and the gentleman objected, and it looked as if it was out of pure cussedness. If the gentleman still feels that way about it I will object, but if he wants to play fair with me, very well.

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

Mr. CARTWRIGHT. I yield.

Mr. RICH. I did not object to anyone on account of pure cussedness, nor would I. The request made by the gentleman from Oklahoma, as I understood it, was to insert in the RECORD a speech made by a college professor. If the gentleman will ask the chairman of the Committee on Printing [Mr. LAMBETH] for whom I have the greatest respect, and ascertains that that is in accordance with the rules of the House, I will not object. I give the gentleman my word on that, and it applies equally to any other Member. I am only trying to carry out the rules of the House as laid down for the Committee on Printing.

Mr. CARTWRIGHT. Mr. Speaker, I do not take very much time of the House, and while I have a high opinion of Mr. LAMBETH, I do not think I should see him when I want to put something in the RECORD. A college professor, a man who used to be my teacher, sent me a brief newspaper article that I wanted to put in the RECORD with my own statement. That is all there was to my request. Personally, I do not care what any Member puts in the RECORD. I think a Member should be allowed to put in the RECORD anything he is willing to stand for and defend.

Mr. RICH. I do not make the rules. If the gentleman will present his request to the chairman of the Committee on Printing, the gentleman from North Carolina [Mr. LAMBETH], and get his consent, I shall not object.

Mr. CARTWRIGHT. It would be too late to see Mr. LAMBETH now even if I care to do so, because soon after my request was objected to by you one of the Senators got hold of the article in question and inserted it in the RECORD. So nothing was gained by your objection. The only thing you accomplished was to keep my own remarks out of the RECORD, while you continue with much speech making, but I will overlook that, and Mr. Speaker, I withdraw my objection to the gentleman's request.

Mr. MAVERICK. Mr. Speaker, reserving the right to object, I do not think there is any question but what many of the objections of our friend from Pennsylvania are capricious objections. It is not in any way against the rules of the House to put in the speech of a college professor, or of a Chinaman, or of anybody else. Each Member is the judge of what he puts in the RECORD. There is nothing in the

rules relating to the printing of the RECORD that would prohibit including such matter. As I say, Mr. Speaker, many of the objections made by the gentleman from Pennsylvania are capricious. The gentleman talks a great deal, and he ought not to object to extensions by those of us who do not take much of the time of the House in making speeches.

Mr. SNELL. Regular order!

The SPEAKER. The regular order has been demanded. The regular order is, Is there objection to the request of the gentleman from Pennsylvania?

Mr. GAVAGAN. Mr. Speaker, I object.

INDEPENDENT OFFICES APPROPRIATION BILL, 1938

Mr. WOODRUM. Mr. Speaker, I present a conference report and statement on the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes, for printing under the rule.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. Was my request objected to?

The SPEAKER. The request of the gentleman from Pennsylvania was objected to by the gentleman from New York [Mr. GAVAGAN].

Mr. RICH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman kindly withhold his point of order until the Chair can recognize two or three Members to submit unanimous-consent requests?

Mr. RICH. I will withhold it for that purpose, Mr. Speaker.

EXTENSION OF REMARKS

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address delivered by the Honorable John H. Clarke, the only living ex-Justice of the United States Supreme Court, given on the occasion of a Nation-wide radio broadcast emanating from San Diego, Calif., on March 22, 1937.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Does the gentleman from Pennsylvania insist on his point of order?

Mr. RICH. Mr. Speaker, I renew my request. Mr. Speaker, I ask unanimous consent that on Thursday, April 15, after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I withdraw my point of no quorum.

GREAT LAKES EXPOSITION

Mr. CROSSER. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 53, providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes.

The Clerk read the title of the joint resolution.

Mr. SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

Resolved, etc., That the United States continue its participation in the Great Lakes Exposition in the State of Ohio during the year 1937.

SEC. 2. The provisions of the joint resolution entitled "Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes", approved April 25, 1936, are hereby extended and made applicable to the continuance of the participation of the United States in such exposition in 1937.

SEC. 3. For the purposes of this resolution, there is hereby authorized to be appropriated the sum of $175,000, which shall be in addition to the unexpended balance of the sum heretofore appropriated for carrying out the provisions of such joint resolution of April 25, 1936.

The resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Under a special order of the House heretofore made, the gentleman from Tennessee [Mr. PEARSON] is recognized for 15 minutes.

Mr. PEARSON. Mr. Speaker, the matter which I desire to discuss today is of such a controversial nature that I respectfully request I be not interrupted or requested to yield until I have finished my statement, at which time I will be glad to yield if there is any time remaining.

Mr. Speaker, it is now evident that as a result of the action of a majority of the membership of this House, consisting principally of those affiliated with the Democratic Party, H. R. 1507, known as the antilynching bill, will soon be considered and I have asked for this limited time to discuss its provisions and the merits thereof.

According to fictional traditions the ghost of the lamented Banquo will not down and so again in the form of this obnoxious legislation it rears its ugly head to haunt now those who oppose it and to haunt forever hereafter those who support it should it ever become the law of the land.

I represent in part the people of the great State of Tennessee, the sixteenth State of this great Union, and which was a part of the original settlement of colonies before the Union of States came into existence. It is a great State populated by a great people who are law abiding and who strive under the judicial processes laid down in their constitution and code to enforce the laws with even-handed justice and to protect the rich and poor, regardless of color or creed, alike. They abhor lynching, mob violence, and disrespect for law with every moral sentiment that wells within their kindly hearts and I share this feeling with them. I do not sanction lynching and nothing I may say here shall be construed to the contrary. As an evidence of the fact that my State cannot be justly accused of failing to provide to every person due process of law or that degree of protection guaranteed to persons within its jurisdiction by the Constitution of the United States I call your attention to the fact that, under our code of laws, murder is a capital offense, carrying a sentence of death by electrocution. In addition to this, section 11068 of our code provides that it shall be a felony punishable by from 3 to 21 years imprisonment in the penitentiary and by full judgment of infamy and disqualification for two or more persons to enter into any conspiracy to take human life or to engage in any act calculated to cause the loss of life of any individual or to inflict punishment upon any individual. But this is not all. Under section 697 it is provided that—

Any sheriff who, either negligently or willfully, or by want of proper diligence, firmness, and promptness in the use of all the powers with which he is vested by law, allows a prisoner to be taken from the jail of his county or from his custody, and put to death by violence, shall be guilty of a high misdemeanor in office, and upon indictment therefor and conviction thereof, shall be fined at the discretion of the court, and shall also, by the judgment of the court, forfeit his office and be declared forever incapable of holding any office of trust or profit in the State.

He has statutory authority to summon the body of his county for aid in preserving peace. Should he fail to discharge his duty in this respect the district attorney may officially file a bill of indictment against him without the formality of a prosecutor.

As a result of the rigid enforcement of these statutes, Tennessee has been remarkably free from lynchings. The record speaks for itself. Of course, there have been some offenses just as there have been in nearly every other State, but the same thing may be said of all other crime. Laws do not stop murder, larceny, kidnaping, arson, or rape. They simply deter would-be offenders, and each State must take care of those who violate local statutes.

You may wonder why reference is made to conditions in my State in a discussion of this proposed law and without going into the motives of those who are pressing this legislation and avoiding any personal criticism of them let me say frankly that it is done because all of us know that this law is directed at the South—the Southern States—and I merely want to point out that, as far as my own State is concerned, it needs no alleged remedial or corrective Federal statute which through unconstitutional provisions seeks to compel it to do something which it is already doing in a creditable manner.

This bill—H. R. 1507—is a reincarnation of the Dyer Act introduced in the Sixty-seventh Congress, with some added embellishments, making it just as impossible. It is entitled "A bill to assure persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching." It proposes to stop mob violence, and I would like to point out and comment briefly on its provisions.

Section 1 defines "mob or riotous assemblage" as an assemblage composed of three or more persons acting in concert, without authority of law, to injure or kill any person in the custody of any peace officer, with the purpose or consequence of depriving such person of due process of law or the equal protection of the laws.

Section 2 is the "green light" or "go ahead" section, informing the courts that the fourteenth amendment to the Constitution justifies this legislation and provides that if any State fails, neglects, or refuses to protect the life or person of any individual against a mob either by preventing or punishing the acts of such mob such State shall be deemed to have denied to such person due process of law and equal protection of the law.

Without the flicking of an intermediate "yellow light" for clearing the way, sections 3, 4, 5, and 6 flash "red", telling you and me to stop and think long and well before acting on this measure.

Section 3 provides first that any officer of a State charged with the duty of protecting the life of any individual who is put to death by a mob or having such individual in his custody fails to make all diligent efforts to protect him shall be guilty of a felony and upon conviction shall be punished by fine not exceeding $5,000, or imprisonment not exceeding 5 years, or both, and secondly, that any State officer having in his custody a prisoner who shall conspire with any person who is a member of a mob to injure or kill said prisoner or to suffer such prisoner to be taken from his custody to be so treated, together with those who conspire with him shall be guilty of a felony and upon conviction shall be imprisoned not less than 5 nor more than 25 years.

Section 4 gives the District Court of the United States of the district in which such person is injured or killed jurisdiction to try and punish in accordance with the laws of the State where the offense is committed, provided it appears that State officers whose duty it is to apprehend and punish such offender have failed to do so or that jurors obtainable in the State courts where the case is to be tried are so strongly opposed to such punishment that there is probability the offenders will not be punished in the State courts. If such offender is not apprehended or indicted or prosecuted within 30 days after the crime is committed, such failure shall constitute prima-facie evidence of failure, neglect, or refusal to do so.

Section 5 renders any county in which such crime occurs liable to such injured person or his representative for a sum between two and ten thousand dollars and provides the method of recovering such damages.

Section 6 provides that in the event such injured person is transported from one county to another after seizure and before death both counties shall be jointly and severally liable.

Mr. Speaker, I am opposed to this bill and its every provision, because it so flagrantly violates the Constitution of the United States, and because, in my judgment, it will defeat the very thing it seeks to accomplish. It proposes to extend the power of the Federal Government to the supervision of the enforcement of the criminal laws of the States. It is a wide departure from the original conception of the character of this Republic, the rights of the sovereign States, and the limitations upon the powers of the Federal Government. When our Constitution was written, no citizen ever dreamed that such a proposal would ever be made in the Congress of the United States. The States created this Union and they reserved some rights to themselves. With their consent, these rights have been limited in some respects; but the rights remaining are still sacred, and as a Representative of a part of a great State I consider it my duty under my oath and pursuant to the great trust reposed in me by the people of my district to preserve the rights which remain to the State insofar as I am able.

Under the Constitution in its original form, no man who has even so much as read it will contend that Congress had any lawful authority to enact into law such a bill as this. It will be argued here that this bill comes within the meaning of the fourteenth amendment to the Constitution and is therefore valid. I think a careful study of that amendment, its history, and the interpretations of it by the courts will convince you, as it has me, that such is not the case.

This amendment reads as follows:

SECTION 1. All persons born or naturalized in the United States and subject to jurisdiction thereof are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This amendment only served to enjoin the States from passing laws discriminating between citizens or denying to any person equal protection of the laws. The Constitution in its original form only limited acts of Congress and was a limitation upon the States. This amendment permits Congress to correct unjust or discriminatory laws of the States and require laws which operate equally and alike upon all citizens. It was never intended nor has it ever been construed to operate as a limitation upon individuals. When the fourteenth amendment was proposed, James G. Blaine, then a Member of Congress, said:

This amendment operates as an inhibition upon the power of the State and does not have reference to those irregular acts of the people which find no authorization in public statutes.

We do not have to depend upon our own views or those of other individuals in order to ascertain what this amendment means. The Supreme Court of the United States has settled the question, and its decisions leave no doubt about the inability of Congress to deal with the question of lynching as is done in the bill before us.

In the case of *Keller* v. *United States* (213 U. S. 138) the Supreme Court held that the Federal Government has no police power, that such power is reserved to the States, and it alone could punish a person keeping a house of ill fame within the State. In this case the Court approved against the statement of Cooley that—

The power to establish ordinary police regulations has been left with the individual States and cannot be assumed by the National Government.

In *Barbier* v. *Connolly* (113 U. S. 27) the Court said:

But neither the amendment, broad and comprehensive as it is, nor any other amendment was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people * * *.

Let me call your attention, Mr. Speaker, to the case of *United States* v. *Harris* (106 U. S. 638). Here we find this explanation of the purpose and effect of the "due process of law" and "equal protection of law" clauses of the fourteenth amendment:

The purpose and effect of the two sections of the fourteenth amendment were clearly defined in the case of *United States* v. *Cruikshank* (1 Woods 308) as follows: It is a guaranty against the acts of the State government itself. It is a guaranty against the execution of arbitrary and tyrannical power on the part of the Government and legislature of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of

such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform the duty that the guaranty itself supposes it to be the duty of the State to perform and which it requires the State to perform.

[Here the gavel fell.]

Mr. PEARSON. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore (Mr. GREEVER). Is there objection to the request of the gentleman from Tennessee?

Mr. MOTT. Mr. Speaker, reserving the right to object, does the gentleman intend to answer questions during this additional time, if granted?

Mr. PEARSON. If I can finish my prepared statement.

Mr. MOTT. How much time does the gentleman need to finish?

Mr. PEARSON. I think I can finish within 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. GAVAGAN and Mr. MOTT rose.

Mr. MOTT. Mr. Speaker, reserving the right to object, may I ask the gentleman if he will answer a question of mine?

Mr. PEARSON. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. GAVAGAN. Mr. Speaker, there has been a reservation made to object until the gentleman has been interrogated. The gentleman was asked to yield for a question.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MOTT. Will the gentleman yield?

Mr. PEARSON. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman said that the Federal Government would have no right under the fourteenth amendment to do the thing which it is proposed to do in this bill. Is it not a fact that the constitutionality of the proposal is based upon authority given in the fifth amendment instead of the fourteenth amendment, which says nothing about the passage of State law that guarantees to a citizen of the United States the right to life and liberty and declares he may not be deprived of life, liberty, or property without due process of law?

Mr. PEARSON. The same construction of the Supreme Court will apply to the language used in that amendment with as equal, if not greater, force as applies to the language in the fourteenth amendment.

Mr. MOTT. The fourteenth amendment prohibits a State from passing a law which would deprive a citizen of life or property. The fifth amendment simply guarantees to a citizen that right and declares he shall not be deprived of it without due process of law.

Mr. PEARSON. There is no provision made in there for control of individual offenses. If the gentleman will let me proceed, I think I will cover the point he has raised.

When the Cruikshank case was decided—in Ninety-second United States Reports, page 542—the Court said:

The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property without due process of law or from denying to any person equal protection of the law, but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to this guarantee.

I urge you to read the opinion of the Court in what is known as the Slaughter House cases. The fourteenth amendment was here fully treated and construed, and the Court's opinion can leave no doubt in the mind of any reasonable man that Congress is without the power to regulate, control, and administer the criminal or civil laws of any State further than to require them to deal with all men alike.

The Court said in part:

Was it the purpose of the fourteenth amendment by the simple declaration that no State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States to transfer the security and protection of rights which we have mentioned to the Federal Government? And where it declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiff is sound.

For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation but that body may also pass laws in advance limiting and restricting the exercise of power by the States in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects and still further such construction would constitute this Court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve, as consistent with those rights as existed at the time of the adoption of this amendment. The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, those consequences are so serious, so far reaching and pervading, so great a departure from the structure and spirit of our institutions, when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these Governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt.

It would be the vainest show of learning to prove by citation of authority that up to the adoption of the thirteenth, fourteenth, and fifteenth amendments no claim was set up that those rights depended on the Federal Government for their existence or protection beyond the very express limitations which the Federal Constitution imposed on the States, such, for instance, as the prohibition against ex post facto laws, bills of attainder and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions the entire domain of privileges of citizens of the States, as above defined, lies within the constitutional and legislative powers of the State and without that of the Federal Government.

Finally the Supreme Court, in the *Civil Rights cases* (109 U. S. 3), cleared away all doubts as to the meaning of the language of the fourteenth amendment and its effect.

In those cases the Court held that it is State action of a particular character that is prohibited. The Court said:

Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law or which denies to any of them the equal protection of the law. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts and thus to render them ineffectually null, void, and innocuous—this is the legislative power conferred upon the Congress, and this is the whole of it.

I have searched all of the authorities, Mr. Speaker, bearing upon this subject, and I find no authority or justification in any of them for this legislation; not even in the case of *Ex Parte Virginia* (100 U. S. 339), which will be relied upon by proponents. It goes far beyond the purpose and intention of any provision of the Constitution and the fourteenth amendment and violates the very essence of our dual form of government which the Constitution created and which must never be destroyed.

So it appears, Mr. Speaker, that it has been convincingly and unmistakably laid down by the highest authority that the provisions of the fourteenth amendment apply to State action and not to individual action. The denial of equal protection of the law means a denial of such right by the State, and acts of citizens which might result in such a denial are not controllable by the Federal Government, and the States cannot be penalized or held responsible for such acts.

I say again I abhor and loathe lynching and mob violence. I will go as far as anyone to protect innocent and helpless people from such unlawful acts, but it must be done in a lawful, effective way. I am not willing to join in this effort to absolutely destroy the Constitution which protects us all, deprive the States of this Union of their right to govern their respective affairs, and place upon the Federal Government the duty and responsibility of enforcing and administering every State statute enacted for the purpose of preventing crime.

Remember, I beg of you, that the Constitution was builded for the ages, and we cannot destroy it for a particular purpose, in this instance, without the effects of our action eventually being brought home to us in the years to come in every section of this Union.

We cannot, for the sake of expediency or for the purpose of paying someone's political debts and obligations, strike down the supports of the basic law of the land and thereby destroy the very fabric of the laws which binds us together in an indissoluble union of States.

Abraham Lincoln once said:

No man who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it.

Today you are confronted with that very responsibility. Remember your oaths, consider this measure and its ruthless disregard for the instrument which you took on oath to support without reservation, and help defeat this measure. [Applause.]

The SPEAKER pro tempore. Under a special order of the House heretofore made, the gentleman from New Jersey [Mr. EATON] is recognized for 15 minutes.

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Does the gentleman from New Jersey [Mr. EATON] yield to the gentleman from Illinois?

Mr. EATON. The gentleman did not ask me, so I do not believe I will.

Mr. MITCHELL of Illinois. Will the gentleman yield?

Mr. EATON. I yield to the gentleman from Illinois.

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by one of my colleagues, the gentleman from Connecticut [Mr. KOPPLEMANN], on the subject of a civil-rights bill which he has pending in the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. EATON. Mr. Speaker, in the brief time granted me by courtesy of the House, I wish to explore and expound a text taken from an inspired utterance of St. James Farley. [Laughter.] These inspired words were spoken before a gathering of the faithful at Spring Valley, N. Y., on the 3d day of April, and were reported without revision or contradiction in the metropolitan press on the succeeding day. I now quote my text, beloved brethren:

Before I close—

Said Mr. Farley—

I want to say this about the Supreme Court fuss. We have let the Senate talk all it wants. Then the House will take up the question and there will be considerable talk there. After they have all finished talking, we will call the roll. We have plenty of votes to put this over.

I have no doubt the august assemblage at the other end of this building will find suitable terms in which to express its gratitude for the privilege accorded it by the distinguished Postmaster General to talk, an unusual privilege for them. We in this House, being in the opinion of Mr. Farley but poor worms of the dust, are not granted that privilege in exact terms. But it is implied in the legislation that we may ally ourselves with the "Supreme Court fuss" and talk a little until St. James concludes that the psychological moment has arrived; then "we will call the roll."

I know how inadequate on my part any attempt to preview this last roll call of Congress would be, but I am going to try to do it for your delectation this morning. I want to see and I want my colleagues to see the precipice toward which we are headed.

It will, because of the snail's pace at which we have been discharging our duties to the public here for the last 3 months, probably occur on a sweaty day in August or September. The distinguished House leader will move a call of the House, or, in his absence, probably our distinguished friend, Mr. MAVERICK, of Texas, the happy stepfather of the bill [laughter], will make the motion, and then our beloved and honored friend, Mr. BOLAND of Pennsylvania, field marshal of the "battalions of death" [laughter], will march his disciplined and trained troops onto the floor and place them where they can be reached.

Of course, our distinguished and able Speaker, whom I love as a dear friend, will not be there, because, symbolizing, as he does, the dignity, authority, and power of this assemblage, it will be necessary for him, if Mr. Farley takes charge, to absent himself voluntarily or otherwise.

So now I enter the very holy of holies of my text, beloved brethren. Who are or who is "we"? Of course, Mr. Farley will be there. But "we" is plural. I cannot conceive of a gentleman of the known modesty of Mr. Farley using "we" either in the editorial, the pontifical, or the magisterial, or regal sense. For instance, Queen Victoria, when she heard somebody say something she did not like, was wont to squelch the speaker with this phrase, "We are not amused." Mr. Farley cannot mean that. He must have company.

At this point I would like to call your attention to an appropriate song we could sing. It was announced by an old preacher who had just two gestures, one up and one down. He always announced his hymns by lines. His hand went up with the first line and down with the second. One day he said, "Brethren, we will sing Hymn No. 29, 'When the Roll Is Called Up Yonder [raising his hand], I'll Be There'" [lowering his hand]. That is where we will be. [Laughter.]

Of course, Mr. Farley could be pardoned for using the pronoun "we" in reference to his own triple personality and functions. It might connote the Postmaster General, the chairman of the Democratic National Committee, and the chairman of the New York State committee. That is, indeed, a trinity of power. But there will be others present, and I am going to picture them to you:

Here stands Mr. Farley. Next to him, of course, will stand Mr. Hopkins, who has millions of the taxpayers' money in his jeans to distribute where they will do the most good. Next to him will stand Mr. Ickes, that stalwart and lifelong Republican, and Democrat, and New Dealer, and Progressive, and Conservative. [Laughter.] He has just lately returned from a missionary journey in the South, where he has been advising southern Democrats as to the proper principles of Jeffersonian Democracy. Then next to him I think we can discern the genial and seductive figure of the Under Secretary of the Interior, Mr. West, whose duty it is to explore, mollify, modify, and conserve the "interior" of Congressmen.

Then back of this front line, of course, will appear very modestly the heavenly twins of the New Deal, Messrs. Corcoran and Cohen, who wrote this bill 15 months ago, I understand, but were told to keep it dark until after election. Then lingering in the offing will, of course, be Judge Rosenman, the trusted legal advisor of the President, and our own dear Attorney General, to see that this historic roll call is put through in a legal and constitutional manner.

Now, "we will call the roll." As this glorious diapason of "we" voices rolls out, and the names of the Members are called, there will come to each of us a psychic whisper, like some strange astral ventriloquism, "Vote the way you are commanded, you poor worm, or else."

After it is all over and the death sentence of representative government in this country has been duly signed, sealed, and delivered, it will be out of place to close an event of such dignity and honor without some vocal expression of the noble feelings engendered thereby. In the gallery over the clock sits old John Citizen and his wife. I hear him in a loud, far-carrying whisper express the unbiased opinion of the citizens of this country of a performance of this kind, "Mary, ain't statesmanship grand?" [Laughter.]

Then Mr. Farley, the puissant St. James, before he pronounces the benediction and takes up the collection, will call on us to rise, and we will sing together:

My country 'tis of thee,
Sweet land of liberty,
Of thee we sing;
Land where our fathers died,
Land of the Pilgrims' pride,
From every mountain side—

Including the House of Representatives—

Let freedom ring.

Mr. Speaker, I hope I have time enough to apply this, because a sermon without concrete application is wasted ammunition. I am going now to put on a few "arousements." [Laughter.]

I am opposed to the proposal referred to by Mr. Farley as the "Supreme Court fuss" for two main reasons, each of them branching out into many others. First, I am a citizen of the United States, which I consider God's best gift of opportunity to the common man and to the uncommon man as well, and with the present uncertainty and unrest and class consciousness and hatred and all kinds of trouble coming over the horizon, I think it is most unfortunate, to say the least, for the President of the United States in his high office to raise a question as to the validity and force of law affecting the foundations of our civilization, and the integrity and independence of the courts of law appointed under the Constitution to interpret the same.

I am opposed to this proposal because I am a Member of the House of Representatives. I cannot understand, Mr. Speaker, how this magnificent body has reached such low estate in the minds of the "hierarchy" at the other end of the Avenue, and the public generally. I have been associated all my life, although you might hardly think it, with groups of fine high-minded people in business, in industry, in education, in religion, in journalism, in politics, and I have said a hundred times on the platforms of this country that I have never been associated with a group of men and women of a higher average level of intelligence, integrity, and character than my fellow Members of the House of Representatives here in Washington.

This was true when we Republicans were in power. It is true when you Democrats are in power. Why, Mr. Speaker, we can furnish out of our membership today half a dozen colleges in this country with magnificently equipped faculties. We can furnish the courts, including the highest in the land, with competent judges. We can furnish business with some few "malefactors of great wealth", and even with some "princes of privilege." We could furnish American labor with sound and adequate leadership. We have enormous resources of brain and character.

Consider, for example, the gentleman who presides with such dignity, ability, and fairness as the Speaker of this House. I would like to see him President of this country. He is a man of power, a man of character, the equal of any of this Nation's best in any party or any section. [Applause.]

Talk about men and women of this caliber and character being rabbits and mice and rubber stamps. What in the name of God has happened to us to have suffered such a moral and intellectual collapse as to make it possible for Jim Farley to stand up and say, "We will call the roll." I resent that. I deplore it as a national calamity.

I am just a voice crying in the wilderness over here among the scattered remnants of the people of God [laughter and applause]; but that is my view, spoken as a citizen.

I have here a book called Heaven or Hell, written by our distinguished colleague, LOUIS LUDLOW, and in this book he points out the amazing and dangerous and unconstitutional subservience of this Congress to the will of the Executive. I do not know exactly where Louis locates the Congress, whether in heaven or hell [laughter], but he does point out that out of 77 major laws passed in the first 4 years of Mr. Roosevelt's administration, only 18 of them originated here, where all ought to have originated, while 59 had an illegitimate birth conceived in sin and shapen in iniquity somewhere downtown and were brought up here, and the bastards laid on our doorstep with the command of the Executive that we acknowledge parentage. [Laughter.]

[Here the gavel fell.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey may be allowed to proceed for 10 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EATON. So, Mr. Speaker, I am proud to be a Member of this House. I hope its political complexion may change somewhat next year, but whether it does or not, I am an American first, and I have as many friends on this side of the aisle as I have over here—perhaps more [laughter]; and I deplore the attitude of cynicism and arrogance toward Congress and the courts now assumed by the executive section of our Government.

I am opposed to this Supreme Court proposal because the President brings it up here absolutely without notice and without having consulted, apparently, one of our leaders, and lays it on our doorstep, and if we pass it then we become responsible for all the evil with which it is packed.

I have taken an oath, and so have you, to protect and defend the Constitution of the United States against all enemies, foreign and domestic, and if we were to agree to this proposal and legislate to pack the Supreme Court with men prepromised, prearranged to vote proposals originating in the Executive section, as constitutional, whether they are constitutional or not, then everyone of us who casts such a vote has violated his oath.

I am in favor of any amendment, in accord with the Constitution itself, which the people desire, and I have no interest in the argument that we cannot write an amendment. If we cannot write an amendment, then the amendment ought not to be written; and if we do write an amendment, the argument of the Executive is it will take a long time before it can become law. That is the very genius of our constitutional form of Government, that necessary changes will take a long time to effect, so we may make no mistake, under the urge of passion or fear. And if it does take a long time, it is said, the Republicans will defeat it. Well, if there are enough Republicans to defeat such a proposal emanating from this great majority at this time I will say, "Thank God; I see signs of returning sanity among the American people." [Laughter and applause.]

I advise you all to read Heaven or Hell and then solemnly vow that from now on we as Members of Congress are going to discharge our constitutional obligations to the people of this country. They say the President represents the whole country. Well, so do you. There is not a man or woman here but what represents every man, woman, and child in the United States of America. In local matters we may rightfully be governed by local considerations, but when any large question, affecting the welfare of all the people, comes before us, whether we are there or here, Republicans or Democrats, Progressives or Conservatives, we ought to ask only one question: Is this good for the United States of America as a whole? If it is I will vote for it, and if it is not I will vote against it, regardless of the threat of any pressure group here or hereafter. [Long, continued applause.]

PERSONAL PRIVILEGE

Mr. BEITER. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BEITER. Mr. Speaker, it has come to my attention that the gentleman from Illinois [Mr. MITCHELL] arose on the floor of the House yesterday and made the statement that I had violated the rules of the House in extending my remarks in the CONGRESSIONAL RECORD of Wednesday over his objections. For the information of the House, and since I was detained at the telephone at the time the gentleman made his assertion, I desire to state that the RECORD of Wednesday shows conclusively that I was given permission to extend my remarks.

At the time I requested such permission the gentleman from Illinois made the statement that he objected to the inclusion of the three telegrams I had received from my district advocating passage of the Gavagan antilynching bill. He did not object to my extending my remarks, and so stated. The telegrams in question did not go into the RECORD, and the gentleman's objections, therefore, were met. In the gentleman's remarks of yesterday he states that I put into the RECORD a document without the permission of the House. My address on antilynching legislation does not contain any documents, and I am at a loss to understand just what the Member from Illinois has in mind.

In his remarks the gentleman stated that my actions in extending my remarks on antilynching legislation and merely referring to telegrams I had received advocating passage of the Gavagan antilynching bill was characteristic of the propaganda that has been used which resulted in the defeat of his bill. The telegrams in question were received from the National Association for the Advancement of Colored People, Buffalo Chapter, and the Buffalo Young Women's Christian Association. I believe both of these organizations are nationally known and enjoy an excellent reputation in the civic and social life of our country.

Mr. MITCHELL of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BEITER. I refuse to yield.

The SPEAKER. The time of the gentleman from New York has expired.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H. R. 5551. An act to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians; and

H. Con. Res. 9. Concurrent resolution authorizing and directing the Clerk of the House of Representatives to correct and reenroll the bill (H. R. 1089) entitled "An act for the relief of Charles M. Perkins."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 462. An act to permit the exchange of used parts of certain types of equipment for new or reconditioned parts of the same equipment;

S. 463. An act to settle claims of four persons arising from First Army maneuvers, August 1935;

S. 1038. An act for the relief of Victor M. Ruiz C and Luz Elena Robles;

S. 1310. An act for the relief of Cesaria Del Pilar;

S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard; and

S. 1414. An act for the relief of Jack J. Wick.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5232) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRNES, Mr. COPELAND, Mr. THOMAS of Oklahoma, Mr. WALSH, and Mr. HALE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4985) entitled "An act to regulate interstate commerce in bituminous coal, and for other purposes."

REHABILITATION LOANS BY FEDERAL HOUSING ADMINISTRATION

Mr. HARLAN. Mr. Speaker, I call up House Resolution 174.

The Clerk read as follows:

House Resolution 174

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1228, a bill to amend the National Housing Act. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. HARLAN. Mr. Speaker, of the 1 hour allowed on this rule I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

The SPEAKER. The gentleman from Ohio [Mr. HARLAN] is recognized for 30 minutes.

Mr. HARLAN. Mr. Speaker, the rule before the House pertains to Senate bill 1228, which extends section 6 (a) of the National Housing Act, as amended. That section went out of effect on April 1. All this bill does is to extend the activities of the Government in securing loans to banks and other financial institutions. Under the act as it now exists the Federal Government can guarantee loans made by financial institutions to individuals for the purpose of repairing real estate or rehabilitating themselves, and the Government insures 10 percent of the total amount of those loans. This act will change that proportion to 20 percent, and it extends the time until July 1, 1939. In other words, the purpose of this act is to continue what we have been doing until July 1, 1939, to permit the advancing of money to those unfortunates who have been in flood or drought or tornado areas to reestablish themselves.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HARLAN. I yield.

Mr. MARTIN of Massachusetts. I think we are all in sympathy with the purpose of this legislation; but why is it necessary? We have already passed legislation which permits loans to people in those distressed sections. Those loans will only bear 3 percent, as I understand it. If they apply for a loan under this measure, they will probably have to pay a little over 9 percent. How could the gentleman expect anyone would make application under this law for a loan when they could get it on easier terms under the other law?

Mr. HARLAN. I would rather delegate the answer to that question to a member of the committee who has given the proposition more study than any member of the Rules Committee.

There is nothing objectionable or radical, as far as I have been able to discover, in the change in the law as proposed in this resolution. There is not a great deal of necessity for prolonging the debate on the resolution, as I see it. Therefore I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, this bill was considered on the Consent Calendar, and at that time there was some controversy concerning it, due to the fact that it was thought unfair advantage might be taken of the people in the flood-devastated areas, particularly with respect to interest rates. Most of the States have usury laws. The rate of interest which is allowed to be charged under the usury laws of the States varies from 6 to 8 percent. For that reason certain members of the Committee on Banking and Currency thought it advisable to have some discussion of the bill, in order that it might be determined what the policy of the Congress should be with respect to a limitation upon the rate of interest which banks might be permitted to charge on these insured loans.

In considering that I think we should have in mind the fact that the Federal Housing Administration does not make loans direct to individuals. They insure loans which financial institutions, such as banks and trust companies,

make to the individuals. This question could be used as the basis for a very broad discussion of the monetary and financial policy of the Federal Government. It is not to be hoped, of course, that we will get into a discussion of the Budget, and so forth, because, although that is an important question, it probably is not germane to this particular matter. However, I think we should call attention to one or two facts in respect to the condition of the banks which are making these loans or which are expected to make these loans.

Somewhat less than a year ago there was much criticism of the banks for not making loans. Industry was complaining that although it had been to banks and wanted credit, it could not get credit. Some used the excuse that the office of the Comptroller of the Currency was not lenient enough in their examinations. Some said it was the policy of the Federal Reserve Board to compel such a liquid condition of the banks that loans could not be made. Other reasons were given, but nevertheless the fact remained that loans were not being made by the banks. So that we found ourselves in this condition: The banks of the Nation had something over $3,000,000,000 of excess reserves which were not being used for the purpose of financing agriculture, business, and industry. Those $3,000,000,000 became a menace, according to the policy enunciated at that time by the Board of Governors of the Federal Reserve Bank, in that it was the basis for about 10 times that amount of normal credit, and if credit accelerated in a normal manner, there was danger of inflation.

The Board of Governors of the Federal Reserve System were perfectly justified in raising reserve requirements to remove that threat. This condition continued, however, and although under the first order reserve requirements were raised approximately 50 percent and the excess reserves likewise reduced 50 percent, nevertheless we found ourselves in a comparable condition 3 or 4 months ago and the excess reserves had increased to over $2,000,000,000. The Board of Governors of the Federal Reserve System found it necessary again to raise reserve requirements because the banks were not lending money, they would not make available this large reserve of credit which should have been put into use during the past 3 years. Thus it was necessary again to raise the reserve requirements and reduce the excess reserves of the banks from $2,000,000,000 to about $500,000,000. At the present time, then, they have excess reserves of about $500,000,000, having frozen into the legal reserves required by the Board of Governors of the Federal Reserve System something like $3,500,000,000 of potential base for 10 times that much credit.

Now, we find ourselves in this condition with respect to this bill, that although the banks have virtually been forced by the Board of Governors of the Federal Reserve System to take huge offerings of Government bonds at from 2⅛- to 2⅞-percent interest, there is no money in the banks, in spite of the tremendous reserves, to lend these poor people in the flood-devasted areas at 4, 5, 6, and 7 percent. Why? Because the policy of the Federal Reserve System has been such that the banks have been led to believe that if they held off and did not make these loans that the House of Representatives would pass this bill by which their loans might be insured 100 percent. I say 100 percent, because although this bill provides that only 20 percent of the loans shall be insured, that means 20 percent of the aggregate of the loans made by any one institution, so a bank which has loaned $100,000 in these areas will not stand to lose 1 cent until the aggregate of their losses exceeds $20,000. They will not lend in these flood-devastated areas until the Federal Government insures the loans. In addition to that, under the regulations of the Federal Housing Administration, the banks not only have their loans insured 100 percent, but they are allowed to charge usurious rates of interest. They are allowed to charge, and the banks actually do charge, 9.72-percent interest which, according to the laws of the majority of the States of the Union, would be considered usurious.

[Here the gavel fell.]

Mr. SNELL. Acting for the gentleman from Massachusetts [Mr. MARTIN], I yield the gentleman from Michigan 10 additional minutes.

Mr. WOLCOTT. The point that I want to make, briefly, is that although the Federal Housing Administration was originally set up to give relief to the unemployed in the building trades, and the insurance of mortgages and loans was secondary to that very laudable undertaking, nevertheless, we now find that because title 1 expired on March 31 of this year, all that remains in the Federal Housing Act today is the benefit to the banks, not to the individual borrowers, not to the people, the carpenters, the bricklayers, the masons, the plumbers, and others employed in the building trades. The only benefit that remains in the Federal Housing Administration is the insurance to banks.

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

Mr. WOLCOTT. I yield.

Mr. SAUTHOFF. Has the gentleman's committee considered establishing Federal mortgage agencies which would make loans in place of relying on the banks?

Mr. WOLCOTT. I do not believe we have had any such question before our committee recently.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. O'MALLEY. The present practice is to insure the loans made by these banks up to 80 percent of their face; is not that the fact?

Mr. WOLCOTT. Twenty percent of the aggregate.

Mr. O'MALLEY. That covers 80 percent of the loans.

Mr. WOLCOTT. An individual loan cannot be isolated so that one could say that that particular loan was insured up to 20 percent of its face value. One must take the aggregate of the loans made by that bank. A hurried reading of the act would leave the inference that an individual loan is insured up to 20 percent of its face value, but in reality the bank is insured up to 20 percent of all the loans it has made.

Mr. O'MALLEY. The point I am getting at is that if there were a different policy and the banks were insured up to 80 percent of the unpaid balances of those loans, the banks would make more effort to collect and keep in good standing these loans; but as long as the bank is all bailed out they do not care, they leave it up to the Government.

Mr. WOLCOTT. I would say that the bank is bailed out before they ever make the loan. The banks do not have to put up one cent of money, nor is there any charge made for insuring loans made by them.

Mr. O'MALLEY. Nor do they have to worry about keeping the loans in good standing or about making any effort to see that the loans are paid. Uncle Sam holds the bag.

Mr. WOLCOTT. I do not presume we could say that the banks do not make any effort to see that the loans are paid; but I may say to the gentleman that, as is the case with insurance companies or casualty companies, the fact that an obligation is secured to the obligee puts an entirely different complexion upon the obligation; and if I were a banker, or if the gentleman from Wisconsin were a banker, knowing that a loan was secured 100 percent we surely would not use the same zeal to collect the loan that we would if it were a private obligation for which the bank itself was wholly responsible.

Mr. O'MALLEY. In other words, would it not be better if the bank were compelled to stand a share of the loss if such occurred?

Mr. WOLCOTT. I think it would be better if the banks were in a position where they would not have this sop, this bait, thrown out to them and they would continue to do as they always have done, seek a market for their money under the best possible conditions which today would mean probably 4 or 5 percent interest to these borrowers instead of trying to make these people in the flood devastated areas think they are going to get something, and after they have been kicked into insensibility have a pen put into their hands and be required to sign the dotted line guaranteeing to pay 9.72 percent interest, in addition to having that loan wholly insured.

Mr. SCOTT. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from California.

Mr. SCOTT. Did not the gentleman say a moment ago these reserves had built up because the banks would not make the loans due to the fact they did not have this insurance?

Mr. WOLCOTT. No; I did not intend to say that. I said that during the past 3 years the excess reserves have been built up because there was no demand, or the demand by business, industry, and agriculture on the banks for credit was not met.

Mr. SCOTT. Why was it not met?

Mr. WOLCOTT. It was not met in the first instance because the banks, immediately after the crash and up to the present time, have been compelled to maintain a very high degree of liquidity. Another influence is the amount of credit which the Government has made available outside of the banks, and industry, agriculture, and business have sought credit from the Government instead of from the banks.

In that connection I want to call the attention of the House to a thing that is fundamental and one of the most important questions which confronts us today. That is the fact that the Board of Governors of the Federal Reserve System believe they can control inflation in a situation where, although the index of business activity stands at 97, using 1929 as a base of 100, nevertheless the index of bank credit shows that only 50 percent of the normal amount of bank credit is being utilized to sustain this activity, and if the Board of Governors of the Federal Reserve System could control the entire flow of credit from the banks today, it could control only about 50 percent of the credit used today as a base for inflation.

Mr. SCOTT. Does the gentleman think if the Government was not offering so much credit, and if it was not insuring these loans in time the banks would then begin to make loans on their own responsibility to the people provided for under this act?

Mr. WOLCOTT. I do. They would seek their own market and instead of these people having to pay 9.72 percent they would probably be paying only 5 percent. I think a bank would be very glad to make an uninsured loan, properly secured, at 5 percent rather than have to invest its assets in Government bonds paying only 2⅛ or 2⅞. Incidentally, I may say if there is any question as to why the people of this country are not receiving more than 1 or 2 percent interest on savings deposits it is because the banks have been forced into a condition whereby they get only 2⅛ or 2⅞ return on their money from the return on Government holdings and the banks cannot afford to do business on an overhead of only one-eighth of 1 percent.

Mr. WIGGLESWORTH. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Is it not fair to say that the Federal Government has placed itself in the position of endorsing and approving this rate of 9.72 to which the gentleman referred, which has been charged the small borrowers throughout this country?

Mr. WOLCOTT. I understand they have not only put the stamp of approval on it, but this rate is charged under regulations set-up by the Federal Housing Administration.

Mr. WIGGLESWORTH. Is that not one of the reasons why the banks of the country are so enthusiastic about this particular activity?

Mr. WOLCOTT. The banks are particularly enthusiastic about it, because if they can make loans without using their own money and have those loans fully insured, and receive a return of 9.72 percent instead of 5 or 6 percent interest, they would be foolish if they were not enthusiastic.

Mr. SNELL. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from New York.

Mr. SNELL. What evidence was produced before your committee that influenced it to continue legislation which allows them to charge 9.72 percent?

Mr. WOLCOTT. The words that Mr. McDonald used, if I remember correctly, were that in order to get the banks to make loans in these flood-devastated areas, "We must hold out this insurance and this interest rate as a bait." In other words, this bill is purely and simply to bait the banks in the flood-devastated areas, and if the poor people down there who have had their homes washed away will bite on this bait, then they will be tied up to pay 10-percent interest; and if they cannot carry that rate of interest, they will lose their homes eventually to the Federal Housing Administration.

Mr. SNELL. Does the gentleman believe that to be true?

Mr. WOLCOTT. I believe that is true; and if the banks of these flood-devastated areas had reasonably good security, they should be glad to make loans at 5 percent or 6 percent.

[Here the gavel fell.]

Mr. MAPES. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Speaker, I am opposed to this bill, and it will not take very long to state my reasons. I think it provides a basis of enough substance to justify the defeat of this bill by the Members of the House.

In the first place, I come from a State that has recently suffered from a very severe flood. I yield to no one in my desire to give every assistance possible to those people, and in opposing this bill it is not my purpose to oppose the giving of relief to flood sufferers. Instead, I believe this bill is a duplication and that it has disadvantageous terms for the flood sufferers as compared with legislation already passed by this House. The actual operation of this agency shows it is not fair to flood victims.

Only a few weeks ago we passed the Disaster Loan Corporation bill, authorizing the R. F. C. to use funds amounting to $20,000,000 so that Corporation could make character loans to sufferers in the flood areas.

This bill before us today is a different matter; but it renews the authority of the F. H. A. to do exactly the same kind of thing. Under the Reconstruction Finance Corporation bill——

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Ohio. I yield.

Mr. FORD of California. Does the gentleman mean to make the responsible statement on this floor that those two bills are not entirely different and distinct and take in two different classes of borrowers?

Mr. WHITE of Ohio. I shall define the two different classes of borrowers. Under the R. F. C. the loan is made directly to the individual, on the basis of character loans. No collateral is required. That is correct, is it not?

Mr. FORD of California. If he is broke.

Mr. WHITE of Ohio. Under this bill the loan, which ultimately goes to the same individual, is made by the bank and is guaranteed by the F. H. A. This is the only difference I know of so far as the class of borrowers is concerned. Therefore, in the final analysis the destination is the same, the flood sufferer. But the terms are vastly different. Under the Reconstruction Finance Corporation bill the flood sufferer can borrow money direct from the Government on a character basis at the rate of 3 percent interest. Under this bill the same individual will go to the bank to get his loan, and it will be guaranteed by the F. H. A., and if it passes all the way through, according to the testimony presented before the committee, he will have to pay 9.7 percent interest in order to get the money. Not only will he have to pay 9.7 percent interest to get the money, but, in addition, the answers of the Administrator and the staff of F. H. A. indicate that under this loan authority the borrower has been required to put up collateral in 50 percent of the cases. The interest rate is excessive. The terms are ridiculous compared with the terms specified under the R. F. C. bill.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield for a question?

Mr. WHITE of Ohio. I yield.

Mr. JENKINS of Ohio. I do not quite understand why we talk about the Government guaranteeing 20 percent, when in

this report it is said the Government guarantees only 10 percent. What is the reason for this difference?

Mr. WHITE of Ohio. Originally the guaranty was 20 percent under the Federal Housing Act. A few years ago the guaranty was reduced to 10 percent. The F. H. A. now tell us they find loans will not be made on the basis of a 10-percent guaranty, and therefore they propose the amount of the guaranty again be fixed at 20 percent.

Mr. JENKINS of Ohio. This would mean a 10-percent advantage to the person who seeks a loan, would it not?

Mr. WHITE of Ohio. The direct advantage would be to the bank. The bank would have a 20-percent aggregate guaranty instead of a 10-percent guaranty.

Mr. JENKINS of Ohio. Would not the result be that if the bank has a greater guaranty it will be more liberal in making loans?

Mr. WHITE of Ohio. The bank would be more inclined to make a loan, which is the reason the additional guaranty of 10 percent is asked. It is also a greater reason why the flood borrower should not have to pay 9.7-percent interest.

Mr. JENKINS of Ohio. I am interested in seeing that the flood sufferers have every possible opportunity to obtain loans. Why does the gentleman say this bill applies to flood sufferers when there is nothing in here anywhere about floods?

Mr. WHITE of Ohio. It refers specifically to disasters, hurricanes, floods, fires, and other catastrophes.

[Here the gavel fell.]

Mr. HARLAN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio.

Mr. WHITE of Ohio. I thank my colleague, the gentleman from Ohio, very much.

In answer to the question of my colleague the gentleman from Ohio [Mr. JENKINS] the bill refers to tornadoes, cyclones, hurricanes, floods, or other catastrophes.

There is one other point I wish to bring out, in conclusion. Under this bill F. H. A. officials testified they have loaned only $135,000. The loans are distributed over 11 States, which is barely $10,000 per State, and only 11 States are affected. We have heard a lot of hullabaloo and a big hue and cry about eliminating unnecessary bureaus and commissions and about duplicating authority. Why not do something about it in this case? I am in favor of the flood sufferers being able to secure loans. However, if you were a flood sufferer and wanted to get a loan, would you go to this agency where, in 50 percent of the cases, collateral has been required? Would you put up such collateral and pay 9.7-percent interest, or would you go direct to the R. F. C., which has already been authorized to make Government loans, where you can borrow the same amount of money for 3 percent and not have to put up collateral?

It is on the basis of this duplication, its small operation to date, and to its excessive rate of interest that I oppose the present bill and advocate its defeat. [Applause.]

Mr. MAPES. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, I think we should look at this bill in its broad terms somewhat in this light: The Federal Housing Administration was created for the purpose of doing general good in bringing about construction and the use of heavy materials throughout the United States. Loans to banks were insured in order to induce banks to make loans to people who would not otherwise be able to secure them, starting out on the basis of 20 percent of insurance. Later, when the amended act was brought in, the proposition was submitted that the amount of insurance should be reduced to 10 percent, and the philosophy was expressed that if the rate was so reduced banks would be somewhat inclined to scrutinize more carefully the character of loans and not push so much credit out for the purpose of repairing and rebuilding homes, putting up new houses, and so forth.

Then came along the so-called catastrophe philosophy, which has not yet been defined to my satisfaction, and into this proposition was injected the question of flood repairs.

Let us look at this in a common-sense way. Business is picking up on a tremendous scale. There is plenty of evidence of it available to any man who wants to read as he runs. One who has been afflicted by catastrophe is not in as good a position to negotiate a loan as a man whose affairs are in complete running order, whether on a farm or in business. If you expect private institutions to make loans to sufferers from catastrophes, certainly you have to make it a practical proposition, so that the men who pass on loans in the offices of the lending institutions of this country will make loans of this sort; otherwise you have to come back to the Government's financing the whole deal.

To the people who oppose a bill of this type may I say, ought the Government to continue to inake loans, or do they want the private institutions to make the loans? Do we want further to siphon out loans to our people through Government agencies, or do we want the loans made through the banking and credit institutions of the country? This question is fundamentally involved in the pending bill.

Another important consideration is this: The reason the banks get 100 percent insurance under this by reason of the accumulated reserves is because they used common sense in making loans, and have not incurred a sufficient amount of losses to absorb the insurance which was granted under the original F. H. A. and its activities subsequent to the passage of the bill. Had they made careless loans and suffered great losses, the reserve would not be there, and had this occurred private institutions would not make loans under this measure.

A lot has been said about the rate of interest. I make loans, character loans and secured loans, and have continually done so personally, and am doing so today, on 3 percent interest. The way to judge a man is by what he does and not by the way he talks. I am in favor of the 3-percent loan. I am in favor of the 1-percent loan, and I wish we could make it so we would not have to charge interest on any kind of loan; but if you make the rate so low the private institutions will not make the loan, and when I say private institutions I mean the banking institutions of the country, and if they will not make the loans then you kill the effect of this proposed law, and a man cannot go to the bank and borrow the money. Then where does he go? He goes to the loan shark, and then what does he have to pay? From 10 to 40 percent or even a higher rate.

Mr. McDonald testified on this bill that the lowest rate he knew being charged by any finance company in the country is 12 percent by General Motors Acceptance. I hope we can reduce interest costs to our people who have to borrow money.

[Here the gavel fell.]

Mr. HARLAN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. STEAGALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1228) to amend the National Housing Act.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1228) to amend the National Housing Act, with Mr. GREEVER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. STEAGALL. Mr. Chairman, this bill would extend until the first of July 1939, the provisions of the act of April 17, 1936, under which the Housing Administration may insure loans made for purposes of rehabilitation in flood-stricken areas where disasters occurred prior to the 1st of January 1937.

Under the former act of April 17, 1936, loans of this character might be insured to the amount of 10 percent. Under the bill now being considered, provision is made for insurance of 20 percent of loans.

The purpose of this legislation is to aid in securing relief loans for people who have suffered from disasters and are not in position to obtain accommodations by usual methods. There is no provision in the bill for making loans. The plan

is to insure loans and thereby induce private lending agencies to afford relief accommodations to sufferers from disasters.

A great deal has been said about the hardships and exactions imposed by lending agencies. Reference has been made only to banks. I desire to call attention to the fact that this bill does not provide alone for insurance of loans made by banks, but it applies to loans made by trust companies, building and loan associations, personal loan associations, and any agency or institution that may be approved by the Federal Housing Administration.

Of course, Congress has nothing to do with interest rates, which are matters to be determined by State legislation. It is not within our province to deal with all matters of that sort. What we are undertaking to do is to assist these unfortunate people in being able to find shelter for their families in the time of their distress. There is no law compelling anybody to make a loan. The Housing Administration is not required to insure any loans. The administration of the details is entirely in the hands of the Housing Administration, and I may say for the benefit of gentlemen who seem somewhat disturbed, if they will examine the record of the transactions that have been had by the Housing Administration, under the authority of the law which expired on the 1st of January of this year, they will find slight basis for their fears. There were only a few loans made and no losses have been sustained up to this time.

If I were called upon to offer a criticism of this legislation, it would be entirely in the opposite direction from that which has been indulged in by gentlemen who have discussed the measure today. My fear is we shall not have as large a measure of relief to these sufferers as I should so much like to see granted. We have presented this bill in the hope that some small measure of relief will be afforded and really this is all that anybody who is informed on the situation hopes for.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Virginia.

Mr. WOODRUM. Do the hearings that the gentleman's committee conducted give any intimation as to the approximate number of these loans or to what particular territory they will be confined?

Mr. STEAGALL. The measure is not limited as to territory. It is only limited as to the character of the distress and the period within which the distress must occur and within which the loan must be made.

Mr. WOODRUM. Can the gentleman give us any information as to what further need for personnel or appropriations is going to follow the granting of this further right to insure loans?

Mr. STEAGALL. There will be none whatsoever.

Mr. WOODRUM. I thank the gentleman for that assurance, and I shall remember it.

Mr. STEAGALL. The gentleman may rely on it fully. The organization is already established. They administered a similar act down to the 1st of January of this year without any cost beyond mere nominal expenditures, and the fund out of which this relief will be granted is $100,000,000 that was provided in the former act. There is $15,000,000 of that fund remaining now, which would be the limit of relief that could possibly be afforded under this act, and it is an amount in excess of that which anybody has any idea will ever be used.

Mr. Chairman, I reserve the balance of my time.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. CRAWFORD. I am very much interested in what the gentleman says with reference to the administration of this act so that more assistance will be given. I want to get this clear in my own mind and for the purpose of the record: Is it not true that the amount of loans that will be made if this act becomes law is dependent very largely upon bank and trust-company management?

Mr. STEAGALL. And other lending institutions; yes.

Mr. CRAWFORD. It is dependent on their willingness to go along with it?

Mr. STEAGALL. Certainly. All we can do is insure the loans. They have to be approved by the Administrator. Many lending agencies that have applied for insurance have been refused and some who have been put on the accepted list have been removed because their practices were not satisfactory to the Housing Administration. If there is any relief to be accomplished, we cannot go out into the field of interest rates and the multitudinous details that must of necessity enter into the consideration of a loan to be made. These are matters that must be left to the lending institutions to determine.

Mr. CRAWFORD. That is what I wanted to have clear.

Mr. STEAGALL. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has consumed 19 minutes.

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I trust I may bring one or two suggestions to your attention relating to this kind of legislation. I do not wish to say that I am grudgingly giving it support. I shall vote for it because I think there will be but little loss involved, and we are already in the business.

In fact, I favor these small character loans. I have seen enough of the expense forced upon borrowers through a search of title and expense of legal documents. That lack of expense comforts me a great deal, in the face of the fact that these loans carry a charge of 9.72 percent actual interest. The extra bookkeeping and collecting does involve much work for the banks, and the high rate is necessary bait, I fear, in order to get them to make this kind of a loan.

What does interest me is this, and which has not been referred to is this:

The Administrator is authorized and empowered upon such terms and conditions as he may subscribe.

You may have seen the former application blanks furnished to the banks, wherein the borrower has to sign and qualify according to certain specified conditions, and the insured bank can only loan to him on those conditions prescribed. The loan was based largely on his income, and such a loan could be made for a year, 18 months, or even longer if his income per month seemed to guarantee the regular payments thereon.

It might appear to you here that the administrator could prescribe, "Never mind what a man's income is, make this loan under any conditions you please", but he might also make it so difficult, or so like the previous conditions, that it would be very hard to get a loan. I have favored this method of lending money under title I, which you have refused extension. I have done it only for the reason that as long as W. P. A. and other relief measures are needed and we are to continue to spend money on so-called recreation and adornment projects, sandpapering the sides of the roads, and all that sort of wastefulness, it would be far better to lend money for the repairing of buildings or even the building of small homes. However, I desire to get rid of all these governmental ventures in banking as soon as possible.

Only a day or two ago I had to appear before a division of the organization here under discussion. In a district like mine, where we have abundant banking facilities, a nearby bank decided "to go Federal." Although the communities have plenty of banking facilities, some desire to be financed by Federal funds and guaranties. When we pass bills to help out the distressed conditions of communities and banks, I do not wish sections already provided for to come to the Federal Government. They argue, "We can get Federal capital for this set-up. The Federal bank will also buy paid-up shares when we need more capital." We can loan money at 1 percent less interest and take the business away from the other banks.

Another Federal yardstick! Banks financed by our own people through buying their shares are to be injured, although just recovering from the recent adverse conditions. And you and I are put in the uncomfortable position of opposing a plan that would lower interest rates to our people. However, in order to do it they would use the credit

of the Federal Government. We already have a staggering contingent debt. We have guaranteed a vast amount of loans and securities. We will never know again within a billion, or even billions, what our actual national debt may be. A contingent debt can be smiled off for a while, probably, but necessarily some time something besides a smile will be called for in the settlement thereof. I take these very few minutes on this matter to bring to your attention the advantage that is taken of legislation meant only for distress purposes.

I believe that there will be very little money available to these sufferers under this particular bill. The bill includes any catastrophe. If any of your constituents have a catastrophe which is not flood or cyclone—I do not know what it might be—I presume these loans would be available.

The only other thought I wish to express is that we have insured banks up to 10 and 20 percent of the loans of this character which they have made. If a bank has made $1,000,000 of loans, they have $200,000 guaranteed; so they can lend $200,000 less any previous losses, and up to that amount suffer no loss whatsoever. Perhaps this is good business; but it is simply another bait to get banks to take these risks. I should be interested to read the conditions prescribed in the application blank that the Federal Housing Administrator furnishes the banks for the borrower to sign stating the conditions under which he must pay. This is a small matter for flood sufferers. I shall not oppose it, since I have so many larger matters to object to. I shall yield and will not oppose the passage of the bill.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question?

Mr. GIFFORD. Yes.

Mr. CRAWFORD. Just for the purpose of the RECORD, there is not anything in this bill or outside of the bill that would prevent the banks all over the country where these catastrophes may occur from making such loans as they may please to their people, character loans or otherwise, is there?

Mr. GIFFORD. The bill does state very plainly what may be done in spite of some testimony before the committee "that the banks would not, of course, lend money except in the afflicted areas where they have had a serious disturbance." The bill reads plainly enough. The gentleman would have to ask his bank to define catastrophe.

Mr. CRAWFORD. I do not think the gentleman understood my question. There is nothing to prevent any banking institution, as far as the act is concerned, from making such loan as it may please to make to anybody who applies.

Mr. GIFFORD. The applicant has to comply with rules and regulations prescribed by the Administrator.

Mr. CRAWFORD. I am assuming that the bank does not ask for the insurance.

Mr. GIFFORD. Oh, well, that is a different matter.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. STEFAN. Would the gentleman in his definition of catastrophe include drought? For instance, would the drought areas in Nebraska come within the bill, a condition of drought in 20 or 30 counties? Would not that be a catastrophe?

Mr. GIFFORD. If I were a banker and that question were asked of me I should assume that I would have to ask the Administrator if that came within the definition of catastrophe, before I dared make the loan.

Mr. CRAWFORD. In order to get insurance on it.

Mr. GIFFORD. Yes. Let the Federal Housing Administrator determine that.

Mr. STEFAN. I merely want to say that we consider it a catastrophe in Nebraska when last year we lost the entire crop of corn and grain in 20 or 30 counties because of the drought. The gentleman would consider that a catastrophe, would he not?

Mr. GIFFORD. I would; yes.

Mr. GOLDSBOROUGH. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I am for this bill because I think it may open an avenue of help to the people of my district and State and the other sections of the flooded area who have been sorely stricken as a result of flood.

There has been a great deal of misinformation in regard to this bill. The purpose of the bill is to stimulate the lending institutions to lend to those who have been the victims of disaster. It will insure each individual loan up to $2,000, and in the case of hospitals, schools, and so forth, up to $50,000. Twenty percent of these loans under the provisions of this bill will be insured.

What are the facts with reference to interest rates provided in this bill? The National Government does not provide any interest rate. The National Government in this act provides a maximum rate beyond which the banks may not charge. No minimum interest rate is fixed. If the banks are actuated by public spirit and by a desire to serve, they can lend at any interest rate they desire less than the maximum. The maximum interest rate that is prescribed under the rules and regulations adopted by the Federal Housing Administration is 5 percent discount. If one borrows $100, the bank gives him $95, and he pays the loan back in 12 equal installments. There is no rebate on the interest. That amounts to 9.72 per cent. But the banks or the lending institutions do not have to charge that interest. If the bank desires to help these people in distress, it can make a much lower interest rate.

It has been said that the banks are insured to the full amount of their loans by reason of accumulated insurance reserves. Under this bill if a bank lends $100,000 and sustains no loss, it will have a $20,000 accumulated reserve insurance, and the insurance accumulates as the bank lends and sustains no loss.

Let us look at the accumulated insurance of the various institutions in the States that have been the victims of the flood. I will read you from an appendix to the hearings on this bill in which those figures appear.

In Arkansas the accumulated insurance reserve of all lending institutions is $42,356. In Illinois, $6,454. In Indiana, $104,686. In Kentucky, $459,284. In Louisiana, $239,410. In Mississippi, $31,755. In Missouri, $37,222. In Ohio, $386,492. In Pennsylvania, $210,005. In Tennessee, $902,118. and in West Virginia, $89,991, making a total accumulated reserve in the whole stricken area of the banks and lending institutions of $2,509,773.

Mr. WHITE of Ohio. Will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Ohio.

Mr. WHITE of Ohio. Does the gentleman feel the banks have a pretty good thing out of this? Do they have more than normal protection under this act?

Mr. SPENCE. I believe that. This service that we are endeavoring to have rendered the people is not going to cost the Government any considerable sum because heretofore there have been no losses sustained and I believe it will stimulate lending by the institutions.

Mr. WHITE of Ohio. If the banks get more than normal protection as a result of this legislation, does not the gentleman think 9.72 percent interest is excessive?

Mr. SPENCE. I do. I have talked to the Housing Administration officials and I was told they were going to use their influence on the lending institutions in an effort to persuade them to lend at lower rates of interest than 9.72 percent. There is no reason for the banks charging 9.72 percent. However, let us make comparison with General Motors Acceptance Corporation, which does a somewhat similar business. It lends at 6 percent discount, which amounts to 12 percent as computed under this bill. They not only make that charge, but they have additional charges which the borrower has to pay. Under this bill he does not have to pay any additional charge.

Mr. WHITE of Ohio. Of course the unfortunate thing is that the man buying an automobile is in a different position than a poor duffer who has had a flood loan.

Mr. SPENCE. That is the truth; and that is the reason I want to protect my people. In many instances in my district their homes have been swept away. Their furniture is gone. They have no clothes except the clothes on their backs. Their families need help. Where is a man in distress going if he cannot go to an institution that has been approved by his Government? As the gentleman on the other side stated—the gentleman from Michigan [Mr. CRAWFORD]—he will go to the pawnbroker and the loan shark and will be subjected to whatever interest charges those people desire to subject him to.

Mr. WHITE of Ohio. Why should not that man go to the R. F. C., where he would pay 3-percent interest, and not be compelled to put up any collateral?

Mr. SPENCE. If he can go there and get the money, so much the better. I want to keep every avenue open to help the people of my district and State and people of the other States affected.

Mr. WHITE of Ohio. Would the gentleman feel favorably inclined toward an amendment which would specify that the interest rate shall not exceed 6 percent?

Mr. SPENCE. That matter was brought up in committee, and Mr. McDonald, the Administrator of Federal Housing, said he thought that would have a tendency to prevent loans being made under this act. We thrashed that out. I would like to see those in distress get the money without interest, but if they cannot get it without interest I want them to get it as cheaply as they can. I want as many loans made as possible. There is no reason why the banks should lend this money at 9.72 percent. If the banks have public spirit, if they want to serve the people and really help in their rehabilitation, they will make loans at low interest rates under this act; and I sincerely hope they will do that.

Mr. WHITE of Ohio. The gentleman feels that 9.72 is an excessive rate?

Mr. SPENCE. I do. Sir Francis Bacon said that the usurer "earns his bread in the sweat of the face of another and ploweth on Sunday."

I do not want to help the usurer or those who wish to take an unconscionable advantage.

Mr. FORD of California. Will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. FORD of California. The gentleman has made a touching plea on behalf of his people. May I say that in committee I offered an amendment to cut this rate to 6 percent? After being told by the Administrator it would restrict the loans, I withdrew the amendment. Does the gentleman believe if we cut this rate to 6 percent any loans will be made in his district under the bill?

Mr. SPENCE. I hope there will be, but I do not know. I rely on the superior experience of Mr. McDonald, who is the Administrator, and he thought the reduction of the maximum interest rate would not have a tendency to stimulate loans.

There was some discussion in committee about the penalties that were imposed for delinquency. In the case where a loan is delinquent the lender is charged 5 cents on a hundred dollars. Some Members have been under the impression that the borrower thereby paid 5 percent because of his delinquency. He pays one-twentieth of 1 percent when his loan becomes delinquent, and the limit of that charge is $5. For instance, if a school or hospital borrowed $50,000 under that provision of the act and the loan became delinquent, it could not be charged more than $5 as a delinquency charge.

[Here the gavel fell.]

Mr. GOLDSBOROUGH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Does not the gentleman think in view of the fact this bill increases the guarantee up to 20 percent that the banks in his section of the country, which is a good deal like mine, would be willing to lend the money under those circumstances at 6 percent?

Mr. SPENCE. I hope and trust they will do so. There is one other thing I believe, and in this I think the gentleman will agree with me. Anybody that has seen the scenes of disaster and the hardship that have resulted by reason of the flood will realize that those people cannot be rehabilitated except through direct grant by the Government.

Mr. CRAWFORD. Will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Will the gentleman give us the benefit of his observation on this point: Assuming that we had been in a period of declining prosperity during the last 3 or 4 years, or since the F. H. A. became operative, is it the gentleman's opinion in that event these reserves would have been built up to the extent that the banks now have 100 percent protection, we will say?

Mr. SPENCE. I do not want to go into that at this time.

Mr. CRAWFORD. Assume that somewhere down the line in the near future we hit a recession in business, or a deflation, if you please; is it not true a lot of these loans which have been made may be impossible of collection; at least, that is a prospect?

Mr. SPENCE. I think that is true; yes.

Mr. CRAWFORD. May I ask the gentleman one other question? If we take such action on this bill as will result in the financial institutions not making these loans and the people then resort to the R. F. C., is not a situation thereby created whereby the Government proceeds to make loans and thus eliminates private industry from the business?

Mr. SPENCE. Absolutely. I think it would be a very much more healthful move to stimulate lending by private institutions than for the Government to go into that business itself.

Mr. CRAWFORD. And help carry out some of the doctrines we preach on this side?

Mr. SPENCE. I think so.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I should like to ask the gentleman who are members of the very important Committee on Banking and Currency whether there is any reason why we cannot change the rate of interest providing a maximum of 7 percent as against a maximum of 9.72 percent?

Mr. WOLCOTT. Mr. Chairman, if I may be permitted to answer the gentleman, not for the committee, but from my own observation and from the testimony offered before the committee, it develops that the banks will not make these loans, or they say they will not make them unless they are authorized to charge 9.72-percent interest. I do not think this House should be a party to such usurious practices.

Mr. JENKINS of Ohio. Who knows the banks will not do this?

Mr. WOLCOTT. The banks have not done it. In the first place, the banks have lent only $135,000, whereas the devastation attending the floods of 1936 aggregated probably $2,000,000,000.

Mr. JENKINS of Ohio. Is that because of this interest proposition that the would-be borrowers refuse to borrow, or what is the reason? Is it because there are some other exactions which are too strict on these would-be borrowers?

Mr. WOLCOTT. I cannot speak for the banks in that particular. I do know that only about $135,000 of loans have been made, and they have all been made at 9.72 percent.

Mr. JENKINS of Ohio. What is the rate of interest the F. H. A. receives on other loans the banks make? Surely the banks have made more than $135,000 of loans.

Mr. WOLCOTT. Nine and seventy-two one-hundredths percent.

Mr. JENKINS of Ohio. How much do the banks lend? Is it true the banks have loaned only $135,000 in the United States, in view of all the advertising the availability of such loans has received? It cost more than that to do the advertising.

Mr. WOLCOTT. This is in the flood areas. The total of loans which have been insured runs up to a considerable amount. Perhaps the chairman of the committee could state the total. I do not know it.

Mr. JENKINS of Ohio. Well, it is immaterial anyway.

Mr. WHITE of Ohio. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. WHITE of Ohio. The $135,000 is what has been lent under section 6.

The gentleman made a point there which I thought a very excellent one when he asked if the gentlemen did not think the banks could be induced to charge a lower rate of interest. Everyone acknowledges that 9.7 percent is too much. Previously the banks would not charge a lower rate of interest, but at that time they were guaranteed only to the extent of 10 percent. Now, we are proposing to guarantee them 20 percent. It seems to me the gentleman is right, and as long as we are increasing the guaranty the banks ought to charge a lower rate of interest.

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

Mr. JENKINS of Ohio. Yes; I yield.

Mr. WOLCOTT. In answering a question by the gentleman from Kentucky [Mr. SPENCE] during the hearings, Mr. Gignilliat stated that approximately $45,000,000 in insured loans have been made under the act; 9.852 loans have been insured. This is not under this particular section but under the whole law.

Mr. JENKINS of Ohio. I thank the gentleman. I thought the $135,000 was entirely too small a figure to be the answer to that question.

Mr. Chairman, like my good friend the gentleman from Kentucky [Mr. SPENCE], I come from a flood area. He and I are agreed on this one important point: We do not want anything to go into this bill which is going to make it harder for our people to get help. On the other hand, we do not want anything in the bill which will make it impossible for them to get help under this bill. If it is the consensus of opinion of the members of the Committee on Banking and Currency that we must allow this figure to stay in here at 9.72 percent in order to get any help at all, then we want it to stay; but if we can reduce the figure to 7 percent, it ought to be done.

Mr. GOLDSBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. GOLDSBOROUGH. I think the interest-rate figures should be lower than 9.72 percent, and so voted in the committee. May I call the attention of the gentleman to the difference between the standpoint of the lender and the borrower. Insofar as the lender is concerned, he gets his 9.72 percent because he is lending money all the time and has use for it. However, insofar as the borrower is concerned, unless he is a money lender himself it makes no difference to him when he pays his 5 percent. Therefore, really the borrower is paying only 5 percent. That is the situation. There is a difference between the position of the lender and the borrower.

Mr. JENKINS of Ohio. I thank the gentleman.

Here is the point to which I was about to direct the attention of the House. A good deal of comment has been made on the floor with reference to the Disaster Loan Corporation as it figures in this set-up. Some of you may not have heard what I said here last Monday on this subject. I was rather mild about it at that time. The Disaster Loan Corporation is not a complete answer to our troubles. The disaster loan company may be doing all it can, but it is not meeting the full demands of the situation. It does not do what some of you who have spoken think it is doing. It does not lend money on character only. It requires, in many instances, what I think is unreasonable security. Many a man—and I fear many a good man—has been turned away from the Disaster Loan Corporation because he could not meet the security test. I am glad to report, however, I have assurances that the Board is going to issue more liberal instructions.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I will yield in just a moment.

I think they have been brought up in the atmosphere of the R. F. C. They are in the atmosphere of the lender, they are in the atmosphere of the man who must have every possible security the borrower has to offer. They want to make the borrower put up everything he possibly can, and I think this is the unanimous testimony of the Congressmen who represent districts in the Ohio Valley.

We—I mean the afflicted people of my district—are in the attitude of people who are asking the mercy of the House and of the Disaster Loan Corporation. Today we want the R. F. C. to know our people are not satisfied with what they are getting out of the Disaster Loan Corporation. We do not want any of you to vote against this bill just because you think we are getting 3-percent money. We are not getting much of it.

An attempt is being made to compel the building and loan associations to stand by and let the R. F. C. have the first loan. In the State of Ohio everyone knows practically all the building and loan associations have been out of the lending business for 3 or 4 years. They have no money to lend. They must meet the demands of their depositors for withdrawals when any money comes in. Many a building and loan association has a first mortgage on property in my section of the country that cannot repair and remodel the property because they have no money to lend.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. In just a moment.

In that connection, the Disaster Loan Corporation should take the second mortgage, or the third mortgage, if necessary, if it is going to do what we intended should be done.

As I said on Monday, I do not wish to find fault unnecessarily with the people connected with the Disaster Loan Corporation, and I think if all of us in Congress here who are interested in the Ohio Valley would insist on them being more liberal in their administration, it would have a most beneficial effect. That would encourage them to know what the sentiment of the House is.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. MAY. As a lawyer, of course, the gentleman is aware of the universal rule that statutes are to be construed in the light of congressional intent.

Mr. JENKINS of Ohio. Yes.

Mr. MAY. And the gentleman knows that Congress intended that these loans should be character loans whether these people had a dollar's worth of property or not.

Mr. JENKINS of Ohio. Yes; I have maintained that character and sympathy should have some part in determining whether a loan should be made. In justice to the Disaster Loan people I think they would like to be more liberal but they can hardly get themselves altogether out of the atmosphere of conservatism and they simply will not take chances.

Mr. MAY. If they are trying to construe the law in that way, what is keeping them from doing it?

Mr. JENKINS of Ohio. They do not consider character as you or I would, and they are asking security of some kind in most, if not all, cases.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Alabama.

Mr. STEAGALL. Does the gentleman know what loans have been made by the Disaster Loan Corporation?

Mr. JENKINS of Ohio. I know I represent four counties in Ohio fronting on the Ohio River, with 160 miles of river front, and not a cent came into my district until this week.

Mr. STEAGALL. I may say to the gentleman from Ohio that my information is they are making loans at the rate of between 100 and 200 a day, and there have been approved up to this time about 3,000 individual loans, beginning with loans as low as $50, and they are making many of them on character. This is the information which has been furnished me and I believe it is reliable.

Mr. JENKINS of Ohio. The gentleman ought to look into the matter and I believe if he does he will find that is not the case at all. I mean that they do not loan on character only.

Mr. STEAGALL. What is not the case? What part of my statement is not true?

Mr. JENKINS of Ohio. It is my impression that is not the case, that they make loans on character only.

Mr. STEAGALL. Does the gentleman mean to tell the House that no character loans have been made there?

Mr. JENKINS of Ohio. I cannot answer that. I do not know of any made on character only.

Mr. STEAGALL. That is what the gentleman is about to say, while my information is entirely different.

Mr. JENKINS of Ohio. Here is what I say. The information I have in my district is that no loan has been made on character without security. If I am wrong about that I am willing to apologize humbly, because, as I said before, I am cooperating as well as I can with the Corporation. I am trying to encourage them all I can, because I appreciate their position. They are afraid that if they make loans too freely they will receive congressional criticism. They are afraid that if they do lend any of this money without security that will not stand a complete test, somebody will criticize them. I say they ought to shake themselves loose from such a hard and fast situation. They ought to go out there and lend money to people who have good character, who have demonstrated the fact they have always paid their bills in the past. I do not believe that they should make loans to well-known dead beats, or make a loan of more than is reasonable or that the man cannot reasonably pay. On the other hand, if a good man who has a good reputation and can get the recommendation of the local disaster committee needs some money which will go to rehabilitate him and his family he should have it.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield the gentleman from Ohio 3 additional minutes.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. MOTT. May I inquire whether in the gentleman's criticism of the Disaster Loan Corporation the gentleman is referring to the attitude of the Corporation since the amendment to the act of last month, or are the circumstances which the gentleman cites those which obtained prior to the last amendment of the act?

Mr. JENKINS of Ohio. We have not amended the act with reference to the Disaster Loan Corporation.

Mr. MOTT. Oh, yes; we amended the act last month. We amended the original Disaster Loan Corporation Act to take off the statutory requirements as to security.

Mr. JENKINS of Ohio. Yes; I am talking about what they have done since we passed the last act. This act we are considering today has nothing to do with the Disaster Loan Corporation.

Mr. MOTT. Their attitude is still conservative.

Mr. JENKINS of Ohio. Conservative; that is right.

Mr. MOTT. Then may I suggest that, under the act as now amended, there is not any reason for them to be conservative unless they want to. They have ample authority to be liberal under existing law.

Mr. JENKINS of Ohio. That is my position exactly, and I thank the gentleman. They seem too cautious and fearful of what Congress intended, although I think we had enough debate on the bill when we passed it about 6 or 8 weeks ago to convince anybody that this Congress intended for them to be liberal. I am sure that after the assurances given here this afternoon they will liberalize their regulations further.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. CRAWFORD. In view of the gentleman's intense interest in this matter from the standpoint of his district, certainly the gentleman realizes that any reduction in interest rates is a matter we should always keep in mind. And the rate of interest on commercial paper and short-term stuff has increased tremendously within the last few days or the last few weeks. This is something all the banks are interested in, and they are shifting their portfolios all over the United States to move into higher interest-gathering areas.

Mr. JENKINS of Ohio. I appreciate that. And if this bill will not bring our people any relief unless the rate is left at 9.72 percent, then I expect it should be left there, but I think 7 percent would be better, of course.

Mr. CRAWFORD. And this is a matter that has to be kept in mind. Let me also ask the gentleman this question. Does the gentleman feel that under this legislation the Disaster Corporation should make loans which protect the holders of mortgages on property that is to be rehabilitated?

Mr. JENKINS of Ohio. Yes; if the mortgagee cannot come forward and protect his own equity, most assuredly they should protect him. If a man has a home worth $5,000 and owes $2,000 to a building and loan association, and the building and loan association is in such shape that it cannot loan him any money, are you going to refuse to help this man and let the building go down and have the man lose everything he has? And have the building and loan company lose all it has? Certainly, this Disaster Loan Corporation should say that there is character in the building association and character in the man himself and therefore they are going to lend him some money to rebuild his home so he may again become a useful citizen. And if the building and loan company benefits in having its equity saved, it is all the better. The building and loan company cannot get more than the face of its claims, and it might stand to lose a part of its equity, and the owner might lose all his equity if the help is not extended.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CRAWFORD. I think this is fundamental, because I do not believe it was the intent of the House, when we passed that act, that such service was to be given to the mortgage holder. I think the debate is very clear on that. The intent all the way through is shown. Now, if the House feels that that kind of method should be met——

Mr. JENKINS of Ohio. Oh, I know what is in the gentleman's mind. That law was not primarily for the benefit of the mortgagee, but if in benefiting the man who is down, the mortgagee is benefited also, we are not going to refuse to benefit him. The primary object is to benefit the man who needs help. I recite my incident again. Does not the gentleman think if a man has a home worth $5,000 and he has a $2,000 mortgage on it in a building and loan association or with some private individual who cannot come forward with any more money for repairs, that the Disaster Loan Corporation should let that man have three or four hundred dollars to rebuild or refurnish his house, so that he may keep this $5,000 structure and pay the building and loan association and pay everybody else? Does not the gentleman think we ought to do that? If not, where would there be any benefit at all to anybody?

Mr. CRAWFORD. May I answer the gentleman?

Mr. JENKINS of Ohio. Yes. Answer that, please.

Mr. CRAWFORD. I think, under the bill we passed the other day, if I were administering it, I would force the mortgage holder to subordinate his claim to the Reconstruction Finance Corporation.

Mr. JENKINS of Ohio. And if he could not pay it, then you would let the man and the building and loan company both go down?

Mr. CRAWFORD. No. I would ask Congress to save the mortgage holder.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. STEAGALL. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. FARLEY].

Mr. FARLEY. Mr. Chairman, I happen to be one of the members of the Committee on Banking and Currency and a Member of this House who does not look with such extreme horror on banks and bankers. I know how unpopular it is to rise on this floor at certain times and say anything in favor of a bank or banker. The general reputation we try to give them is that they are out to take the last farthing out of all the people they can. I do not think that is in any sense correct. There are a lot of honorable bankers and a lot of bankers in this country who might have been much better off if we had surrounded them with the same kind of protection that we have the banks in the case of this type of loan.

I live in Indiana. That State has been pretty badly hurt. My own district was not hurt. My district does not border on the Ohio River. We are in the northeast part of the State, and the watershed there drains into Lake Erie and

Lake Michigan, only a small average flows to the Ohio, and we have not been affected by this directly; but I do know that the cause is a just one, and that it has been a terrible calamity. I know from what I have been told by people who have visited the territory. They need this help.

Now, the question has been raised how much money will this release for the purpose of remodeling homes, putting on some new paint and paper? The statement of the Housing Administration is that it will release about $60,000,000 in loans; also that there are, in round numbers, 1,200 agencies already set up in these 11 States to make these loans. So we are just carrying on the type of work that has been done. There is approximately $15,000,000 of the insured fund that may be used that will release this $60,000,000.

This interest rate seems to be something that a lot of Members are worrying about. My understanding is that we do not say anywhere in this bill that the rate shall be 9.72 percent. That is strictly an administration matter. Have you examined carefully the type of these loans, and do you know how large they are? The average is only $400. There is not a man in this Congress who does not know that you cannot handle a line of business in a bank with a lot of small loans without charging something for that. What does it mean? A man comes there to borrow $400. They give him $380 in cash and he pays back at the rate of $33.33 per month. Included in that amount of 9.72 percent that comes in these monthly payments are the recording fees and record and investigation. These people do not always come into the bank and pay the loan promptly. They must repeat the requests for payment. In all of this comes the telephone and everything in the nature of handling a small loan.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. FARLEY. I yield.

Mr. KENNEY. How many loans are there, in the aggregate?

Mr. FARLEY. One million three hundred and twenty-six thousand one hundred and two; with a total amount of $500,220,642.

I have been told that the banks at Richmond, Va., figure that they lose money on loans of $100 and $200; that the handling, the bookkeeping, the things that are essential in handling bank business of that kind cost something. I think that the rate of 9.7 percent, even though it is not the average, is not an excessive rate for loans of this character. The gentleman from Michigan suggests that people will go anywhere to get this money. The Morris Plan Bank is one of the places where they go. How much does it cost to get money at many banks that specialize in monthly payments? It costs 23 percent, as against 9.7 percent. That is the difference. We are just providing these people with an opportunity to get some money to do things that are essential for them to live in some degree of peace and happiness after this terrible calamity. [Applause.]

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, in the statement which I made on the rule there seemed to be some doubt as to where I stood on this matter.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mrs. ROGERS of Massachusetts. Does the gentleman plan to introduce an amendment lowering the rate of interest that may be charged on these loans?

Mr. WOLCOTT. I may say to the gentlewoman from Massachusetts that I have prepared an amendment to follow the first paragraph of the bill providing that no loan shall be insured under the provisions of the act which bears a greater rate of interest than 7 percent per annum. I feel justified in offering such an amendment, because I do not believe this Congress wants to be a party to usurious practices. We have heard a great deal said here today about this 9.72-percent interest which is charged to these poor people who have been wiped out in these flooded areas, attempting to justify it on the ground that it includes carrying charges, investigational charges, this, that, and the other thing. The usury laws of most of the States, however, provide that neither under the guise of investigating the merits of the loan nor the costs of carrying the loan may the total amount of interest exceed that set in the statute, which varies to 6 to 8 percent.

Banks have made loans on real estate, on agricultural, industrial, and business property for 3 percent, and they have been so anxious to get these loans that they have written off whatever minor charges there might be upon the part of their people. They are on their regular pay rolls, men employed for this purpose. In many instances there is very little or no expense to the bank. In many instances it is a mere transfer of an obligation from a private individual to the bank so that no investigation seems necessary; and you cannot justify usury on the ground that it costs money to carry the obligation, because the interest itself is supposed to be a consideration for carrying the loan.

Answering the statement made by Members here this afternoon that 9.72 percent is the maximum amount which is charged under the act, I may say that that is true; but it seems that they are charging the maximum amount. I quote a few excerpts from the hearings. The gentleman from Kentucky [Mr. SPENCE] asked Mr. McDonald, Administrator of the Federal Housing Administration, this question before the committee:

Mr. SPENCE. What is the cost of a loan to the borrower under this bill?
Mr. MCDONALD. Five percent discount.
Mr. SPENCE. What does he actually pay?
Mr. MCDONALD. He actually pays 9.2 percent.
Mr. SPENCE. I thought it was 9.7 percent.
Mr. MCDONALD. It is 7; that is right.

And it developed later on that, instead of either one of them being right, it was 9.72 percent. So the borrower, and not the insured agency, not the bank, or the trust company, or the other financial institution which qualifies under the act, pays—the borrower pays 9.72 percent.

Mr. Chairman, how can the House of Representatives justify its action in getting a poor person in the Ohio or Mississippi Valleys down in the mud and then kicking him into insensibility and charging him usurious rates of interest? The only justfication for it is that the banks in these flood-devastated areas have exacted through the medium of this legislation, and will continue to exact, their pound of flesh. You can do as you please, but so far as I am concerned I am not in my sensible moments going to contribute anything more than the floods have contributed to the discomfiture of these people in these areas.

Mr. HANCOCK of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HANCOCK of North Carolina. Does not the gentleman think that 7 percent is an excessive rate to charge this class of borrowers?

Mr. WOLCOTT. I wish it might be 5 percent. I think that under present banking conditions it could be 5 percent. But because I was fearful that somebody might come back at me with the statement that the legal rate of interest in Michigan is 7 percent, I made it 7 percent. But Michigan is a high-interest State. In my opinion, these loans could be made for less than 7 percent, but certainly for no more than 7 percent.

[Here the gavel fell.]

The Clerk read as follows:

Be it enacted, etc., That subsection (a) of section 6 of the National Housing Act, as amended, is amended to read as follows:

"(a) The Administrator is authorized and empowered, upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, heretofore or hereafter approved by the Administrator as eligible for credit insurance, against losses which they may sustain as a result of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them subsequent to the date this section takes effect and prior to July 1, 1939, or such earlier date as the President may fix by proclamation upon his determination that the emergency no longer exists, for the purpose of financing, by the owners of real property or by lessees thereof under a lease for a period of not less than 1 year, the restoration, rehabilitation, rebuilding, and replacement of improvements on such real property and equipment and machinery thereon which were damaged or destroyed by earthquake, conflagration, tornado, cyclone, hurricane, flood, or other catastrophe in the years 1935, 1936, 1937, 1938, or 1939, either on the same site or on a new site in the same locality where the damaged or destroyed property was located. The Administrator is authorized to grant insurance under this section, as amended, to any such financial institution up to 20 percent of the total amount of loans, advances of credit, and purchases made by such financial institution for such purposes, and any insurance reserve accumulated by any such financial institution under section 2 of this title shall be applicable to the payment of any losses sustained by it as a result of loans, advances of credit, or purchases insured under this section."

Mr. WOLCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT: On page 2, line 23, after the word "section", strike out the period, insert a semicolon and the following: *"Provided*, That no loan shall be insured under the provisions of this act which bears a rate of interest in excess of 7 percent per annum."

Mr. WOLCOTT. Mr. Chairman, this is the amendment to which I referred in my previous remarks.

Mr. Chairman, the thought occurs to me that there should be no discrimination in the legislation which this Congress passes, and there should be no discrimination in the regulations set up by any agency of the Federal Government. I think this is a fundamental truism with which all will agree. I do not think any of us should knowingly countenance a situation which allows wealthy corporations to get their money at 3 percent when a poor man, living on the river bottoms of the Ohio and Mississippi, has to pay almost 10 percent for his money.

Listen to this testimony given by Leigh R. Gignilliat, Jr., deputy administrator in charge of modernization credits, Federal Housing Administration, in this respect:

Twenty-five percent of the loans insured by the Federal Housing Administration are over $50,000.

Mr. McDonald turned to Mr. Gignilliat and asked:

What would that be from our own experience?

Mr. Gignilliat replied:

I think in the case of the $50,000 loans, they have been made as low as 3 percent straight interest.

Mr. Chairman, how can we, as Members of the House of Representatives, justify a set-up which allows a corporation or an individual having security sufficient for them to come into a bank and make a loan of over $50,000 to obtain his money at 3 percent when the poor man, whom we really want to help, and whom we expect will be helped by this act, will have to pay nearly 10 percent?

May I quote the balance of Mr. Gignilliat's statement:

In other words, that is about one-third of the maximum. We simply give a maximum figure, but I would say 25 percent of the loans are made at the lower rate, and practically all of the larger loans are made at a lower rate.

Mr. McDonald says that the actual cost to the home owner, to the fellow who cannot borrow $50,000, but wants $400, a thousand dollars, $2,000, or $5,000, is almost 10 percent.

If you gentlemen over there or anyone else in this House can justify a set-up like that, you go ahead and do it. My conscience is going to be clear. I am going to be able to say to my people that so long as I have been voting in this House I have tried to be consistent, regardless of statements made by other men.

Mr. KENNEY. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from New Jersey.

Mr. KENNEY. Is the gentleman satisfied the banks will lend to these smaller people at the rate of interest provided in his amendment?

Mr. WOLCOTT. Why worry about that? There has been loaned only $135,000 as against a loss of $2,000,000,000 in the disaster. They will not make the loans unless they are assured of security, I grant the gentleman that. They have virtually given us an ultimatum they are not going to make more loans unless insured by the Federal Government. That is a nice set-up. In other words, they are throwing out a bait, and in that particular let me quote from the testimony of Mr. McDonald.

Mr. Spence stated:

But the Government ought not to apply the standards of the ordinary money lender to its activities; do you think so? Should not the Government try to do something better for the people than the man who makes his money that way?

Mr. McDonald's answer is as follows:

That is true. On the other hand, you cannot make an institution lend money unless you make the bait sufficiently attractive; nor can we stop them from making the loan.

You go ahead and bait the banks if you want to. If they want to continue under a situation in which they are compelled to take Federal obligations at 2½ and 2⅞ and prefer to buy and invest in those Government obligations rather than in the homes of this Nation, I think it is high time that you and I should put our stamp of disapproval upon such banking methods.

Mr. WHITE of Ohio. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Ohio.

Mr. WHITE of Ohio. We are of necessity considering two phases of disaster loans. In considering this matter we cannot refrain from giving some thought to the R. F. C. Disaster Loan Corporation.

[Here the gavel fell.]

Mr. WHITE of Ohio. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WHITE of Ohio. In considering the joint relationship of those two bodies, does not the gentleman think if the business of this Government was properly administered, the one agency would consider and make its plans fit in with the other and if that were the case can the gentleman tell me whether the F. H. A. has made any plans to fit in its work with the R. F. C.?

Mr. WOLCOTT. I can only refer the gentleman to Mr. McDonald's testimony. He was asked by Mr. Williams:

What about this Disaster Loan Corporation we have just created?

Mr. McDonald replied:

I do not know anything about that. It is not in the field now.
Mr. WILLIAMS. I understood that was to take care of cases exactly like this.
Mr. MCDONALD. I am not familiar with that.
Mr. WILLIAMS. I am just wondering why it would not operate. Have you not examined into that act at all?
Mr. MCDONALD. No; I am not familiar with that act.

In other words, one branch of the Federal Government does not know what the other branch of the Government is doing in respect to flood relief.

[Here the gavel fell.]

Mr. GOLDSBOROUGH. Mr. Chairman, there was an amendment offered to reduce this interest rate to 6 percent, and I was very glad to support the amendment. Naturally, I will support this amendment.

I would like to give my reasons. A bank which has not built up a reserve sufficient to protect itself 100 percent from any loss is not going to make any loans under this proposed legislation. That means they are taking no risk whatever. They are taking no business risk on their loans, but 7 percent is plenty to charge for a mere service charge, and that is all there is involved here. Remember that a bank which has not built up a reserve sufficient to insure itself 100 percent against loss is not going to make any loans. This being so, there is no possible risk involved. So that the percentage which they will receive amounts to a service charge, and 7 percent is sufficient and more than sufficient to reimburse them for carrying the loan on their books and writing the necessary letters involved in carrying the loan. I believe every member of this Committee and every Member of the House would be justified in voting for this amendment.

Mr. STEAGALL. Mr. Chairman, the purpose of this legislation is to afford relief to people in distress. There are

many details which enter into the making of loans, many of which we could not anticipate and could not attempt to deal with if we desired. The interest rate to be charged happens to be one of the matters which might possibly be dealt with in this legislation.

I venture to say, however, that the practice the gentlemen desire to terminate by this amendment would not necessarily be ended by the adoption of the amendment. I have serious doubts that merely writing into law a provision that the paper insured should not bear an interest rate in excess of 7 percent would prevent the imposition of service charges, appraisal fees, and other charges by which indirectly any lending institution could build up the total rate to be charged the borrower to an amount in excess of that named in this amendment. The truth is the only practical way to handle this legislation is to confer authority to insure these loans, and trust the Federal Housing Administration to impose whatever rules and regulations are reasonable and desirable to accomplish the altruistic purposes of the legislation.

The Housing Administration has refused to approve applicants for insurance institutions whose practices they did not consider fair and just. They have stricken from their list of approved agencies numerous institutions whose practices have been regarded as obnoxious and unreasonable. This is the only way we can intelligently deal with the situation. It sounds fine to talk about reducing interest rate. It is easy to get up here and criticize somebody.

These loans are not all made by banks, as has been indicated. They are made by various institutions approved by the Housing Administration. It is easy to criticize the interest rates charged, but everybody knows when you go to make loans of the type that will be made, to accomplish what we have in mind and to be insured under the provisions of this act, they are loans which cannot be made at the same low rate of interest which obtains on more desirable security. Everyone understands this. We have nothing to do with interest rates. That is a matter for State legislation.

If the time ever comes in this House when I shall vote on establishing the interest rate to be charged any legitimate interest or business in the United States, I will never favor 7 percent, because a 7-percent interest rate is itself usurious and unconscionable under present conditions. I repudiate any part of the responsibility for naming 7 percent as an interest rate in this legislation. We cannot name any rate unless we want to hamstring and hamper the Housing Administration in administering this law.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. WOLCOTT].

The question was taken; and on a division (demanded by Mr. STEAGALL) there were—ayes 39, noes 41.

So the amendment was rejected.

Mr. LUCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUCE: On page 2, in line 3, strike out the figures "1939" and insert in lieu thereof "1937."
In lines 12 and 13, strike out "1938, or 1939."

Mr. LUCE. Mr. Chairman, the reasons I shall give for the adoption of this amendment will undoubtedly secure its defeat, yet they ought to be presented, not merely for the edification of this large and enthusiastic audience, but also for the benefit of the public at large.

In the committee I inquired why legislation should be enacted in anticipation of disasters in subsequent years, 1938 and the first half of 1939. No explanation was given, no reason was advanced. From that time to this I have been cogitating over the problem of why this attempt to read the future and prepare for the unforeseen should be incorporated in the law.

I have discovered one reason, and one reason only, and it is that the next Presidential election will take place in 1940. It is the evident program of the Democratic Party to lose no opportunity, past, present, or future, to take away money from all the people and give it to some of the people for political ends.

Here I want to scold my brethren on the other side a bit for their lack of foresight in not completely carrying out the program. I would remind them that between July 1, 1939, and the first Tuesday in November of 1940 there will be 16 months, in the course of which there may be a flight of grasshoppers in Kansas, the potato bugs may become numerous in North Carolina and Maine, a dam may break in Missouri, or somewhere else there may arise excuse for giving the money of all the people to some of the people.

This is a neglect which, in view of my great friendship for my Democratic associates on the committee, I am sorry to feel compelled to call to public attention. This loss of opportunity, sir, is a serious matter. There may arise the possibility of spending millions and millions of dollars by reason of catastrophes in those 16 months. Why not amend this bill with that in mind? I had thought of moving such an amendment myself, but I did not want to deprive any gentlemen on the other side of making, by such a motion, amends for the blunder. I call it a blunder, sir, because that word has so often been used to characterize the conduct of the Democratic Party. It is known to be phenomenally capable of making blunders. It made a great blunder yesterday afternoon, perhaps the greatest blunder that will have been made in this session, when it dodged the issue, when it declined to tell the public what it thought of the sit-down strikes. It thereby exposed itself to the just and reasonable criticism that it has not the courage to face at once great public questions.

We have now heard, through the testimony before the Senate committee considering the Supreme Court, confirmation of what we had feared has been taking place in the matter of New Deal legislation. Furthermore, the recent decisions of the Supreme Court legalizing certain proposals that have come to the surface after they were at first put under water also show that any reasonable man must accept the conclusion that the failure of the New Deal to accomplish many of the results it has desired has been due to imperfect law drafting. The administration did not secure the services of capable men who were able to draft constitutional legislation. That is another type of blunder for which the gentlemen on the other side whom I address have been famous through the years.

In this particular case they have neglected a glorious opportunity to get money from all the people for some of the people in the months immediately preceding a Presidential election. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. LUCE].

The amendment was rejected.

Mr. PATMAN. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed out of order for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Chairman, every Member of the House and Senate, a few days ago, received a copy of the book, The Story of the Constitution.

I want to place in the Appendix of the RECORD a statement in support of the proposal to furnish each Member a generous supply of copies of this book in order that it may be furnished to all the schools and colleges and libraries throughout our districts.

Mr. Chairman, I ask unanimous consent to revise and extend my own remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

SEC. 2. The third sentence of subsection (a) of section 2 of the National Housing Act, as amended, is amended to read as follows: "The total liability incurred by the Administrator for all insurance heretofore and hereafter granted under this section and section 6, as amended, shall not exceed in the aggregate $100,000,000."

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 2, line 24, strike out all of lines 24 and 25 and insert:
"SEC. 2. Section 2 (a) of the National Housing Act, as amended, is amended by striking out 'April 1, 1936, and prior to April 1, 1937' and inserting in lieu thereof 'April 1, 1937, and prior to April 1, 1938,' by striking out 'April 1, 1936, exceed 10 percent' and inserting in lieu thereof 'April 1, 1937, exceed 5 percent', and by amending the third sentence thereof to."

Mr. STEAGALL. Mr. Chairman, I make the point of order that the amendment is not germane to the section or to the bill.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. SCOTT. No, Mr. Chairman, I do not think it necessary.

The CHAIRMAN (Mr. GREEVER). The Chair is of the opinion the amendment is not germane, and the point of order, therefore, is sustained.

Mr. SCOTT. Mr. Chairman, I offer another amendment.

The clerk read as follows:

Amendment offered by Mr. SCOTT: Page 2, line 10, after the word "thereon", strike out the remainder of line 10, all of lines 11, 12, 13, 14, and in line 15 the word "located."

Mr. SCOTT. Mr. Chairman, the effect of this amendment will not be——

Mr. STEAGALL. Mr. Chairman, I desire to reserve a point of order against the amendment.

Mr. SCOTT. Mr. Chairman, is it not a little late for that?

The CHAIRMAN. Does the gentleman from California yield for that purpose?

Mr. SCOTT. No, Mr. Chairman.

The CHAIRMAN. The gentleman will proceed.

Mr. SCOTT. The amendment will not emasculate the bill. It will simply continue title I of the Housing Act, which expired on April 1, except that it reduces the insurance to 5 percent. It will not in any way affect the flood-relief section of the bill, as there are ample reserves to take care of everything. No additional appropriation is necessary for a continuation. The original $100,000,000 credit of the Government still has $15,000,000 upon which to operate. If the Government guaranty is reduced from 10 percent to 5 percent, which is ample, the banks will continue to make loans and this fund will handle an additional $300,000,000 worth of construction. As the effect will simply be to continue title I of the Federal Housing Act, I do not know of any particular reason why the amendment should not be adopted.

Mr. STEAGALL. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the gentleman from California had already begun debate on the amendment prior to the time the point of order was made. Therefore, the point of order came too late.

Mr. STEAGALL. Will the chairman permit me to say that the moment I was able to follow the reading of the amendment I was on my feet asking recognition to make a point of order. I could not know what was in the amendment; it had never been called to my attention, and it was impossible to know the effect of it until its reading had been completed and until I could follow the reading as it related to the bill. As soon as I could I rose to make a point of order.

Mr. HOUSTON. Mr. Chairman, I make the point of order that the point of order came too late.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the amendment had been read by the Clerk and that the gentleman from California had been recognized and had entered upon debate. Therefore the point of order came too late and the Chair so ruled.

The question is on the amendment offered by the gentleman from California.

Mr. STEAGALL. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. STEAGALL. Mr. Chairman, I want to say that the effect of this amendment would be to extend title I of the Housing Act and to defeat all the provisions of the present bill, and would leave no provision in the Housing Act for the continuation of insurance of relief loans as was provided under the act of last year, which we amend by the bill now before the House. I just wish the membership of the Committee to understand the effect of the amendment.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. JENKINS of Ohio. Did I understand the gentleman to say that if this amendment is adopted it will nullify everything we have been trying to do here today?

Mr. STEAGALL. That is right.

Mr. JENKINS of Ohio. Then I hope the amendment is defeated.

Mr. SCOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. STEAGALL. Yes.

Mr. SCOTT. Did the gentleman say that if this amendment were adopted it would nullify everything that was done today?

Mr. STEAGALL. Absolutely. The bill before the House attempts to extend the benefits of the provisions of the act of last year, which terminated on the 1st of January of this year, providing for the insurance of loans to people who suffered from disasters prior to the 1st of January 1937; and the effect of this amendment would be to continue title I of the Housing Act, and there would be nothing left of the bill now before the House.

Mr. SCOTT. Will the gentleman yield for a further question?

Mr. STEAGALL. I yield.

Mr. SCOTT. Would not those flood disaster sufferers be able to get their loans if title I were continued?

Mr. STEAGALL. They would, under the general provisions of title I of the Housing Act, but not under the special act passed for their benefit last year, nor under the provisions of the bill before us which attempts to extend the benefits of that act.

Mr. SCOTT. But they would get the benefit?

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SCOTT].

The amendment was rejected.

The CHAIRMAN. Under the rule the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. GREEVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill, S. 1228, to amend the National Housing Act, and, pursuant to House Resolution 174, he reported the bill back to the House.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WOLCOTT. Mr. Speaker, I have a motion to recommit which I have sent to the desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WOLCOTT. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WOLCOTT moves to recommit the bill to the Committee on Banking and Currency with instructions to report the same back forthwith with the following amendment: On page 2, line 23, after the word "section", strike out the period, insert a colon and the following: "*Provided*, That no loan shall be insured under the provisions of this act which bears a rate of interest in excess of 7 percent per annum."

Mr. STEAGALL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit the bill.

The question was taken; and on a division (demanded by Mr. WOLCOTT) there were—ayes 25, noes 65.

Mr. WOLCOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER. Obviously there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 99, nays 215, not voting, 116, as follows:

[Roll No. 40]

YEAS—99

Andresen, Minn.	Eaton	Luce	Robsion, Ky.
Arnold	Eberharter	Luckey, Nebr.	Rogers, Mass.
Bernard	Eicher	McFarlane	Rutherford
Boren	Engel	McLean	Sabath
Brewster	Englebright	Maas	Sauthoff
Buckler, Minn.	Ford, Miss.	Mapes	Schneider, Wis.
Burdick	Gehrmann	Martin, Mass.	Scott
Cannon, Mo.	Gifford	Mason	Shafer, Mich.
Carlson	Guyer	Maverick	Short
Carter	Halleck	Michener	Sirovich
Case, S. Dak.	Hancock, N. Y.	Millard	Smith, Conn.
Church	Hancock, N. C.	Mitchell, Ill.	Smith, Maine
Cluett	Harrington	Mott	Snell
Cochran	Hoffman	Murdock, Utah	Stefan
Coffee, Wash.	Holmes	Nelson	Teigan
Crawford	Isac	Nichols	Thompson, Ill.
Crosser	Jacobsen	O'Connell, Mont.	Tinkham
Culkin	Jarrett	O'Malley	Wearin
DeMuth	Jenkins, Ohio	Oliver	White, Ohio
Dirksen	Johnson, Okla.	Palmisano	Wigglesworth
Ditter	Knutson	Powers	Withrow
Dockweiler	Kvale	Reece, Tenn.	Wolcott
Dondero	Lambertson	Reed, Ill.	Wolfenden
Dowell	Leavy	Reed, N. Y.	Woodruff
Dunn	Lemke	Rees, Kans.	

NAYS—215

Aleshire	Faddis	Kramer	Rigney
Allen, Del.	Farley	Lambeth	Robertson
Allen, La.	Fernandez	Lanham	Robinson, Utah
Ashbrook	Fitzgerald	Lanzetta	Rogers, Okla.
Atkinson	Fitzpatrick	Lewis, Colo.	Romjue
Barry	Flannery	Ludlow	Ryan
Beiter	Fleger	Luecke, Mich.	Sacks
Bell	Fletcher	McAndrews	Sadowski
Bigelow	Forand	McClellan	Sanders
Binderup	Ford, Calif.	McGranery	Schuetz
Bland	Frey, Pa.	McGrath	Schulte
Bloom	Fries, Ill.	McKeough	Scrugham
Boileau	Fuller	McLaughlin	Secrest
Boland, Pa.	Fulmer	McMillan	Shannon
Boyer	Gambrill	McReynolds	Sheppard
Boykin	Garrett	Mahon, S. C.	Smith, Va.
Boylan, N. Y.	Gasque	Mansfield	Smith, W. Va.
Bradley	Gavagan	Martin, Colo.	Snyder, Pa.
Brooks	Gildea	Massingale	Sparkman
Brown	Goldsborough	May	Spence
Buck	Gray, Ind.	Mead	Starnes
Bulwinkle	Green	Meeks	Steagall
Cartwright	Greever	Merritt	Sumners, Tex.
Casey, Mass.	Gregory	Miller	Sutphin
Celler	Griffith	Mills	Sweeney
Champion	Haines	Mitchell, Tenn.	Swope
Chandler	Hamilton	Moser, Pa.	Tarver
Chapman	Harlan	Murdock, Ariz.	Taylor, Tenn.
Citron	Hart	O'Brien, Ill.	Terry
Clark, N. C.	Harter	O'Brien, Mich.	Thom
Claypool	Hartley	O'Connor, Mont.	Thomas, N. J.
Colden	Hendricks	O'Connor, N. Y.	Thomas, Tex.
Cole, Md.	Hildebrandt	O'Leary	Thomason, Tex.
Cooley	Hill, Ala.	O'Neal, Ky.	Tolan
Cooper	Hill, Okla.	O'Toole	Towey
Costello	Hill, Wash.	Owen	Transue
Cox	Hobbs	Pace	Turner
Crosby	Honeyman	Pearman	Umstead
Crowe	Houston	Patrick	Vincent, B. M.
Cullen	Jarman	Patterson	Vinson, Ga.
Daly	Jeffries, Ind.	Patton	Vinson, Fred M.
Deen	Johnson, Tex.	Pearson	Wallgren
Dempsey	Johnson, W. Va.	Peterson, Fla.	Walter
Dies	Jones	Peterson, Ga.	Warren
Dingell	Kennedy, Md.	Peyser	Weaver
Disney	Kennedy, N. Y.	Pfeifer	Welch
Dixon	Kenney	Phillips	Wheichel
Doughton	Keogh	Quinn	Whittington
Doxey	Kerr	Rabaut	Wilcox
Drewry, Va.	Kirwan	Ramsay	Williams
Driver	Kloeb	Randolph	Wolverton
Duncan	Kniffin	Rankin	Wood
Edmiston	Kocialkowski	Rayburn	Woodrum
Evans	Kopplemann	Reilly	

NOT VOTING—116

Allen, Ill.	Arends	Biermann	Caldwell
Allen, Pa.	Bacon	Boehne	Cannon, Wis.
Amlie	Barden	Buckley, N. Y.	Clark, Idaho
Anderson, Mo.	Bates	Burch	Clason
Andrews	Beam	Byrne	Coffee, Nebr.
Cole, N. Y.	Gray, Pa.	Lea	Polk
Collins	Greenwood	Lesinski	Ramspeck
Colmer	Griswold	Lewis, Md.	Rich
Connery	Gwynne	Long	Richards
Cravens	Havenner	Lord	Schaefer, Ill.
Creal	Healey	Lucas	Seger
Crowther	Hennings	McCormack	Shanley
Cummings	Higgins	McGehee	Smith, Wash.
Curley	Hook	McGroarty	Somers, N. Y.
Delaney	Hope	McSweeney	South
DeRouen	Hull	Magnuson	Stack
Dickstein	Hunter	Mahon, Tex.	Sullivan
Dorsey	Imhoff	Maloney	Taber
Douglas	Jenks, N. H.	Mosier, Ohio	Taylor, Colo.
Drew, Pa.	Johnson, Minn.	Mouton	Taylor, S. C.
Eckert	Kee	Norton	Thurston
Ellenbogen	Keller	O'Connell, R. I.	Tobey
Ferguson	Kelly, Ill.	O'Day	Treadway
Fish	Kelly, N. Y.	O'Neill, M. J.	Voorhis
Flannagan	Kinzer	Parsons	Wadsworth
Gearhart	Kitchens	Pettengill	Wene
Gilchrist	Kleberg	Pierce	West
Gingery	Lamneck	Plumley	White, Idaho
Goodwin	Larrabee	Poage	Zimmerman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Treadway (for) with Mr. Johnson of Minnesota (against).
Mr. Cole of New York (for) with Mr. Pettengill (against).
Mr. Wadsworth (for) with Mr. Delaney (against).
Mr. Tobey (for) with Mrs. Norton (against).
Mr. Douglas (for) with Mr. Sullivan (against).
Mr. Taber (for) with Mr. Ferguson (against).
Mr. Hull (for) with Mr. Byrne (against).
Mr. Amlie (for) with Mr. Boehne (against).
Mr. Jenks of New Hampshire (for) with Mr. Kelly of New York (against).
Mr. Lord (for) with Mr. Griswold (against).
Mr. Crowther (for) with Mr. Maloney (against).
Mr. Andrews (for) with Mr. Somers of New York (against).
Mr. Kinzer (for) with Mr. Dickstein (against).

Until further notice:

Mr. Burch with Mr. Bacon.
Mr. Richards with Mr. Seger.
Mr. Hennings with Mr. Hope.
Mr. Taylor of South Carolina with Mr. Allen of Illinois.
Mr. Collins with Mr. Arends.
Mr. Lea with Mr. Gearhart.
Mr. Taylor of Colorado with Mr. Taylor of Tennessee.
Mr. Lamneck with Mr. Bates.
Mr. Greenwood with Mr. Goodwin.
Mr. Flannagan with Mr. Plumley.
Mr. Wene with Mr. Rich.
Mr. Beam with Mr. Clason.
Mr. Zimmerman with Mr. Fish.
Mr. Parsons with Mr. Gwynne.
Mr. Ramspeck with Mr. Havenner.
Mr. McCormack with Mr. Gilchrist.
Mr. West with Mr. Allen of Pennsylvania.
Mr. McGehee with Mr. Kee.
Mr. Caldwell with Mr. Shanley.
Mr. Higgins with Mr. Pierce.
Mr. Creal with Mrs. O'Day.
Mr. Dorsey with Mr. Magnuson.
Mr. South with Mr. Ellenbogen.
Mr. Clark of Idaho with Mr. Anderson of Missouri.
Mr. Barden with Mr. Mahon of Texas.
Mr. Imhoff with Mr. Coffee of Nebraska.
Mr. Cravens with Mr. Smith of Washington.
Mr. Lewis of Maryland with Mr. Mosier of Ohio.
Mr. Biermann with Mr. Gingery.
Mr. Polk with Mr. Drew of Pennsylvania.
Mr. Stack with Mr. Buckley.
Mr. Lucas with Mr. O'Neill of New Jersey.
Mr. Connery with Mr. Poage.
Mr. Eckert with Mr. Mouton.
Mr. Schaefer of Illinois with Mr. Healey.
Mr. Kleberg with Mr. McSweeney.
Mr. Gray of Pennsylvania with Mr. O'Connell of Rhode Island.
Mr. Cummings with Mr. Larrabee.
Mr. Curley with Mr. Long.
Mr. Keller with Mr. Hook.
Mr. DeRouen with Mr. Lesinski.
Mr. Colmer with Mr. Kitchens.
Mr. McGroarty with Mr. Hunter.

Mr. CROSSER, Mr. NELSON, and Mr. BOREN changed their vote from "nay" to "yea."

Mr. HART. Mr. Speaker, my colleague, the gentlewoman from New Jersey [Mrs. NORTON], is necessarily absent on account of illness. If present she would vote "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

THE GUFFEY-VINSON COAL BILL

Mr. FRED M. VINSON. Mr. Speaker, I present a conference report and statement on the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, for printing under the rule.

ADJOURNMENT OVER

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

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. SCOTT and Mr. JENKINS of Ohio asked and were given permission to revise and extend their own remarks in the RECORD.

DISASTER LOAN CORPORATION

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 251, to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936.

The Clerk read the title of the joint resolution.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, it is my impression that a rule has been granted for the consideration of this bill.

The SPEAKER. The Chair is so informed.

Mr. WOLCOTT. I understand that one or two Members on this side may want to discuss the bill briefly. I wonder if an agreement could not be reached as to time for debate.

The SPEAKER. The Chair states to the gentleman that Members can discuss the bill under the 5-minute rule.

Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the act entitled "An act to provide for loans made necessary by floods or other catastrophes of the year 1937", approved February 11, 1937, is hereby amended as follows:

By striking out of the second paragraph thereof "year 1937" and inserting in lieu thereof "years 1936 or 1937."

Mr. STEAGALL. Mr. Speaker, I do not desire to tax the patience of the House by undertaking a lengthy explanation of this bill. I am sure every Member is familiar with its provisions. It will be remembered that on February 11, 1937, we passed an act for the establishment of the Disaster Loan Corporation to be officered by officials of the Reconstruction Finance Corporation for the purpose of making loans to sufferers from disasters during the year 1937. For the purpose of carrying out the provisions of that act we made available the sum of $20,000,000 which had been left over from a fund of $50,000,000 that had been provided in an act of last year designed to afford relief of the same type for people who suffered from similar disasters during the year 1936. Loans to victims during 1936 could not be made after January 1, 1937.

The provisions of the pending resolution extend the benefits of the act of February 11, 1937, to sufferers from disasters during the year 1936, so that anybody who was not taken care of under the former act will be eligible for loans under the recent legislation. Victims of disasters in 1936 will share in the benefits of the recent act, the same as those of 1937. This, in short, Mr. Speaker, is the purpose of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. MARTIN of Massachusetts. I understand the pending bill merely permits sufferers of the 1936 floods to enjoy the same benefits enjoyed by the sufferers in the recent disasters.

Mr. STEAGALL. The gentleman is correct.

Mr. FORD of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of California: On page 1, line 4, after the word "floods", add a comma and the word "freeze."

Mr. STEAGALL. Mr. Speaker, I reserve a point of order on the amendment.

Mr. FORD of California. Mr. Speaker, in 1937 the State of California suffered a tremendous loss by reason of a freeze that affected the citrus belt, causing damage to the extent of $55,000,000 or $60,000,000. The great majority of the growers can take care of their losses.

There are a few small groves, however, that were just about to come into bearing caught in this frost and those groves were set back 1 or 2 years. Those people have exhausted their capital in bringing the groves to that point of production. If they can get a small loan for 1 or 2 years, it will carry them over and save a number of groves in the State. I may say every dollar of this money will be paid back.

The SPEAKER. Does the gentleman from Alabama insist upon his point of order?

Mr. STEAGALL. Mr. Speaker, I insist on my point of order against the amendment.

The SPEAKER. The Chair is ready to rule.

The amendment offered by the gentleman from California [Mr. FORD] proposes to amend the title of an existing law. The Chair is of opinion that an amendment to the title of an existing act is not germane to the substantive matter of the proposed joint resolution, and, therefore, sustains the point of order.

Mr. MICHENER. Mr. Speaker, I move to strike out the last word, and may I ask the chairman of the Banking and Currency Committee to give me his attention.

This is a matter some of us have not heard much about. The other day we passed the Disaster Loan Corporation bill and set up the Disaster Loan Corporation. At that time the gentleman strenuously opposed the Disaster Corporation taking care of the flood sufferers of 1936 on the ground it was retroactive. He stated we could not go back and take care of these floods. A few years ago in Michigan we had a hog-cholera epidemic. Then one year the frost got all of the peach blossoms. Some of our people have not recovered from those disasters.

Mr. STEAGALL. What is the gentleman's question to me?

Mr. MICHENER. In just a moment. Following the logic of the gentleman as presented when the Disaster Corporation bill was up for consideration, if we could not take care of these things that happened in the past then, I am wondering why he brings in this bill which will take care of floods that occurred in 1936? That is retroactive. In other words, if his logic was good a week ago then is it bad today?

Mr. STEAGALL. If the gentleman will permit, I wish to say that he evidently does not remember correctly the position I took on the occasion to which he refers. I made no objection to including in that act those who suffered from disasters of 1936. The bill before us at that time had been passed by the Senate and had been called up in the House by unanimous consent.

The suggested amendment would have delayed its passage for several days when we were in the midst of immediate suffering in Kentucky and other States by floods with which they had just been victimized. For that reason I urged that the amendment be not pressed at the time. One amendment was withdrawn upon my assurance I would request the Banking and Currency Committee, as soon as I could, to call a meeting to consider legislation for the benefit of the sufferers of 1936. In compliance with that agreement we offer the resolution before us this afternoon.

Mr. MICHENER. The gentleman states that the bill was passed the other day because he promised to take care of some floods, if he could get his bill passed that day. Would it be possible to have the gentleman promise now that if this bill goes through, he will bring in more bills to take care of other disasters, other floods, and other unfortunate things that have happened in years gone by?

I was not exactly facetious when I referred to the hog-cholera epidemic and the frostbitten peach blossoms in Michigan. Of course, these things are catastrophes, especially so when it deprives the farmer of his year's income. There are many thousands of such catastrophes happening to our people every year. These things have been happening since the beginning of time and will continue to the end of time. It is well and necessary for the Federal Government to come to the rescue of its people when national emergency overtakes them; at the same time it is not the function of the Federal Government to rush into local communities and render assistance every time some farmer

loses a cow, a businessman suffers a fire loss, or where the professional person is prevented by a spell of sickness from carrying on his occupation. A feeling is growing up among the people that they must look to Washington more and more for assistance. The natural sequence is that while they are looking to Washington for assistance they are submitting to control and regulation from Washington. In these days it seems so easy when something goes wrong at home, just to ask the Federal Treasury to furnish the funds to repair the injury. This is a dangerous custom and has brought about a deplorable lack of self-reliance and community responsibility among our people. This thing must stop. There is a bottom to the Federal Treasury. The Federal Government is still spending $2 for every $1 of its income.

It seems inevitable that we must increase Federal taxes. I say inevitable because it seems impossible for the Government to curtail expenditures. We have been assured by the administration that there will be no new taxes but that the expenses will be paid and the Budget balanced out of increased Federal revenue and without more taxes. It has already been demonstrated that this promise is fallacious. We are now squarely up against the facts; we have reached the crossroads in the highway and ere long must provide for additional taxes unless we stop these expenditures.

This bill before us takes care of 1936 catastrophes. Now, as a matter of fact, the local communities have already taken care of these emergencies in those communities. They did not get Federal aid. In 1937 the Congress passed the Disaster Act to care for this year's catastrophes. Immediately the Members of Congress representing districts suffering in 1936 started pressure movements to get some of this easy Federal money for their bailiwicks, and as is evidenced by the report of this committee this pressure has been effective. In the language of Smanthy Allen in the old book called The Cabbage Patch, "What is good for Thomas Jefferson is good for Tursy Ann." As a result we are all trying to get our hands into the Federal Treasury to take some of the easy money back home. I shall not be surprised to have other bills brought before us taking care of other unfortunate circumstances transpiring in the past and in days when it was not so popular to rush to Washington as the national nursemaid.

This whole policy must be discontinued and we must return to individual and local responsibility or else our country is going bankrupt. Warnings are of little value in Congress at this time, but the taxpayer is soon going to be aroused, and when he does realize how generous the Congress is with his hard-earned tax money, then the people back home will speak in no uncertain terms.

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I rise in opposition to the pro-forma amendment.

Mr. Speaker, I am sure that the remarks of the gentleman from Michigan relative to the broad scope of this bill were not intended as serious criticism of the proposal. Certainly, there should be no doubt as to the merit of the bill. This bill, House Joint Resolution 251, is simply an amendment to the amended Disaster Loan Corporation Act of 1936. Because in the first amendment to that bill the disasters of 1936 were omitted, the purpose of this bill is to cover those disasters, which, of course, should be covered. Fortunately, no real opposition has developed to this most just and equitable proposal, and under ordinary circumstances I would not take the time of the House in debating it.

Since some discussion has now arisen, however, I desire to say a brief word about the bill because it is of vital and particular interest to a little community in my own district. The town of Bandon, Oreg., last September was completely destroyed by fire which had its origin in one of the great forest areas of my State. In 45 minutes that thriving little city was wiped off the map almost as completely as if it had never existed. Bandon was a town of about 1,500 inhabitants. The total property loss in Bandon, by reason of the fire, was something more than $2,000,000, of which about $350,000 was municipal property, which included streets, sidewalks, all water and sewerage, light and power establishments, and all public buildings and equipment of every kind. Practically every dwelling house, about 500 in number, as well as the entire business section of the town, was destroyed.

The city of Bandon is wholly unable to rebuild its public property destroyed by fire. The disaster reduced the assessed valuation of all taxable property within the city from $798,110 to $424,680, against which reduced valuation there now stands a municipal debt of over $280,000, plus delinquent taxes of upward of $200,000.

Obviously, a municipality so situated cannot raise taxes immediately. Obviously, it cannot issue salable bonds. Obviously, it cannot offer the kind of security for a loan that is required under the original Disaster Loan Corporation Act. Neither can it offer the kind of security required by any other existing Federal loaning agency.

The town still has its principal pay roll intact because that pay roll came principally from the large sawmill located outside of town and beyond the fire zone. They have everything at Bandon with which to rebuild that little community except the money to go ahead and do the work. If this bill passes, Bandon can secure from the Disaster Loan Corporation the money necessary to rebuild all of its public property destroyed by the fire.

The amendment we are now considering will offer this little town of Bandon, Oreg., the chance for existence which otherwise it would not have. To Bandon, as a municipality, the enactment or defeat of this measure means all the difference between life and death. I dare say that under the amendment we are presently considering there are hundreds of towns similarly situated all over the United States which were damaged or destroyed by floods or fire or some other catastrophe in the year 1936, and these towns all will have the opportunity to benefit in the same way by the timely and humane aid which this bill is intended to provide.

Mr. Speaker, I want to congratulate the Banking and Currency Committee for bringing in this amendment, and its distinguished chairman, the gentleman from Alabama [Mr. STEAGALL], for his interest and energy in having the matter brought so speedily to a vote. I am grateful to my colleague, the gentleman from Connecticut [Mr. CITRON], who introduced the bill, and with whom it has been my pleasure and good fortune to cooperate continuously since its introduction. To all of these and to the general membership of the House I wish to express not only my own sincere appreciation but also the heartfelt thanks of the citizens of Bandon and of all the people of the State of Oregon.

The pro-forma amendment was withdrawn.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Without objection, House Resolution 173, providing for the consideration of the joint resolution just passed, House Joint Resolution 251, will be laid on the table.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's table and special orders heretofore made, I may be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on Tuesday, April 15, following the address of the gentleman from California [Mr. SCOTT], I may address the House for 15 minutes.

Mr. RAYBURN. I am not going to object, Mr. Speaker, but there are some Members present who are interested in the bill which is to be considered on Tuesday.

Mr. HOFFMAN. Is this the day the bill of the gentleman from New York [Mr. GAVAGAN] is up for consideration?

Mr. RAYBURN. Yes. There will be 6 hours of general debate, beginning on Tuesday. However, I have no objection to the request of the gentleman from Michigan [Mr. HOFFMAN].

The Speaker. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. MICHENER, Mr. WOLCOTT, Mr. CRAWFORD, Mr. SPENCE, Mr. MOTT, and Mr. LUDLOW, asked and were given permission to extend their own remarks in the RECORD.

The SPEAKER. Under the special order of the House heretofore entered, the gentleman from Massachusetts [Mr. GIFFORD] is recognized for 30 minutes.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REDUCTION OF GOVERNMENT EXPENDITURES

Mr. GIFFORD. Mr. Speaker, may I again remind the membership of the House that, as a member of the Committee on Expenditures, I feel there must be no dodging of my plain duty, even though this afternoon I debate a question which I wish I did not have to discuss. Perhaps I should take for my text something I read this morning, which you may also have read: "The cherry blossoms are very beautiful, but they bear no fruit", "Students of recent legislation and Congressmen who voted for such legislation ought to recognize the species." Therefore, I may appear to be critical of some recent legislation. I wish to make certain comments on relief measures before the message of the President is placed before us. I shall try to have the courage to discuss even the C. C. C. camps. In view of the well-nigh universal approval of them, I may well hesitate.

May I first add to what the gentleman from New Jersey has said today, and say that as far as relief legislation is concerned it has been politically very successful? Will you read the Review of Reviews of this week and note the comment of the editor to the effect that Mr. Farley certainly could have carried Maine and Vermont if he had taken the trouble? The editor goes on to say—

> Why, yes, he could have carried all the Provinces of Canada, he could have changed the Mexican Government, he could have upset Hitler, and he could have stopped the war in Spain, with the thousands of millions of dollars he had to use about as he saw fit.

These are not my words, and, even if the editor's statement is overdrawn, I hope that I may have interested you enough to read the whole article. You may really get something of value from it.

A message will be sent to us soon asking for more billions for relief—and we have no money. In one breath we are told we must not borrow any more and in the next we are told we must have several more billions. Economically, relief appropriations have probably not been too successful; politically, successful beyond your fondest hopes. Actual success will be determined much later on when we shall have suffered the evils of an indebtedness of possibly $35,000,000; that is, if it shall later have brought on the feared inflation and other dangers. We will then regret our zeal, which has so often overcome our judgment.

We are apparently to make permanent the C. C. C. camps. Do we know enough about them? What of the enormous expense involved? I have tried to learn about them, as I have endeavored to learn about other relief expenditures. I have visited such camps often. I have addressed the young men on many occasions. I have tried to contribute to their entertainment. I have seen much of their work in my own territory. In my district I have seen two camps built at large expense and then wholly abandoned. I looked at the work done and was assured by a competent forester that, with a tractor and 20 men familiar with work in the woods, he could have done what these 300 boys had done in the same time.

I am for the aims of C. C. C. I do not regret the expense of the work that has been of any permanent value. I want all the intangible values you can mention retained. However, I am not at all pleased with the enormous expenses, as shown in the figures I have been able to secure. If my Committee on Expenditures would allow us to call witnesses, we could get more definite ones. I can get them only by way of newspaper reports and comments and by the speeches made here.

I cannot get the information as accurately as I could if the proper witness were on the stand. While we read that there have been 1,700,000 of these young men enrolled in these camps, I am not sure of the number. However, if that is the number, many of them did not stay long. I know they say it costs, roughly, $1,000 per young man, but I find that it costs nearer $1,200 per person, yet we pay him and his family only $360. A contractor certainly could have done his work for $240. How about the balance of $600? We should provide much of the so-called intangible value for this sum and bring about far greater results in educational and moral values.

Cannot we take care of these intangible values for much less than this amount when it is admitted on the floor of this House that every 21,000 of the 350,000 are taking advantage of the correspondence courses provided? Think of it! Of the $486,000,000 that it cost last year, only $1,000,000 was expended for these educational or intangible features, as suggested by the gentleman from Virginia [Mr. RANDOLPH].

Lately I have written several of the educational workers in the camps asking if they would explain to me more carefully the value of the intangible features of the work. Always, when I visit them or when they write me, they tell me about one young man or a certain limited number who have shown excellent results. I received a letter just this morning about one young man who is a high-school graduate. He did not need to be taught the three "R's", but he had lost his courage and the camp had brought about a better outlook on life as a result of which he had been greatly benefited. Seemingly some other way might, perhaps, be provided at much less expense to help in such cases. Certainly more discipline is needed in most of these camps. The men can usually stay out as late at night as they wish to. You and I have picked them up on the road at all hours of the night and they tell you they can get back into camp any time they please, providing that they are on hand for work in the morning.

I hope the Members will ponder over these suggestions and if anyone cares to comment on them I shall be very pleased. I wish to be shown if I am mistaken in my viewpoint.

I want the soil-erosion and forestry projects carried on, but such work is only worth exactly what a contractor would have done it for. This is a hard, cold statement of fact and we cannot get away from it. The fact that these boys did the work does not affect the value of the work done.

If you want to do something for these boys, let a contractor do the work at these lower prices and then give the boys some worth-while training and do not bait him with entertainment in order to persuade him to take a little of these educational advantages.

We must acknowledge that a large proportion of them do not get the sort of training we have been led to believe. Why boast so much on this floor of the intangible values when the facts do not warrant the tremendous expense involved? It is nice to have this work done, but the cost and usefulness thereof must be considered.

If the wages and relief is $360, and the work can be done for $200, let us find a better way to help these boys. Prices are now going up from 15 to 20 percent on supplies and you cannot say that we need this work for the further relief of industry. This argument is passe. The pump has been primed. If we now desire to make those camps permanent, we must face the facts and consider expense. Every State will wish to get its share, but camps should be located only in places where real and permanent benefits will be derived and not on land that is not worth $3 an acre, to be later abandoned to resume its former condition. I have in mind camps where they built 39-odd miles of road, now generally either muddy or dusty, and on land of little value.

Now the roads are impassable and now money will have to be provided from other sources to maintain them.

Do not expect posterity to point to many of these jobs as representing common sense and lasting values such as certain other speakers have conveyed. Let us preserve whatever of good we are doing for these boys, but let us not do foolish work, and waste unnecessary millions of money which we have had to borrow for this purpose.

I am not complaining about the work that needs to be done, but let us have it done at less expense and then use the saving for the actual training and education desired. We have been spending nearly $500,000,000 for three-tenths of 1 percent of our people, and if you include their families, it is then only 1½ percent, and if you add all the others involved you get only 2½ percent aided by this one-half billion of dollars. The cost was $486,000,000 last year and $435,000,000 the year before, and now it is proposed that it be a permanent expense. The proportions are the same, even if the number is reduced.

I hope you may not misunderstand me. I taught school a long time and I love boys as much as, and I think more, than almost any man in front of me. I think I have done my part during my life toward helping them. I have visited these camps and have talked to the boys. I looked at the lads in the front row but was more interested in those in the back. Of course, the camps have done much good, but not what we had hoped for, considering the amount of money spent and largely wasted in localities where the work was not needed and where the projects were later abandoned. Certainly there ought to be more of discipline and required application to educational features if the camps are to be continued.

I am bringing this matter to your attention while the subject of making the C. C. C. camp permanent is being considered. We must face the realities of this great expense and the fact that we are making no provision for meeting it.

You say you cannot measure intangibles by money. You certainly must do it. 'We cannot edu!ate our sons without measuring exactly the amount of money it is going to cost us to do it. If we do not have the money, we have to borrow it and mortgage the future in so doing. It is no different with the Government. We have no money. We have to borrow the money in order to continue this experiment. Let us think it over carefully. We read in nearly all the newspapers that it has been a very wonderful thing. Of course, it has, if the results are really commensurate with its cost—a cost of nearly $2,000,000,000 to date.

Again I say I am very desirous that this matter be given full and careful consideration before saddling such a heavy burden of cost on our people. Are there not better methods at one-half the expense?

I am one of those who believe in direct relief. It costs 50 percent less than the present method of relief. Made work is surely only a form of dole. Made work largely is useless work. It may be like the cherry blossoms. It is pleasing to have them if we can afford such things, but we no longer have any money and have borrowed all that it is safe to do.

I told you we could not get the proper information. You must read the recent issue of the Saturday Evening Post. Two experts reported therein that, after careful examination, it was found that the overhead of made work relief is 39 percent, and only 15 percent in direct relief. We must now consider that information with great care and with a willingness to consider the arguments on both sides of the case. The word "dole" may be called by a better name and the sting taken from it.

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

Mr. GIFFORD. I yield.

Mr. HOUSTON. Does not the gentleman really believe in a well-thought-out, long-term, long-range public works program?

Mr. GIFFORD. Exactly. The gentleman from Virginia [Mr. WOODRUM] recently congratulated you on the speed of your relief measures. When we voted you $3,300,000,000 in 1933, from April until Christmas, practically nothing was done. There was scarcely a project ready. I called attention here to the number of men in each State who had been put to work on what they called a "carefully selected, planned work", but very, very few were actually assigned to work on December 1. It was anything but speed. Just before Christmas, in desperation, checks were forwarded to every municipality in the country for one-half of its relief load, and another amount for work relief. Wealthy communities received and accepted these gifts, whether needed or not.

Speed? Yes, they greatly desired distribution before Christmas. But I could talk a long time about the dismal mistakes and failures of that period. But our memories are so short! Do not talk to me about "speed in relief" during those months from April to December 1933.

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

Mr. GIFFORD. I yield.

Mr. RABAUT. There would not be a much better time to give it than at Christmas time? The gentleman would not want it given the day before election?

Mr. GIFFORD. Splendid. I appreciate that. But is the gentleman so pleased that it should have been given to these wealthy communities?

Mr. RABAUT. No. I am not pleased that they should give it to wealthy communities, but I do not think it is the proper time for criticizing something that was done just before Christmas. I think the gentleman will agree with me.

Mr. GIFFORD. The gentleman from Kansas [Mr. HOUSTON] says, "Is it not wise now to conduct carefully planned work?" We had the C. W. A. What a stench, even in memory! We had the F. R. A. with much local control. Then we had the F. E. R. A., under the dictation of all sorts of officials of the Federal Government. Finally we have the W. P. A. Do you not remember the row between Mr. Hopkins and Mr. Ickes, wherein the latter wanted to take charge of all these carefully planned works on which the most of the funds ought to be expended. But Mr. Hopkins said we must have made work. It was quicker planned and would relieve more people. It may have. This may have been true, but lately his W. P. A. has largely been getting into the sphere of Mr. Ickes' recommendations, has it not? The W. P. A. now is greatly interested in matching funds for school houses, water works, and things of permanent value. We can be a little more hopeful of Mr. Hopkins' activities, which were formerly so wasteful. But they are still giving it to wealthy communities which can generally afford to match the grants and get there first with their requests. It is not right that wealthy municipalities profit at the expense of our Federal Government, now at the end of its financial rope, according to Eccles and Morgenthau.

Mr. HOUSTON. Will the gentleman yield further?

Mr. GIFFORD. I yield.

Mr. HOUSTON. I agree with the gentleman on that. I do not believe in all that, but I do believe that business and the properly constituted organizations should begin to formulate some kind of a long-range, well-thought-out public-building program that could be put into effect any time it was necessary.

Mr. GIFFORD. Oh, for some years, now, we have had the Natural Resources Board and other boards reporting to Hopkins, who says, "Give the report to the poor. You make me laugh." That is about what he has said in reply to suggestions as to long-range planning and proposals for direct relief.

Mr. HOUSTON. That is true and I agree with the gentleman. Mr. Ickes believes in a long-term, long-range program.

Mr. GIFFORD. So do I, but I do not think they should give Federal funds to municipalities which do not need assistance and to States whose credit is as good as that of the Federal Government.

Mr. HOUSTON. I agree with the gentleman on that.

Mr GIFFORD. It should not have been done.

Mr. HOUSTON. Let me ask the gentleman just one more question, not strictly from a political viewpoint. We know that the Republican Party is against the expenditure of funds such as has been going on during this administration. Every Member of Congress probably has had the experience I have had of a wealthy community with no bonded indebtedness whatever asking me to help obtain loans to build schoolhouses, yet they are against spending. If they need it they should have it, and I would not want to take it away from them.

Mr. GIFFORD. I understand what the gentleman means. I recently read of a town where half the taxes are paid by summer residents, and it has just got a new water plant about half paid for by the Federal Government and a new schoolhouse half paid for through the same source.

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

Mr. GIFFORD. I yield.

Mr. KITCHENS. In March 1933, I believe, this Government owed $20,800,000,000. Today we owe about $34,000,000,000.

Mr. GIFFORD. Thirty-five billion dollars.

Mr. KITCHENS. All right; in March 1928 a man who had 100 bushels of wheat could pay $25 taxes. Today a man with 100 bushels of wheat can pay $50 taxes and have $75 or more left. If he had a share of stock in 1928, it was worth only one-tenth what it is today. He can get 10 times as much for it today as he could then—on a great many issues. A man with a bale of cotton in 1933 could pay $25 of taxes if they took it all. Today he could pay $50 and still have as much left as he could have got for the whole bale of cotton in 1933. In view of this, does not the gentleman think that the money the Government has been spending is helping the people, and that we really owe less today than we did in 1933?

Mr. GIFFORD. I appreciate, of course, the gentleman's viewpoint. I could wish that I were a wheat farmer or a cotton raiser. I own some little real estate. For some 5 years I have been unable to move any of it, and I am in no position to pay my taxes, just as I was 4 years ago. Now I am merely about hanging on. There are a lot of people who have such things who have been just hanging on for the last 4 years. I think a little sympathy is due them. Their condition is actually worse, for their taxes have been materially increased. The Democrats have now got the debt up to $35,000,000,000, and the Republican Party, when it comes into power in 1940, will not have a nickel left to carry on with.

I may say to the gentleman who commented a few minutes ago on the spending program that its effect will be largely determined by whether or not inflation or other dire results of borrowing come upon us. If inflation comes from our financial operations, and the people have to lose their savings and all values crash, we will wish to forget the great expenditures on borrowed money so blithely made during the last 4 years.

Mr. RABAUT. Is the gentleman's State doing anything now about a long-range tax program?

Mr. GIFFORD. We have a Democratic Governor. I am ashamed of his recent coming to Washington for help from the Federal Treasury.

Mr. RABAUT. Are they giving you any relief?

Mr. GIFFORD. Of course. I presume all States are demanding their share so long as lump sums are appropriated. We are going ahead under the present set-up, but can we not hope for a different distribution of relief funds?

I do not want to be political, but I know—we all know—we have to have votes. It is the votes that count. State and town officials must get their share of relief or lose the votes. They are judged by their ability to get these funds, unfortunately. Will that day ever come when you will say, "It shall go only to those who need it"? I will join with you in the proposition that every man who really needs relief shall have it. But the present methods of distribution are abominable in many respects.

Mr. RABAUT. I appreciate the sincerity of the speaker, but does not the gentleman think there is a general interest in the plight in which the people have found themselves rather than this criticism now from the political angle?

Mr. GIFFORD. Yes; and you and I have plenty of people on relief who are going to be there permanently. You cannot drive them off. You say they have lost their courage, but they have lost their desire. We also fix it so that men do not dare go off relief and take a job, because it is such a hard matter to get back on the relief rolls. The situation is in a very sorry mess.

Mr. RABAUT. That is what is bothering them. We are changing it.

Mr. GIFFORD. I wish you were. You have been a long time doing it. You have taken 4 long years and spent all the money possible, and now Mr. Eccles says you must not spend any more. He asserts that you must not borrow any more money; that the danger point has been reached. You have been skating on thin ice and must keep farther away from the water hole of debt and inflation. You must now force the States to take care of their own. Whenever the States prove they cannot handle the situation, I will vote with you gentlemen to help them, either by lending them the money or giving it to them. But stop these present foolish and dangerous practices. Carry on the P. W. A. as we can afford it. A man sandpapering a roadside for months at a time realizes he is on a dole and wishes he could have his time at home by himself, where he could do more for himself and for the Nation's good by having that time to work on his own property or for himself while receiving some direct relief.

Mr. O'MALLEY. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. If the Federal Government gets out of the relief business, can the gentleman tell us how the States can reach these millionaires who take millions of income out of my State and live in New York and make them bear their fair share of this relief load?

Mr. GIFFORD. You are surely getting them now.

Mr. O'MALLEY. We are getting them through the income tax.

Mr. GIFFORD. And you still retain in your State the money that is invested. You do not talk about the money that has been lost. Much of the money invested there you still have in property located there. You have the wages of the men working on the property there. You have the taxes on that property. Now you would like to come into my State and siphon out even the profits the man has made.

Mr. O'MALLEY. Absolutely.

Mr. GIFFORD. You do that under the sixteenth amendment. You would like to have it all there. You would like to bait us into investing our money and risking it there and if we make any profit you want to siphon it back there. I fully understand that theory.

Mr. Speaker, there is much to be said on this subject of relief. As ranking minority member of the Committee on Expenditures, I want to do my duty and do it courageously. I am not opposing relief. I am not opposing the C. C. C., as such, but I am asking you to consider the tremendous cost. I know that better results should be had for much less money spent.

Mr. SPENCE. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Kentucky.

Mr. SPENCE. I am somewhat surprised to hear the gentleman's attack on the C. C. C.

Mr. GIFFORD. I am by no means attacking that organization. I have suggested that some claims made for it have been greatly exaggerated.

Mr. SPENCE. The C. C. C., it seems to me, has taught the young men discipline and obedience and things they have not been taught at home. It has taken them off the streets at a time when they could not find employment. It has rendered a great service to the country. The cost, of course, is another thing; but I do believe it has been beneficial to our institutions and to the stability of America in general.

Mr. GIFFORD. I grant all that. But if I had a boy and you passed me $700 or more, I could spend it on him with a private tutor. You could do a lot for these boys and not leave them so much to their own ends. The gentleman knows all about that. Of course, some of these camps are very well handled. Some of them are not. Some of them

are doing useful work. Some are doing little of value, present or permanent.

Mr. SPENCE. Does not the gentleman think it teaches them obedience and discipline?

Mr. GIFFORD. To a certain degree; yes. I am glad to help in any beneficial way I can, but I insist we could do much more for the real good of these boys with so large an expenditure.

Mr. SPENCE. Would they have gone to a private tutor and would they have spent the $700 that way?

Mr. GIFFORD. The gentleman is now talking about something else. If they do not wish anything for them, that is another matter.

Mr. SPENCE. But we are doing something for them.

Mr. GIFFORD. I am merely asking the gentleman to consider the cost. I want all the good things preserved.

Mr. HOFFMAN. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. HOFFMAN. In view of the statement made by the gentleman from Wisconsin about millionaires coming in, I wonder if the gentleman from Wisconsin objects to foreign capital coming into the State of Wisconsin?

Mr. GIFFORD. He objects to them going out again after they get in there.

Mr. HOFFMAN. Does he object to capital going into his State, developing industries there, and supplying employment to the Wisconsin workers? That is what I am wondering.

Mr. O'MALLEY. The millionaires who have left our State to escape taxation made their millions originally in the State and brought very little with them when they came in. The only way we can get relief funds to feed these men who have been thrown out of employment after the orders have fallen off is through the Federal income tax. Then the Federal Government gives it back to them.

Mr. HOFFMAN. Did they come in because the Wisconsin folks lacked the ability to develop their own industries?

Mr. O'MALLEY. They come in to cut down our forests and mine our coal. Most of them came in with carpetbags and went out with millions.

Mr. GIFFORD. It does not matter to me so much who has the millions.

Mr. O'MALLEY. It does not matter to me, either. I have not got it.

Mr. GIFFORD. It does not matter to me if they will only invest it properly for the benefit of humanity. I have told you about the real estate I have owned. I should not have bought it. I should not have struggled to pay the taxes. I made a mistake. Somebody else should have had the money, and they would have invested it a great deal better, perhaps, for the real benefit of our citizens. Few of us have the capacity to use wealth properly, but all of us can envy those who do wisely control the use of it.

I do not think we ought to complain if the man who has money uses it properly for the benefit of humankind.

Mr. COOLEY. What did the gentleman state is the average cost of keeping a boy in a C. C. C. camp?

Mr. GIFFORD. One thousand two hundred dollars. It was claimed on the floor the cost is, roughly, $1,000. The expense was $486,000,000 last year. There were less than 351,000 enrollees. You divide it. If you divide it, you will find it is more than $1,200. [Applause.]

I will not take further time to enlarge on this subject. I will extend my remarks. Do not say I am against either relief or the C. C. C. I am not. I simply wish to protect the Treasury and get better results from these enormous spendings.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the last special orders heretofore entered, I may address the House for 30 minutes.

Mr. MARTIN of Massachusetts. Mr. Speaker, I am sorry, but I must object at this time.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 208. An act for the relief of Charles E. La Vatta; to the Committee on Claims.

S. 545. An act for the relief of John Mulhern; to the Committee on Claims.

S. 585. An act relative to consolidation of rural mail routes; to the Committee on the Post Office and Post Roads.

S. 652. An act for the relief of John B. Jones; to the Committee on Military Affairs.

S. 720. An act to authorize the acquisition of land for military purposes at Fort Ethan Allen, Vt.; to the Committee on Military Affairs.

S. 772. An act for the relief of F. P. Delahanty; to the Committee on Claims.

S. 870. An act for the relief of Hector H. Perry; to the Committee on Military Affairs.

S. 880. An act for the relief of Albert D. Castleberry; to the Committee on Military Affairs.

S. 890. An act for the relief of Walter S. Hendershot; to the Committee on Military Affairs.

S. 978. An act to extend the provisions of certain laws to the District of Columbia; to the Committee on Roads.

S. 1226. An act to amend the act of May 3, 1935, relating to the promotion of safety on the highways of the District of Columbia; to the Committee on the District of Columbia.

S. 1239. An act for the relief of John W. Beck; to the Committee on Military Affairs.

S. 1263. An act to authorize the consideration of recommendation of an award of a decoration to George J. Frank for distinguished service; to the Committee on Military Affairs.

S. 1278. An act to authorize exchange of lands at military reservations, and for other purposes; to the Committee on Military Affairs.

S. 1367. An act for the relief of George Yusko; to the Committee on Military Affairs.

S. 1426. An act to protect more effectively the governmental monopoly of the carriage of mail; to the Committee on the Post Office and Post Roads.

S. 1479. An act for the relief of the estate of Charles White; to the Committee on Claims.

S. 1516. An act to authorize certain payments to the American War Mothers, Inc.; the Veterans of Foreign Wars of the United States, Inc.; and the Disabled American Veterans of the World War, Inc.; to the Committee on Military Affairs.

S. 1538. An act relative to the military record of John Pate, deceased; to the Committee on Military Affairs.

S. 1572. An act for the relief of Frank Fisher; to the Committee on Military Affairs.

S. 1586. An act to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird Quartermaster Depot, Baltimore, Md.; to the Committee on Military Affairs.

S. 1622. An act authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

S. 1652. An act to provide for the payment of certain Creek equalization claims, and for other purposes; to the Committee on Indian Affairs.

S. 1826. An act for the relief of Francis Gerrity; to the Committee on Military Affairs.

S. 1945. An act to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes; to the Committee on Indian Affairs.

S. Con. Res. 7. Concurrent resolution expressing the sense of Congress on so-called sit-down strikes and the industrial spy system; to the Committee on Labor.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 157. An act to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.);

H. R. 4286. An act to provide special rates of postage on matter for the blind;

H. R. 5293. An act to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California;

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; and

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 316. An act for the relief of Edward Y. Garcia and Aurelia Garcia;

S. 462. An act to authorize any Government department to exchange used parts of certain types of equipment for new or reconditioned parts of the same equipment;

S. 463. An act for the relief of George A. Hardy, Mang B. Kiechle, John C. McLeod, and Earl W. Zimmer;

S. 525. An act for the relief of Harry King;

S. 544. An act for the relief of M. K. Fisher;

S. 784. An act for the relief of Amelia Corr;

S. 1038. An act for the relief of Victor M. Ruiz C and Luz Elena Robles;

S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and also to officers of the Foreign Service of the United States at foreign stations;

S. 1310. An act for the relief of Cesaria Del Pilar;

S. 1311. An act for the relief of Norman Hildebrand;

S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard;

S. 1455. An act to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army, and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;

S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit; and

S. J. Res. 53. Joint resolution providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

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

H. R. 157. An act to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.);

H. R. 4286. An act to provide special rates of postage on matter for the blind;

H. R. 5293. An act to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California;

H. R. 5299. An act to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes;

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; and

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry.

ADJOURNMENT

Mr. O'MALLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p. m.) the House, under its previous order, adjourned until Monday, April 12, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet on Monday, April 12, 1937, at 10:30 a. m., to continue hearings on the report on the Atlantic-Gulf waterway (Florida ship canal).

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committe on the Public Lands on Tuesday, April 13, 1937, at 10 a. m., in room 328, House Office Building, to consider title I of H. R. 5856. Public hearing.

There will be a meeting of the Committee on the Public Lands on Tuesday, April 20, 1937, at 10 a. m., in room 328, House Office Building, to consider H. R. 5394, to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

527. Under clause 2 of rule XXIV a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1937, to remain available until June 30, 1938, for the Weather Bureau, Department of Agriculture, amounting to $500,000 (H. Doc. No. 206), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CELLAR: Committee on the Judiciary. House Joint Resolution 284. Joint resolution authorizing the President of the United States of America to proclaim the 13th day of April of each year Thomas Jefferson's Birthday; without amendment (Rept. No. 575). Referred to the House Calendar.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 6145. A bill authorizing the Secretary of Commerce to accept title to a certain parcel of land at Gaithersburg, Md.; without amendment (Rept. No. 576). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEVER: Committee on the Public Lands. H. R. 152. A bill to add certain lands to the Rio Grande National Forest, Colo.; without amendment (Rept. No. 577). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 3928) granting an increase of pension to John Albert Fritz, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GAMBRILL: A bill (H. R. 6276) to authorize the erection of a United States Veterans' Administration hospital in or near the city of Baltimore, Md.; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of Minnesota: A bill (H. R. 6277) to authorize an appropriation to provide a program for the

elimination of hazards to life and property at railroad grade crossings; to the Committee on Roads.

By Mr. KOPPLEMANN: A bill (H. R. 6278) to provide for the protection and preservation of domestic sources of scrap steel; to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 6279) to authorize a preliminary examination and survey of the Saline River, a tributary of the Ouachita River in the State of Arkansas, with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. REES of Kansas: A bill (H. R. 6280) to require bonds to secure the departure of alien actors, artists, lecturers, dancers, and singers, temporarily admitted to the United States for professional engagements, upon expiration of the time for which admitted; to the Committee on Immigration and Naturalization.

By Mr. SUMNERS of Texas: A bill (H. R. 6281) to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport narcotic drugs, firearms, and counterfeit coins, obligations, securities, and paraphernalia, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 6282) to give precedence to civil and criminal proceedings arising under the customs or internal revenue laws which involve fraud upon the revenue of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 6283) to increase the punishment of second, third, and subsequent offenders against the narcotic laws; to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: A bill (H. R. 6284) to add certain lands to the San Isabel National Forest in the State of Colorado; to the Committee on the Public Lands.

By Mr. LEWIS of Maryland: A bill (H. R. 6285) authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va.; and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6286) authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN: A bill (H. R. 6287) to provide for space in Federal buildings for employees' credit unions; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 6288) to authorize a preliminary examination and survey of the Alameda and San Lorenzo Creeks and their tributaries in the State of California with a view to the control of their floods; to the Committee on Flood Control.

By Mr. WOOD: A bill (H. R. 6289) granting a pension to certain soldiers, sailors, and marines for service in the War with Spain, the Philippine Insurrection, and the China Relief Expedition; to the Committee on Pensions.

By Mr. LUECKE of Michigan: A bill (H. R. 6290) to authorize the erection of a United States Veterans' Administration hospital in or near the city of Gladstone, Mich.; to the Committee on World War Veterans' Legislation.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 6291) to authorize the deposit and investment of Indian funds; to the Committee on Indian Affairs.

By Mr. STEFAN: A bill (H. R. 6292) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 6293) to adjust the rank of certain Coast Guard officers on the retired list; to the Committee on Merchant Marine and Fisheries.

By Mr. GASQUE: A bill (H. R. 6294) granting pensions and increases of pensions to needy war veterans; to the Committee on Pensions.

By Mr. COCHRAN: A bill (H. R. 6295) to dispense with unnecessary renewals of oaths of office by civilian employees of the executive departments and independent establishments; to the Committee on Expenditures in the Executive Departments.

By Mr. LEMKE: Resolution (H. Res. 151) to make H. R. 3697, a bill to provide for the purchase and sale of farm products, a special order of business; to the Committee on Rules.

By Mr. WOODRUM: Joint resolution (H. J. Res. 319) making an appropriation for the control of outbreaks of insect pests; to the Committee on Appropriations.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Senate Joint Memorial No. 5 of the Legislature of the State of Montana, urging Congress to enact legislation creating the Fort Peck Power Authority, with powers and duties similar to that of the Tennessee Valley Authority; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Massachusetts, urging amendment of the Social Security Act; to the Committee on Ways and Means.

Also, Senate Joint Memorial No. 6 of the Legislature of the State of Montana, requesting the enactment of the normal-granary and crop-insurance program; to the Committee on Agriculture.

Also, House Joint Memorial No. 13 of the Legislature of the State of Montana, requesting Federal expenditure of at least $150,000 for the purpose of making a complete survey of the Yellowstone River Basin; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CARLSON: A bill (H. R. 6296) for the relief of Dr. A. C. Antony and others; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 6297) granting a pension to Catherine J. Talbot; to the Committee on Pensions.

By Mr. CONNERY: A bill (H. R. 6298) for the relief of Emery Norman Rodrick; to the Committee on Naval Affairs.

By Mr. DISNEY: A bill (H. R. 6299) granting a pension to Susanna Pearce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6300) granting a pension to Ellen Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6301) for the relief of James C. Bearskin; to the Committee on Claims.

By Mrs. JENCKES of Indiana: A bill (H. R. 6302) granting a pension to Claude A. Hunter; to the Committee on Pensions.

By Mr. KNIFFIN: A bill (H. R. 6303) granting an increase of pension to Ora E. Houser; to the Committee on Invalid Pensions.

By Mr. KOPPLEMANN: A bill (H. R. 6304) granting a pension to Excelia Lague-Leyo; to the Committee on Invalid Pensions.

By Mr. LANZETTA: A bill (H. R. 6305) for the relief of Leo Bandel; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 6306) to authorize the cancelation of deportation proceedings in the case of Henrietta Vendemmia; to the Committee on Immigration and Naturalization.

By Mr. LUECKE of Michigan: A bill (H. R. 6307) for the relief of Earl Kratz; to the Committee on Military Affairs.

By Mr. MAY: A bill (H. R. 6308) granting an increase of pension to Mary E. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6309) granting a pension to Arvil Roberts; to the Committee on Pensions.

Also, a bill (H. R. 6310) granting an increase of pension to Manerva Collins; to the Committee on Invalid Pensions.

By Mr. NICHOLS: A bill (H. R. 6311) for the relief of Joe Parker; to the Committee on Claims.

By Mr. OWEN: A bill (H. R. 6312) for the relief of Erline and Ima Dell Andrews; to the Committee on Claims.

Also, a bill (H. R. 6313) granting a pension to Cicero G. Rowden; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 6314) granting a pension to Charles Alcorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6315) granting an increase of pension to Martha J. Alcorn; to the Committee on Invalid Pensions.

By Mr. SPENCE: A bill (H. R. 6316) for the relief of Helen Niehaus; to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 6317) granting a pension to Missouri Pettis Benton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

1680. By Mr. ASHBROOK: Petition of the Democratic Women's Club of Concord Township, Ohio, favoring the President's Supreme Court proposal; to the Committee on the Judiciary.

1681. Also, petition of Rev. R. J. Stratton, of Butler, Ohio, urging that no law be passed that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1682. By Mr. CITRON: Petition of the Connecticut Textile Council, to support Ellenbogen textile bill; to the Committee on Labor.

1683. Also, petition of Theodore Hilton and others of the East Haddam Tax Association, of East Haddam, Conn., urging passage of House bill 4811, for flood control and power development of the Connecticut River; to the Committee on Flood Control.

1684. Also, petition of H. E. Mills, of New London, Conn., and of other Connecticut citizens, urging passage of House Resolution 262, for a study of labor relations and improvement of labor legislation; to the Committee on Labor.

1685. Also, petition of the Connecticut Textile Council, endorsing President Roosevelt's proposals on the Supreme Court; to the Committee on the Judiciary.

1686. By Mr. COFFEE of Washington: Petition of the Elk Plain Grange, No. 782, Elk Plain, Wash., urging passage of House bill 4009, appropriating $50,000,000 for noxious-weed control; to the Committee on Agriculture.

1687. By Mr. CONNERY: Petition of the General Court of Massachusetts, memorializing Congress in favor of restoring certain women to citizenship; to the Committee on Immigration and Naturalization.

1688. Also, petition of Local No. 201 of the United Electrical and Radio Workers of America, urging a substantial appropriation to facilitate the further work of the subcommittee of the Senate Committee on Education and Labor considering the La Follette resolution, Senate Resolution 266, providing for an investigation of violations of the rights of labor to organize and bargain collectively; to the Committee on Labor.

1689. Also, petition of members of the Lithuanian Roman Catholic Federation of America from Lawrence, Mass., and vicinity, in which they protest against the inhuman, intolerant, and oppressive acts of the Polish Government toward the Lithuanians in the Vilnius territory and, in the name of humanity and justice, appeal to the Congress of the United States and the League of Nations to intercede on behalf of the persecuted people and to take such steps as may be necessary to prevent continuation of such inhuman, intolerant, and oppressive acts of said Government; to the Committee on Foreign Affairs.

1690. Also, petition of the Massachusetts Forest and Park Association, opposing any realignment of the Federal bureaus by which those agencies dealing with the organic products of the soil may be placed under more than one department, and, further, that the administration of all public lands and water in which the production of plants, birds, and animals is the primary function be placed under the Department of Agriculture; to the Committee on Agriculture.

1691. Also, petition of the General Court of Massachusetts, memorializing Congress in favor of the establishment of a 5-day week and a 6-hour working day; to the Committee on Labor.

1692. Also, petition of the General Court of Massachusetts, memorializing Congress and the President of the United States to allocate to this Commonwealth a reasonable proportion of the total revenues voted by Congress for social purposes; to the Committee on Ways and Means.

1693. Also, petition of the General Court of Massachusetts, memorializing Congress in favor of the appropriation of additional funds by the Federal Government for the continuation of emergency unemployment relief projects; to the Committee on Banking and Currency.

1694. By Mr. FITZPATRICK: Petition of the Fourth Ward Democratic Club of Yonkers, N. Y., approving President Roosevelt's Supreme Court policy; to the Committee on the Judiciary.

1695. By Mr. DIXON: Resolution of the Ohio House of Representatives, memorializing Congress to maintain a position of strict neutrality on the part of the United States; to the Committee on Foreign Affairs.

1696. Also, resolution of the Ohio House of Representatives, endorsing the effort of the President to effect judicial reform; to the Committee on the Judiciary.

1697. Also, resolution of the Ohio House of Representatives, memorializing the Congress to appropriate such moneys as may be necessary for the construction of dams in the interest of flood prevention; to the Committee on Appropriations.

1698. By Mr. JOHNSON of Texas: Petition of Herschel I. Rush, superintendent of the I. O. O. F. School of Corsicana, Tex., favoring the Harrison-Black-Fletcher bill; to the Committee on Education.

1699. By Mr. KEOGH: Petition of the Wholesale Dry Goods Institute, New York City, concerning the Miller-Tydings bill (H. R. 1611); to the Committee on the Judiciary.

1700. By Mr. PFEIFER: Petition of the New York State Retail Hardware Association, concerning the fair-trade enabling bill (H. R. 1611); to the Committee on the Judiciary.

1701. Also, petition of the Brooklyn Chapter of the American Institute of Architects, Brooklyn, N. Y., concerning Senate bill 1170; to the Committee on Public Buildings and Grounds.

1702. Also, petition of the New York Chapter, the American Institute of Architects, New York City, concerning proposed changes to the central portion of the United States Capitol; to the Committee on Public Buildings and Grounds.

1703. By Mr. POLK: Petition of Tidd McCain, commander, and other members of Lois Camp No. 16, Sons of Union Veterans of the Civil War, Scioto County, Ohio, subscribing to the resolution adopted by their organization at Philadelphia on February 13, 1937, by opposing any change in the number of judges of the Supreme Court; to the Committee on the Judiciary.

1704. By Mr. RICH: Petition of citizens of Williamsport, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1705. By Mr. TREADWAY: Memorial of the General Court of Massachusetts, favoring the increase in the amount of Federal reimbursement for towns and cities granting old-age assistance; to the Committee on Ways and Means:

1706. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, memorializing Congress in favor of Federal legislation increasing the amount of Federal reimbursement for cities and towns granting old-age assistance; to the Committee on Ways and Means.

1707. Also, petition of the General Court of Massachusetts, memorializing Congress in favor of making the National Youth Administration a permanent organization; to the Committee on Education.

1708. By the SPEAKER: Petition of the Board of Commissioners of the Utah State Bar endorsing House Joint Resolution 19; to the Committee on the Library.

1709. Also, petition of the Southern Pine Association, protesting against the enactment of legislation which would increase the personnel of the Supreme Court; to the Committee on the Judiciary.

1710. Also, petition of the Cleveland Metropolitan Housing Authority, urging passage of House bill 5033; to the Committee on Banking and Currency.

1711. Also, petition of the Norfolk (Va.) Council of the American Legion, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1712. Also, petition of the Norfolk (Va.) Association of Fire Underwriters, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1713. Also, petition of the Norfolk (Va.) Council of Jewish Women, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1714. Also, petition of the Norfolk (Va.) Lions Club, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1715. Also, petition of the Norfolk (Va.) Chapter of the Reserve Officers' Association of the United States, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1716. Also, petition of the Brith Sholom Center, Norfolk, Va., urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

SENATE

MONDAY, APRIL 12, 1937

The Senate met at 12 o'clock meridian.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 9, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the bill (S. 1228) to amend the National Housing Act.

The message also announced that the House had passed a joint resolution (H. J. Res. 251) to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 462. An act to authorize any Government department to exchange used parts of certain types of equipment for new or reconditioned parts of the same equipment;

S. 463. An act for the relief of George A. Hardy, Mang B. Kiechle, John C. McLeod, and Earl W. Zimmer;

S. 1038. An act for the relief of Victor M. Ruiz C and Luz Elena Robles;

S. 1310. An act for the relief of Cesaria Del Pilar; and

S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senator's answered to their names:

Adams	Borah	Connally	Gillette
Andrews	Bridges	Copeland	Green
Ashurst	Brown, Mich.	Davis	Guffey
Austin	Bulow	Duffy	Hale
Bachman	Burke	Ellender	Harrison
Bailey	Byrd	Frazier	Hatch
Bankhead	Byrnes	George	Hayden
Bilbo	Caraway	Gerry	Herring
Bone	Chavez	Gibson	Hitchcock
Holt	Lundeen	Pittman	Thomas, Utah
Hughes	McAdoo	Pope	Townsend
Johnson, Calif.	McCarran	Radcliffe	Truman
Johnson, Colo.	McGill	Robinson	Tydings
King	McNary	Russell	Vandenberg
La Follette	Minton	Schwartz	Van Nuys
Lee	Murray	Schwellenbach	Wagner
Lewis	Norris	Sheppard	Walsh
Lodge	O'Mahoney	Smith	Wheeler
Logan	Overton	Steiwer	White
Lonergan	Pepper	Thomas, Okla.	

Mr. MINTON. I announce that the Senator from Alabama [Mr. BLACK], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Missouri [Mr. CLARK] is unavoidably detained.

The Senator from Kentucky [Mr. BARKLEY], the Senator from New Hampshire [Mr. BROWN], the senior Senator from Ohio [Mr. BULKLEY], the Senator from Illinois [Mr. DIETERICH], the Senator from Tennessee [Mr. MCKELLAR], the Senator from West Virginia [Mr. NEELY], and the Senator from North Carolina [Mr. REYNOLDS] are detained on important public business.

The Senator from Connecticut [Mr. MALONEY] is detained because of a death in his family.

Mr. AUSTIN. I announce that the Senator from Kansas [Mr. CAPPER] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate, by Mr. Latta, one of his secretaries.

SENATOR HIRAM W. JOHNSON

Mr. THOMAS of Utah. Mr. President, I ask unanimous consent to have inserted in the RECORD a concurrent resolution which was passed unanimously on the 5th of April, 1937, by the Legislature of the State of California.

I am asking that this resolution be printed in the RECORD out of respect to, and because it honors one of our colleagues, the senior Senator from California, the Honorable HIRAM W. JOHNSON. I also am asking it because a former student of mine, the Honorable Kennett B. Dawson, a member of the California Legislature, has requested that I do so.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and the resolution is unanimously ordered printed in the RECORD.

The concurrent resolution of the Legislature of California is as follows:

Assembly Concurrent Resolution 39

Introduced by Messrs. Kuchel, Dawson, Williamson, Dannenbrink, Johnson, Watson, Kepple, Muldoon, King, Tenney, Robertson, Lore, Breed, Gannon, Millington, Meehan, Call, Hornblower, Maloney, Flint, Glick, Dilworth, Walker, Laughlin, Reaves, Martin, Field, Redwine, Lyon, Garibaldi, Hunt, and Boyle, April 5, 1937. Without reference to committee

Assembly concurrent resolution commemorating the completion of 20 years of honorable and noteworthy public service in the Senate of the United States by the Honorable HIRAM W. JOHNSON

Whereas on April 2, 1937, our most distinguished citizen of California, the Honorable HIRAM W. JOHNSON, celebrated his twentieth anniversary as a Member of the Senate of the United States; and

Whereas since 1910 said Hon. HIRAM W. JOHNSON has played a leading part in the public service of his Nation and of his native State; and

Whereas the said Hon. HIRAM W. JOHNSON, as its Governor, guided the State of California to a high standard of progressive humanitarian legislation; and

Whereas the said Hon. HIRAM W. JOHNSON waged an uncompromising battle in the Senate of the United States to have enacted legislation sponsored by him, which led ultimately to the creation of the giant Boulder Dam; and

Whereas the said Hon. HIRAM W. JOHNSON has continuously and consistently been an inspiring example of honest, courageous, and progressive leadership, and above all, a champion of democratic principles and of the concept of traditional democratic government: Now, therefore, be it

Resolved by the Assembly of the State of California (the senate thereof concurring), That this, the fifty-second session of the California Legislature hereby extends to the said HIRAM W. JOHNSON his just meed of praise, and upon this occasion congratulate, felicitate, and pay tribute to the favorite son of the golden State of California; and be it further

Resolved, That the chief clerk of the assembly is hereby instructed to have a copy of this resolution properly engrossed as a memorial and sent to the said Hon. HIRAM W. JOHNSON.

ORDER FOR CONSIDERATION OF UNOBJECTED BILLS

Mr. ROBINSON. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business the Senate proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

GREAT LAKES EXPOSITION IN OHIO—SIGNING OF ENROLLED JOINT RESOLUTION DURING ADJOURNMENT

The VICE PRESIDENT announced that, pursuant to the order of the Senate of the 9th instant, he signed, after the adjournment of the Senate on that day, the enrolled joint resolution (S. J. Res. 53) providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes, which had been signed previously by the Speaker of the House of Representatives.

EXPENSES OF TENTH PAN AMERICAN SANITARY CONFERENCE, BOGOTÁ, COLOMBIA

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted authorizing an appropriation of the sum of $5,000 for the expenses of participation by the United States in the Tenth Pan American Sanitary Conference to convene at Bogotá, Colombia, in August 1938.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 12, 1937*.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Texas, which was referred to the Committee on Claims

Senate Concurrent Resolution 51

Whereas the Legislature of the State of Oklahoma has exhibited to the Legislature of the State of Texas a brief showing that, since statehood, Oklahoma has been deprived of the right of taxation of Indian lands and oil and gas from restricted Indian lands, amounting to a large sum, which had to be provided by increased taxes on the remainder of the property belonging to other citizens of that State; and that the State of Oklahoma and its other citizens have sustained the loss of a large amount of revenue on account of such exemption and as a result thereof, have been compelled to bear the burden of the principal cost of government, education, highways, and police protection enjoyed by the Indian population, wholly from taxes raised from the property of the taxable citizens of the State; and that the Indians enjoying such immunity from taxation are wards of the United States and not wards of the State of Oklahoma; and

Whereas it appears from this showing that the citizens of the State of Oklahoma should be reimbursed by the United States and should not be required alone to bear this added burden: Now, therefore, be it

Resolved by the Senate of the State of Texas (the house of representatives concurring), That the Congress of the United States be requested to take the necessary steps to ascertain the amount of loss or detriment suffered by the State of Oklahoma and the people of Oklahoma, through a proper fact-finding committee or tribunal and to make an adequate appropriation to reimburse the State of Oklahoma; and be it further

Resolved, That the secretary of state of the State of Texas be requested and instructed to send a duly authenticated copy of this resolution to the Honorable SAM RAYBURN, Congressman from the State of Texas, and to the Honorable John N. Garner, Vice President of the United States, and to the Honorable Allen G. Nichols, president pro tempore of the Senate of the State of Oklahoma, and to Hon. J. T. Daniel, speaker of the House of Representatives of the State of Oklahoma.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the Territory of Hawaii, which was referred to the Committee on Territories and Insular Affairs:

Whereas the cost of shipping a ton of freight from continental United States to the Territory of Hawaii is $5.75 for a 2,200-mile trip, which is one-fourth of 1 percent per mile, while the local shipping company, the Inter-Island Steam Navigation Co., charges for a 90-mile trip (Honolulu to Kahului) $3.80 per ton, which is a little over 4 cents per mile and incidentally just 16 times higher per mile than the freight rate from the mainland; and the same rate applies to other ports from Honolulu; and

Whereas the exorbitant rates charged by the local steamship line have and are doing the Territory of Hawaii a great injustice, as this Territory is an agricultural country and approximately $19,000,000 of the purchasing power of the Territory of Hawaii went out for the purchase of foodstuffs, a great share of which could be and should be grown and produced in the Territory of Hawaii, utilizing the natural resources of this country, and opening up new fields of endeavor for the growing and unemployed population and making Hawaii safe from starvation in the event of an emergency; and

Whereas, as stated above, it is utterly impossible for local farmers to compete with the importers of food produce from the mainland on account of the outrageous rates charged by the Inter-Island Steam Navigation Co. between islands, thus enabling Matson Navigation Co. to have a full load of sugar and pines on their vessels going to the mainland and a full load of freight (produce and food that should be grown in Hawaii) on the return trip; and

Whereas the Army and Navy officials have for many years been pleading with their superior officials in Washington, D. C., that more diversified agricultural products should be grown in Hawaii so that Hawaii would be able to sustain itself in an emergency and prevent starvation in the Hawaiian Islands should the food supply, for some reason or other, be suddenly shut off; and

Whereas the Territorial government should, through its proper departments, render aid in any efforts to remedy the lack of a market for Territorial grown and produced goods, so that the importers and shippers shall not have a free hand in depriving the Territory of Hawaii of making itself self-sustaining; and

Whereas if the Federal Government—the Army and Navy—would cooperate and assist the farmers of Hawaii to create a market by establishing purchasing depots on the islands of Hawaii, Molokai, Kauai, and Oahu, where the farmers and truck gardeners and other producers could deliver and sell their products to the Army and Navy and have these products delivered from these various depots on Army and Navy water transportation, it would greatly add to the well-being and security of these islands; and

Whereas this proposed procedure would be an incentive and guarantee to the youth of Hawaii and the average man who is willing to earn an honest living and be a farmer with a market in sight which would insure him against exploitation of large business concerns who have profited greatly by working in with the shipping companies and importing most of Hawaii's food from the mainland: Now, therefore, be it

Resolved by the Senate of the Territory of Hawaii (the house of representatives concurring), That the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, be respectfully requested and memorialized to establish purchasing depots on the islands of Hawaii, Maui, Molokai, Kauai, and Oahu, and that all products purchased at these depots be delivered to the various Army and Navy posts by and on Army and Navy transportation, for the purpose of opening up the markets of diversified agriculture so that Hawaii and its inhabitants will not starve if and when an emergency arises that will shut off the source of food supply to Hawaii; and be it further

Resolved, That, in addition to the above-named officials of the United States Government, a copy of this resolution be forwarded to the commanding officer of the United States Army in Hawaii, to the commandant of the Fourteenth Naval District, and to the Delegate to Congress from Hawaii.

The VICE PRESIDENT also laid before the Senate the following memorial of the House of Representatives of the State of Arizona, which was referred to the Committee on Agriculture and Forestry:

Memorial relating to the Soil Conservation and Domestic Allotment Act

To the President and the Congress of the United States:

Your memorialist respectfully represents:

To provide for the protection of land resources, to promote the profitable use of agricultural lands, and to ameliorate the injury to agricultural prosperity occasioned by the decision of the Supreme Court declaring invalid the Agricultural Adjustment Act, Congress passed and on April 27, 1935, the President approved the Soil Conservation and Domestic Allotment Act.

This act, as administered, has proved of great benefit to the agricultural industry.

Under the terms of said act the administration of the act will be turned over to the several States not later than December 31, 1937.

There is strong reason to believe that by reason of lack of experience in and knowledge of the technique of administering the conservation program, and the fact that a majority of the States have failed to enact legislation to provide for such administration, the withdrawal of Federal administration will work a great hardship upon, if not destroy, the effectiveness of the plan.

Wherefore your memorialist, the House of Representatives of the State of Arizona, earnestly requests:

1. That the Congress take steps to amend the said act so that the Federal Government may continue to administer the program provided for therein in cooperation with the agricultural extension service or other suitable agency of the several States.

Adopted by the house March 4, 1937.

The VICE PRESIDENT also laid before the Senate the following memorial of the House of Representatives of the State of Arizona, which was referred to the Committee on Finance:

House Memorial 2

Memorial relating to the protection of American farm products

To the Congress of the United States:

Your memorialist respectively represents:

There is general recognition of the importance of protecting the agricultural industry of the United States against the destructive competition of farm products from foreign countries where, by reason of lower standards of living, and cheap labor, many such products, and particularly those stable in character, may be placed on the market at prices which the American farmer cannot meet.

In pursuance of this policy the Congress has shown its intention to extend protection to American farm products which are sources of starches, by imposing an import duty, or tariff, on such starch-producing products as corn, potatoes, and rice.

It is a fact, however, that certain other starch-forming products, because of improper classification, are permitted to enter the country duty free, among them being tapioca, sago, and cassava, which are classified as flour.

These products are almost exclusively used as, and in fact are, starches, and their admission without the payment of duty goes far toward nullifying the protection given to corn, potatoes, and rice.

Wherefore your memorialist, the House of Representatives of the State of Arizona, requests:

1. That the Congress take appropriate steps looking to the inclusion of tapioca, sago, and cassava, and any other products chiefly useful for their starch content, in the list of protected farm products.

The VICE PRESIDENT also laid before the Senate the following memorial of the House of Representatives of the State of Arizona, which was referred to the Committee on Interstate Commerce:

MEMORIAL REQUESTING THE PASSAGE BY CONGRESS OF "SEEING EYE" LEGISLATION

To the Senate and House of Representatives of the Congress of the United States:

Your memorialist respectfully represents:

Those unfortunate persons, the blind, who are doomed to go through life in darkness, are entitled to every aid, protection, and comfort that ingenuity or human sympathy may suggest.

"Seeing eye" dogs, specially trained, are being used with splendid success for guiding the movements of the blind and rendering their life more pleasant and more secure.

Wherefore, your memorialist, the House of Representatives of the State of Arizona requests:

1. That the Congress enact the bill now pending, H. R. 222, by Mr. SMITH of Washington, providing for the accompaniment of blind persons by "seeing eye" dogs on common carriers, without the payment of additional fare, and any other practical legislation recognizing the right of the blind to the protection afforded by the "seeing eye" dog.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Arizona, which was referred to the Committee on Irrigation and Reclamation:

Joint memorial relating to flood control on the lower Gila River in Arizona

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

The storage dams on the Gila, the Salt, and the Verde Rivers, constructed and used for irrigation purposes, do not have sufficient storage capacity to prevent flooding of the basin of the lower Gila River in Arizona in periods of excessive run-off of the three rivers mentioned above, and of the other streams feeding the lower Gila.

The valley of the lower Gila has a very large and valuable area of low-lying lands susceptible of cultivation, which lands would be totally destroyed for agricultural purposes in the event of a serious flood in the Gila Valley.

The Reclamation Bureau of the Department of the Interior of the United States has investigated the subject of flood control of the lower Gila and has tentatively selected a dam site on the Gila River between the towns of Gila Bend and Wellton, Ariz., as a feasible location for a storage dam to control the floodwaters of the Gila and to prevent the damage which would be caused by a serious flood in the lower Gila Valley.

In addition to the utility of such a dam in preventing damage by floodwaters of the Gila, the gradual release of the stored waters behind such a dam would tend to stabilize the level of the underground waters in the Gila River Basin, and would permit pumping operations from the underground waters for irrigation purposes without lowering the water table to a point where such pumping becomes more expensive than is warranted by the benefits derived therefrom, as is the case in certain years under present conditions.

The President of the United States, in a recent message to Congress, has suggested a 5-year program of public works to be undertaken by the United States, of which sum a large part will in all probability be allocated to works for the control of floods.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

That the President and the Congress of the United States in selecting the projects to be included in any program of public works adopted by the United States and in the expenditure of any sum allocated to the State of Arizona as a part of said program, the need and desirability of a flood-control dam on the lower Gila River should, for the reasons set forth herein, receive serious consideration.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Arizona, which was referred to the Committee on Post Offices and Post Roads:

Joint memorial relating to the construction of a highway to link reclamation projects of the Colorado River

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

That the development of the vast resources of the Colorado River represents an outstanding opportunity for the conservation of the Nation's wealth, for providing employment, creating farm homes, and for developing recreational facilities for the nationals of this and other countries.

That there are along the Colorado River several outstanding reclamation projects and dams, namely, Boulder Dam, Parker Dam, Imperial Dam, the Gila project, and the Yuma project; and that a short distance below the international boundary line is located the Gulf of Mexico, and an opportunity for development of commerce by establishing a deep sea port for the benefit of the commerce of the United States and Mexico.

That there exist more than 2,000,000 acres of land irrigable from the Colorado River which, if developed, will furnish an empire of national importance, and that there are wonderful recreational advantages at Lake Mead, behind Boulder Dam, and in the Gulf of California.

That it is important to the United States that the reclamation projects and dams within the United States be connected with a good highway, for use, both in time of war and peace, and that such development could be made to bring about construction of a highway within the Republic of Mexico joining the proposed highway at San Luis on the international boundary line and connecting with the Gulf of California and the proposed international highway to South America.

That the construction of the proposed highway would relieve unemployment and be of great advantage to the United States.

Wherefore your memorialist, the Legislature of the State of Arizona, prays:

1. That the United States Government, through any of its agencies possessing authority for the construction of highways, or through the cooperation of two or more of such agencies, the Bureau of Public Roads, the Civilian Conservation Corps, the Indian Bureau, or other agencies, construct a highway from Boulder Dam, or to connect therewith at Yucca Junction near Kingman, in Mohave County and on the Arizona side of the Colorado River, and connecting the said Parker Dam, Imperial Dam to a junction with the Republic of Mexico, at San Luis.

2. That if additional legislation be required or desirable for the consummation of this constructive improvement that the Congress enact the same.

The VICE PRESIDENT also laid before the Senate the following memorial of the House of Representatives of the State of Arizona, which was referred to the Committee on Public Lands and Surveys:

Memorial relating to a grant of public lands

To the President and the Congress of the United States:

Your memorialist respectfully represents:

Forty-five percent of the area of the State of Arizona is embraced in Indian reservations, forest reserves, national parks, and monuments, and other forms of withdrawal from entry and settlement.

This vast empire, while adding materially to the cost of maintenance of government, brings no direct revenue to the State and but little to the counties in which certain of the Federal reserves lie; prevents development at the hands of private industry, and affords little or no opportunity for the builders of homes;

The State, by reason of this unusual, if not unparalleled, situation, is deprived of a great and most potent source of revenue, and willing farmers and stock raisers of opportunities which otherwise would be theirs of making homes and establishing themselves in life.

Furthermore, practically all of the remaining public lands within the State lying without these Federal reservations is of a character which does not render it susceptible to title thereto being procured under the United States land laws. The problems of its proper utilization and development could best be met under State laws and through the medium of State administration.

Wherefore your memorialist, the House of Representatives of the State of Arizona, urgently requests:

1. That legislation be enacted granting to the State of Arizona the equivalent of two additional sections in each township in the State.

2. That the Legislature of Arizona be authorized to provide for the administration of such land in such manner and for such purposes as it may prescribe.

The VICE PRESIDENT also laid before the Senate concurrent resolutions of the General Court of Massachusetts, favoring the enactment of legislation to make the National Youth Administration a permanent organization, which were referred to the Committee on Education and Labor.

(See resolutions printed in full when presented today by Mr. WALSH and Mr. LODGE.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to order the Board of Army Engineers to make a comprehensive survey and report for the development of power and conservation of resources of the Milwaukee River area, and, if such proposal is found feasible, to make the necessary appropriation therefor, which was referred to the Committee on Commerce.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the El Paso (Tex.) Kiwanis Club, protesting against the transfer of the headquarters of the International Boundary Commission from El Paso, Tex., and favoring the retention of Commissioner L. M. Lawson, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by Lodge No. 181, Switchman's Union of North America, of Dallas, Tex., favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Central Labor Union of Washington, D. C., favoring the enactment of House bill 297, to grant a full and complete pardon to Thomas J. Mooney, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented a copy of an address by Byron W. Skillin, delivered before the International Relations Club of New York University on February 18, 1937, on the war-debt scholarship plan, which was referred to the Committee on Foreign Relations.

Mr. JOHNSON of California. Mr. President, I have heretofore presented a memorial signed with 15,000 names, and a second one with 10,000 names, from the State of California in reference to the proposed court plan of the President. I now present a memorial containing 10,009 names of citizens of that State in opposition to the proposed plan. I ask that the memorial be noted in the RECORD and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorial will be received, noted, and referred as requested by the Senator from California.

(The memorial presented by Mr. JOHNSON of California, signed by 10,009 citizens of the State of California, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, was referred to the Committee on the Judiciary.)

Mr. KING presented the memorial of 26 members of the Utah Chapter Pro America, remonstrating against the enactment of legislation to increase the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also presented memorials of 137 citizens of Salt Lake City and Ogden, Utah, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented a letter, in the nature of a memorial, from the executive secretary of the Providence (R. I.) Chamber of Commerce, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court of the United States, together with papers relative to a poll of the membership of that chamber on proposed changes in the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. GIBSON presented the following joint resolution of the Legislature of the State of Vermont, which was referred to the Committee on Education and Labor:

Whereas one of the greatest needs of this State is for further improvement of town roads; and

Whereas, while we recognize that the various projects which have been undertaken by the Civilian Conservation Corps have been and will continue to be of great benefit to the State, we believe that if the corps is to be continued, the purposes for which it was created and organized can be accomplished as well, and the people of Vermont will receive even greater benefit, through the employment of the Civilian Conservation Corps in the improvement of our town roads; and

Whereas we believe that in other States than Vermont a similar need for improvement of back roads exists, and that in such States the Civilian Conservation Corps could be usefully employed in projects for the improvement thereof: Now, therefore, be it

Resolved by the senate and house of representatives, That we earnestly request the Federal Government to give serious consideration to the policy of permitting participation of the Civilian Conservation Corps in projects for improvement of so-called town or back roads, for which other Federal funds are not now available, and urge the members of the Vermont delegation in Congress to lend their best efforts to promote the adoption of such policy and the enactment of such legislation as may be necessary therefor; and be it further

Resolved, That the secretary of State be hereby authorized and directed to transmit a copy of this resolution to the President of the United States, the Director of Emergency Conservation Work, and to each member of the Vermont delegation in Congress.

Mr. AUSTIN presented a joint resolution of the Legislature of the State of Vermont, favoring the enactment of legislation permitting participation by the Civilian Conservation Corps in projects for improvement of so-called town or back roads for which other Federal funds are not now available, which was referred to the Committee on Education and Labor.

(See resolution printed in full when presented today by Mr. GIBSON.)

Mr. WALSH and Mr. LODGE presented the following concurrent resolutions of the General Court of Massachusetts, which were referred to the Committee on Education and Labor:

Resolutions memorializing Congress in favor of making the National Youth Administration a permanent organization

Resolved, That the General Court of Massachusetts hereby urges the Congress of the United States to enact such legislation and make such provisions as may be necessary to make the National Youth Administration a permanent organization; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officers of each branch of Congress and to the members thereof from this Commonwealth.

Mr. DUFFY presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Commerce:

Joint resolution memorializing the Congress of the United States to authorize a Milwaukee River flood-control project

Whereas lands adjacent to the Milwaukee River have suffered great destruction and damage to property and business by the overflowing of the Milwaukee River; and

Whereas a deepening and widening of such river has been found necessary by investigation to prevent the recurrence of other floods with consequential losses; and

Whereas a comprehensive plan of control will be adaptable to the development of electrical power: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin memorialize the Congress of the United States to order the Board of Army Engineers to make a comprehensive survey and report for the development of power and conservation of resources of the Milwaukee River area, and, if such proposal is found feasible, to make the necessary appropriation therefor; be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, both Houses of Congress, and to each Wisconsin Member thereof.

Mr. COPELAND presented the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Commerce:

Whereas it is generally conceded that the Niagara Falls constitute the epitome of scenic beauty which is one of the wonders of the world; and

Whereas the force of erosion in the past several years has caused several rock slides which have seriously damaged the Falls and

brought to the attention of New York State and the Nation the need of taking steps to preserve the beauty of the Falls; and

Whereas these authorities have stated that corrective measures could be taken by man which would not only allay the action of erosion but would insure more permanent existence of the Falls in their present beauty, and have declared plausible construction of weirs which would (1) control the flow of water to prevent concentration at the Horseshoe Falls, where erosive action has been speeded by the increasing volume of water, and (2) equalize the flow over the Horseshoe and the American Falls so that the latter would carry an increased volume of water and would not be left nearly dry at certain times of the year, as at the present; and

Whereas such measures would entail the engineering project which would require action of the Federal Government leading to an immediate survey and preparation of plans for the weirs; and

Whereas discussion of preventive measures is now occupying the attention of the Congress of the United States: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be, and the same hereby it, respectfully memorialized to enact legislation or take such other steps as would lead to correction of the present undesirable conditions recited therein to grant benefit to the Nation and of nature lovers in all parts of the world; and be it further

Resolved (if the senate concur), That a copy of this resolution be transmitted to the Secretary of the United States Senate and the Clerk of the House of Representatives and to each Senator and Member of the House of Representatives elected from the State of New York, and that the latter be urged to use their best offices to procure the enactment of such Federal legislation as will accomplish the purpose of this resolution.

Mr. COPELAND also presented a resolution adopted by Warren G. Harding Council, No. 118, Junior Order of United American Mechanics, of Mineola, N. Y., favoring the prompt enactment of legislation to provide for the preferred employment of American citizens by the Government, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by Salamanca Chapter of the Erie Railroad Veterans' Association, of Salamanca, N. Y., favoring the repeal of the long-and-short haul clause of the Interstate Commerce Act, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. ELLENDER (for Mr. BLACK), from the Committee on Education and Labor, to which was referred the bill (H. R. 168) to authorize an increase in the annual appropriation for books for the adult blind, reported it without amendment and submitted a report (No. 324) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 2098) to adjust the rank of certain Coast Guard officers on the retired list, reported it without amendment and submitted a report (No. 325) thereon.

Mr. BACHMAN, from the Committee on Military Affairs, to which was referred the bill (S. 536) to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont., reported it with an amendment and submitted a report (No. 326) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 1113) to provide for the better administration of justice in the Navy, reported it without amendment and submitted a report (No. 327) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 1676) for the relief of the Van Buren Light and Power District, reported it without amendment and submitted a report (No. 328) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2226) for the relief of Leah Levine, reported it with an amendment and submitted a report (No. 329) thereon.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1696) to authorize the revision of the boundaries of the Snoqualmie National Forest, in the State of Washington, reported it without amendment and submitted a report (No. 330) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 150) repealing section 2 of Public Law No. 716 of the Seventy-fourth Congress, being an act entitled "An act to relieve restricted Indians whose lands have been taxed or have been lost by failure to pay taxes, and for other purposes", reported it with an amendment and submitted a report (No. 332) thereon.

COTTON INVESTIGATION—REPORT OF COMMITTEE ON AGRICULTURE AND FORESTRY (REPT. NO. 331)

Mr. SMITH. From the Committee on Agriculture and Forestry I submit a report, pursuant to Senate Resolutions 103, 125, 172, and 182 of the Seventy-fourth Congress, relative to an investigation of the causes of the decline of cotton prices and other matters pertaining to the cotton business.

The VICE PRESIDENT. The report will be received and printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on April 9, 1937, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 179. An act for the relief of J. H. Richards;

S. 308. An act for the relief of the estate of Alice W. Miller, deceased;

S. 316. An act for the relief of Edward Y. Garcia and Aurelia Garcia;

S. 420. An act for the relief of A. D. Hampton;

S. 525. An act for the relief of Harry King;

S. 544. An act for the relief of M. K. Fisher;

S. 766. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction finder station, North Truro, Mass., on December 27, 1934;

S. 784. An act for the relief of Amelia Corr;

S. 843. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department;

S. 1067. An act for the relief of Joseph A. Ganong;

S. 1126. An act to amend the act entitled "An act to authorise the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes;

S. 1138. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard and also to officers to the Foreign Service of the United States at foreign stations;

S. 1285. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property;

S. 1311. An act for the relief of Norman Hildebrand;

S. 1314. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930;

S. 1315. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the naval radio station, Eureka, Calif., on January 17, 1930;

S. 1317. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932;

S. 1320. An act to provide for the reimbursement of certain civilians employed at the naval operating base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on pier 7, at the naval operating base, on that date;

S. 1423. An act for the relief of G. A. Trotter;

S. 1441. An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy;

S. 1442. An act to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps;

S. 1454. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935;

S. 1455. An act to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army, and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;

S. 1470. An act authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800);

S. 1473. An act to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports;

S. 1500. An act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes;

S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit;

S. 1684. An act for the relief of the State of Pennsylvania;

S. 1901. An act to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); and

S. J. Res. 102. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. McGILL:

A bill (S. 2139) to amend the Packers and Stockyards Act, 1921, as amended; to the Committee on Agriculture and Forestry.

By Mr. GEORGE:

A bill (S. 2140) to authorize an appropriation of $50,000 with which to make a survey of the old Indian trail and the highway known as "Ogiethorpe Trail" with a view to constructing a national roadway on this route to be known as the "Ogiethorpe National Trail and Parkway"; to the Committee on Public Lands and Surveys.

By Mr. VAN NUYS:

A bill (S. 2131) for the relief of George R. Brown (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 2132) granting a pension to Earl Dudley; and

A bill (S. 2133) granting an increase of pension to Samuel E. White and Fannie White (with accompanying papers); to the Committee on Pensions.

By Mr. GUFFEY:

A bill (S. 2134) authorizing adjustment of the claim of A. Margulis; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 2135) for the relief of Lynn E. Barker; to the Committee on Claims.

By Mr. RUSSELL:

A bill (S. 2136) for the relief of Nellie S. Barbee; to the Committee on Claims.

By Mr. WHITE:

A bill (S. 2137) for the relief of Joseph L. Mealy; to the Committee on Claims.

By Mr. HATCH:

A bill (S. 2138) for the relief of Nelson W. Apple; and

A bill (S. 2139) for the relief of Mrs. Camille Carmignani; to the Committee on Claims.

By Mr. SCHWELLENBACH:

A joint resolution (S. J. Res. 132) granting unrestricted American registry or enrollment and license to the foreign-built vessel *Margaret F. Sterling;* to the Committee on Commerce.

DEVELOPMENT OF NEW USES FOR SOUTHERN AGRICULTURAL PRODUCTS

Mr. BILBO. Mr. President, I introduce a bill providing for the establishment of a regional research laboratory for the development of new uses of southern agricultural products, other than forestry products, and so forth, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. The bill of the Senator from Mississippi will be received and referred as requested; and, without objection, it will be printed in full in the RECORD.

The bill (S. 2140) to provide for the establishment and maintenance of a regional research laboratory for the development of new uses of southern agricultural products other than forestry products, particularly cotton and cotton-plant products, for the purpose of providing new markets for southern farm crops, was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

A bill to provide for the establishment and maintenance of a regional research laboratory for the development of new uses of southern agricultural products other than forestry products, particularly cotton and cotton-plant products, for the purpose of providing new markets for southern farm crops

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed (1) to establish and maintain a regional research laboratory at such place as he may select within a locality in the United States where cotton is the principal agricultural commodity; (2) to conduct at such laboratory research, experiments, investigations, tests, and demonstrations with respect to the chemical, physical, and physiological properties and utilization and preservation of southern agricultural products other than forestry products, such as cotton and its byproducts, cottonseed, meats, cotton hulls, cotton lint and linters, and cotton stalks, rice straws, rice hulls, tung nuts, tung hulls, sugarcane bagasse, palmetto fiber, and similar products, and particularly the collection, harvesting, preservation, and industrial utilization of whole cotton as a raw material for the manufacture of cellulose, with a particular view to the development of wider uses of Southern crops by industry; and (3) to make public the results of such research, experiments, investigations, tests, and demonstrations.

SEC. 2. For such purposes the Secretary of Agriculture is hereby authorized to acquire by purchase, condemnation, or otherwise such suitable lands, to acquire or construct such buildings and appurtenances thereto, to acquire such equipment, apparatus, and supplies, and to cooperate with other Federal agencies, State agencies, or individuals upon such terms and conditions as he may prescribe.

SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $1,000,000 for construction, organization, operation, and maintenance of the regional research laboratory for the first fiscal year following the passage of this act, and $400,000 for operation and maintenance for each of the following 4 fiscal years, and thereafter such sums as may be found necessary to carry out the purposes of this act, which sums shall be in addition to the established program of work adopted by the Department of Agriculture.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 251) to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936 was read twice by its title and referred to the Committee on Banking and Currency.

FEDERAL ASSISTANCE TO PUBLIC EDUCATION

Mr. HARRISON. Mr. President, it was the intention of the Senator from Alabama [Mr. BLACK] to make a motion this morning to take up Senate bill 419. The Senator from Alabama, however, has been taken down with the "flu", and it is impossible for him to be here this morning. I ask unanimous consent that on Thursday, when the Senate meets, or following the approval of the Journal, a special order be entered to consider Senate bill 419.

Mr. McNARY. Mr. President, I am not able to identify the Senate bill by its number. What is the order of business?

Mr. HARRISON. It is the bill providing Federal assistance for education, and is Calendar No. 224.

Mr. McNARY. I suggest that the clerk read the title of the bill.

The VICE PRESIDENT. The clerk will report by title the bill as to which the Senator from Mississippi asks unanimous consent that a special order for its consideration for Thursday be made.

The CHIEF CLERK. A bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education.

Mr. ROBINSON. Mr. President, I am compelled to object to the request of the Senator from Mississippi. The Senator realizes, no doubt, that, under the state of business in the Senate, he can make his motion to proceed to the consideration of the bill whenever he chooses to do so.

Mr. HARRISON. Mr. President, I think the order I requested failed, perhaps, to convey the idea I intended. Following the approval of the Journal, if the Senate should recess, or after the conclusion of morning business on Thursday next, I request that a special order be made to take up Senate bill 419, and that a motion may be then made for its consideration.

The VICE PRESIDENT. Will the Senator repeat his request for unanimous consent?

Mr. HARRISON. I ask unanimous consent that a special order be entered to enable a motion to be made to take up the bill referred to by me on Thursday next. Of course, if the motion should prevail, then the Senate would consider the bill at that time.

The VICE PRESIDENT. Let the Chair see if he understands the Senator's request. The Senator from Mississippi asks unanimous consent that, after the conclusion of the morning business on Thursday next, it be in order to make a motion to take up the bill which has just been stated by title.

Mr. McNARY. Mr. President, that is an unusual motion, and it is quite unnecessary. The Senator may ask unanimous consent to make the bill a special order, or he will have the privilege, if he secures recognition from the Chair, to move to take up the bill on Thursday without unanimous consent being given. I object to the request in the form in which it is presented.

Mr. HARRISON. I understand the Senator's suggestion as to a motion being made at any time recognition can be obtained from the Chair. We had intended to endeavor to take up the bill this morning. Inquiries are being made as to when it may be taken up. My object is to fix the matter for a day certain so that Senators may be informed of the fact. I realize that if my first request had been agreed to there would be no necessity for a motion being made, as the matter then would have been a special order. My request is merely that on Thursday the measure may be considered, provided a majority of the Senate agree to a motion to that effect.

Mr. ROBINSON. Mr. President, the Senator may make his motion whenever he sees fit to do so. I am not in a position to consent to make a special order of the bill to which he refers. Therefore I shall object.

The VICE PRESIDENT. Objection is made.

Mr. McNARY. Mr. President, let me suggest to the able Senator from Mississippi that he merely give notice that on Thursday, when he is able to secure recognition, he will move to make the particular bill the unfinished business of the Senate. That would give ample notice without the necessity for asking unanimous consent.

Mr. HARRISON. Very well. I give notice that as soon as the Senator from Alabama [Mr. BLACK] reaches the floor of the Senate the motion will be made sooner than Thursday, if the opportunity affords.

Mr. BORAH. Mr. President, I am a member of the committee which had under consideration the bill referred to by the Senator from Mississippi. I think the bill has merit, but I should like to say to the Senator from Mississippi that some of us will be guided, with reference to our position concerning the bill and a number of other bills, largely by what the Senator from Mississippi can tell us Thursday as to whether we are going to have a tax bill at this session and what is really our fiscal outlook. Is the Senator prepared to make a statement now?

Mr. HARRISON. I can say only for myself that I think there will be no tax bill at this session.

Mr. ROBINSON. Mr. President, I may say to the Senator that so far as my studies of the subject have gone, if we authorize an appropriation of $1,000,000,000 for aid to the States in the matter of education, as is contemplated by the bill to which the Senator from Mississippi has referred, commencing with $100,000,000 for the next fiscal year and adding to the amount $50,000,000 each year thereafter for 5 years, the aggregate amount authorized would be $1,000,000,000. Under the state of the revenues, as indicated by the estimates and by the receipts, we would have an enormously increased deficit, and that is the reason for my opposing the request of the Senator from Mississippi.

Insofar as I am informed, we have about exhausted the sources of taxation to which the Congress is willing and able to resort. Manifestly, we cannot go on extending Federal activities into new fields and spheres of action, and increasing expenditures, without making some provision for meeting them. As every Senator knows, the deficit is already a large one. While many efforts have been made to close the gap between receipts and expenditures, such efforts have not been completely successful. It seems that the time has about come—indeed, it has already arrived—when we should give more careful consideration to that subject. If we authorize $1,000,000,000 in this instance, and then authorize the additional appropriations and expenditures which are expected to follow, we will have a situation in which it will be necessary to increase taxation and probably to find new sources of revenue.

I do not think anyone will insist or can insist that it is our obligation to continue, without limitation as to time or subject, taking on new and added responsibilities for the Federal Government. Undoubtedly there is need for some assistance to the States which have been unable in the present conditions to keep open their rural schools, but the plan of the bill is to commit the Federal Government permanently to a policy of aiding the States, without regard to their need for aid in the matter of promoting education. It is the one last field into which Federal activity is to be extended. It is my deliberate judgment that very careful consideration should be given to the proposed legislation.

Mr. BORAH. Mr. President, the Senator from Arkansas has stated what was in my mind. The bill will call for $100,000,000 at once and for $50,000,000 a year additional thereafter for some years, but there lying back of the bill are other bills and other measures providing for increased appropriations in new fields. If we are not going to the precipice, economically speaking, we must stop expenditures somewhere.

I have understood from the press that the President is to send Congress a message on Wednesday with respect to the fiscal situation. It is absolutely certain that unless we change the program of appropriations and extending the obligations of the Government we will have to have a new tax bill. I do not think we want such a bill. I think we ought to be able to curtail our expenditures so as to avoid it, and I am quite sure we can. Before I support the measure, notwithstanding the fact I think it has merit, I shall want to know where we are going with reference to expenditures during this session.

Mr. HARRISON. Mr. President, of course, the bill is a very unusual one. It is one proposing the adoption of a permanent policy. For my part, I believe the sooner we come to the adoption of permanent policies and get away from emergency policies, the better it will be for everyone concerned.

We talk about $100,000,000 for the first year for schools. I have never been dogmatic and insistent upon carrying out my ideas to the exclusion of the opinions of everybody else. As one who believes sincerely in this proposal, I am perfectly willing, if other appropriations are cut down proportionately, to reduce this one likewise.

Mr. ROBINSON. Mr. President, may I inquire of the Senator from Mississippi what other appropriations he has particularly in mind?

Mr. McNARY. Mr. President, I see where we are drifting in the discussion. I demand the regular order.

Mr. HARRISON. I ask unanimous consent to answer the question.

Mr. McNARY. I am willing to listen to the Senator for a few moments, but this discussion is wholly out of order. It will lead to interminable debate. I withhold my objection for a moment to permit the Senator to further explain his position.

Mr. HARRISON. I could not explain it in a moment. I will withhold any further statement until I have more time.

The VICE PRESIDENT. The regular order is demanded. Concurrent and other resolutions are in order.

ACCEPTANCE OF MEDALS, DECORATIONS, ETC.

Mr. WALSH. Mr. President, I submit and ask for the immediate consideration of a concurrent resolution.

Senate bill 1455, authorizing certain officers, enlisted men, and civilian employees of the Navy and Army to receive medals, orders, decorations, and so forth, tendered them by foreign governments in appreciation of services rendered, has passed the Senate and House, and is now pending before the President; but it contains an error in the case of one man, who is referred to as a lieutenant instead of a lieutenant colonel. I submit a concurrent resolution requesting that no action be taken by the President until the correction is made, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of a concurrent resolution, which will be read.

The concurrent resolution (S. Con. Res. 8) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 1455) to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army, and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered; that if and when the said bill is returned by the President, the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the said bill be deemed to be rescinded; and that the Secretary of the Senate be, and is hereby, authorized and directed, in the reenrollment of the said bill, to make the following correction, viz: In the language inserted by the engrossed House amendment no. 4, on page 2, at the end of line 11, of the engrossed bill, strike out the word "Lieutenant" and insert the words "Lieutenant Colonel."

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. VANDENBERG. Mr. President, may I ask who the individual is in whose behalf the concurrent resolution is submitted?

Mr. WALSH. The individual is Lt. Col. James Roosevelt.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

PRINTING OF HEARINGS ON BILL CREATING A FEDERAL CROP INSURANCE CORPORATION

Mr. POPE submitted a concurrent resolution (S. Con. Res. 9), which was referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Agriculture and Forestry of the United States Senate be, and is hereby, authorized and empowered to have printed for its use 10,000 copies of the hearings held before a subcommittee of said committee during the first session of the Seventy-fifth Congress on the bill (S. 1397) to create a Federal Crop Insurance Corporation, and for other purposes.

CROP-INSURANCE SYSTEM FOR FRUITS AND VEGETABLES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The Chief Clerk read the resolution (S. Res. 108), submitted by Mr. PEPPER on March 31, 1937, calling for a plan for the establishment of a crop-insurance system for fruits and vegetables.

Mr. ROBINSON. I should like to have the resolution go over.

The VICE PRESIDENT. Without objection, the resolution will go over.

THE LABOR PROBLEM—ADDRESS BY SENATOR SCHWELLENBACH

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD a radio address on the labor problem delivered by Senator SCHWELLENBACH on the 8th instant, which appears in the Appendix.]

WITHDRAWAL FROM PHILIPPINES—STATEMENT BY MAJOR GENERAL RIVERS

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a statement by Maj. Gen. William C. Rivers relative to the withdrawal of the United States from the Philippine Islands, which appears in the Appendix.]

CONSIDERATION OF UNOBJECTED BILLS ON THE CALENDAR

The VICE PRESIDENT. Under the unanimous-consent agreement entered into earlier in the day for the consideration of unobjected bills, the clerk will state the first business in order on the calendar.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as next in order.

Mr. VANDENBERG (and other Senators). Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. HAYDEN. Mr. President, I shall have to ask that that bill go over one more time.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 532) to promote the safety of employees and travelers on railroads by providing for the inspection and investigation of conditions prevailing in train-dispatching offices and train-dispatching service and for the promulgation of necessary rules and regulations governing the working conditions of train dispatchers was announced as next in order.

Mr. ROBINSON. At the request of the Senator from Illinois [Mr. DIETERICH], who is absent, I request that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 29) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, highway grade-crossing protective devices, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation was announced as next in order.

Mr. ROBINSON. I make the same request regarding that bill.

The PRESIDENT pro tempore. The bill will be passed over.

INDIAN CLAIMS COMMISSION

The bill (S. 1902) to create an Indian claims commission to provide for the powers, duties, and functions thereof, and for other purposes, was announced as next in order.

Mr. McNARY. Let the bill go over.

Mr. KING. Mr. President, I stated the other day to my friend from Oklahoma [Mr. THOMAS] that I should look into this matter. I have not yet had time to do so. Let the bill go over until the next call of the calendar. I will agree then that it may come up for consideration.

The PRESIDENT pro tempore. The bill will be passed over.

CREDIT TO INDIANS FOR IRRIGATION WORKS EXPENDITURES

The Senate proceeded to consider the bill (S. 1621) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That the amount of tribal funds of the San Carlos Apache Indians, the Fort Hall Indians, the Crow Indians, the Fort Belknap Indians, the Klamath Indians, and the Indians of the Uintah and Ouray Reservation heretofore expended for construction and operation and maintenance of irrigation systems on their respective reservations for which they have not been previously compensated, shall be reimbursed from the Treasury of the United States and placed to the credit of their respective tribal funds and be available for such expenditures for their benefit as Congress may hereafter direct.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. ROBINSON (and other Senators). Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 100) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies" approved July 2, 1890, was announced as next in order.

Mr. ROBINSON. That bill should be explained.

Mr. McNARY. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1431) limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States, with respect to counsel in certain cases, was announced as next in order.

Mr. McNARY. I desire an explanation of this bill. Otherwise, it must go over.

The PRESIDENT pro tempore. The bill will be passed over.

INCREASE OF MIDSHIPMEN FROM DISTRICT OF COLUMBIA

The bill (S. 1949) to increase the number of midshipmen allowed at the United States Naval Academy from the District of Columbia was announced as next in order.

Mr. KING. Mr. President, there is a great deal of merit in this bill, but I ask that it go over so that I may confer with the Commissioners of the District of Columbia regarding it. They are very much interested in the bill.

Mr. WALSH. Mr. President, I desire to make a brief statement regarding the bill.

For a long time it has been generally believed that the District of Columbia ought to be better represented in the number of midshipmen sent to the Naval Academy and the number of cadets sent to the Military Academy at West Point. At the present time the District of Columbia quota of representation is five midshipmen at the Naval Academy at Annapolis. As a matter of fact the District has only four, because the appropriation bill each year contains only sufficient money to permit each Senator or Representative to appoint four, though the provisions of the general law permit the appointment of five. The quota for the smallest State in the Union is five midshipmen for each of its Senators and five for its one Representative. Thus the quota for a State that has two Senators and one Representative is 15.

This bill would permit the District of Columbia—which has a population of 600,000 persons, a population in excess of that of many of the States—to have in the Naval Academy at least the minimum representation that the smallest State has. Another bill is pending to provide similar representation in the matter of quota of cadets at the Military Academy at West Point.

With this brief explanation, I am content that the bill go over so that the chairman of the District of Columbia Committee may confer with the Commissioners regarding it.

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

Mr. WALSH. Yes.

Mr. KING. Has the bill to which the Senator refers, for the appointment of cadets to the Military Academy, been reported from the committee?

Mr. WALSH. No; but I will say to the Senator from Utah that the chairman of the Committee on Military Affairs, the Senator from Texas [Mr. SHEPPARD], the Senator from North Carolina [Mr. REYNOLDS], who has been particularly interested in the matter, and I have conferred regarding the bill, and have agreed upon a general policy; and, of course, whatever quota policy is finally agreed upon for midshipmen at Annapolis should apply to the appointment of cadets at West Point.

Mr. KING. I may say to the Senator that one of my reasons for calling attention to this matter, and desiring to confer with the Commissioners about it, is that in case the Congress increases the number of appointments of midshipmen, I wish to be sure that it also increases the number of appointments of cadets at West Point.

Mr. WALSH. That should be done; and I rather assume a bill dealing with that matter will be on the calendar, perhaps, at the next call of the calendar. I will say to the Senator from Utah that this increase has been petitioned for by a large number of citizens' associations of the District of Columbia.

Mr. KING. I am in favor of an increase, but I desire to see that each organization is represented.

Mr. GILLETTE. Mr. President, in connection with the bill which the Senator from Massachusetts has just discussed, I desire to say that no one wishes to see the District of Columbia discriminated against in the number of midshipmen and cadets; but the bill in question compares the number now appointed from the District with the number appointed from States that have a limited population, which apparently puts the District of Columbia in a position where it is discriminated against. I do not believe anybody wishes to be put in a preferential position.

I have before me the census of 1930, showing the ratio to population of the representation now had by States; and the average for the United States is 1 cadet for every 55,000 persons. If this bill should be passed giving the District of Columbia 15 midshipmen, on the basis of the 1930 population, the District's ratio would be about 1 cadet to 32,000 persons. If the District should be put on the same basis as the average of the country, 10 cadets would be the proper increase, instead of 15.

I desired to call attention to that fact. There are 26 States that have less than 1 cadet to 65,000 persons.

Mr. WALSH. Mr. President, the presentation by the Senator from Iowa [Mr. GILLETTE] is deserving of consideration. His viewpoint is that the number of midshipmen or cadets should be based on the average population of the various States that send midshipmen to the academy, but that is difficult to work out, for the population of a State such as Idaho, which has 15 midshipmen, is very much smaller than the population of a State such as Massachusetts or New York. There is a reasonable argument on both sides as to whether this increase should be based upon the average population or upon the number of midshipmen who are appointed from the smaller States. My opinion is that perhaps the fairest and best plan is that the District of Columbia should be represented by the number of midshipmen—namely, 15—who now represent the smallest State in the Union. The bill is to go over anyway, and I am sure a satisfactory decision will be reached.

The PRESIDENT pro tempore. The bill will be passed over.

DOROTHY WHITE AND OTHERS

The bill (H. R. 2108) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. HAYDEN. Mr. President, Senate bill 548, Order of Business 139, is a bill for the relief of the same parties, and as that bill went over, I ask that this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN S. HEMRICK

The bill (H. R. 1871) for the relief of John S. Hemrick was considered, ordered to a third reading, read the third time, and passed.

MRS. LOUIS ABNER

The Senate proceeded to consider the bill (H. R. 1065) for the relief of Mrs. Louis Abner, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, to strike out "not otherwise appropriated" and to insert in lieu thereof "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, and in full settlement of all claims against the United States Government, the sum of $500 to Mrs. Louis Abner, of Loogootee, Ind., for injuries sustained by being struck by a United States Government truck driven or operated by a member of the Civilian Conservation Corps on September 29, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

KATE CARTER LYONS

The bill (H. R. 1870) for the relief of Kate Carter Lyons was considered, ordered to a third reading, read the third time, and passed.

EVANGELOS KARACOSTAS

The bill (H. R. 1923) for the relief of Evangelos Karacostas was considered, ordered to a third reading, read the third time, and passed.

PETER KARAMPELIS

The bill (H. R. 2320) for the relief of Peter Karampelis was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF JOSEPH BLAKELEY, DECEASED

The Senate proceeded to consider the bill (H. R. 2780) for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased, which was read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to pay to William Blakely, as administrator of the estate of Joseph Blakeley, late chief electrician's mate, United States Navy, the sum of money credited to the account of said decedent in the ship's bank of the U. S. S. *West Virginia* or elsewhere if it shall have been transferred therefrom, constituting pay and allowances due and unpaid on the date of his, the said Joseph Blakeley's, death on May 13, 1926, at the naval hospital, San Diego, Calif., and all cash found in his personal effects on or subsequent to said date: *Provided*, That the said William Blakely, shall first file an affidavit with the Comptroller General of the United States showing the correct spelling of his, the claimant's surname: *Provided further*, That the sum so paid under this act shall be in full settlement of all claims against the United States for pay and allowances and cash from the personal effects of said decedent, Joseph Blakeley: *And provided further*, That no part of the payment authorized and directed to be made in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the settlement of this account, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, I have not had time to read the report on this bill, and therefore I should like to have an explanation of it.

Mr. LOGAN. Mr. President, the bill is favorably recommended by the Department, with an amendment suggested.

Mr. KING. It is stated that it ought to be referred to the accounting officer. Has that been done?

Mr. LOGAN. That has been done, and the accounting officer has rendered an opinion. The claim was originally for considerably more than the bill carries, but the House of Representatives, following the recommendation of the Department, cut the amount down, I think, about half.

Mr. KING. If it has been approved by the Comptroller General and other officials of the Government, I have no objection.

Mr. LOGAN. That it has been so approved is my recollection. I know it has been approved by the Secretary of the Navy, and I think it was approved by Mr. McCarl. He held originally that the claim could not be paid, and it was then necessary to pass a special act in order to meet some objection he made.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

CLAUDE CURTEMAN

The Senate proceeded to consider the bill (H. R. 2801) for the relief of Claude Curteman, which had been reported from the Committee on Claims with an amendment on page 1, line 5, to strike out "not otherwise appropriated" and to insert in lieu thereof "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Claude Curteman, of the city of Ontario, Calif., the sum of $2,376 in full settlement of all claims against the Government of the United States for all injuries sustained by him on April 1, 1934, when an automobile in which he was riding was in collision with a United States Government truck being carelessly and negligently operated by a member of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HALLE D. M'CULLOUGH

The bill (S. 1934) for the relief of Halle D. McCullough was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of Halle D. McCullough, as superintendent and special disbursing agent of Fort Berthold Indian Agency, Elbowoods, N. Dak., for expenditures of $283.61 and $107.06 made during the month of June 1933 from the fund "Indian moneys, proceeds of labor, Fort Berthold Agency."

ASA J. HUNTER

The Senate proceeded to consider the bill (S. 1067) for the relief of Asa J. Hunter, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$1,825" and insert in lieu thereof "$455", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Asa J. Hunter the sum of $455. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from the serious injury of the said Asa J. Hunter, who, on October 6, 1930, suffered serious injuries and was run down and struck by a United States post-office truck on October 6, 1930, in the city of Minneapolis, Minn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RUTH GASKINS

The Senate proceeded to consider the bill (S. 1764) for the relief of Ruth Gaskins, which had been reported from the Committee on Claims with an amendment to add at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,396.55 to Ruth Gaskins, of Monongah, W. Va., in full settlement of all her claims against the United States for damages resulting from personal injuries received by her on the night of November 27, 1935, when she fell into an open, unguarded, unmarked, and unlighted hole in the sidewalk, such hole having been caused by the failure of Works Progress Administration employees properly to repair an opening they had made in said sidewalk: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROY S. KOSTENBADER

The Senate proceeded to consider the bill (S. 1936) for the relief of Roy S. Kostenbader, which had been reported from the Committee on Claims with an amendment, at the beginning of line 3, page 1, to strike out "That the Comptroller General is authorized and directed to cancel the charges, in the amount of $96.61, entered on the accounts of Elmer W. Laub, deceased, as postmaster at Belfast, Pa., by reason of the unauthorized expenditure of funds by Roy S. Kostenbader while performing the duties of postmaster at said office from January 29, 1935, to April 15, 1935", and to insert in lieu thereof "That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Elmer W. Laub, deceased, former postmaster at Belfast, Pa., with $96.75, being the total amount retained from postal receipts by G. A. Laub and Roy S. Kostenbader as compensation for their voluntary services in acting as postmaster at that post office from January 29, 1935, to March 31, 1935, and from April 1, 1935, to April 15, 1935, respectively", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Elmer W. Laub, deceased, former postmaster at Belfast, Pa., with $96.75, being the total amount retained from postal receipts by G. A. Laub and Roy S. Kostenbader as compensation for their voluntary services in acting as postmaster at that post office from January 29, 1935, to March 31, 1935, and from April 1, 1935, to April 15, 1935, respectively.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Roy S. Kostenbader a sum equal to the total sum of any amounts paid by him to the United States in settlement of such charges.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estate of Elmer W. Laub, deceased."

STERLING BRONZE CO.

The Senate proceeded to consider the bill (H. R. 3701) for the relief of the Sterling Bronze Co., which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claim of the Sterling Bronze Co. for $8,168 for material supplied and work performed in furnishing and installing electrical supplies and equipment in the New House Office Building under contract ACho–23. Appropriations heretofore made for the construction of the New House Office Building are hereby made available for the payment of this claim in the said sum of $8,168: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, will the Senator from Washington favor us with a brief explanation of this measure?

Mr. SCHWELLENBACH. Mr. President, the bill provides for the payment of the Sterling Bronze Co. moneys due for the installation of certain equipment in the House Office Building. The contract was originally let to the Robert Phillips Co. The Phillips Co. failed and went into receivership, and the National Surety Co., which was on the bond of the Phillips Co., made arrangements with the Architect of the Capitol and the Sterling Bronze Co. to substitute the Sterling Bronze Co. for the Phillips Co. Then the National Surety Co. went into receivership, and the Comptroller General took the position that since the National Surety Co. was in receivership, the Architect of the Capitol could not proceed further with the Sterling Bronze Co. The Sterling Bronze Co. did the work and was entitled to the money, and they now have a release from the receiver of the National Surety Co., so that the Government will be protected.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

GEORGE E. SHOCKLEY

The Senate proceeded to consider the bill (S. 171) for the relief of George E. Shockley, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$620" and to insert "$323, in full settlement of all claims against the Government", and to add at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George E. Shockley the sum of $323, in full settlement of all claims against the Government occasioned by the cancelation of a contract entered into between the said George E. Shockley and the United States Coast Guard Service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 593) for the relief of Emily Hyer La Vergne, executrix of the estate of W. K. Hyer, was announced as next in order.

Mr. SCHWELLENBACH. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

E. B. GRAY

The bill (H. R. 2936) for the relief of E. B. Gray was considered, ordered to a third reading, read the third time, and passed.

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

The bill (S. 603) to provide further for membership on the Board of Visitors, United States Military Academy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of May 17, 1928 (45 Stat. 597), entitled "An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes", be amended by adding a second section reading as follows:

"SEC. 2. Said Board of Visitors shall consist further of five distinguished educators to be appointed by the President of the United States for such term or terms as the President may elect. The members of the Board provided by this section shall visit the United States Military Academy at such time or times jointly or singly as the President may appoint and the Superintendent of the academy and members of the Board shall be notified of the time or times for such visits by the President. The expenses of the members of the Board shall be their actual expenses while engaged upon their duties as members of said Board and their actual expenses of travel."

SITE OF SOUTHWESTERN REFORMATORY

The bill (S. 1724) to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to transfer to the control and jurisdiction of the Attorney General, for use as a permanent site for the United States Southwestern Reformatory, established by virtue of the authority conferred by the act approved May 27, 1930 (46 Stat. 388), all of that tract of land containing approximately 1,000 acres, more or less, including all improvements thereon, now occupied and used by the United States Southwestern Reformatory under a permit dated the 20th day of April 1936, signed by Harry H. Woodring, The Assistant Secretary of War, being the southeast corner of the Fort Reno Quartermaster Depot Military Reservation, Okla.

FURNISHING OF SAMPLES TO PROSPECTIVE MANUFACTURERS

The Senate proceeded to consider the bill (S. 1972) to authorize the Secretary of War to sell, loan, or give samples of supplies and equipment to prospective manufacturers, which was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized, in his discretion and under rules, regulations, and limitations to be prescribed by him, to sell, loan, or to give to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department or of the Army, under approved production plans, such drawings, manufacturing and other information, and samples of supplies and equipment to be manufactured or furnished, as he may consider will best promote the interests of national defense.

Mr. KING. Mr. President, I should like to have an explanation of this bill.

Mr. THOMAS of Utah. Mr. President, the bill is recommended by the War Department for enactment into law. It authorizes the Secretary of War, in his discretion and under rules, regulations, and limitations which he may prescribe, to sell, loan, or give to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department or of the Army, under approved production plans, such drawings, manufacturing, and other information, and samples of supplies and equipment to be manufactured or furnished, as the Secretary of War may consider will best promote the interests of national defense.

The bill has the recommendation of the War Department, and is in keeping with the Department's plans. It has the unanimous approval of the committee.

Mr. KING. Has my colleague any information as to the value of the equipment and commodities which will be transferred, and also whether any transfer will be under a grant which will have no limitation as to time?

Mr. THOMAS of Utah. I think there will be no limitation as to time on the grant, but as to the value, all I know is what I may infer from the use of the word "samples." I think the value would be small at all times.

Mr. KING. I shall not object, but I confess that I am not very much interested in granting for an indefinite period of time to Government officials authority to make gifts of property belonging to the Government.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF REAL ESTATE IN PUERTO RICO

The bill (S. 1973) to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer to the people of Puerto Rico that portion of the San Juan Military Reservation known as the Service Company area, containing approximately 23,714.65 square meters.

SEC. 2. The Secretary of War is hereby authorized to accept on behalf of the United States the Manicomio property, otherwise known as the old Insane Asylum, located in the city of San Juan, which property consists of approximately 9,247 square meters.

NATIONAL COUNCIL OF THE BOY SCOUTS OF AMERICA

The Senate proceeded to consider the bill (S. 1472) to authorize the Secretary of War to dispose of material to the National Council of the Boy Scouts of America, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, to strike out "to dispose of without charge, except for transportation and delivery, to the National Council of the Boy Scouts of America such obsolete material as may not be needed by the War Department, and such other material as may be spared at prices representing its fair value to the War Department" and to insert "to sell to the National Council of the Boy Scouts of America such obsolete material as may not be needed by the War Department, and such other material as may be spared, at prices representing a fair value to the War Department, including the cost of packing, handling, and transportation", so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized, in his discretion and under such regulations as he may promulgate, to sell to the National Council of the Boy Scouts of America such obsolete material as may not be needed by the War Department, and such other material as may be spared, at prices representing a fair value to the War Department, including the cost of packing, handling, and transportation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL AIR STATION, SAN FRANCISCO BAY

The bill (S. 2049) to authorize the establishment of a naval air station on San Francisco Bay, Calif., and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, I shall ask that this bill be passed over for today. This request does not mean that I shall ultimately oppose the enactment of the proposed legislation. I desire to examine a very large file I have which involves the location of a number of naval air stations on the Pacific coast. Certain sections of the coast have been tragically neglected, and I desire to have time to go through my file and study this problem in its general aspects and in a comprehensive way from the viewpoint of national defense. I ask at this time that the bill go over, of course, without prejudice.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

NAVAL PETROLEUM AND OIL-SHALE RESERVES

The bill (S. 1131) to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, was announced as next in order.

Mr. ROBINSON. Mr. President, I should like to have this bill discussed by the Senator from Massachusetts, who introduced it and reported it.

Mr. WALSH. Mr. President, the bill deals with the conservation and care of the naval petroleum reserves. The Navy now has three important naval petroleum reserves, two in California, and one in Wyoming, the famous Teapot Dome reserve. The Navy also has a fourth reserve, located in Alaska, which is within the Arctic Circle and 1,000 miles from the nearest open port. On that account it is at the present time not of particular importance, and no oil is being taken from its area.

In addition to these four naval oil reserves the Navy has possession of two shale reserves. Shale, as Senators no doubt know, is capable of being converted into oil through a retorting process. These reserves are located in Colorado and Utah. The cost of mining and extracting oil from shale is prohibitive at the present time. The average value of petroleum is about $1 per barrel, while the cost of converting shale into a barrel of oil is about $2. However, the two shale reserves are of immense importance, because when our oil is exhausted—and it is estimated that the present known supply of oil of the United States will be exhausted in about 15 years—these shale reserves will be capable of producing an immense amount of oil for the Navy, or for such other uses as the Government may see fit.

The naval reserve at Teapot Dome is closed and capped, and no oil is being extracted from that reserve. There are about 17,000,000 barrels in this reserve. Naval reserve no. 2, which is of some importance, is located in California not far distant from oil reserve no. 1, also located in California. This bill does not deal in particular with oil reserve no. 2, because it has been necessary, so far as oil reserve no. 2 is concerned, to make leases in order to protect our oil in that reserve, and most of the oil which can be extracted from that reserve has been extracted as a matter of self-protection. About two-thirds of the known oil content has been extracted and the balance will be extracted under present leases.

This bill seeks, first of all, to give the Navy control over the management and operation of the shale reserves over which it now has merely jurisdiction by Executive order. In other words, the bill permits the shale reserves to be managed by the Navy and administered by the Navy in the same way that the petroleum reserves are, and it seems to me there can be no objection to that new authority being granted.

Oil reserve no. 1 is of supreme importance, and it is very essential that we should have a definite and fixed policy in dealing with that reserve. It is estimated that there are now in that reserve about 600,000,000 barrels of petroleum. If it is discovered later that there is oil below the present sands, this number of barrels may be doubled, so that we may have more than 1,000,000,000 barrels of oil in that one reserve. This is on the assumption that we take steps to protect what we have, and that is the aim of this bill.

There has been, and is, litigation of great importance pending as the result of investigations conducted by my distinguished namesake, the late Senator Walsh, of Montana, in reference to some sections of oil reserve no. 1.

Mr. KING. In southern California.

Mr. WALSH. In southern California. It would appear that the litigation should be successful from the Government's standpoint, and that certain of these oil-land sections will be returned to the Government, on the claim that when conveyed originally they contained minerals or oil, and they never should have been conveyed from the public domain.

Oil reserve no. 1, so far as the Government ownership is concerned, consists of several sections of land under which oil is deposited. Among these sections, forming a checkerboard, are sections owned by the Standard Oil Co. Upon the edge of some of the sections owned by the United States leases have been made by our Government so as to prevent drainage. It is thought and believed that no further leases should be made, but that whatever oil is now in those sections of the reserve should be protected and conserved for future uses of the United States Government, and particularly the Navy; but, because of the checkerboard ownership or possession, if the Standard Oil Co. saw fit to do so, it could drain a great amount of our oil by drilling wells on sections which adjoin sections owned by the United States. There are no wells on many of these sections at the present time, and the Navy desires to forestall any drilling in the future.

The primary and important purpose of this proposed legislation is to give to the Navy authority to trade with the Standard Oil Co., section for section, with the ultimate intention and purpose that all the sections which the United States owns will be adjoining each other and connected with each other, and adjoining the Government lands will be the sections owned and controlled by the Standard Oil Co.

That is important, because we are informed that if wells are drilled in a section owned by the oil company, their drainage may extend a mile into the sections owned by the United States Government. Thus we shall do much toward conserving our oil if all our sections are placed together.

The bill also seeks to give authority to the Navy Department to enter into negotiations with the oil company which the Navy now does not have the right to enter into, and to make agreements or transfers of these sections with the approval of the President, and provides that a report shall be made to Congress of what action has been taken.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Masachusetts yield to the Senator from Utah?

Mr. WALSH. I yield.

Mr. KING. Does the bill provide that the exchange shall be made acre for acre rather than value for value? With respect to the Grazing Act, passed some time ago, dealing with the public domain, where the States owned considerable land, and where the checkerboard system existed, formed by land owned by the Federal Government and land owned by private persons, I may say that by that act authorization was given to make exchanges, not acre for acre, but taking into account the value, because one acre might be very much more valuable than another. I was wondering if the bill under discussion compelled exchange to be made acre for acre rather than taking into account the value.

Mr WALSH. This bill simply gives authority to enter into negotiations and agree upon land-section exchange, subject to approval by the President, and subject to report to the Congress. There is no definition of whether the sections shall be valued on the basis of the oil or on any other basis. The sections are assumed to be all of the same relative value. Each section is a square mile.

The bill also contains a provision giving the Government the right to institute condemnation proceedings to acquire some of these adjoining sections. It is not expected that that right will be exercised, but the provision is made for the purpose of bringing pressure upon those who own private sections adjoining Government sections of land to agree upon a method that will put the acreage owned by each in separate units and by itself.

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

Mr. WALSH. I yield.

Mr. McNARY. The able Senator said that the bill makes provision for exchange of oil resources owned by the Government with private individuals or companies such as the Standard Oil Co., and a report must be made to the President. Before an exchange is made, will the transaction come here for study and final disposition by Congress?

Mr. WALSH. No, Mr. President; the bill permits the Navy to negotiate or attempt to complete negotiations and provides for the approval of negotiations by the President and then a report is to be made to the Congress of what has been done, which is the present method, so far as leasing is concerned but not so far as exchange is concerned, because there is now no authority except to lease.

Mr. McNARY. Action upon the bill would be the final voice and vote of the Congress so far as the subject matter is concerned?

Mr. WALSH. It would not.

Mr. McNARY. What further right would Congress have to act?

Mr. WALSH. The Navy would consult with and obtain the approval of the President of the United States, and no action could be taken without the approval of the President.

Mr. McNARY. I asked with respect to Congress, as to what action Congress could take.

Mr. WALSH. The Congress will receive information of every transaction. It will be informed as to when leases are made, when exchanges of property are entered into, when condemnations are made, what the terms of the leases are, and what the prices are that are paid for the sections which it may be necessary to purchase.

Mr. McNARY. What is the area involved in these transactions?

Mr. WALSH. I wonder if the Senator from Iowa [Mr. GILLETTE] can give that information. What is the area involved in oil reserve no. 1?

Mr. GILLETTE. I do not recall, Mr. President.

Mr. WALSH. Speaking very roughly, reserve no. 1 is 13 miles by 9 miles.

Mr. McNARY. Is just one area in the country involved?

Mr. WALSH. Of course this bill seeks to deal with all the reserves, but it is important only with respect to oil reserve no. 1, because Teapot Dome is closed up, and, so far as we know, no attempt will be made to use it, nor is it necessary to make any attempt there to conserve the oil. But in oil reserve no. 1, which is a tremendous asset to the United States Government, we are in danger of losing much of what we possess if we do not make some exchanges, so that our oil cannot be drained by the owners adjoining the sections owned by the United States Government. We have lost for future uses, because we were obliged to make leases, the oil in reserve no. 2. We are trying, by this bill, to avoid what happened there.

Mr. McNARY. I assume the committee held hearings on this measure.

Mr. WALSH. Extensive hearings were held. The committee went into the matter thoroughly, and has suggested several amendments.

Mr. McNARY. Mr. President, this bill deals with a very important subject. I have not had an opportunity to read the bill or the report of the hearings. I ask that the bill go over for the day.

Mr. WALSH. Mr. President, I have no objection, for I believe every opportunity should be given Senators to know what the committee has found. I think it is very proper that the bill should go over; and when it comes up again I shall try to have a map here showing the area, and the importance of some action being taken, some authority being placed somewhere and in some one's hands, to prevent this valuable asset becoming a negligible asset to the Government. It can be made of great value if satisfactory arrangements can be made to trade section for section, so as to put all the Government property in one area. I shall also discuss more at length the additional authority granted by this bill, which I have not reached in my present agreement.

Mr. KING. Mr. President, before the Senator yields the floor may I interrupt him?

Mr. WALSH. I yield.

Mr. KING. I may say that, so far as the exchange is concerned, I think there can be no objection to it. I should be rather hesitant, however, to give authority to the Federal Government to bring condemnation proceedings against a large area of oil lands. Experts might say that the value is several hundred million dollars, but we cannot tell with certainty. I think the bill proposes too large a grant of authority to the Federal Government.

Mr. WALSH. I will state to the Senator that the committee had the same objection the Senator has expressed but, after reviewing the situation and taking in the whole picture, we reached the conclusion that it would be greatly to the advantage of the Government to have this power from Congress in order to bring about the best possible results of any negotiations which may be made.

Let me add that the Navy Department reports to us the attitude of the Standard Oil Co. has been most friendly; that that company thinks well of the plan of exchanging lands, section by section, and that it considers it would be to their advantage as well as to the advantage of the Government. No one in the United States Government now has authority to take any action, though it is becoming increasingly important to do so.

Mr. KING. As I have said, I believe that is a wise thing, and I have no objection, so far as that is concerned, but there remains the other question.

Mr. WALSH. Let me add further that there is a case pending against the Standard Oil Co. which it is thought will be adjusted shortly to the advantage of the Government, and that the ending of that litigation will make it of special importance that this measure should be enacted.

I was surprised to find, after the extensive investigations conducted by my distinguished namesake, the late Senator Walsh, of Montana, that there was no new legislation on this subject. The original act of 1920 still remains. It appears that the investigations led to the institution of suits the results of which have been very beneficial to the country, but evidently the distinguished Senator felt that the authority to make leases to conserve the property was essential and should be entrusted to somebody.

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

Mr. WALSH. I yield.

Mr. BORAH. As I understand, this is a proposition to enable the Government, through some agency, to exchange lands with the Standard Oil Co.?

Mr. WALSH. Yes; or other privately owned companies.

Mr. BORAH. Had the committee experts before it with reference to the matter? What I am wondering is how the Government will be protected from having its lands tapped by simply exchanging sections, for no one knows where the tapping is to take place.

Mr. WALSH. The Navy Department has in its employ officials and experts who are extremely well-informed on this subject. They made a very extensive study of it, and all of them appeared before the committee.

Mr. BORAH. I am very much afraid that the Government may cheat the Standard Oil Co.

Mr. WALSH. I can appreciate the views of the Senator in that regard.

The PRESIDING OFFICER. Objection being made, the bill will be passed over. The clerk will state the next bill in order on the calendar.

BILL PASSED OVER

The bill (S. 599) for the relief of Earl J. Thomas was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

DEVELOPMENT OF FARM FORESTRY

The bill (S. 1504) to authorize cooperation in the development of farm forestry in the States and Territories, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, the bill just called, Senate bill 1504, introduced by the Senator from Nebraska [Mr. NORRIS], is designed to authorize cooperation in the development of farm forestry in the States and Territories, and for other purposes, is an important measure. It needs fuller consideration than is practicable under the order of procedure now in force. I shall ask that the bill go over, with the assurance that it may be taken up again at an early date, if the Senator desires to move its consideration.

Mr. NORRIS. Mr. President, as the Senator from Arkansas has said, this is a very important bill, although, in substance, it is the same as the bill on the subject which was passed during the last Congress. It is national in its scope. I cannot conceive of any possible objection to it. I think all those who have investigated it will agree that it is a very meritorious measure, and it also has the very hearty approval of the Secretary of Agriculture. I realize, on account of its importance, that it is reasonable to ask that it go over for fuller consideration, although, if we cannot pass the bill under the ordinary call of the calendar, I wish to notify the Senate now that, at an appropriate time, as soon as I can get recognition, or, at least, within a reasonable time, I will move that the Senate take up the bill, so that, if necessary, it may be made the unfinished business of the Senate.

Mr. ROBINSON. I do not mean to imply that I am opposed to the bill.

Mr. NORRIS. I understand, and the Senator's request is very reasonable; I am not finding fault with it.

Mr. ROBINSON. But I think the bill is of sufficient importance to receive consideration when the Senate is proceeding under a different order.

The PRESIDING OFFICER. On request of the Senator from Arkansas, the bill will be passed over.

FLOOD CONTROL ON LOS ANGELES AND SAN GABRIEL RIVERS, CALIF.

The bill (S. 1571) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, was announced as next in order.

Mr. KING. Mr. President, I think this is too important a measure to be considered under the rule governing the proceedings of the Senate at this time. It calls for $70,000,000 for flood control. The Congress passed a bill at the last session authorizing some four or five hundred million dollars for flood-control purposes. It seems to me that the project provided for in this bill should come within the provisions of the act which has been passed rather than be acted upon as a separate measure.

Mr. JOHNSON of California. Mr. President, will the Senator from Utah pardon me for a moment?

Mr. KING. Certainly.

Mr. JOHNSON of California. This bill was introduced by my colleague [Mr. McADOO].

Mr. KING. I so understand.

Mr. JOHNSON of California. It does not provide for any appropriation. It simply makes a particular part of the water flow of Los Angeles County come under the provisions of the general law, enacted last year. For instance, the existing law covers the Los Angeles and San Gabriel Rivers. There is a small creek called Ballona Creek that is near those rivers, but not tributary to them. This bill simply proposes to include Ballona Creek in the measure that is now the law.

Mr. KING. Mr. President, if the Senator will pardon me, the bill reads, omitting the preliminary part:

In accordance with plans to be approved by the Chief of Engineers on recommendation of the Board of Engineers for Rivers and Harbors at an estimated construction cost not to exceed $70,000,000; estimated cost of lands and damages, $5,000,000.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. COPELAND. Mr. President, it has happened in two or three instances that the flood-control law had to be corrected because the language was such that the Army engineers could not do what was contemplated. In this particular case the bill does not involve a single extra penny either for appropriation for the work or for condemnation proceedings. It simply means that in placing the works, the dams, and so forth, it can be done more advantageously by making the area larger, without any increase of expense at all.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER (Mr. POPE in the chair). Objection is heard, and the bill will be passed over.

EXEMPTION AND SURVEY OF SANTA MARIA RIVER, CALIF.

The Senate proceeded to consider the bill (H. R. 3306) to authorize a preliminary examination and survey of Santa Maria River with a view to the control of its floods, which had been reported from the Committee on Commerce with an amendment, on page 1, line 6, after the name "California", to insert "and the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made for run-off and water-flow retardation and soil-erosion prevention on the watershed of the said river", so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Santa Maria River and its tributaries, in the States of California, and the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made for run-off and water-flow retardation and soil-erosion prevention on the watershed of the said river, with a view to the control of its floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RELEASE OF RIGHT-OF-WAY AT SPRINGFIELD ARMORY, MASS.

The bill (S. 1705) to authorize the Secretary of War to release a certain right-of-way no longer needed for military purposes at the Springfield Armory, Mass., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to release and quitclaim the easement or interest acquired by the United States from Edward Ingersoll and wife, by deed dated May 14, 1859, for a right-of-way in connection with Springfield Armory, Springfield, Mass., upon payment of a reasonable compensation to be fixed by the Secretary of War and to execute any instrument or instruments necessary to quiet title in the purchaser thereof, the said right-of-way being no longer used or necessary for military purposes.

MACKINAC STRAITS BRIDGE, MICHIGAN

The bill (S. 1104) granting the consent of Congress to the Mackinac Straits bridge authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the lower peninsula of Michigan, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Mackinac Straits Bridge Authority, in accordance with Public Act No. 35 of the 1934 extra session of the Michigan State Legislature, to construct, maintain, and operate a bridge, or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac, at a point suitable to the interests of navigation, at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge or series of bridges, causeways, and approaches thereto, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge or series of bridges, causeways, and approaches thereto, under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge or series of bridges, causeways, and approaches thereto, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge or series of bridges, causeways, and approaches thereto, shall thereafter be maintained and operated free of highway tolls, or the rates of highway toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge or series of bridges, causeways, and approaches thereto, under economical management. An accurate record of the costs of the bridge or series of bridges, causeways, and approaches thereto, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSISSIPPI RIVER BRIDGE, LA CROSSE, WIS.

The bill (S. 1897) to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near La Crosse, Wis., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River, at or near La Crosse, Wis., authorized to be built by the State of Wisconsin, by the act of Congress approved June 19, 1936, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE, ARROW ROCK, MO.

The bill (S. 2076) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Arrow Rock, Mo., authorized to be built by the St. Louis-Kansas City Short Line Railroad Co. by the act of Congress approved March 2, 1929, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE, ST. CHARLES, MO.

The bill (S. 2077) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near St. Charles, Mo., authorized to be built by the St. Louis-Kansas City Short Line Railroad Co. by the act of Congress approved March 2, 1929, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

AUTHORITY TO WEST VIRGINIA TO CONSTRUCT BRIDGES

The bill (S. 1917) to amend the act entitled "An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary line streams or rivers of said State", approved March 3, 1931, as amended, was announced as next in order.

Mr. ROBINSON. Mr. President, the Senator from Ohio [Mr. BULKLEY] is interested in the bill which has just been called, and desires to be present when it is considered. He is unable to be present today because of illness. I, therefore, ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RATING OF GRADUATES OF NAUTICAL SCHOOLS

The Senate proceeded to consider the bill (S. 2084) to provide that graduates of approved school ships may be rated as able seamen upon graduation, and for other purposes, which was read, as follows:

Be it enacted, etc., That subsection (a) of section 13 of the act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea", approved March 4, 1915, as amended, is amended by striking out "after 12 months' service at sea after graduation" and inserting in lieu thereof "upon graduation in good standing from said school ships."

SEC. 2. Subsection (e) of such section 13, as amended, is amended by inserting before the period at the end thereof the following: "or proof that he is a graduate of a school ship approved by and conducted under rules prescribed by the Secretary of Commerce."

Mr. KING. Mr. President, will the Senator from Massachusetts explain the bill?

Mr. WALSH. Mr. President, with the aid of the Federal Government there are various nautical schools, one in Massachusetts, one in New York, one in Philadelphia, and another on the Pacific coast. Since funds are being expended for the training of the students at such schools, their services should be acquired immediately after graduation.

By a strange quirk in the law these graduates may serve as officers, but are not permitted to serve as able seamen until after a year at sea following graduation. It is the belief that these men are fully qualified for certification as able seamen, and the purpose of the bill is to make it possible to make use of their services.

The Government has entered upon a program of subsidizing merchant ships. It is a well-known fact that personnel is more important than matériel. In no better way can we acquire at least a small group of able seamen than by utilizing the service of the graduates of these various schools. The Department of Commerce approves of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. That completes the calendar.

AUTHORITY TO COMMITTEE ON APPROPRIATIONS TO REPORT DURING RECESS

Mr. ROBINSON. Mr. President, all the Senate committees are very busily engaged, and I am advised by the respective chairmen that they are proceeding as rapidly as they can with the consideration of important proposed legislation. This morning's activities have brought the Senate Calendar up to date with the exception of certain bills, as to one of which notice has been given that a motion will be made Thursday to proceed to its consideration, and another which likely will be considered when the Consent Calendar is again taken up, and if not a motion to consider that bill will be made. The latter bill to which I refer is the bill of the Senator from Nebraska [Mr. NORRIS] having relation to farm forestry.

In order that the committees may have a freer and fuller opportunity to consider and report important measures I ask unanimous consent that the Senate Committee on Appropriations may be allowed to report an appropriation bill during the recess or adjournment of the Senate to follow today's session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. McNARY. Mr. President, to what date does the Senator expect the Senate to adjourn?

Mr. ROBINSON. Until Thursday, unless there is some objection. I wish to have the cooperation of the Senator from Oregon and other Senators in the matter.

Mr. McNARY. I usually register objection to a proposal of the kind submitted, but the conditions are somewhat "irregular", if I may use that term. If I may have an understanding with the Senator, I shall have no objection to the proposal. If on Thursday any Senator should want an additional day, under the rule, to consider an appropriation bill which may be reported, may we have it understood that the bill will go over? I doubt if such request would be made, but I want to keep the matter open in that way in fairness to some Member of the Senate who, being absent at this time, might desire to invoke the rule on Thursday.

Mr. ROBINSON. I see no objection to the suggestion of the Senator from Oregon. It gives me pleasure to say that if such a request be made I should not insist upon consideration of an appropriation bill reported during the recess or adjournment until it should have lain over for one day. I shall be glad to grant the request. I am also informed that there will be other business to engage the attention of the Senate for perhaps the entire day Thursday.

I submit the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESSES BY REPRESENTATIVE DREWRY AND SECRETARY ICKES

Mr. BURKE. Mr. President, I desire to ask unanimous consent to insert in the RECORD a radio address delivered recently by a Member of Congress, but before doing so I wish to make a very brief comment.

There was delivered at my apartment last Friday a card headed "On the Supreme Court", calling attention to the fact that the Secretary of the Interior, Harold L. Ickes, was to speak on the Supreme Court on Saturday, April 10, the radio period being from 10 to 11 p. m. eastern standard time, National Broadcasting Co., blue network. The card continued, "We urgently request that you arrange for radio parties to hear the speakers", notice being also given that the Senator from Kentucky [Mr. BARKLEY] was to speak, and also Postmaster General Farley. The card was signed "Mary W. Dewson, chairman of the women's division, Democratic National Committee."

By chance I was not at home either on Friday or Saturday, and I did not hear the radio address of Secretary Ickes to which my attention was called by Miss Mary W. Dewson, but, through the courtesy of the Public Information

Committee, National Press Building, Washington, D. C., I have been supplied with a copy of the radio speech of Secretary Ickes, the Public Information Committee, it having been stated on the floor and not denied, being an adjunct of the Democratic National Committee. I am not offering the speech of Secretary Ickes for the RECORD, although I hope that someone will do so, as I am sure at least all Members on this side of the Chamber will want to read it; but I do want to invite attention to just one thought contained in the speech. The learned Secretary made this statement:

> But, from the battle of last November the enemy has learned a lesson. Even John Hamilton now knows that a front line of Hoovers and Smiths and Du Ponts, of Liberty Leagues and American Bar Associations, will make the American people reach for bigger bricks.
>
> So this time Mr. Hamilton's front line consists of—

Then he classifies into three groups all those who are opposing the plan in reference to the Supreme Court; and it is that to which I wish to invite attention and make a further brief comment:

> So this time Mr. Hamilton's front line consists of deserter-decoys from the Roosevelt ranks in November, reactionary geographical Democrats frightened by November's proof of the real democracy of America, piqued professional liberals who would rather have no reform than one for which someone else might get credit.

So it occurred to me, Mr. President, inasmuch as most of the committees are not ready to report proposed legislation, that Members of the Senate and the House might be interested in engaging in a little game something like the crossword puzzle, taking the three classifications suggested by our distinguished Secretary of the Interior and arranging those who are opposing the President's plan in reference to the Supreme Court under the different heads, with a prize for the one who could more nearly and more correctly allocate the opposition. As a little guide, I am going to suggest, say, that among the "deserter-decoys from the Roosevelt ranks of November" might be included the distinguished senior Senator from Massachusetts [Mr. WALSH], the Senator from Missouri [Mr. CLARK], the Senator from Maryland [Mr. TYDINGS], the Senator from Utah [Mr. KING], and the Senator from New York [Mr. COPELAND].

I have a little more difficulty in making a suggestion in reference to the "reactionary geographical Democrats who were frightened by November's proof of the real democracy of America", but after due consideration I would suggest the senior Senator from Virginia [Mr. GLASS], the junior Senator from Virginia [Mr. BYRD], the senior Senator from Georgia [Mr. GEORGE], the senior Senator from North Carolina [Mr. BAILEY], and the junior Senator from Texas [Mr. CONNALLY].

Then when I come to the "piqued liberals" who are opposing the plan only because they did not originate it, I think we could very properly go a little outside the Democratic ranks altogether in this body and include, in addition to the Senator from Montana [Mr. WHEELER], the senior Senator from North Dakota [Mr. FRAZIER], the junior Senator from North Dakota [Mr. NYE], the senior Senator from Idaho [Mr. BORAH], and the senior Senator from California [Mr. JOHNSON].

These are mere suggestions, to be added to and enlarged upon as individual Senators may suggest.

I was coming, in more direct answer to the statement made by the Secretary of the Interior, to the speech delivered over the radio last Friday evening by a distinguished Member of Congress; but before coming to that, let me say that we do not need to confine this game to Members of the House or Senate. We could go outside, for instance, and include among the "piqued liberals", of course, Raymond Moley, Oswald Garrison Villard, Norman Hapgood, John T. Flynn, Dorothy Thompson, and some others who have made somewhat of a reputation as liberals, and who, I am sure, would be interested to know that they are "piqued liberals."

We might also add to such a list such distinguished gentlemen as President Conant, of Harvard; President Angell, of Yale; President Glenn Frank, of Wisconsin; Dean Bates, of Michigan Law School; Dean Smith, of Columbia Law School; and a host of other distinguished citizens who have declared their strong opposition to the measure; but I will leave that to future development.

Returning to the radio address delivered by a Member of the House, I think, of course, we should not neglect or overlook the fact that in the House there are Representative PETTENGILL, of Indiana, who has been out fighting the measure; Representative WILCOX, of Florida; Representative COX, of Georgia; and I believe the distinguished chairman of the House Judiciary Committee has not left unknown his views in reference to the matter.

But what I have in mind particularly, and with this I close, is the speech delivered over the radio last Friday night by the Honorable PATRICK H. DREWRY, a Representative in Congress from the Fourth Virginia district, who is now and during the last campaign was the chairman of the Democratic National Congressional Committee. I shall read only one statement which he made to show the pertinence of his remarks, and then shall ask unanimous consent, with the approval of the Representative himself, to have his entire speech printed in the RECORD.

This is what I should like to bring to the attention of Senators, having in mind the statement of the Secretary of the Interior that the front line of the opposition, all who are opposed to the plan, must be classed either as "deserter decoys from the Roosevelt ranks of November", or "reactionary geographical Democrats frightened by November's proof of the real democracy of America", or "piqued liberals." Mr. DREWRY, chairman of the Democratic National Congressional Committee, among other things, said:

> It seems strange that such a plain and simple statement should have to be made, but when Members of the Congress of the United States, of equal dignity in our form of government, with the Executive and the judiciary, and outstanding citizens of the country, who have the welfare of the Nation at heart, are classed, because of their opposition to this legislation, as "the same elements of opposition" which, by inference, attempted to prevent beneficial movements for the care of the ill-nourished, ill-clad and ill-housed, then protest must be made by those whose independence of thought and action is thus impugned. I am opposed to this legislation—for I believe it to be neither necessary nor expedient, and in addition it establishes a dangerous precedent in our form of Government. I have great admiration for the President and high regard for the dignity of his office, and belief in the honesty of his purpose in recommending this legislation, but I claim for my office as Representative an equal dignity and for myself the right as a citizen of the United States to place loyalty to my country above that of adherence to the views of the Executive.
>
> I cannot be classed as being a part of the "same elements of opposition" that opposed former policies of the administration for I gave my services willingly and wholeheartedly to insure the continuance of the administration, and the control of the policies of the Government by the Democratic Party. But this proposal is not and should not be made a subject of partisan debate. The issue goes too deep into the center of the system of the Government of this country to become confused by partisans striving for political advantage. Every citizen, whether he be Democrat or Republican, is concerned with a change in the administration of justice as between man and man in our courts. I am presenting my view solely as an American citizen.

I ask unanimous consent that the entire speech of the chairman of the Democratic National Congressional Committee, the Honorable PATRICK H. DREWRY, may be inserted in the Appendix of the RECORD.

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

Mr. ROBINSON. Mr. President, taking note of the fact that a portion of the radio address delivered by the Secretary of the Interior has been read into the RECORD, I request that the entire speech be printed in the RECORD.

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

SUPREME COURT DECISIONS AFFECTING NATIONAL LABOR RELATIONS ACT (S. DOC. NO. 51)

Mr. WAGNER. Mr. President, I ask that the opinions of the Supreme Court of the United States, together with the dissenting opinions in the cases of the Associated Press, petitioner, against National Labor Relations Board (No. 365); National Labor Relations Board, petitioner, against Jones & Laughlin Steel Corporation (No. 419); National Labor Relations Board, petitioner, against Freuhauf Trailer Co. (Nos. 420 and 421); and National Labor Relations Board, petitioner, against Friedman-Harry Marks Clothing Co., Inc. (Nos. 422 and 423); and the opinion of the Supreme Court in the case of Washington, Virginia & Maryland Coach Co., petitioner, against National Labor Relations Board (No. 469), involving the constitutionality of the National Labor Relations Act, approved July 5, 1935, be printed as a Senate document.

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

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. POPE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. COPELAND, from the Committee on Commerce, reported favorably the following nominations:

Rear Admiral Henry A. Wiley, United States Navy, retired, to be a member of the United States Maritime Commission for a term of 4 years from September 26, 1936, to which office he was appointed during the last recess of the Senate;

Rear Admiral Emory S. Land, United States Navy, retired, to be a member of the United States Maritime Commission for a term of 6 years (original appointment);

Edward C. Moran, Jr., of Maine, to be a member of the United States Maritime Commission for a term of 5 years (original appointment);

Thomas M. Woodward, of Pennsylvania, to be a member of the United States Maritime Commission for the remainder of the unexpired term of 3 years from September 26, 1936, vice Montgomery M. Taylor; and

Joseph P. Kennedy, of New York, to be a member of the United States Maritime Commission for the remainder of the unexpired term of 2 years from September 26, 1936, vice George Landick, Jr.

Mr. COPELAND also, from the Committee on Commerce, reported favorably the nomination of Col. Francis B. Wilby, Corps of Engineers, United States Army, for appointment as a member of the Mississippi River Commission, provided for by law, vice Brig. Gen. George R. Spalding, Corps of Engineers, relieved.

He also, from the same committee, reported favorably the nomination of Lt. (Jr. Gr.) Frank A. Erickson to be a lieutenant in the Coast Guard, to rank as such from May 15, 1936.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. ROBINSON. I make the same request as to the Army nominations.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

That concludes the Executive Calendar.

ADJOURNMENT TO THURSDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate adjourn until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 1 o'clock and 27 minutes p. m.) the Senate adjourned until Thursday, April 15, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 12, 1937

DIPLOMATIC AND FOREIGN SERVICE

John H. Lord, of Massachusetts, now a Foreign Service officer of class 7 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

UNITED STATES TARIFF COMMISSION

William J. Sears, of Florida, to be a member of the United States Tariff Commission for the remainder of the term expiring June 16, 1937, vice Raymond B. Stevens, resigned.

COLLECTOR OF CUSTOMS

Harry M. Durning, of New York, N. Y., to be collector of customs for customs collection district no. 10, with headquarters at New York, N. Y. Reappointment.

UNITED STATES ATTORNEY, VIRGIN ISLANDS

James A. Bough, of the Virgin Islands, to be United States attorney of the Virgin Islands, to fill an existing vacancy.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lt. Col. Arthur Earl Wilbourn, Cavalry, from April 1, 1937.
Lt. Col. Harry Bowers Crea, Infantry, from April 1, 1937.
Lt. Col. Robert Christie Cotton, Infantry, from April 1, 1937.
Lt. Col. Roy Alison Hill, Infantry, from April 1, 1937.
Lt. Col. Charles Kilbourne Nulsen, Infantry, from April 1, 1937.

TO BE LIEUTENANT COLONELS

Maj. Stuart Clarence MacDonald, Infantry, from April 1, 1937.
Maj. Horace Grattan Foster, Finance Department, from April 1, 1937.
Maj. James MacKay, Finance Department, from April 1, 1937.
Maj. Stephen Roscoe Beard, Finance Department, from April 1, 1937.
Maj. Emmet Crawford Morton, Finance Department, from April 1, 1937.
Maj. Edward Tiffin Comegys, Finance Department, from April 1, 1937.
Maj. Montgomery Taft Legg, Finance Department, from April 1, 1937.

TO BE MAJORS

Capt. Joseph Burton Sweet, Infantry, from April 1, 1937.
Capt. William Quinntillus Jeffords, Jr., Coast Artillery Corps, from April 1, 1937.
Capt. Garland Cuzorte Black, Signal Corps, from April 1, 1937.
Capt. George Anthony Patrick, Coast Artillery Corps, from April 1, 1937.
Capt. Joseph Andral Nichols, Infantry, from April 1, 1937.
Capt. Leon Lightner Kotzebue, Infantry, from April 1, 1937.
Capt. Walter Christian Thee, Quartermaster Corps, from April 1, 1937.
Capt. Thomas Reed Holmes, Infantry, from April 1, 1937.
Capt. Nicholas Dodge Woodward, Infantry, from April 1, 1937.

Capt. Edgar William King, Coast Artillery Corps, from April 1, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 12, 1937

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS, REGULAR ARMY

Hugh Chester Downey to be major.

APPOINTMENTS IN THE REGULAR ARMY

Walter Campbell Baker to be Chief of the Chemical Warfare Service with the rank of major general.

Charles Burnett to be Chief of the Bureau of Insular Affairs with the rank of brigadier general.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Owen Russell Marriott to Quartermaster Corps.
First Lt. Albert Edward Stoltz to Quartermaster Corps.
Second Lt. John George Benner to Field Artillery.

POSTMASTERS

NORTH CAROLINA

James E. Faison, Faison.

TENNESSEE

Inez Smith, Bluff City.
Robert L. Woods, Concord.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 12, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou God of the human heart, teach us the gladness of that life which is responsive to Thy messages through Nature. We thank Thee for the promise and the brightness of returning springtime. Leaf, flower, and fruit are beginning to clothe grove, dale, and hillside. We rejoice in the radiant sunlight and the deep blue sky. Surely the heavens declare the glory of God and the firmament showeth His handiwork. All about us Thy beautiful world is thrilling with new life. Today, our Father, fill us with its calmness, serenity, and kindred joy. Awaken in us a like renewal which cold doubt has so often caused to die out. O Spirit of God, direct us and rule us, broaden our spiritual vision. Blessed Lord, as the grass, the flowers, the trees, and the streams are vocal with Thy praise, attune our hearts to their melody. Bless our esteemed Speaker and be very near to every Member of the Congress. In the name of our Savior. Amen.

The Journal of the proceedings of Friday, April 9, 1937, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 48. An act to authorize an appropriation for investigations under the Federal reclamation laws; and

S. Con. Res. 8. Concurrent resolution requesting the President to return to the Senate the enrolled bill (S. 1455) to authorize certain officers of the United States Navy; officers, enlisted men, and civilian employees of the United States Army; and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered, rescinding the action of the Speaker and the President pro tempore of the Senate in signing said bill, and authorizing the Secretary of the Senate to make a correction in the enrollment thereof.

LEAVE OF ABSENCE

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent that the leave of absence heretofore granted the gentleman from New York [Mr. BACON] may be extended 1 week because of illness.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none. The Chair may state, however, to the gentleman from Massachusetts and to all Members that requests of this sort may be filed with the Clerk.

PAYMENT OF INCOME TAX BY GOVERNMENT AND STATE OFFICIALS AND EMPLOYEES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. GAVAGAN. Mr. Speaker, reserving the right to object, I would like to ask a question of the Speaker by way of a parliamentary inquiry. Will the recognition of the gentleman from Missouri in any way interfere with my right today to call up a motion on the Discharge Calendar?

The SPEAKER. The Chair will state to the gentleman from New York that the Chair would not allow the interposition of unanimous-consent requests to interfere with his privileges under the rule.

Mr. GAVAGAN. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I am today introducing a resolution proposing an amendment to the Constitution, the purpose of which is:

First. To require every Federal official and employee, elected or appointed, to make a Federal income-tax return on their salary and also require them to pay income tax to the States of which they are a legal resident.

Second. To require all State officials and State employees to make Federal income-tax returns on their salaries.

Third. To require officials and employees of all national banks and State banks, members of the Federal Reserve System, to pay income tax to the States on their salaries.

The joint resolution reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States, which conventions shall be composed in each State of delegates elected by a majority vote of the electors of the State voting at such election:

"ARTICLE —

"SECTION 1. The Congress of the United States shall have power to lay and collect taxes on income derived by any person as fees or salaries paid by any State, or political subdivision or instrumentality thereof, and the legislature of each State shall have power to lay and collect taxes on income derived by its residents as fees or salaries paid by the United States or any instrumentality thereof: *Provided*, That no legislation enacted under the authority of this article shall discriminate against income derived from the United States in favor of that derived from any State, or against income derived from any State in favor of that derived from the United States."

The necessity for this amendment grows out of the decision of the Supreme Court which held one cannot tax the other. Thus the Federal Government is restricted from taxing the State officials and employees and the States are likewise restricted from taxing the Federal officials and employees. Further than this the other interpretations placed on the sixteenth amendment by the Court makes an amendment necessary. It was certainly the intention of Congress, in my opinion, when it submitted the sixteenth amendment to meet the very situation that now exists. The amendment reads as follows:

The Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration.

While that language appears specific, subsequent developments—court decisions—say it is not.

Another reason that the amendment is necessary is that in the case of Brush against Commissioner of Internal Revenue, March 15, 1937, the Supreme Court by a 7-to-2 decision, Justices Brandeis and Roberts dissenting, held in effect that State officials and State employees are not subject to Federal income tax on the salary they receive.

A third reason is the action of the officials and employees of national banks and State banks, members of the Federal Reserve System, taking advantage of a decision by the Social Security Board, holding that the banks are instrumentalities of the Government. The officials and employees of the banks now place themselves in the same category as a Federal employee and therefore are not making returns on their salaries to the various States for income-tax purposes.

Aside from this the banks in some instances, I have been informed, have advised their stockholders that the devidends received from stocks are not subject to State income tax.

According to the Census Bureau, there are 6,725 national banks in the United States, 114,102 employees and officials, whose total salaries are $211,944,367.

There are 107 Federal Reserve banks and joint-stock land banks in the United States, with 13,757 officials and employees, whose salaries are $24,428,104.

The Census Bureau did not have the number of State banks that are members of the Federal Reserve System, and the number of the employees of those banks, together with their salaries, are not included in the figures above.

Twenty-three thousand eight hundred and sixty-two executive and salaried officers of national banks receive $87,835,041 and 525 executive and salaried officers of Federal Reserve banks and joint-stock land banks receive $4,210,208 all not subject to the State income tax in view of the ruling declaring such banks instrumentalities of the Federal Government.

The number of employees in the government service, Federal, State, and subdivisions of States, is 3,495,363. The break-down is as follows:

Federal	1,051,607
State	305,045
City	590,202
County, township, and minor civil divisions	295,678
Public education	1,252,831

The estimates do not include all persons on emergency-works programs, Federal and State.

It seems to me that there is no good reason why a Federal official, elected or appointed, should not be subject to the income tax of the State of which he is a legal resident, and there is equally no good reason why the employees of the States and the subdivisions of States should not be subject to the Federal income tax, nor is there any good reason why officials and employees of national banks and State banks, members of the Federal Reserve System, should not be required to pay State income taxes.

I have called this matter to the attention of the Secretary of the Treasury and expressed the hope, if it is possible, to meet some of the conditions by law, it should be done in the next revenue bill; but a constitutional amendment should be adopted in lieu of the existing amendment to the Constitution that will be so broad as to make it mandatory that all, regardless of whether they are in Government service, should be subject to the Federal and State income-tax laws.

While I have no report as to the number of members of the Federal judiciary appointed prior to 1932 who voluntarily made a Federal income-tax return on their salary for the calendar year 1936, I am informed only six made returns for the calendar year 1935.

The proposed joint resolution makes provision for the adoption or rejection of the proposed amendment to the Constitution by the convention method, rather than by ratification by State legislatures. There are at least two advantages to the convention method: First, it has been suggested by a number of persons recently that Congress can fix a date for the simultaneous holding of ratifying conventions in all States, and thus dispose of the matter within a period of months; whereas ratification by the legislatures would have to await the convening of the various State legislatures, most of which meet only once every 2 years. Secondly, since the members of the State legislatures themselves would be affected by the proposed amendment, that is, their salaries would be subjected to Federal taxation under it, the first method would produce a more disinterested consideration of the matter. Congress adopted the convention method for the ratification of the twenty-first amendment but left the manner and time of calling the convention to the States. All the other amendments were adopted by the State legislature method.

The proposed amendment would permit Congress to tax any income derived by any person as a fee or salary which is paid by any State or political subdivision or instrumentality thereof, and it will permit each State to tax any income derived by its residents as fees or salaries paid by the United States or any instrumentality thereof. Instrumentalities of the United States would include national banks, Federal corporations, and so forth. The proposed amendment, however, expressly prohibits the States from discriminating against income derived from the United States in favor of income derived from the States by imposing higher income taxes on officers and employees of the United States than they do on their own officers and employees. Similarly, the United States cannot tax the officers and employees of States more than it does its own.

The proposed amendment will permit the Federal Government to tax the income of State judges. It will also permit the State to tax Federal judges, notwithstanding the fact that they may have been appointed prior to the adoption of this amendment. Article III, section 1, of the Constitution provides that the compensation of Federal judges shall not be diminished during their continuance in office. This has been construed by the Supreme Court to preclude Federal income taxes on the salaries of such judges. See *Evans* v. *Gore* (1920) (253 U. S. 245), and *Miles* v. *Graham* (1925) (268 U. S. 501). It is a prohibition, however, directed only against the Federal Government. Federal judges receive their present immunity from State taxation by virtue of the fact that they are officers of the United States. The present amendment will strip them, as it will all other officers and employees of the United States, of this immunity. The proposed amendment will, therefore, permit State income taxes to be imposed upon all Federal judges, including the members of the Supreme Court, who are residents of any of the States.

The amendment, however, will not deal with the power of the Federal Government to impose taxes on its own judges. Section 22 of the Revenue Act of 1932 provides that the compensation received by Federal judges, as such, taking office after the date of the enactment of that act—June 6, 1932—shall be included in gross income for the taxing purposes of the act, and that all acts fixing the compensation of such judges are amended accordingly. Succeeding revenue acts have carried this same provision as originally enacted. The provision was designed to get around the Supreme Court decisions cited above by fixing in advance the salaries of judges appointed after its enactment at the salaries of judges appointed prior to its enactment less income tax. The present situation, therefore, is that Federal judges appointed since June 6, 1932, pay Federal income taxes, while those appointed prior to that date do not. The present proposed amendment does not deal with this situation, which, relating as it does only to taxation by the Federal Government of its own officers, is believed to be a problem distinct from that of reciprocal taxation by the States and the Federal Government of each others' officers and employees.

The amendment will affect Members and employees of Congress, since it is not limited to officers and employees of the United States, but includes all persons who receive income from fees or salaries paid by the United States.

It is absolutely impossible to even estimate the amount of money that is now being lost to the Federal and State Governments by reason of the existing conditions.

PERMISSION TO ADDRESS THE HOUSE

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent that on next Thursday, immediately after the disposition of matters on the Speaker's table, I may be permitted to address the House for 45 minutes following the special orders already granted for that day.

Mr. FISH. Mr. Speaker, reserving the right to object, as I understand, the antilynching bill may be up on Thursday and its consideration may require the entire afternoon. For this reason I hope the gentleman will ask for time the following day or at some other time.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. FISH. I object, Mr. Speaker.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an address which I delivered at Valley Forge on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on tomorrow after the disposition of matters on the Speaker's desk and following the previous orders heretofore granted, I may address the House for 20 minutes.

Mr. GAVAGAN. Mr. Speaker, in view of the situation as it exists now and the fact that undoubtedly the antilynching bill will be called up tomorrow under the rule that we will pass today, I shall have to object to any further requests for time.

The SPEAKER. Objection is heard.

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Friday, after the disposition of the business on the Speaker's table and following such special orders as may have been heretofore granted.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I understand there will be very few Members here on Friday of this week. A number of Members have already arranged to be away at that time, and we do not want to have a session on Friday. If I were the gentleman I believe I would defer my request.

Mr. BURDICK. I may say to the gentleman that is the very reason I asked for Friday [laughter], but if it will interfere——

Mr. RAYBURN. I do not believe we will have a session on that day.

Mr. BURDICK. Then, Mr. Speaker, I modify the request and ask unanimous consent to address the House for 15 minutes on Thursday, following the disposition of matters on the Speaker's table, and the previous orders heretofore granted.

Mr. FISH. Mr. Speaker, I am, reluctantly, compelled to object.

The SPEAKER. Objection is heard.

ANTILYNCHING BILL

Mr. GAVAGAN. Mr. Speaker, I call up Calendar No. 1 on the Calendar of Motions to Discharge Committees, being motion no. 5, signed by 218 Members of the House, to discharge the Committee on Rules from further consideration of House Resolution 125.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read as follows:

House Resolution 125

A resolution to make H. R. 1507, a bill to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, a special order of business.

The SPEAKER. The gentleman from New York will be recognized for 10 minutes and the gentleman from New York [Mr. O'CONNOR], if he desires, will be recognized for 10 minutes in opposition to the resolution.

Mr. GAVAGAN. Mr. Speaker, I yield myself 5 minutes.

A majority of the membership of this House has signified its wish that H. R. 1507 receive consideration of the House. This represents an epoch in the annals of the Congress of the United States, because a Democratic House of Representatives initiated and brought to a successful conclusion a discharge petition relating to this type of legislation. I am very proud of the part I contributed to the success of the petition, and I wish to express to every Member who placed his signature thereon my thanks and appreciation.

This success confirms in my mind the belief that slowly but surely the people of these United States are coming to the firm resolve that government by law must prevail; that courts of justice are established primarily to protect the weak and punish the guilty; that the rule of reason by law must be maintained; that justice, as enunciated by the courts, must be the established domestic policy; and, finally, that mob rule and "Judge Lynch" must be forever banished from the proud history of our country.

"Thou shalt not kill" has come down to us from Mount Sinai; the clear import of its meaning has been known and understood through all the centuries of man's travail on this earth; in every civilization known to man where reason and justice ruled this commandment was the pinnacle upon which rested peace and order, justice and civilization. It binds the Christian, the Mohammedan, the Jew, the Turk, the white man and the yellow man, the black man and the red man. Its purport and meaning is applicable to all; no man or race of men is excepted from its binding force; it is a divine commandment, as binding today as when first uttered, binding individually and collectively.

Since history's dawn, mankind has sought in one form or another to approximate justice in order thereby to protect the weak from the strong, to establish peace and order, and to provide for the general welfare. To this end and for this purpose mankind throughout the ages instituted tribunals of one sort or another where truth and justice were sought to be established. Ultimately there evolved legal tribunals known to us as courts and bodies of rules and principles, at times called "codes", "rules", "constitutions", "laws." The ultimate object and purpose was ever the establishment of justice, equal justice, justice applicable equally to all. Mankind instinctively knew and understood that without a general system of laws applicable to all and tribunals for the application of these laws to all, civilization could not exist. Mankind knew and understood that individuals should not and must not be permitted to declare for themselves the law or rule of justice and should not and must not be permitted to execute for themselves the law or rule of justice. Mankind knew that the individual pronouncement of the law and the individual execution thereof meant anarchy, not government; meant barbarism, not civilization; meant chaos, not order.

Investigating mankind's endeavor to approximate justice, we find underlying all tribunals of justice and permeating all systems of organic laws the eternal principles enunciated in the Decalogue. These principles are as binding as when on that great day they were divinely proclaimed for the guidance of men.

The Constitution of these United States, in my opinion, has as its main purpose the fruition of these great principles of human action in government—man's responsibility to man, man's obligation to man, and the rights of man in collective society.

Believing as I do, it is with grief and regret that candor compels me to admit that in our great Nation, dedicated to the freedom of mankind, there exists among us the spirit of mob rule and mob violence. No true American can but grieve because of this terrible scourge of injustice. To strive to eradicate it, seems to me a noble endeavor. Without malice or bitterness, and with no concern save the honor of our country, I appeal to my colleagues of this House to give thought to the great endeavor to remove from our midst this blight. This movement has been gaining momentum through the years; the voice of righteousness is becoming more clear, more insistent; the people of these United States are conscious of the justice and righteousness of the cause and do, I have no doubt, demand legislation to punish and prevent this heinous crime. For in the words of the great Burke—

Every generation sets before itself some favorite object which it pursues as the very substance of its liberty and happiness.

Truth and justice must prevail. Mankind's struggle to attain it may be arduous; the road to light may be hard and thorny, but eventually God's justice shall prevail—righteousness will triumph and law and order become established. Sooner or later "Judge Lynch" must be dethroned and in his place the goddess of justice enthroned.

To all of you I appeal for justice under law; equal justice to all men—white men, black men, yellow men, red men. Convinced of the soundness and justice of this cause, I happily dedicate my life and my little talents to its accomplishment. It matters not the road be rough and stormy, if the heart be pure and the cause just, there will be found joy and consolation. In conclusion, permit me to rekindle your zeal with the noble spirit of the immortal Lincoln:

"• • • with malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on • • •."

[Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, the parliamentary procedure here today is rather anomalous. We are considering a motion to discharge the Rules Committee from a matter which never was before the Rules Committee. Some years ago—I think it was in connection with the bonus measure—someone devised a means of bringing before the House, by way of a petition to discharge, a matter that had never been considered, or, at least, not reported, by a standing committee. That was followed by an attempt to bring the Townsend plan before the House in the same way; and now, today—and I say this so that the position of the Rules Committee may be well understood—a motion is made to discharge the Rules Committee from consideration of a matter which never was before it and never could be properly considered by it.

The Rules Committee is the servant of the standing committees of the House. When bills are reported by those standing committees, the Rules Committee passes upon their presentation to the House. Never in the 14 years I have been on the committee have I ever heard it suggested that the Rules Committee bring in a rule to consider a measure which had never passed a standing committee.

Antilynching bills have been before the Judiciary Committee of the House. That committee reported out one bill, and on last Wednesday it came before the House. The Rules Committee had nothing to do with its presentation. This particular bill—the Gavagan bill—the Judiciary Committee did not report out, and, therefore, there has been nothing before the Rules Committee.

As to the merits of the measure, that is another matter. I feel as keenly and as bitterly against lynching as any man in this House. I despise it; I detest it. I think only the lowest form of a coward that ever crawled the face of the earth would indulge in lynching. I would like to have seen this bill brought before the House in the proper orderly way so as to give us an opportunity to vote upon it in the regular parliamentary procedure. But I am talking now about the peculiar situation which confronts us.

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

Mr. O'CONNOR of New York. Yes.

Mr. GAVAGAN. The gentleman is talking about parliamentary procedure. Does not the gentleman realize that this motion today is the result of true parliamentary procedure.

Mr. O'CONNOR of New York. Technically, it is correct under the rule; but only that.

Mr. GAVAGAN. Parliamentarily, I ask the gentleman, is it not correct?

Mr. O'CONNOR of New York. It is technically correct. There is no violation of the rules in what the gentleman has done. I am talking about a technical provision of the rules which everybody had in mind a year or two ago to change, but just by an unfortunate circumstance the proposed change was not presented to the House.

What I mean to make clear is that the merits of the bill is another thing. I am talking now about the parliamentary procedure for the information of the House.

I am against lynching. I am for a proper antilynching bill, and if the Rules Committee should be "fired", laid off", or discharged, I am going to vote for the bill; but I cculd hardly be asked to vote to discharge myself from something with which I had nothing to do.

I should like to see the question of the Negroes in America, 15,000,000 of them, seriously considered by the people of this country and by Congress, and I would like to tell you where to start. Start in your Capital, the District of Columbia. In the Capital of the Nation the Negro does not get a square deal. Right in the shadow of the Capitol you have segregation and Jim Crowism. If that were properly brought to the attention of this Nation, the people of the 48 States would never tolerate it.

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

Mr. O'CONNOR of New York. I yield.

Mr. KOPPLEMANN. I desire to call the gentleman's attention to the fact that I have a bill now before Congress dealing with the situation in Washington.

Mr. O'CONNOR of New York. I hope the gentleman will pursue it. I would like nothing better than to devote the rest of my life to seeing that these 15,000,000, the largest racial group in the United States, get a square deal in this country.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GAVAGAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, my distinguished colleague from New York, chairman of the Rules Committee [Mr. O'CONNOR], seems to be very much distressed about the parliamentary procedure, but the other day, in order to circumvent the House, a modified, toothless antilynching bill was brought in here. But the will of the House prevailed. The only way we can bring the Gavagan antilynching bill before us for debate and vote is by the procedure adopted by the gentleman from New York [Mr. GAVAGAN].

Now, the gentleman from New York [Mr. O'CONNOR] has been here almost as long as I have; not quite, as I was here in 1922 when this House passed the Dyer antilynching bill by a vote of 2 to 1. There is nothing new or novel about a Federal antilynching bill. This issue has been discussed and debated in Congress for years as well as throughout the country. It is proper and right that this particular antilynching bill should be submitted to the House for vote and after due debate passed.

Let me say, as the American people are discussing the question of lawlessness arising from the illegal seizure of property through sit-down strikes, which we deplore, that human life is more important, and in this instance we are forced to have a Federal antilynching law, because in certain sections of the country prisoners are taken away from the constituted authorities and are mobbed and lynched, and the rule of the rope and the faggot prevails. This bill has to do with the protection of human life, guaranteed by the Constitution. But if there was no such provision in the Constitution, let me say to the Members of the House, because you are going to hear a great deal about the Constitution and the constitutionality of this bill, that the protection of the lives of American citizens, whether they be colored or whether they be white, is above and beyond the Constitution. To safeguard and protect the lives of American citizens is the main reason for the existence of government itself. The Constitution, however, specifically states that no person shall be deprived of life, liberty, or property without due process of law and that is the purpose of the Gavagan bill.

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

The SPEAKER. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, it is a surprising pleasure that upon this occasion I find something on which I may agree with the distinguished gentleman from New York [Mr. GAVAGAN]. I find myself heartily in accord with his statement that we are suffering from mob violence in this country. I agree with him absolutely, and point to the activity in behalf of his bill today as proof of that assertion. For he is just as certainly leading a mob and doing mob violence to every principle of constitutional right and justice and honor as anyone who ever participated in the mob murder of a human being in the wilds of darkest New York or elsewhere. [Applause and laughter.]

This bill is a rape of justice. This bill is itself the rope with which this mob would lynch the constitutional guaranties which we have cherished through the years. This bill is not an antilynching bill. It is a prolynching bill. It will stimulate that dying, almost extinct, disgrace to our civilization—lynching.

Everyone who has even a speaking acquaintance with this problem knows that there is, and in the nature of things can be, only one restraining influence, and that is, simply, local sentiment. Under that influence, we men who have been on the firing line against this evil have seen since 1892 the number of lynchings reduced more than 5,000 percent—far more reduction than there has been in any other crime. From a point where, then, there was 1 person lynched to every 300,000 of population in our country, we have come, as a result of local restraining influence, to where, last year, there was 1 to 16,000,000 of our population. Why kill the only influence which can possibly prevent lynching? Prescribing punishment for innocent people never yet made a friend. Disregard of the supreme law never yet increased respect for other law or helped the cause of law observance.

All good citizens glory in the progress we have made toward the goal of a land completely cleared of the stigma of lynching. Even one is a disgrace to our civilization. All of us feel that way. But while some have been risking their lives to prevent mob violence, others introduce bills.

There is not a man in this Chamber, not a man in either branch of Congress, who is not against lynching. Scarcely a citizen in the whole Nation fails to condemn it. I respectfully submit, therefore, that this resort to mob violence to lynch the Constitution by the passage of this outrageous law should not be sanctioned and that the pending motion should be voted down. [Applause.]

[Here the gavel fell.]

Mr. GAVAGAN. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, ladies and gentlemen of the House, the Seventy-fifth Congress convened on January 5, 1937, and, beginning with that day and since, 59 antilynching bills have been introduced and referred to the Committee on the Judiciary of the House of Representatives. Among these 59 was bill H. R. 1507, introduced by Mr. GAVAGAN, from New York, on January 5, 1937.

Under rule 27 of the House of Representatives it was in order to file a motion in writing with the Clerk of the House to discharge the Judiciary Committee from consideration of any one or more of these antilynching bills that had not been acted upon by the Judiciary Committee for a period 30 days prior to the filing of such motion, and that same rule also provides for the discharge of the Rules Committee of the House of Representatives from the consideration of any resolution before the Rules Committee that has not been acted upon for a period of 7 days after the filing of such resolution. The Judiciary Committee failed for more than 30 days to grant any hearing on the Gavagan bill, or any other antilynching bill, or make any report on either one of these bills.

On February 19, 1937, a resolution was introduced and referred to the Committee on Rules requesting the Rules Committee to make in order the consideration of the Gavagan bill. The Rules Committee failed to act on the resolution or make a report thereon within 7 days after it had received such resolution.

The Judiciary Committee having failed to act, and the Rules Committee having failed to act, 218 Members, a majority of the House of Representatives, signed the petition discharging the Rules Committee and making it possible to bring this Gavagan antilynching bill up for consideration, and the question now before the House is, Shall we pass or defeat this motion to discharge the Rules Committee.

Ordinarily I would not favor taking a bill from the committee of which I am a member, or a resolution from the Rules Committee. I realize the value of having a committee to investigate carefully and make reports to the House, and I should not favor taking bills and resolutions from the committees except for good and sufficient reasons. Neither the Judiciary Committee nor the Rules Committee can complain in this particular instance. The Judiciary Committee has had ever since January 5, 1937, to consider the Gavagan and other antilynching bills. The Rules Committee has had ever since February 19, 1937, to consider this matter, but has failed to act. There was no other course open to us who desired that antilynching legislation be brought before the House for consideration. It appeared to be the purpose on the part of those who had control to keep this legislation from coming before the House.

This is one of the most important measures pending in Congress; lynching or mob murder is one of the darkest spots on the record of our country. Since 1882 we have had approximately 5,200 lynchings by mobs in this country. These lynchings have been confined almost exclusively to some 10 or 12 States in the South, and the victims in more than 95 percent of the cases have been Negroes. Sixteen of the States in the North, East, and West have not had a lynching during that period of time. Through all these years the South as a rule has consistently opposed Federal antilynching legislation, while the people of the North, East, and West have favored it. A recent survey of public opinion shows that more than 70 percent of the people of the Nation favor Federal antilynching legislation. Several of our Presidents, the public press, civil, church, welfare, and labor organizations representing more than 40,000,000 members, the National Association for the Advancement of Colored People, the national platforms of the Democratic and Republican Parties have endorsed and urged Federal antilynching legislation. Many of the leading newspapers of the South and, according to a recent survey of public opinion, 65 percent of the people of the South favor Federal antilynching legislation. These groups and the people generally of the Nation have been clamoring for this legislation for more than 15 years, yet Congress has been denied an opportunity to vote on it except in 1922 the House of Representatives, then controlled by the Republican Party, passed the Dyer antilynching bill by a vote of 231 to 119. This bill went to the Senate, which was then controlled by the Republicans, and was favorably reported by the Judiciary Committee of the Senate. A filibuster lead by Senator Underwood, Democrat, of Alabama, prevented the passage of the bill in the Senate.

In the Seventy-third Congress, then under control of the Democrats, the Costigan-Wagner antilynching bill was favorably reported by the Senate Judiciary Committee to the Senate, but was never permitted to come up for action on the floor of the Senate. In the Seventy-fourth Congress the Costigan-Wagner bill, S. 24, was reintroduced in the Senate, and on March 18, 1935, it was again favorably reported by the Judiciary Committee of the Senate. Although the Democrats have about a 4-to-1 majority in the Senate, the bill was not permitted to come up for consideration, and was filibustered and died at the close of the Seventy-fourth Congress. Antilynching bills have been introduced in the Senate in the Seventy-fifth Congress, but thus far no action taken.

Many antilynching bills were introduced in the House in the Seventy-third Congress and referred to the Judiciary Committee. The Democrats were in full control, but no hearing was given on any of the bills, and no report was made by the Judiciary Committee of the House. In the Seventy-fourth Congress 33 antilynching bills were introduced in the House and referred to the Judiciary Committee. Democrats had a majority of more than 3 to 1 in the House and on this important committee, but no hearings were granted or held and no report made on either one of these 33 bills.

Now, in the Seventy-fifth Congress we have 59 antilynching bills introduced and referred to the Judiciary Committee of the House, but no hearings were granted or held until about the 30th of March 1937, and not until a motion was filed with the Clerk of the House to discharge the Judiciary Committee from the consideration of these bills. Under the rules it was the duty of the Judiciary Committee to hold these hearings and make report within 30 days. After it became apparent that a majority of the Members of the House of Representatives would sign the motion to bring out the Gavagan bill, a hearing was ordered by the Judiciary Committee, and after a brief hearing the bill introduced by our colored colleague from Chicago [Mr. MITCHELL] was reported out by a vote of 8 to 7. I voted to report favorably the Gavagan bill. The Mitchell bill could not have been voted out but for the fact that some of those on the committee, who are opposed to any antilynching legislation, voted to bring out the Mitchell bill. Many of us looked upon the Mitchell bill as a mere gesture and would not accomplish the purposes desired by those sincerely interested in putting a stop to mob murder in this country. The Mitchell bill, among other things, provided that where a prisoner was in legal custody of the officer of any State or subdivision and the officer conspired with the mob to murder the prisoner, he—the officer—would be subject to a fine and imprisonment of from 2 to 10 years, or both. Of course, if an officer helped the mob to murder his prisoner he would be guilty of willful murder of the worst sort, and the penalty should be commensurate with his crime. Each and every State in the Union fixes the penalty for willful murder at death or life imprisonment. Of course, the Gavagan bill is a much stronger bill and, therefore, has the backing of all of the real friends of antilynching legislation, including the National Association for the Advancement of Colored People, and this great association of colored people was and is very much opposed to the Mitchell bill. Those in control of the House Judiciary Committee brought up the Mitchell bill for consideration on Wednesday, April 7. Many of the real friends of antilynching legislation expressed the belief that it was done for the purpose of heading off the Gavagan bill, or the consideration of a real antilynching bill. The House by a vote of 256 to 112 refused to consider the Mitchell bill. Our colored colleague then asserted his bill was defeated by the Republicans who, he claimed, were offended on account of the attack last year on the Republican Party and Abraham Lincoln. There are only 88 Republicans in the House, and some of these voted to bring up the Mitchell bill, expecting to have it amended by substituting the Gavagan bill. There were three times as many votes cast against the Mitchell bill as there are Republicans in the House, and, therefore, the Republicans are not responsible for the defeat of the Mitchell bill.

It is a fact that so far as I have been able to learn practically every Republican in the House is in favor of the Gavagan bill. It is patterned after the Dyer bill that was passed by the Republicans in the House in 1922. Our able and distinguished chairman of the Judiciary Committee opposed the Dyer bill in 1922 and has consistently opposed antilynching legislation through all the years and is opposed to the Gavagan bill.

There is no civilized nation in the world that has mob lynchings as we have in this country. Wherever lynchings occur, the law, the courts, and the Government have been overthrown, and anarchy rules.

The Constitution of the United States guarantees to each and all of its citizens the full protection of the laws. The purpose of this legislation is to give effectiveness to that provision of the Federal Constitution. It is urged now that this proposed legislation is unconstitutional. An able Judiciary Committee of the House in 1922, after careful investigation, reported to the House of Representatives that Congress had the power under the Constitution to enact such legislation. An able Judiciary Committee of the Senate made a similar report on the Dyer bill in the Senate. The Judiciary Committees of the House and Senate then were controlled by the Republicans. The very able Judiciary Committee of the Senate in the Seventy-third Congress declared in its favorable report on the Costigan-Wagner antilynching bill that this legislation would be constitutional, and the Judiciary Committee of the Senate in the Seventy-fourth Congress made a similar report. A majority of the Senate Judiciary Committee in the Seventy-third and Seventy-fourth Congresses were Democrats.

The House has the right to bring this legislation before it for consideration. The bill will be open for amendment and for argument and all relevant and pertinent matters may be debated and considered. The purpose of the motion now before the House is to bring the Gavagan bill on the floor of the House for consideration. Certain groups in the House and Senate have been denying the Congress the right to act upon this legislation. If the President and the Democrats are in good faith about this legislation it will be put through and signed by the President. The Democrats have more than a 3-to-1 majority in the House and 6-to-1 majority in the Senate over the Republicans, and I venture to say that more than 95 percent of the Republicans of the House and Senate will vote to put this legislation on the statute books, and if action is prevented in the House and Senate it must be laid to the door of the President and his party.

It is claimed by our distinguished friend from Alabama that there is no necessity for this legislation as the number of lynchings have become less. The records show there have been 83 lynchings since President Roosevelt assumed office on March 4, 1933, and these lynchings with very few exceptions have been confined to some 10 or 12 States in the South. Mob murder can be and will be stopped if the Federal Government would get behind it and let the people of the Nation know that the guaranty of protection set out in our Federal Constitution will be a dead letter no longer. In more than 99 percent of the lynchings no arrests or punishments have been imposed. The communities in which these lynchings occurred, although many of them are public with thousands of persons present, say that nothing is done about it because you cannot find out who is in it.

If the Gavagan bill is passed prosecutions can take place in the Federal courts and G-men can be sent to ferret out those guilty of mob murder. It will not do to say that mob murder is necessary in order to protect the women of our country. More than 100 women and many children have been victims of the mob and less than one-sixth of the men who have been mobbed was charged with any crime against women. Of course, no one could be more deeply interested in the protection of the women and our homes than I am and the women will be protected. I strongly favor a government of law and not a government by the mob. Anyhow, let us pass this motion and bring the Gavagan bill up for consideration. If valid reasons are presented why the bill should not be passed I am sure the House will turn the bill down, but if it is necessary and proper legislation we want the House to have an opportunity to consider it and pass it.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. MITCHELL].

Mr. MITCHELL of Illinois. Mr. Speaker, I am glad to have this opportunity to stand before this great lawmaking body and to raise my voice as strongly as it is possible for it to be raised in favor of the passage of this measure. The authorship of the bill means absolutely nothing as compared with the importance of its passage. I hope there is not one here who thinks that because my own bill did not get recognition for consideration that I, in any degree or to any extent, shall raise my hand against the passage of this bill. I am in favor of its passage. I shall vote for it, and I am asking that every Member who believes that this disgraceful crime that has blotted our history so many years should be wiped out vote for this bill. Let us put it over. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired. All time has expired.

The question is on the motion to discharge the Committee on Rules from further consideration of the resolution.

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman from Mississippi will state his point of order.

Mr. RANKIN. Mr. Speaker, this measure is not before the Committee on Rules; this measure is before the Committee on the Judiciary. This is a petition to discharge the Committee on the Judiciary. I make the point of order that we have no right to vote to discharge the Committee on Rules from a measure that has never been before the Committee on Rules, and that they have not had the time provided under the rules to consider.

The SPEAKER. Has the gentleman from Mississippi concluded his point of order?

Mr. RANKIN. Yes, Mr. Speaker.

The SPEAKER. The Chair is prepared to rule upon the point of order.

The gentleman from Mississippi raises the point of order that inasmuch as the legislative bill governing this subject has not been considered by the Committee on Rules, the motion now pending is out of order. If the gentleman from Mississippi will refer to the rules with reference to the discharge of committees he will find that the form and procedure adopted by those who signed the discharge petition are specifically and unequivocally provided and that they have been scrupulously followed.

The Chair is of opinion that under that rule this resolution to discharge the Committee on Rules is in order, and the Chair overrules the point of order made by the gentleman from Mississippi.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The Clerk called the roll, and there were—yeas 282, nays 108, not voting 41, as follows:

[Roll No. 41]

YEAS—282

Aleshire	Creal	Gildea	Kocialkowski
Allen, Del.	Crosby	Gingery	Kopplemann
Allen, Pa.	Crosser	Goldsborough	Kramer
Anderson, Mo.	Crowe	Gray, Ind.	Lambertson
Andresen, Minn.	Crowther	Gray, Pa.	Lamneck
Andrews	Culkin	Greever	Lanzetta
Arnold	Cullen	Griswold	Larrabee
Ashbrook	Curley	Guyer	Lea
Barry	Daly	Gwynne	Lemke
Bates	Delaney	Haines	Lesinski
Beam	Dempsey	Halleck	Lewis, Colo.
Belter	DeMuth	Hancock, N. Y.	Lewis, Md.
Bell	Dickstein	Hancock, N. C.	Long
Bernard	Dingell	Harlan	Lucas
Bigelow	Dirksen	Harrington	Luce
Binderup	Ditter	Hart	Luckey, Nebr.
Bloom	Dixon	Hartley	Ludlow
Boehne	Dockweiler	Havenner	Luecke, Mich.
Boileau	Dondero	Healey	McAndrews
Boren	Dorsey	Hennings	McCormack
Boyer	Douglas	Higgins	McGranery
Boylan, N. Y.	Dowell	Hildebrandt	McGrath
Bradley	Drew, Pa.	Hill, Okla.	McGroarty
Brewster	Dunn	Hill, Wash.	McKeough
Buck	Eaton	Hoffman	McLaughlin
Buckler, Minn.	Eberharter	Holmes	McLean
Burdick	Eckert	Honeyman	Maas
Byrne	Edmiston	Hope	Mapes
Cannon, Mo.	Eicher	Houston	Martin, Colo.
Cannon, Wis.	Ellenbogen	Hull	Martin, Mass.
Carlson	Engel	Hunter	Mason
Carter	Englebright	Imhoff	Maverick
Case, S. Dak.	Evans	Isac	Mead
Casey, Mass.	Faddis	Jacobsen	Meeks
Champion	Farley	Jarrett	Merritt
Church	Fish	Jenckes, Ind.	Michener
Citron	Fitzgerald	Jenkins, Ohio	Millard
Clark, Idaho	Fitzpatrick	Jenks, N. H.	Mitchell, Ill.
Clason	Flannery	Johnson, Minn.	Mosier, Ohio
Claypool	Fleger	Johnson, Okla.	Mott
Cluett	Fletcher	Johnson, W. Va.	Norton
Cochran	Forand	Kelly, Ill.	O'Brien, Ill.
Coffee, Nebr.	Ford, Calif.	Kennedy, Md.	O'Brien, Mich.
Coffee, Wash.	Frey, Pa.	Kennedy, N. Y.	O'Connell, Mont.
Colden	Fries, Ill.	Kenney	O'Connell, R. I.
Cole, Md.	Gambrill	Keough	O'Connor, Mont.
Cole, N. Y.	Gavagan	Kinzer	O'Day
Connery	Gearhart	Kirwan	O'Leary
Costello	Gehrmann	Kloeb	O'Malley
Crawford	Gifford	Knutson	O'Neal, Ky.
O'Neill, N. J.	Rich	Smith, Conn.	Tolan
O'Toole	Rigney	Smith, Maine	Towey
Oliver	Robinson, Utah	Smith, W. Va.	Transue
Palmisano	Robsion, Ky.	Snell	Treadway
Patterson	Rogers, Mass.	Snyder, Pa.	Voorhis
Pettengill	Rutherford	Somers, N. Y.	Wallgren
Peyser	Sacks	Stack	Walter
Pfeifer	Sadowski	Stefan	Wearin
Phillips	Sauthoff	Sullivan	Welch
Plumley	Schaefer, Ill.	Sutphin	Wene
Polk	Schneider, Wis.	Sweeney	White, Idaho
Powers	Schulte	Swope	White, Ohio
Quinn	Scott	Taber	Wigglesworth
Rabaut	Secrest	Taylor, Tenn.	Withrow
Ramsay	Seger	Teigan	Wolcott
Randolph	Shafer, Mich.	Thom	Wolfenden
Reece, Tenn.	Shanley	Thomas, N. J.	Wolverton
Reed, Ill.	Shannon	Thompson, Ill.	Wood
Reed, N. Y.	Sheppard	Thurston	Woodruff
Rees, Kans.	Short	Tinkham	
Reilly	Sirovich	Tobey	

NAYS—108

Allen, La.	Fernandez	Mahon, S. C.	Robertson
Atkinson	Flannagan	Mahon, Tex.	Rogers, Okla.
Barden	Ford, Miss.	Maloney	Romjue
Biermann	Fuller	Mansfield	Sanders
Bland	Fulmer	Massingale	Smith, Va.
Brooks	Garrett	May	South
Brown	Gasque	Miller	Sparkman
Bulwinkle	Green	Mills	Starnes
Burch	Gregory	Mitchell, Tenn.	Steagall
Caldwell	Griffith	Moser, Pa.	Tarver
Cartwright	Hamilton	Murdock, Utah	Thomas, Tex.
Chandler	Hendricks	Nelson	Thomason, Tex.
Chapman	Hill, Ala.	O'Connor, N. Y.	Turner
Clark, N. C.	Hobbs	Owen	Umstead
Collins	Jarman	Pace	Vinson, Ga.
Colmer	Johnson, Tex.	Patman	Vinson, Fred M.
Cooley	Jones	Patrick	Wadsworth
Cooper	Kerr	Patton	Warren
Cox	Kitchens	Pearson	Weaver
Cravens	Kleberg	Peterson, Fla.	West
Cummings	Lambeth	Peterson, Ga.	Wheichel
Deen	Lanham	Pierce	Whittington
DeRouen	Leavy	Poage	Wilcox
Dies	McClellan	Ramspeck	Williams
Doughton	McFarlane	Rankin	Woodrum
Doxey	McMillan	Rayburn	Zimmerman
Driver	McReynolds	Richards	The Speaker

NOT VOTING—41

Allen, Ill.	Ferguson	Lord	Scrugham
Amlie	Gilchrist	McGehee	Smith, Wash.
Arends	Goodwin	McSweeney	Spence
Bacon	Greenwood	Magnuson	Sumners, Tex.
Boland, Pa.	Harter	Mouton	Taylor, Colo.
Boykin	Hook	Murdock, Ariz.	Taylor, S. C.
Buckley, N. Y.	Kee	Nichols	Terry
Celler	Keller	Parsons	Vincent, B. M.
Disney	Kelly, N. Y.	Ryan	
Drewry, Va.	Kniffin	Sabath	
Duncan	Kvale	Schuetz	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Arends (for) with Mr. Taylor of South Carolina (against).
Mr. Parsons (for) with Mr. Drewry of Virginia (against).
Mr. Harter (for) with Mr. Sumners of Texas (against).
Mr. Bacon (for) with Mr. Mouton (against).
Mr. Gilchrist (for) with Mr. McGehee (against).
Mr. Schuetz (for) with Mr. Terry (against).
Mr. Amlie (for) with Mr. Boykin (against).

Until further notice:

Mr. Taylor of Colorado with Mr. Lord.
Mr. Greenwood with Mr. Allen of Illinois.
Mr. Boland of Pennsylvania with Mr. Goodwin.
Mr. Disney with Mr. Kvale.
Mr. Kniffin with Mr. Buckley of New York.
Mr. Celler with Mr. Ryan.
Mr. Smith of Washington with Mr. Kee.
Mr. Scrugham with Mr. Duncan.
Mr. Spence with Mr. Ferguson.
Mr. Sabath with Mr. Magnuson.
Mr. Keller with Mr. Murdock of Arizona.
Mr. Hook with Mr. Kelly of New York.
Mr. Nichols with Mr. McSweeney.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "nay."

Mr. COLMER. Mr. Speaker, my colleague the gentleman from Mississippi, Mr. McGEHEE, is unavoidably detained. If he were present, he would have voted "nay."

Mr. WHITE of Ohio. Mr. Speaker, my colleague the gentleman from Ohio, Mr. McSWEENEY, is unavoidably absent. If he were present, he would vote "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 125

Resolved, That upon the day succeeding the adoption of this resolution, a special order be, and is hereby, created by the House of Representatives, for the consideration of H. R. 1507, a public bill which has remained in the Committee on the Judiciary for 30 or more days, without action. That such special order be, and is hereby, created, notwithstanding any further action on said bill by the Committee on the Judiciary, or any rule of the House. That on said day the Speaker shall recognize the Representative from New York, JOSEPH A. GAVAGAN, to call up H. R. 1507, a bill to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said H. R. 1507. After general debate, which shall be confined to the bill and shall continue not to exceed 6 hours, to be equally divided and controlled by the Member of the House requesting the rule for the consideration of said H. R. 1507 and the Member of the House who is opposed to the said H. R. 1507, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill, and the amendments thereto, to final passage, without intervening motion, except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Because of confusion around me I was unable to hear the reading of the resolution. Will the Chair kindly state whether this bill will be put on passage today if the resolution is adopted?

The SPEAKER. Under the terms of the resolution, the Chair states, in answer to the gentleman's parliamentary inquiry, that the bill cannot come up for actual consideration until tomorrow.

The question is on the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. GAVAGAN, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

The SPEAKER. Under the terms of the resolution the Chair designates the gentleman from Texas [Mr. SUMNERS], chairman of the Committee on the Judiciary, to have control of the time in opposition to the bill.

EXTENSION OF REMARKS

Mr. ELLENBOGEN asked and was given permission to extend his own remarks in the RECORD.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech made by my colleague the gentleman from California [Mr. SCOTT].

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOYLAN of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by one of the Federal Communications Commissioners.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISTRICT DAY

DR. FREDERICK W. DIDIER

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 4876) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Frederick W. Didier, and ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. Frederick W. Didier in accordance with the provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, approved February 27, 1929.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. WILLIAM JUSTIN OLDS

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 4982) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Justin Olds, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole. This is the same type of bill as the last.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commisison on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. William Justin Olds, Front Royal, Va., in accordance with the provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. WILLIAM HOLLISTER

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 5142) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. William Hollister, of New Bern, N. C., in accordance with the provisions of first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CENTRAL HEATING PLANT TO THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 6142) to authorize the furnishing of steam from the central heating plant to the District of Columbia, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, through the National Park Service, be, and he is hereby, authorized to furnish steam from the central heating plant to such buildings as may be erected by the District of Columbia on the property bounded by Fourth and Fifth Streets and D and G Streets NW., in the District of Columbia, and known as Judiciary Square: *Provided*, That the District of Columbia agrees to pay for the steam furnished at reasonable rates, not less than cost, as may be determined by the Secretary of the Interior: *And provided further*, That the District of Columbia agrees to provide all necessary connections with the Government mains at its own expense, and in a manner satisfactory to the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mrs. NORTON. Mr. Speaker, that completes the business for the District of Columbia today.

REGULATION OF INTERSTATE COMMERCE IN BITUMINOUS COAL

Mr. DOUGHTON. Mr. Speaker, I call up the conference report on the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15, 20, 21, 22, 24, 25, 27, 28, 30, 37, 38, 39, 44, 46, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 64, 65, and 66.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 23, 26, 29, 31, 32, 33, 35, 36, 40, 41, 42, 43, 47, 48, 50, 51, 58, 63, 68, and 69, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "the managers and employees of the statistical bureaus hereinafter provided for" and a comma; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: At the end of the matter proposed to be inserted by said amendment strike out the period and insert a comma and the following: "but shall maintain its principal office in the District of Columbia" and a period; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "The Commission is hereby authorized to initiate, promote, and conduct research designed to improve standards and methods used in the mining, preparation, conservation, distribution, and utilization of coal and the discovery of additional uses for coal, and for such purposes shall have authority to assist educational, governmental, and other research institutions in conducting research in coal, and to do such other acts and things as it deems necessary and proper to promote the use of coal and its derivatives"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "For each district there shall be established by the Commission a statistical bureau which shall be operated and maintained as an agency of the Commission"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "June 16, 1933"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"Sec. 4–A. Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that transactions in coal in intrastate commerce by any person or in any locality cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the one hand and interstate commerce in coal on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce in coal, or in any manner directly affect interstate commerce in coal, the Commission shall by order so declare and thereafter coal sold, delivered or offered for sale in such intrastate commerce shall be subject to the provisions of section 4."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "an agent or a place of business"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"(e) The term 'United States' when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia."

And the Senate agree to the same.

R. L. DOUGHTON,
THOS. H. CULLEN,
FRED M. VINSON,
FRANK CROWTHER,
Managers on the part of the House.

M. M. NEELY,
ALBEN W. BARKLEY,
JAMES J. DAVIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment no. 1: This amendment added to the class of those that might be appointed without regard to the civil-service laws and the Classification Act of 1923 "managers and employees of the statistical bureaus hereinafter provided for." The House recedes with an amendment adding the word "the" before the word "managers" in order to make the meaning of the added language clearer.

On amendment no. 2: The House bill authorized the Commission to establish divisions for the proper dispatch of its business and further authorized it to refer any matter to an individual commissioner who was to exercise all the powers and authority of the Commission. Any person in interest was authorized to secure a review by the Commission of the report, findings, or order of the commissioner. The Senate amendment substituted for this provision one authorizing the Commission to establish divisions to consist of not less than three members each, each division to exercise all the powers and authority of the Commission. Any person in interest is authorized to secure a review by the Commission of the report, finding, or order of the division. The Commission is further authorized to assign or refer any matter within its jurisdiction to an individual commissioner, to a board composed of employees of the Commission, or to an examiner, for hearing and the recommendation of an appropriate order. Such commissioner, board, or examiner is to have the power to administer oaths and affirmations, to examine witnesses, and to receive evidence. The Commission is authorized to make contracts for personal services in the District of Columbia and elsewhere and to establish and maintain offices throughout the United States necessary for the effective administration of the act. The House recedes with an amendment accepting the Senate language, but adding that the Commission shall maintain its principal office in the District of Columbia.

On amendment no. 3: This amendment authorized the Commission "within the limits of such appropriations as are made from time to time", to initiate, promote, and conduct research designed to improve standards and methods used in the mining, preparation, conservation, distribution, and utilization of coal and the discovery of additional uses for coal, and authorized the Commission for such purposes to assist educational, governmental, and other research institutions in conducting research in coal, and to do such other acts and things as it deems necessary to promote the use of coal and its derivatives. The House recedes with an amendment striking out the words quoted above.

On amendment no. 4: Under the House bill the rate of tax on all coal was one-half of 1 percent of the sales price or market value. This Senate amendment makes the rate 1 cent per ton of 2,000 pounds in such cases. The House recedes.

On amendment no. 5: This Senate amendment inserts a definition of "disposal" for the purpose of the taxing section. Under it disposal includes consumption or use by a producer and any transfer of title by a producer other than by sale. The House recedes.

On amendment no. 6: Under the House bill the 19½-percent tax in the case of coal not disposed of by regular sale was measured by the "market value" of the coal. This Senate amendment measures the tax by the "fair market value of such coal at the time of its disposal or sale." The House recedes.

On amendments nos. 7 and 8: Under the House bill an exemption from the tax on all sales of coal and from the tax on sales by noncode members was made in the case of sales of coal for the use of the United States, the States, Territories, and political subdivisions for use in the performance of governmental functions. These Senate amendments exempt such sales only from the 1-cent-per-ton tax. The House recedes.

On amendment no. 9: This amendment inserts a section heading. The House recedes.

On amendment no. 10: This amendment makes the necessary technical change to assure that the provisions of the section will be applicable in respect of the maintenance and observance of resale prices and marketing rules and regulations by distributors. (See amendment no. 40.) The House recedes.

On amendment no. 11: This amendment expressly authorizes the Commission, after notice and hearing, to remove a member of a district board if it finds that the member has been guilty of inefficiency, willful neglect of duty, or malfeasance in office. The House recedes.

On amendment no. 12: Under the House bill the district boards were authorized to appoint officers from among their own membership. This Senate amendment extends the provision to authorize appointment of officers from outside their membership as well. The House recedes.

On amendments nos. 13, 14, and 16: These amendments make the provisions exempting members of district boards from liability on account of acts of others, acts in the conduct of their business in reasonable fashion, and from the antitrust acts in certain cases applicable in the same circumstances to the officers of the district boards. The House recedes.

On amendment no. 15: The House bill provided that the antitrust laws were not to apply to action complying with the provisions of section 4 taken "while the act is in effect or within 60 days thereafter." The Senate amendment adds after the word "effect" the following: "by its terms." The Senate recedes.

On amendment no. 17: The House bill authorized a statistical bureau "in each district." The Senate amendment directs that such a bureau be established "for each district, or group of districts designated by the Commission." The House recedes with an amendment restoring substantially the House provision except that establishment of the bureau is directed rather than authorized and it is to be established "for" rather than "in" each district.

On amendments nos. 18 and 19: The House bill directed each district board to propose minimum prices free on board transportation facilities at the mines for coal produced in the district and classification of coal and price variations as to "mines and consuming market areas." These Senate amendments in effect substitute for the above-quoted words the following: "mines, consuming market areas, values as to uses and seasonal demand." The House recedes on both amendments.

On amendment no. 20: This amendment adds "occupational-diseases compensation" to the things to be included in computing total costs of tonnage. The inclusion of this is surplusage, and the Senate recedes.

On amendment no. 21: The House bill specifies conditions under which the Commission is to increase or decrease the minimum prices. This amendment provides for such action "when otherwise required by this act." The Senate recedes.

On amendment no. 22: This amendment adds to the powers of the Commission power to direct the district boards to coordinate minimum prices. The Senate recedes.

On amendment no. 23: Under the House bill the coordinated minimum prices the district boards were to propose to the Commissioner were to be just and equitable, not unduly prejudicial or preferential, and were to reflect, as nearly as possible, relative market values of coal at points of delivery in common consuming market areas. In such cases the boards were to take into account transportation methods and charges and their effect on a reasonable opportunity to compete on a fair basis and the competitive relationships between coal and other forms of fuel and energy. To these factors to be taken into account the Senate amendment adds values as to uses of coal and seasonal demand. The House recedes.

On amendment no. 24: Under the House bill, the proposed coordinated minimum prices were to be made with the objective (among others) of making the return per net ton upon the entire tonnage of the price area approximate the weighted average of the total costs per net ton of the area's tonnage. This Senate amendment provides that the return "shall approximate, and so far as practicable shall not be less than" such weighted average. The Senate recedes.

On amendment no. 25: Under the House bill, the coordinated minimum prices and rules determined by the district boards were to be submitted by them to the commission and "thereupon" the commission was to establish the prices and rules and regulations. Under the Senate amendment the same requirement exists but the commission's action was to be had at any time after submission. The Senate recedes.

On amendment no. 26: This amendment expressly gives the power to the commission, after it has fixed minimum prices and rules and regulations, to review and revise them from time to time upon complaint or upon its own motion. The House recedes.

On amendment no. 27: This amendment provides for establishment of prices and regulations in any minimum price area prior to taking similar action in other areas and for limiting application of prices for periods fixed by the commission. The Senate recedes.

On amendment no. 28: This amendment provides that on petition of a district board or any party in interest or on motion of the commission, the commission may conduct hearings to determine whether the minimum prices fixed for a district are not in conformity with the prescribed standards and are prejudicial to any district, and to take action with respect to such matters. The Senate recedes.

On amendments nos. 29, 31, and 33: Under the House bill, code members, district boards, States, political subdivisions, and the consumers' counsel had the power to make complaint with respect to the maximum prices to the Commission and thereupon the Commission, after notice and hearing, was to make such order as may be required to effectuate the purposes of the section. Senate amendment no. 29 extends this privilege to a member of a district board and amendments nos. 31 and 33 extend the provision to include the case of minimum prices. The House recedes.

On amendments nos. 30 and 32: These amendments are clerical. The Senate recedes on amendment no. 30, and the House recedes on amendment no. 32.

On amendment no. 34: Under the House bill the provisions relating to maximum and minimum prices were not to apply to coal sold under lawful and bona fide written contracts entered into prior to January 6, 1937. The Senate amendment fixes this date at June 16, 1933, the date of the National Industrial Recovery Act. The Senate amendment also adds a provision under which contracts made on or after June 16, 1933, providing for a price below the established minimum prices are to be unenforceable as to the price provision. The House recedes with an amendment which omits the latter provision and inserts the date June 16, 1933.

On amendment no. 35: This amendment makes a technical correction under which the making of a contract for the sale of coal at a price below the fixed minimum or above the fixed maximum is made a violation under the code. Under the House bill the comparable provision erroneously made the contract itself the violation. The House recedes.

On amendment no. 36: This amendment makes available to the consumers' counsel (as the House bill did in the case of the Commission) data, reports, and information relating to coal of agencies of the United States. The House recedes.

On amendments nos. 37, 38, and 39: These amendments add "agencies" and "devices" to the list of methods by which the price provisions are not to be evaded. The Senate recedes.

On amendment no. 40: Under the House bill the Commission was to prescribe the price allowances to and receivable by persons who purchase coal for resale, and resell it in not less than carload lots. The Senate amendment authorizes the prescription of both due and reasonable maximum discounts and price allowances. Under the House bill the Commission could require the maintenance by such persons of the established minimum prices. The Senate amendment extends this authority so that the Commission may require such persons to maintain and observe the marketing rules and regulations established under the section. The House recedes.

On amendment no. 41: This amendment corrects a clerical error. The House recedes.

On amendment no. 42: This amendment makes it an unfair method of competition and a violation of the code to employ any person or appoint a sales agent at a compensation obviously disproportionate to the services rendered if the employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal. The amendment also provides that it shall not be an unfair method of competition or violation of the code or any requirement of the act to sell to or through a bona fide and legitimate farmers' cooperative organization organized under Federal or local law whether or not it grants rebates, discounts, patronage dividends, or other similar benefits to its members, or to sell through any intervening agency to any such organization or to pay and allow it or any intervening agency any discount, commission, rebate, or dividend paid or allowed, or permitted by the code to be paid or allowed, to other purchasers for purchases in wholesale or middlemen quantities. The House recedes.

On amendment no. 43: Under the House bill the Commission had jurisdiction to hear written complaints charging violation of the code if made by a code member, district board, State or political subdivision, or the consumers' counsel. This Senate amendment adds a member of a district board to the list. The House recedes.

On amendment no. 44: This amendment inserts a definition of "producer" for the purposes of the subsection under which coal consumed by a producer or transported by him to himself for consumption by him is exempted from the code section. The Senate recedes.

On amendment no. 45: Under the House bill, coal sold in transactions in intrastate commerce could be subjected to the provisions of section 4 relating to prices. This could be done by order of the commission if after hearing the commission found that such prices caused any undue or unreasonable advantage, preference, or prejudice as between persons and localities in intrastate commerce on the one hand and interstate commerce on the other hand, or caused any undue, unreasonable, or unjust discrimination against interstate commerce.

The Senate amendment and the conference agreement broaden the provision so that if the finding is made that transactions in coal in intrastate commerce cause such advantage, discrimination, etc., then after the commission's order, coal sold, delivered, or offered for sale in such intrastate commerce is to be subject to all the provisions of section 4. The Senate amendment and the conference agreement apply the same rule if the commission finds that the transactions in coal in intrastate commerce in any manner directly affect interstate commerce in coal.

The conference agreement contains a provision under which the finding is made with respect to transactions in coal in intrastate commerce by any person or in any locality.

Under the House bill, the Senate amendment and the conference agreement powers under the sections are exercisable upon investigation instituted upon the commission's motion or upon petition of any code member, district board, State or political subdivision, or the consumers' counsel.

On amendment no. 46: This amendment inserts a provision not found in the House bill which provides that no producer, because of his acceptance or reinstatement of membership, shall be liable for breach of any contract, the performance of which may be invalidated as a result of the acceptance or reinstatement. The Senate recedes.

On amendment no. 47: Under the House bill a code member whose right to exemption of the tax has been revoked or canceled

could have his membership in the code restored by paying one and one-half times the amount of tax on the coal sold in violation of the code or regulations. This Senate amendment requires the payment of double the amount of such tax. The House recedes.

On amendment no. 48: This amendment corrects a clerical error. The House recedes.

On amendment no. 49: Under the House bill a code member could sue another on account of injury to him arising out of violations of the act or code in the place (among other places) where the defendant has an agent. This Senate amendment substitutes the place where the defendant has a place of business for the place where he has an agent. The conference agreement inserts both places.

On amendment no. 50: Under the House bill all provisions of law relating to the collection and disposition of internal-revenue taxes were made applicable to taxes imposed under the bill. This Senate amendment makes the provisions of law applicable to the taxes imposed by title IV of the Revenue Act of 1932 applicable to taxes under the bill. The House recedes.

On amendment no. 51: This amendment corrects a clerical error. The House recedes.

On amendments nos. 52, 53, 54, 55, 56, 57, 59, and 61: These amendments subject distributors to the provisions which authorize the Commission to require reports and the maintenance of uniform accounting systems. The Senate recedes.

On amendments nos. 58 and 60: Under the House bill if a producer, after 15 days after notice of default, failed to furnish reports required by the Commission, he was subject to a forfeiture of $50 for each day the default continued. Senate amendment no. 58 reduced the period of grace to 15 days and no. 60 increased the forfeiture to $100. The conference agreement fixes the period at 15 days and the amount at $50.

On amendment no. 62: This amendment makes it a misdemeanor knowingly to purchase coal from a code member in such manner that its sale constitutes a violation of the code by the code member. The Senate recedes.

On amendment no. 63: Under the House bill a combination of producers creating a marketing agency for the disposal of competitive coal in interstate commerce at prices determined by the agency or by agreement of producers operating through it was to be unlawful as a restraint on interstate commerce under the antitrust acts unless its producers accepted and complied with the code and unless the agency would not operate to impose undue restrictions on competition. The Senate amendment, while retaining the substance of the House provision, expands it in important particulars. First, marketing agencies created for the disposal of competitive coal in intrastate commerce directly affecting interstate commerce in coal are included. Second, the provisions making the agency an unlawful restraint shall apply only after the promulgation of the code. Third, with the approval of the Commission the agency may, as to its members, and the several agencies, as between themselves, may, provide for cooperative marketing of coal at prices not below or above the code prices. The Commission's approval is not to be granted unless it finds that the marketing agreement will not unreasonably restrict the supply of coal in interstate commerce, will not prevent the public from receiving coal at fair and reasonable prices, and will not operate against the public interest and that the agency and its members have agreed to observe the marketing regulations and prices established by the Commission and will conduct the business and operations of the agency in accordance with reasonable regulations for the protection of the public interest prescribed by the Commission. Fourth, provision is made for suspension or revocation of the Commission's approval upon finding that the Commission's regulations or orders or the section have been violated. Complaints under this provision may be made by the Commission on its own motion, or by a code member, district board, or member of a district board, a State, a political subdivision, the consumer's counsel, or any interested person. The House recedes.

On amendment no. 64: This amendment inserts a definition of "marketing agency"; and the Senate recedes.

On amendment no. 65: This amendment inserts a definition of matters and transactions directly affecting interstate commerce in coal; and the Senate recedes.

On amendment no. 66: This amendment inserts a definition of the term "antitrust laws of the United States." The Senate recedes.

On amendment no. 67: This amendment inserts a definition of the "United States" for the purposes of the bill. The House recedes with an amendment changing the subsection letter.

On amendment no. 68: The House bill authorized the appropriation for the administration of the act sums appropriated or made available to the Coal Commission and consumers' counsel created under the 1935 act. The Senate amendment transfers such sums and makes them available for the uses and periods for which appropriated to the Commission and counsel created under the bill. The House recedes.

On amendment no. 69: This amendment includes the coal-producing counties in California in district 18 for the purposes of the bill. There is no comparable provision in the House bill. The House recedes.

R. L. DOUGHTON,
THOS. H. CULLEN,
FRED M. VINSON,
FRANK CROWTHER,
Managers on the part of the House.

Mr. DOUGHTON. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

REGULATION OF INTERSTATE COMMERCE IN BITUMINOUS COAL

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution, which I send to the Clerk's desk.

The Clerk read the concurrent resolution as follows:

House Concurrent Resolution 10

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, the Clerk of the House is authorized and directed to strike out in section 4–A the following: "and interstate commerce on the one hand."

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

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

CONTROL OF OUTBREAKS OF INSECT PESTS

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 319) making appropriation for the control of outbreaks of insect pests, which I send to the Clerk's desk.

The Clerk read the title of the joint resolution.

Mr. SNELL. Mr. Speaker, reserving the right to object, although I have no objection, I think the gentleman should explain the joint resolution.

Mr. WOODRUM. Mr. Speaker, in explanation of the resolution I may say the House of Representatives by joint resolution on April 6 authorized an appropriation of $2,000,000 for the eradication of grasshoppers, Mormon crickets, and chinch bugs. The Committee on Appropriations has held very careful hearings on the Budget item of $2,000,000 sent up for its consideration. This joint resolution is for the appropriation of $1,000,000, one-half of the amount estimated to be required for the purpose set out in the joint resolution.

May I say for the information of my colleagues, who perhaps are not informed on the necessity for such an appropriation, that for many years the Congress has been appropriating various amounts to assist in fighting the grasshopper pest, also the Mormon crickets and chinch bugs. These insects descend on certain portions of the West in such terrific quantities and to such a devastating degree that large areas are infested and terrific economic loss is incurred. We have spent millions of dollars. So far no very well defined program has been presented which would lead us to hope the pests might be entirely eradicated. The best we can do is to fight the pests and try to prevent crop destruction when the time comes.

Last year the Department of Agriculture received $250,000 for the campaign against the grasshoppers. The Department did not receive the money until late. It seems if they can get the use of the funds early enough to spread the poison, before the grasshoppers have multiplied and got on the job, they can control the pests to some extent. The Department did not receive the money early enough last year, and millions and millions of dollars of crops were destroyed. Great fields of corn, wheat, and other grains were mowed down by these pests.

This year we are giving the Department the funds early and giving it four times what it had last year. I am frank to say the Secretary of Agriculture states he should have the $2,000,000, but the Committee on Appropriations feels that if he has the $1,000,000 early enough to start the campaign in time to get the work going early, the pests can be controlled. Therefore, the resolution provides an appropriation of $1,000,000.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

House Joint Resolution 319

Resolved, etc., That for carrying out the purposes of and for expenditures authorized under the public resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs", approved April 6, 1937, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to remain available until June 30, 1938: *Provided*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for control of grasshoppers, Mormon crickets, or chinch bugs in any State until such State has provided the organization or materials and supplies necessary for cooperation: *Provided further*, That transportation of control materials purchased under this appropriation shall be under conditions and means determined by the Secretary of Agriculture as most advantageous to the Federal Government: *Provided further*, That procurements under this appropriation may be made by open-market purchases notwithstanding the provisions of section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5).

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL, 1938

Mr. WOODRUM. Mr. Speaker, I call up the conference report on the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, and ask unanimous consent the statement may be read in lieu of the report.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 15, 16, and 17; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"CENTRAL STATISTICAL BOARD

"For every expenditure requisite for and incident to the work of the Central Statistical Board as authorized by law, including personal services in the District of Columbia; traveling expenses; materials; supplies; office equipment; services; newspapers; periodicals and press clippings; printing and binding; repairs and alterations; contract stenographic reporting services and not to exceed $200 for expenses of attendance at meetings which in the discretion of the chairman are necessary for the efficient discharge of the responsibilities of the Board, $87,000."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$700,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$717,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$9,500,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$19,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$244,100,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 7, 8, 11, 12, and 13.

C. A. WOODRUM,
JAMES M. FITZPATRICK,
GEO. W. JOHNSON,
JOHN M. HOUSTON,
R. B. WIGGLESWORTH,
EVERETT M. DIRKSEN,
Managers on the part of the House.

CARTER GLASS,
JAMES F. BYRNES,
RICHARD B. RUSSELL, JR.,
ALVA B. ADAMS,
FREDERICK STEIWER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Agreements

On no. 1: Appropriates $87,000 for the salaries and expenses of the Central Statistical Board, instead of $174,000, as proposed by the House, and the elimination of the entire appropriation, as proposed by the Senate.

On nos. 2, 3, and 4, relating to the National Archives: Restores the phraseology of the appropriating text to the language of the House bill and appropriates $700,000, instead of $615,000, as proposed by the Senate, and $735,000, as proposed by the House.

On nos. 6, 9, and 10, relating to the Social Security Board's appropriation: Appropriates $9,500,000 for salaries and expenses, instead of $10,000,000, as proposed by the House, and $9,000,000, as proposed by the Senate; and appropriates $19,000,000 for grants to States for unemployment compensation administration, instead of $29,000,000, as proposed by the House, and $15,000,000, as proposed by the Senate.

On nos. 14 and 15, relating to the Federal Housing Administration: Makes available from funds of the Administration the sum of $10,000,000, as proposed by the Senate, instead of $9,500,000, as proposed by the House, for the purpose of defraying administrative expenses; and inserts the limitation, proposed by the Senate, limiting to $300,000 the amount which may be expended for the purposes of the Public Relations and Education Division of such Administration.

On nos. 16 and 17: Strikes out, as proposed by the Senate, the limitation in the House bill on the use of funds appropriated therein for payment of compensation or other expenses in connection with any investigation or inquiry under a resolution of either House of Congress.

Amendments in disagreement

The committee of conference report in disagreement the following amendments of the Senate:

On no. 5: Reducing from $9,500 to $9,000 the amount of the salary of the Executive Director of the Social Security Board.

On no. 7: Providing that the salaries of personnel of the Social Security Board, except Board members, shall not exceed the rates for similar services as compensated under the Classification Act of 1923, as amended.

On no. 8: Providing that none of the funds of the Social Security Board as carried in the bill shall be used to pay the salary of any expert or attorney receiving $5,000 or more a year unless and until such expert or attorney shall be appointed by the President, by and with the advice and consent of the Senate.

On no. 11: Providing for the use of not to exceed $525,000 of the funds of the Commodity Credit Corporation for the payment during the fiscal year 1938 of administrative expenses of the corporation.

On no. 12: Providing for the use of not to exceed $300,000 of the funds of the Electric Home and Farm Authority for the payment during the fiscal year 1938 of administrative expenses of the Authority.

On no. 13: Providing for the use of not to exceed $50,000 of the funds of the Export-Import Bank of Washington for the payment during the fiscal year 1938 of administrative expenses of the bank.

C. A. WOODRUM,
JAMES M. FITZPATRICK,
GEORGE W. JOHNSON,
JOHN M. HOUSTON,
R. B. WIGGLESWORTH,
EVERETT M. DIRKSEN,
Managers on the part of the House.

Mr. WOODRUM. Mr. Speaker, are there any questions to be asked, or does the gentleman from Massachusetts or the gentleman from New York wish time on the report?

Mr. TABER. Mr. Speaker, I would like to ask a question of the chairman of the committee. I notice the agreement appropriates $9,500,000 for the Federal Housing Administration alone, an increase of $500,000 above the amount passed by the House, which amount was $1,000,000 above the Budget, as I recall it. I wonder why we should do such a thing as this?

Mr. WOODRUM. May I say to the gentleman from New York the House Committee on Appropriations increased the appropriation for the Federal Housing Administration from $8,000,000 to $9,000,000 after going into the matter very carefully. I believe the House Committee on Appropriations was unanimous in feeling the Housing Administration had not been given enough funds to administer the act properly; that while the Administration is in a sense in liquidation, it is necessary to have the appropriation for the establishment of certain field offices in order that the benefits of the act may be extended to the rural sections of the country where they are most needed. The Senate felt the Housing Administration needed still another $500,000. There was some difference of opinion among the conferees, but all things considered, the conferees feel the $9,500,000 is not an excessive amount considering the size of the job necessary to be done. Also there has been evidenced every indication of economical and conservative methods in transacting the business.

May I say further to the gentleman from New York [Mr. TABER] that the amount and the personnel are considerably less than the Housing Administration had when it was at its peak.

Mr. TABER. Would it not be possible to put this group under civil service so they would not be jockeyed around as the Social Security group has been?

Mr. WOODRUM. I think it would be possible, may I say to the gentleman, but not under this conference report.

Mr. TABER. It seems to me this item is way out of line with the needs of the outfit.

Mr. WOODRUM. It is $2,000,000 less than they have for the current fiscal year.

Mr. COCHRAN. Mr. Speaker, is the gentleman going to refer to the provision that the Senate confirm all appointees under the Social Security Board who receive $5,000 or more a year?

Mr. WOODRUM. I am going to offer an amendment when we come to consider that item in a few moments.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. UMSTEAD). The question is on the adoption of the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment no. 5: Page 37, line 4, strike out "$9,500" and insert in lieu thereof "$9,000."

Mr. WOODRUM. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment and ask recognition on the motion.

Amendment no. 5 is a Senate amendment cutting the salary of the administrative officer of the Social Security Board from $9,500 to $9,000. The House committee of conference did not feel this was a proper manner in which to bring about such a small reduction as $500 in the salary of an administrative officer. May I say that if this matter were up for original consideration as to the amount of money that should be paid this administrative officer, I would be perfectly willing to join with anyone in fixing the salary at $9,000. However, in the original act we fixed the salary at $9,500, which is the amount he has been paid. The gentleman in charge is Mr. Frank Bane—incidentally, a Virginian, formerly a director of public welfare in Virginia. He came to the Social Security Board from a position with the National Board of Public Welfare, where he was being paid an amount in excess of the amount the Social Security Board is paying him.

He is the administrative officer of one of the most important agencies the Congress has established in recent years, an agency that is handling $250,000,000, an agency that has a clientele—if we may call it that—of 30,000,000 or 35,000,000 people; and, of course, no reason is suggested by anyone as to why we should step out of line and take a crack at Mr. Frank Bane. In the independent offices bill there are many administrative officers of other establishments, notably the Reconstruction Finance Corporation, as well as chiefs of bureaus, drawing $9,500 or $10,000. Therefore we are asking the House to insist on its disagreement to this amendment.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia that the House insist on its disagreement to Senate amendment no. 5.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 7: Page 38, line 21, after the word "States", insert a colon and the following proviso: "*Provided further*, That no salary shall be paid for personal services from the money herein appropriated under the heading 'Social Security Board' in excess of the rates allowed by the Classification Act of 1923, as amended, for similar services: *Provided further*, That this proviso shall not apply to the salaries of the Board members."

Mr. WOODRUM. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendment, and I ask for recognition on the motion.

Mr. Speaker, amendment no. 7 seeks to apply the Classification Act schedules of pay to the group of experts with the Social Security Board who are employed on a part-time or contract basis.

May I say that all of the per annum or regular employees of the Social Security Board are now being paid at rates of pay in accordance with the Classification Act, with the exception of the group employed periodically for consultation or for expert advice. In setting up this gigantic insurance undertaking it was necessary to call for part-time expert help under the authority given in the act. The Social Security Board has spent a rather conservative amount for calling in these people. Some of them have been paid at an annual rate of compensation in excess of $10,000. There is one man particularly who is an international authority on social security legislation, and they have called on him once or twice for a contract job to do this, that, or the other, and he has been paid an amount which, if figured on a per-annum basis, would be in excess of the rates in the Classification Act. However, there is only $40,000 in the entire set-up of the Board that could be used for salaries of this character; and my motion is going to be that the House insist on its disagreement, but I may say that on the next amendment, which is amendment no. 8, I shall offer an amendment putting the entire Social Security Board strictly under civil service, with all salaries under civil-service regulation, with the exception of the small amount they are authorized to use for the payment of these experts who are employed periodically.

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

Mr. WOODRUM. I yield.

Mr. TABER. Will the amendment that the gentleman proposes to offer to amendment no. 8 take care of the situation?

Mr. WOODRUM. Amendment no. 8, if adopted by the House, will put everything in the Social Security under civil service and under the Classification Act, with the exception of contract services which may be employed under amendment no. 7.

Mr. TABER. It seems to me the language which is to be proposed to amendment no. 8 is hardly broad enough to cover the matter.

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

Mr. WOODRUM. I yield.

Mr. WIGGLESWORTH. As I understand, it is the gentleman's intention to cover both the Classification and the Civil Service Acts by the amendment which he proposes with respect to amendment no. 8.

Mr. WOODRUM. If they are put under civil service, the Classification Act applies automatically.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. JENKINS of Ohio. I recall this matter being discussed in the committee when the social security bill was being considered, and, as I recall, when we passed the bill certain groups were excepted at that time. About what percentage was that?

Mr. WOODRUM. It was not figured on a percentage basis. The original act put them under civil service, but it authorized them to appoint experts outside of civil service. It is that group we are now going to cover by putting everybody under civil service, if the House follows the recommendation of the conferees.

Mr. JENKINS of Ohio. In other words, the number the gentleman proposes to put under civil service is practically the entire number with this exception.

Mr. WOODRUM. Yes.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia that the House insist on its disagreement to Senate amendment no. 7.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 8: Line 1, page 39, after the word "Members", insert a colon and the following: "*Provided further*, That none of the funds herein appropriated under the heading 'Social Security Board' shall be used to pay the salary of any expert or attorney receiving compensation of $5,000 or more per annum unless and until such expert or attorney shall be appointed by the President, by and with the advice and consent of the Senate."

Mr. WOODRUM. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment numbered 8 and agree to the same with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment no. 8: Mr. WOODRUM moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "*Provided further*, That no part of the appropriation or of the reappropriation contained in this paragraph shall be used to pay the compensation of any employee of the Social Security Board not appointed pursuant to the civil-service laws and regulations."

Mr. WOODRUM. Mr. Speaker, Senate amendment numbered 8 provided that none of the funds appropriated in this bill should be used to pay the salary of any expert or attorney receiving $5,000 or more a year until such expert or attorney shall be appointed by the President, by and with the advice and consent of the Senate. Of course, that establishes a new precedent in these independent agencies. In the first place, it would very radically amend the original law which provided that the appointments should be made by the Board. It would now require them to be made by the President and approved by the Senate. The House conferees were unable to agree to this. The amendment which we are suggesting seems to me a happy solution of the difficulty. It puts the whole Social Security Board, from top to bottom, with the exception of the Board members and the administrative officers, under the Civil Service Act; requires them to qualify under the civil-service rules and regulations; and their salary to be measured and paid according to the classification schedule. Then there can be no possible question about it. There should be no politics in it. And may I say here that we would be taking out of the realm of conflict and chaos and confusion all of the appointments of those experts on the Social Security Board about which there has been a great deal said on the floor of each House and in the press.

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

Mr. WOODRUM. Yes.

Mr. PLUMLEY. I wish to go along with the gentleman in respect to that statement in taking the matter out of politics. I think the gentleman is absolutely right.

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

Mr. WOODRUM. Yes.

Mr. SAUTHOFF. I want to assure myself that the effectiveness of the staff will not in any way be lessened through this amendment, and, therefore, I shall ask the gentleman one or two questions. This type of legislation is absolutely new. No doubt the few men and women who are trained in it were scarce, and the department availed itself of their services. Some of those could command a better salary than $5,000 a year. It would seem to me, if there is danger of breaking down the efficiency of the Social Security Board by cutting down the salaries of those who receive over $5,000 a year, there would be a tendency to lower the service which the Board could give, lower its efficiency in taking care of this vast field that the chairman has spoken of, about 35,000,000 people who must be served, and no doubt the number will be greater than that before they get through. It seems to me we ought to protect those experts in the holding of their jobs. I am absolutely opposed to the Senate amendment, and I join with the House managers in opposing that amendment. I am just a little concerned whether or not this amendement will protect those experts in that department, or whether we are liable to have it broken down by political appointments, just the thing that we do not want.

Mr. WOODRUM. Mr. Speaker, I can say to the gentleman that the conferees as well as the committee have thought along the lines the gentleman has suggested. There are two classes of experts having to do with social security work, those who are regularly employed on the regular yearly pay roll and those who are employed periodically as consultants. The House insisted on amendment no. 7, and that protects the periodic employment.

There is some expert advice that the Social Security Board needs from time to time, and it would be impossible to get it perhaps if it was sought to bring experts from some foreign country—because America is behind in social-security legislation, and we know practically nothing about it except what we have learned from across the water—and propose to give those experts pay at the rate of $9,000 a year. We would not be able to get them if that were so, and those are protected under this amendment. Putting the regular per annum experts under the civil service will not in any way seriously handicap their work or prejudice their right to earn a salary commensurate with their talent and need. We have discussed that with the Social Security Board, or their representatives, and they feel that is very much more to be desired than to be compelled to run the gantlet of Presidential appointment and senatorial confirmation for men who must be selected, not for their ability to command votes but for their intelligence and experience and training in highly specialized lines.

Mr. SAUTHOFF. If we adopt this amendment and they are put under the civil-service classification, will the gentleman inform us whether or not their salaries will be lowered by such a procedure.

Mr. WOODRUM. Their salaries will not be affected, because they are already paid in accordance with the Classification Act.

Mr. SAUTHOFF. And they will be classified under the Civil Service Act?

Mr. WOODRUM. If they can qualify. Of course, they must run the gauntlet.

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

Mr. WOODRUM. I yield.

Mr. SCOTT. Will this have the effect of blanketing into the civil service the expert lawyers who have already been appointed?

Mr. WOODRUM. They must qualify. They qualify on a noncompetitive examination.

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

Mr. WOODRUM. I yield.

Mr. COCHRAN. This amendment will strengthen the merit system insofar as the Social Security Board is concerned?

Mr. WOODRUM. I think so. I do not think there is any doubt about it.

Mr. COCHRAN. And it will eliminate the danger that the gentleman from Wisconsin [Mr. SAUTHOFF] fears, that of political appointments?

Mr. WOODRUM. I think so.

Mr. COCHRAN. I do not know what the gentleman means by "political appointments", but if he means appointments made by Congressmen or Senators, I do not think there are very many political appointments in the Social Security Board. On the other hand, if he means appointments made by other than Members of Congress, I think there are plenty of political appointments in the Social Security Board and the same condition exists whenever Congress appropriates money by lump sum and does not place the positions under civil service.

Mr. WOODRUM. I agree with the gentleman, and I can assure him that there are no political appointments made from the Sixth Congressional District of Virginia.

Mr. COCHRAN. I am in full agreement with the gentleman and likewise in his position as to appointments. My people will have a chance under the merit system.

Mr. WOODRUM. I will be glad to have it come to the point where I can say I do not have anything to do with it; that it is under civil service, and they have to apply through that.

Mr. SCOTT. Will the gentleman yield further?

Mr. WOODRUM. I yield.

Mr. SCOTT. In case of future appointments of lawyers and experts, they do not have any civil-service list.

Mr. WOODRUM. There is an attorney register already existing. They perhaps will establish a special register where they want men of special training in social security or insurance work.

Mr. SCOTT. They will set up their register now, but in the meantime, before they get that done, they will have to have some more experts.

Mr. WOODRUM. The first thing they will do is to set up a qualification standard for the different grades, and then those people must qualify under that. They are already under the salary classification schedule.

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

Mr. WOODRUM. I yield.

Mr. HAINES. Do I understand by this amendment that it obviates the amendment which provides that the President must recommend and the appointments must be confirmed by the Senate?

Mr. WOODRUM. That is correct.

Mr. Speaker, I move the previous question on the motion to recede and concur.

The previous question was ordered.

The SPEAKER pro tempore (Mr. UMSTEAD). The question is on the motion of the gentleman from Virginia that the House recede and concur in the Senate amendment with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that amendments 11, 12, and 13 may be considered together.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The Clerk will report amendments 11, 12, and 13.

The Clerk read as follows:

Amendment no. 11: Page 47, line 15:

"COMMODITY CREDIT CORPORATION

"Not to exceed $525,000 of the funds of the Commodity Credit Corporation, established as an agency of the Government by Executive Order No. 6340, dated October 16, 1933, continued to April 1, 1937, as a governmental agency under section 7 of the act approved January 31, 1935 (Public, No. 1, 74th Cong.), and further continued to June 30, 1939, by the act of January 26, 1937 (Public, No. 2, 75th Cong.), shall be available during the fiscal year 1938 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833); printing and binding; law books and books of reference; not to exceed $150 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof."

Amendment no. 12: Page 48, line 18:

"ELECTRIC HOME AND FARM AUTHORITY

"Not to exceed $300,000 of the funds of the Electric Home and Farm Authority, established as an agency of the Government by Executive Order No. 7139 of August 12, 1935, continued to February 1, 1937, by the act of March 31, 1936 (Public, No. 484, 74th Cong.), and continued further until June 30, 1939, by the act of January 26, 1937 (Public, No. 2, 75th Cong.), shall be available during the fiscal year 1938 for administrative expenses of the Authority, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833); printing and binding; law books and books of reference; not to exceed $200 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, care, repair, and disposition of any security or collateral now or hereafter held or acquired by the Authority, shall be considered as nonadministrative expenses for the purposes hereof."

Amendment no. 13: Page 49, line 19:

"EXPORT-IMPORT BANK OF WASHINGTON

"Not to exceed $50,000 of the funds of the Export-Import Bank of Washington, established as an agency of the Government by Executive Order No. 6581 of February 2, 1934, continued until June 16, 1937, by the act approved January 31, 1935 (Public, No. 1, 74th Cong.), and further continued until June 30, 1939, under the act approved January 26, 1937 (Public, No. 2, 75th Cong.), shall be available during the fiscal year 1938 for administrative expenses of the bank, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833); printing and binding; law books and books of reference; not to exceed $250 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the bank or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof."

Mr. WOODRUM. Mr. Speaker, I move that the House recede and concur in Senate amendments nos. 11, 12, and 13.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Virginia.

Mr. WOODRUM. Mr. Speaker, I desire recognition.

Mr. Speaker, the three amendments—nos. 11, 12, and 13—have to do with the Commodity Credit Corporation, the Electric Home and Farm Authority, and the Export-Import Bank. Estimates for those three activities were not before the House when we considered the bill, and, therefore, they were put on in the Senate as Senate amendments. They merely authorize the use of administrative expenses by those three organizations, as they pay their own way. They are on a pay-as-you-go basis and do not require any direct appropriation from the Congress. Therefore, the House is asked to recede and concur in the Senate amendments.

Mr. Speaker, I wish to refer briefly at this point to a matter which I should have referred to in discussing the conference report; that is, to section 4 in the independent offices bill, which provided that no agency could detail personnel to committees of Congress. The Senate struck that provision out of the bill, and in the conference report, which we have adopted a little while ago, we agreed to the Senate amendment.

I want to make this observation in order that the action of the House in receding from its disagreement to the Senate amendment will not be misunderstood. In the hearing before the independent offices subcommittee it developed that one department in that bill had detailed employees to an investigating committee of the Senate, which required the payment of over $400,000 of its salary roll for that personnel.

As was pointed out when this matter was before the House, the Appropriations Committee in providing that that sort of practice ought to stop was in no way undertaking to measure or to value the merits of any investigation. Theoretically, we were not concerned with the investigation or with the merits or demerits of it, but we believed then and we are more convinced now that the practice should stop.

Mr. Speaker, we have the greatest difficulty in undertaking intelligently to recommend to the Congress what should be appropriated for these bureaus and departments if after the money is appropriated and the people are employed we have no control whatever as to what the money is used for or where the people go. So the Appropriations Committee has taken the position, and we propose vigorously to follow that position, that when we appropriate money for a department to employ 100 people, for instance, that we are going to expect the department in good faith and in good spirit to use the fund for that purpose or have it in an unexpended balance at the end of the fiscal year.

We believe, Mr. Speaker, that as to any investigation made by this Congress, if it is worth while, if it has real merit and is worth spending money for, this House is ready to appropriate a sufficient sum of money to carry out that investigation; and that applies to the other end of the Capitol, too. But when it came to administering this inhibition against the detail of personnel from departments, we ran into great difficulties. We found, for instance, that the Federal Trade Commission and the Federal Tariff Commission are being called upon constantly in the regular run of business to furnish information and sometimes a reasonable number of personnel to standing committees of Congress. We found that the Treasury Department was being called upon periodically to send a few of its personnel to the committees of the House and the Senate. So it seems to be a matter that is very difficult, certainly in an appropriation bill, to pass substantive legislation concerning.

I want to call the attention of the House, and particularly the attention of the department heads, to this provision of existing law, and to say here and now that the Appropriations Committee is going to expect departments to live up to it in spirit:

Section 3678 of the Revised Statutes: "All sums appropriated for various branches of expenditure in public service shall be applied solely to the objects for which they are respectively made, and for no other."

Now, Mr. Speaker, may I say that the Appropriations Committee certainly would not be so unreasonable as to expect a department head to deny the use to a standing committee of the House, or an investigating committee, for that matter, of one or two of its employees if the committee desired to consult them, or if they desired to use them for a day or two. The committee would not object to any reasonable or legitimate request; but to go down to a busy department to which Congress has given important public duties and functions and take 75 or 80 of its best men and detail them to investigating committees for 6, 7, 8, or 9 months, to the tune of $400,000 or more, we think is entirely unreasonable.

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

Mr. WOODRUM. I yield.

Mr. GREEVER. Have these expenditures ever been referred to the Comptroller General?

Mr. WOODRUM. Yes; they have, and so far there has been nothing done by the Comptroller General to stop it. As a matter of fact, when we appropriate money for an accountant to be employed in the Interstate Commerce Commission, the Comptroller General has no way of knowing whether the man is working down there or up here. The trouble is not under the Comptroller General; the trouble is in the department that takes the accountant away from his desk and sends him to Capitol Hill; and I want to say that all too frequently service on Capitol Hill almost disqualifies him for doing effective work down in the department again.

Mr. GREEVER. Has the matter ever been called to the attention of the Comptroller General and has he ever rendered an opinion?

Mr. WOODRUM. It has been referred to the Comptroller General, and he has ruled that they have no right to do that, but that is all he can do about it. The department, of course, is between the upper and nether millstones. Here is an important committee of the House, here are distinguished Senators who send down to the department and say that they want this personnel. The Appropriations Committee now is going to help the departments resist these blandishments from Capitol Hill.

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

Mr. WOODRUM. I yield.

Mr. McCORMACK. Will the gentleman state in a little more detail why it is that assigning these people to an investigating or to a standing committee of Congress for a substantial period of time ruins them for further service in the department?

Mr. WOODRUM. Yes; I will.

Mr. McCORMACK. I ask the question for the reason that I think it ought to be put in the RECORD.

Mr. WOODRUM. I will tell the gentleman why. In a specific instance an agent was detailed from one of the departments for 6, 7, or 8 months to aid an investigating committee. The committee to which he was detailed needed his services periodically. His bureau then could not keep him. He would report to Capitol Hill instead of to the bureau where he was employed. When asked by his superior in the department: "How about doing a little job for us today?" he would reply:

"Jim"—calling the distinguished Senator by his first name—"said for me to see him about a very important matter. I will see about that, and I will come down later. Tomorrow I have to have lunch with Tom and a crowd of his boys; we have got to consult about an important matter", and so on, and so forth. In other words, if he does not watch out, he gets a little too congressional for departmental work.

It is not fair to the department. What I am saying now is not necessarily leveled as a criticism at any particular department or the personnel of any particular department, but the practice is not fair to them. The point I want to make is that when we appropriate money—and I am speaking as the agent of your committee, the Committee on Appropriations—when we appropriate money we want it used for the purpose for which it is appropriated.

I believe that is what the House wants. There is no other way that we can logically or intelligently represent you on that committee. May I say that so far as worth-while investigations are concerned, I know some of them have been productive of great good. Perhaps the investigation now going on in the Senate, which has caused this matter to be brought to a head, will be productive of great good. I do not wish in any way to pass judgment upon that. But I do plead with the Members of Congress for an orderly, intelligent, and logical manner of handling the funds and personnel for these investigations.

Mr. SAUTHOFF. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Wisconsin.

Mr. SAUTHOFF. I am a little concerned about what might happen to investigations that are now under way, some of which are perhaps two-thirds or three-quarters completed. In these investigations personnel has been taken out of the departments. Is this amendment going to stop that entirely?

Mr. WOODRUM. I may say to the gentleman the Senate struck the amendment out, and we have agreed to strike it out; so there is no amendment.

Mr. SAUTHOFF. I think the gentleman scores a good point, but I also appreciate the fact if in a certain department

is located the information that is necessary for the success of an investigation, there is no other way you can get around the matter but to take the personnel from that department and get the records. Take the Department of Justice, for instance.

Mr. WOODRUM. Let us consider the Department of Justice for a moment. Perhaps it will require 25 or 30 of the people of that Department and a month's time to collect certain information and send it to a committee. But there is a vast difference between that proposition and sending up 25 accountants to report and answer to an investigating committee of one branch of the Congress or the other and take that personnel entirely out from under the jurisdiction of the Department of Justice for a long period of time to be pursuing whatever inquiries a committee of either branch may send them on. That is the difference. Speaking of these particular investigations, I may say funds have been provided for them, and they are in no way hampered by funds or personnel.

Mr. SAUTHOFF. So this amendment will not affect those investigating committees?

Mr. WOODRUM. The amendment is out. What we are trying to do now is to get something in the RECORD so that the departments will try to curb the evil. I think a great deal has been accomplished by having the matter brought up for discussion.

Mr. RANKIN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Mississippi.

Mr. RANKIN. Will the gentleman give me 5 minutes?

Mr. WOODRUM. I yield the gentleman 5 minutes.

Mr. RANKIN. Has the gentleman completed his statement?

Mr. WOODRUM. No.

Mr. RANKIN. Then I will wait until the gentleman gets through.

Mr. WOODRUM. I yield the gentleman 5 minutes now. I will complete my statement after he gets through.

Mr. RANKIN. Mr. Speaker, I do not want the statement of the gentleman from Virginia [Mr. WOODRUM] to go into the RECORD as expressing the sentiment of the House of Representatives because, in my opinion, it does not represent the sentiment of the majority of the Members of this House. Certainly his views on this proposition do not represent my views, as I said previously, when this proposition was before the House for consideration.

The investigations that have been carried on by Senate committees in the past few years have been of inestimable value to the American people. It began with the Teapot Dome investigation, at which time a Cabinet member was being bribed by a crooked oil dealer to sell, in violation of law, the national oil resources of the United States for $100,000, and it was admitted that he said he would make something like a hundred million dollars out of the deal. The only place we can secure an investigation, it seems, is in the Senate. It seems to me the Senate should conduct these investigations. Their investigations have been carried on in a legitimate way.

Mr. RAYBURN. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Texas.

Mr. RAYBURN. May I correct the impression that the gentleman, I know, does not intend to leave. There was an investigation made by the Interstate and Foreign Commerce Committee of the House which involved holding companies. That investigation was of such a character that out of it there came the Railroad Holding Company Act, the Communications Commission, and the Utility Holding Company Act.

Mr. RANKIN. Mr. Speaker, that was an investigation for the passage of legislation; it was hearings on a bill. But whenever it comes to carrying on investigations similar to the ones I have discussed we have depended on the United States Senate ever since I have been a Member of the House. It was the Senate investigation of holding companies that brought about these reforms, and if we had carried out the Senate views, if we had passed the Senate bill, we would have saved this country a great deal of trouble.

Objection is now raised that we ought not to send down to the Department and use those people who are on the Federal pay roll in these investigations. What are they on the pay roll for? We have enough people on the pay roll in Washington, it seems to me, to answer all purposes. If a Senate committee or a committee of the House needs these people, who may be peculiarly informed on questions they are investigating, or peculiarly fitted to secure the information, why should they not be used by the Senate committee or House committee in order to bring these matters to light? To shut the door to these committees and say they cannot use the people who are on the Government pay roll simply means that these investigations in the future will be stopped.

Mr. Speaker, I do not want the expressions of the gentleman from Virginia to go into the RECORD without at least expressing my own views to the contrary. I opposed this amendment when it was first put into the bill. I am glad the Senate knocked it out. I think they did a good job and I hope they will continue the process.

Using these employees to testify before investigating committees of the House or Senate, or to assist in gathering valuable information which was within their knowledge, or which they were peculiarly fitted to secure, has not crippled the service in any way, and I doubt if it has cost the Government an extra dollar. On the other hand, it has saved millions.

Mr. WOODRUM. Mr. Speaker, as to whether or not the sentiments I have expressed are the sentiments of the House, may I say that on two separate occasions in connection with two separate bills this amendment was up for consideration of the House, and on at least one of the bills the gentleman expressed his sentiment, I expressed mine, and the House sustained my views.

Mr. RANKIN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Mississippi.

Mr. RANKIN. Less than 100 Members voted on the proposition. There was only a little group present, largely composed of Members of the Appropriations Committee.

Mr. WOODRUM. Well, it was the majority opinion.

Mr. RANKIN. There was a vote taken without a roll call; therefore it was lost by default.

Mr. TABER. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. TABER. I hope the gentleman who is chairman of the Subcommittee on Appropriations will do his best to see that the law is enforced on this subject.

If the Members of either the House or the Senate have a legitimate desire to investigate, they ought to appropriate the money and set it aside for the investigation, and not try to get it under cover.

Mr. WOODRUM. That is the whole point.

Mr. TABER. They ought to come out in the open and act on the square.

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

Mr. WOODRUM. Yes; I yield briefly to the gentleman from Mississippi.

Mr. RANKIN. If we had waited for the gentleman from New York to start the Teapot Dome investigation, it never would have been done.

Mr. WOODRUM. Mr. Speaker, that is beside the point entirely. The gentleman says unless we permit subterfuge these investigations cannot be carried on. It is nothing else but subterfuge to have an investigation and let the country think it is not costing anything, when it is costing $400,000 or $500,000. I do not evaluate it. Let the gentleman evaluate it himself. However, if it is worth a half million dollars, then honesty and legislative integrity ought to make us willing to let the country know how much we are spending on the investigation. [Applause.] However, I am not undertaking to evaluate it.

My friend, the gentleman from Mississippi, says if we do not permit this departmental subterfuge the investigations will stop. Is anyone going to say this Congress is not ready any day that any legitimate evidence or any reasonable grounds are brought here showing there is any serious matter which should be investigated to go forward with such investigation?

Mr. WOODRUM. Yes.

Mr. MICHENER. I realize there may be differences of opinion, but in the opinion of some of us a very vital matter was up for consideration during the past week, the matter of investigating sit-down strikes, and the House refused to investigate because, it was stated by majority leaders on the floor, that it might embarrass somebody.

Mr. WOODRUM. The gentleman knows we operate here by majorities. What is done by a majority in a democratic government, or what a majority of this House does, should prevail, whether I like it or whether the gentleman likes it.

Mr. MICHENER. I agree with the gentleman.

Mr. WOODRUM. We have to bow to what the majority says. However, I still say that any day any Member of Congress can come here and show any great need for an investigation, he will have the investigation, not only in this House but in the Senate. The Senate has a contingent fund on which it can operate, and so has this House. If it is necessary to take $400,000 worth of personnel from the Interstate Commerce Commission and use such people on an investigation, then I say, in order to safeguard the integrity of our appropriations and the budget system, let us credit the Interstate Commerce Commission with the salaries of such personnel and charge the expense to the investigation, and not have it shown that the money has been spent by the Interstate Commerce Commission when it has been diverted to another cause.

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

Mr. WOODRUM. Yes.

Mr. RANKIN. The investigation of Teapot Dome, according to the statement of the main person criminally involved, saved the American people $100,000,000. If these experts are already on the pay roll, have the information, and are able to testify, appropriating additional money to get somebody else to come in and do similar work is simply adding to the Federal Budget and not reducing it.

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

Mr. WOODRUM. Yes.

Mr. TABER. Is it not a fact we are appropriating money only for such personnel to do the legitimate work of the departments and the bureaus, and that is all we are supposed to appropriate for in the regular appropriation bill?

Mr. WOODRUM. That is all.

Mr. TABER. If an investigation is to be made, the money for it is supposed to come out of the contingent fund of either House by resolution of that House.

Mr. WOODRUM. The money for the Teapot Dome investigation was appropriated by the Congress time and time again.

Mr. TABER. Certainly.

Mr. WOODRUM. There was no trouble about getting the money.

Mr. TABER. They did not resort to subterfuges and monkeyshines to get the money.

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

Mr. WOODRUM. Yes.

Mr. RANKIN. We had it to do, because at that time the crowd in charge of this Government did not want Teapot Dome investigated. If we had had access to the people on the Federal pay roll as we have now, we would have saved a great deal of money by using such people, who were already being paid by the Government.

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

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. KELLER. May I correct one impression the gentleman from Michigan has given us, that is, that we voted down the resolution to investigate sit-down strikes because we were afraid to be put on the spot? We voted it down overwhelmingly, because it was a vicious bill which ought to have been voted down.

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

Mr. WOODRUM. Yes.

Mr. MICHENER. In answer to what the gentleman has stated, I quote the gentleman from North Carolina, who sits near him, and another distinguished leader, the gentleman from Ohio [Mr. HARLAN], a Democrat——

Mr. KELLER. They lost.

Mr. MICHENER. These gentlemen said the Democrats should vote against the resolution because it might be embarrassing to the administration. In view of the fact they followed suit and did that, I do not think I am going far afield in surmising that the majority followed the leaders and did what they were asked to do.

Mr. KELLER. I just want to know who was the leader. I happen to be one also.

Mr. MICHENER. I concede that the gentleman from Illinois is one of the Democratic leaders. Unfortunately, they do not always follow the gentleman, however.

Mr. KELLER. The gentleman is mistaken in his viewpoint.

[Here the gavel fell.]

Mr. ELLENBOGEN. Mr. Speaker, do I understand the House receded from its position and agreed to the Senate amendment concerning the providing of funds for the investigation?

Mr. WOODRUM. That is correct. Largely what we have been saying here is academic. However, I do want to go on record for the Committee on Appropriations by saying that what we are trying to do is to perform the job you have given the committee. It is not a small job and it is not an easy job, but we are trying to do it the best we can. We are trying to watch appropriations, to curtail expense wherever that can be done. We are going to expect the departments and we are going to expect the Comptroller to assist in carrying out this job.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia that the House recede and concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider was laid on the table.

CORRECTION OF AN ENROLLED BILL

Mr. VINSON of Georgia. Mr. Speaker, I call up Senate Concurrent Resolution 8, which is now on the Speaker's table, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Senate Concurrent Resolution 8

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 1455) to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army, and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered; that if and when the said bill is returned by the President, the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the said bill be deemed to be rescinded; and that the Secretary of the Senate be, and is hereby, authorized and directed, in the reenrollment of the said bill, to make the following correction, viz: In the language inserted by the engrossed House amendment no. 4, on page 2, at the end of line 11 of the engrossed bill, strike out the word "lieutenant" and insert the words "lieutenant colonel."

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman from Georgia give us a brief explanation of why the passage of this resolution is necessary?

Mr. VINSON of Georgia. Mr. Speaker, this is a concurrent resolution to correct an error in the enrollment of the measure in designating a certain officer as having the rank of lieutenant instead of lieutenant colonel.

Mr. SNELL. It affects just one officer?

Mr. VINSON of Georgia. That is all.

Mr. SNELL. That is all the resolution does?

Mr. VINSON of Georgia. Yes.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include

therein a list of non-Federal projects approved by the Public Works Administration where bond elections have been held and carried.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOUSTON and Mr. MITCHELL of Illinois asked and were given permission to extend their own remarks in the RECORD.

ORDER OF BUSINESS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the majority leader a question.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, will the majority leader inform the House what measure will be called up on Wednesday next, which is Calendar Wednesday?

Mr. RAYBURN. It is my understanding the Committee on Interstate and Foreign Commerce, which will have the call, will bring up the so-called long-and-short-haul clause revision or repeal bill.

Mr. BULWINKLE. That is the so-called Pettengill bill?

Mr. RAYBURN. Yes.

EXTENSION OF REMARKS

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDREWS. Mr. Speaker, the Legislature of the State of New York, by concurrent resolution adopted April 6, memorialized the Congress to initiate legislation having to do with remedial works for the preservation of Niagara Falls. In this connection I ask unanimous consent to revise and extend my remarks at this point by including therein a copy of the resolution adopted by the New York State Legislature, together with a copy of my letter reviewing the situation having to do with this proposal as addressed to the author of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to follows:

Whereas it is generally conceded that the Niagara Falls constitute the epitome of scenic beauty which is one of the wonders of the world; and

Whereas the force of erosion in the past several years has caused several rock slides which have seriously damaged the falls and brought to the attention of New York State and the Nation the need of taking steps to preserve the beauty of the Falls; and

Whereas these authorities have stated that corrective measures could be taken by man which would not only allay the action of erosion but would insure more permanent existence of the falls in their present beauty, and have declared plausible construction of weirs which would (1) control the flow of water to prevent concentration at the Horseshoe Falls, where erosive action has been speeded by the increasing volume of water, and (2) equalize the flow over the Horseshoe and the American falls so that the latter would carry an increased volume of water and would not be left nearly dry at certain times of the year, as at the present; and

Whereas such measures would entail the engineering project which would require action of the Federal Government leading to an immediate survey and preparation of plans for the weirs; and

Whereas discussion of preventive measures is now occupying the attention of the Congress of the United States: Now, therefore, be it

Resolved (*if the senate concur*), That the Congress of the United States be, and the same hereby is, respectfully memorialized to enact legislation or take such other steps as would lead to correction of the present undesirable conditions recited therein to grant benefit to the Nation and of nature lovers in all parts of the world; and be it further

Resolved (*if the senate concur*), That a copy of this resolution be transmitted to the Secretary of the United States Senate and the Clerk of the House of Representatives, and to each Senator and Member of the House of Representatives elected from the State of New York, and that the latter be urged to use their best offices to procure the enactment of such Federal legislation as will accomplish the purpose of this resolution.

APRIL 12, 1937.

Hon. HARRY D. SUITOR,
Member of the Assembly of the State of New York,
Albany, N. Y.

DEAR ASSEMBLYMAN SUITOR: This will acknowledge receipt of the copy of the concurrent resolution dated February 18, memorializing the Congress having to do with the proposed remedial works for the preservation of Niagara Falls. This is a subject in which I have been very much interested for the past 2 years and in which connection I have conferred with the President at the White House and exchanged with him a number of communications in regard to this proposal.

You will realize, no doubt, that following an extended survey made by the engineers several years ago a treaty having to do with this project was negotiated with the Canadian Government. This was submitted to the Senate for approval and referred to the Senate Foreign Relations Committee. The treaty provided for remedial works in the river on both Canadian and American sides in accordance with the survey initiated by the engineers under the commission formed for this purpose, but included an additional diversion of water power for private interests on both sides. The Senate committee reported unfavorably on this treaty, as a result of which the treaty was never ratified. Some 2 years ago I reopened the subject with the President, when a great deal of public attention directed itself to the necessity for improving the Falls because of landslides or fall-ins, both in the American and Canadian crests. There was considerable sentiment for the introduction of legislation in Congress having to do with this matter.

At his request, following my first conference with President Roosevelt, I withheld the introduction of any legislation inasmuch as he informed me that at his request the State Department had initiated negotiations with the Canadian Government for a new treaty which would provide for the necessary remedial works without any additional water diversion on either side of the river for private interests.

It is a fact, of course, that no legislation by the Congress is necessary in the premises. The engineering needs to remedy the situation are established and known as a result of the previous surveys. All that is required is completion of a new treaty with the Canadian Government and its submission to the Senate for ratification by a two-thirds vote. The treaty would provide that the expense of the undertaking will be borne jointly by the two Governments, the American share of this expense would probably be taken care of out of Public Works funds or by special appropriation for the purpose to be provided for following the ratification of a treaty.

The President is very much in favor of the project and according to written advice which I have received from him the negotiation are still pending and it is at his specific request that I have not introduced a bill for this purpose.

I have written you rather fully in this matter so that if you see fit this information may be given to the assembly or to those particularly interested in the proposal.

Sincerely yours,

W. G. ANDREWS.

COMPENSATION TO PERSONS SERVING AS POSTMASTER AT THIRD- AND FOURTH-CLASS POST OFFICES

Mr. MEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 77) for payment of compensation to persons serving as postmaster at third- and fourth-class post offices, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the proviso, following the appropriation for compensation to postmasters, contained in the act approved March 1, 1921 (41 Stat., p. 1151; U. S. C., title 39, sec. 39), is hereby amended by adding after the words 'unnecessary delay' at the end thereof the following: 'A person who, upon the occurrence of a vacancy and pending the appointment of a postmaster or the designation of an acting postmaster, assumes and properly performs the duties of postmaster at any third- or fourth-class post office shall be allowed compensation as postmaster for the period of such service: *Provided*, That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for compensation for service heretofore rendered, but subsequent to June 30, 1930, is hereby authorized and directed to allow compensation as postmaster for service rendered under the circumstances and conditions hereinbefore prescribed.'"

Mr. MICHENER. Mr. Speaker, reserving the right to object, this takes care of those cases that now exist where an acting postmaster was named and the Comptroller has refused to pay for the service because the persons so acting were not properly designated by the Postmaster General.

Mr. MEAD. Yes; they are really emergency postmasters, usually a member of the postmaster's family.

Mr. MICHENER. Yes; I think I understand the situation. I had a case last year where a fourth-class postmaster died suddenly and the person who had previously acted as a clerk in the office was directed by the inspector to take charge of the office. He was in charge of the office and ran the office for 3 months before an acting postmaster was designated, and at the end of the 3 months he received no pay and has not received any pay as yet, because he did not have proper technical authority from Washington to act as postmaster. I take it then that this bill will make it possible for this postmaster to get his money?

Mr. MEAD. That is a correct illustration of the purpose of the bill.

Mr. MICHENER. This bill will take care of such cases; in other words, it is retroactive.

Mr. MEAD. Yes.

Mr. HAINES. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. MEAD. I yield.

Mr. HAINES. Will the gentleman explain the difference between the bill passed by the House and the amendment now before us?

Mr. MEAD. The House bill had a restrictive clause of 60 days and the Senate removed that limitation. The Senate bill is more in keeping with the recommendation of the Department.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from Mr. Eastman, of the Interstate Commerce Commission.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PAN AMERICAN SANITARY CONFERENCE, BOGOTÁ, COLOMBIA
(H. DOC. NO. 217)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted authorizing an appropriation of the sum of $5,000 for the expenses of participation by the United States in the Tenth Pan American Sanitary Conference to convene at Bogotá, Colombia, in August 1938.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 12, 1937.*

CIVIL-SERVICE POSITIONS PROMISED BY CORRESPONDENCE SCHOOLS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes out of order.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to address the House for 5 minutes. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I think what I shall say will be of interest to the membership. On a trip over the district several months ago my attention was called to the fact that a number of correspondence schools throughout the country are actively soliciting students upon the implied promise that upon the completion of the course they offer, these young men and women will be given a Government position. Under date of March 25, the Civil Service Commission wrote me suggesting that an article that I had prepared upon the subject and which appeared in a number of newspapers should be inserted in the RECORD so as to give publicity to the activities of these correspondence schools, some of which are actually taking what might be said to be the blood money out of our young men and women.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. ANDRESEN of Minnesota. I am very glad the gentleman has brought this question before the House, because I have found, particularly in Minnesota—and I assume it is true in other States—that men from correspondence schools in Detroit and other places are going over the country in pairs claiming they represent the Civil Service Commission, and upon the payment of $60 to $75 they are promising these boys and girls jobs in the Government service.

Mr. KNUTSON. My attention has been called to a case where a widow had gone to a bank and borrowed $80 and given a mortgage upon chattels to get money enough to pay for the course for her son, and after he had taken the course he was unable to secure a position. Undoubtedly she is out her $80 and probably has lost the chattels by this time.

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

Mr. KNUTSON. Yes.

Mr. HAINES. I think the gentleman is making a distinct contribution. I found in my own district where they not only advertise and promise jobs to individuals on the payment of a certain sum but they follow it up with representatives calling on these people. I am glad the gentleman is bringing this to the attention of the country.

Mr. KNUTSON. That is true. Mr. Speaker, I ask unanimous consent to insert as a part of my remarks the letter from the Commission and the article they refer to, and also to insert a communication that the Civil Service Commission recently prepared upon this subject which is in the nature of a warning to the young men and women of the country not to permit themselves to be defrauded by unscrupulous promises of Government positions.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The matter referred to is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 25, 1937.

Hon. HAROLD KNUTSON,
House of Representatives.

DEAR MR. KNUTSON: The Commission has noted your article appearing under "Public Forum" in the January 21, 1937, issue of the Park Rapids Enterprise, Park Rapids, Minn. This article is in regard to so-called civil-service schools.

Your reference to the Commission's advice in regard to such schools indicates that you are familiar with what has been done by the Commission in endeavoring to protect the public against misrepresentation by schools. Warning notices, such as that enclosed, have been posted in first-, second-, and third-class post offices throughout the country. Many newspapers have also published these notices.

In spite of these measures, inquiries and complaints in regard to schools are still being received from all parts of the country. The Commission, in appropriate cases, refers any actual evidence of fraud or misrepresentation to the Post Office Department or to the Federal Trade Commission, according to the nature of the complaint. In response to every inquiry received, whether a complaint or not, the Commission sends information regarding so-called civil-service schools, contained in Form 2814, a copy of which is enclosed.

It is believed that much may be done by increasing publicity through all appropriate official agencies situated to contact the public. Inquiries received from Members of Congress indicate that all are not familiar with this matter. Accordingly, the Commission suggests that desirable results might be accomplished by publishing your article in the CONGRESSIONAL RECORD. If you think a more comprehensive statement, setting out the efforts against the schools, the nature of the complaints received, and conditions respecting examinations generally, would be preferable, please so inform the Commission and it will give you the pertinent facts.

By direction of the Commission:

Very respectfully,

WM. C. HULL, *Executive Assistant.*

WASHINGTON, D. C., *January 18, 1937.*

EDITOR, ENTERPRISE,
Park Rapids, Minn.:

CIVIL SERVICE COMMISSION ISSUES WARNING

It will be recalled by my readers that last fall I issued a warning through the newspapers of the Sixth District against such correspondence schools and mail-order training courses as prepare for Government service and promise jobs. Some of these schools and their field representatives have made very extravagant promises with regard to Government employment. My attention was very forcibly called to this matter when I visited the village of Deseal last fall. A joint statement just issued by the Civil Service Commission and the Social Security Board warns persons against

subscribing to these courses in the hope of securing Government positions with the Social Security set-up. There is now on file more than 35,000 applications for positions with the Social Security Board. Then, too, there are thousands and thousands who already have a civil-service status which entitles them to preferential treatment. I am informed that there is now available many more eligibles than there are positions. The same holds true with the Railway Mail Service, as I called attention to some weeks back. My purpose in again bringing up the subject in this letter is to warn my readers against paying out good hard-earned money for a correspondence course in the vain hope of securing a Government job. It is the unemployed and low-income groups that are being victimized by these fraudulent activities.

Yours truly.

HAROLD KNUTSON.

[(Please post conspicuously.) United States Civil Service Commission, Washington, D. C.]

CIVIL SERVICE SCHOOLS

The United States Civil Service Commission receives numerous complaints regarding the activities of so-called civil-service schools, and is taking this means of informing the public of their true status. Many of these schools grossly exaggerate opportunities for employment in the Federal civil service and give the impression that they are connected with the Government.

1. No civil-service school has any connection whatever with the Civil Service Commission or with any other branch of the Government.
2. The Commission has no agents who solicit applications for civil-service positions or who sell "civil service" courses.
3. No school can properly "guarantee" Government employment.
4. No school has advance information regarding the need of civil-service employees or the announcement of examinations.
5. No school is given information regarding examination questions or any other information which is not available to the general public.
6. The Commission does not recommend any school.
7. It is not necessary to take a course with any so-called civil-service school in order to compete in any of the Commission's examinations.

Information regarding examinations for the Federal civil service may be obtained at any time, without cost, from the Secretary of the United States Civil Service Board at any first- or second-class post office, or from the United States Civil Service Commission, Washington, D. C.

UNITED STATES CIVIL SERVICE COMMISSION.

Mr. KNUTSON. Let me advise those who are interested in securing Government employment that they write the Civil Service Commission before paying out any money.

THE FINANCIAL SITUATION

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, during the last few days we have had some exceedingly disturbing things happening, and the financial situation especially is very jittery. Yesterday I tried to make a rather careful survey from the financial reports of the week. I earnestly urge Members to study them at the present moment. Open-market operations, freezing of reserves, buying of inactive gold to the tune recently of about $361,000,000. Are these proving as effective as hoped? We do not dare reduce the price of gold for fear of what may happen in the financial world. We are certainly in a very serious situation, and should give careful heed. My earnest request is that those who are so besotted with their own schemes for the betterment of a few, to the ruination of the country's credit, should pause. I earnestly ask you to study the last week's performances in the financial centers of the country.

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

Mr. GIFFORD. Yes.

Mr. RANKIN. What remedy does the gentleman suggest?

Mr. GIFFORD. Stop spending money. That is the remedy.

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

Mr. GIFFORD. Yes.

Mr. KELLER. What would be the result of the stopping of the expenditure, and where would the gentleman stop expenditure?

Mr. GIFFORD. I think if we should balance the Budget and not spend more than we have and not borrow any more, it would be reassuring, because we are told that further use of the borrowing power at the moment may prove very dangerous. We have reached the point where we should stop, and I for one have the courage to join with you, even in the imposition of more taxes, rather than continue to jeopardize the Nation's credit by further borrowings.

Mr. KELLER. What would be the result upon the men who are now at work for the Government?

Mr. GIFFORD. I do not know, but we should at least stop needless and extravagant spending.

Mr. RANKIN. I have listened to the gentleman's remarks and I am wondering just where he would begin. I should like to have him lay down a program for the curtailment of expenditures showing what expenditures he would eliminate.

Mr. GIFFORD. I spoke plainly on this floor for half an hour last Friday and made many suggestions. I call the gentleman's attention to my remarks at that time.

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

Mr. GIFFORD. I yield.

Mr. KNUTSON. Let them start in on the Florida Canal.

Mr. RANKIN. What else?

Mr. GIFFORD. I am very earnest about the matter. If you study, as I have tried to, the financial reports; if you will procure the various financial sections of the papers of yesterday and study them, you may be shocked enough to see and recognize the danger signals.

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, we hear a great deal of complaint from men whose sympathies seem to be largely with that element of our population who have their money invested in tax-exempt securities. They seem to be afraid we are going into a boom of commodity prices. They seem to be very much afraid that wheat and corn and cotton and lumber and those commodities that have been for years below the cost of production, will rise to their normal value. I want to say to the gentleman from Massachusetts [Mr. GIFFORD] that I do not entertain those fears. When we made the debts we are now paying, the debts we are now trying to wring from the masses of the American people, wheat was selling at around $2 a bushel and cotton at 20 cents a pound. You attempted to pay those debts by wringing from the people of the United States money on the basis of 8-cent cotton and 60-cent wheat, and even when wheat dropped down lower than 40 cents a bushel. The farmers out in the country do not get excited, the masses of people, the small merchants who do not own tax-exempt securities, the shop owners, the great masses of people who support the Nation, do not get excited when commodity prices gradually rise. But I notice it always creates great excitement among the ones who have their money invested in tax-exempt securities, or their representatives.

I stood on this floor in 1929 and stated that we were in a money panic at that time; that we were going to have to have currency expansion to bring commodity prices back to something like normal levels, or the administration then in power would be swept into the discard. They declined, with the result that their party was swept out of power, and they have opposed at every turn every movement we have made, from cutting the gold content of the dollar to giving the President power to issue $3,000,000,000 of United States currency, if necessary, to keep this same element from forcing us into a panic at a time when the country was trying to struggle out from under the burden they had placed upon us.

It may be that some men who had sold their property and some who coined their millions from the blood and tears of the people during the war and invested in tax-exempt securities or bought watered power stocks, watered railroad stocks, watered telephone stocks are getting excited because, forsooth, commodity prices are gradually rising. But that is not going to hurt this country. We must have further expansion, I will say to the gentleman from Massachusetts. We will have to have further rises in commodity prices if the farmers ever pay their debts, feed and clothe their families, and meet the obligations

that have fallen to their lot. Did you know that they have been selling farms under the hammer, the best land in the United States, for years? We need more expansion instead of curtailment of expansion. We need to expand until we raise the price of wheat to something like $2 a bushel and cotton to 20 cents a pound. Until that time comes, I am not interested at all in this argument that we are in a boom. Are we in a boom because some men who got rich out of the war, because some men who got rich out of manipulating railroad stocks, because some people who own watered power stocks are not able to continue to wring their money from the helpless masses of American people? No. We are not in any boom. There is no danger, I will say to the gentleman from Massachusetts; but the time has come when the American people are being treated as a whole by an administration that has sympathy for the toiling masses of this Republic.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

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

Mr. RANKIN. I yield.

Mr. GIFFORD. I quite agree with the gentleman's feeling for the wheat farmer and the cotton farmer, but will he explain to the House what would happen tomorrow if, because of the gold pouring into this country, particularly from Russia, we put its price at $30 rather than $35? What would happen to the family income and the thrift and savings of our people?

Mr. RANKIN. I can tell you one thing that would happen; it would have a tendency to raise commodity prices and hearten the farmers of this country and the small merchants of this country, the producers of raw material, those who pay the Nation's taxes in time of peace and who fight its battles in time of war.

Mr. GIFFORD. Does not the gentleman know——

Mr. RANKIN. Oh, I know what the gentleman from Massachusetts wants. His party wants a continuance of those exorbitant tariffs which, according to the best authorities, wrung $4,000,000,000 a year from the unfortunate consumers of America.

Mr. GIFFORD. But are not cattle and peanuts and your other products now protected by a tariff?

Mr. RANKIN. They raked it into their coffers and invested it in tax-exempt securities. Then clouds lowered upon the horizon and the Hoover depression broke. They closed their factories and turned their workmen upon the streets to fill the breadlines and the soup kitchens from Mississippi to Massachusetts.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield again?

Mr. RANKIN. I know those men would like to see the dollar squeezed so that their tax-exempt securities would buy more of what the toiling masses in the South, the West, the Middle West, and the North produce. But that day is not coming back, I may say to the gentleman from Massachusetts. Yes; I yield.

Mr. GIFFORD. I asked the gentleman a question. He is getting away from it splendidly. I compliment him.

Mr. RANKIN. Oh, yes? [Laughter.]

Mr. GIFFORD. Only last week when it was merely rumored that the President had it in his mind to lower the price paid for gold, how quickly he acted to deny it. I ask the gentleman again if he can visualize what would happen if he lowered the price of gold? What would that do to the farmers?

Mr. RANKIN. If it raised the price of "gilt-edge investments", the gentleman from Massachusetts probably would not kick. But when it raises the price of what the other fellow has to sell you see the Old Guard from Massachusetts kicking. Whenever you see that happen you may know good and well it is something that would benefit the mass of the American people but would not help them hang onto their already accumulated wealth. I see the gentleman from Massachusetts, Mr. HEALEY, looking at me. I am not referring to him. I am talking about the Republican Old Guard from Massachusetts. [Laughter.]

But I want to give the gentleman something to chew on while he is on the floor. I am talking about the gentleman from Massachusetts, Mr. GIFFORD, for whom I have always entertained an abiding affection. At a later time I hope to be able to make a speech on power rates, but I do not want to let this opportunity pass without calling his attention to the fact that the people in his district are almost in revolt over the exorbitant power rates that are being charged the helpless consumers of electric energy in Massachusetts. I did not believe it when I first read about conditions in Nantucket. The gentleman voted for the antilynching bill today. His own people are being "lynched" by the Power Trust. The power interests are lynching the people in Nantucket, in his district, through the exorbitant rates they are charging for light and power.

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

Mr. RANKIN. I yield for a question.

Mr. GIFFORD. The gentleman mentioned that I voted for the antilynching bill.

Mr. RANKIN. Mr. Speaker, I did not yield for a speech.

Mr. GIFFORD. I want to ask a question.

Mr. RANKIN. Ask it, but I do not yield for a speech.

Mr. GIFFORD. Do they not, in the gentleman's State, take people into the Federal courts for shooting ducks?

Mr. RANKIN. We are not shooting ducks now; we are not considering the Supreme Court or any member of it; this is not a duck hunt. But does the gentleman know what they are doing in Nantucket? Let us not get away from Nantucket, because that is in the gentleman's district. [Laughter.] Instead of worrying about inflation he ought to join in and help the administration to reduce light and power rates.

I saw the other day where they were charging 17 cents a kilowatt-hour—$4.25 for 25 kilowatt-hours of electric energy in Nantucket. I did not believe it until I looked up the record and found that it was correct. In the gentleman's district they are selling for $4.25 electricity that should cost not more than $1. [Applause.]

[Here the gavel fell.]

THE SPEAKER'S BIRTHDAY

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I know that I express the feeling of every Member of the House of Representatives and of numberless millions outside whom we represent when I take this moment to congratulate you, sir, upon this, your birthday [applause, Members rising] and to express the hope, which is also unanimous, that your life may be lengthened many years in order that your great service to the people of the country whom you have so well served in the past and whom you so much love may continue. [Applause.]

The SPEAKER. The Chair asks unanimous consent to proceed for one-half minute. [Laughter]

Of course, I recognize the fact that this is the anniversary of my birth, but I did not know it had been sufficiently bruited around the cloak rooms to call for its declaration openly by the distinguished gentleman from Texas [Mr. RAYBURN].

I imagine that birthdays have their uses; but when we get along and put a good many milestones behind us, although it is a very happy and felicitous thing to be congratulated, it sometimes makes us conscious of the fact that possibly our best days are behind us. But I am nevertheless exceedingly grateful to my good and warm friend, with whom I have served in this distinguished body for so many years, for the very kindly and complimentary things he has said in connection with this very happy day, and I am very much obliged to him for his reference to it. [Applause.]

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1089. An act for the relief of Charles M. Perkins; and

H. R. 5551. An act to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1228. An act to amend the National Housing Act; and

S. 1414. An act to provide for the settlement and adjustment of claims of contractors in connection with the construction of the factory building at the Reedsville experimental community, Arthurdale, W. Va.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 52 minutes p. m.) the House adjourned until tomorrow, Tuesday, April 13, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON EDUCATION

There will be a meeting of the Committee on Education in room 416, House Office Building, at 10:30 a. m., on Tuesday, April 13, 1937, subject the Harrison-Black-Fletcher bill, H. R. 5962.

COMMITTEE ON THE POST OFFICE AND POST ROADS

Air-mail hearings will continue at 10:30 a. m., in room 213, House Office Building, on April 13, 1937.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet on Tuesday, April 13, 1937, at 10:30 a. m., to continue hearings on the report on the Atlantic-Gulf Waterway, Florida Ship Canal.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 13, 1937, at 10 a. m., in room 328, House Office Building, to consider title I of H. R. 5858. Public hearing.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday morning, April 14, 1937, at 10:30 a. m., for the public consideration of H. R. 5573 (Dies bill).

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 20, 1937, at 10 a. m., in room 328, House Office Building, to consider H. R. 5394, to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

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

528. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1937, amounting to $55,000, and a draft of a proposed provision pertaining to an existing appropriation for the Department of Justice (H. Doc. No. 207); to the Committee on Appropriations and ordered to be printed.

529. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the Post Office Department for the fiscal year of 1938, and prior fiscal years, amounting to $14,172,500 (H. Doc. No. 208); to the Committee on Appropriations and ordered to be printed.

530. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the fiscal years 1937 and 1938 amounting to $82,500 for the Department of State (H. Doc. No. 209); to the Committee on Appropriations and ordered to be printed.

531. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Thomas Jefferson Memorial Commission for the fiscal year 1937, to remain available until expended, amounting to $500,000 (H. Doc. No. 210); to the Committee on Appropriations and ordered to be printed.

532. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal years 1937 and 1938, amounting to $4,139,669.66, together with drafts of proposed provisions pertaining to existing appropriations (H. Doc. No. 211); to the Committee on Appropriations and ordered to be printed.

533. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, House of Representatives, for the fiscal year 1937–38 in the sum of $5,000 (H. Doc. No. 212); to the Committee on Appropriations and ordered to be printed.

534. A communication from the President of the United States, transmitting two supplemental estimates of appropriations for the Department of Labor for the fiscal year 1937, amounting to $100,825 (H. Doc. No. 213); to the Committee on Appropriations and ordered to be printed.

535. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year 1936, in the amount of $2,640.99, and supplemental estimates of appropriations for the fiscal years 1937 and 1938 aggregating $3,123,290, amounting in all to $3,125,930.99, for the Department of Commerce (H. Doc. No. 214); to the Committee on Appropriations and ordered to be printed.

536. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Treasury Department for the fiscal years 1937 and 1938, amounting to $32,494,560 (H. Doc. No. 215); to the Committee on Appropriations and ordered to be printed.

537. A communication from the President of the United States, transmitting a schedule of claims amounting to $585,400.89 allowed by the General Accounting Office (H. Doc. No. 216); to the Committee on Appropriations and ordered to be printed.

538. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a proposed bill to provide for the semiannual inspection of all motor vehicles in the District of Columbia; to the Committee on the District of Columbia.

539. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a proposed redraft of H. R. 5031 to amend the District of Columbia Code; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WALLGREN: Committee on Merchant Marine and Fisheries. H. R. 4597. A bill to amend the Canal Zone Code; with amendment (Rept. No. 580). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALLGREN. Committee on Merchant Marine and Fisheries. H. R. 6144. A bill to amend the Canal Zone Code; without amendment (Rept. No. 581). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6201) for the relief of John Carvel; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 6202) for the relief of William Henry Helstand; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 6203) for the relief of Edwin Gaughem; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KNUTSON: A bill (H. R. 6318) to reduce the rate of interest on loans to farmers by the Farm Loan Commissioner; to the Committee on Agriculture.

By Mr. LEAVY: A bill (H. R. 6319) to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. SANDERS: A bill (H. R. 6320) to exempt fraternal beneficiary societies from the tax on employees under the Social Security Act; to the Committee on Ways and Means.

By Mr. COLMER: A bill (H. R. 6321) to provide for the establishment in the Department of Agriculture of an experiment station for the development of tung trees; to the Committee on Agriculture.

By Mr. McREYNOLDS: A bill (H. R. 6322) to provide for cooperation between the United States and foreign nations producing tin ore and other materials to assure to the United States continuing supplies of the same to supplement deficient domestic resources and production, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BURDICK: A bill (H. R. 6323) to prevent the use of the words "U. S.", "United States", "National", and "Federal", or either of them, in trade names or private business; to the Committee on the Judiciary.

By Mr. RANDOLPH: A bill (H. R. 6324) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and seventy-fifth anniversary of the founding of the town of Romney, W. Va.; to the Committee on Coinage, Weights, and Measures.

Also, resolution (H. Res. 182) to create a commission to be known as the James Rumsey Sesquicentennial Commission; to the Committee on the Library.

By Mr. COCHRAN: Joint resolution (H. J. Res. 320) proposing an amendment to the Constitution of the United States relative to taxes on certain incomes; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States concerning the need of taking steps to preserve the beauty of Niagara Falls; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States concerning star mail routes; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States concerning increasing the payments for old-age assistance to the blind; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to the granting of travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine Insurrection who were discharged in the Philippines; to the Committee on War Claims.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States favoring House bill 4009 for the eradication of noxious weeds; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to initiate an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of the Legislature of the State of Nevada, memorializing the President and the Congress of the United States to make theft of livestock on land under Federal control a Federal offense; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States to authorize a Milwaukee River flood-control project; to the Committee on Flood Control.

Also, memorial of the Legislature of the Territory of Hawaii, memorializing the President and the Congress of the United States to establish purchasing depots on the islands of Hawaii, Maui, Molokai, Kauai, and Oahu; to the Committee on the Territories.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States in favor of making the National Youth Administration a permanent organization; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ASHBROOK: A bill (H. R. 6325) for the relief of Morgan & Roberts, a copartnership, Newark, Ohio; to the Committee on Claims.

By Mr. BURDICK: A bill (H. R. 6326) for the relief of William F. Kimball; to the Committee on Claims.

By Mr. GINGERY: A bill (H. R. 6327) for the relief of Edward J. Thompson; to the Committee on Claims.

By Mr. HOFFMAN: A bill (H. R. 6328) granting a pension to Ida A. Davis; to the Committee on Pensions.

By Mr. KEOGH: A bill (H. R. 6329) for the relief of Santo Giannetto; to the Committee on Claims.

Also, a bill (H. R. 6330) for the relief of Domenico Spinelli; to the Committee on Claims.

By Mrs. NORTON: A bill (H. R. 6331) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. E. King Morgan; to the Committee on the District of Columbia.

By Mr. RAMSAY: A bill (H. R. 6332) granting a pension to Charles E. Conner; to the Committee on Pensions.

By Mr. SCHUETZ: A bill (H. R. 6333) for the relief of Jesse W. Beeman and Willis H. Coates; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Tennessee: A bill (H. R. 6334) granting a pension to Robert David McClain; to the Committee on Invalid Pensions.

By Mr. TOLAN: A bill (H. R. 6335) granting an increase of pension to Grace Randall Calkins; to the Committee on Pensions.

PETITIONS, ETC.

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

1717. By Mr. BIERMANN: Petition of Ruth M. Wood, of Charles City, and others, expressing disapproval of any change in the structure of the Supreme Court, except by constitutional amendment; to the Committee on the Judiciary.

1718. By Mr. BUCK: Assembly Joint Resolution 36 of the Legislature of the State of California, relative to memorializing the President and the Congress of the United States to enact House bill 4009, which proposes to appropriate $50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill; to the Committee on Agriculture.

1719. Also, Assembly Joint Resolution 1 of the Legislature of the State of California, relative to memorializing Congress to initiate an amendment to the Constitution of the United

States to provide that the Electoral College be abolished and that the President and Vice President be elected by a direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

1720. Also, Assembly Joint Resolution 30 of the Legislature of the State of California, relative to granting of travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine Insurrection who were discharged in the Philippines; to the Committee on Pensions.

1721. Also, Assembly Joint Resolution 4 of the Legislature of the State of California, relative to memorializing the President and Congress to increase the payments for old-age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act; to the Committee on Ways and Means.

1722. By Mr. CULLEN: Petition of the Fraternal Order of Police, Fort Pitt Lodge, No. 1, of Pittsburgh, Pa., urging the passage of the McCarran-Mead longevity bill; to the Committee on the Post Office and Post Roads.

1723. Also, petition of the Senate and Assembly of the State of New York, urging the enactment of Federal legislation leading to an immediate survey and preparation of plans for weirs which will prevent the ultimate destruction of the Niagara Falls, which in the past several years has been damaged through erosion; to the Committee on Public Buildings and Grounds.

1724. By Mr. CURLEY: Resolutions of the Legislature of the State of New York, favoring the enactment of legislation to insure the permanent beauty of Niagara Falls; to the Committee on Public Buildings and Grounds.

1725. Also, resolutions of the Wholesale Dry Goods Institute of New York, endorsing House bill 1611, the Miller-Tydings bill; to the Committee on the Judiciary.

1726. Also, resolutions of the Building Trade Employers' Association of New York, urging continuation of present program of Federal public works; to the Committee on Banking and Currency.

1727. By Mr. DELANEY: Petition of the Brooklyn Heights Chapter of the Women's International League for Peace and Freedom, Brooklyn, N. Y., urging that the House Judiciary Committee be discharged from further consideration of House Joint Resolution 199 and that this resolution be passed as soon as possible; to the Committee on the Judiciary.

1728. By Mr. FITZPATRICK: Petition of the Building Trades Employers' Association of New York, endorsing the reorganization of governmental construction activities into a Federal Department of Public Works, with long-range planning; to the Committee on Banking and Currency.

1729. By Mr. JARRETT: Petition of W. H. Howard and 87 signers of Rimersburg, Pa., protesting against the President's bill or any substitute, etc., or to enlarge the Supreme Court; to the Committee on the Judiciary.

1730. Also, petition of the Ministerial Association of Franklin, Pa., and vicinity, disapproving any changes in the number and power of the Supreme Court; to the Committee on the Judiciary.

1731. Also, petition of the Old Guard of Oil City, Pa., opposing changes in Supreme Court; to the Committee on the Judiciary.

1732. By Mr. JENKINS of Ohio: Petitions of 100 citizens of East Liverpool, Ohio, petitioning Congress not to pass any law that would disturb or abridge the religious rights and privileges of all our people in the United States; to the Committee on the Judiciary.

1733. By Mr. JOHNSON of Texas: Petition of L. D. Williams, superintendent of Hearne Public Schools, Hearne, Tex., favoring the Harrison-Black-Fletcher bill; to the Committee on Education.

1734. By Mr. KEOGH: Petition of the special-delivery messengers, Post Office Department, Buffalo, N. Y., with reference to pending legislation affecting the special-delivery messengers; to the Committee on the Post Office and Post Roads.

1735. Also, petition of the Brooklyn Chapter of the American Institute of Architects, concerning the proposed changes to extend the United States Capitol; to the Committee on Public Buildings and Grounds.

1736. Also, petition of the Parent-Teacher Association, School 30, Valley Stream, Long Island, N. Y., concerning the Harrison-Black-Fletcher bill; to the Committee on Education.

1737. Also, petition of the Building Trades Employers' Association of New York, with reference to the reorganization of governmental activities into a Federal Department of Public Works; to the Committee on Banking and Currency.

1738. Also, petition of the Fraternal Order of Police, Fort Pitt Lodge, No. 1, Pittsburgh, Pa., favoring the Mead bill (H. R. 167); to the Committee on the Post Office and Post Roads.

1739. Also, memorial of the Legislature of the State of New York, concerning the erosion now existing in the Horseshoe Falls, Niagara Falls, N. Y.; to the Committee on Public Buildings and Grounds.

1740. By Mr. MASON: Petition of M. G. Schermerhorn, of La Salle, Ill., and 69 others, asking Congress to defeat House bill 3134, a bill that proposes to add a Federal tax of 1 cent per gallon on fuel oil; to the Committee on Ways and Means.

1741. By Mr. MERRITT: Resolution of the Warren G. Harding Council, No. 118, Junior Order United American Mechanics, of Mineola, N. Y., requesting Congress to speedily enact legislation in conformity with House bill 3423, providing for preferred employment of American citizens by the Government of the United States; to the Committee on Expenditures in the Executive Departments.

1742. Also, resolution of the North Side Democratic Club, of Queens County, N. Y., emphatically opposing House bill 3134, which would impose a 1-cent tax on fuel oil; to the Committee on Ways and Means.

1743. Also, resolution of the American Association of Dental Schools, unqualifiedly endorsing and urging the passage of House bill 3491, which provides for 1 dental officer for each 500 enlisted strength of the Army, and a brigadier general to head the Army Dental Corps, who is to be assistant to the Surgeon General; to the Committee on Military Affairs.

1744. By Mr. MITCHELL of Tennessee: Petition of Franklin County Farm Bureau, favoring an increase in the membership of the United States Supreme Court; to the Committee on the Judiciary.

1745. By Mr. PFEIFER: Petition of the Fort Pitt Lodge, No. 1, Fraternal Order of Police, Pittsburgh, Pa., concerning the McCarren-Mead bills (S. 70 and H. R. 167); to the Committee on the Post Office and Post Roads.

1746. Also, petition of the Building Trades Employers' Association of the City of New York, concerning the present program of Federal public works; to the Committee on Ways and Means.

1747. Also, petition of the Assembly of the State of New York, Albany, urging that corrective measures be taken to allay erosive action to Horseshoe Falls and American Falls of the Niagara River; to the Committee on Public Buildings and Grounds.

1748. By Mr. PLUMLEY: Resolutions of the American Association of Dental Schools, 39 in number, adopted when assembled in Baltimore, March 17, 1937, unqualifiedly endorsing and urging the passage of House bill 3491; to the Committee on Military Affairs.

1749. By Mr. POLK: Petition of C. E. Fairley and 22 other citizens of Leesburg, Highland County, Ohio, protesting against the President's proposal to increase the number of Judges of the Supreme Court of the United States; to the Committee on the Judiciary.

1750. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memorializing Congress in favor of making the National Youth Administration a permanent organization; to the Committee on Ways and Means.

1751. By Mr. SANDERS: Petition of citizens of Tyler, Tex., urging enactment of the Rogers bill (H. R. 2257); to the Committee on Ways and Means.

1752. By Mr. SMITH of West Virginia: Resolution of the Legislature of West Virginia, concerning the establishment of a Reserve Officers' Training Corps unit at West Virginia State College; to the Committee on Military Affairs.

1753. By Mr. SWEENEY: Petition of the Lithuanian Democratic Club of Cuyahoga County, Ohio, endorsing and approving the efforts of the President to effect judicial reform; to the Committee on the Judiciary.

1754. By Mr. THOMASON of Texas: Petition of citizens of Brewster County, Tex., urging favorable action on House bill 2257, granting old-age pensions; to the Committee on Ways and Means.

1755. Also, petition of residents of Pecos County, Tex., urging passage of House bill 2257, regarding old-age pensions; to the Committee on Ways and Means.

1756. By Mr. TINKHAM: Memorial of the General Court of Massachusetts, favoring the making of the National Youth Administration a permanent organization; to the Committee on Ways and Means.

1757. Also, memorial of the General Court of Massachusetts, favoring Federal legislation increasing the amount of Federal reimbursement for cities and towns granting old-age assistance; to the Committee on Ways and Means.

1758. By Mr. WITHROW: Joint Resolution No. 66 A., passed by the Wisconsin Legislature, memorializing the Congress of the United States to authorize a Milwaukee River flood-control project; to the Committee on Flood Control.

1759. By the SPEAKER: Petition of the Norfolk (Va.) County Medical Society, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1760. Also, petition of the Norfolk (Va.) Fleet Reserve Auxiliary, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1761. Also, petition of the Norfolk (Va.) Association of Commerce, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1762. Also, petition of the Norfolk, Va., executive committee of the United States Naval Reserve Officers Association, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1763. Also, petition of the Norfolk (Va.) Kiwanis Club, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1764. Also, petition of the Norfolk (Va.) Italian Independent Association, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1765. Also, petition of the Louisville (Ky.) Municipal Housing Commission, urging passage of Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

1766. Also, petition of the Norfolk (Va.) Art Corner, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1767. Also, petition of the Norfolk (Va.) Travelers Protective Association of America, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1768. Also, petition of the Washington (D. C.) Central Labor Union, urging passage of House Joint Resolution 297; to the Committee on the Judiciary.

1769. Also, petition of the Norfolk (Va.) Junior Chamber of Commerce, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1770. Also, petition of the Portsmouth (Va.) International Federation of Technical Engineers', Architects', and Draftsmen's Unions, urging passage of Senate bill 4; to the Committee on Coinage, Weights, and Measures.

1771. Also, petition of the Fraternal Order of Police, Pittsburgh, Pa., concerning the McCarran-Mead so-called longevity bill; to the Committee on the Civil Service.

1772. Also, petition of the Roosevelt All-Party Agricultural Committee, Minot, N. Dak., concerning the Supreme Court of the United States; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 13, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy is the Lord of hosts: the whole earth is full of His glory. O send out Thy light and Thy truth: let them lead me.

We pray Thee that more and more we may practice self-denial and zeal for doing good. Thou who art our refuge and strength, shield us from the power of temptation and help us to bring into subordination every passion and every weakening tendency. By Thy grace may we be aided in emulating the good in others and be able to make the world a little brighter because of Thy gift to us this day. May we grow larger and larger in things right. With humbleness of mind and with a sense of unworthiness help us to do our part in the great field of human life in overcoming evil and in pursuing that which is good. In the name of our Savior. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendments bills of the House of the following titles:

H. R. 1870. An act for the relief of Kate Carter Lyons;

H. R. 1871. An act for the relief of John S. Hemrick;

H. R. 1923. An act for the relief of Evangelos Karacostas;

H. R. 2320. An act for the relief of Peter Karampelis;

H. R. 2780. An act for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased;

H. R. 2936. An act for the relief of E. B. Gray; and

H. R. 3701. An act for the relief of the Sterling Bronze Co.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1065. An act for the relief of Mrs. Louis Abner;

H. R. 2801. An act for the relief of Claude Curteman; and

H. R. 3306. An act to authorize a preliminary examination and survey of Santa Maria River with a view to the control of its floods.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 171. An act for the relief of George E. Shockley;

S. 603. An act to provide further for membership on the Board of Visitors, United States Military Academy;

S. 1067. An act for the relief of Asa J. Hunter;

S. 1104. An act granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan;

S. 1472. An act to authorize the Secretary of War to dispose of material to the National Council of the Boy Scouts of America;

S. 1621. An act to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works;

S. 1705. An act to authorize the Secretary of War to release a certain right-of-way no longer needed for military purposes at the Springfield Armory, Mass.;

S. 1724. An act to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory;

S. 1764. An act for the relief of Ruth Gaskins;

S. 1897. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near La Crosse, Wis.;

S. 1934. An act for the relief of Halle D. McCullough;

S. 1936. An act for the relief of the estate of Elmer W. Laub, deceased;

S. 1972. An act to authorize the Secretary of War to sell, loan or give samples of supplies and equipment to prospective manufacturers;

S. 1973. An act to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., and for other purposes;

S. 2076. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.;

S. 2077. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.; and

S. 2084. An act to provide that graduates of approved school ships may be rated as able seamen upon graduation, and for other purposes.

COMMITTEE ON ACCOUNTS

Mr. WARREN. Mr. Speaker, I ask unanimous consent that the Committee on Accounts may be permitted to sit today and tomorrow during sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMITTEE ON RIVERS AND HARBORS

Mr. RAYBURN. Mr. Speaker, at the request of the Committee on Rivers and Harbors, I ask unanimous consent that that committee may be permitted to sit during sessions of the House today and tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from New York [Mr. BOYLAN] is recognized for 15 minutes.

THOMAS JEFFERSON

Mr. BOYLAN of New York. Mr. Speaker, today, beautiful spring day that it is, with the birds singing, the flowers blooming, and all nature turning again to a new year, is the birthday of that illustrious American statesman, Thomas Jefferson, author of the famous Declaration of Independence and third President of the United States. Thomas Jefferson blazoned a path in American history which no one from his time to the present day has been able to equal.

The birthday of Thomas Jefferson, April 13, as I have stated, is at the threshold of the spring when all things in nature return with renewed life. This is symbolic. For Jefferson is as much a living force today as he was in his own day, a century and a half ago.

Why is it that Jefferson is a vital force today, whereas most of his contemporaries survive only as names in biographical dictionaries or have disappeared altogether? Why is it that he remains an inspiration to our whole country in these troubled times? Why is it that his name is a word to conjure with?

It is not because he was a scholar, lawyer, philosopher, and author. We have had many scholars, lawyers, philosophers, and authors who were as great or greater than he. It is not only because he was a great statesman, diplomat, and President. We have had statesmen, diplomats, and Presidents as great as he. It is not even because he was a great nation builder.

Jefferson is alive today partly because he was all these, of course, but above all because he was a great democrat; because throughout his lifetime he fought for democracy with steadfast faith and singleness of purpose. Many of the problems that we are struggling with today he met and solved with the ease of a master.

Democracies of a kind had existed before his time in Greece, in Rome, and elsewhere. They flourished for a day and were gone. It was Jefferson's purpose to help establish a democracy on this continent that would endure forever. How well he has succeeded in his purpose we can best judge today.

Our democracy has survived many vicissitudes, including a great civil war, and is flourishing today. Many attacks have been made upon it, and many more may be expected in the future. But that it will survive the attacks of its worst enemies we have no doubt.

Jefferson was a statesman, and as a statesman he was obliged from time to time to sacrifice the lesser to the greater good. He was forced to compromise now and then in accordance with Anglo-Saxon tradition and practice. But on one subject he never yielded. He refused to compromise on democracy.

To him democracy was not simply a philosophy of life; it was a practical system to live by. It is worth noting that his democratic principles took root very early in life and remained with him to the end.

He was admitted to the Virginia House of Burgesses at the age of 26, and his very first proposal, soon after he entered, was an act for the emancipation of the slaves. At the age of 33 he wrote the Declaration of Independence.

Just imagine, Mr. Speaker. A young Virginian, only 33 years of age, traveled over the poor roads, rough as they were at that time, consuming many days in the trip, to the city of Philadelphia. The only accommodation he could find in that city was a small furnished room. There, without assistance of any kind, without even books or documents to which he might refer, with his own hand and in his own handwriting he wrote the Declaration of Independence. We who from time to time have to prepare addresses know how difficult the work seems to us; yet this man, without help of any kind, in a small furnished room in the city of Philadelphia, wrote that immortal document, the Declaration of Independence. No one in the history of the world has ever produced a greater political document. It is comparable to Pericles' celebrated funeral oration, made during the dark days of the Peloponnesian War, which has helped to perpetuate not only the name of Pericles but also the great Athenian democracy of his day. The Declaration is a mightier document, wider in its appeal, more solid in its fundamental principles. It is immortal because it has a meaning and signficance to people everywhere who suffer under despotic rule.

Every word of this great paper is Jefferson's own, and it reflects the character of the man even more than it does the character of the revolutionary times. If Jefferson had done nothing else, his place in American history would be secure.

But the Declaration was but one small, although important, contribution of this great man to the principle of democracy. Even in these early days he was no dreamer or vague experimenter. He put aside ideals which could not be put into practice. He set before himself a five-point program to further democracy in Virginia.

First. To abolish the aristocracy of wealth and birth which then existed, and "to make an opening for the aristocracy of virtue and talent which Nature has wisely provided for the direction of the interests of society, and scattered with equal hand, through all its conditions."

Second. To liberalize the laws relating to religious freedom.

Third. To do away with slavery.

Fourth. To make education universal.

Fifth. To humanize the criminal laws.

An ambitious program for a young man—for any man—but not beyond the scope and ability of this great nation builder, as future events have amply demonstrated.

He set to work at once to carry out his program. In his native Virginia an aristocracy of privilege consisting of a few families was being nurtured, similar in all respects to the aristocracies of Europe, except that titles of nobility did not exist.

This aristocracy was based upon extensive landholdings which, under the laws of primogeniture and entail, descended from father to son. It was by means of these simple legal devices that the powerful feudal systems of the world had been built up, and Jefferson was determined to abolish them in Virginia and to prevent them from getting a foothold elsewhere in this country.

After a hard fight, Jefferson won. He made many enemies in the course of his fight, but that fact never diverted him from the path that he had chosen.

The next step in his struggles for democracy was the establishment of religious freedom in Virginia. The laws of this Colony were extremely intolerant on religion and set a bad example for the rest of the country. Others had done much for freedom of thought and religion, but no one had done more than Jefferson. He succeeded in forcing the enactment of a law, the spirit of which was later embodied in the first amendment to the Constitution:

Be it, therefore, enacted by the general assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be forced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in nowise diminish, enlarge, or affect their civil capacities.

Clear and to the point, as all great utterances are, Jefferson had done in this brief document as much for freedom of thought as the great men who had fought before him on the same line—Roger Williams, Penn, and Calvert.

In his fight to free the slaves in Virginia he failed. But it was a noble failure, which bore fruit many years later. What he started another great President finished.

He proceeded to extend the free-school system in Virginia to the poor as well as the rich along the broadest democratic principles. It was the pride of his life that his work in this field was consummated before his death with the establishment of the University of Virginia.

His great work for democracy along practical lines in Virginia was completed when he revised its criminal law by injecting humane principles into them.

I have purposely emphasized Jefferson's work for democracy in a limited sphere—his home State. For in a single drop of water the whole ocean is reflected. From his aims and ambitions here, we get a good idea of the heroic stature of this enduring revolutionary figure. He built not only for his own State but for the entire country; not only for his time but for ages to come. It is unnecessary to dwell upon Jefferson as a statesman, diplomat, and President. Every schoolboy is familiar with his glorious record.

It is good to remember in these troubled days that ingratitude, the bitterness of party strife, and failure never caused Thomas Jefferson to waver in his faith in the people, and that he remained to the end of his days the leader of democracy against aristocracy.

I know that you will be pleased to learn that I have introduced a joint resolution, which is now on the Consent Calendar of the House, authorizing the President of the United States to proclaim the 13th day of April of each year Thomas Jefferson's Birthday. I hope this resolution will be enacted into law at the present session of Congress in order that for all time, as the years roll on, our countrymen shall have vividly brought to mind the name and the fame of this illustrious American. When you think of Jefferson and his accomplishments you are thinking of virtually a dozen men. When you read of the life of Jefferson you think you are reading of the lives of a dozen men, all prominent in their particular spheres. We today cannot do too much to perpetuate and immortalize the name of that distinguished American patriot, author of the Declaration of Independence, third President of the United States, and author of the statute of religious liberty in Virginia, Thomas Jefferson. [Applause.]

EXTENSION OF REMARKS

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by our colleague the gentleman from Virginia [Mr. DREWRY].

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the question of the reorganization of the Supreme Court.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in reference to the Federal Land Bank System.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

THOMAS JEFFERSON MEMORIAL

The SPEAKER. Under a previous order of the House, the gentleman from Vermont [Mr. PLUMLEY] is recognized for 15 minutes.

GEORGE WASHINGTON

Mr. PLUMLEY. Mr. Speaker, early yesterday morning I drove to Mount Vernon, that place which to the world is a place of pilgrimage, where the grand and the simple folks come to reverence the memory of a man who was great not because he was brilliant but because in a critical time he was level-headed and brave, a soldier, and a statesman, an American, farseeing and self-forgetting, strong in body and spirit, true to his country and himself—Virginia's first citizen, George Washington. Kings come to his grave to learn of him.

ROBERT E. LEE

I drove back up the Potomac to Arlington. There I stood under the white-pillared portico of an old southern mansion on that historic hill which overlooks the Potomac. As I looked toward the Capitol I thought of the passions which were raging under the dome dedicated to liberty and the preservation of democratic institutions back in those days when Robert E. Lee made his momentous decision to take no part in any invasion of any of the Southern States. I thought of him not as a southerner but as that greatest of all military strategists and leaders, as an American whose rare ability and whose devotion to a cause are the heritage of all his fellow citizens, north and south, east and west, in Oregon and Texas, and in Vermont as in Virginia.

ABRAHAM LINCOLN

On my way to the Capitol I stopped and looked once again at that classic memorial where sits the marble statue of Abraham Lincoln, who needs no monument. The rugged, honest, steadfast perseverance and staunch Americanism of this man stand as examples and objectives which the Nation, and all of us as individuals, may well try to emulate. Unwavering in his loyalty to the fundamentals of the American Government, his genuine respect for the Constitution, and his grave concern for the destiny of the Republic ended only with his death.

I looked down the river toward Mount Vernon, and across the river at Arlington, and once more at the Lincoln Memorial, and I thought and said, and say again, these three—Washington, Lincoln, and Lee—are three of our greatest Americans.

THOMAS JEFFERSON

Then I started for the Capitol around the Tidal Basin. My attention was attracted by those who are engaged in making soundings for the tentative location of the foundation of a memorial to Thomas Jefferson. Thomas Jefferson thought I, that man who was, and still is, the greatest and most influential exponent of both liberalism and Americanism.

He, too, needs no memorial, for his memory is enshrined in the heart of every American. He it was who formulated the creed of Americanism. He stands out, and forever will stand out, as the most integrally and truly American among his contemporaries. Thomas Jefferson was, and is, the greatest political philosopher of America, and one of her greatest sons. He who as one of the founders of the Republic, at 33 years of age wrote the Declaration of Independence, third President of the United States, and as the statesman he was,

added Louisiana to the Union, will never be forgotten. Right it is that he take his place with Washington and Lincoln and Lee.

It is an historical fact that during the formative period of our national life he stood second only to Washington in power and influence, and for 25 years after the death of Washington the will and the word of Jefferson were supreme.

EXPOUNDER OF HUMAN RIGHTS

Justly has it been said of him that he was the greatest prophet of government and expounder of human rights that the world has ever produced. His extraordinary influence on the development and growth of liberalism and democratic ideas throughout the world cannot be overestimated, nor can the extent of his contribution to the growth of democracy be measured or comprehended. For such ascendency as was his there is no parallel in English politics. "To match Jefferson you would have to roll Bentham and Cobden and Gladstone into one", says Hirst in his Life and Letters of Thomas Jefferson.

Be that as it may, it is true, as said Randall in 1857, in his three-volume edition of the Life of Jefferson, that—

His ideas have been transmitted to succeeding generations without any apparent diminution of their influence. We are, however, presented with the remarkable spectacle of a reputation more assailed by class and hereditary hate than any other, and all others, belonging to our early history * * * scarcely defended by a page, where volumes have been written to traduce it—yet steadily and resistlessly spreading until all parties seek to appropriate it—until not an American man between the Atlantic and the Pacific dare place himself before a popular constituency with revilings of Jefferson on his lips.

Two great names are embalmed before all others in the hearts of the people. One belonged to the sword and the other to the pen of our country.

ONE HUNDRED AND NINETY-FOURTH ANNIVERSARY

I wondered as I watched the men working to find the rock foundation on which to erect the suitable memorial what Jefferson, the "living Jefferson", would do and say were he here today in this year—the one hundred and ninety-fourth anniversary of his birth.

STRICT CONSTRUCTIONIST

I wonder what Jefferson would do if he were President today?

I recall the fact that he believed in a strict construction of the Constitution, although favoring such changes as might be necessary to meet changing needs, but always insistent that such changes be made after careful consideration and by orderly amendment. While he would place power in the hands of the people, he was opposed to individual or group usurpation; though he was a staunch proponent and defender of State's rights, he was for the Nation first.

SOUND CURRENCY

He believed in decentralization rather than centralization; and favored only such a government as would insure the necessities for the times. He would not tolerate the incurring of unnecessary governmental expenses or the growth and establishment of a vast body of Government officials. He insisted on maintaining the credit of the Government, on balancing the Budget, and on sound currency, and he was forever opposed to any repudiation of obligations.

Sometimes we forget these things for which he stood, but we never can be unmindful of the fact of his constant and never-changing devotion to liberal ideas, to freedom of speech, thought, action, press, and religion. We should not forget, and we will not forget, the liberalism and devotion to fundamental human freedoms and liberty of Jefferson. "Without such freedom and without such liberty", as has been well said, "the American people will find themselves fed and clothed, perhaps, and perhaps not, but spiritually in chains which will bite into their flesh and sear their souls." I still wonder what Jefferson would do.

CIVIL REVOLUTION

Whether we like it or not, and whether we know it or not, we are in the midst of a revolution which up to date is civil in character, but no man knows what may happen as of tomorrow. Insidiously, surreptitiously, an attempt is being made to make over and to change the entire social and economic life of this Nation. The game is not being played according to the rules. When either the Executive or Congress undertakes to change, alter, or amend the Constitution in any manner or by any method not provided for by that document itself, then constitutional government is a mockery, and we will eventually, as Lincoln predicted, arrive at either anarchy or despotism.

The number of Federal officeholders has increased by hundreds of thousands; bureaucracy is already a dangerous element, for it feeds and grows on itself and its tentacles reach out into every field of endeavor; and by reason of the centralization of strength and power, and by refusing to submit to either increased taxes or to reduce salaries threatens the continued life of the Republic.

Over 16 percent of the people of America are today on the Government pay roll. If we may believe what we hear, and predict the future from the present, we may state, without fear of contradiction, that, as measured by the expressed desires of those now in charge, the regulation of the economic life of this country and the Government's direct participation in it as principal or partner has just begun. The intent, purpose, and desire of those who would bring about governmental regulation of all business so as, according to their theory, "to bring about a balance between supply and demand, production and consumption, do away with crises, and bring a comfortable scale of living to all, regardless of individual ability or energy", admittedly disregards the fact that even their unsuccessful attempt to do this has already initiated and involves a fundamental change in our form of government, in Government organization, and in the theory of the established order in America.

THE ROAD TO ECONOMIC CHAOS

So I am opposed to any extension of governmental bureaucratic tentacles and to the appropriation of one cent for the purpose of putting the Government into business in competition with the individual; opposed to the attempt of the Government to control and coordinate all business and to put the small private businesses out of business. I believe that such a plan as is contemplated can have but one conclusion, and that is a complete economic catastrophe. No one can successfully deny the statement that the policies and the plan and the program which is being pursued both economically and constitutionally lead down that road; lead toward a loss of liberty, toward inflation, ruin, and economic chaos.

JEFFERSON, THE MAN

Jefferson felt and believed, so his biographers tell us—and it is confirmed by his speeches and letters and by his public and private acts—that here in America there would be a chance and an opportunity to try out the possibility of such a liberal government as the world had never seen nor had yet been attempted.

His masters, and the only ones he had, were the Greeks of old—Homer and Euripides, then Cicero and Horace, finally Bolingbroke—and, above all, the historians of the English law, in whose works he studied the principles, development, and degeneration of free institutions.

He was a persistent student and an omniverous reader of historical, legal, and philosophical disquisitions, with an extraordinary capacity for absorbing knowledge and a most remarkable independence of thought.

He saw America unhampered by hoary traditionalism, free to shape her destiny and to preserve and extend already existing liberties, fulfilling her duty to mankind.

Notwithstanding this, he was for certain reasons anathema to the New Englanders of his day, and by his own Virginians he was then considered as attempting to undermine an established social order. He has not altogether been forgiven by many Virginians as yet, who still consider him a renegade.

THE LATE HON. JAMES M. BECK

It is my great good fortune, as it is also that of some of you, to have been associated with and to have known intimately our former colleague and great American, the late Hon. James M. Beck, of Pennsylvania. We all recall his uncanny and outstanding ability to foresee and prophesy trends in American life, changes in the character of American political institutions, and to make wise suggestions in connection therewith. None more or better appreciated than he the fact that the force which sustains all these and the source of their vitality is the intelligence and political conscience of the people. With him the Constitution was the "law of the people", and he believed that until the people had decided to change it, "it should be observed in spirit as well as in form by those into whose keeping it was committed."

NEITHER PURSE NOR SWORD

He was "alarmed by the present-day readiness to sacrifice the protection it affords for the passing advantages of the hour."

At the time of his death he was engaged, in collaboration with the Honorable Merle Thorpe, editor of the Nation's Business, in preparing for publication an authoritative work, which has been completed and published since his death under the title "Neither Purse Nor Sword."

Mr. Thorpe is authority for the statement that in the early discussions which led to the writing of the book Mr. Beck referred again and again to the disturbing tendencies of the times. Of them he said:

Is it not true that the present generation of Americans, to gain some immediate and practical advantage, are willing to sacrifice essential principles of the Constitution until that noble edifice is in manifest danger of becoming, like the Parthenon, beautiful in its ruins, but nevertheless a vacant temple of liberty?

Even lip service to the Constitution, he pointed out, ceased a few years ago. Today the Congress, notwithstanding the oath that every Member takes to defend it, passes any legislation it thinks expedient without concern as to its constitutional power to do so. He added:

FALSE SENSE OF SECURITY

The American people have been lulled into a false sense of security by the fixed belief that the Supreme Court will automatically and effectively preserve the Constitution through judicial decisions. This is the great illusion of our political life. It has impaired the spirit of vigilance, which still remains the price of liberty. The American people would have been more vigilant in preserving the Constitution if they had not placed undue reliance upon the power and disposition of the Supreme Court to do so.

Recalling that Alexander Hamilton had said that the Supreme Court has neither purse nor sword, he pointed out that its authority is purely moral and is circumscribed by the willingness of the people to accept and abide by its decisions as a guide for governmental action. He said:

THE SUPREME COURT

It was therefore natural that the Court, from the beginning, decided that it would not invalidate any law, even in a litigated case, unless its repugnance to the Constitution was clear beyond a reasonable doubt, and few constitutional questions have such admirable certitude of result. This has meant that the Court is deliberately astute to preserve an act of Congress, if by any ingenuity of reasoning it can conscientiously do so. * * * The Supreme Court has rendered an invaluable service to the Nation in protecting Federal power against the encroachment of the States, but it has been less effective in protecting the States against the encroachment of the Federal Government. I know this is not the accepted view of the bar, which contemplates the Constitution in a filiopietistic spirit and regards the Supreme Court as both omniscient and omnipotent. The Supreme Court cherishes no such illusion. Its high integrity of purpose and its valorous effort, when occasion arises in a litigated case, to preserve the form of our Government is clear, but it knows full well the limitations of that power in a country whose spirit is essentially that of a democracy.

There are certain statements in the book which challenge and compel one's attention, and especially so on this anniversary of the birth of Thomas Jefferson. I make them my own and direct your attention to the following:

COORDINATION UNDER THE CONSTITUTION

In the field of government, as in mechanics, there is always a centripetal and a centrifugal tendency. The real problem, both of mechanics and government, is to coordinate and counterbalance them. The greatest merit of the American Constitution is that above every other political frame of government it did coordinate the two tendencies. The real question in the minds of the founders was whether the American people would have sufficient genius for government to carry out the theory. This gave rise to two schools of thought.

On the one hand, Patrick Henry is too commonly regarded as only an orator, but in his speech in the Virginia ratifying convention he clearly foreshadowed the centralization of today and his fears were emphasized by Jefferson and Madison.

On the other hand, Washington, Hamilton, and Marshall were fearful that the centrifugal tendency would be so great that sooner or later the central government would become as impotent as the old confederation. In their own day, their fears were justified.

The distinguishing merit of John Marshall, as Chief Justice, was that he, more than any other American, coordinated these conflicting tendencies. If he asserted in one opinion the authority of the central government, he asserted, with equal force, the rights of the States. The fears of Washington and Hamilton were justified when the centrifugal tendencies resulted in the Civil War, but the tragic consequence of that fratricidal conflict was that, in defeating the centrifugal tendencies, it gave such an impetus to the centripetal tendencies that today the fears of Henry, Jefferson, and Madison are fully justified. There is now no centrifugal tendency to counterbalance the centripetal. The two historic parties vie with each other in centralizing the Government with the result that the centripetal tendency has wholly destroyed the centrifugal tendency. We have today in fact, although not in theory, a totalitarian socialistic state.

The framers claimed neither omniscience nor omnipotence. Therefore the Constitution provided for such additions of Federal power, through the amending clause, as the future might require. Freely conceding that the portentous changes of a mechanical civilization require widening of the Federal channel, the fundamental truth is even truer today than it ever was, that a nation of 48 States, spanning a great continent from ocean to ocean and from the Lakes to the Gulf, cannot be wholly governed by a distant center. Here the analogy of the Roman Republic suggests itself with undiminished force, for it was the centralization of the Roman Empire in the Imperial City that caused the final collapse of that vast political structure.

Mr. Speaker, the pendulum has swung away from the individual citizen as the political unit toward the social group or class. The vigilance with which the American of the Revolution guarded the freedom which he had won has, after 150 years of unexampled prosperity, given way to apathy. Those who have gained little by it have been willing to sacrifice it for the promises, somewhat illusory, of social benefits, and to merge their political identity with a class. The more fortunate have taken for granted that liberty is so securely safeguarded by political institutions that there is no need of defending it. The one hoped to gain by political effort what he had not achieved by his own. The other looked all too complacently upon the expansion of governmental functions to fulfill rosy promises.

This was not unforeseen. As has been well said:

Conditions have changed but not principles. The men who established the Republic had more misgivings over its permanency than the people who came after them. They foresaw the storms that would assail it, the clamor for privilege it would have to endure, and the demands of majorities and minorities to which it would be subjected. They sought by the device of a written charter and written law to protect government against the people and to protect the people against the aggressions of government, but neither they nor many men who long preceded them had any illusions as to the duration of democracy. Twenty-two hundred years ago Aristotle forecast the dangers it would face.

He said:

ARISTOTLE FORECAST THE DANGERS

Everybody receives pay when pay is to be had. * * * When they are paid the common people have the most leisure, for they are not hindered by the care of their own property, which often fetters the rich who are thereby prevented from taking part in the assembly or in the courts, and so the state is governed by the poor, who are in a majority, and not by laws.

More than 2,000 years later DeTocqueville, examining the progress of the new Republic in America, said:

The disastrous influence which popular majority may sometimes exercise upon the finances of a state was very clearly seen in some of the democratic republics of antiquity, in which the public treasure was exhausted in order to relieve indigent citizens or to supply the games and theatrical amusements of the populace. It is true that the representative system was then imperfectly known, and that at the present time the influence of popular passion is less felt in the conduct of public affairs; but it may be believed that the delegate will in the end conform to the principles of his constituents and favor their propensities as well as their interests.

Montalembert, one of the stanchest defenders of democracy, foresaw the same dangers in the "increase of functionaries" and "deluge of officials." About the same time Herbert Spencer wrote:

Each generation is made less familiar with the attainment of desired ends by individual actions or by private combinations and more familiar with the attainment of them by government agencies, until eventually government agencies come to be thought of as the only available agencies.

PATERNALISM

Public officials were not loath to play the paternalistic role. They began "to favor the propensities" of the social groups which had become more clearly differentiated as time went on. The neoliberal economist, the "progressive" politician, the social engineer united in launching the doctrine that the end of politics is to make the world a better place to live in, not to enable the individual to make it a better place for himself. The generation which achieved freedom, for itself and its children, did not delegate to government the task of rearranging conditions under which that freedom was to be exercised. The farmer was left to his own devices. The merchant followed his own bent. Governing, which had played a relatively unimportant part in the lives of the citizens, eventually became the principal American occupation. Established governmental units broadened their activities and new units were created in reckless profusion to exercise specific functions. A committee of Cabinet members reported to President Franklin D. Roosevelt that there were in the United States 175,000 units altogether in 1936. Other estimates are much higher. The fact that the number has never been accurately compiled is an illuminating commentary upon the diligence of the politicians and upon the indifference of the people to the expansion of political administration.

Let me remind you that behind the increase in governmental functions and the shifting of the exercise of them from the smaller to the larger political units is the melancholy fact that the system established by the founders is decaying at the roots.

The individual citizen is less concerned about his rights and more disposed to shift his responsibilities to government. He looks with equanimity upon political invasion of the domain of private enterprise, the absorption of local functions by State governments and upon the greater encroachment of the Federal Government upon the political jurisdiction of the States. Having managed badly the affairs of his own neighborhood, he is only too willing to have them managed by a government the seat of which may be a thousand miles distant.

It is not to be forgotten that the approach to political paternalism was paved with benevolence. The Federal Government, for at least a hundred years, did not covet authority. It merely extended a helping hand. It paid out money to the States, and, indirectly, to their citizens without attaching strings to it. It left them free to work out their own salvation. The fact that public generosity was a step in the substitution of collective political responsibility for personal responsibility and that it put the beneficiary in the position of paying for what the Government gave him, rather than of buying what he wanted when he wanted it, was not brought home until the burden of expenditure for this assistance began to be reflected in mounting taxes and increasing public indebtedness. By giving to the States public lands, then the money derived from the sale of public lands, and, finally, from the General Treasury, the Federal Government purchased the acquiescence of the citizens and their local governments allaying any misgivings that might have arisen.

The centripetal tendency, as is so well pointed out—

Has subjected to unprecedented strain the American political structure of which government is the framework. Both the individual citizen, upon whom it rests, and his local government have been overshadowed by the expansion of Federal powers. Individual responsibility has been weakened. Self-government, to which local government is the nearest approach, has been undermined. With increasing momentum Federal Government has gone on accumulating authority and assuming new functions, with the acquiescence of the citizen, until it has acquired the characteristics of a self-actuating and self-sustaining state. The Constitution still exists in form, but the "ethos", the spirit of the people, which sustains it is ebbing.

The serious problem that confronts us is how long the established political system can withstand this strain lies with the future. Resilient as it may be, it cannot be made to conform to shifting demands indefinitely. The American people must decide whether they will change their system of government or whether they will change themselves. The differences between a political system based on the liberty and responsibility of the individual citizen and a system based on the idea of the supremacy and responsibility of the State, which shall rule supreme over their activities and their possessions, are irreconcilable.

ENCROACHMENT OF EXPANDING GOVERNMENT

Mr. Speaker, little by little the individual citizen has been induced to yield ground to the steady march of expanding government, welcoming its encroachments upon his "natural and inalienable" rights under the guise of benevolence. Ill-considered reforms through the centralization and expansion of political authority are attended by grave dangers.

What is needed is an intelligent appraisal of the state of the Union, a spirit aroused to the active support of our institutions, the citizen awakened to the realities that he alone is the custodian of his own destiny, and that this responsibility has not been, and cannot be, delegated to his political agents. This responsibility is, indeed, great. If he fails, the American tradition of ordered liberty under law, the culmination of man's greatest effort to be a free spirit, will in very truth be homeless; it will be a tradition without a country. New life and meaning must be given to the admonition that "eternal vigilance still remains the price of liberty."

ANTAGONISTIC PHILOSOPHY OF GOVERNMENT

I am sure that the freedom and toleration for which Jefferson struggled are seriously threatened today by a philosophy of government which is as antagonistic to his own as was Hamilton's; as different as is the day from the night; a political theory and movement as diametrically opposite and opposed to the plan of Jefferson as are the poles from one another; a movement, in short, which involves the political, moral, and intellectual slavery of the individual and of mankind. Reduced to its least common denominator, the fight between Jefferson and Hamilton was to determine "who is to rule; why are they to rule; what is the object of their rule." Jefferson stood then for freedom and for toleration of the individual. I wonder what Jefferson would stand for now? I wonder what he would say with respect to the plan and the program to erect and to establish here in these United States a centralized, authoritarian, economic, totalitarian, collectivist state, and all at the sacrifice of that liberalism, individualism, and Americanism for which he so valiantly fought? I wonder?

We hold—

Said Jefferson—

these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; and among these are life, liberty, and the pursuit of happiness.

He persistently emphasized the fact that to be really and truly independent is to support one's self by one's own exertions.

Is life so dear or peace so sweet—

Asked Patrick Henry—

as to be purchased at the price of chains and slavery?

And I add to the query—no matter how softly the chains of regimentation may have been fastened around our ankles, or how soporific the ease we enjoy, because of the condition of servitude and dependence in which we find ourselves?

These are troublesome days in which you and I are living. The burden of our responsibility is heavier than we like to admit. We are recreant to the trust imposed on us and to our duty to ourselves and to posterity if we do not take the necessary time to think through the problems that confront each one of us and make them our own. We shall all, and each, and every one of us best honor these men and days of old by signing our own declaration of independence from all and everything that makes us seem so selfishly interested in ourselves and in material things, and apparently as indifferent to the future welfare of our country.

If the blind lead the blind, both shall fall into the ditch.

A DEADLY PARALLEL

In conclusion, let me remind you that the situation in which we find ourselves today has its deadly parallel. One hundred years ago, or thereabout, all over the globe the forties and fifties registered the impress of the industrial revolution upon man's economic and social patterns. Not only did the changes born of Watt's singing kettle and Stephenson's iron horse fashion a new economic world of laissez faire, but also it loosed the leash upon emotions, and the ensuing ferment had vast consequence.

Within a single decade Darwin disturbed the scriptural story of man's genesis; Marx questioned the social value of private ownership; Britain abandoned her corn laws and her old parties; nationalism flamed across the face of Europe; and there was fighting in the streets of Paris and revolution in Budapest.

While America escaped bloodshed at the barriers, thought and feeling waged an increasing struggle to control her development. From the middle forties forward the concepts of the founding fathers were increasingly neglected, while emotional currents excited the feelings of her people and rendered them susceptible to the ministrations both of zealots urging abstract causes and of manipulators who knew what they wanted and employed the tools needed to secure it. This sharpening duel between emotion and intelligence marked the real beginning of the great American crisis, that constitutional debate which ended in a war of brothers and a peace of desolation and despair.

In the language used by that distinguished statesman from your native State of Alabama, Mr. Speaker, the Honorable William L. Yancey, in 1860, as he addressed that historic and memorable convention in Charleston, I am constrained to say:

Perhaps even now the pen of the historian is nibbed to write the story of a new revolution.

[Applause.]

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a letter which I received from Secretary Perkins.

The SPEAKER pro tempore (Mr. McLAUGHLIN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TREADWAY] is recognized for 30 minutes.

THE INIQUITOUS TAX ON UNDISTRIBUTED PROFITS

Mr. TREADWAY. Mr. Speaker, last year, under the lash of the President, but, as I believe, against its better judgment, the Congress passed what is known as the tax on undistributed profits. This alleged tax, which is imposed in addition to a normal corporation income tax, is levied against that portion of the current net earnings of corporations not distributed to stockholders in the form of dividends during the taxable year. The rates are graduated from 7 to 27 percent, depending upon the ratio of undistributed earnings to total net earnings.

I am particularly pleased at this opportunity of speaking upon this subject following the extension of remarks of the gentleman from North Carolina [Mr. BULWINKLE] last Tuesday, in which he set forth a number of reason for repealing this tax. I recall that during the consideration of this measure in the House last year the gentleman from Indiana [Mr. PETTENGILL] made an able and effective address in which he set forth a long list of reasons why the tax should never have been enacted. Both these gentlemen have views similar to my own. Thus the opponents of the measure can be classed either as bipartisan or nonpartisan.

Mr. Speaker, I give it as my deliberate judgment that never was a more unsound, unjust, or oppressive piece of legislation ever passed than this so-called revenue measure. In truth it is not a taxing act at all, but rather is an injudicious penalty imposed on current earnings used for the building up of necessary reserves, for the payment of debts, for business rehabilitation and expansion, and for other legitimate and economically desirable purposes. Not only does it constitute an uncalled for, unjustified, and dangerous meddling with the management of private business, but in effect it becomes a burden, not on corporate income, but on prudence, honesty, and enterprise.

MEASURE CRUCIFIES FINANCIALLY WEAK CORPORATIONS

Let me illustrate how the measure applies to a few everyday situations. Take, for example, the case of a corporation which since the onset of the depression has been struggling to keep its head above water. Recurring deficits have impaired its capital structure. For the first time in many years it now has a small net income. Instead of distributing to the stockholders the current earnings remaining after payment of the ordinary corporate income tax, it desires to follow the dictates of sound business policy and use the money to restore its capital structure. But if it does so, it will be subject to the maximum penalty tax.

Why this should be I am unable to say. Certainly a corporation in financial straits is in no position to distribute all of its earnings to its stockholders. Yet the law which this Congress only recently passed completely ignores this plain and uncontrovertible fact. It lays down a mandate to the corporation either to distribute these earnings or pay a heavy penalty. Whichever course the corporation pursues it will suffer.

Mr. Speaker, in all seriousness, I ask this question: Is it the object and purpose of this law to crucify financially weak corporations—drive them to the wall—and give the field over to their larger, well-financed competitors, who by virtue of their strong financial position can distribute all their current earnings and thereby avoid the penalty tax? I had thought that it was supposed to be an act to r-a-i-s-e revenue—not to r-a-z-e business.

Many years ago the eminent jurist, John Marshall, laid down the dictum that the "power to tax involves the power to destroy." No better illustration of the truth of this statement could be given than the present undistributed earnings tax, which, whether this be its purpose or not, will unquestionably have the effect of crippling or destroying many corporate enterprises whose only sin is that they are struggling to exist in the face of financial difficulties.

In his message to Congress in 1935 in connection with the so-called "share the wealth" tax bill, President Roosevelt said:

The drain of a depression upon the reserves of business puts a disproportionate strain upon the modestly capitalized small enterprise.

This undoubtedly is true; but what does the undistributed earnings tax, which was only enacted because the President insisted upon it, do for the "modestly capitalized small enterprise"? Does it relieve this strain? Most certainly not. Instead, it piles a crushing additional burden on small businesses—and the more modest the capital, the greater the burden.

STATE LAWS FORBID DECLARATION OF DIVIDENDS IN CERTAIN CASES

In nearly every State there are laws forbidding a corporation from declaring dividends so long as its capital is impaired. The tax on undistributed earnings, therefore, gives

rise to an anomalous situation, which results in a great hardship to a corporation in these circumstances. It cannot distribute its earnings in compliance with the arbitrary mandate of the Federal tax law without breaking the law of the State. And if it complies with the law of the State, it is compelled to pay a heavy penalty to the Federal Government. Again I ask, Why should this be?

TAX NOT BASED ON ABILITY TO PAY, BUT ON INABILITY

One of the cardinal principles of taxation is that a tax should be based on "ability to pay." The President of the United States has many times stated his belief in this doctrine. Speaking at Worcester, Mass., during the last election campaign, he said:

Here is my principle: Taxes shall be levied according to ability to pay. That is the only American principle.

As he so often does, the President, in insisting upon the enactment of the so-called tax on undistributed earnings, has once more failed to live up to his stated principles. This tax, instead of being based upon ability to pay, is measured by inability to pay. It taxes the weak and exempts the strong, and is retrogressive in every sense of the word.

TAX PENALIZES BUILDING UP RAINY DAY RESERVES

Another instance in which the so-called tax on undistributed earnings operates to penalize prudent business management is in connection with the building up of "rainy day" reserves. Every dollar of current earnings used for this purpose is subject to the penalty tax, the amount increasing with the proportion of net earnings set aside.

Mr. Speaker, it surely is unnecessary for me to dwell at any length upon the necessity for reasonable corporate reserves. They have been very appropriately termed "the life insurance policies of business." Those business enterprises which have weathered the storm of the depression have been able to do so only because they had built up adequate reserves during the prosperous years. According to Department of Commerce figures, American business paid out some twenty-seven and one-half billions of dollars more than it earned during the years 1930 to 1935, inclusive. Think how much worse the depression would have been had the present tax policy been in effect prior to 1929 and business had been discouraged and prevented from creating the reserves out of which this tremendous payment was made, which not only enabled business to continue operations but at the same time sustained employment and the continuity of dividends. I shudder to think of the havoc that will be wrought by the next depression if American business is forced to enter upon it stripped of all reserve funds.

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

Mr. TREADWAY. I yield.

Mr. PETTENGILL. Is the gentleman able to make any computation of what the national debt would be today if American industries had not had twenty-six and a half billion of reserves to pay out?

Mr. TREADWAY. The gentleman certainly presents a very interesting question, but, possibly, one that would require very deep study. The Government would probably have had to assume the tremendous obligation that industry itself bore, resulting in an increase in the national debt by that amount. But I am wondering whether, under such circumstances, there would be any business transacted in the country today. It seems to me it would have been fatal to business if there had not been such a reserve at the time of the great depression. Does the gentleman agree with that?

Mr. PETTENGILL. I agree with the gentleman.

TAX CONTRIBUTES TO INSTABILITY OF BUSINESS

Mr. TREADWAY. Nothing ever contributed more to the instability of business than this iniquitous tax on undistributed earnings. By forcing corporations to follow a loose dividend policy the tax will have the inevitable effect of accentuating the peak of the boom years and the valley of depression years. Business will skyrocket higher, but it will likewise have further to fall. Instead of keeping on an even keel, it will go from one extreme to the other, and go a lot further than it has ever gone before.

We have already seen evidence of this contribution to business instability in the unduly large and improvident declarations of divdends at the close of 1936. This flood of dividend payments was not justified by the recovery thus far achieved, and would not have occurred except for the coercive influence of the undistributed earnings tax. While they may provide a temporary illusion of prosperity, they merely foreshadow the financial chaos that in the end will surely result.

LABOR HAS AS GREAT A STAKE IN BUSINESS STABILITY AS CAPITAL

When it is said that reserves are the life-insurance policies of business, this does not mean that they inure solely to the benefit of capital. Labor has as great a stake in business as has capital. If a business goes to the wall because of inadequate reserves, the workingman who is employed therein suffers as much, and probably more so, than the stockholder. There has been increasing evidence of late that labor leaders are awakening to the obvious fact that while this law is supposedly aimed at capital, the workingmen of the country will be the greatest losers. There can, of course, be no question but that instability of business means instability of employment.

EXEMPTION OF BANKS AND INSURANCE COMPANIES AN ADMISSION THAT TAX IS WRONG IN PRINCIPLE

In enacting the undistributed earnings tax at the insistence of the President Congress very properly exempted banks and insurance companies from its operation. They are required by law, as a matter of sound public policy, to maintain an adequate reserve. Consequently it would be unfair, and detrimental to the interests of bank depositors and insurance policyholders, to penalize banks and insurance companies for setting aside the portion of their earnings required by law.

But, Mr. Speaker, it is just as essential for other business enterprises to have adequate reserves as it is for banks and insurance companies. If the undistributed earnings tax is not good for one, it is not good for another. The same considerations which caused Congress to exempt these two classes of corporations should have caused it to reject the whole fantastic and crippling scheme of taxation as applied to all business. The exemption of these groups is but a tacit admission that the tax is wrong in principle and operation, and should be repealed outright.

MEASURE CONSTITUTES DANGEROUS MEDDLING WITH SOUND BUSINESS MANAGEMENT

I have already said that this tax constitutes an uncalled-for, unjustified, and dangerous meddling with the management of private business. I would like to enlarge a little on that statement.

In the ordinary course of business taxes are one of the factors to be taken into consideration in determining business policy. But they are not the controlling consideration. Other factors are the necessity for reasonable reserves to meet contingencies; the necessity for reinvesting a portion of the earnings in repairs, replacements, new machinery, plant extensions, and the like; the amount of outstanding indebtednes for which provision must be made; the amount of available cash; and numerous other considerations.

UNDISTRIBUTED EARNINGS TAX BECOMES CONTROLLING FACTOR IN CORPORATION'S DIVIDEND POLICY

By virtue of the undistributed earnings tax the tax factor becomes a major if not the controlling factor in the determination of a corporation's dividend policy. Sound business judgment, which should largely govern this matter, becomes secondary—in fact, in most cases it will be crowded out of the picture altogether. When a corporation is faced with paying a tax of as much as 27 percent for pursuing a prudent course it is practically compelled to capitulate to the seductive and insidious alternative of tax exemption which the law offers to corporations which pursue an improvident policy by distributing all current earnings.

Mr. Speaker, in my opinion it is not only a perversion of the taxing power for the Federal Government to thus interfere with the internal management of business, but it is a practice which is to be strongly condemned from the economic standpoint. It can have no other effect than to undermine the financial stability of the whole business structure. It would be bad enough if the Government tried to regulate each business individually, but when it lumps all business in one category and attempts to govern dividend policy under a single formula, irrespective of the varying needs of individual concerns, we have a classic example of rash and ruinous regulation running riot.

PENALTY ON PAYMENT OF CORPORATE DEBTS

Another unfortunate and oppressive feature of the undistributed earnings tax is its application to debt-burdened businesses. One would never suppose that the taxing power of the Government would ever be used to discourage and penalize the payment of honest debts, yet that is precisely what this measure does. Since current earnings which are applied to debt payment cannot be distributed as dividends, they automatically become subject to the penalty tax.

In enacting the statute Congress attempted to afford some measure of relief to debt-burdened corporations by a so-called cushion, which suspends the imposition of the penalty tax in cases where the payment of dividends is prohibited by a written contract entered into with creditors prior to May 1, 1936, or where under such a written contract a portion of the earnings of the current year is required to be set aside for amortization of the debt.

ALLEGED CUSHION A COLOSSAL JOKE

This alleged cushion is a colossal joke. One eminent taxing authority has estimated that not one contract in a thousand will comply with the technical limitations of the exemption as set forth in the law. This means that most of the debt-burdened corporations, even when they have such contracts, will obtain no relief, though the contracts effectively operate to restrict them from paying dividends. The fact should not be lost sight of that these debts were contracted in good faith at a time when there was no indication that before they were paid the corporation would be subjected to a heavy penalty for complying with its contractual obligation.

Where the contract is entered into after May 1, 1936, no relief whatever is granted, even though the contract complies with the other limitations of the statute. Regardless of the fact that such contracts are effective to restrict corporations from paying out dividends, corporations will nevertheless be subject to the penalty tax for complying with their obligations.

Here are just a few of the reasons why these so-called cushion provisions are a joke:

First. The contract not to pay dividends must not only be written, and entered into prior to May 1, 1936, but it must expressly deal with the payment of dividends and operate as a legal restriction upon the corporation as to amounts which it can distribute.

Second. The contract must prohibit dividends of all forms, both cash and stock.

Third. According to the Bureau's regulations, the requirement that the contract exressly deal with the payment of dividends is not met where a corporation is merely required to set aside periodically a sum to retire its bonds or where the contract merely provides that while the corporation's bonds are outstanding the assets shall not be reduced below a specified amount.

Fourth. Contracts to set aside a portion of the earnings must expressly deal with the earnings or profits of the particular taxable year before they will be recognized.

Fifth. According to the regulations, a corporation having outstanding bonds is not entitled to a credit under a provision of a contract merely requiring it to retire annually a certain percentage or amount of such bonds; to maintain a sinking fund sufficient to retire all or a portion of the bonds by maturity; to pay into a sinking fund for the retirement of such bonds an amount equal to a certain percentage of gross sales or income; and so on.

Sixth. A contract is not regarded as expressly dealing with the earnings or profits of the taxable year merely because it deals with such earnings in terms of "net income", "net earnings", or "net profits" (see Bureau regulations).

Seventh. Amounts set aside in pursuance of a preferred-stock issue for the retirement of such stock are not considered as being set aside "for the payment of a debt."

BUSINESS DEBTS MUST NECESSARILY BE PAID OUT OF EARNINGS

Whether there is a contract requiring the corporation to do so or not, it must necessarily set aside a portion of its earnings and profits to pay its obligations no matter when entered into. Why should the date May 1, 1936, make any difference? Why should any contract be necessary? Certainly a corporation is no less obligated to set aside a portion of its earnings for debt payment simply because it has not contracted to do so.

Mr. Speaker, it is a strange philosophy of taxation which punishes honesty and integrity and encourages dishonesty and irresponsibility. Aside from penalizing businesses which have existing obligations, the tax will operate to restrict corporate credit in the future by making it more difficult for corporations to pay their debts. It would seem that business loans are already difficult enough to secure without the Federal Government stepping in with a bungling policy which creates further restrictions on corporate credit.

PENALTY ON EARNINGS USED FOR REHABILITATION AND EXPANSION

Another major objection to the undistributed earnings tax is that it discourages and prevents the use of current profits for business rehabilitation and expansion. Earnings plowed back into the business for this purpose are classed as undistributed profits and hence made subject to the heavy-penalty taxes. No relief provisions of any kind are set up in this connection.

Mr. Speaker, I need not remind the House of the blighting effect this feature of the tax has on business recovery and the reemployment of idle men. The President of the United States has issued a challenge to business that it must either give work to the unemployed or else the Government must continue to do so. But what chance has business to create jobs if it cannot use its current tax-paid earnings for expansion purposes?' What opportunity is there for plant enlargement, for research and development, for the installation of improved machinery if earnings used for these purposes are to be made subject to confiscatory penalties? Enlarged plants would mean more jobs both in their construction and operation. The modernization and rehabilitation of existing plant facilities would create still more jobs. But the iniquitous undistributed-earnings tax puts a penalty on industry for creating jobs in this way. Hence it is in the interest of labor that this tax should be repealed or modified.

SMALL CORPORATIONS HANDICAPPED IN BORROWING FUNDS AND SELLING STOCK

It is no answer to say that the necessary funds for business expansion and rehabilitation can be obtained through borrowing or the sale of additional stock. The old established corporation, with adequate financial backing, can go into the money market and borrow funds or sell stock, but what chance has the small inadequately financed corporation which is struggling for its existence? It can neither borrow money nor sell stock. The only way it can possibly expand is by plowing back its earnings. If it is not allowed to expand by this method, it will not be able to expand at all.

Aside from the effect this will have on recovery and reemployment, it means that business enterprises will tend to become frozen at their present size. This, in turn, is conducive to monopoly by allowing large business enterprises to continue unmolested in their present dominating position. No better device for the perpetuation of monopoly has ever been conceived than this indefensible tax on undistributed earnings.

TAX CREATES UNFAIR COMPETITIVE SITUATIONS

The foregoing objections to the undistributed earnings tax all contribute to a situation which in itself constitutes another grave objection to the tax, namely, that it causes an unfair competitive condition between corporations in the same line of business, and applies unequally to corporations in different lines of business.

For example, let us consider the case of two corporations in the same line of business. Corporation A is a large, well-financed company with large accumulated reserves. It has no debts, does not need to add to its surplus, and has all the plant facilities it needs. It can therefore escape the undistributed earnings tax by distributing to its stockholders all current profits.

Corporation B, we will assume, is a small, newly organized company, which has outstanding debts which it must meet, which must, as a matter of sound policy, set up a reserve for contingencies, and which needs to make certain plant enlargements. Let us suppose, further, that it must retain its entire current earnings, after payment of the normal corporate income tax, for these purposes. If it does so, it is penalized to the maximum extent. It may have to pay a tax of as much as 27 percent on the earnings thus retained, while its competitor—the large, well-financed company in the same line of business—goes scot-free so far as the undistributed earnings tax is concerned. The competitive advantage that the latter company will have is obvious. Under these circumstances, it will not be long before the large well-to-do corporation has the field to itself.

TAX DISCRIMINATES AMONG CORPORATE TAXPAYERS IN DIFFERENT LINES OF BUSINESS

In the same manner the tax discriminates between corporations in different lines of business. Although two corporations may have the same income, one will pay a crushing tax and the other will escape entirely because it is in a financial position which enables it to distribute all its earnings. A tax which has this effect cannot be defended. The purpose of taxation is to raise revenue and not to discriminate unjustly between taxpayers, particularly when the discrimination is in favor of businesses with the greatest taxpaying ability and against those with the least.

I call attention to the well-known fact that some businesses, such as public utilities, have a fairly stable income and do not need much of a surplus. They are enabled to escape the tax by making a complete distribution of their current earnings, which they can do without in any way jeopardizing their financial position. On the other hand, businesses which involve great risks and hazards, and which have an unstable income, must necessarily maintain large reserves. The greater the risk involved and the more unstable the income, the greater the reserves that will be needed. This means that the tax will be highest in the case of businesses in which the risks and hazards are greatest. Hence the effect of the tax is to favor the business with a steady, assured income and to discriminate against the business with the unstable income.

BUSINESSES FORCED TO GUESS AT YEAR'S EARNINGS TO GET CREDIT FOR DIVIDENDS PAID

A still further major objection to the tax has to do with the method of assessment. Under the law the penalty tax applies to all current "undistributed net income" remaining after payment of the regular corporation income tax. While the statute sets up a technical definition of such income, in general it may be said to be the portion of the net earnings not distributed to and received by the stockholders before the close of the taxable year. It is the requirement that the dividends must be declared by the corporation and received by the stockholders prior to this time that causes the difficulty.

Normally a corporation has 2½ months at the end of the year in which to ascertain its income and make up its return. It still has this period in which to make the return, but in order to get credit for its dividend distributions it has to attempt the impossible task of determining its financial position before the close of the year so that it will be in a position to know how much it can or ought to distribute, keeping in mind the various purposes for which all or part of the earnings should be retained and the tax penalties that will attach for failure to distribute. Everyone with any practical business experience knows that this cannot be done within this time limitation with any degree of accuracy, and it should be remembered that any errors in computation or judgment may be costly, viewed either from the standpoint of the tax where the dividend distribution is too small, or from the standpoint of the needs of the business where the dividend distribution is too great.

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

Mr. TREADWAY. I yield.

Mr. GIFFORD. Business takes care of whatever employment there is, and when more people are employed business will do it. Business also carries the tax load of relief. However, I want to encourage the gentleman, who is making a great contribution on this subject. The gentleman, I am sure, is aware that history has already recorded this legislation under the title "The Asinine Tax of 1936."

Mr. TREADWAY. I thank my colleague.

The undistributed earnings tax very definitely puts a corporation "on the spot." If it pays out less than the statutory earnings, as technically defined, it becomes subject to the penalty tax, which it may have tried to avoid by making a complete distribution. Likewise, if it errs in the other direction and pays out more dividends than it should, it may injure its financial position. In this connection it may be pointed out that frequently it takes years before the actual amount of the statutory income is adjusted to the satisfaction of the Government. It is possible for a corporation to have made every effort to distribute all its earnings to avoid the penalty tax and then a few years later find that certain deductions have been disallowed by the Treasury, which have the effect of giving it an "undistributed net income" subject to the penalty tax. It is then too late for it to make a distribution of this amount.

The determination of the "undistributed net income" is not only complicated by the fact that the law is extremely technical, but by the further fact that the statutory definition of income seldom if ever coincides with the net income as determined by the corporation's own practical accounting methods. Hence, from the accounting standpoint, a corporation may not be in a position to declare a dividend, while from the standpoint of the tax law it has a technical "net income." One reason is that a corporation's earnings very frequently are not entirely in the form of cash, but consist of inventories, accounts receivable, fixed assets, and so on, which cannot very well be distributed. The result is that the penalty tax is imposed upon a fictitious undistributed income which is larger than the corporation's real undistributed income.

MEASURE VIOLATES ALL RULES OF TAXATION AND IS PRODUCT OF SOME MUDDLED MIND

Mr. Speaker, if this so-called tax on undistributed earnings is really a tax measure—which I, for one, deny—it violates every sound and fundamental rule of taxation. As I have previously indicated, it is not based on ability to pay; it is unreasonable and unequal in its application and excessive in amount; it interferes with sound and prudent business management; its liabilities are uncertain, and its administration complicated. The objections to the measure, from the standpoint of tax theory, are endless, as are the objections from other standpoints.

Where did this novel and revolutionary tax originate? Who is responsible for it? Quite obviously this hybrid monstrosity is the illegitimate brain child of some muddled mind. It could never have originated with anyone of experience or ability in the field of taxation, or who had any knowledge of the practical workings of business. Of course, it may be said that taxes on undistributed earnings have been proposed before, but the answer is that they have been consistently rejected by the Congress even though in every instance they were much less drastic in form than the present law.

The measure to which these remarks are addressed was recommended to Congress in a message of the President on March 3, 1936, but I do not charge the President with having originated the plan. He merely passed on someone else's idea, apparently without much consideration of its probable effects. The chief sponsor of the bill before the Ways and Means Committee was the present general counsel of the Treasury Department, Professor Oliphant. This gentleman, who has heretofore had much to do with the tax policies of

the Treasury Department, falls in the category of one of my pet aversions—impractical college professors with no business experience. He admitted during the hearings that he had not had much experience in the field of taxation, and that his knowledge was gained mostly from books. When asked about the origin of the proposal for taxing undistributed earnings, he said that it had been worked out by a group of "experts" in the Treasury, of which he, of course, was the leading one.

He denied that Professor Tugwell had been consulted with regard to the plan, but Professor Oliphant had undoubtedly been reading his book wherein he advocated a tax on undistributed earnings as a means of forcing their distribution. The fact that Professor Tugwell was an advocate of the plan should be enough to cause it to be regarded with suspicion.

TAX HAS COMMUNIST SUPPORT

As evidence of the philosophy underlying the plan, I point to the fact that it was strongly advocated before the Ways and Means Committee by an accredited representative of the Communist Party, one Max Bedacht, whose testimony may be found on pages 383 and following of the hearings. Only two other witnesses, outside of Treasury officials, appeared before the committee in support of the proposal. One was a young lawyer just out of school who had some novel ideas of his own about how the tax laws ought to be written, and the other was a Government employee, masquerading as a private citizen, who had been secretly invited to appear by the Treasury Department and whose identity as a Treasury lobbyist was only ascertained after cross-examination.

Not a single witness, aside from these few I have mentioned, appeared before the committee to advocate this revolutionary measure. It was universally opposed by businessmen, strictly on the basis of its unsound and unorthodox philosophy and not because they were averse to paying their fair share of the tax burden. In justice to them it should be said that they even went so far as to say they would be willing to accept a corporation income-tax rate of 25 percent, or approximately double the then existing rate, rather than be subject to the uneconomic and inequitable plan suggested.

MINORITY MEMBERS OF COMMITTEE OPPOSED MEASURE

When the bill was reported to the House, the Republican members of the Ways and Means Committee, of whom I am proud to be one, filed dissenting views in which we set forth a long list of objections to the measure which were expounded in some detail. A summary of these objections, as set forth in our report, follows:

1. It will discourage and possibly prevent the accumulation of adequate rainy-day reserves and constitutes a direct threat to the security of business, employment, and investments.
2. It will cause corporations to restrict the distribution of their existing tax-paid reserves, which can only be rebuilt under penalty.
3. It will discourage business rehabilitation and expansion and have a retarding effect upon recovery and reemployment.
4. It will hamper the growth of small corporations, impede the development of new enterprises, and foster monopolies.
5. It puts a penalty on prudence and a bounty on improvidence and constitutes an unwholesome interference with the exercise of sound judgment in the management of business.
6. It will accentuate the extremes of future booms and depressions.
7. It will oppress businesses burdened with debts and will result in a restriction on corporate credit.
8. It will drive capital out of productive enterprise into tax-exempt securities.
9. It violates every sound principle of income taxation, is arbitrary and oppressive in its application, and will be unequal and discriminatory in its operation.
10. It will crucify financially weak business enterprises while permitting the strong to minimize or entirely escape the tax.
11. It will create inequities and unfair competitive situations which are far greater and more real than the imaginary ones it purports to correct.
12. It will result in the double taxation of all dividends paid out of reserves, whether accumulated in the past or in the future.
13. It will cause untold confusion and add bewildering complexities, both in the computation and administration of the tax.
14. It abandons an assured revenue of $1,100,000,000 annually for one purely speculative and uncertain, and which promises to be most disappointing in amount, thereby further jeopardizing the Federal revenue.

It now appears that our analysis of the measure was correct. The first year's experience under the law has proven that it is at least as iniquitous, if not more so, than we said it was in our report. Doubtless every Member of the House has received letters from his constituents protesting against this unsound measure. It has been condemned editorially throughout the country, and at least one State legislature—that of Georgia—has unanimously passed a resolution asking for its modification.

TAX CRITICIZED EVEN BY ADMINISTRATION OFFICIALS

It is worth noting that objections to the tax have been raised even by administration officials. Some objections have been directly stated; others by inference. For example, when the measure was pending before the other body, the Honorable Jesse H. Jones, Chairman of the Reconstruction Finance Corporation, wrote to the chairman of the Senate Finance Committee as follows:

I have not had time to study the bill carefully, but if substantial concessions could be made that would encourage modernization, new plant construction, and new buildings to replace old ones, new equipment for railroads, and industry of all kinds, including allowances for new debts created for these purposes, the employment situation and business generally would in all probability be greatly helped and society much better served.

The changes suggested by Chairman Jones were not made. Hence, neither the employment situation nor business generally was helped, nor was society better served.

VIEWS OF INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission in their annual report for 1936 expressed their views, with respect to the law, as follows:

Recently our attention has been called to certain provisions of the Revenue Act of 1936, namely, those imposing a surtax on undistributed profits, and to the effect that these provisions will have upon sinking funds and additions and betterments funds to be set up out of income.

* * * * * * *

The revenue act exempts from the surtax amounts paid out or reserved for retiring funded debt, or withheld from stockholders, under written contracts of a certain kind executed prior to May 1, 1936. The exemptions do not apply in such cases if the contract was entered into subsequent to April 30, 1936. This means that the amounts used or irrevocably set aside under contracts entered into after that date last mentioned will be subject to the surtax and that companies that do not so use their income or set up such funds, but distribute all their net income will not be subject to the tax. This also means that those companies which have weak financial structures and should use their income to improve their property, retire funded debt, and build up a liquid surplus against a day of future trouble will, if they undertake to do so, be subject to a penalty, whereas railroad companies with strong financial structures, and able to finance their requirements through the issue of stock may distribute all their income and thus escape the surtax.

It is our view that railroads with weak financial structures, and those just emerging from receivership or reorganization proceedings under section 77 of the Bankruptcy Act, should be encouraged to use their earnings, to the extent authorized or approved by us, to build up and improve their property, retire their funded debt, and create corporate surpluses in amounts sufficient to meet their emergency needs, support their borrowing powers, and afford insurance against their obsolescence.

The foregoing statement, which the Commission necessarily confines to railroads, is equally applicable to business generally, and the same concessions should be extended. The views of this impartial Commission with respect to this tax constitute a strong indictment against its injudicious and discriminatory application and clearly point to the dangers to which it leads.

VIEWS OF HON. JOSEPH KENNEDY

Hon. Joseph Kennedy, former Chairman of the Securities and Exchange Commission, and only recently appointed to a new position of responsibility in the administration, set forth a number of objections to the law in a recent article. He pointed out that corporations which had been able to accumulate a surplus in prosperous times were thereby enabled to continue operations and the payment of dividends during the depression, despite substantial operating deficits. He went on to say that if corporations distribute their earnings, under the coercion of this tax, they will not be

adequately prepared to weather any future depression. The tax would therefore have the effect, he said, of accentuating the peaks and depressions of business. Pointing out that the tax penalizes the small and new concern which has not developed sufficiently to accumulate an adequate surplus, he expressed the opinion that the few abuses of the old system of corporate taxation were not sufficient justification for a tax which adversely affects all business. Previously, in a book which he wrote, Mr. Kennedy referred to the measure as a "new and unexpected theory of taxation", which, he said, was "premised upon a fallacious economic principle."

CONGRESSIONAL TAX EXPERT POINTED OUT OBJECTIONS TO TAX

Mr. Speaker, one of the leading authorities in the country on the subject of taxation is our own congressional tax expert, Mr. L. H. Parker, who heads the staff of the Joint Committee on Taxation. In a report published by that committee in 1927, Mr. Parker had occasion to refer to various proposed methods of taxation, one of which was a tax on undistributed earnings. Here is what he had to say with respect to such a tax:

> The most obvious objection to such a tax is the burden which it places on legitimate and proper business expansion. As a business expands, not only does its plant and property increase but a larger working capital is required, and it is desirable that reasonable accumulations of profits necessary for the expansion and stability of corporations should not be unduly burdened. • • • It is believed that a tax on the total accumulation of profits by corporations is not desirable, because in many cases it might cause the making of unwise distributions and prevent the accumulation of reasonable and proper surplus.

This, of course, is exactly what has happened, just as Mr. Parker predicted. I might say that proposals of one form or another for taxing undistributed corporate earnings have repeatedly been suggested, but in each instance in the past, Congress, after careful and thorough consideration, has rejected each one. These previous proposals, I may add, were very moderate in comparison with the harsh and drastic measure now on the statute books.

TAX INCONSISTENT WITH OTHER ADMINISTRATION OBJECTIVES

Having referred to some of the outstanding objections to this measure, I would like to point out some of the inconsistencies between it and other administration policies. The administration professes to be interested in the suppression of monopoly, but as I have indicated, the undistributed earnings tax breeds monopoly by crushing small business and relieving the tax burden on large business.

The administration professes to be interested in the promotion of fair trade practices, but the undistributed earnings tax operates to give a well-financed business a competitive advantage over its weaker competitor.

The administration professes to be interested in promoting the stability of business, of employment, and of investments, but the undistributed earnings tax, by preventing the accumulation of necessary reserves and by encouraging a loose fiscal policy on the part of corporations, destroys the very foundation of business stability, sustained employment, and the continuity of dividends.

The administration professes to be interested in a revival of construction and the reemployment of idle men, but the undistributed earnings tax, by putting a penalty on earnings plowed back into the business discourages expansion and stifles the growth of new enterprises.

And so it goes. No matter what administration policy one may name, the undistributed earnings tax will be found to operate at cross-purposes with it. This is convincing evidence of its unsoundness, of its undesirability, and of its destructive effect.

TAX FAILS TO ACCOMPLISH ANY OF INTENDED PURPOSES

But before we condemn the tax altogether let us see what it was intended to accomplish. Looking to the President's message of March 3, 1936, we find that it was put forward to "effect great simplification in tax procedure", to prevent tax evasion, and to equalize the tax burden.

As a matter of actual fact, the tax fails to accomplish any of these ends, but on the contrary aggravates the very evils it was intended to correct. Instead of simplifying the tax structure it builds a complicated and complex superstructure upon the old one, which begins where it left off. Moreover, instead of preventing tax evasion it opens up new opportunities for evasion. A former tax adviser to the Government has said on this point:

> It hardly behooves me to suggest methods by which the undistributed profits tax may be avoided by the taxpayer. For years I have participated in the fight to prevent avoidance. But never has the inducement for tax avoidance been so strong. The rewards are substantial within the confines of the law. The avenues are broad and inviting. They will be well traveled.

So far as equalizing the tax burden is concerned, the undistributed earnings tax, as I have shown, merely makes the tax burden more unequal. Not only does the tax discriminate as between different corporate taxpayers, but it soaks the poor corporation and exempts the rich.

REPEAL OF TAX DESIRABLE BUT APPARENTLY IMPOSSIBLE OF ACHIEVEMENT AT THIS TIME

Mr. Speaker, in this analysis of the undistributed earnings tax, I have not attempted to cover all its patent objections and defects. But I believe I have pointed out enough of them to prove conclusively that the tax is unsound and uneconomic and ought to be repealed or radically modified. Personally I would like to see it repealed outright and the corporation income tax increased, if necessary, to make up the revenue. This unwise measure should never have been enacted in the first place, but it is now on the statute books, and the President has given no indication of admitting that he made a mistake in recommending it to Congress, as he did in the case of the graduated income tax on corporations, which was repealed before it ever went into operation.

I am a practical man and believe in facing the facts as I find them. The most that we can apparently hope for is to secure some modification of the law at this session of Congress. We should not hesitate to assume our legislative function under the Constitution and correct the evil effects of this monstrous measure. It is the duty of the House of Representatives to originate revenue bills. We do not have to wait for instructions from the White House.

THE LEAST WE CAN DO IS TO MAKE CERTAIN AMENDMENTS TO THE LAW

Mr. Speaker, in my opinion, there are a number of amendments that we must make to this law if we are to preserve the soundness of our business and economic structure, upon which the stability of the whole Government depends. First, provision should be made for the accumulation of reasonable rainy day reserves without penalty. Second, provision must be made so that debtor corporations will not be unjustly penalized for paying their honest debts. Third, corporations with impaired capital structures must be allowed to regain financial stability without incurring heavy penalties. Fourth, a reasonable allowance should be made for the plowing back of corporate earnings for purposes of rehabilitation and expansion. Fifth, a reasonable time should be allowed after the close of the taxable year for corporations to ascertain as nearly as possible their true financial condition and declare dividends accordingly. Doubtless there are a number of other modifications that ought to be made if repeal cannot be obtained.

WHAT ARE WE WAITING FOR?

Mr. Speaker, during the election campaign President Roosevelt, in his address at Worcester, Mass., said of the undistributed earnings tax which he had suggested:

> If in its application imperfections are discovered, they must be corrected for the good of American business.

This statement places the President squarely on record as willing to accept modifications in the tax if imperfections are discovered. In these remarks I have pointed out a few of them, and many more are known to exist, even to the Treasury officials.

Since the President has shown a willingness to have the tax modified, and since many compelling reasons exist why this ought to be done, what are we waiting for, Mr. Speaker? Why do we not go ahead and do the job that ought to be done?

The chairman of the Ways and Means Committee, in a letter to the gentleman from North Carolina [Mr. BULWINKLE], dated April 8, 1937, has expressed the view that

the law ought to be amended "to give some relief to corporations with little or no surplus and those which are heaviest in debt." The gentleman from Kentucky [Mr. FRED M. VINSON], according to press accounts, has indicated an interest in easing the burden on debt-ridden corporations and making allowances for plant expansion and improvement. But, in view of the total lack of activity toward these ends, it must be that the so-called impractical experts who sponsored this iniquitous law are more powerful than the whole Democratic organization.

My good friend the gentleman from North Carolina [Mr. DOUGHTON] has offered the excuse that sufficient time has not elapsed "to secure the necessary information with which to proceed wisely in the matter." That is pure bosh. The gentleman did not hesitate to jam this unwise legislation through the House without knowing what it was all about and without regard to the warnings sounded by practical men who foretold the dangers to which it would lead. If the gentleman would call the Ways and Means Committee together for the purpose of holding hearings on this measure we would get plenty of information as to its imperfections, its inequalities, its hardships, and its destructive operation, not only from businessmen and representatives of labor, but from our own staff of experts on the Joint Committee on Taxation.

As a matter of fact, there is a thousand times more information now available as to why this law ought to be repealed or amended than there ever was as to why it should be passed. It is no excuse to say we need further facts. If we wait too long to act irreparable damage may be done.

If the gentleman from North Carolina is waiting for information and facts from the Treasury Department, he might just as well act now, because we all know the kind of facts that will be furnished—they will all be prejudiced in favor of this legislation. The gentlemen who will furnish the alleged facts from the Treasury will be the same group of so-called "experts" who are said to have originated this iniquitous law in the first place. The chief "expert" is that eminent but impractical college professor, Mr. Oliphant. Does this Congress want to act on any more of his wild suggestions? Certainly we have learned our lesson in taking advice from this man. We do not want any more of the prejudiced and academic views of Professor Oliphant or any of these experts who know nothing about the practical workings of business. Let us get our information from those who come in actual contact with the law as applied to their own businesses. That is the only kind of information on which we can legislate with any degree of intelligence and safety.

Mr. Speaker, normally the Ways and Means Committee is one of the hardest-working committees of the House, but we cannot make this claim so far as the first session of the Seventy-fifth Congress is concerned. Never in all my 20 years' experience on the committee have I seen such inactivity. Out of over 300 bills and resolutions pending before us, we have acted on only two major bills. In January we reported out the resolution to continue the Trade Agreements Act, and in February we reported out the Vinson-Guffey coal bill. Since that time we have done nothing. Hence there is absolutely no excuse for not taking up the undistributed-profits tax measure. Eventually we must take it up, so why not now? Do not let us put it off until the end of the session, when there will not be adequate opportunity for consideration. [Applause.]

Mr. Speaker, in conclusion, let me say that I have only touched the high spots in respect of this iniquitous legislation. I wish I had more time to go into more of the details of the measure.

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

Mr. TREADWAY. Certainly.

Mr. CRAWFORD. Referring to the practical phase of the gentleman's life, does the gentleman think it would be practical to put into a revenue bill, in the form of an amendment, a proviso which would set up a formula saying what reserves different corporations should have?

Mr. TREADWAY. I think that is a practical suggestion, but, of course, that has never been given any consideration so far as I know. We were simply told to take this bill from the Treasury and put it on the statute books and let business take care of itself.

Mr. CRAWFORD. If the gentleman will permit another question, at the present time commodity prices of all kinds are advancing. This means a corporation must have more money with which to operate its inventories of raw material, unprocessed goods, as well as finished stocks and even accounts receivable; and while this advance is in process the Government comes along and indicates that measures will be taken to prevent prices on the stock exchange from advancing. If this holds true, then the companies would be unable to finance themselves through the selling of additional stocks.

Mr. TREADWAY. I believe I covered that point in my remarks.

[Here the gavel fell.]

THOMAS JEFFERSON MEMORIAL

The SPEAKER pro tempore. Under special order, the gentleman from California [Mr. SCOTT] is recognized for 25 minutes.

Mr. SCOTT. Mr. Speaker, after listening to the addresses this morning by the gentleman from New York [Mr. BOYLAN] and the gentleman from Vermont [Mr. PLUMLEY] I almost feel like asking forgiveness for what I am about to do. However, I cannot let personal admiration for those two gentlemen and for the statesman about whom they addressed the House interfere with what I think should be done. Perhaps I should call on that phrase so often used by Members of the House, that I feel I would be "derelict in my duty" if I did not pursue the course that I have undertaken.

DESTRUCTION OF CHERRY BLOSSOMS

Tens of thousands of men, women, and children from many parts of the country have visited the magnificent Japanese cherry-blossom display around the Tidal Basin in the past few days.

Press and police estimates say that between 250,000 and 450,000 out-of-town visitors jammed Washington streets over the week end. Read an account of the crowds in your own paper.

Every year increasing numbers come here to view this unique monument to international friendship which helps draw this country into closer friendly relations with our great Pacific neighbor—Japan.

The Japanese Ambassador always plays a leading role in this annual celebration. This year Miss Sakiko Saito, the present Envoy's daughter, was queen of the cherry-blossom festival. Some of you probably saw her crowned Saturday evening. The Ambassador and Mrs. Saito gave a large reception after the festival.

I submit, Mr. Speaker, that these beautiful trees lining the verdant banks of this lovely bit of water in our Capital City constitute a real symbol of friendship between two great nations.

We have hundreds of blossom festivals of all kinds throughout the country. But the one here is the only one I know of that has international importance. This annual festival is of far more than mere local District celebration.

But these thousands of visitors, probably including some from most of the congressional districts represented here today, may have viewed this beautiful symbol of international friendship for the last time.

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

Mr. SCOTT. Yes.

Mr. BIERMANN. Does the gentleman contend that these cherry trees cannot be moved?

Mr. SCOTT. I expect to touch upon that subject in a moment.

I must warn this House that this unusual monument is about to be disfigured, marred, probably destroyed. Already Army engineers are at work drilling and boring, seeking bedrock some 100 feet below the earth, on which to erect a pile of marble that is to be called a memorial to Thomas Jefferson.

I am informed only this morning that 500 of the 700 cherry trees, including almost all of the mature ones, must

be moved under present plans. Many of these will be destroyed in this transplanting. Can any replacement be effected without long interruption of the blossoming? It is doubtful.

The Japanese are a sensitive people. If their good-will gesture, symbolized by the circle of beautiful trees around the Tidal Basin, is to be brushed aside for a purely national memorial, one can hardly blame them if they feel slighted and aggrieved.

And, gentlemen, the Commission plan calls for dividing that lovely little bay into two or three small lakes and relocating of more than 70 percent of the trees.

BOYLAN'S FOLLY

At the outset I wish to make it clear that I am not casting any personal reflections on the esteemed gentleman from New York [Mr. BOYLAN], whose long-cherished dream of a suitable memorial to one of America's greatest spirits is about to be realized. I do not wish to deny him the fruits of his long labor of love. I agree with him that the Nation has been too long recognizing its obligation.

But just as sincerely do I believe that if the Commission can be forced, in the interests of public policy, to review its choice of site, design, and type of memorial, I may be sparing the gentleman, whom we all love, the anguish in his old age of having people refer to the thing he is about to create as "Boylan's folly."

CHARGES

I do charge, however, that though their motives may have been the highest and their zeal unquestioned, the Thomas Jefferson Memorial Commission, entrusted by Congress with spending $3,000,000 of public funds, has acted in a high-handed, star-chamber manner and evidenced a state of mind that must cause the great spirit of the man they seek to revere many uncomfortable moments in its sepulchre at Monticello.

I charge, furthermore, that the Commission acted arbitrarily in selecting an architect to execute this work of national importance, not even considering a resolution for a national competition that was pending in the House at the time.

I charge that in keeping its proceedings secret and denying access to its records, even to Members of this House, the Commission has not acted in the best interests of its own objective.

Finally, in ignoring the tremendous public opinion that has risen with increasing force to oppose both site and design of the proposed memorial, and in refusing to allow both sides to be heard on this important issue, the Commission has discredited itself and this House.

THE SITE IS BAD

The gentleman from New York tells us that President Roosevelt has given his blessing to the plans of the Commission. Has he told us that the only drawings submitted to the Chief Executive were two designs, differing only in detail, both prepared by the Commission's architectural consultant, John Russell Pope?

After 10 minutes' study the President chose the plan calling for marble columns in a circle instead of marble columns forming a cross.

The President also approved the Tidal Basin site. In this the President appears to have been moved by the argument of all the former planners—that it was the fifth cardinal point in the famous plan of Maj. Charles l'Enfant. With the Capitol, Washington Monument, and Lincoln Memorial forming one line and the White House at the north side of a cross axis drawn through the Monument, the slaves to perfection shout that the only other spot suitable for a major memorial is the south end of this axis, which happens to plop right down in the Tidal Basin.

These same planners, represented in part by the National Capital Park and Planning Commission and the Fine Arts Commission and its predecessors, such as the McMillian Commission, seem to ignore the fact that when George Washington's friend drew his plans this area was a muddy swamp adjacent to "Foggy Bottom."

Mr. MAPES. Mr. Speaker, will the gentleman yield for information?

Mr. SCOTT. Yes.

Mr. MAPES. The gentleman speaks of the possibility of the Commission answering the demand of public sentiment and reconsidering its findings. I ask the gentleman whether there is not another way to prevent the execution of the plan of the Commission, and that is to refuse to make the appropriation to build the monument where it is suggested?

Mr. SCOTT. That is right, and I thank the gentleman. I shall touch on that later.

Mr. MAPES. Can the Commission obligate the Government to go ahead with this plan now?

Mr. SCOTT. Not without the appropriation.

Mr. MAPES. And the appropriation has not yet been made?

Mr. SCOTT. No. And these same planners, who attach magical significance to the name of l'Enfant, have, incidentally, done much to mar his famous plan, such as smashing Constitution Avenue across it and destroying the original Eighth Street axis.

But I concede, whether a part of l'Enfant's plan or not, this site is a good place for a monument. And, gentlemen, we already have have a monument there in the Japanese cherry trees, a monument enjoyed and appreciated by hundreds of thousands. Even if not a tree were lost in transplantation—an impossibility—erection of a gigantic monument here would—pardon the pun—put the trees in the shade.

The Commission would go into an already completely and beautifully developed area, Potomac Park, and scramble up a lay-out that is a joy and treat every time you drive through there, block off a vista of the stately Lincoln Memorial, and, in fact, set up a competing interest to that distinguished monument.

Practical considerations also place an emphatic veto on this side. When the Potomac Park area was reclaimed, the natural boundaries of the Washington Channel were narrowed and the Tidal Basin was created to help flush this channel—a function vital to the sanitation and efficient operation of Washington's water front.

We have no assurance as yet that the cutting up of this basin as contemplated under the commission plan will not impair this function. Then there is the traffic hazard. If any of you tried to drive by there last Sunday, this needs no further explanation. But the blossoms last only a week.

The main flow of traffic from the South, including thousands of Virginia commuters, moves around the Tidal Basin on its way to lower Fourteenth Street. The north side drive is a main artery by which part of this traffic stems over to Constitution Avenue and Government buildings in that area. A bridge spans the west and east sides. Only on the short south drive would there be parking space—space entirely inadequate for the millions that would be expected to visit any Jefferson memorial.

Contrast this with the Lincoln Memorial, which is off the main lines of traffic, and which has ample parking space around it.

Finally, gentlemen, in making a major addition to Washington's beauty, why does not the Commission undertake to create new values. We have many unpleasant spots in our Capital City to clean up before we can honestly call it one of the most beautiful cities in the world. As the distinguished junior Senator from Utah, who called himself a "minority of one" on the Commission, said, "You can never hope to raise the artistic level of the entire city by concentrating all your efforts in one part."

Senator THOMAS of Utah pleaded that the Commission choose the site right down here at the eastern terminus of East Capitol Street, called the Anacostia site. Here, notwithstanding National Capital Park and Planning Commission and all the other high-hat commissions, is a spot that in time would vie with the Lincoln Memorial in scenic beauty.

A $7,500,000 reclamation and park project on the Anacostia River is approaching completion. The Government already owns a large part of the ground. The Supreme

Court, the Library of Congress, and the Folger Shakespeare Library already begin a magnificent march eastward toward what could become a rival to Pennsylvania, Constitution, and other historic thoroughfares.

The planners plan to use this spot for a stadium or an armory or both. I submit these structures may well occupy less imposing locations. The argument that visitors would not see it if "stuck off" there sounds silly.

The imposing National Cathedral is raising its gothic beauty atop Mount St. Alban out on Wisconsin Avenue, but no visitor to Washington thinks of leaving until he has seen it, and also made the 16-mile pilgrimage to Mount Vernon. Does the Commission think the sightseeing concerns would omit any Jefferson memorial from their itinerary? Not for a minute, even if they had to run a cog railroad up some mountainside to reach it.

All the Senate members of the Commission opposed the Tidal Basin site and one member of the Commission made an attempt to get the Commission to take note of the rising tide of criticism and hold public hearings. To that extent, the charges I have made fall less heavily on their shoulders. In the end, the Commission, in its secret sessions, overrode all objections and announced "unanimous" decisions on all phases of its work.

The Anacostia site is proof that there are other locations available. I might mention western Massachusetts Avenue and several sites in Rock Creek Park as others. And it might be pointed out that Mr. BOYLAN for years thought the apex of the Government triangle just west of the Capitol would make an appropriate site.

Supporters of the present plan claim it is fitting that the memorial face the White House and command a view of Jefferson's native State of Virginia. Jefferson's greatness does not rest on his days in the Executive Mansion. In some respects they were among the unhappiest of his life. His epitaph, written by him, tells us what he considered his greatest accomplishments. It reads:

Here was buried Thomas Jefferson, author of the Declaration of Independence, of the Statute of Virginia for Religious Freedom, and father of the University of Virginia.

In his native State, this great university stands as a living memorial to his genius. His carefully restored home, Monticello, near Charlottesville, also honors his memory. The university library, with its famous rotunda and the stately Old Dominion capitol at Richmond, preserve his architectural contributions.

Finally, the question of engineering feasibility has arisen. Engineers are now making borings in the Basin to see how far they must go. The first one went down 93 feet before reaching bedrock. If anything like this foundation depth proves necessary, it will take far more than the authorized $3,000,000 to erect this kind of memorial on this site. It has been estimated already that, under present plans, the total outlay will exceed $5,000,000.

So I submit that the Basin site must be dropped because, first, we already have a wonderful monument there to Japanese-American friendship in the form of the cherry trees now in their full glory, which would be eclipsed if not destroyed by the gigantic marble pile proposed; second, that traffic and parking problems make it unavailable; and third, engineering considerations probably will make the cost prohibitive and may damage the Washington Channel.

THE DESIGN IS BAD

Now, we come to the design of the memorial, against which I wish to lodge several objections.

I have no grudge against John Russell Pope. He has been and is one of the Nation's leading architects. It is possible that in a national competition his design might have been selected above all others, although I do not think so. His "school" has had its heyday and is passing.

Washington is full of the works of Pope and his ilk—so full of them that we have an awful architectural monotony. He designed the Archives Building and the Scottish Rite Temple. He has designed the $10,000,000 Mellon Art Gallery to be built in the Mall. These drawings look very much like those for his proposed Jefferson Memorial. In fact, one of the local newspapers ran them, one under the other, and it was difficult to tell them apart at first glance.

Pope and his contemporaries have created in the Nation's Capital what has been aptly described as a "petrified forest of marble columns." Pope's temple design for the memorial would add another platoon of marble columns to the endless regiments of columns that now ornament our expensive Government structures. So my first objection is that it would only add to the monotony approaching drabness that has been imposed upon us by the same groups that now approve the proposed Jefferson Memorial.

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

Mr. SCOTT. Yes.

Mr. WEARIN. Does the gentleman have any information with reference to the statement that Mr. Pope, the architect, is to receive 6-percent commission on this monument when the customary rate is 5 percent?

Mr. SCOTT. I shall touch on that later also.

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

Mr. SCOTT. Yes; but I am short of time.

Mr. RANKIN. There is another consideration that the gentleman apparently has overlooked. That territory was flooded last year by the flood in the Potomac River.

Mr. SCOTT. That is true. There was a hopeful sign in week-end press accounts that the design had not met with full approval of the National Capital Park and Planning Commission.

My second objection to Pope's design is its utter lack of originality. That once useful and stately relic of Rome, the Pantheon, has been the "theme song" by which many an architect has drawn his way to fame and fortune. Its very massiveness impresses many unthinking people.

Pope has used the "Pantheon motif" over and over again and now brings forth another exasperating variation on the same theme. Jefferson already has left his tribute to the Pantheon in his Virginia capitol building at Richmond and in the university library. It was a good idea, but has been overworked until it is banal.

It surely did not cost Mr. Pope any great creative effort to nab this $180,000 job. And that would be his minimum fee. If the cost of the memorial construction doubles the $3,000,000 figure, as many experts think it will, Mr. Pope would draw $360,000 at the 6-percent rate set by the Memorial Commission.

All Mr. Pope had to do was pull out of a drawer a picture of one of his previous buildings, say, for example, the Hendricks Chapel at Syracuse University, add a column here and there and presto, a completely hackneyed, unoriginal, and trite design that is to be translated into a memorial to a man who had one of the most liberal, progressive, and versatile minds America has ever produced.

I do not yield even to the beloved gentleman from New York, who was laboring for his ideal long before I came to Congress, in my admiration for the life and philosophy of Thomas Jefferson. This memorial is long overdue. But now that we have decided to pay deserved homage to this outstanding figure, in his own name, let us create something that will reflect his ideals and spirit—not a cold marble mausoleum that imitates one phase of his many-sided genius, his skill in architecture.

We think of Washington and Lincoln as somber, austere heroes. The stately shaft and heroic loneliness of the Lincoln memorial bring us something of their spirit. But Jefferson was a different kind of man.

He was an adventurer, as witnessed by his sticking out his neck to grab the Louisiana Territory while the grabbing was good. His interests were cosmopolitan and varied. He trusted the people far more than did either Washington or Lincoln. His spirit was revolutionary. If a national competition had produced some radical idea in design for a memorial to him, I cannot conceive that Jefferson would object.

Now comes the Commission seeking to embalm that spirit in a tomb which might well cause the ghost of Emperor Hadrian to say, as pictured by a cartoonist recently:

That's my temple; and if you'll pardon me for saying so, I think somebody is nuts for moving it to Washington and putting your name on it. Jefferson, old boy, it isn't a bit like you.

So, gentlemen, I think this design should be scrapped, because it is absolutely unoriginal, is an imitation of something Jefferson himself has done far more effectively, and fails entirely to catch the spirit of the man it seeks to honor.

THE TYPE IS BAD

This leads me to the most fundamental objection of all—the type of memorial selected by the Commission. The gentleman from New York said recently, in dismissing the idea of a "living memorial", that—

Universal experience with utilitarian memorials is that the utilitarian side soon dominates the commemorative, even to the extent of completely effacing it.

I agree that a purely commercial project, such as a stadium, is out of place. But I challenge the accuracy of the gentleman's observation.

Does anyone think the magnificent hospital being built in memory of Will Rogers will ever be known other than the Will Rogers Hospital, or that ceremonies held there annually in his honor will "efface" its commemorative value? Does anyone think that the many churches named for famous religious leaders, the many college buildings, parks, foundations, hospitals, schools, and other "living memorials" have effaced the names of the men and women they honor? Can one seriously contend that their commemorative value is lessened because they are useful?

WHY NOT AN AUDITORIUM?

Another distinguished gentleman from Mr. BOYLAN'S own State of New York, Mr. SOL BLOOM, has given us a vision of a practical, utilitarian memorial to Jefferson that would serve through the years not only to perpetuate his name but actually inculcate the great statesman's ideals of liberty and democracy in the minds of millions yet unborn. I quote from an article in the Washington Daily News of last December 12:

A beautiful memorial hall, illuminated at night, in which conventions, operas, pageants, inaugural balls, and all manner of public gatherings could be held, is the ideal tribute to Thomas Jefferson as envisioned by Representative SOL BLOOM, of New York.

We must design something fitting that would be serviceable and useful, Mr. BLOOM said. To attempt to duplicate or rival another work of art means failure.

He, BLOOM, would have murals depict the outstanding events in Jefferson's career. In 48 memorial rooms or niches each State could make its contribution to a permanent exhibit of Jeffersoniana.

He foresees great events being broadcast from Thomas Jefferson Memorial Hall to millions of radio listeners.

The distinguished Secretary of the Interior, Mr. Ickes, also has endorsed an auditorium "dedicated to free speech" as a most fitting Jefferson memorial. And the recent dismal and dangerous inauguration demonstrated the need for such a structure.

We are going to have a national auditorium. The legislation has been passed. I suggest the practical thing to do would be to repeal the Jefferson Memorial Commission Act and then amend the auditorium law to convert that project into a Jefferson memorial.

This is just one suggestion. There were many others. But the all-wise Commission ignored them all, ignored even Members of this House who wished to present their views on a utilitarian memorial. Now we come to the practical question of how to avoid this "monumental" error—pardon the pun again.

LET US NOT APPROPRIATE FOR THIS

The Commission has complete authority to go ahead with the present or any other design without any further action of Congress except one important item—the actual appropriation of the $3,000,000. The Commission also has complete authority to reconsider its decision and let the public be heard on this important public issue, in which a large lump of public funds are to be spent.

The deficiency bill expected in the next few weeks may contain a $500,000 item to begin work on the proposed marble mausoleum. The estimate was submitted by the President only yesterday.

Right now I call upon the Appropriations Committee to withhold this money in view of the high-handed manner in which this Commission has conducted its affairs, and continue to withhold it until the Commission at least considers other viewpoints on this important question.

Failing that, I call upon the House to knock out such an appropriation when it comes to the floor. Then let this Commission consider some other site that will not require destruction of one of the most beautiful spots in our Capital. Then let the Thomas Jefferson Memorial Commission consider holding a national architects' competition to secure an original design for this great and deserved tribute to a great American. And let this Commission at least hear arguments for translating this design into a "living memorial."

I may appear to be rebelling against something that already is decreed and ready to become a part of the static and hidebound established order of monumental ornamentation of our Capital. But I rest my protest on Jefferson's own words:

I hold it that a little rebellion now and then is a good thing and as necessary in the political worlds as storms are in the physical.

Gentlemen, let us stop this thing while there is yet time. Let us rescue the beloved gentleman from New York from his own folly. Let us give the Nation that kind of a memorial that in its form and use will hand down from generation to generation the torch of liberty and freedom of conscience that Jefferson exemplified in his own life and works. [Applause.]

The SPEAKER pro tempore. Under special order, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein in the Appendix excerpts from certain letters that I have received in connection with this same subject.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOFFMAN (reading):

I should like to have it said of my first administration that in it the forces of selfishness and of lust for power met their match. I should like to have it said of my second administration that in it these forces met their master.

These words of the President, spoken at Madison Square Garden on November 1, 1936, were a mild and restrained statement of what he had accomplished during his first administration; they are now a fulfilled prophesy of an achievement of his second administration.

Assuredly, he did not refer to the Congress, for he became master of this body shortly after his inauguration in 1933.

It was commonly accepted that those to whom he referred by the use of the words "the forces of selfishness and of lust for power", were the industrialists of this country, those who conducted big business.

Presumably, by the term "master", he meant himself or others of his administration.

No doubt much to his surprise his policies, although carefully conceived and adroitly administered, have placed others in the position of masters of the economic and business world.

Whether with intent or unwittingly, the President has created a situation which has enabled certain labor leaders to assume a position where they add to unemployment, presume to fix wages, retard recovery, and delay prosperity, to become persons of special privilege. Who is the master his policies have established? It is the gentleman who probably, if he lives that long, in 1940, will be a rival candidate of the President for the Presidency of the United States. I refer to the Honorable John L. Lewis, who today exercises more power over industry than does the President himself.

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

Mr. HOFFMAN. I decline to yield.

There is no question but that the Wagner Act and the support of the administration given to labor enabled John L. Lewis to drive into his organization, the C. I. O., many,

many men who otherwise would not be there. The letters which I have received from Flint, from Detroit, and from other points in Michigan, as well as from other places throughout the country, indicate that were it not for the acts of the C. I. O.—and I mean acts of violence and intimidation—and the approval given to these acts of violence by the President's silence and Governor Murphy's activity, the membership of that body would not today be what it is. We all know that Lewis collected almost untold sums of money from the United Mine Workers. We know that he used, as he had a right to use—and with that procedure no one finds any fault, as far as I know—a portion of that money, hundreds of thousands of dollars of it, for the reelection of the President. We all know that the day after the President took the oath of office John Lewis demanded payment of the political debt which he considered the President owed to him. Having served notice of this demand for payment, to enforce payment of that demand, sit-down strikes, which had been called in anticipation of it, were continued. We all know that the President, through Madam Perkins and through the Governor of Michigan, by preventing action of the law-enforcing agencies which would have protected the property of the men of Flint who owned the factories, which would have protected those men who wanted to work in their jobs, paid that debt, in part, at least.

What was the excuse for those strikes? We know that there was no question of wages, of hours, of working conditions. Then what was the issue, and what was the issue after the Flint strike was settled in the Chrysler plant, and what is the issue today in Canada?

About what are they fighting? Not wages, not hours, not working conditions. Then, what is it? Whether John Lewis and his C. I. O. should be acknowledged as the sole bargaining power for labor. That is the issue, and there is no question about that. That is the statement of C. I. O. organizers. Why do they demand that? Because these "masters of labor" lust for power. The letters which I have received from the workers indicate that since the agreements with General Motors and others were made, after the 8-hour day was established, the workers themselves are complaining because they are not permitted to work overtime so that they may earn more money. The workers themselves are attempting to speed up production so that they may earn more money. So it was not the speed-up system. It was not the rate of wages per hour. It was, as said a moment ago, the demand of Lewis that he be recognized—as the duly elected head of a union? No. Because he is not elected by the membership. He established himself as head of the auto workers. He wants the authority. Authority to do what? Men sell coal. Men sell steel. Men sell rubber and fabrics for the automobile industry. Lewis wants, and he has obtained by violence, not the right but the power to sell labor.

Ostensibly these strikes were called to aid labor. Actually they were called to establish the supremacy of Lewis and his lieutenants; to demonstrate to the individual workingman that Lewis could give employment, that he could withhold it; to demonstrate to the factory owner that only through Lewis or his organization could the labor necessary to operate industry be obtained.

Cannot the workingman see far enough into the future to realize that in the days to come, if the C. I. O. is successful, either the Government will operate all factories or Lewis will sell labor to the bargaining agent of the factory, as the mine owner, the smelter, sells coal and steel?

Once firmly established as the dictator of labor, Lewis, through his check-off, will collect millions of dollars each month—dollars which, as he said, are stained with sweat—and then having absolute authority, and the workers will have no choice, he will sell labor as a commodity is sold.

Visualize for just one moment the situation. Lewis, by means of a threatened or an actual strike, forces Knudsen, Sloan, Chrysler, or Ford to negotiate. Is there any assurance that he will not demand from these actual employers of labor his (Lewis) commission, his (Lewis) fee for a settlement of the strike, for the execution of a favorable bargain, for the return of the men to work? Absolute power in the hands of any man spells potential danger.

The President, as has been stated, paid the political debt to Lewis by remaining silent while laws were violated, while violence and anarchy reigned in the State of Michigan and elsewhere throughout the Nation, except as it was controlled by courageous governors and law-enforcement officials.

Do not forget that, during all this time, while C. I. O. membership was in the minority in Flint factories, no demand was made for the enforcement of the Wagner labor law. Do not forget that the President's personal friends, one a Cabinet officer, Perkins; the other the man selected by him to be Governor of a great State, ignored the Wagner law and openly, persistently, and actively backed Lewis in his unlawful program.

By means of this Presidential support and this active assistance rendered by the President's friends and supporters, Lewis was enabled to establish himself as the bargaining agent for labor in the motor industry.

What has been accomplished? There has, throughout the country, been an increase, among certain classes, in the rate of pay. There will undoubtedly be other increases. Some of this, but not all, can be credited to Lewis' activities.

Be that as it may. The increase in wage has been added to the cost of production and the consuming public, of whom the laboring man constitutes a major part, will pay a large part of the cost of the wage increase. Everything the laboring man eats, wears, and uses bears a portion of the cost of the increase of his wages.

There is another cost which is too often ignored. Millions upon millions of dollars were lost in wages, in profits, which would otherwise have been paid; in lost production, none of which can ever be recovered.

The increase in wages was so slight that it will require several years before the direct losses to some of the individual workers can be recouped.

As stated, one of the achievements of these strikes was to establish the supremacy over labor of Lewis, Martin, Frankensteen, Mortimer, Reuther, Kraus, and Thompson.

As a result of these activities, today workers in the factory, instead of being dependent upon factory owners and factory operators for employment, are dependent upon these labor bosses, none of whom, so far as the record shows, ever created employment, ever gave jobs in productive or merchandising industries.

Whatever may have been said of the factory owner, he had at least a mercenary interest in the worker. Self-interest, selfishness and greed, if you choose, forced him to see that the worker had at least enough to eat, enough to wear, to provide conditions which kept him in physical condition so that he might aid in production.

These labor dictators lack even this self-interest. Their concern, as demonstrated by the record, consists largely in the collection of dues, in the establishing of themselves in positions of authority.

And what manner of men are they? Note the utterances since they have come to this new-found authority, since they have been established as masters over labor, over industry. Listen again—you have heard and read it often—to this statement of Frankensteen made about Henry Ford:

Henry will either recognize the union or he won't build automobiles.

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

Mr. HOFFMAN. Yes; I yield to the gentleman from Wisconsin for a question.

Mr. BOILEAU. My question is this: The gentleman is criticizing these men for making statements that are contrary to law. Is it not also contrary to law for Mr. Ford to make the statement that he will never recognize a union?

Mr. HOFFMAN. I will answer the gentleman. With the law now upheld by the Supreme Court, certainly it would be contrary to law for Mr. Ford to adhere to that settlement, and Mr. Ford being the kind of man he is, being a law-abiding man, being the man who first established a minimum wage, who first said that $5 was a minimum wage for common labor in factories, undoubtedly Mr. Ford having

learned what the Supreme Court has said will say that he will recognize a union. And God grant that when that time comes and he must recognize a union, that it will be a union of workers and not a union of C. I. O. [Applause.]

No one has any objection to a union if the members of the union elect the officers thereof. What reasonable men object to is the imposition of a leadership upon the membership of a union.

Many thinking people hope and pray that Ford workers have the intelligence and the foresight to establish a union of their own, and to deal directly with Ford, rather than through the medium of self-constituted leaders.

If the Ford workers do this, doubtless all will be harmony. If they yield to Lewis and his lieutenants, Ford can either submit or he can abandon his industry. He and his children and his grandchildren can live in comfort and in luxury on the proceeds of the property which they now own. And if this result be brought about, if he closes his factories, how many jobs will the C. I. O. leaders provide for the workers so thrown out of employment?

Go one step farther and listen to these statements.

Thompson said on April 9:

The American union has told General Motors there that as soon as you send one car across the line to Canada to help break the Oshawa strike, you'll never make another car in the United States.

He also declared:

Not a car will be built in any General Motors plant in the United States if an attempt is made to break this (Oshawa) strike.

Thompson also warned General Motors that it must recognize the U. A. W. A. and "sign an agreement before it builds another motor car in Canada."

The utterances of these men prove beyond question that they are more interested in being recognized as representatives of the Canadian workers, as well as masters of United States workers, of being the ones through whom negotiations shall be conducted, than they are in the substance of the agreements made between the employee and the employer. Benefits to the workers, under their theory, must come through them or come not at all. A more arbitrary, un-American proposition can hardly be stated.

Masters, Mr. President? Perhaps it was your idea that you, as Chief Executive, or the officers of the Government, would be the masters. As a matter of fact, you have created new masters, who now state that the motor industry shall not exist in the United States unless the union reigns supreme in the Dominion of Canada.

With all of the unemployment—and we are now told that some 9,000,000 are out of jobs—with Green, president of the American Federation of Labor, demanding immediate employment of 3,000,000 unemployed, the creature which you have created, the men whom you have raised to power, have recently, without a word of protest from you, Mr. President, increased this unemployment, retarded recovery, violated the law of the land, and ignored all legal restrictions. Your policies have created a monster which you are either unable to or will not control.

With two premiers of Provinces of Canada bending every effort to make it possible for those who desire to work to work in peace, in order that American industries may be induced to emigrate to Canada, it is well that American labor exercise restraint in its demands, so that our factory owners and operators be not forced to abandon as unprofitable their vast humming factories which now give employment to so many.

Listen to this statement from the New York Times of April 13:

Premier Hepburn, of Ontario, told this reporter 2 weeks ago that his chief motive in opposing the entry of C. I. O. organizers into Ontario was to make labor conditions so peaceful in his Province that they would persuade sorely harassed American industries to emigrate.

To the gentlemen of the South, where capital is being invested, where industries are being developed, where prosperity is being created by industrialists, I say, take note and act before the cause of this new danger goes beyond all control.

Many have sat idly by, sympathizing with our troubles in the North, but refusing to lend aid to solve them. When similar trouble comes to you, you will not find us backward in giving assistance.

To those who are solicitous about the welfare of labor, let me point to the self-evident truth that there can be no jobs, there can be no wages, except as they are created and supplied by capital combined with executive ability.

Let me call your attention to the fact that industry must live; it must make a profit in order to exist; that if it does not exist, labor will have nothing except the land from which to draw its subsistence.

And who is there now working in the factory at from 50 to 90 cents—yes, at a dollar—an hour who wishes to exchange his hours of employment, his working conditions, and wages for the wage earned by the average farm hand, or, for that matter, by the farmer himself?

Who is there in the factory who will change his hours of employment for a day which reaches from sunup to sundown, where man works—not in a clean, sanitary factory, but following a plow or a harrow through the dust and the dirt of a field, or behind the blower of a threshing machine, or in the mow of a barn, or up to his ankles in filth in the barnyard loading and drawing out fertilizer in the springtime?

John L. Lewis may have been a workingman; I doubt that he ever was a farmer. Had he been, he would have known that in order to milk the cow you must give her food, permit her to live. Not only that, but, if the milk is to be large in quantity and rich in cream, she must be well fed, well kept.

If he knows of some way to extract an ever-increasing wage with a shorter hour from industry without permitting it to lay up a surplus for the future or a profit for the owner, he has discovered something heretofore unknown to man.

What does the C. I. O. propose to do with industry? Does it intend to continue, through the activities of men who know nothing about business—a Lewis, a Mortimer, a Martin, a Frankensteen, a Thompson—to fix wages and hours? Continue to prevent the piling up of surpluses; to prevent the owner making a profit?

If they do, then not only Ford but these other men who either own or operate factories can either turn the management of their plants, of their business, over to the C. I. O., to Lewis, to Frankensteen, to Mortimer, to Martin, to Kraus, to Reuther—three of whom have by their own organization, because their activities were destructive in their tendency, been ordered out of the Detroit area—and let them operate the factories and give employment to the members of the union.

Who, then, will meet the pay rolls? How many jobs have ever been created, how many pay rolls have ever been met, by any of these men who now talk so loudly and so persistently about the rights of the workingman?

The Wagner Act is good so far as it goes. It is vicious in its shortcomings. If it creates the arbitrary power, under guise of collective bargaining, to hire and to fire, then it has destroyed the authority of industry to insist upon efficiency, upon production, in return for a living wage.

That law should therefore be amended. For that purpose I have introduced a bill requiring labor organizations to register, requiring that their officers be elected by the vote of the members, and requiring the making and the filing of financial statements showing the sources from and the places to which financial dues are collected and disbursed.

Fair-minded men realize that labor, as it seeks and obtains authority, in and over industry, must also submit to responsibility. That is the purpose of the bill I have offered.

While giving to labor the right of collective bargaining, which very, very few deny, while granting to it a fair wage under an American standard of living, I would insure that industry shall not be destroyed. I ask labor to review the history of the past and to decide whether, on the whole, jobs have been created, wages have been paid, homes have been built, automobiles, radios, and those things which in days gone by were considered luxuries, have been purchased because of the activities of labor agitators and radicals, or whether these things have been the result of the foresight, the industry, the thrift, and the employment of capital, of American individualists.

Add up the wages, figure the number of homes, the sum total of the luxuries of life, which the working man has purchased out of the wages paid him by those now so roundly denounced, and compare the result with that which has been given by organizers.

Organizers, no doubt, have their purpose, but there are, within their ranks, those who would unjustly and excessively profit out of the earnings of the workers, just as there are others of like ilk within the ranks of the employers.

Add to the Wagner Act provisions which will prevent the destruction of industry; protect the laboring man not only from his employer but from the professional organizer.

Complete the legislative program begun by the Wagner Act and complete it by giving to industry the same right, that is, the right to a living profit that is given to the laborer—legislation which will permit—yes, which will require—labor and industry to live in peace and which will prevent strife between them—strife which is destructive, not only to both labor and to industry but to those who must live with them in this land where industry has paved the way for labor to seek and to attain a greater measure of the good things of earth.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with repeal of the long-and-short haul clause.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JOHNSON of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in re the 9-foot channel in the upper Mississippi.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANTILYNCHING BILL

Mr. GAVAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1507, with Mr. O'CONNOR of New York in the chair.

The CHAIRMAN. Under the resolution adopted yesterday, the gentleman from New York [Mr. GAVAGAN] is recognized for 3 hours, and under the designation by the Speaker the gentleman from Texas [Mr. SUMNERS] is recognized for 3 hours.

Mr. GAVAGAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with and that the bill be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill is as follows:

H. R. 1507

A bill to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching

Be it enacted, etc., That for the purposes of this act the phrase "mob or riotous assemblage", when used in this act, shall mean an assemblage composed of three or more persons acting in concert without authority of law to kill or injure any person in the custody of any peace officer with the purpose or consequence of depriving such person of due process of law or the equal protection of the laws.

SEC. 2. If any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law and the equal protection of the laws of the State, and to the end that the protection guaranteed to persons within the jurisdictions of the several States, or to citizens of the United States, by the Constitution of the United States, may be secured, the provisions of this act are enacted.

SEC. 3. (a) Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death by any mob or riotous assemblage or any officer or employee of any State or governmental subdivision thereof having any such individual in his custody, who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or being put to death, or any officer or employee of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in such mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

(b) Any officer or employee of any State or governmental subdivision thereof, acting as such officer or employee under authority of State law, having in his custody or control a prisoner, who shall conspire, combine, or confederate with any person who is a member of a mob or riotous assemblage to injure or put such prisoner to death without authority of law, or who shall conspire, combine, or confederate with any person to suffer such prisoner to be taken or obtained from his custody or control to be injured or put to death by a mob or riotous assemblage shall be guilty of a felony, and those who so conspire, combine, or confederate with such officer or employee shall likewise be guilty of a felony. On conviction the parties participating therein shall be punished by imprisonment of not less than 5 years or not more than 25 years.

SEC. 4. The district court of the United States judicial district wherein the person is injured or put to death by a mob or riotous assemblage shall have jurisdiction to try and to punish, in accordance with the laws of the State where the injury is inflicted or the homicide is committed, any and all persons who participate therein: *Provided*, That it is first made to appear to such court (1) that the officers of the State charged with the duty of apprehending, prosecuting, and punishing such offenders under the laws of the State shall have failed, neglected, or refused to apprehend, prosecute, or punish such offenders; or (2) that the jurors obtainable for service in the State court having jurisdiction of the offense are so strongly opposed to such punishment that there is probability that those guilty of the offense will not be punished in such State court. A failure for more than 30 days after the commission of such an offense to apprehend or to indict the person guilty thereof, or a failure diligently to prosecute such persons, shall be sufficient to constitute prima-facie evidence of the failure, neglect, or refusal described in the above proviso.

SEC. 5. Any county in which a person is seriously injured or put to death by a mob or riotous assemblage shall be liable to the injured person or the legal representatives of such person for a sum not less than $2,000 nor more than $10,000 as liquidated damages, which sum may be recovered in a civil action against such county in the United States district court of the judicial district wherein such person is put to the injury or death. Such action shall be brought and prosecuted by the United States district attorney of the district in the United States district court for such district. If such amount awarded be not paid upon recovery of a judgment therefor, such court shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county, or may otherwise compel payment thereof by mandamus or other appropriate process; and any officer of such county or other person who disobeys or fails to comply with any lawful order of the court in the premises shall be liable to punishment as for contempt and to any other penalty provided by law therefor. The amount recovered shall be exempt from all claims by creditors of the deceased. The amount recovered upon such judgment shall be paid to the injured person, or where death resulted, distributed in accordance with the laws governing the distribution of an interstate decedent's assets then in effect in the State wherein such death occurred.

SEC. 6. In the event that any person so put to death shall have been transported by such mob or riotous assemblage from one county to another county during the time intervening between his seizure and putting to death, the county in which he is seized and the county in which he is put to death shall be jointly and severally liable to pay the forfeiture herein provided. Any district judge of the United States district court of the judicial district wherein any suit or prosecution is instituted under the provisions of this act, may by order direct that such suit or prosecution be tried in any place in such district as he may designate in such order.

SEC. 7. If any provision, sentence, or clause of this act or the application thereof to any person or circumstances is held invalid, the remainder of this act and the application of such provision to other person or circumstances shall not be affected thereby.

Mr. GAVAGAN. Mr. Chairman, of the time allowed the proponents of this bill, I have yielded 1 hour to the

gentleman from Kansas [Mr. GUYER], to be yielded as he may see fit.

Mr. Chairman, I yield myself one-half hour.

Mr. Chairman, this is a very important piece of legislation. I personally do not wish to be discourteous, but it is very seldom that I take this floor, and on the occasions I do I desire to express my thoughts in sequence and with logical relation one to the other; so I shall therefore refuse to yield to anyone during the 30 minutes I expect to consume.

Yesterday during the debate on the adoption of this resolution the gentleman from Alabama [Mr. HOBBS] had this to say:

I agree with him absolutely—

The "him" being myself—

and point to the activity in behalf of this bill as proof of that assertion. For he is just as certainly leading a mob and doing mob violence to every principle of constitutional right and justice and honor as anyone who ever participated in the mob murder of a human being in the wilds of darkest New York or elsewhere.

As a native of New York I respectfully take exception to that remark. I realize that some of us at times like to use a pretty metaphor. As used by the gentleman from Alabama, it is an unsound metaphor. As a native of New York, I know of no dark places there. I was born and reared in that great city and am very proud of it. My only hope and ambition is that as a native son of New York I may be loyal and true to her traditions and that my activities in this House may be worthy of the illustrious sons of New York who were my predecessors here. [Applause.]

Referring to the remark of "leading a mob", if you know anything whatever of history, you know that that epithet has "in history" been flung against history's greatest personalities; with all due religious respect, it is the very epithet that was flung into the face of the Savior of mankind, the gentle man of Nazareth. It is the same epithet that was flung by the Bourbons of France against those who wished justice and equality there. In our own native land, it is the same epithet that was hurled against the great Washington by the Tories of old. It is the same epithet that was hurled at Jefferson when they called him the greatest demagogue of his time.

I say to the gentleman from Alabama [Mr. HOBBS], "I thank you for the company in which you place me."

The principle on which an antimob or antilynch bill is predicated was well and ably expressed the other day in this House by the gentleman from Georgia [Mr. COX], and I can as a lawyer—I hope a fairly able lawyer, one who in the battles of the legal arena has won and lost cases—rest my case upon the principle enunciated by the distinguished gentleman from Georgia [Mr. COX] as set forth in the RECORD of April 8.

This is what he said:

Mr. Speaker, this resolution rests upon the assumption that the sit-down strike, which involves the holding of other people's property without their consent and against their will, is unlawful.

I say that the principle of lynching is unlawful.

The gentleman continues:

But, aside from all this, a moral responsibility rests somewhere and upon somebody to speak up and condemn this form of lawlessness that threatens the peace and security of the Nation, and it might as well be here and upon this body as any other.

This talk about being against the resolution because of a lack of power in the Congress to legislate with respect to the evil is a mere pretense of concern in the maintenance of State rights.

With that I thoroughly agree. The hullabaloo of "States rights" against H. R. 1507 is exactly described by the gentleman from Georgia in his reference to the sit-down strikes.

The gentleman from Georgia [Mr. COX] continued further:

Mr. Speaker, the resolution presents an opportunity to the membership of this House to stand up and be counted either on the side of law and order or on the side of a government by lawless mobs.

With that statement, Mr. Chairman, I thoroughly agree, and I use it as a sound argument and a valid reason for the passage of this legislation.

Much has been said about the constitutionality—or, rather, taking it in a negative sense, the unconstitutionality—of this bill. I ask any good lawyer to tell me what type of legislation passed by this Congress is constitutional beyond the peradventure of a doubt today, in view of the fact that you have four members of the Supreme Court of the United States charging four other members with voting according to their predilections and not the law in holding acts of Congress unconstitutional.

In view of this state of affairs I say to any honest lawyer, How can you dare stand here and proclaim ex cathedra, if you will, that this bill is unconstitutional?

Furthermore, the distinguished leader of our party, the President of the United States, in a letter to the chairman of a subcommittee considering a bill in the previous Congress, urged the chairman and the members of that committee not to allow any doubts as to the unconstitutionality of the then pending legislation, no matter how reasonable, to deter them from voting out that bill and passing it.

Further, in view of the opinion of the Supreme Court of the United States handed down yesterday in the five cases involving the constitutionality of the Wagner Labor Relations Act, four of the cases being decided by 5-to-4 decisions, I ask any honest lawyer who has not a preconceived notion or a preconceived prejudice against this bill, how can you say the bill is unconstitutional?

Let me cite also the recent decision of the Supreme Court of the United States reversing its decision of 15 years ago in a case involving maximum hours and minimum wages for women and children in industry. In one week the Supreme Court held the New York State act unconstitutional, and in the next breath held the Washington State law constitutional. Tweedledee and tweedledum; that is the answer.

Let us now consider the constitutionality of the pending bill. The advocacy of passage by Congress of so-called antilynching or antimob legislation is predicated on the principle that in localities where lynching takes place law and order break down, and that because of State inaction the Federal Government has the power to protect itself against the consequences of the break-down of due process of law and the failure of the State to assert its power to effectuate the guaranty of equal protection of the laws.

The phrase in section 1 of the fourteenth amendment to the Constitution which particularly pertains to the subject matter of the pending bill is:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5 of the fourteenth amendment—and this refers to our part as a functioning lawmaking body—provides:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

This is not the tribunal, Mr. Chairman, wherein the laws of this great Nation are declared unconstitutional. In the last Congress I wrote a treatise on that very point, and showed that such power undoubtedly resides in the Supreme Court of the United States, which is the tribunal for the declaration of the constitutionality or unconstitutionality of any law. This is the legislative branch.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. GAVAGAN. I refuse to yield. I am sorry, but I made the statement that I refuse to yield. This is the legislative branch and not the judicial branch of the Government. It is the function of the judiciary, not ours, to declare acts of Congress unconstitutional.

The advocates for passage of antilynching legislation contend that these sections of the Constitution deserve a liberal interpretation in favor of the rights they were designed to protect; and that though the precise words of the amendment are prohibitory, they imply, and by implication confer, positive immunities and rights which cannot lawfully be invaded by the prohibited acts.

The Supreme Court of the United States in Strauder against West Virginia, One Hundredth United States Reports, page 303, at page 307, said:

The words of the amendment (fourteenth amendment), it is true, are prohibitory, but they contain the necessary implication of a positive immunity, or right, most valuable to the colored race—the right to exemption from unfriendly legislation against them distinctly as colored—exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps toward reducing them to the condition of a subject race.

By implication, as well as by the express mandate of the fifth section of the fourteenth amendment, Congress has not only the power but the duty to protect the rights conferred or guaranteed by the Federal Constitution, either by express declaration or by implication.

The Supreme Court has uniformly held that the National Government has the power, whether expressly given or not, to secure and protect the rights conferred and guaranteed by the Constitution (*Strauder* v. *West Virginia*, 100 U. S. 303).

Congress, in the absence of a positive delegation of powers to the State legislatures, may, by its own legislation, enforce and protect any rights derived from or created by the National Constitution.

In Prigg against Commonwealth of Pennsylvania, Sixteenth Peters, page 539, Mr. Justice Story said:

That a clause in the Constitution conferring a right should not be so construed as to make it shadowy, or unsubstantial, or leave the citizen without a remedial power adequate for its protection, when another construction equally accordant with the words and the sense in which they were used would enforce and protect the right granted.

Congress is not restricted to legislation for the execution of its expressly granted powers; but, for the protection of rights guaranteed by the Constitution, may employ such means, not prohibited, as are necessary and proper, or such as are appropriate, to attain the ends proposed.

In *United States* v. *Reese* (92 U. S. 214), Chief Justice White, at page 217, said:

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide. These may be varied to meet the necessities of the particular right to be protected.

The protection which the Constitution throws around the rights it guarantees is a protection not only against their violations by a State but is an equal protection against individuals acting in any official capacity derived, directly or indirectly, from the State.

A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or to evade it (*Ex parte Virginia*, 100 U. S.).

In *Home Telephone & Telegraph Co.* v. *City of Los Angeles* (227 U. S. 278), the Supreme Court, through Mr. Chief Justice White, said (p. 286):

The provisions of the amendment as conclusively fixed by previous decisions are generic in their terms, are addressed, of course, to the States, but also to every person, whether natural or judicial, who is the repository of State power. By this construction the reach of the amendment is shown to be coextensive with any exercise by a State of power, in whatever form exerted.

In *Virginia* v. *Rives* (100 U. S. 313) it was said (p. 318):

It is doubtless true that a State may act through different agencies, either by its legislative, its executive, or its judicial authorities; and the prohibitions of the amendment extend to all action of the State denying equal protection of the laws, whether it be action by one of these agencies or by another. Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial department of the State. The mode of enforcement is left to its discretion. It may secure the right—that is, enforce its recognition—by removing the case from a State court, in which it is denied, into a Federal court, where it will be acknowledged.

In *Raymond* v. *Traction Co.* (207 U. S. 20) the Supreme Court said (p. 36):

The provisions of the fourteenth amendment are not confined to the action of the State through its legislature or through the executive or judicial authority. Those provisions relate to and cover all the instrumentalities by which the State acts, and so it has been held that whoever, by virtue of public position under a State government, deprives another of any right protected by the amendment against deprivation by the State violates the constitutional inhibition; and as he acts in the name of the State and for the State, and is clothed with the State's powers, his act is that of the State.

Likewise, the provisions and prohibitions of the fourteenth amendment are binding and apply equally to local officers, i. e., of counties or local subdivisions of government (*Home Telephone & Telegraph Co.* v. *City of Los Angeles*, 227 U. S. 278; *Yick Wo* v. *Hopkins*, 118 U. S. 356).

The provisions of the fourteenth amendment apply to mere matters of administration by local officials, even though the municipal or State law under which they act contains, in itself, no arbitrary discrimination and no denial of due process or equal protection of the laws.

In *Tarrance* v. *Florida* (188 U. S. 519), Mr. Justice Brewer, speaking for the Supreme Court, said (p. 520):

The contention of plaintiffs in error is that they were denied the equal protection of the laws by reason of an actual discrimination against their race. The law of the State is not challenged, but its administration is complained of * * *.

Such an actual discrimination is as potential in creating a denial of equality of rights as a discrimination made by law.

Again, in *Yick Wo* v. *Hopkins* (118 U. S. 356), an ordinance of the city of San Francisco which made it unlawful to maintain laundries without first having obtained the consent of the board of supervisors was so administered that Chinamen were denied the right to maintain laundries solely because of their race and nationality. In holding that this administration of the ordinance was violative of the fourteenth amendment the Supreme Court said (p. 373):

The facts shown establish an administration directed so exclusively against a particular class of persons as to warrant and require the conclusion that whatever may have been the intent of the ordinances as adopted, they are applied by the public authorities charged with their administration, and thus representing the State itself, with a mind so unequal and oppressive as to amount to a practical denial by the State of that equal protection of the laws which is secured to the petitioners, as to all other persons, by the broad and benign provisions of the fourteenth amendment to the Constitution of the United States. Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand so as practically to make unjust and illegal discriminations between persons in similar circumstances material to their rights, the denial of equal justice is still within the prohibition of the Constitution. This principle of interpretation has been sanctioned by this Court in *Henderson* v. *Mayor of New York* (92 U. S. 259), *Chy Lung* v. *Freeman* (92 U. S. 725), *Ex parte Virginia* (100 U. S. 339), *Neal* v. *Delaware* (103 U. S. 370), and *Soon Hing* v. *Crowley* (113 U. S. 703) * * *.

The fact of this discrimination is admitted. No reason for it is shown, and the conclusion cannot be resisted that no reason for it exists except hostility to the race and nationality to which the petitioners belong, and which, in the eye of the law, is not justified. The discrimination is, therefore, illegal and the public administration which enforces it is a denial of the equal protection of the laws and a violation of the fourteenth amendment of the Constitution. The imprisonment of the petitioners is, therefore, illegal and they must be discharged.

The Supreme Court has consistently sustained the principle that even when a State officer acts without authority of the State or its subdivisions in enforcing an arbitrary discrimination or denial of the equal protection of the laws, his conduct is embraced by the fourteenth amendment and can be dealt with accordingly.

In *Neal* v. *Delaware* (103 U. S. 370) it was held that the exclusion, because of their race and color, of citizens of African descent from the grand jury that found, and from the petit jury that was summoned to try, the indictment, if

made by the jury commissioners, without authority derived from the constitution and laws of the State, was a violation of the prisoner's rights under the fourteenth amendment, and his motions to quash the indictment and the panels of jurors should have been sustained. The Court, quoting from its earlier opinion in *Ex parte Virginia* (100 U. S. 339), said (p. 397):

> The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are executed, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty without the due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition.

In *Virginia* v. *Rives* (100 U. S. 313) the State officer charged with the duty of selecting prospective jurors directly violated the State law prohibiting racial discrimination. The Supreme Court, while acknowledging that the officer had thereby made himself punishable at the instance of the State, went on to say that nevertheless "his act was the act of the State and was prohibited by the constitutional amendment" (p. 321).

A striking illustration of this principle occurs in *Home Telephone & Telegraph Co.* v. *City of Los Angeles* (227 U. S. 278). There the State constitution of California contained guaranties of due process and equal protection of the laws, identical with those in the fourteenth amendment. Certain municipal officers, in their administration of a local ordinance, were guilty of arbitrary discrimination. Notwithstanding that their acts violated the constitution of their own State, the Supreme Court held that their action could be nullified and corrected through the Federal courts, acting under the fourteenth amendment, without waiting for a State court to declare that their acts also violated the State constitution. The Supreme Court declared that inasmuch as local officers were acting or purporting to act "by virtue of public position" their conduct was embraced by the fourteenth amendment. The Court took occasion, in effect, to overrule (p. 294) its earlier decision in the case of *Barney* v. *City of New York* (193 U. S. 430) that where the local officer's act was forbidden by State statute it could not be said to be the act of the State within the meaning of the fourteenth amendment. The Supreme Court, speaking by Chief Justice White, expressly rejected the proposition that "the terms of the fourteenth amendment reached only the acts done by State officers which are within the scope of the power conferred by the State" and said that on the contrary (p. 287):

> The settled construction of the amendment is that it presupposes the possibility of an abuse by a State officer or representative of the powers possessed and deals with such a contingency. It provides, therefore, for a case where one who is in possession of State power uses that power to the doing of the wrongs which the amendment forbids, even although the consummation of the wrong may not be within the powers possessed, if the commission of the wrong itself is rendered possible or is efficiently aided by the State authority lodged in the wrongdoer. That is to say, the theory of the amendment is that where an officer or other representative of a State in the exercise of the authority with which he is clothed misuses the power possessed to do a wrong forbidden by the amendment, inquiry concerning whether the State has authorized the wrong is irrelevant, and the Federal judicial power is competent to afford redress for the wrong by dealing with the officer and the result for his exertion of power.

So, likewise, in *Ex parte Virginia* (100 U. S. 339) it was urged that Judge Coles, who had kept men off the jury for no other reason than that they were colored, was not acting on behalf of the State but was acting against the State, and, therefore, his act was not that of the State. The Supreme Court held otherwise, ruling that his action was not a private act but one made in the course of official conduct and by virtue of his public position.

Denial of due process, or the equal protection, of the laws may be accomplished by nonaction quite as well as by action.

A public official may, by negation, violate the constitutional safeguards against discrimination and the guaranty of due process.

Hence, inaction or nonaction of a State officer is reached by the provisions of the fourteenth amendment as much so as if he acted positively and directly. Indeed, the nonaction of an officer is as much the act of the State as the direct and positive act of the officer and may be reached under the fourteenth amendment by appropriate legislation by Congress. Otherwise the fourteenth amendment may be nullified in any State by wholesale nonaction of the State or local officers.

This bill is expressly limited by its own definitions to official action or nonaction resulting in the denial of due process or the equal protection of the laws. It applies only to persons injured or killed through mob violence on account of race, creed, or color, or with the purpose or consequence of depriving the victim of due process of law or the equal protection of the laws where such person was suspected, accused, or convicted of any crime or offense or in the custody of any peace officer.

In other words, this bill does not seek to reach all cases of assault or murder through violence or all cases in which human rights have been denied or destroyed by public anarchy. It in no sense attempts to set up a Federal criminal code in the several States or to give to the Federal Government a regulatory, supervisory, or concomitant power in connection with the administration of the criminal laws of the State. It deals only with those instances where the personal rights guaranteed to all American citizens by the fourteenth amendment have been invaded by mob violence with the active concurrence or through the nonaction of State or local officers, or where such rights cannot, by reason of local conditions, be properly vindicated in the local courts.

The fourteenth amendment not only prohibits certain action or nonaction by the several States through local officers but also, by necessary implication, confers upon every American citizen and guarantees certain rights which the Congress may protect by all appropriate means in the exercise of plenary police power.

In a proper sphere, Congress possesses a Federal police power quite as complete as any police power possessed by the States.

In *Hoke* v. *United States* (227 U. S. 308), speaking expressly of the power of Congress over interstate transportation, the Supreme Court said (p. 323):

> The power is complete in itself and Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise and the means may have the quality of police regulations.

In *Gibbons* v. *Ogden* (9 Wheat.) Chief Justice Marshall said (p. 202):

> It is obvious that the Government of the Union in the exercise of its express powers • • • may use means that may also be employed by a State in the exercise of its acknowledged powers.

In *Hamilton* v. *Kentucky Distillers Co.* (251 U. S. 146) the Supreme Court said:

> When the United States asserts any of the powers conferred upon it by the Constitution, no valid objection can be based upon the fact that such exercise may be attended by the same incidents which attend the exercise by a State of its police power, or that it may tend to accomplish a similar purpose.

THE RECIPROCAL DUTY OF THE STATES UNDER THE FOURTEENTH AMENDMENT SUSTAINS THE CONSTITUTIONALITY OF THE ANTILYNCHING BILL

The fourteenth amendment is as much the law of the separate States as it is of the United States. The individual rights which it confers upon American citizens and guarantees are rights existing under the law of the land and hence are rights entitled to recognition and protection by the law and jurisprudence of the several States.

By ratifying the fourteenth amendment the several States have bound themselves to perform and discharge the duty of affording to all persons within their respective boundaries the equal protection of the laws, and the Federal Government has guaranteed this performance. The duty to perform is a positive, affirmative duty of equal protection.

Wherever this duty is not performed, regardless of the excuse, there is a breach by the State of the contract, and the obligation falls on the guarantor, the Federal Government, to assure performance and to redress whatever wrongs have been suffered by reason of the breach of the guaranty. In the case of private corporations, it is well settled that where an obligation rests upon such corporation as a positive duty in favor of third persons the failure of an officer or agent to discharge that duty is actionable, even though the failure may have been merely an incident of wrongful conduct on the part of the officer or agent for which the corporation is in no way responsible as a principal. In other words, the rule is well established that where misconduct or nonaction of an agent causes a breach of the obligation or contract of a principal there the principal will be liable in an action, whether such misconduct or nonaction be willful, malicious, or merely negligent; and the form of the action, though undeniably in tort, is treated virtually as an action in contract and governed by the same rule of damages.

The analogy seems obvious. If State or local officers may in one sense be regarded as acting outside of their employment or authority in not preventing a lynching, nevertheless, such conduct may constitute a neglect or default on the part of the State to afford the equal protection of the law. Against such neglect or default Congress is authorized by the fourteenth amendment to adopt all appropriate remedial measures in order to vindicate and protect the rights possessed by all American citizens under that amendment. Such action by Congress is in no way an invasion of State rights but should be welcomed by the States as an additional protection to fundamental privileges which they, too, are equally bound to guarantee.

CONGRESS HAS THE POWER AND DUTY UNDER THE CONSTITUTION TO GUARANTEE A REPUBLICAN FORM OF GOVERNMENT WITHIN THE STATES

The right to due process of law and the equal protection of the laws are fundamental conceptions of justice and inherent in the very idea of republican or free government. In *Powell* v. *Alabama* (287 U. S. 45) the Supreme Court, quoting from its earlier decision in *Holden* v. *Hardy* (169 U. S. 366, 389), said concerning the right to due process of law and the equal protection of the laws (p. 372):

> There are certain immutable principles of justice which are inherent in the very idea of free government which no member of the Union may disregard.

In *United States* v. *Cruikshank* (92 U. S. 542) the Supreme Court said (p. 555):

> The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle if within its power. That duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right.

Obviously the substitution of mob rule for free government and the obstruction of the immutable rights of private cititzens by mob violence, where the objective or consequence is the overthrow of due process of law or the equal protection of the law, is a violation of the right of the injured citizen to enjoy the advantages and privileges of a republican form of government. In the exercise of the police power expressly conferred upon Congress to preserve the republican form of government in the several States and to vindicate the right of the private citizens thereof to enjoy the protection of free government, Congress may enact all appropriate remedial measures and may set up machinery for the enforcement thereof by the Federal courts.

Such police measures may obviously be both preventive and remedial—may seek to prevent a destruction of constitutional rights by the substitution of mob rule for free government and may provide remedies for wrongs suffered by reason of such substitution.

THE PROVISIONS OF THE BILL FOR PENALIZING A COUNTY WHERE A LYNCHING OCCURS ARE CONSTITUTIONAL

The policy of imposing liability upon a civil subdivision of government is familiar to the common law. A State may, in the exercise of its police power, impose absolute liability upon a city to be collected by an injured individual (*City of Chicago* v. *Sturges*, 222 U. S. 313). In the earliest English statutes there are repeated instances of communities being fined or mulcted in damages for robberies and assaults occurring in their midst, the theory being that the taxpayers would in consequence hold their local officials to greater vigilance (Reeves' History of English Law, vol. II, p. 340; Coke, 2 Inst., ch. 17, p. 369; 31 N. Y. 189; 62 Ohio State, 318, 333, 340).

A recent application of these principles in an identical case is to be found in *People* v. *Nelliss* (249 Ill. 12). There a statute of Illinois imposed against a county where a lynching occurred the sum of $5,000 as damages recoverable by the victim's heirs. In upholding the validity of this statute the Supreme Court of Illinois said (p. 19):

> It is, we think, too clear for argument that those provisions of said act which provide that persons engaging in mob violence shall be guilty of a felony and subject to imprisonment in the penitentiary will tend to prevent men from joining mobs when assembling and will tend to the suppression of mob violence, and it is, we think, equally clear that the imposing of a liability for damages upon the county or city in favor of the victim of a mob whenever mobs are permitted to assemble, or, in the case of his death, in favor of his widow or heirs or adopted children, will cause the taxpayers of such county or city to discourage the assembling of mobs within such municipalities and will cause all law-abiding men residing in such communities to condemn and denounce mob violence, the result of which must be to create respect for the law and its enforcement and to discourage the assembling of mobs.

THE PROVISIONS OF THE BILL FOR PROCEEDINGS IN THE FEDERAL COURTS ARE CONSTITUTIONAL

The provisions provide that, if the United States district court is satisfied, by proof, that prosecution of lynchers cannot be had in the State courts, it may entertain a prosecution of them before itself.

The assumption of jurisdiction by the Federal courts would constitute a vindication of Federal rights by civil and criminal processes. This is as old as the Constitution itself.

In *Virginia* v. *Rives* (100 U. S. 313) the court said:

> Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions wherever they are disregarded by either the legislative, the executive, or the judicial department of the State. The mode of enforcement is left to its discretion. It may secure the right—that is, enforce its recognition—by removing the case from a State court in which it is denied into a Federal court where it will be acknowledged. Of this there can be no reasonable doubt. Removal of cases from State courts into courts of the United States has been an acknowledged mode of protecting rights ever since the foundation of the Government. Its constitutionality has never been seriously doubted.

PREVIOUS JUDICIARY COMMITTEES OF CONGRESS HELD A SIMILAR BILL CONSTITUTIONAL

The Judiciary Committees of the House and Senate of the Sixty-seventh Congress had before them a bill identical with H. R. 1507 and both committees, after lengthy hearings and discussions, held the bill constitutional and reported it favorably to their respective Houses. The House of Representatives, acting upon the favorable report of its Judiciary Committee, passed the bill. The Senate, in spite of the favorable report of its Judiciary Committee, failed to allow the bill to reach a vote.

Likewise the Judiciary Committee of the other body in the Seventy-fourth Congress again reported a similar bill as constitutional and urged its passage.

The House of Representatives, therefore, has the benefit of prior constitutional rulings in favor of the pending bill, H. R. 1507, and should, it is submitted, pass the same.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, I understand that the gentleman from New York [Mr. GAVAGAN] in his opening remarks suggested that I in my feeble utterance of yesterday had classified him with certain distinguished and honorable Americans of the past, yea, even with one whom I and many, if not all, of you worship as God. There are none so blind as those who will not see; there are none so deaf as those who positively decline to hear. There is none so dull as he appears, who misinterprets a plain statement. I know that my friend GAVAGAN knew better than to so interpret my remarks. Personally, I understand that he is a nice fellow and well thought of back home, but in this issue the rules of the House deny me the privilege of classifying him. He seeks to take comfort, constitutionally, from the action of three Judiciary Committees of this House and the Senate

which approved this bill as constitutional. I say to the gentleman that declarations of that kind mean little or nothing. In the same year that the first Judiciary Committee of this House approved as constitutional this bill there were 212 mobs in the United States that certified their conviction that their victims should be executed in accordance with lynch law. Did that make their verdicts righteous? No. They were crimes. Does the spirit of mob violence which is driving this bill through this House make it right? No. It is just as wrong as the hinges of hell; it is just as wrong as any action that was ever taken by a mob, judged by the morals of the situation. You have the votes; you have the power, but you have not the right. [Applause.]

So much by way of preliminary. I want to get down now to a discussion of this one point, and that is the unconstitutionality of this bill. The first observation I wish to make is that every State in the Union has an antilynching law.

There is not any question about it; all of us know that lynching is murder—a crime. Injured parties may now sue officers who fail or neglect to do their duty. All of us favor that remedy through State law. The only question is—and I am addressing myself to some of you gentlemen who joined with the proponents of this measure in favoring it—Has the United States Government a right to butt in? As was said within 3 years after the adoption of the fourteenth amendment in the Slaughterhouse case:

> There is no such authority unless it be in the fourteenth amendment.
>
> What does the fourteenth amendment say?—
>
> No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

If the authority of Congress to legislate be not found in those words, it is nowhere.

I want to read to you from *Corrigan* v. *Buckley* (271 U. S. 329), about as clear a definition with regard to this whole matter as you will find condensed in one paragraph any place:

> Under the pleadings in the present case the only constitutional question involved was that arising under the assertions in the motions to dismiss that the indenture or covenant which is the basis of the bill is void in that it is contrary to and forbidden by the fifth, thirteenth, and fourteenth amendments. This contention is entirely lacking in substance or color of merit. The fifth amendment is a limitation only upon the powers of the General Government and is not directed against the action of individuals. The thirteenth amendment denouncing slavery and involuntary servitude—that is, a condition of enforced compulsory service of one to another—does not in other matters protect the individual rights of persons of the Negro race. And the prohibitions of the fourteenth amendment have reference to State action exclusively, and not to any action of private individuals.
>
> State action of a particular character is that which is prohibited. Individual invasion of individual rights is not the subject matter of this amendment.

So much for that clear-cut definition by the Supreme Court of the meaning of the fourteenth amendment.

We know also that the fourteenth amendment affirmatively is declared by the Constitutional Convention not to mean what the gentleman from New York [Mr. GAVAGAN] and the proponents of this bill had in mind. I quote from the Congressional Globe, volume 37, part 2, page 1034:

> The resolution which was offered as the original fourteenth amendment and which was voted down by the Convention:
>
> "Congress shall have power to make all laws which shall be necessary and proper to secure to citizens of each State all privileges and immunities of the citizens of the several States, and to all persons in the several States, equal protection of the right to life, liberty, and property."

That is what Mr. GAVAGAN and the proponents of this bill contend is the meaning of the fourteenth amendment, but that original fourteenth amendment the Convention declined even to submit for ratification. That is not what the fourteenth amendment means, and the Convention itself so stated.

Cooley, in his Constitutional Limitations, tells us that the police powers were retained to the sovereign States and there reside to this good day, and that the Federal Government has no right in that sphere. That could be backed up by the citation of a thousand authorities. I want to read to you now from the Barney case, a case that it happens comes from the State of the distinguished gentleman who has just concluded. I want to read that because of the fact that it makes the point that is my major emphasis in the few minutes allotted to me here today; that is, that a man occupying a position as a State officer, if and when he violates his oath of office, forgets the law that he is sworn to administer, and acts not for but against his principal, the State, he ceases to be an agent of the State, and the State is not responsible for his acts.

The case of *Barney* v. *City of New York* (193 U. S. 430) is a case which has been misunderstood and criticized but never overruled. It is still the law. It sets forth a principle of law which, to my mind, is of significant importance in the consideration of the constitutionality of the pending bill. It holds that an officer deriving his power from a State, who acts not only in violation of provisions of the State law but in opposition to plain prohibitions therein, is not as to such acts an agent of the State. In other words, when an officer acts against a State he cannot be said to be acting for the State. Such a person cannot defy a State, trample upon its laws, violate his oath of office and every principle of agency, and still bind the State by his illegal conduct. This quotation from the opinion of the Court by Chief Justice Fuller is sufficient to give us the essence:

> Thus the bill on its face proceeded on the theory that the construction of the easterly tunnel section was not only not authorized but was forbidden by the legislation, and hence was not action by the State of New York within the intent and meaning of the fourteenth amendment, and the circuit court was right in dismissing it for want of jurisdiction.
>
> Controversies over violations of the laws of New York are controversies to be dealt with by the courts of the State. Complainants' grievance was that the law of the State had been broken, and not a grievance inflicted by action of the legislative or executive or judicial departments of the State; and the principle is that it is for the State courts to remedy acts of State officers done without the authority of or contrary to State laws.

This opinion goes on to quote from *Virginia* v. *Rives* (100 U. S. 313):

> But when a subordinate officer of the State, in violation of State law, undertakes to deprive an accused party of a right which the statute law accords to him, as in the case at bar, it can hardly be said that he is denied, or cannot enforce, "in the judicial tribunals of the State", the rights which belong to him. • • • If, as in this case, the subordinate officer, whose duty it is to select jurors, fails to discharge that duty in the true spirit of the law; if he excludes all colored men solely because they are colored; or if the sheriff to whom a venire is given, composed of both white and colored citizens, neglects to summon the colored jurors only because they are colored; or if a clerk, whose duty it is to take the twelve names from the box, rejects all the colored jurors for the same reason, it can with no propriety be said the defendant's right is denied by the State and cannot be enforced in the judicial tribunals. The court will correct the wrong, will quash the indictment or the panel, or, if not, the error will be corrected in a superior court.

Again the opinion in the Barney case quotes from the *Civil Rights cases* (109 U. S. 3):

> In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force and may presumably be vindicated by resort to the laws of the State for redress.

The same opinion points out that the case of *Ex parte Virginia* (100 U. S. 339) is not in point as an authority against the holding then being made.

> Appellant's counsel rely on certain expressions in the opinion in *Ex parte Virginia* (100 U. S. 339), but that was a case in which what was regarded as the final judgment of a State court was under consideration.

It should be borne in mind also that the action of Judge Coles in filling the jury box in the way he did was approved by the State of Virginia in substance and effect by the State's intervention in the proceeding and suing out of a writ of certiorari, in its own name, in an attempt to justify the judge's actions—the case is known not as Ex parte Coles but as Ex parte Virginia.

This clear distinction between the Barney case and that line of authorities which by the undiscriminating are frequently cited as being in conflict with the decision in the Barney case is simply that the alleged agent, the Board of Rapid Transit Commissioners for New York, under its power delegated by the State of New York, was authorized to build certain tunnels, but not the easterly tunnel section. The building of that section was not only not authorized but was specifically forbidden. So there was no semblance of authority for the construction of the easterly tunnel section. The board did not exercise authority lawfully granted it, and in the exercise exceeded its authority; it violated the law of the State which it was sworn to uphold, and wholly without authority acted in opposition to plain prohibitions of the law by which it was supposed to be governed. Whereas, in the case of Ex parte Virginia, a judicial officer of that State, whose acts in filling the jury box were fully authorized by the State simply exceeded his authority in the performance of his official duty by excluding the names of all Negroes; and apparently this overreaching of his authority by the judge was approved by the State, he was defended in it by the State, and his action was considered as the final judgment of a State court.

Similarly, in the case of *Home Telephone Company* v. *Los Angeles* (227 U. S. 278), while that opinion criticizes the opinion in the Barney case, nevertheless the two cases are not in conflict at all. In the Home Telephone Co. case the State delegated to a commission the right to fix telephone rates, and the commission in the exercise of this authority fixed telephone rates, but the court held that the rates fixed were confiscatory and in violation of the due-process clause of the fourteenth amendment. But Los Angeles, through its officers, had perfect delegated authority to fix the rates. This fact clearly differentiates the Los Angeles case from the principle we are asserting. The same thing is true of the other authorities in this line, *Ex parte Young* (209 U. S. 123), which was a State railway rate case; *Raymond as Treasurer* v. *Chicago Union Traction Company* (209 U. S. 20), which was an action of the State board of equalization; *Iowa-Des Moines Banks* v. *Bennett* (284 U. S. 239, 246), where the court in explaining its decision again makes clear the distinction between this whole line of authorities and the Barney case:

> Here the exaction complained of was made by the treasurer in the name of and for the State in the course of performing his regular duties; the money is retained by the State, and the judicial power of the State has been exerted in justifying the retention.

So the law of the Barney case still holds good and condemns this bill as absolutely unconstitutional; for, of course, every State has antilynching laws, and any peace officer of any State or county or other political subdivision who would fail to protect and defend to the limit of his power any prisoner within his custody would be violating the law of his State and acting in opposition to its plain prohibitions.

There is one case, however, as to which there has been no misunderstanding, and of which there has been no criticism. It was cited with approval recently by the Supreme Court of the United States in the Two Hundred and Seventy-first United States Reports, at page 639. This case is the *Harris case* (106 U. S. 629). This case grew out of a lynching in the State of Tennessee, has never been qualified or questioned, and is absolutely decisive against the constitutionality of the pending bill. From the decision of the Court in the Harris case I quote the following exceedingly significant passage:

> In the indictment in this case, for instance, which would be a good indictment under the law if the law itself were valid, there is no intimation that the State of Tennessee has passed any law or done any act forbidden by the fourteenth amendment. On the contrary, the gravamen of the charge against the accused is that they conspired to deprive certain citizens of the United States and of the State of Tennessee of the equal protection accorded them by the law of Tennessee.
>
> As, therefore, the section of the law under consideration is directed exclusively against the action of private persons, without reference to the laws of the State or their administration by her officers, we are clear in the opinion that it is not warranted by any clause in the fourteenth amendment to the Constitution.

So the Supreme Court has spoken directly and positively on a lynching case and held that the Federal Government had no authority to enact a law of this character. After quoting many authorities, the Court, in the Harris case, concludes:

> These authorities show conclusively that the legislation under consideration finds no warrant for its enactment in the fourteenth amendment.

We might well stop our discussion of the law with this quotation from the Harris case, for it is unanswerable. But there are other cases on the subject of lynching also perfectly in point. The *Riggins case* (134 Fed. 409), wherein an Alabama judge wrote an opinion setting forth with preeminent clarity and ability exactly the same views which the proponents of this bill are voicing today, only to reverse his position and his opinion after the decision of the Supreme Court of the United States in the *Hodges case* (203 U. S. 1) had been handed down shortly after the publication of his first opinion in the Riggins case. In the companion case of Powell, Two Hundred and Twelfth United States Reports, page 564, this same Alabama jurist, Judge Jones, upon the strength of the Hodges decision, ordered the indictment against Powell quashed and the defendant discharged. The Government appealed to the Supreme Court of the United States from this decision of Judge Jones, but the Supreme Court upheld Judge Jones, saying that the Hodges case was decisive and that the Federal Government had no power, authority, or jurisdiction in such cases, even though they involved lynching.

These cases render further argument a waste of time on the subject of the constitutionality of this monstrous bill. Now, for a few moments let us consider some of the high points of the Gavagan bill. It plainly seeks to punish officers when the only conceivable power of Congress under the fourteenth amendment—if it had any—would be to punish States. It is State wrongs which Congress is authorized to right. Congress has no more power to punish a State officer who violates State law than it has to punish the chief of police of Mars.

Another outstanding feature of the Gavagan bill is that it provides for the punishment of counties by fines of not less than $2,000 nor more than $10,000 as liquidated damages wholly without regard to the guilt or innocence of the citizens or officials of the counties. If every officer of a county had been killed by the mob while the officers were trying to protect a prisoner and if no citizen of the county had participated in the mob, nevertheless, such a county would, under the terms of the Gavagan bill, be fined up to $10,000 if that mob, after killing all the officers of the county, lynched the prisoner. Preposterous, but true. Equally abhorrent is the provision of the Gavagan bill punishing a county wherein a victim is seized by a mob and removed to another county before being lynched. This bill says that such a county, although not a one of its officers or citizens knew of the seizure, may be fined up to $10,000.

It so happens that the dearest spot on earth to me, my home county, has had only one lynching within its borders in its long history. There we have 58,000 people living, 14,000 of whom are white. Yet we have no race trouble and no lynchings. The only lynching ever to occur in Dallas County, Ala., took place some 46 years ago, when a mob of infuriated citizens of another county pursued its victim into Dallas County and there lynched him without the knowledge or consent or participation of a single citizen of Dallas County in that crime. Yet, under the terms of the Gavagan bill, Dallas County would have to pay a fine up to $10,000 in such a case.

There are plenty of words condemning lynching, both from the proponents and opponents of this bill. There are none condemning the causes of lynching. I remember the case of Clyde Thomas, who had been a servant in the household of a citizen of Alabama from the time a baby girl was born until she became 16 years of age. He plotted his crime; he prepared the place in a plum thicket. He attempted his

crime twice, but was thwarted by the fact that the child had playmates with her. But on the third attempt he raped and killed her. Yet we risked our lives to save him from the noose of the mob for the noose of the law.

After all is said without any extenuation whatever for the crime of lynching—there can be none—when a guilty man is lynched, the mob has done what the law says should be done! It has done it in an illegal and criminal way, but the end is the same. But no law ever said that a child should be raped!

If the proponents of this measure really want to stop crimes of violence, why do they not strike out the seven words in this bill which require that the victim must be taken from the custody of a peace officer and so broaden the scope of the bill to include gangster killings, which disgrace our civilization more often than lynching, and the race riots which are unknown in the South, but in which more victims have been claimed than the number of all the victims of lynching in history?

I repeat that the people of this Nation, through local sentiment, have solved the problem, and are utterly eradicating the crime of lynching. The commission of this crime has been reduced more than 5,000 percent—the greatest reduction in the history of any crime. It is on the way out. I beg of you gentlemen to remember your oaths to respect, uphold, and maintain the Constitution, and that you will not, by the passage of this prolynching bill, set back the splendid progress which is being made constantly toward the complete wiping out of this disgrace to our civilization. Such unwarranted Federal intrusion into the clearly marked province of the States breeds resentment and kills cooperation. This bill may pass, but without the vestige of constitutional right for its passage. With it GAVAGAN and his mob may attempt to lynch the Constitution, but there are many of us who do not join in any kind of lynching and we will look forward to a vindication of the principles for which we joy to fight—State's rights, and a government of law under the Constitution. [Applause.]

Mr. GUYER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first I want to take this opportunity to commend the patriotic attitude of the gentleman from Illinois [Mr. MITCHELL] who has unselfishly offered his support to the Gavagan bill. For this he deserves the thanks of those who favor this legislation. I want too, to congratulate Mr. GAVAGAN, who for some years has sponsored this legislation, upon the evident passage of this bill. He deserves much commendation for the energy and diplomacy with which he has piloted this legislation to a successful conclusion in the House. His fine ability and devotion has very properly been rewarded with evident success and marks no ordinary achievement to his credit.

This bill has for its purpose the effective prohibition of an indefensible crime. There is no difference of opinion in this body regarding the heinous crime of lynching. No matter where it occurs, or what the provocation, it is a relic of barbarism in any organized community where there exist laws and officers of the law.

It is a rather sad commentary upon our civilization in America that we seem to excel in this disgrace of modern organized society. Mob violence is a sort of collective insanity whose contagion spreads and consumes like a prairie fire. In its mad rage reason is dragged from her throne, pity and mercy are forgotten, and only mad delirium of vengeance reigns. Only after the red tide of anger has subsided and the brutal aspect of the outrage is realized, do the people begin to shame themselves for the recession to primitive brutality.

The Negro has been always the greatest sufferer from this barbaric practice here in our country. Their suffering has been most tragic ever since the close of the Civil War. During that period thousands of Negroes have been lynched throughout the South and some in the North.

For this reason many bills have been introduced in the Congress of the United States, the purpose of which was to end this reign of lawlessness. Once, I think about 15 years ago, such a bill, introduced by our former colleague, Hon. L. C. Dyer of St. Louis, Mo., was passed by the House of Representatives, but it never got far enough to reach the White House.

It is encouraging that lynchings have declined in number but it is not yet obliterated, and no one knows when it will entirely cease to blacken our history. The political set-up just at this time is certainly an opportune time for the consideration of such a measure.

Years ago I introduced an antilynching bill in the House which has been introduced from year to year; but at this time it seems that the bill introduced by our colleague, Mr. GAVAGAN, of New York, everything considered, is the best statute to put through; and for that reason I have favored Mr. GAVAGAN'S measure and will do everything in my power to have it crystallized into law.

The crime of lynching not only denies a fair trial, which is guaranteed to every citizen in the Constitution when he is charged with a crime, but it also renders callous the sensibilities of the communities where it is condoned, and brutalizes the sentiments of the community in general where it prevails and breeds a spirit of lawlessness in the people; particularly in the minds of the youth who become familiar with its barbarism.

It is sincerely hoped that the passage of this act will not cause local authorities to relax their efforts to wipe out this blot on our civilization by depending solely upon the Federal Government to enforce this statute. The duty of local authorities is just as important under this statute as it ever was. Both the States and the National Government should under this statute unite to crush this recession to barbarism.

The country is to be congratulated, and particularly the colored race, upon this action, tardy though it may be. After ages of cruelty and barbaric treatment at the hands of the white race, this recognition of equality before the law should encourage the colored people to enhance their prosperity and increase their happiness, secure in their rights as citizens, and worthy of the favors conferred by this act which has been overdue for so long. [Applause.]

Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I approach this subject with malice toward none and charity for all.

Mr. Chairman, there always has been, and probably always will be, a divided opinion between certain sections of the country on this particular issue; and it is not for me to criticize any section of the land for representing the viewpoint probably of their voting constituents. Today is the anniversary of the birth of Thomas Jefferson. Thomas Jefferson is claimed by the Democrats as the founder, to a large extent, of their party. I have listened with interest to the many speeches that have been made here today eulogizing Jefferson and his policies. But I would remind both Democrats and Republicans that Abraham Lincoln said that Thomas Jefferson was his political master, that he learned all of his political principles from Thomas Jefferson; and I would remind my Republican friends that in our two first platforms, those of 1856 and 1860, we incorporated the Declaration of Independence written by Thomas Jefferson. In those days we took pride in the fame, in the achievements, and in the liberalism of Thomas Jefferson, who was likewise one of the founders, by adoption, of the Republican Party. It is meet, therefore, and right that on this occasion a Republican should join in doing honor and paying tribute to that great liberal statesman who was far ahead of his time in denouncing slavery. That far-sighted man saw the menace of slavery and the dangers of slavery to America, and he said:

I tremble for the future of my country when I remember that God is just.

Lincoln likewise not only denounced slavery but denounced lynching as a dangerous example and revolting to humanity. As we go back and look at the record and causes of the Civil War we find that the main factor in causing that bloody conflict was the denial of human liberties to the colored people at that time, which was only righted by the arbitrament of war.

Every time a colored man or woman is lynched or burned at the stake it means that the Emancipation Proclamation has been suspended and that their civil rights and equal rights have been destroyed under the law and under the Constitution. The spirit of Abraham Lincoln still lives and the Federal Government is obliged to take cognizance of the dastardly and cowardly crime of lynching and provide a penalty so drastic as to render it dangerous for future mobs to indulge in. I have few colored people in my own congressional district, but I would be derelict to those colored soldiers who served under my command and who paid the supreme sacrifice on the battlefields of France fighting to make the world safe for democracy and fighting to make America safe for their own people, their families, their sons, and oncoming generations of colored people if I did not raise my voice and do everything in my power to help pass a Federal antilynching bill to wipe out these barbarous and atrocious attacks on the lives of American citizens in certain States of the Union. The time has come to put an end to mob violence and the hideous plague of lynching, which is a black stain upon the honor of our country. If certain States and counties in the South cannot or will not protect the lives of our citizens, regardless of race, color, or creed, then the Federal Government must do it.

The lynching mob is generally armed to the teeth and the victim unarmed. The lawless mob composed of cowardly ruffians armed to the teeth are almost never apprehended and unless drastic legislation is passed and enforced the spirit of lawlessness will continue unchecked throughout the country. Who can tell, if lynching is not suppressed, when it will spread to take in the unpopular employer or capitalist and even public officials enforcing the law.

At the outset of my remarks I want to except the State of Virginia. There has not been a lynching in the State of Virginia for 10 years or more. Why? Because that great Commonwealth has written into the law an adequate antilynching provision giving the Governor full power to prosecute the members of the mob. If this example had been followed by the other States of the southland, this bill would not be before us today.

Mr. Chairman, there is only one justification for this bill and that is that certain States—and it is not necessary to mention them—have failed, or perhaps they are unwilling or unable to protect the lives of colored people from mob violence. These colored victims, sometimes prisoners in the hands of constituted authority, are taken out of the custody of those officials by lawless, barbarous, and bloodthirsty lynching mobs and burned and tortured at the stake, substituting the law of the jungle, of the claw and the fang, and the rule of the rope and the faggot for the law and the Constitution. What surprises me in connection with the consideration of this bill is that a bill such as this has not been enacted into law long ago. Five thousand Americans have been lynched in the last 50 years in this great free country of ours, that is supposed to be the most civilized in the world. The rest of the world laugh at us every time we say we stand for justice and law and order. They bring up that stigma of lynching law and throw it back in our face.

Mr. Chairman, the most remarkable address I think I ever heard in my life, or probably ever will hear, was the one delivered in Carnegie Hall back in 1917 by Theodore Roosevelt, former President of the United States, at a reception given to the representatives of the Kerensky government. I was asked by the mayor of New York at that time, Mr. Mitchel, to organize the meeting, and I asked Samuel Gompers and Theodore Roosevelt to speak. Both of them accepted. Prior to that meeting I had the honor to go to a little dinner with Theodore Roosevelt and two or three others. He was then interested in raising troops to take to the front. He wanted to raise two colored regiments. We discussed that issue, because, knowing my interest in the subject, he wanted me to help him and serve as one of his officers. My association with the colored people is an inherited one, as my grandfather, as Secretary of State under President Grant, proclaimed the thirteenth amendment, giving the colored people the right to vote, and my father, as speaker of the New York Assembly, later on put through the civil rights bill.

Evidently this issue was in his mind when he got to the meeting because he started off by saying, "Before we try to do justice in other countries, and before we try to right wrongs in foreign nations, we must see that justice is done in our own country."

He then referred to the mob riots and the lynchings in East St. Louis that had just occurred, in which colored men and women were pulled off the street cars and butchered and burned. Samuel Gompers got up later on and read a telegram from a labor leader in Illinois condoning the murder of these colored men and women because they had been brought there and exploited by certain manufacturers.

As soon as Mr. Gompers had concluded, Theodore Roosevelt rushed across the stage and shook his fist in Gompers' face, and mind you, if Theodore Roosevelt had lived a few years longer he would have been the nominee of the Republican Party in 1920 by acclamation and overwhelmingly elected. Yet this man, with that great sense of justice and courage for which he was famous, rushed across the stage and shook his fist in the face of Mr. Gompers, the greatest labor leader of the time, and said, "I will not stand upon any platform and hear murder condoned, whether it is of the whites or 'blacks.'" As a result a riot occurred. All the radicals and Bolsheviks in the gallery broke loose with angry yells and the people in the orchestra applauded wildly with the result that they had to bring in about 30 policemen to get Theodore Roosevelt out of that meeting without physical violence.

Mr. Chairman, today we are trying to do justice under the law and under the Constitution to the colored people of America. The preamble states:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility and assure the blessings of liberty for ourselves and posterity.

Every time there is a lynching justice is undermined and blindfolded. Every time there is a lynching domestic intranquility is created. You drive the colored people out of the community. You terrorize them. You cause them to go to other States in the North. O Liberty, what crimes are committed in thy name, even to taking the lives of American citizens without due process of law.

The Federal Constitution is the greatest charter of human rights and liberty ever devised. It makes for our rights and liberties as a free people. Its aim is to safeguard the inalienable rights of the individual citizen. The preamble of the Constitution defines the principles of our Government. It defines the reasons for the very existence of the Government, and I say to you now, as I said the other day, this question is above and beyond the Constitution. To safeguard and protect the lives of our citizens is the reason for the existence of government itself.

Does anyone deny that? That is the origin and purpose of all government. It is invariably asked: "Let us have some specific provision in the Constitution." All right. Turn to article V, which states:

No person shall be deprived of life, liberty, or property without due process of law.

Turn to article XIV, which states that—

No State shall deprive any person of his life, liberty, or property without due process of law.

Those are very distinct provisions of the Constitution and cover this particular bill, because in certain States and subdivisions of those States the lawful authorities have failed to protect the lives of our colored citizens from the lawless mobs, thereby permitting American citizens to be done to death and lynched without a fair trial guaranteed by the Constitution.

Mr. CURLEY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. CURLEY. Will the gentleman complete article XIV? He only mentioned that no State shall deprive any person of his life, liberty, and property. Would he complete the article?

Mr. FISH. It goes on to say:

Nor deny to any person within its jurisdiction the equal protection of the laws.

In certain States of the South the equal protection of the laws is denied. This bill does not mention the colored race. It applies equally to whites and colored, but every one of the 14,000,000 colored people in America know that due to the conditions that exist in certain States that our colored citizens are forced to appeal to Congress to pass legislation that will afford protection for their lives and liberty deprived without due process of law and grant equal protection of the laws to them as law abiding and loyal American citizens in peace as well as in war.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. COLMER. It would be interesting to know if the gentleman's interpretation of the bill is broad enough to cover all kinds of mobs and murders, such as gang murders, which happen in sections of the country other than the section to which the gentleman referred, particularly the gentleman's own State.

Mr. FISH. No; this bill does not cover it; but may I say to the gentleman this bill does not go as far as I should like to have it go?

Mr. COLMER. Will the gentleman offer an amendment to that effect?

Mr. FISH. I do not think so.

Mr. COLMER. Will the gentleman support one if I offer it.

Mr. FISH. I should like to hear the gentleman debate it.

Mr. CELLER. Mr. Chairman, will the gentleman yield at this point?

Mr. FISH. Yes.

Mr. CELLER. Do we not in New York try our gang murderers, and do we not get convictions of our gang murderers?

Mr. FISH. We try to try them. The trouble in the South is that they do not try to try them. If they did, this bill would not be here. Everyone knows the members of the lynching mob go free. If once in a great while one of the members of a mob is apprehended and arrested, he is hardly ever convicted. In New York State we do catch gangsters and send them up to Sing Sing and to the electric chair.

Mr. SHANNON. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. SHANNON. As I understood, the gentleman had reference to the killings when the packers brought great crowds of people from the South to take the place of other men. The gentleman has his geography mixed. There was no such occurrence in St. Louis. It was in East St. Louis, Ill.

Mr. FISH. The gentleman is correct.

Mr. SHANNON. May I ask if the gentleman will stand corrected on that?

Mr. FISH. Absolutely. The principle is exactly the same whether it is in East St. Louis or St. Louis or New York.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. FISH. No; I decline to yield.

Mr. HOOK. Is the gentleman afraid to yield to me?

Mr. FISH. Not to the gentleman; certainly not.

Mr. HOOK. Then, will the gentleman yield?

Mr. FISH. Oh, certainly; I yield to the gentleman from Michigan.

Mr. HOOK. Will the gentleman tell me, if we cannot legislate on the greatest mob crime of the age, sit-down strikes, how in the world can we constitutionally legislate on this proposition? [Applause.]

Mr. FISH. The gentleman and myself seem to have a little difference of opinion. When one takes up the question of sit-down strikes, there is involved the invasion of private property, the illegal seizure of private property. In this case there is involved the destruction of human lives. If the gentleman wants to put destruction of human lives on the same basis as the temporary occupation of private property, he can do so. As far as I am concerned, I believe in placing human rights above property rights. [Applause.]

Mr. HOOK. We are talking about the Constitution now.

Mr. FISH. Mr. Chairman, some people think we can eat the Constitution. The Constitution is thrown in our face every day. Our duty is to legislate. I for one have taken an oath of office to support and defend the Constitution, and I believe I am defending it when I am trying to protect human lives in America, whether they are white or whether they are colored. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield at this point?

Mr. FISH. I yield; yes.

Mr. COX. Will the gentleman tell me where he finds constitutional warrant for the first section of this bill?

Mr. FISH. If the gentleman is going to go into details, will he read the language to which he refers?

Mr. COX. Beginning on line 3, page 1:

That for the purposes of this act, the phrase "mob or riotous assemblage", when used in this act, shall mean an assemblage composed of three or more persons acting in concert, without authority of law.

Mr. FISH. The gentleman contends this is an invasion of States' rights, does he not? One of the most delightful things in politics is to see how people change their views. Now, that the Republican Party is in the minority, we are for States' rights except in this particular case, and you, the majority, are against States' rights except in this particular case. Let me say, in the words of a recent editorial in the Richmond Times-Dispatch, that—

When the phrase, "the rights of the States", degenerates into a mere shibboleth behind which the State and local authorities can ignore and flout the law of the land, and permit lynchers to go unpunished year after year, then the Times-Dispatch believes that intervention by the Federal Government is not only desirable but necessary.

May I say to the newer Members of the House that we have been all through this before. I have no malice toward any southerner. I know their point of view. However, let me remind all Members of the House that when I introduced and there was brought up on the floor here 15 years ago a bill to commemorate the valor of the colored soldiers who wore the uniform of the United States, and who paid the supreme sacrifice on the battlefields of France, by erecting a monument there, as there were 30 monuments to white soldiers, practically every southerner voted against the bill and everybody else voted for it. It was not a question of the Constitution; it was a question of the point of view as far as colored people are concerned. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Chairman, it is somewhat difficult for me, coming from my particular section of the country, to follow a gentleman like the distinguished gentleman from New York [Mr. FISH], but I want to discuss this question dispassionately and forget for the moment some of the aspersions against the South and implications contained in the gentleman's speech.

This is a question that knows no section. Lynching as a crime knows no section. It knows no color, no creed, and no sect. No responsible citizen, I do not care whence he comes, whether from the South, North, East, or West, condones lynching any more than he condones any other crime.

The objection I have to this bill is one that is fundamental. I am not one of those brilliant lawyers that the gentleman from New York [Mr. GAVAGAN] referred to. I am not one of those who has the power to sway the judgment of my hearers, but I am one of the humble Members of this House who has a great deal of confidence in the common sense and patriotism of its Members, and in order to put the issue squarely before the Members and especially the Democrats I have asked for this time.

If this proposed measure has any constitutional sanction, it must be found in the fourteenth amendment. It has been inferred otherwise here by some gentlemen, and the distinguished gentleman from New York mentioned the fifth amendment. Everybody who ever heard of a law book or ever passed by a courthouse, much less sat in the shadow of one, knows that the fifth amendment has nothing whatsoever to do with this question. The fifth amendment is a

limitation upon the power of the Federal Government and does not apply to State action or to failure of the States to act. If there is any authority for the enactment of this law, it is contained in the fourteenth amendment, and in that section of the fourteenth amendment which provides that no State shall deny equal protection of law to any citizen.

Now, what does the fourteenth amendment do? It is a limitation upon the authority of the States.

I do not have time to go into a discussion of the various and many decisions, and I doubt whether I would be able to fully discuss all the learned decisions of the Supreme Court of the United States if I had the time. I have had enough curiosity about them, however, to read them, and I have tried to interpret them in the light of the history of the times when the fourteenth amendment was considered and adopted.

I know the practical questions that are confronting many of you gentlemen. I know the heat that has been applied to you, too, by the greatest racketeering organization in the United States today, an organization that is preying upon the credulity of the colored race, and the men who are doing that ought to be brought to justice themselves; but, regardless of that, the provisions of the fourteenth amendment refer to the actions of a political body dominating a State, by whatever instruments or by whatever modes that action of the State may be taken. A State acts only through its legislative, its executive, or its judicial authorities. The amendment, therefore, must refer to "no agency" of a State. I want you to pay close attention to the fact I say "no agency", because I want to discuss the question of agency in just a moment. The amendment must mean that no agency of the State or officer or agent of the State shall deny to any person within its jurisdiction the equal protection of the laws of the State. Whoever by virtue of a special position—I am stating the question just as squarely as I can for the proponents of the bill—whoever by virtue of a special position under a State government, deprives another of property, of liberty, or of life, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition, and if the officer acts in the name—and here is the crux of this whole case—if the officer acts in the name of and for the State—catch the distinction—if the officer, through neglect or by positive action, acts in the name of the State and is clothed with the State's power, his act is that of the State; and under this bill, the officer who surrenders the custody of a prisoner or who fails to take all means within his power to deliver that prisoner safely to the jail or to protect the prisoner from harm, is he acting under and by virtue of the authority of the State or is he acting as an individual and contrary to the authority of the State?

Something was said here about the State acting through an agent. May I call your attention to the law of agency. When an agent passes beyond the scope of his employment, the master is not bound; and when the officer, having custody of a prisoner, through neglect or otherwise, fails in the discharge of his duty, that failure becomes the individual act of the officer and not the act of the State; and unless it is the act of the State, there is no constitutional authority for the enactment of this legislation.

Mr. LANZETTA. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Not now. Please let me alone. If I had time, I would like to talk to you all day; I would like to give you a good lecture on constitutional law.

Mr. LANZETTA. I thank the gentleman.

Mr. MILLER. Listen to this. I tell you as one who feels keenly this intrusion upon State rights, and they can talk all they want to about State rights, but if I am here 50 years or 20 years from now you will hear me talking and trying to preserve the right of local self-government. I do not care whether the Democrats or Republicans are in power, for there is within this bill the great question of whether or not the dual system of our Government shall be maintained, whether or not the Federal Government is going to dominate the affairs of this country or whether the people themselves in the States are going to continue to act.

The civil rights guaranteed by this amendment are those against State aggression, and if the act of the officer or person complained against is not supported by State authority in the shape of laws, custom, or judicial or executive proceedings, the act of the officer is simply a private act or an individual act. It may be an invasion of the rights of the injured party—his personal rights; yes. It might be an invasion of personal rights of the prisoner, but if the act of the officer is not sanctioned in some way by the State, or is not done under State authority, the constitutional rights of the injured party remain in full force, and it cannot be said that the State has denied to the person the equal protection of its laws.

It is not necessary, I know, to cite cases to sustain this proposition that I have advanced, but if authority is needed, I call attention to the Civil Rights cases, among many others.

Those decisions, and many others, of the Supreme Court that might be cited construing the fourteenth amendment hold that even though the States are prohibited from denying due process of law or equal protection of the law does not mean that the Congress can enact statutes under which it would undertake to provide due process of law or to exercise the police power reserved to the States.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Not now, please. I say in all deference to the men who seek to uphold the constitutionality of this act, point me to a single decision of the Supreme Court or of any other court that holds that the fourteenth amendment—and that is where the authority must exist if it exists at all—does not apply to State action and State action alone. I call attention to one or two other decisions. In the case of *Virginia* v. *Rives* (100 U. S. 313) the Court said:

These provisions of the fourteenth amendment have reference to State action exclusively and not to any action of private individuals.

Distinguish that, if you can. The language of the fourteenth amendment does not permit of any such construction as is sought by the proponents of this bill. The Court further said in that case:

When the State has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of the citizens of the United States—

Catch the distinction—

when it has not made or enforced any law abridging the privileges and immunities of the citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied any person within its jurisdiction equal protection of the laws—

Not a case of an individual wrong of an officer, but under and by authority of the law itself—

or denied any person within its jurisdiction of equal protection of the law; when, on the contrary, the laws of the State as enacted by its legislature and construed by its judicial and administered by its executive departments recognize and protect the rights of all persons, the amendment imposes no duty or imposes no power upon the Congress.

Nobody will contend for a minute that the State laws—that the laws of every State in this Union—protect the man in the custody of the law against assault by a mob or anyone else. Nobody will deny that.

You can do as you please, as you will, but let me call attention to the case of *McPherson* v. *Blacker* (146 U. S. 39), in which the Court said:

The inhibition that no State shall deprive any person within its jurisdiction of the equal protection of the laws was designed to prevent any person or class of persons from being singled out as a special subject for discrimination and hostile legislation.

This Congress can do and will do just as it pleases, but I submit to you in all seriousness this one proposition. If you enact this law, then let me tell you the next Congress, or the next, will enact a law against murder, against rape, against perjury, against any crime that may be committed within the confines of California, Arkansas, or where you will, and there is nothing to prevent it, nothing whatsoever to prevent it. I say to you that I am so absolutely

convinced that this proposed act is unconstitutional that sometimes I thank God for the Supreme Court of the United States. It has saved the South from humiliation and disgrace; yea, from unspeakable ravages, sought to be imposed by a Congress impelled by a desire to punish us. You gentlemen may laugh. I pity you; you have been placed under the gun and against the cold steel where you have to deliberately decide to violate your oath of office or yield to political pressure. I sympathize with any man who finds himself in that position. Enact this law, if you please. Carry it to its natural conclusion. It will rise to plague you. You will then turn longing eyes and aching hearts to that Gibraltar of American liberty, the Supreme Court, to save not the South but to save this country from humiliation and to save constitutional democracy.

Talk about the men of the South being opposed to this legislation, we are not opposed to it because it is called an antilynching bill. We are opposed to it because we believe in a constitutional democracy. We have been nurtured and reared to believe in such a government. That is the reason we are opposed to this. You may enact it, if you please; the Senate may enact it; yea, the President may sign it, and it may go into force and be advertised as a sop to the black people of this country. I tell you that the people of the South are the best friends the American Negro ever had. [Applause.] We love them as individuals. You of the North revere them as a race. But pass this bill, if you will, you will live to see the time come when you and your posterity and the people you represent and the American Negro will thank God that the Supreme Court of the United States intervened and saved to us our local government; saved to us our constitutional democracy that has been handed down to us; saved us from the tyrannies of a centralized, bureaucratic, autocratic government, to which we are heading just as sure as we are in this House. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. MILLER] has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. GUYER. Mr. Chairman, I also yield 5 minutes to the gentleman from New York.

Mr. CELLER. Mr. Chairman, it is with great reluctance that I take issue with the gentleman from Arkansas [Mr. MILLER], who has just addressed you, and for whom I have an affectionate regard, and that I must take issue with the gentleman from Alabama [Mr. HOBBS], for whom I also have affection and regard, but I am sure we must argue this matter by the dry light of reason, without passion and prejudice. Emphatically I do not agree with the last speakers. They say a sheriff participating in a lynch mob does not act for the State and that a sheriff failing for any reason to prevent lynch law also does not bind the State. Action by a State may be positive. It may be negative. It may be by activity of its officers. It may be by denial of activity of its officers. The act or nonactivity of a sheriff or marshal or constable is, beyond peradventure of doubt, the responsibility of the State.

The principal is always responsible, not only for the positive acts of its agents, but the principal is likewise responsible for the failure, the neglect, or refusal of its agent or agents to act. Therefore, a sheriff, for example, cannot say in one breath, "I am sheriff when I actually act", and in the next breath say, "I am not sheriff when I refuse or neglect to act." Otherwise he would be a sort of dual personality. There is nothing known, as far as I can comprehend, in the law as to that type of hybrid principal. The sheriff is the officer of the State whether he acts or fails to act. Of course, in many instances the sheriff, no matter how brave, could not prevent a howling, wild mob from hanging its victim. That is beside the point. His duty is to prevent mob action. He at least must try to prevent a lynching. If he does not raise a finger to prevent it, he is directly responsible and the State, his superior, is likewise responsible. It is idle chatter to think otherwise.

I am sure there is no one within the hearing of my voice or beyond it who does not abhor lynching. It is a stench in the nostrils of every reasonable man. It is something we all loathe. It is a foul blot upon our escutcheon. What are we going to do about it? How can we rub out the "damned spot"?

I will tell my friends from below the Mason and Dixon's line there is a continual changing sentiment in your own communities. The Washington Post not so long ago made a report of a poll of the Institute of Public Opinion. Seventy percent of the people of the United States favored a Federal antilynching law. Sixty-five percent of those who responded from the South also favored a Federal antilynching law. Great credit is due to the good people of my friends in the South for the great spread of enlightenment against lynching. By education and moral suasion lynchings are decreasing in the South. Thank God for that. And our colleagues here have done much to discourage the vile practice.

In a spirited editorial of the Richmond Times-Dispatch of Tuesday, February 2, 1937, it is pointed out that if every State would enact antilynching laws of the type Virginia adopted some years ago, lynching would cease and there would be no need for a Federal antilynching law. Unfortunately few States followed Virginia's lead. Her bill makes lynching a crime against the State, subjects all participants of the crime guilty of murder, and authorizes the expenditure of sums without limit to punish the guilty. Virginia means business. It prosecutes. There are no lynchings in Virginia. Other States had the opportunity to pass proper lynching laws. They have failed—not only to pass proper laws but also have failed to prosecute under the weak and ineffectual laws that they have.

They have always cried "States' rights." But with rights are corresponding duties. Numerous of these States have failed in those duties—to prevent lynching and to punish those participating. It does not lie in their mouths to prate about "States' rights." They surely cannot hide behind such a mere shibboleth and permit year after year lynchers to go unpunished.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. MICHENER. I have a telegram which just came in over the United Press. I have checked it up, and it is teletyped also:

WINONA, Miss., April 13.—Mob of several hundred persons today took two Negroes charged with murdering white man from officers and lynched them, Deputy Sheriff A. A. Curtis reported.

I have tried to check up. It is surely the report of the United Press handed to me by its representative, and it is checked as true downtown. So lynching has not ceased.

Mr. CELLER. I deem the latest news of lynching most deplorable, most horrible. Reports show that the two Negroes were taken from the custody of the sheriff as they were being returned to jail from the courthouse at Winona, Miss. Furthermore, after they were seized the mob tortured their victims by searing their flesh with blasts from gasoline blow torches. After thus brutally burning them, the wild mob piled brush high about them, saturated the brush with gasoline, and touched a match to the pyre. It is, indeed, too horrible to relate.

The irony of it all is that while this cruel spectacle was being held, the Governor of Mississippi, Hugh White, in an address at Jackson said:

We are justly proud of the fact that Mississippi has not had a lynching in 15 months.

A few minutes later he was informed of the two lynchings.

The question is, What will the Governor do to bring the culprits to justice? Will it again be merely lip service? Had not the Governor better induce his legislature to pass a real, honest-to-goodness antilynching law like Virginia and then enforce it? That would stamp out the crime. It is because he will not take such action that we must act here.

To date, this, the year of 1937, we now have three lynchings. There was but one before today.

That is three too many. We had eight lynchings last year. That was eight too many—at least that was the number admitted by the Tuskegee Institute, although the National Association for the Advancement of Colored People report a higher figure, namely, 13. However that may be, I may say to the distinguished gentleman and my friend from Alabama [Mr. HOBBS] that he cannot compare the matter of murder with lynching, although lynching may be murder, for he must know that punishment, as far as homicide is concerned in this country, is up to 44 percent. What is the record with reference to punishment for lynchings in this country? There is no adequate punishment by many of the States with reference to lynching. There is a shameful failure, there is a cruel dereliction; and I say this with all due respect. Let us take the figures. In all the United States since 1882, 99.2 percent of the perpetrators of lynchings went unwhipped by justice; the States failed to act. The States have failed to punish. Mark this statement by Prof. James H. Chadbourne, of the University of North Carolina. It is very significant:

Although 1,741 persons between 1900 and 1930 were lynched, there is record of only 12 instances in which convictions have been secured. These 12 instances embrace 67 individual convictions. Statistically, therefore, only 0.8 of 1 percent of the lynchings have been followed by convictions of any of the lynchers. The percentage by States is as follows: Alabama, 4 percent; Georgia, 8 percent; Oklahoma, 3 percent; Virginia, 4 percent; Minnesota, 33 percent; Texas, 7 percent; Illinois, 7 percent; Missouri, 3 percent.

The record is full of examples of horrible, woeful failure to punish in the States as a result of the following: Refusal of persons with first-hand knowledge to testify—I am again quoting from Mr. Chadbourne, professor of law of the University of North Carolina—trial jury verdict actuated by local prejudice in lieu of the consideration of the evidence. Failure of the grand jury to make adequate investigation, failure of prosecuting officers to investigate and furnish the grand jury with evidence, nolle prosequi by prosecuting officer, adverse trial court rulings on motions and evidence, reversal by appellate court on nonprejudicial error, and other causes. It is therefore incumbent on the Federal Government to intervene, since we have this shameful lack of justice in the States with reference to punishing perpetrators of lynchings.

Again answering my distinguished colleague from Alabama [Mr. HOBBS] concerning his argument about murder, I repeat what I said in part in my report to the House on the Mitchell bill—the majority report of the Judiciary Committee, which I prepared:

One of the chief difficulties in the way of passing a Federal antilynching law is the attitude of many Members of Congress in regard to the constitutionality of such a measure. These Congressmen either hold or hide behind the opinion that lynching is murder, and therefore the Federal Government has no more constitional right to step into a State and punish lynching than it has to do likewise and punish murder. This analogy, however, between murder and lynching is not a true one. In murder, one or more individuals take life, generally for some personal reason. In lynching, a mob sets itself up in place of the State and acts in place of the processes of law to mete out death as a punishment to a person accused of a crime. The mob sets itself up as judge, jury, and executioner. In murder, the accused merely violates the law of the State. In lynching, the mob arrogates to itself the powers of the State and the functions of the Government. It is therefore not only against the act of killing that the Federal Government should exercise its powers, but also the act of the mob in arrogating to itself the functions of the State and substituting its actions for the due process of law.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. LUCAS. Am I correct in my understanding that the gentleman from New York bases the constitutionality of this act upon the ratio of failures that he has now placed in the RECORD?

Mr. CELLER. Oh, no; I do not offer that as a constitutional argument. In the short time allotted one cannot adequately and properly make a constitutional argument with all its refinements. I shall put into the RECORD my ideas as to the constitutionality of this act with reference to the fourteenth amendment and I shall give cases which will uphold what I believe to be the constitutionality of antilynching law.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

[Here the gavel fell.]

Mr. HOBBS. I just wanted to make the same request of the gentleman that he made of me.

Mr. CELLER. I shall put those figures in the RECORD.

Mr. HOBBS. I want the cases.

THE STATES ARE NOT PRECLUDED FROM ACTING

Mr. CELLER. It has been said that the passage of a bill of this type will lead to undue centralization of governmental power. There is a fear that there will be undue interference with the sovereign rights of the States. This fear is unfounded. Such a bill will take no power from the States; they shall have all the power they had before. Except in the case of fining a county, the States have every opportunity to do something with the menace of lynching and to punish those who participate in mob violence. The States may do this before the Federal authority and the Federal power is invoked. Therefore, it cannot properly be contended that the proposed legislation is improper because it is an exercise of the police power reserved to the States.

Many years ago, in the case of *Gibbons* v. *Ogden* (9 Wheat. 204), the rule was laid down that the Federal Government, in the exercise of an express power—the fourteenth amendment—may use any appropriate power, even though in other connections such power has been reserved to the States. Therefore, in the exercise of any express power, the Federal Government can exercise a power very similar to the police power of the States.

CONSTITUTIONALITY OF ANTILYNCHING LEGISLATION GENERALLY

I ground the constitutionality of antilynching legislation on the first section of the fourteenth amendment, which reads as follows:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any persons within its jurisdiction the equal protection of the laws.

The Supreme Court has on many different occasions pointed out that the fourteenth amendment constitutes a guaranty to each person within the jurisdiction of the several States that he shall be accorded certain fundamental rights. In *Strauder* v. *West Virginia* (100 U. S. 303, 25 L. Ed. 664), the plaintiff, Strauder, a colored man, was indicted for murder, and upon trial was convicted and sentenced, and his conviction was affirmed by the Supreme Court of the State. The case was taken to the United States Supreme Court on a writ of error to the Supreme Court of West Virginia, the chief assignment of error being that the prisoner was convicted without due process of law, since the laws of West Virginia excluded the members of his race from jury service. The Court held the State statute unreasonably discriminatory and a denial of the equal protection of the laws within the meaning of the first section of the fourteenth amendment. The Court said:

This (the fourteenth amendment) is one of a series of constitutional provisions serving a common purpose, namely, securing to a race recently emancipated all the civil rights that the superior race enjoy. It was in view of these considerations that the fourteenth amendment was framed and adopted. It was designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons, and to give to that race the protection of the General Government, in that enjoyment, whenever it should be denied by the States. It not only gave citizenship and the privilege of citizenship to persons of color, but it denied to any State the power to withhold from them the equal protection of the laws, and authorized Congress to enforce its provisions by appropriate legislation. The fourteenth amendment makes no attempt to enumerate the rights it designed to protect. Its language is prohibitory; but every prohibition implies the existence of rights and immunities, prominent among which is an immunity from inequality of legal protection, either for life, liberty, or property. A right or an immunity, whether created by the Constitution, or only guaranteed by it, even without any express delegation of power, may be protected by Congress.

This fourteenth amendment guarantees immunity from inequality of legal protection. Each man has the right of

equal protection as to due process, indictment, trial, and appeal. In a lynching the indictment, trial, and appeal—all involved in due process—are withheld. The State, therefore, does not guarantee equal protection of the law to the victim of mob violence.

The fourteenth amendment does not add anything to the rights of one citizen against another. It does, however, furnish an added guaranty against any encroachment of fundamental rights which every citizen has. When a mob lynches a man, and a State, through its officers, stands idly by and either does nothing or fails to punish the guilty, the conclusion is inescapable, namely, that there has been a denial of equal protection of the law.

THE DENIAL MENTIONED IN THE FOURTEENTH AMENDMENT NOT ONLY CONCERNS EQUALITY IN THE LAW BUT ALSO EQUALITY IN THE ADMINISTRATION OF THE LAW

The Supreme Court, in *Saunders* v. *Shaw* (244 U. S. 310), promulgated the doctrine that the denial of rights recognized by the fourteenth amendment need not be merely by legislation.

In *Louisville & N. R. Co.* v. *Bosworth* (230 Fed. 191, 207), the Court defined the phrase "denial of the equal protection of the laws" to mean a refusal to grant or a withholding of equal treatment.

The essence of the fourteenth amendment, therefore, is to forbid discrimination and to demand that each department of the State, in the exercise of its particular function, give equal consideration and treatment to all.

In *Yick Wo* v. *Hopkins* (118 U. S. 356; 30 L. Ed. 220; 6 Sup. Ct. 1064), a licensing officer refused to license a Chinaman to conduct a laundry. Yick Wo was arrested for operating a laundry without a license. The Court said:

Whatever may have been the intent of the ordinances as adopted, they are applied by the public authorities charged with their administration, and thus representing the State itself, with a mind so unequal and oppressive as to amount to a practical denial by the State of that equal protection of the laws which is secured to the petitioners, as to all other persons, by the broad and benign provisions of the fourteenth amendment to the Constitution of the United States. Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and unequal hand so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

This fundamental principle has been further enunciated by the Supreme Court in *Ex parte Virginia* (100 U. S. 339; 25 L. Ed. 676), *Chy Ling* v. *Freeman* (92 U. S. 275, 23 L. Ed. 550), *Soon Hing* v. *Crowley* (113 U. S. 703; 28 L. Ed. 1145; 5 Sup. Ct. 730), *Henderson* v. *Mayor of New York* (92 U. S. 259; 23 L. Ed. 543), *Ex parte Young* (209 U. S. 123; 52 L. Ed. 714; 28 Sup. Ct. 441), and *Neal* v. *Delaware* (103 U. S. 370; 26 L. Ed. 567).

Thus there is the second form of denial of equal protection to the victims of the lynching, when there is a failure to prosecute those who take part in the lynching. When there is a failure to prosecute the wrongdoers, the State officers are denying to those who may thereafter be subject to similar outrages that protection which comes from the punishment of crime.

The purpose of criminal law enforcement is not only the punishment of the perpetrators of an offense; it is also for the purpose of preventing others from committing similar outrages against society.

The fourteenth amendment does not invest Congress with wholesale power to legislate upon subjects which are within the domain of the States. The fourteenth amendment merely gives Congress the right and the power to provide relief against positive State action which bears unevenly and unequally upon persons within that State; it also gives the power and the right to provide modes of relief against the inaction of the State or the inactivity of the State's officials. Until some State law has been passed, or some State action through officers or agents has been taken, adverse to the rights of citizens sought to be protected by the fourteenth amendment, no Federal legislation under said amendment nor any proceedings of the administration under such Federal legislation can be called into being.

Legislation should be provided in advance to meet exigencies when they arise. (See *Civil Rights cases*, 109 U. S. 3; 27 L. Ed. 835; 3 Sup. Ct. 18). There is plenty of authority vested in Congress to pass "corrective" or "remedial" legislation. It is that authority from which the antilynching bills spring.

In *Ex parte Virginia* (100 U. S. 339, l. c. 345–47, 25 L. Ed. 676), the petitioner was arrested and held in custody under an indictment found against him in the District Court of the United States for the Western District of Virginia. The indictment alleged that he, being a judge of the county court of Pittsylvania County of that State, and an officer charged by law with the selection of jurors to serve in the circuit and county courts of said county in the year 1878, did then and there exclude and fail to select as jurors certain Negro citizens of said county, solely on account of their race, color, and previous condition of servitude. The petitioner, being in custody, presented his petition for a writ of habeas corpus, and a writ of certiorari to bring up the record of the district court. The court held the act of Congress, under which the petitioner was convicted, constitutional and denied the petition for a writ of habeas corpus. The court said:

Congress is authorized to enforce the prohibition by appropriate legislation * * * Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power * * * such legislation must act upon persons, not upon the abstract thing denominated the State, but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured.

Another question immediately arises out of the proposition just related, that is, whether or not the fourteenth amendment can reach the acts of State officers if they are not within the scope of the power conferred upon them by the State. Under this amendment the Federal judicial power can redress and punish wrongs committed by a State official whether he has misused the authority given him or not. The State acts and becomes responsible when it places an official in the position by reason of which he is able to withhold protection or prosecution. It is entirely irrelevant to inquire into authorization by the State of the commission of the wrong. The amendment applies to every person whether natural or judicial, who is the repository of State power. The settled construction of the amendment is that it presupposes the possibility of an abuse by a State officer or representative of his powers and that it deals with such a contingency.

This point was decided in *Home Telegraph & Telephone Co.* v. *Los Angeles* (227 U. S. 278, 57 L. ed. 510, 33 Sup. Ct. 312). In this case Los Angeles had passed a confiscatory ordinance, in violation of the constitution of California and of the fourteenth amendment. It was contended that the action of the city as not within the limits of its authorization was not State action. The Court held the contrary and said the fourteenth amendment "provides for a case where one who is in the possession of State power uses that power to commit some wrong which by the amendment is forbidden, even though the consummation of the wrong may not be within the powers possessed if the commission of the wrong itself is rendered possible or is efficiently aided by the State authority lodged in the wrongdoer." The amendment contemplates the possibility of State officers abusing the powers conferred upon them by doing wrongs prohibited by the amendment.

FINING THE COUNTY GUILTY OF LYNCHING IS NOTHING NEW

This practice has been recognized by Anglo-Saxon peoples everywhere. Many statutes beginning in 1235 in the Statutes of Winchester, coming down to the Statutes of Elizabeth, and the Riot Act of George the First, we find uninterrupted recognition of the principle that a civil subdivision like the county has the duty of protecting property, with the right of police power to discharge such duty. There goes with that power the responsibility to respond in damages for negligence affirmatively shown, as well as for not affording proper and adequate protection to meet the situation. When we inflict a penalty on a county which fails to prevent a lynching, we are simply applying the old Anglo-Saxon principle. My own State of New York provides that a city or county shall be liable to a person whose property is destroyed or injured therein by mob or riot or for the damages sustained thereby. The Supreme Court of the United States in *Chicago* v. *Sturgis* (222 U. S. 313, 56 L. Ed. 215, 32 Sup. Ct. 92) upheld the principle of such penalties on political subdivisions.

I believe in general that the antilynching bills before us, particularly the Celler bill, the Mitchell bill, and the Wagner-Van Nuys bill in the Senate, are all designed to insure equal protection of the laws, by punishing the crime of lynching, and that these bills provide appropriate legislation for carrying out the purposes of the fourteenth amendment.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 8 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and in connection therewith to insert two short quotations from the CONGRESSIONAL RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. Mr. Chairman, I learned with deep regret, and I am sure that all other Members share the feeling, of the reported news from Winona, Miss., called to our attention a moment ago by the gentleman from Michigan. I sincerely trust that if there have been two lynchings, or one lynching involving two Negroes, in Winona, as stated in the gentleman's telegram, that that act was not occasioned by nor connected with the news that went out from this Congress yesterday throughout the country to the effect that Congress proposes an unlawful and unconstitutional interference with the police jurisdiction of the States, as evidenced by the overwhelming vote of 283 to 107 by which this bill was brought to the floor of the House. While that is probably not the case, I say to you in all sincerity that if you pass this unconstitutional law and it is approved by the President, you may reasonably anticipate that for the future lynchings not only will not decrease but in all probability will largely increase over the very small minimum to which they have now been reduced. The reliance upon Federal force rather than upon an enlightened and strengthened public sentiment will not be likely to decrease further a practice which public sentiment has almost eliminated.

It is easy on an issue like this to say bitter things. It is difficult sometimes to refrain from saying them. No good is accomplished by unnecessary bitterness, and it should not be indulged in. And yet if the mere recital of facts brings unpleasant thoughts, he would indeed be derelict in his duty who undertook to sit here as a representative of his people and fail to do his part to keep the record straight on an issue of this character for fear that what he might say would offend in some quarters.

The vote on April 12 to bring this bill to the floor without committee action was almost purely sectional. There were some outstanding exceptions to this rule on both sides—men like the gentleman from New York [Mr. WADSWORTH], a Republican, and the gentleman from Utah [Mr. MURDOCK], a northern Democrat, who voted against what the gentleman from Alabama [Mr. HOBBS] described as a rape of justice and the Constitution, and men like the gentleman from Texas [Mr. MAVERICK] and the gentleman from North Carolina [Mr. HANCOCK], who supported it.

I have no illusions as to the possibility of being able to accomplish anything by argument toward preventing the passage of this bill. It has, according to current report, support from such high and powerful sources that the attitude of one Member of Congress is a matter of little consequence. However, I take advantage of this occasion in order to point out to the people of the South, against whom this bill is directed, certain outstanding facts which they will do well to keep in mind.

First, there is no substantial difference in the attitude of people from other sections of the country, whether Democrats or Republicans, toward the Negro problem as it affects the South. Lacking our first-hand knowledge of that problem, but laboring under the impression that they do understand it, they have been engaged throughout our national history in trying to force upon us measures for its solution. There are many on the floor of this House who remember that only a few years ago when the House was passing a congressional redistricting bill based upon the 1930 census, a teller vote was had in Committee of the Whole upon the question of reducing congressional representation upon the basis of the number of Negroes who do not participate in elections, and most of our Democratic brethren from other sections of the country passed through the tellers to vote for that reduction, and the amendment proposed was adopted; and it was only by reason of a compromise agreement to also eliminate from the bill another amendment excluding aliens from the count in determining congressional representation, that the attempted reduction of southern congressional representation was not enacted into law. I mention these facts, not for the purpose of stirring up feeling, but because I want the people of the South to know that when it comes to questions of this kind, the people of no other section of the country, whether Democrats or Republicans, consider as sympathetically as they should the situation of the South with regard to its race problem: and from an experience of 10 years or more in this House, I have reached the regretful conclusion that only such rights in the handling of this problem as are guaranteed to us under the Constitution will be safe, and then only in the event the interpretation of the Constitution as it relates to this subject matter continues in line with previous decisions of the Supreme Court.

As proof of that fact, regretful quotation must be made from the remarks on April 12 of the gentleman from New York [Mr. O'CONNOR], a Democrat, chairman of the powerful Rules Committee, who, while he voted against the discharge of his committee, announced his purpose to support the bill. He said:

I should like to see the question of the Negroes in America, 15,000,000 of them, seriously considered by the people of this country and by Congress, and I would like to tell you where to start. Start in your Capital, the District of Columbia. In the Capital of the Nation the Negro does not get a square deal. Right in the shadow of the Capitol you have segregation and Jim Crowism. If that were properly brought to the attention of this Nation, the people of the 48 States would never tolerate it. (See CONGRESSIONAL RECORD, Apr. 12, 1937, p. 3383.)

There can be no objection to serious consideration, not alone of questions affecting Negroes, but of all questions affecting the American people. That is laudable. But when a high and responsible leader of the Democratic Party announces himself as opposing segregation of the races, which statement, in the way in which he used it, would imply his favor for coeducation of Negroes and whites and for their coentertainment in hotels and theaters, and his opposition to their segregation in any way; and when an overwhelmingly Democratic House supports by a sectional vote such a legislative monstrosity as this Gavagan bill, it is time for the people of the South to ask themselves, "What protection have we from unconstitutional interference with our handling of our race problems, except as protection may be afforded us by the Supreme Court in its construction of the Constitution?"

This brings me to the second point in my discussion, and that is that few lawyers of recognized eminence regard the proposal contained in the pending bill as constitutional. I shall not dwell upon that. Unfortunately, during recent years considerations of that character have not appealed as strongly as I have felt they should to the membership of this House. I have no hope that they will do so now. But I may quote the statement of an eminent Republican lawyer, Senator BORAH, a member of the Senate Judiciary Committee, as set out on page 6673, part 6, volume 79, CONGRESSIONAL RECORD, made during the first session of the Seventy-fourth Congress, as fairly representative of the opinion of most good lawyers. Senator BORAH was discussing a bill then pending, substantially similar to this, and also a prior bill

of the same nature, known as the Dyer antilynching bill. He said:

But the matter was submitted to the Judiciary Committee, and the Judiciary Committee overwhelmingly, and, as I recall, unanimously, with the exception of two or three who made certain reservations—that is, reserving the right to express themselves upon the floor—was of the opinion that the bill was unconstitutional.

When we recall that this bill, substantially the bill Senator BORAH was discussing as to the principles involved, is a patent attempt on the part of the Federal Government to usurp police jurisdiction within the States, to exercise functions for which there has been no constitutional grant of authority by the States, and to do those things in a harsh and unreasonable way by imposing penalties of from $2,000 to $10,000 for the benefit of the legal representative of the deceased, upon counties where lynchings occur, and in which a person lynched is seized, thus imposing upon the innocent majority punishment for the conduct of what is oftentimes a very small number, how can anyone feel but that an attempt is being made to enact an unconstitutional measure?

Are the proponents of the bill sincerely proceeding upon the theory that it is the duty of Congress to enact legislation for the protection of human life in the States? If so, why not legislate against conspiracies to take human life at whatever time or place and in whatever manner they may effect their objective? Is it any more criminal to conspire to take the life of a Negro charged with rape than to conspire to take the life of a law-abiding citizen? Strike out seven words in section 1 of the bill, i. e., "in the custody of any peace officer", and amend the remainder of the bill accordingly, and you will direct its force against all conspiracies to take human life unlawfully; thus you will attempt to provide protection not alone for the Negro rapist but for law-abiding citizens who have died from the murderous machine guns of racketeers and gangsters in New York and Chicago. The gentlemen supporting the bill would, of course, consider no such amendment. They are proceeding upon the theory of a preacher in a small town who in his first sermon undertook to severely criticize usurers and those requiring unlawful interest of the poor. After the service some of the leading members of the church took him aside and cautioned him against this, pointing out that Banker Smith was a member of the congregation and might be offended. Next Sunday he talked about those who desecrated the Sabbath Day by keeping open their places of business in violation of law, and was promptly advised that this would not do, as several members of the church came within that category. After a few more equally unsuccessful attempts to attack sin in high places without offending his people, he finally asked, in desperation, "Well, then, tell me what I can talk about?" The leading members scratched their heads without reply, until finally, after long thought, a brother exclaimed, "Preacher, we ain't got but one Jew in town; give the Jews hell."

So the proponents of this measure are attempting to make somebody else clean their doorsteps and leaving their own littered with all sorts of trash.

Are their efforts, as represented by this bill, a violation of the Constitution?

There can be no reasonable doubt of that. But here let those who support too readily the idea of greatly increasing the Supreme Court pause to consider, especially the people of the South. If that legislation passes, what character of men, with what views upon the race problem, may be appointed to the Court? If the President favors this bill, as is currently reported, will the men he appoints to the Court be in favor of it also and vote to uphold its constitutionality? What views will those same men entertain upon other similar problems of vital interest to the South: On the question of whether our laws regulating the exercise of the right of suffrage shall continue to be upheld; on the question of whether, on account of those laws, legislation which almost passed after the last census to cut southern congressional representation and which would probably pass this House if it could vote on it today, should be upheld; on those bitter questions presented by legislation passed after the War between the States by which the Federal Government undertook to penalize hotel keepers, theaters, and all places of public amusement for refusing to entertain whites and Negroes upon equal terms, and to penalize State election officials for refusing to allow Negroes to vote? Against these rabid proposals, made by unthinking people who do not understand the problems of the South, the Supreme Court has been our protection. Shall we, because we do not like some of its decisions, help to bring about a condition which might well mean that such legislation should be upheld? Is it worth while to burn down the barn in an effort to kill a few rats?

These are things that it is not pleasant to say, but which I feel it is my duty to say. God grant that the dangers which I envision do not materialize, but I would far rather men would point to me in future as a man who in this trying time gave expression to foolish and unfounded fears than for them to say that in violation of my trust I helped to tear down the protection afforded to my people by the Constitution of the United States.

I certainly do not favor lynching. Its vast decrease is attributable to the fact that a great majority of the southern people do not favor it. When it occurs their newspapers, their preachers, and their leading men are caustic in their disapproval, and these forces are at all times active in building sentiment against it. It will be a sorry time for the Negro when he ceases reliance upon these great forces of public opinion, upon the efforts of a people who know and understand him to see that he is accorded justice, and relies instead upon a system of Federal penalties and upon United States marshals and Federal judges to jerk sheriffs, and even solicitors general and other prosecuting officials, around by the napes of the necks and put them in the Federal penitentiary.

You cannot get anywhere by attempting to tyrannize over a free people. A penalty of $2,000 or $10,000? When the blood of men is heated by news of a heinous crime upon womanhood such a penalty would have no more effect than a feather in a storm. Those not engaging in the violence would have to pay, but those engaged in it would pay no attention to the penalty. Only a year or so ago a mob in Tennessee in the course of a lynching burned their own courthouse, valued at $150,000. What attention would that mob have paid to the fact that their neighbors would have to pay a $10,000 penalty if they persisted? Absolutely none. This bill, if it should be passed and upheld as constitutional, would substitute the force of Federal law for the high moral purposes of a people who are themselves by the development of public sentiment greatly lessening the danger of lynching. I do not say that they will ever succeed entirely. Only those who come in contact with the more depraved members of the Negro race can appreciate the overpowering anger which sweeps through the hearts and minds of decent white men when they learn of an offense of the type on account of which lynchings usually occur. I do not say that justifies lynching. I do say that you have got to pass and enforce a law to change human nature before you can be absolutely assured that lynchings will never occur, but the best preventative in the meantime is to build up, not by force but by persuasion, a public sentiment which will hold them in check. That we are doing in the South. And that by your action here today, if it is concurred in by the Senate, and the bill signed by the President, you will go far to hinder and obstruct. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES. Mr. Chairman, I wish to address myself to one phase of this controversy which, in my opinion, has been overlooked in the debate raging around this bill. That is the effort of the States, the constituted authorities of the States, and the citizenship of this country to stamp out lynching and mob violence.

In the State of Alabama we have sufficient statutory authority to deal with the situation in its entirety. May I say that the citizenship of that State has cooperated with the Governor, the chief executive of the State, and with the duly constituted authorities of the State to stamp out this

form of lawlessness. It is condemned by the press, the pulpit, in the schools, and in the everyday life of the citizenship of the State of Alabama. No one within the confines of that great State, nor, so far as I know, throughout the country, raises his voice in defense of mob violence or lynching.

Mr. Chairman, I wonder if we are not placing a penalty upon the efforts of the citizenship of these States who, through an enlightened public opinion and throughout the years, have instituted a process of reason to stamp out this form of lawlessness. As I say, I wonder if we are not placing a penalty upon those people by trying to superimpose upon the sovereign States of this Union the almighty hand of the Federal Government and attempt to place further and further in the individual lives of the citizenship of this country the weighty hand of the Federal Government in dealing with matters which should be left to the States and to the citizenship of the States.

May I say that for the first time in more than 10 years a case of lynching occurred early in this year in the State of Alabama? The authorities of the State moved promptly and vigorously in the matter. An investigation was ordered by the grand jury and the Governor of the State announced there would be no mob violence in that State, and if the grand jury failed in its duty he would instruct—and he did instruct—the attorney general of the State of Alabama to institute impeachment proceedings against the sheriff of the county involved if the evidence showed the sheriff had not lived up to his duty and responsibility.

If some of those who stand here today as proponents of this measure had done as some of us who are opposed to it—that is, had interposed their own life and bared their own breast to uphold the majesty of the law and save a human being from mob violence—you would know how far the South has gone in an attempt to stamp out this unspeakable crime. It happened to be my unhappy privilege to lead the troops which gave protection in entirety in one of the most famous criminal cases in the annals of jurisprudence in this country. I refer to the so-called Scottsboro case.

Let me plead with those who profess to follow Jefferson and Jackson not to direct this thrust at that section of the country which gave to the Nation Washington, Madison, Jefferson, and Jackson; the section of the country which has kept alive the flame of democracy when the rest of the Nation had repudiated it. [Applause.] Do not permit political expediency and radicalism masquerading under the guise of a pseudo liberalism lead constitutional democracy to the bier of fallen nations. [Applause.]

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 18 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. REED of New York. Mr. Chairman, I raise the point of no quorum.

The CHAIRMAN (Mr. BEAM). The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. ROBSION of Kentucky. Mr. Chairman, I wish to compliment the Members of the House who on yesterday, by a vote of 283 to 107, adopted the motion to discharge the Rules Committee and make it possible to bring up today H. R. 1507, the so-called Gavagan antilynching bill.

I strongly favor antilynching legislation. I am convinced that it is proper and necessary. In the first place, lynching is mob murder, one of the darkest spots on the records of our great American democracy. Mob murder has been condemned by every civilized nation of the world. Many of our Presidents, the platforms of the Republican and Democratic Parties, the National Association for the Advancement of the Colored People, civic, church, welfare, and labor associations and organizations representing more than 40,000,000 members, the American press, North, East, South, and West, and more than 70 percent of the American people, according to a recent survey of public opinion, have condemned lynching and have urged the passage by Congress of Federal antilynching laws.

It is now agreed that the taking of human life by mobs means the overthrow of the law, the courts, and the Government in the city, county, State, and Nation—in short, it is the substitution of anarchy for the law, the courts, and the Government. The mob knows no law, no justice, and no reason. In direct and positive violation of our State and Federal Constitutions, the mob becomes the accuser, the jury, the prosecutor, the witnesses, the court, and the executioner. In its mad and savage fury it takes the lives of the innocent as well as the guilty. It destroys the property of the individual, the city, the county, and the State that had no connection whatsoever with the alleged crime that stirred the mob's hate and fury. In this wonderful land of boasted freedom and guaranteed protection to the humblest citizen without regard to race, creed, or color by our State and Federal Constitutions we see innocent women, children, and men lynched and murdered by the mob, with accompanying scenes of brutality in burning, mutilation, and other acts that could find their parallel only among savage races and savage peoples.

It is to halt this lawlessness and uphold law and order in America that I favor the antilynching bill.

Since 1882 we have had approximately 5,200 lynchings, mob murders, in the United States. This represents almost an average of 100 per year, and approximately 95 percent of these mob murders have occurred in 12 of the so-called Southern and border States. In about 95 percent of these mob murders the victims have been of the Negro race. During that same period of time 15 or 16 States in the East, North, and West have not had a single lynching. There is something wrong. This measure undertakes to correct it.

WOMEN AND HOMES MUST BE PROTECTED

Practically all of the opponents of this legislation publicly express opposition to it because they say it violates the Federal Constitution. May I say to my good friends from the South that if we could convince you beyond a reasonable doubt this measure is constitutional, you then would not support it.

The opponents of this legislation tell us that lynch law is necessary to protect the women and the homes of our land.

No one could be more anxious to protect the virtue of our women and the sanctity of our homes than I am. No one could have a greater horror of the crime of rape than myself. In my opinion, the death penalty is the only adequate punishment to be meted out to the brute who commits a crime of this kind, and this punishment should apply to the white man as well as the black man.

If the mob should confine its murders to the execution of those guilty of rape, something might be said in extenuation of its taking the law into its own hands, but the sad commentary is that approximately 100 women, practically all of them black women, and a great many children have been lynched, and the records show that less than one-sixth of all the men who have been lynched were charged with any character of attack on women. No charge was made against the other five-sixths of the men lynched that they had attempted any attack on women. The records further show that subsequent investigation disclosed that many of these women and children were charged with trivial offenses or were innocent, and many of these in the one-sixth class of men were innocent of any crime. Of course, many of these women and children were lynched when the mob was on its mad rampage. They wanted human blood and we presume it satisfied the mob in a way to lynch women and children, especially the black women and children. The other five-sixths of men lynched were charged with murder or with some most trivial offenses, in many instances, such as the offense of "being too prosperous" or not showing so-called "proper respect for white men", and many others were innocent of any offense.

THE LAW IS SUFFICIENT

We have pointed out that approximately 95 percent of these lynched victims were colored people, and these lynchings have occurred in the southern or border States. In these States the grand juries, the petit juries, the prosecutors,

and the judges are white men. The highest penalty that the law can exact is the life of the offender, the death penalty. We demand no greater penalty for treason against the United States Government. I have never yet read of a genuine rape case of a white woman by a black man in Southern or border States in which the death penalty was not inflicted. It is an easy matter to secure the death penalty against a black man who so offends against a white woman in these sections where lynchings are prevalent. The black man is indicted by a white grand jury, he is tried by a white petit jury, the witnesses are white people, the prosecutor is a white man, and the judge is a white man, and these jurors, prosecutors, and judges are just as anxious to protect the womanhood and homes of this land as are the lynchers, and if the black man is guilty there is little doubt but what the death penalty will be inflicted. Of course, in this orderly procedure in the court the innocent person, however infamous the charge, should be, and in most cases will be, protected. What American citizen, white or black, is so depraved as to desire to take the lives of innocent women, children, and men even though they be of the black race?

Does the mob desire more than the death penalty? This brings us to a contemplation of the scenes of savagery and fiendish brutality so frequently in evidence at these lynchings. Slow death by burning or mutilation, not in the presence of a few men but witnessed by thousands of men, women, and even small children and to subject, as have many times occurred, innocent black women, children, and men to such savagery and brutality by the mob, causes even the hardened mind to revolt.

The mob is the father of anarchy. Anarchy knows no constitution and no law. The mob breaks down respect for the law, the courts, and the government.

LET US PROTECT THE INNOCENT

There is ample authority under our State and Federal Constitutions and laws, bulwarked by the chivalry of the manhood of this Nation, to protect womanhood and the sanctity of our homes. Let us insist upon the enforcement of our laws; at the same time, let us provide for the protection of innocent women, children, and men, even though they may be black.

No doubt all of us in our experiences in our own communities have observed how easy it is to make a false charge against some humble person, especially if he is black, and stir up mob feeling. Some 25 years ago in my home county a white woman was attacked. She was unconscious. The community was aroused. They began a search, and soon ran across a black man, a stranger, who was passing through that section. He was arrested and hurried to the county jail. That night a mob began to gather. The Negro protested his innocence. Our circuit judge, the Honorable Flem D. Sampson, who later on became Governor of Kentucky, resided in this county seat, my home town, and but for his heroic action in arming himself and others and protecting the little county jail through the entire night, that black man would have been taken out and lynched. On the next day this white lady returned to consciousness, and from the hairs found under her fingernails and description given by her it was conclusively shown that it was a white man who had made this attack, and not the homeless stranger who was passing through our county.

On another occasion during my practice as a lawyer a young Negro boy was charged with making an attack on a child 3 years of age. The child's mother made the charge. Violence was threatened. The Negro boy was indicted and tried; and when all the proof was heard, both for the State and for the accused, it was quite clear that the Negro boy was innocent.

When the Dyer antilynching bill was up for consideration in the House in 1922, our distinguished Democratic colleague, Hon. Ben Johnson, of Bardstown, Ky., took a vigorous stand in favor of the Dyer bill. As he was the only Democrat south of the Ohio River who took such stand, I was interested to know why, and said, "Why is it you are the only Democrat south of the Ohio River favoring this bill? Mr. Johnson then related the following interesting story of an occurrence which took place when he was 19 years of age:

A Negro man who had worked for the Johnson family hurried to the Johnson home one night and told young Ben Johnson that his son was down in the jail at Bardstown and a mob was gathering to lynch him. Mr. Johnson hurried to the jail, armed himself, and stood guard for the greater part of the night with two pistols and threatened to shoot the first man who attempted to enter the jail. He saved the colored boy from being lynched. This young colored boy was charged with killing a white man. I regret to say that in many places in our country such a charge against a black man or boy would be sufficient for the mob to take charge and lynch the accused. This boy was indicted and tried. The proof developed that a large white man filled with liquor had made repeated attacks upon this young boy, kicked him, cuffed him, and beat him up, and continued to follow the boy, and the boy picked up a club and hit the white man in self-defense and killed him. Mr. Johnson further related that he thus had had close contact with a mob that knows neither right, justice, mercy, or law, and from that day until the Dyer bill was up, he said, he had strongly favored antilynching legislation. Some declared that he would be defeated for Congress because he had voted for the Dyer bill; but if it did anything, it strengthened him in his congressional district. He remained in the House until he voluntarily left, after serving longer continuously than any other Kentuckian has ever served in the House of Representatives.

I know of another instance in Kentucky where a white man was intoxicated and he ran into a Negro at night in his drunken condition. Neither one knew the other. The Negro, because of the attack, became alarmed, drew a pistol, and shot the white man. The jury refused to put the Negro to death. The mob gathered, took the Negro from the jail, and lynched him.

The mob not only does great harm to our laws, our constitutions, our courts, but it hurts the community and all those who participate in it.

IS THIS LEGISLATION NECESSARY AND PROPER?

The nearly 5,200 lynchings we have had in this country in some 12 States, mostly black women, children, and men, and the 83 lynchings we have had in this country, confined almost exclusively to these same States, since President Roosevelt assumed office on March 4, 1933, and the interest and concern expressed by the press, pulpit, platform, and the declarations of our two major political parties and the 59 bills introduced in the Seventy-fifth Congress which began on January 5, 1937, and the recent expression of public opinion of this Nation showing that 70 percent or more of our people condemn lynching and urge antilynching legislation, go far in making out a case that this legislation is proper and necessary.

I was a Member of the House, spoke in behalf of and helped to pass the Dyer antilynching bill in 1922. We passed this bill in the House by a vote of 231 to 119. The Republicans then had control of the House. Every Democrat in the House with the exception of six or seven voted against the bill and only one Democrat south of the Ohio River voted for the bill. The Dyer bill then went to the Senate which was then controlled by the Republicans. The able Judiciary Committee of the Senate after careful investigation, reported favorably the bill, stating that it was a proper, necessary, and constitutional measure. The Republicans tried to secure action on the Dyer bill in the Senate, but the distinguished and able Democratic leader of the Senate at that time, Hon. Oscar Underwood, of Alabama, organized a filibuster and prevented consideration of the bill. He at the time declared that the Democratic Party took full responsibility for defeating the Dyer bill in the Senate.

In the Seventy-third Congress the Democrats were in control of the House and Senate. Many antilynching bills were introduced. Senators Costigan and WAGNER introduced a bill in the Senate. After hearings and careful consideration, the able Judiciary Committee of the Senate reported favorably the Costigan-Wagner bill. They declared it was necessary, proper, and constitutional, but they were unable in the Senate to get it up for consideration because of the Southern Democratic leadership in the Senate.

In the Seventy-fourth Congress the Costigan-Wagner bill was again introduced as Senate bill 24. The powerful Judiciary Committee of the Senate, made up of distinghished lawyers, after hearings and careful consideration reported the bill favorably on March 18, 1935, but this Southern Democratic leadership in the Senate through filibusters and other means prevented action.

I wish to call attention to some of the statements in this report, numbered 340, to accompany S. 24, Seventy-fourth Congress. You will observe that this Senate Committee points out that when there is a real threat of the passage of an antilynching bill, lynchings almost disappear in this country, but when the threat of the passing of the bill is no longer apparent, then the lynchers go on another spree. This report also used this language:

> A continuation of the practice of lynching, coupled with a complete failure of the government of those States involved to apprehend and punish the participators of these crimes, supports the need for Federal legislation.

This charge is not made by Republicans—it is the report of the Judiciary Committee of the Senate controlled by the Democrats. They point out that a continuation of the practice of lynching, coupled with a complete failure of the Governments of the States involved to punish the mobs supports the need for Federal legislation. That makes out the case for us who are urging this legislation.

This report cites a score or more decisions of Federal courts and a number of decisions of the Supreme Court supporting the constitutionality of this legislation.

They also call attention in their report to section 1 of the fourteenth amendment, which provides:

> Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

A number of the States of this Union have denied to its citizens, especially the black citizens, the equal protection of the laws, and therefore it is not only proper but the duty of the Federal Government to step in and give them such protection.

The report concludes with this statement:

> It is the opinion of the committee that the proposed legislation is "appropriate legislation" to discourage and prevent the evil of lynching wherever in the United States that evil exists or is or may be committed. It is the belief of the committee that the proposed measure does not propose an invasion or subversion of the rights of States. On the contrary, the measure is an aid to the several States in assuring to their citizens the equal protection of the laws, both State and Federal, to which all citizens are entitled.

A reading of that report and the cases cited, it seems to me, clearly establishes the fact that this legislation is proper, necessary, and constitutional.

WEAKNESS OF THE GAVAGAN AND OTHER BILLS

The Gavagan, Mitchell, and other bills only provide for cases in which the lynched person was in custody. Of the more than 5,000 persons lynched, only 49 percent were in custody of the officers of a State or a subdivision thereof. The other 51 percent lynched were not in the custody of any officer. There is no provision in this bill for protection of persons lynched not in custody of the officer or officers of a State or subdivision thereof. I regard this as a serious weakness. In States where lynching might be winked at officers could fail to take the accused who might be sought by the mob into custody, and in that way no prosecutions could be had or damages awarded in a Federal court. Some State or county officials might say, "Why take the chance of being prosecuted or the county being subjected to pay damages?" and neglect or fail to take the accused person sought by the mob into custody.

I trust that the author of this bill [Mr. GAVAGAN] may submit some proper amendment that will relieve this otherwise splendid measure of this serious objection.

Of course, there are some friends of this legislation who express the fear that if all lynched persons were included it might render this measure unconstitutional. I might say that many States have laws similar to this bill providing punishment for the officers who fail or neglect to do their duty, or who conspire with the mob, and provide also for the recovery of damages from the county for the benefit of the injured person, or in the event of death, for the benefit of his estate.

THE MITCHELL BILL

The Mitchell antilynching bill was introduced by our colored colleague from Chicago. A motion was made in the House on last Wednesday, April 7, to bring up for consideration the Mitchell antilynching bill. This motion was defeated by a vote of 256 to 112. After the defeat of his bill he made a statement in which he charged that his bill was defeated by the Republicans because they were offended over a speech that he made last April attacking the Republican Party and Abraham Lincoln.

This statement does not square with the facts. The National Association for the Advancement of Colored People had expressed strong opposition to the bill of our colored colleague and strong support of the Gavagan bill. This association charged that the Mitchell bill was a mere gesture. It was opposed by this association as well as a majority of those favoring antilynching legislation because of its weakness.

Some Republicans voted to bring up the Mitchell bill in the hope that when brought up the Gavagan bill could be substituted for it. Now, there are only 88 Republicans in the House. There were three times as many votes cast against the motion to bring up the Mitchell bill as there are Republicans in the House. Therefore the statement of our colored colleague from Chicago that consideration of his bill was defeated by the Republicans is not substantiated by the facts.

Many of the real friends of antilynching legislation were sorely disappointed that the only colored Member in Congress should introduce a bill that did not give real protection, so far as his race is concerned. For instance, the Mitchell bill provides that any officer having custody of a prisoner who should conspire and join with the mob in lynching and putting to death his prisoner would be subject to the very mild punishment of imprisonment from 2 to 10 years.

Of course, if an officer should conspire with a mob to take the life of his prisoner, that would be willful murder, and every State in the Union provides the punishment of death or life imprisonment in the case of willful murder.

In other respects the Mitchell bill does not measure up to the provisions of the Gavagan bill. The Republicans and many Democrats are supporting the Gavagan bill because it is a much better bill than the Mitchell bill.

LAW APPLIES ONLY TO STATES FAILING TO GIVE PROTECTION

My friends from Alabama and some other southern States who have spoken insist they have enacted State laws that afford full protection to the black as well as the white citizens residing in those States. If that be true, there is no need for alarm over this legislation. Section 2 of the bill before the House provides:

> If any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage—

And so forth.

It is clear that the Federal Government under this bill cannot step in unless the State and its subdivisions are in default. The Federal Government cannot interfere in Alabama until and unless Alabama or such other State fails to protect the lives and persons of its citizens. If Alabama or any other State affords such protection this law will not be operative in Alabama or any other State providing such protection.

All this bill proposes to do is to protect citizens throughout the United States in their constitutional rights of life and person when the States fail to protect them. That is all. If the States fail, the Federal Government takes jurisdiction to investigate the lynchings with the power to

indict and try those guilty of lynching and fix the punishment of the officers who fail or neglect in their duty at a fine not exceeding $5,000 or imprisonment not exceeding 5 years, or both such fine and imprisonment, and if any such officer or employee of any such State government or governmental subdivision thereof acting as such officer or employee under authority of State law shall conspire, combine, or confederate with any person or persons who is a member of the mob to injure or put such prisoner to death on conviction such officer and all other parties participating therein shall be punished by imprisonment of not less than 5 nor more than 25 years, and it further provides that any county in which any person is seriously injured or put to death by the mob shall be liable to the injured person or the legal representative in case of death of such person for a sum not less than $2,000 nor more than $10,000 as liquidated damages, which sum may be recovered in a civil action against such county in the United States district court of the judicial district wherein such person is injured or put to death and this damage action shall be prosecuted by the United States district attorney of the district in the United States district court for such district.

It has been established beyond question that only in rare instances do local officials investigate and prosecute these crimes and because of local sentiment and conditions nothing really ever comes of the investigation. However, before the Federal court can take jurisdiction it must be made to appear to such court first, that the officers of the State charged with the duty of apprehending, prosecuting, and punishing such offenders under the law of the State shall have failed, neglected, or refused to apprehend, prosecute, or punish such offenders, or second, that the jurors obtainable for service in the State court having jurisdiction of the offenses are so strongly opposed to such punishment that there is a possibility that those guilty of such offenses will not be punished in such State courts.

The State officials are given 30 days after the lynching to apprehend, indict, and diligently prosecute those guilty of the lynching. It can be seen at once that the State can avoid the operation of this law by giving equal protection of its laws to all of its citizens and by prosecuting those engaged in the mob. The Federal courts being free from the local or political influences and having the aid of the Federal Bureau of Investigation these lynchers will be apprehended and punished and we predict that this will in a short time eliminate almost entirely, if not entirely, this character of lawlessness in the United States.

IS THE ADMINISTRATION FOOLING THE COLORED PEOPLE?

In an address before the House on June 2, 1936, I pointed out that the real Democratic Party is in the South and that the House of Representatives and the Senate are controlled by its leadership in the House and Senate, and that the administration would not pass any antilynching bill in the Seventy-fourth Congress. The Democrats in the southern and border States are practically a unit against the Gavagan antilynching bill now before us and are against any Federal antilynching bill, but the northern, eastern, and western Democrats with the aid of the Republicans, no doubt, will pass this bill in the House. It will then go to the Senate, and while I am not a prophet, or the son of a prophet, it is my honest opinion that it will not pass the Senate, or at least it will be tied up somewhere along the legislative road and this session of the Seventy-fifth Congress will adjourn without any antilynching legislation. It can be and will be passed by an overwhelming majority if the administration orders it passed. The Democrats have more than 3-to-1 majority in the House and have nearly 6-to-1 majority in the Senate, and I am quite sure that more than 95 percent of the Republicans in the House and Senate will vote to pass a real antilynching bill. The Republican Party has favored antilynching legislation for many years. The Democratic Party has always opposed it.

We have heard much and we shall hear more in the House and Senate from our Democrats in the southern and border States denouncing this measure as unconstitutional. They and the administration had no qualms about the Constitution when they were passing the President's "must" bills to take care of the peanut, pigs, and so forth. They denounced the Supreme Court for deciding it was unconstitutional to establish birth control among hogs, burn pigs, destroy cotton, and ennoble peanuts. It was all right for the administration to pass laws of that kind and all wrong for the Supreme Court to hold them unconstitutional. Our constitutional friends here who are opposing this legislation seemed to think it was all right for the peanut or a pig to get between them and the Constitution, but it certainly is all wrong for innocent black women, children, and men, who are citizens of the United States to invoke the protection of the Constitution, the courts, and the Government. [Applause.] The President put his "must" on the peanut and birth control of hogs and forced them through. The President can put the Gavagain antilynching bill through if he will put his "must" on it. He could have put it through in the Seventy-third Congress. He could have put it through in the Seventy-fourth Congress, and I might say that there are more than enough of northern, western, and eastern Democrats in the House and Senate, who, if they desire, with the help of the Republicans—and they will have the help of the Republicans—to put this antilynching bill through, and even pass it over the President's veto. If it is not put through we know the administration has been deceiving and is now deceiving the colored people of this country.

The great Judiciary Committee of the Senate, controlled by the Democrats, in the Seventy-third and Seventy-fourth Congresses, reported that this legislation is proper, necessary, and constitutional. It will not do for our Democrat friends to say that the States can and will handle this matter. They have had ample time to give the people "equal protection of the law", and it has been clearly established, as pointed out in the Judiciary Committee reports of the Senate in the Seventy-third and Seventy-fourth Congresses—

There has been a complete failure of government of those States involved to apprehend and punish the perpetrators of these crimes.

There has been wanton denial of this protection, especially to the colored people in the Southern and border States.

Of the nearly 5,200 people who have been lynched, no punishment whatsoever was inflicted on the lynchers in 99.02 percent of the lynchings, and in eight-tenths of 1 percent of the lynchings where punishment of the lynchers followed the punishment was slight. The two exceptions during 1935–36 were the two Black Legion lynchings of Silas Coleman and Charles A. Poole in the State of Michigan, where the lynchers were given life sentences. In the many lynchings occurring in the year of 1935–36 in the southern and border States, not a single lyncher has been punished and practically no investigations were made, yet in a number of cases the lynchings took place in the presence of public officials and hundreds and hundreds of men, women, and children. As I recall, there were indictments in only one or two cases, and the men indicted in one case were acquitted. This was the case of Baxter Bell, who was arrested on the alleged charge of slapping a white woman. He was taken from the city marshal of White Bluff, Tenn., and a deputy sheriff, and shot to death by five relatives of the woman. The killing was done with the deputy sheriff's gun. The relatives borrowed from the deputy sheriff his pistol at the same time they took the prisoner. The gun was returned to the officer about 20 minutes later. Reports published in the Nashville Tennessean stated the woman was drinking beer in a negro store at the time the slapping is said to have occurred. When the jury returned its verdict of not guilty, Judge Courtney, presiding, declared, "I am astonished at your verdict." From the investigations of all of these lynchings in the southern and border States in the years of 1935–36, and the 83 lynchings during President Roosevelt's administration, there is ample justification for the statement in the report of the Senate Judiciary Committee on the Costigan-Wagner antilynching bill—

A continuation of the practice of lynching, coupled with a complete failure of the government of those States involved to apprehend and punish the perpetrators of these crimes, supports the need of Federal legislation.

PROTECT LIVES

Some of our southern friends have been urging congressional action against sit-down strikes. I would not minimize the importance of that issue, but may I urge that if Congress has the constitutional right to legislate in regard to sit-down strikes, where property rights may alone be involved, it seems to me that Congress certainly has the right to legislate in cases involving "stand-up" lynchings and mob murders where the lives, in many instances, of innocent women, children, and men are involved; and some of our southern friends are alarmed because this measure might create additional bureau activity. When did these good Democrats become alarmed about bureaucrats in Washington? They have been voting for the past 4 years for laws piling up bureaus on bureaus and have created more bureaus and commissions than were created from the beginning of our Government in 1789 to 1933. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN. Mr. Chairman, we are concerned here with a proposition that the Federal Government be called upon to supervise the execution and administration of certain State criminal laws. The proposition is based on the premise that the fourteenth amendment to the Constitution empowers the United States Government to guarantee to the citizens of the several States "the equal protection of the law." Sponsors of the measure contend that this equal-protection clause is sufficient to cover the purposes of the bill, and that should it become law its constitutionality would be upheld in the courts.

I did not rise, Mr. Chairman, to enter upon a technical discussion of constitutional law. I do not wish to split hairs with my colleagues who apparently believe the Federal Government has the right to supervise the police forces of the various States, counties, and municipalities of this country. I rose to discuss a broad question of policy and the broad, underlying principle by which the Federal Government of the United States has contracted with several States of this Union to leave the administration of certain local affairs to the judgment and the will of the people within these local jurisdictions.

The Union was formed for the mutual protection of the States against outside aggression and to assure a peaceful and friendly intercourse among themselves. Definite rights, privileges, and responsibilities were reserved to the States as sovereign entities.

Throughout all our history as a united nation we have preserved the tradition of this word "sovereign." The question is, "Do we, and shall we, preserve it in fact?" The Century Dictionary defines "sovereign" as "being above all others, or supreme, in character, excellence, and importance." If this be true, it is from the sovereign States of this Union that the Federal Government derives its power as a sovereign nation. And it must be that surrender of rights and responsibilities of the States can be accomplished only by the will of the people of the States.

In the bill we have before us, it is proposed that, by act of Congress, jurisdiction hitherto reserved exclusively to the States and their subdivisions be usurped by the Federal Government, and that the acts of legally appointed State officers be supervised by the Federal courts.

This bill, Mr. Chairman, classifies a certain type of homicide as lynching. It seems to find this type of murder more reprehensible than other forms of death by inflicted violence, and, at least by inference, sets up the premise that certain of the Southern States are unable to prevent its occurrence. It proposes to inflict penalties in the Federal courts on local officers unable to prevent mob violence against prisoners in their custody, and to subject counties in which lynchings may occur to the payment of damages. You cannot enforce the judgment against a county. These provisions, it is argued, will have the effect of increasing the vigilance of local peace officers and have a tendency to create local public sentiment against lynch mobs.

Now this is all very well, but the facts of our recent history do not bear out the seeming necessity for Federal intervention of this character. Even if this proposal could be brought into harmony with the underlying spirit of the Constitution, which I believe it cannot, there still remains a record of steady decline in the number of lynchings as a result of steady improvement of State laws and State law enforcement.

Addressing the Senate in 1935, Senator WAGNER, of New York, coauthor of a bill almost identical with the one here under consideration, cited figures which clearly show a marked decline in the number of lynchings in the United States.

"There have been 5,071 lynchings in the United States since 1882", said the Senator, "and 280 since 1922." Now simple arithmetic would show that during the 40 years from 1882 to 1922, during which time the country's population doubled, the average was about 120 lynchings a year, but in the 13 years from 1922 to 1935 this average had declined to less than 22 a year. As a matter of fact, the whole trend of the record has been downward since the 1882 date, and in 1934 the number was 15, in 1935 there were 20 lynchings, and in 1936 there were 8. Does not this seem to indicate that State and local law-enforcement agencies are handling this problem with effect?

Some advocates of this measure have called attention to the action of various States in adopting antilynching legislation, particularly Virginia, who passed an antilynching law in 1928, stating there has been no lynching in that State since the passage of the law, and that the State of Virginia has suffered no loss by reason of the fact that it, by its own hands, has wiped out this form of lawlessness.

Now, this is a very outspoken admission that the States themselves are entirely competent to handle their own police problems, regardless of whether or not there is any constitutional inhibition to Federal interference. And Virginia is not the only State in which so-called antilynching laws exist. But every State has a law against murder; and it does not matter whether it comes from the poisoner's vial, the machine gun of the gangster, or the rope of a lynch mob, it is still murder, punishable according to the laws of the State in which it is committed.

The people of my State do not believe in lynching, notwithstanding she has been denounced in severe terms. The courts, the press, the pulpit, and the bar are all opposed to lynching in all of its forms. However, there is not a father in the South who would not infinitely prefer to see his daughter dead than for her to become the victim of a Negro rapist; and, of course, under these circumstances it is not human for parents or relatives to control their feelings, and I feel that parents and relatives in all other sections of this country would have the same feeling for the helpless victims of such brutes.

I dare say that no one in this House condones the illegal use of "third degree" methods, for which police of large cities have become notorious. But would anyone here suggest that this particular scandal would be sufficient reason for adoption of Federal legislation to supervise the police of our large northern cities? The "third degree" is manifestly illegal and a violation of the constitutional rights of citizens. And it is not perpetrated by an outraged citizenry. It is perpetrated by peace officers themselves.

If this Congress undertakes to set up Federal supervision over State statutes applying to one particular form of crime, then this or succeeding Congresses could pass laws providing for the supervision of any other or all State statutes. This bill, if enacted into law, can easily become an opening wedge to complete domination of State and local laws by the Federal Government.

So we come to the real point of the issue. The record shows that under State jurisdiction lynchings are becoming fewer and further apart, even though the population of this country has been increasing very rapidly. But in the past a great number of the lynchings which have taken place in Southern States have been of Negroes. In the meantime some of the large cities have developed big Negro populations, groups sufficient in size to become political considerations. These groups have been organized by politicians and

their votes have become important factors in local, and even national, elections.

I submit, Mr. Chairman, that these facts speak for themselves. The practice of lynching is almost entirely disappearing from existence in this country, and this has been brought about by local law enforcement within the States. The sudden demand for Federal antilynching legislation can, therefore, be little more than an emotional appeal to large groups of Negro voters in the North. I for one know that the Federal Government cannot improve upon the law enforcement practiced by the States, and I am confident that this proposed usurpation of States' rights was never contemplated by the Constitution. The real friends of the Negroes are still in the South, and everyone, with the exception of a few political leaders, will admit this. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Chairman, one of the striking features of this bill is that the Members who offer it, and who are working so actively to secure its passage, have the least knowledge of the conditions which they claim the bill will remedy, and the least understanding of what the effect of such a law would be. While, of course, they claim that this bill will apply to all of the States in the Union, yet it is well known that it is to seek Federal control of conditions within the Southern States. They are seeking to legislate on a subject that they do not know anything about. Their interest can be attributed only to the presence in their congressional districts of a limited Negro voting population which is demanding this legislation as the price of their support. My prediction is that experience is going to teach them that they are paying a terrific price.

My second reaction to this bill is that it is clearly unconstitutional in that it seeks to extend the authority of the Federal Government to a subject which is exclusively within the home rule of the individual States. The title of the bill recites that its purpose is "to assure to persons the equal protection of the laws", which shows that those who present the bill are claiming as their constitutional authority the language in the fourteenth amendment to the Constitution, which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

I shall not attempt a discussion of the constitutional question at this time. First, because there can be no doubt in any honest legal mind that this bill is unconstitutional; secondly, because other Members have heretofore and will hereafter discuss that question. But in passing I refer you to the *Civil Rights cases* (109 U. S. 3), where the Supreme Court said:

> Individual invasion of individual rights is not the subject matter of the fourteenth amendment.

And in the case of *Barbier* v. *Connolly* (113 U. S. 27) the Court said:

> Neither the fourteenth amendment nor any other amendment was designed to interfere with the police power of the State to regulate and promote the health, peace, morals, education, and good order of the people.

And in *Keller* v. *United States* (113 U. S. 138) the same Court said:

> The power to establish ordinary police regulations has been left with the individual States and cannot be assumed by the National Government.

In the *Cruikshank case* (92 U. S. 542) the Court said:

> The fourteenth amendment simply furnishes an additional guaranty against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all of its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there.

And in *United States* v. *Harris* (106 U. S. 638) the Supreme Court approved the Cruikshank case, and said:

> The fourteenth amendment is not a guaranty against the commission of individual offenses; and the power of Congress, whether expressed or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States.

The most casual reading of these decisions will convince any impartial mind that Congress has no power or authority to enact or enforce the pending bill.

Now let us see what this bill seeks to do. It first declares that if any State, or any governmental subdivision thereof, neglects or refuses to provide and maintain protection to the life or person of any individual, it is deemed to have denied to such person equal protection of the laws of the State.

Then it provides that an officer shall be guilty of a felony and punished by a fine of $5,000 or imprisonment for 5 years, or both, if such officer, being charged with the duty to protect the life or person of any individual, or having such person in his custody, fails to either make all diligent effort to protect such individual from being injured or put to death, or make all diligent effort to perform his duties in apprehending, keeping in custody, or prosecuting all persons participating. As a State law, no one has any objecton to that section, and most of the States have similar laws; of course, with varying degrees of punishment. Everyone expects an officer to do his duty and agrees that he should be properly punished if he intentionally fails to do so. But we cannot agree that it is the right of Congress to assume control over and seek to punish our State officials. I resent it personally, because I know that the law-enforcement officers of my State are as fine, as true, as brave, and as loyal as any on the face of this earth.

The bill then provides that an officer shall be guilty of a felony and punished by imprisonment of not less than 5 years and not more than 25 years if such officer, having in his custody or control a prisoner, shall conspire, combine, or confederate with any person to injure or put to death such person, or to suffer such person to be taken or obtained from his custody to be injured or put to death. In the first place, there is no justification for such a slanderous reflection on the officers of the law, and I do not care what kind of reports your National Association for the Advancement of Colored People might make, I do not believe any officer of my State has ever conspired to cause the death of a prisoner in his custody. In the next place, under the terms of this section, if the prisoner is forcefully taken from an officer then such officer is left with no defense, except his own death, which would be of little avail on this earth. That is, your bill provides that if a prisoner is taken from an officer he must be imprisoned for from 5 to 25 years; the only other choice left to the officer is to be killed in the defense of his prisoner. No such requirement of an officer has ever before been suggested in the history of criminal legislation. You measure the life of some of the finest men on this earth, the honest, upstanding, respected officers of the law, as of less value than that of some rapist or murderer who is in his custody. Truly, you have gone wild. But that is not all. Any officer who has any regard for his own life, or has any thought for the wife and children dependent upon him, will never make an arrest of a person when he has any cause to believe that an effort may be made to take such person away from him. No man can say what another will do, and I do not know what my sheriffs and policemen will do, but under this bill you are certainly placing before them the temptation to turn their backs on every rapist and murderer, to make no effort to arrest, and to leave such person free and at large, and if he receives any punishment at all it will have to be at the hands of a mob or other unauthorized persons. Wild—why, you have gone delirious.

The bill next declares that the United States district court shall have jurisdiction to try and to punish any and all persons who participate in such mob or assemblage, provided it appears to the court that the State officers failed, neglected, or refused to either apprehend, prosecute, or punish such offender, or it appears that the jurors in the State court are so strongly opposed to such punishment that there is probability that those guilty of the offense will not be punished in the State court. And that failure for more than 30 days after the commission of such an offense to apprehend or to indict such persons, or a failure diligently to prosecute such persons, shall constitute prima-facie evidence of the failure, neglect, or refusal above mentioned.

This section is an indictment of the courts and jurors of my State, and I resent that, too. They are just as fair, just as impartial, and have as high a sense of duty as the courts and jurors in the States of New York, New Jersey, Pennsylvania, Illinois, or any other State. If this is your conception of legislation to produce good feeling between the races or promote the general welfare of this Nation, then it would be best to let us go our own way, as once we sought, as there can be little in common between us.

Not satisfied with the unheard-of provisions above mentioned, it is next provided that any county in which a person is seriously injured or put to death by a mob shall be liable to the injured person or to his estate for not less than $2,000 nor more than $10,000 as damages, which sum may be recovered in the United States district court. And in the event that the person put to death is transported from one county to another, the county in which he is seized and also the county to which he is carried and put to death shall be jointly and severally liable to pay this forfeiture. Surely, gentlemen, there can be no limit to what you will do to satisfy the members of the National Association for the Advancement of the Colored People. Here you ask that the honest, hard-working, law-abiding citizens of a community should be taxed to the extent of $10,000 should three or more irresponsible or enraged people seek to punish some rapist or murderer, although the remainder of the community had no knowledge of such contemplated action nor had given any approval to the same. And then, if the mob should step across the highway or row across the river which happens to mark the county line, then the people of that county, ignorant of the crime and innocent of any participation therein, must also be taxed to pay $10,000 to the widow of such murderer or rapist. I believe this is the first proposal I have ever heard of which seeks in every instance to protect the guilty and punish the innocent.

The last provision is that the judge of the United States district court is not required to try such cases in the county or division where the crime takes place or where the proceedings are filed, but may order and direct that such suit or prosecution be tried in any place in his district which he may designate. This, too, sets a new precedent in criminal law. And if you should get by with this, I presume that you will next bring in a bill to require that such cases be transferred for trial to the Harlem district of New York.

It has been said in remarks on this bill that the President has a deep concern in lynching, that he has denounced it a "vile form of collective murder" and without excuse; it is intimated that the President is supporting this bill and we are appealed to "to follow the lead of our enlightened leader in the White House." But I cannot believe the President, however much he may disapprove of lynching, has the least interest in this bill or will ever put his signature of official approval on it.

I believe that the President, who has made Georgia his second home, is sufficiently acquainted with conditions in my State and all over the South to know we are able to solve our own local problems of this kind; that we know how to keep friendly and proper relations between the races, and that we do not need the Federal Bureau of Investigation and a district court and a threat of imprisonment over our officers and a liability for indemnity over our heads in order to properly conduct our home affairs. I am sure that if the President were at liberty to speak freely he would tell you that he feels safer and more free from harm while at Warm Springs, Ga., than at any other place in this Nation. There among a simple, honest, law-abiding, law-respecting, and native American citizenry he dismisses his secret service, climbs in his old roadster, and rides alone whenever and wherever he pleases, free from harm or alarm.

I say to you that this bill, if it becomes the law, will do many times more harm than good. I predict, gentlemen, and God knows I hope I am wrong, that such a law as this will bring on 10 times more lynchings than we have had in the past. Some of our Negro population is law abiding and is making a real effort to maintain proper relations between the races, but there are some that have no respect for the law or the constituted authorities, and when you give this latter class cause to believe that the Federal Government is back of them and is protecting them, it is going to bring on a condition most difficult to handle. I pray it will never again be necessary for the Klan to protect the South, but those of you from other parts of this Nation are showing mighty little consideration for our conditions down home.

Let me beg you, let me appeal to you, to your manhood, to your statesmanship, to let us handle our own local troubles in our own way. You must agree that we are making wonderful progress in this matter. The records show that in 1892 there were 226 people lynched, in 1932 there were 38, while last year there were 8, and so far this year there has been only 1. Do not you think we are doing a pretty good job of a bad situation? Do you think these efforts on our part justify this attempt on the part of Members from other sections of the Nation, who know nothing of our problems, and care less, to force on us the powers of the Federal Government in purely local or State matters?

The Members pushing this bill say that they are "firmly convinced that there has been a diminution in the number of lynchings" and that "the South is entitled to great credit for the real progress it has made"; yet, in the next breath, they say that the States in the South are not correcting the evil and that we need the G-men and the Federal courts on our neck.

Of course, the fact that there were only eight lynchings last year and only one this year forced them to admit that there has been a great and steady decrease, and, if circumstances were different, they would go further and admit that there was no need for a law of this kind; but, as I believe, for the sole purpose of trying to satisfy and gain the good wishes of a certain class of voters, they claim that this law is necessary because we might some time have a return of the old conditions. If that was sound argument, would it not require us to pass a law requiring the city of New York or the city of Chicago to pay the victims of racketeers $10,000 in each case from fear there will be an early return of the terrible crime conditions existing in those cities a short time ago. Certainly the innocent victim of a racketeer loses his life or his property without due process of law and is more entitled to protection than is a confessed rapist.

May I say that for my part I have heard enough of the horrors of lynching? I do not approve of them. I do not believe that the people who engage in them approve, either. In such act they are controlled by two emotions. First, they are seeking to protect and defend something more sacred than the law and more sacred than life itself; and, secondly, they are themselves temporarily the natural victims of a passion and of impulses beyond human control.

I say it is strange you spend all your time describing the horrors of the crime of lynching and have uttered not one word condemning the acts which have brought them on. You try to picture the party lynched as a poor, defenseless, innocent, upright, law-abiding citizen denied the equal protection of the law, when in the great majority of cases he has himself been guilty of not only violating the highest written law, committing the most diabolical crime, but has also violated every principle of decency, of manhood, of womanhood, and of the most sacred possessions of mankind.

You men of the North, the East, and the West do not come talking to me about what you call the great, horrible crime of lynching. We can handle our own troubles. You go home and clean up your own back yards of some of its nasty pile of crime, filth, disloyalty, and disregard for the law. And before you come back read again one of the greatest messages ever uttered by the Son of the Master of us all:

> Let him who is without sin cast the first stone.

[Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman, this seems to have developed into a sectional fight. I happen to come from the northernmost part of one of the most Northern States of the United States, and I feel this bill is just as much a slap in the face to my State as it is to any other State in the Union.

I have taken an oath to uphold and defend the Constitution of the United States, and if there was ever a piece of legislation that is flagrantly unconstitutional on its face, it is this piece of proposed legislation. We have heard gentlemen on the floor of the House say we did not have constitutional authority to pass legislation to rid this Nation of the menace of sit-down strikes. The sit-down strike, in my opinion, is mob violence that will undermine the democracy of this Nation, and, still, being mob violence, they tell us we do not have the constitutional right to pass on legislation of that kind. Then, in the next breath, the gentleman from New York [Mr. FISH] comes here and states that this kind of legislation which is nothing more or less than political browbeating of the worst type; this sectional slurring thing is constitutional. When he and his kind stand on the floor of this House and talk about protecting human rights above property rights, then I fear for the future of this Nation if left in the hands of such men who change their opinions overnight or to suit political expediency. I am led to believe they would sell their country and its Constitution for their own political advancement.

I notice in this bill you have placed a penalty upon any county into which a person who is seized by a mob may be transported; in other words, if a mob in an adjoining county picks up a person and then steps across the line into an innocent county, you make that county liable in damages.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield for a question?

Mr. HOOK. In just a moment. I ask anybody on the floor of this House whether or not he is willing to penalize an innocent county under a situation of that kind? If this is good legislation, I do not know anything about good legislation.

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield to me to answer him?

Mr. HOOK. Yes.

Mr. GAVAGAN. I am telling the gentleman if he will read the bill he will find out that his statement is absolutely incorrect.

Mr. HOOK. All right; let us read the bill.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield to me for a short question?

Mr. HOOK. Yes; I yield.

Mr. McFARLANE. Does not the gentleman think that if we pass this bill it ought to give control of the Harlem district to Tammany Hall in perpetuity?

Mr. HOOK. It probably would.

Section 6, on page 5 of the bill, provides:

> In the event that any person so put to death shall have been transported by such mob or riotous assemblage from one county to another county during the time intervening between his seizure and putting to death, the county in which he is seized and the county in which he is put to death shall be jointly and severally liable to pay the forfeiture herein provided.

Does that answer the gentleman's question?

Mr. GAVAGAN. No; the gentleman was talking about an innocent county. The second county is the one in which the man is put to death. If that is innocent, I do not know anything about innocence.

Mr. HOOK. Then the other county is innocent. One of them must be innocent. The gentleman does not know anything about his bill.

Mr. GAVAGAN. And so far as I know, Tammany Hall never hung or mobbed anybody.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 8 minutes to the gentleman from North Carolina [Mr. CLARK].

Mr. CLARK of North Carolina. Mr. Chairman, it has been so often stated in the course of this debate that this bill is completely unconstitutional that I guess a repetition of that opinion is hardly in order, although that is my opinion. I wish to discuss the matter a little from the standpoint of my own State of North Carolina and say something about what has happened there and what I conceive to be the unwisdom of this kind of legislation for the attainment of the objective in view. Our State for a long time has had well-considered statutes dealing with the subject of lynching. It is not only a crime in our State but it is made the duty of the prosecuting officers of all of our courts to conduct immediate investigations at the expense of the county in which the crime may have been committed, takes away from witnesses immunity in testifying in these cases, makes them guilty of a misdemeanor if they fail to appear and testify, and many other statutes completely covering the whole subject. We have had these laws for a long time, and under the leadership of the patriotic, law-abiding citizens of the State we have reached the point at which we can take some pride in the progress we are making. Why? Because our law-abiding and patriotic citizens are undertaking earnestly to do that thing. We have taken a pride in our record.

We are enforcing these laws and building day by day a stronger and more virile public sentiment against this wholly unjustifiable crime. A few years ago Governor Bickett, of North Carolina, being advised that a mob was gathering in the capital city seeking to take summary vengeance on a man who had committed a most atrocious crime, slipped out of his bed and, taking only time to put his overcoat over his pajamas, in the dead hours of the night, singly and alone, faced that mob and made them see the rule of reason and prevented any trouble. A good many years ago, when a crime had been committed almost too horrible for me to put in this RECORD, an angry mob undertook to go to the courthouse in which the trial was being conducted and take the prisoner. The distinguished judge who was presiding at that trial called on the lawyers and the law-abiding citizens of that county for assistance. He brought them in and swore them in as officers, telling them they would have to cooperate with him before he would undertake to proceed with the trial. These private citizens, devoted to the maintenance of law and order, gathered in the courthouse, put the prisoners on the third floor, and stood off a mob all night. At daylight the State militia arrived and the trial proceeded in an orderly and proper way, and was approved by the Supreme Court of North Carolina. The distinguished judge who led in the maintenance of law and order under those trying conditions is now a member of our Supreme Court, and recently expressed to me his gratification that this form of lawlessness has virtually disappeared in North Carolina.

One more thing and I am going to put the facts into the RECORD this time. In my own home county two ill-advised and unfortunate colored men went to the home of a humble white citizen who was away at his work, went into the kitchen where his wife was performing her duties, laid violent hands upon her, ravished her, beat her head into a pulp with a fence rail, and left her lying in a cornfield. Of course, that infuriated the people of that community. The sheriff of that county was a grand old white-haired Confederate veteran. He, with the assistance of two or three other outstanding citizens, managed to get his hands upon those two people before the mob reached them. That was back in the good old "horse and buggy" days, and with his horse and buggy he managed to keep just a few miles ahead of the mob. When he reached the county seat he knew the little jail there was not sufficient to stay the anger of that mob. He commandeered a steamboat on the river. He got on the boat with his prisoners and told the captain not to stop until he got to Wilmington, 100 miles away. However, during that night, news of the crime had reached that city and a mob was forming there. The next morning, having gotten permission to take his prisoners to the State capital, he undertook to get them to the train, and even as he had gotten them into the train and it was pulling out, the angry mob uncoupled that car from the train and, but for the timely arrival of the light infantry of that city, there would have been bloodshed. But here you have the picture of that gray-headed old Confederate soldier, with his two prisoners down under the seat in the train, with his gun in his hand, firing a shot at this door or at that door

when any member of that mob attempted to enter. He did take them to the State capital; they were confined there and brought back to the county and tried in a lawful manner, and executed in the manner provided by law. What I am saying is this—things like these instances have put it into the hearts and minds of our people to take great pride in the enforcement of law.

The people admired this grand old sheriff who so courageously performed his duty.

They admired this judge who stood out against the mob and saw that his prisoners had a fair trial. They admired our courageous Governor who, single and alone, went down in the dark hours of the night and faced the mob for the sake of law and order in North Carolina. That is what you have got to depend upon to put this kind of unjustifiable crime down. This vicious bill does not do that. It slurs at those officers. It would, under certain contingencies, make them guilty of felonies and subject them to severe penalties. It seeks to penalize a county, no matter how impossible it may be to prevent a crime that all good people condemn. You may pass this bill, but you are not going to get that kind of courage and that kind of fearless action necessary to prevent such crimes by holding a club over the heads of the officers upon whom reliance must finally be had. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. CLARK] has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, as the debate on this measure progresses, it seems to me I hear the voice of Supreme Court Justice Roger B. Taney, the Justice who enunciated the famous Dred Scott decision. I can hear Justice Taney saying, "The black man has no right that a white man must respect." I hear that voice on this floor today, not in so many words, but camouflaged, if you will, by the theory of State rights. "Keep off our reserves. Do not interfere with our sovereign rights." "The measure is unconstitutional as an invasion of State rights."

This argument in the face of a report of 5,105 human beings lynched in this country since 1882; 5,000 of them, approximately were black men and women who were part of a helpless minority in this country. These victims are calling upon this great Congress of the United States, they and their descendants, their kin and their friends, and all lovers of justice, asking that you go on record to remove the blackest spot in the pages of American history. I think you will go on record and pass this bill.

In 1922 the same voice of Justice Taney, again through the theory of State rights, came on to this floor when the Dyer Anti-Lynching Act was here for consideration. It came again when the Mann Act was passed, when Congress sought to strengthen existing laws against commercialized vice. The same voice was here again when Congress was considering a bill to stop the theft of automobiles by Federal legislation, before many of the States had compulsory registration of automobile laws. It came again when the Lindbergh law was passed to prevent the heinous crime of kidnaping. It was not so vociferous then, because the temper of the country was against kidnaping.

I want to congratulate the gentleman from New York [Mr. GAVAGAN] and the 218 men who signed that discharge petition to bring this bill before this body. I am happy to know that you have responded to the appeal of about 47,000,000 people who want this legislation. Let the other branch of the Congress take its responsibility and filibuster if they like, but this is the people's branch of the Government. This is the branch where I want to be recorded as trying to wipe out this foul stain. Let no man rise here and talk about persecution of the Christian martyrs, or talk about the horrors of the Spanish Inquisition, or talk about the pogrom against the Jews in Russia, in face of the record I refer to, the foulest crime of all, lynch law, burning human beings at the stake, stringing their bodies up in trees, lacerating them with knives and other weapons, drowning them in the rivers, stoning them to death. This is a crime that cries out for vengeance to the high heavens. Let the body across the Plaza, the Supreme Court, decide its constitutionality. The question of the constitutionality of measures under consideration has always been raised in every case when we came here seeking to get economic and social justice; when we come here seeking restoration of human rights for the Negro groups who are helpless, and who are under a handicap because of that philosophy of Justice Taney which is still in the South and in other parts of the country, the cry of unconstitutionality is raised. I respect the viewpoint of many of my southern colleagues. You know and I know that the scene is changing. The gentleman from New York [Mr. CELLER] placed in the RECORD today the fact that 60 percent of the inhabitants below the Mason and Dixon's line in the poll conducted by the Institute of Public Opinion voted for this sort of law and said they were in favor of a Federal antilynching law.

This bill will not destroy lynching. It will minimize it. It will put the fear of God into some of your politicians in the South, who have not got the courage to act against the mob, and in other parts of the country where lynchings are tolerated if not encouraged. There is only one real remedy; the barriers of bigotry and race prejudice will have to be broken down before you can break up lynching in this country. But a law of this kind will go a long way to stop it.

The startling information furnished the House today, that there have been 5,105 persons, men and women, lynched in America since 1882, convinces me that this record of lawlessness is the blackest page in our Nation's history.

I repeat a debt of gratitude is due the Members of the House who signed the discharge petition to bring forth this antilynching bill for consideration and vote. Were it not for their courage in signing this petition, this measure, important as it is, could not be considered in the people's branch of the Government, the House of Representatives. I trust that the other branch of Congress will give this measure favorable consideration when it reaches that body for deliberation and vote.

I am grateful for the opportunity to raise my voice and accord my vote in favor of this antilynching bill now under consideration. This measure may not have the effect of eradicating altogether the practice of lynching, but I am of the firm conviction that it will help minimize lynching in this Nation, and will undoubtedly put the fear of God and respect for constituted authority in the hearts of many public officials and others who in the past have urged mob violence and denied the victims of their passion and wrath the constitutional right secured for all individuals, whether guilty or innocent of crime, the right of trial by constituted authority.

Mr. Chairman, the Negro, handicapped as he is by persecution and injustice, has come a long way since slavery days to the position and respect he now enjoys in every community in which he resides. He has literally lifted himself to a better economic status with his own boot straps. In the business, professional, and literary fields he has made a splendid progress; in the arts and sciences he has made rapid development. He asks not social equality with his white brethren; he only asks that the barriers of bigotry and race prejudice be lowered so he may have the opportunity to demonstrate his native talent and ability without handicap; that he be given every right of protection and equality ordained to him and every other citizen under the laws of the several States in the United States of America.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SWEENEY] has expired.

Mr. GAVAGAN. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from New York has consumed 48 minutes, the gentleman from Texas has consumed 1 hour and 23 minutes, and the gentleman from Kansas has consumed 41 minutes.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FORD].

Mr. FORD of California. Mr. Chairman, I have listened this afternoon to eloquence soaring on triumphant wings, but also I have listened to sophistry parading in the stately

garb of logic. It reminds me of what Shakespeare had Bassanio say in the Merchant of Venice:

> In law, what plea so tainted and corrupt,
> But, being seasoned with a gracious voice,
> Obscures the show of evil?

Mr. Chairman, I have listened this afternoon to men for whom I have the most profound respect. I know they are interested in this question, and the intensity of their interest is something one cannot help but respect. The arguments I have listened to, however, have not been arguments that convinced me as to the character of this bill and what it will accomplish. We are told that if this bill becomes a law lynchings will increase. Mr. Chairman, that is not an argument; that is a threat. In my humble opinion, it is tragedy.

I am sorry that the House of Representatives, great legislative body that it is, is called upon to consider a measure of this kind, because it should not be necessary; and I, as a Member of this Congress, take my stand convinced that an antilynching bill should be passed at this session.

Last week the Judiciary Committee favorably reported an antilynching bill. I voted for its consideration, although it was not the bill I had been sponsoring. I could not vote against an antilynching bill, because I have worked too long and too hard in the effort to get action in Congress against lynching. I want an antilynching bill passed this year; any such bill that is reasonably adequate will have my vote.

The bill I prefer is H. R. 1507, now before the House. This is in substance the same as my own bill, H. R. 143. It provides to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

This free country of ours, where our liberties are supposedly so fully guaranteed under the laws, is the only country in the world which tolerates lynching. Since 1882 there have been 5,105 lynchings in the United States. About one-quarter of the victims of mob rule have been white; three-quarters have been Negroes. About 1 out of every 15 of the victims has been proved innocent after the blood lust of the mob has been satiated for the time being.

In less than 1 percent of the lynchings has the perpetrators been brought to justice. In most cases the mob leaders were known to the authorities, and in most cases the authorities have failed to prosecute or have done so with no genuine effort to convict the guilty.

This is why enlightened Americans who believe in law and order and who are revolted at the thought of mob violence in a free country are now supporting the antilynching bill awaiting the action of this House.

I first introduced the companion to the original Wagner-Costigan bill in the Seventy-third Congress; I introduced it again in the Seventy-fourth Congress; and again, with changes, in January of this year. I hope that this will be the last time, because I hope that Congress will pass H. R. 1507 at this session.

This House is made up of Representatives duly elected by the people. I know it is the intention of Members to honestly represent the will of the people. And right now we have the best of evidence that the people of this Nation approve such a bill. In a poll recently taken 7 out of 10, or 70 percent, of our citizens were in favor of a Federal antilynching bill. To the honor of the South, where lynching has been most prevalent, a full 65 percent of the people questioned expressed themselves in favor of the bill.

H. R. 1507 proposes to hold local authorities responsible for failure to protect a prisoner from a mob. It provides for a fine of $5,000 or for 5 years' imprisonment, or both, with severer penalties where it is proven that the officials conspired with the mob. It also provides penalties in the way of fines assessed on county governments shown to have failed to protect a prisoner from a mob.

We who are sponsoring this bill, and this applies to many Members of the House, feel that its passage will infuse officers of the law with a new respect for the law and will cause them to make every honest and energetic effort to save prisoners from mobs.

To the argument that lynchings are decreasing and that drastic action is no longer necessary, I answer, "Pass this bill and end lynchings. Why permit this frightful blot to remain on the otherwise honorable escutcheon of our Nation?"

Let us have the courage to act, knowing that in doing so we serve justice and humanity. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. O'DAY].

Mrs. O'DAY. Mr. Chairman, the gentleman from New York [Mr. FISH] touched upon one aspect of the matter of lynching that I think has not perhaps been sufficiently stressed—its international aspect. Most of the countries, the far-flung countries of the world, believe that our Government condones, aids, and abets lynching. I know this, because when I was in India I saw in many places for sale a book called Uncle Sham. This book held up our country as calling itself civilized, and then throughout the pages of the book was pointed out every dreadful thing that ever happened in our country, racketeering, kidnapings, and all. The chapter on lynching was particularly horrible. It gave details, the dates, and excerpts from magazines and newspapers. I am told that the book was written by a Hindu. It is not allowed admission into this country. It has been translated into 86 Hindu dialects and is one of the best sellers in India. It is now being translated into the Japanese.

Later on, at Canton, China, I was offered photographs of public executions, and when I declined to buy them, I was reminded by the young Chinese, who had attended school in New York City, that in America we burned our black criminals at the stake, and he was rather at a loss to know why we were shocked at the cards.

In Siam I heard the same thing, and in a far-away jungle in French Indochina I was the only American there to defend our country against this accusation of being party to lynching. The year before I went to South Africa and traveled from Cape Town to Khartoum. The problem there, as you know, is very much more acute than it is in this country; but everywhere I went the people to whom I talked brought up this subject of lynching; and I assure you it is impossible to make people in other parts of the world believe that all of us here are not in favor of it, that our Government does not aid and abet it.

I was born and brought up in the South. I know of a large group of women in my own native State of Georgia, white women, who are doing their utmost to stamp out the lynching that goes on not only in the South but in other parts of the country.

The passage of this bill will not only go far toward stamping out the hideous crime of lynching, but will perhaps convince other countries of the world that the Government of the United States does not condone, aid, nor abet it. At present, they cannot understand our philosophy of States' rights, for they look upon us as a unified nation under one federal government.

This bill as a Federal pronouncement will restore much of our lost prestige.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am very much interested in the statement just made by the gentlewoman from New York. May I make the suggestion that when American Members of Congress stand on the floor of the House and constantly call attention to the maximum number of lynchings which have occurred in this country, they should in the same statement, in justice to their own country, tell the people these facts: In the 11 years from 1882 to 1892, inclusive, there were in this country an average of 155.8 lynchings per year. In other words, 1 to every 300,000 people, plus. In the years 1893 to 1903 the average was 133.1 lynchings. Whereas the other figure was one person to each 300,000 people. In those 11 years there was one lynching to each 555,000 people. In the 11 years, 1904 to 1914, inclusive, with a population of 90,000,000 people, there were 89 lynchings on the average per year—1 for 1,300,000 population.

May I say, the people of the world would have a different notion about things if we would be careful to state the whole truth about a given situation. The American Members of Congress should stand on the floor of this House and paint this picture to the world fairly. The people of these States, notwithstanding the difficulties, from the year 1882 to 1936 by their own efforts have reduced lynchings in this country over 5,000 percent per million population. Last year there were only eight or nine lynchings, one for each 15,000,000 people. This crime started when the people in their westward migration moved far in advance of organized government. As a matter of fact, there was no government except home-made government which sprang up in the communities. That government must be abandoned. It must be suppressed. Lynching is indefensible. Eight or nine last year were too many. We agree with that. But why not be fair about it? Why not give your neighbors who are working at this thing credit for what they are doing? Why not tell the world the whole truth—I mean give the world a true picture? You tell of the 5,000 in the history of the country, but you do not tell of the only 8 or 9 last year. Why do you not do it? Is it because you get pleasure out of making things, which are bad enough at best, look worse than they are?

Why not stand on the floor of this Congress and tell the whole truth? Why paint a lurid picture against their own country and one which is not justified by the facts?

From 1926 to 1936 there was 1 lynching to each 7,800,000 people in this Nation. This reduction came about not from the efforts of the Federal Government but from the efforts of the States and their people. Can you people who are today criticizing us show a better record as to your gang murders? We are ashamed of the lynchings which have occurred. I know how northern people feel. It makes my own blood boil to note a few States in the South that are not enforcing the law, who are bringing shame to that whole section of the country. From every angle we are pressing them to speed up their work of suppression. They are our people and we can do it. We feel we can do a better job and a quicker job than would result from this interference by those who seem to regret that we are making any progress in this direction.

Mr. Chairman, why not be fair to the people of the South? We have a bad, a difficult situation. Two races are trying to live side by side, an experiment that has never succeeded in all the history of the ages. Do we receive any helpful encouragement from these other sections of the country on this issue? No, it is pestiferous, "holier than thou" butting in on a situation, delicate and difficult and dangerous, by outside people who think they know better what to do than the people on the ground.

You ought to be ashamed of yourselves. We have a pretty hard situation to handle and we are doing the best we can to handle it. Whenever you reduce a crime to 8 per year in a population of 126,000,000, that crime has all but disappeared. I challenge anybody on this floor to point to a single major crime in this country that has been reduced as rapidly as the people of my section of the country have reduced the crime of lynching. It is not fair, and you ought not to do it. You ought to be ashamed of yourselves. No wonder when women travel abroad, as Mrs. O'DAY did, they read these stories which she detailed. I can take the exceptions in any country and work them up to make a stranger believe them to be the rule, especially if given help by high officers of the government. I could take the case of a little girl outraged in my friend's city the other day, and could build up the facts and say that is the way they treat their children in New York, and it would be just as true to the facts as some of these home-consumption speeches delivered on this floor. But it would not be the truth.

They do not treat their children that way in New York. If the people in New York in the neighborhood where that little girl lived could have got their hands on the ravisher and murderer and no peace officer was around they would have lynched him. That is how most of our lynchings occur. The communities are exposed. There is usually no police protection save that which the people afford. Not only is police protection an individual and community matter but their danger and the danger of the members of each family is a common danger.

That makes them keener, with a more personal attitude than in an organized community with police officers. And there is not the police officers adequate to protect the person in danger of the mob. That is why it is so essential, as we see it, to hold to these States and these communities the fact and the sense of full responsibility. But I hope to develop this more fully later. I arose chiefly to point out that these notions of foreigners with regard to the prevalence of mob violence come more from the exaggerated statements made by Members of Congress against their own country rather than from 8 or 9 such offenses in a year, 1 for each 15,000,000 people.

This is not offered in excuse but for information to people who, apparently without sympathy or understanding, seem willing to imperil the work which people who believe they know what is to be done and how to do it.

Mr. GAVAGAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HILL of Alabama] having resumed the chair, Mr. O'CONNOR of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. STARNES, for 5 days, on account of official business.

ERNEST AND LOTTIE DUNFORD

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 456) for the relief of Ernest and Lottie Dunford, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, lines 4 and 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

EXTENSION OF REMARKS

Mr. TRANSUE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an excerpt from a decision of the Supreme Court.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

(Mr. MURDOCK of Arizona asked and was given permission to extend his own remarks in the RECORD.)

ORDER OF BUSINESS

Mr. GAVAGAN. Mr. Speaker, may I inquire from the gentleman from Texas [Mr. RAYBURN] whether it is the intention to further consider this bill tomorrow after the Calendar Wednesday business has been disposed of?

Mr. RAYBURN. That is the intention if we get through Calendar Wednesday business by 3:30 o'clock.

Mr. MARTIN of Massachusetts. But the gentleman does expect to take up the Calendar Wednesday business tomorrow?

Mr. RAYBURN. Yes. The Committee on Interstate and Foreign Commerce has the call.

Mr. MARTIN of Massachusetts. What does that committee propose to bring up?

Mr. RAYBURN. The Pettengill bill, which has to do with the long-and-short-haul clause of the Interstate Commerce Act.

Mr. MARTIN of Massachusetts. And after that bill is disposed of, we will then proceed to the consideration of the pending bill?

Mr. RAYBURN. We will proceed with general debate on that bill.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 48. An act to authorize an appropriation for investigations under the Federal reclamation laws; to the Committee on Irrigation and Reclamation.

S. 171. An act for the relief of George E. Shockley; to the Committee on Claims.

S. 603. An act to provide further for membership on the Board of Visitors, United States Military Academy; to the Committee on Military Affairs.

S. 1067. An act for the relief of Asa J. Hunter; to the Committee on Claims.

S. 1104. An act granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan; to the Committee on Interstate and Foreign Commerce.

S. 1621. An act to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works; to the Committee on Indian Affairs.

S. 1764. An act for the relief of Ruth Gaskins; to the Committee on Claims.

S. 1934. An act for the relief of Halle D. McCullough; to the Committee on Claims.

S. 1936. An act for the relief of the estate of Elmer W. Laub, deceased; to the Committee on Claims.

S. 1972. An act to authorize the Secretary of War to sell, loan, or give samples of supplies and equipment to prospective manufacturers; to the Committee on Military Affairs.

S. 1973. An act to authorize the Secretary of War to transfer to the people of Puerto Rico certain real estate pertaining to the post of San Juan, San Juan, P. R., and for other purposes; to the Committee on Military Affairs.

S. 2076. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

S. 2077. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo.; to the Committee on Interstate and Foreign Commerce.

S. 2084. An act to provide that graduates of approved school ships may be rated as able seamen upon graduation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 1870. An act for the relief of Kate Carter Lyons;

H. R. 1871. An act for the relief of John S. Hemrick;

H. R. 1923. An act for the relief of Evangelos Karacostas;

H. R. 2320. An act for the relief of Peter Karampelis;

H. R. 2780. An act for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased;

H. R. 2936. An act for the relief of E. B. Gray; and

H. R. 3701. An act for the relief of the Sterling Bronze Co.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until tomorrow, Wednesday, April 14, 1937, at 12 o'clock noon.

COMMITTEE MEETINGS

COMMITTEE ON FLOOD CONTROL

There will be a meeting of the Committee on Flood Control on Wednesday, April 14, 1937, at 10:30 a. m., to consider H. R. 4854, H. R. 5626, H. R. 5627, H. R. 5632, H. R. 5756, H. R. 5814, H. R. 5828, H. R. 5888, H. R. 5889, for surveys; S. 1570, for State compacts; and resolutions pending before the committee.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday morning, April 14, 1937, at 10:30 a. m., for the public consideration of H. R. 5573 (Dies bill).

COMMITTEE ON THE POST OFFICE AND POST ROADS

Air-mail hearings will continue at 10:30 a. m., in room 213, House Office Building, on Wednesday, April 14, 1937.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed by the Committee on the District of Columbia to consider H. R. 5400, a bill to regulate sales of real estate, etc., will meet Thursday, April 15, 1937, at 10:30 a. m., in room 345, House Office Building.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Monday, April 19, 1937, at 10:30 a. m., to continue hearings on the Bonneville Dam project, H. R. 4948 and H. R. 6151.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Tuesday, April 20, 1937, at 10:30 a. m., in connection with the bill (H. R. 4746) to prohibit interstate transportation of goods, wares, and merchandise in certain cases.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 20, 1937, at 10 a. m., in room 328, House Office Building, to consider H. R. 5394, to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary on Friday, April 23, 1937, at 10:30 a. m., on the following bills: H. R. 4894, to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff; and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

EXECUTIVE COMMUNICATIONS, ETC.

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

540. A letter from the past adjutant general of the Grand Army of the Republic, transmitting the Journal of the Proceedings of the Seventieth National Encampment, held at Washington, D. C., September 20–26, 1936 (H. Doc. No. 37); to the Committee on Military Affairs and ordered to be printed, with illustrations.

541. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 8, 1937, submitting a report, together with accompanying papers, on a preliminary examination of Little Creek, Queen Annes County, Md., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

542. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts (H. Doc. No. 218); to the Committee on Appropriations and ordered to be printed.

543. A communication from the President of the United States, transmitting a schedule of claims allowed by the General Accounting Office pursuant to Public Act No. 436 (H. Doc. No. 219); to the Committee on Appropriations and ordered to be printed.

544. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the War Department to pay claim for damages under river and harbor work in the sum of $1,256.41 (H. Doc. No. 220); to the Committee on Appropriations and ordered to be printed.

545. A communication from the President of the United States, transmitting an estimate of appropriation in the amount of $796.05, submitted by the Department of Justice to pay claims for damages to privately owned property caused by employees of the Federal Bureau of Investigation (H. Doc. No. 221); to the Committee on Appropriations and ordered to be printed.

546. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Treasury Department to pay claims for damages by collision or damages incident to the operation of vessels of United States Coast Guard, in the sum of $609.95 (H. Doc. No. 222); to the Committee on Appropriations and ordered to be printed.

547. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment, amounting to $1,836,441.75 (H. Doc. No. 223); to the Committee on Appropriations and ordered to be printed.

548. A communication from the President of the United States, transmitting a record of a judgment as submitted by the Attorney General through the Secretary of the Treasury, and which requires an appropriation for its payment in the amount of $2,184.63 (H. Doc. No. 224); to the Committee on Appropriations and ordered to be printed.

549. A communication from the President of the United States, transmitting a schedule of claims allowed by the General Accounting Office, as shown by certificates of settlement forwarded by the Treasury Department for payment (H. Doc. No. 225); to the Committee on Appropriations and ordered to be printed.

550. A communication from the President of the United States, transmitting estimates of appropriations submitted by the Navy Department to pay claims for damages by collision or damages incident to the operations of vessels of the Navy, in the amount of $103.59 (H. Doc. No. 226); to the Committee on Appropriations and ordered to be printed.

551. A communication from the President of the United States, transmitting a schedule of a claim allowed by the General Accounting Office, as shown by certificate of settlement transmitted to the Treasury Department, in the sum of $261.24 (H. Doc. No. 227); to the Committee on Appropriations and ordered to be printed.

552. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1937, to remain available until expended, for the War Department, for flood control, Mississippi River and tributaries, amounting to $1,000,000 (H. Doc. No. 228); to the Committee on Appropriations and ordered to be printed.

553. A communication from the President of the United States, transmitting estimates of appropriations submitted by several executive departments and independent offices to pay claims for damages to privately owned property, in the sum of $38,943.62 (H. Doc. No. 229); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 2516. A bill to provide for the establishment of a Coast Guard station on Lake Pontchartrain, La., and for other purposes; without amendment (Rept. No. 584). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Florida: Committee on Merchant Marine and Fisheries. H. R. 2899. A bill to provide for the establishment of a Coast Guard station at or near Pass-a-Grille Beach, Fla.; without amendment (Rept. No. 585). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. H. R. 6240. A bill to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes; without amendment (Rept. No. 586). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 6293. A bill to adjust the rank of certain Coast Guard officers on the retired list; without amendment (Rept. No. 587). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 6336. A bill for the relief of sundry claimants, and for other purposes; without amendment (Rept. No. 582). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 6337. A bill for the relief of sundry claimants, and for other purposes; without amendment (Rept. No. 583). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. McREYNOLDS: A bill (H. R. 6338) to fulfill certain treaty obligations with respect to water levels of the Lake of the Woods; to the Committee on Foreign Affairs.

By Mr. MILLS: A bill (H. R. 6339) to extend until June 30, 1939, the 3½-percent interest rate on certain Federal land-bank loans, and for other purposes; to the Committee on Agriculture.

By Mr. NICHOLS: A bill (H. R. 6340) to provide for preliminary examination and survey of a portion of the Arkansas River in Sequoyah and Haskell Counties, Okla., with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. TAYLOR of South Carolina: A bill (H. R. 6341) to provide for a stenographic grade in the office of chief clerks and superintendents in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

By Mr. COLE of New York: A bill (H. R. 6342) to amend subdivision (a) of section 312 of the World War Adjusted Compensation Act; to the Committee on Ways and Means.

By Mr. CRAVENS: A bill (H. R. 6343) to provide for a preliminary examination and survey of the levees on the Arkansas River in the Crawford County levee district, in Crawford County, Ark., with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. JOHNSON of Texas: A bill (H. R. 6344) to provide for the purchase of outstanding cotton pool participation trust certificates, and for other purposes; to the Committee on Agriculture.

By Mr. MILLARD: A bill (H. R. 6345) securing memorial for John Jay, first Chief Justice of the Supreme Court of the United States; to the Committee on the Library.

By Mr. HAVENNER: A bill (H. R. 6346) to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life in the air through the use of radio communication, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BERNARD: A bill (H. R. 6347) to authorize the expenditure of tribal funds for the second annual pageant of the Chippewa Indians in Minnesota; to the Committee on Indian Affairs.

By Mr. CHANDLER: A bill (H. R. 6348) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. CLASON: A bill (H. R. 6349) to establish the Federal Youth Service for the purpose of fostering the useful and gainful employment of postschool youths; to the Committee on Education.

By Mr. DEROUEN: A bill (H. R. 6350) to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks; to the Committee on the Public Lands.

Also, a bill (H. R. 6351) to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes; to the Committee on the Public Lands.

By Mrs. NORTON (by request): A bill (H. R. 6352) to provide for the semiannual inspection of all motor vehicles in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PETERSON of Florida: A bill (H. R. 6353) providing for a preliminary examination and survey of Anclote River, Pinellas County, Fla.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6354) providing for a preliminary examination and survey of Hudson Creek, Pasco County, Fla.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6355) providing for a preliminary examination and survey of Pithlachascotee River, Pasco County, Fla.; to the Committee on Rivers and Harbors.

By Mr. PHILLIPS: A bill (H. R. 6356) to correct unfair gas and electric rate schedules; to the Committee on the Post Office and Post Roads.

By Mr. ROMJUE: A bill (H. R. 6357) authorizing a preliminary examination and survey of the Chariton River in Schuyler County, Mo., and adjoining counties, with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. TURNER: A bill (H. R. 6358) to amend section 107, as amended, of the Judicial Code, so as to eliminate the requirement that suitable accommodations for holding court at Columbia, Tenn., be provided by the local authorities; to the Committee on the Judiciary.

By Mr. BERNARD: A bill (H. R. 6359) to amend the act entitled "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes", approved July 1, 1902, to make it applicable to surgical ligatures and sutures; to the Committee on the District of Columbia.

By Mr. BREWSTER: A bill (H. R. 6360) for the relief of the State of Maine; to the Committee on the Judiciary.

By Mr. GASQUE: A bill (H. R. 6361) to regulate the payment of adjusted-service payments; to the Committee on Ways and Means.

By Mr. DIES: Resolution (H. Res. 183) to create a joint committee to be known as the Committee on Legislative Drafts; to the Commitee on Rules.

By Mr. TOBEY: Joint resolution (H. J. Res. 321) granting the consent of Congress to the minimum-wage compact ratified by the Legislatures of Massachusetts, New Hampshire, and Rhode Island; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of Pennsylvania: A bill (H. R. 6362) for the relief of Jacob King; to the Committee on Military Affairs.

By Mr. CARTER: A bill (H. R. 6363) for the relief of John T. Phifer; to the Committee on Military Affairs.

By Mr. COLE of Maryland: A bill (H. R. 6364) for the relief of J. F. Eline; to the Committee on Claims.

By Mr. COLMER: A bill (H. R. 6365) for the relief of E. V. Maki; to the Committee on Claims.

By Mr. DEROUEN (by request): A bill (H. R. 6366) for the relief of Lemuel Thomas Root, Jr.; to the Committee on the Public Lands.

By Mr. DREWRY of Virginia: A bill (H. R. 6367) for the relief of George R. Slate; to the Committee on Military Affairs.

By Mr. DOWELL: A bill (H. R. 6368) granting an increase of pension to Mary J. Simpson; to the Committee on Invalid Pensions.

By Mr. FREY of Pennsylvania: A bill (H. R. 6369) granting an increase of pension to Hannah A. Brittain; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 6370) for the relief of Joseph Calarese; to the Committee on Claims.

By Mr. JACOBSEN: A bill (H. R. 6371) for the relief of John P. Volkens; to the Committee on Claims.

By Mr. KEE: A bill (H. R. 6372) granting a pension to Tom B. Jimmerfield; to the Committee on Pensions.

By Mr. LUECKE of Michigan: A bill (H. R. 6373) for the relief of Louis Cadreau; to the Committee on Claims.

By Mr. MANSFIELD: A bill (H. R. 6374) to extend the benefits of the Federal Compensation Act, approved September 7, 1916, as amended, to the widow of James T. Burnett, deceased employee of the Works Progress Administration; to the Committee on Claims.

By Mr. NELSON: A bill (H. R. 6375) granting an increase of pension to Catherine Weltner; to the Committee on Invalid Pensions.

By Mr. RAMSAY: A bill (H. R. 6376) to authorize an appropriation to reimburse J. A. Stickel for payments made under direction of Postmaster General for telephone service at the Vandergrift (Pa.) post office; to the Committee on Claims.

By Mr. SEGER: A bill (H. R. 6377) for the relief of Reuben M. Wright; to the Committee on Military Affairs.

Also, a bill (H. R. 6378) for the relief of Walter H. Richardson; to the Committee on Military Affairs.

By Mr. THOM: A bill (H. R. 6379) granting an increase of pension to Alice Allman Bartruff; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

1773. By Mr. ARNOLD: Petition of Ellen Kinnison and other prominent citizens of Altamont, Ill., urging the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1774. By Mr. BLOOM: Petition of the Negro Labor Assembly, representing over 300,000 Negro and white workers organized in bona-fide unions affiliated with the Negro labor committee, endorsing the Gavagan antilynching bill and urging its enactment into law; to the Committee on the Judiciary.

1775. By Mr. CARTER: Petition of the San Leandro (Calif.) Democratic Club, endorsing President Roosevelt's Supreme Court policies, by George Perry, president, and Arthur L. Steele, secretary, of San Leandro, Calif.; to the Committee on the Judiciary.

1776. By Mr. CONNERY: Petition of the General Court of Massachusetts, memorializing Congress in favor of Federal legislation increasing the amount of Federal reimbursement for cities and towns granting old-age assistance; to the Committee on Ways and Means.

1777. Also, petition of the General Court of Massachusetts, memorializing Congress for enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions; to the Committee on Labor.

1778. Also, petition of the General Court of Massachusetts, favoring the making of the National Youth Administration a permanent organization; to the Committee on Ways and Means.

1779. By Mr. CURLEY: Resolutions of the Negro Labor Assembly, embracing over 40,000 Negro workers in bona-fide trade unions in the city of New York, supporting the President's proposal to reorganize the judiciary; to the Committee on the Judiciary.

1780. By Mr. FITZPATRICK: Petition of the John T. Hoffmann Unit, No. 25, of the Steuben Society of America, favoring a bill to the effect that any citizen of the United States who, after July 1, 1937, enlists, serves, or accepts a commission in any military or naval service other than that of the United States shall be deemed to have expatriated himself or herself and shall lose all rights and privileges of citizenship; to the Committee on Foreign Affairs.

1781. Also, petition of the Federal Grand Jury Association for the Southern District of New York, opposing the judicial program submitted by the President of the United States affecting the Supreme Court; to the Committee on the Judiciary.

1782. Also, petition of the Negro Labor Committee of New York City, urging support of President Roosevelt's program affecting the Supreme Court of the United States; to the Committee on the Judiciary.

1783. Also, petition of the Negro Labor Committee of New York City, endorsing the Gavagan antilynching bill; to the Committee on the Judiciary.

1784. By Mr. GOODWIN: Petition of the New York State Legislature, urging Congress to enact legislation to conserve and protect the scenic beauty of Niagara Falls from further disintegration by erosion or otherwise; to the Committee on the Public Lands.

1785. By Mr. HALLECK: Petition of the citizens of North Judson, Ind., protesting against the pending proposal for increasing the number of Justices on the Supreme Court, and demanding that the constitutional safeguards of an independent judiciary be retained; to the Committee on the Judiciary.

1786. By Mr. HAVENNER: Petition of the Legislature of the State of California, petitioning the President and the Congress of the United States to consider their Assembly Joint Resolution No. 30, relative to the granting of travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine Insurrection who were discharged in the Philippines; to the Committee on Military Affairs.

1787. Also, petition of the Legislature of the State of California, memorializing the President and the Congress of the United States to consider their Assembly Joint Resolution No. 4, relative to increasing payments for old-age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act; to the Committee on Ways and Means.

1788. Also, petition of the Legislature of the State of California, memorializing the President and the Congress of the United States to consider their Assembly Joint Resolution No. 36, relative to the enactment of House bill 4009, which proposes to appropriate $50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite favorable consideration to said bill; to the Committee on Agriculture.

1789. Also, petition of the Legislature of the State of California, memorializing the President and the Congress of the United States to consider their Assembly Joint Resolution No. 1, relative to initiating an amendment to the Constitution of the United States to provide that the Electoral College be abolished and that the President and Vice President be elected by a direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

1790. By Mr. KEOGH: Petition of the Marine Park Civic Association, Inc., of Brooklyn, N. Y., favoring the passage of House bill 6, to authorize the construction and use of underground pneumatic-tube service from the Floyd Bennett Airport to the general post office, Brooklyn, N. Y.; to the Committee on the Post Office and Post Roads.

1791. By Mr. KING: Resolution of the Woman's Christian Temperance Union, requesting the early consideration of the Neely bill (S. 153), Pettengill bill (H. R. 1669), and the Culkin bill (H. R. 23), and requesting the enactment of House bill 22; to the Committee on Interstate and Foreign Commerce.

1792. Also, Senate concurrent resolution of the Legislature of the Territory of Hawaii, requesting that the Postmaster General of the United States institute a mail delivery service in Wailuku, Maui, similar to that in the city of Honolulu; to the Committee on the Post Office and Post Roads.

1793. Also, senate concurrent resolution of the Legislature of the Territory of Hawaii, requesting the President of the United States, the Congress of the United States, the Secretary of the Interior, the Secretary of War, and the Secretary of the Navy to establish purchasing depots on the islands of Hawaii, Maui, Molokai, Kauai, and Oahu for the purpose of opening up markets of diversified agriculture in the Territory of Hawaii; to the Committee on the Territories.

1794. By Mr. KRAMER: Resolution of the California State Federation of Colored Women's Clubs, Inc., pertaining to antilynching legislation, etc.; to the Committee on the Judiciary.

1795. Also, resolution of the Booklovers Study Club, of Berkeley, Calif., pertaining to making lynching a Federal crime, etc.; to the Committee on the Judiciary.

1796. By Mr. LANZETTA: Resolution of the Assembly of the State of New York, Albany, N. Y., memorializing the Congress of the United States to enact legislation or take such other steps as would lead to correction of the damage of the Niagara Falls caused by the force of erosion, and to the preservation of the beauty of the Falls; to the Committee on Public Buildings and Grounds.

1797. Also, resolution of the Building Trades Employers' Association of the City of New York, relating to the reorganization of governmental construction activities into a Federal Department of Public Works, and endorsing the existing program with long-range planning; to the Committee on Banking and Currency.

1798. By Mr. LEWIS of Colorado: Senate Joint Memorial No. 3 of the Thirty-first General Assembly, urging the adoption by the Congress of legislation which would relegate narrow-gage railroads within the respective States to the regulatory jurisdiction of the States of their situs and would supersede existing orders for their abandonment and foster a policy for their continued operation; to the Committee on Interstate and Foreign Commerce.

1799. Also, Senate Joint Memorial No. 7 of the Thirty-first General Assembly of the State of Colorado, memorializing the Federal Government to immediately assist in the relief crisis by matching State relief funds on a dollar-for-dollar basis; to the Committee on Ways and Means.

1800. Also, Senate Joint Memorial No. 6 of the Thirty-first General Assembly of the State of Colorado, urging a direct appropriation for the construction of the La Plata No. 1 Reservoir and of either the Long Hollow or Upper Hay Gulch Reservoir as the Bureau of Reclamation may determine; and urging in lieu of a direct appropriation for the aforementioned reservoirs that they be constructed by the Civilian Conservation Corps under the direction of United States Army engineers for a Federal allocation of funds to such project or projects; to the Committee on Banking and Currency.

1801. By Mr. McCORMACK: Memorial of the General Court of Massachusetts, memorializing Congress in favor of Federal legislation increasing the amount of Federal reimbursement for cities and towns granting old-age assistance; to the Committee on Ways and Means.

1802. Also, memorial of the General Court of Massachusetts, memorializing Congress for enactment of Federal legislation to protect against unfair competition the States having high legal standards for labor and working conditions; to the Committee on Labor.

1803. Also, memorial of the General Court of Massachusetts, memorializing Congress in favor of making the National Youth Administration a permanent organization; to the Committee on Banking and Currency.

1804. By Mr. MASON: Petition of Charles G. Soedler, of Peru, Ill., and 54 others, asking Congress not to enact into law House bill 3134 because they feel that such a tax on fuel oil would be discriminatory; to the Committee on Ways and Means.

1805. By Mr. MEAD: Memorial of the Assembly of the State of New York, memorializing the Congress of the United States to enact legislation for the preservation of Niagara Falls; to the Committee on Public Buildings and Grounds.

1806. By Mr. MERRITT: Resolution of the Federal Grand Jury Association for the Southern District of New York, opposing the judicial program submitted by the President of the United States to the Congress because this association believes that so fundamental a change as is inherent in said proposals with respect to the Supreme Court of the United States should be submitted as an amendment to the Constitution; to the Committee on the Judiciary.

1807. Also, resolution of the Building Trades Employers' Association of New York City, requesting that the execution of Federal Public Works projects shall provide for the employment of any qualified persons in need of such employment, and that this policy shall not be set aside, nor the unacceptable theory substituted that the construction of public-works projects are for the exclusive benefit of recipients of public relief or those persons now carried on public relief rolls; to the Committee on Ways and Means.

1808. Also, resolution of the Building Trades Employers' Association of New York City, endorsing the present program of Federal public works and believes it should be combined with and become the nucleus of the proposed Federal department of public works; to the Committee on Ways and Means.

1809. By Mr. MILLARD: Resolution adopted by the Federal Grand Jury Association for the Southern District of New York, opposing the proposal to increase the membership on the Supreme Court; to the Committee on the Judiciary.

1810. By Mr. PFEIFER: Petition of the Wholesale Dry Goods Institute, New York City, concerning the Tydings-Miller bill (H. R. 1611); to the Committee on the Judiciary.

1811. By Mr. RICH: Petition of citizens of Coudersport, Pa., protesting against the passage of any legislation to disturb or abridge the religious rights and privileges of all people; to the Committee on the Judiciary.

1812. By Mr. RUTHERFORD: Petition of the citizens of Montrose, Susquehanna County, Pa., protesting against the President's proposal to "pack" the Supreme Court; to the Committee on the Judiciary.

1813. By Mr. TURNER: Petition of citizens of Lawrence, Maury, and Williamson Counties, Tenn., urging the enactment of House bill 2257; to the Committee on Ways and Means.

1814. By Mr. WELCH: Assembly Joint Resolution 4 of the Legislature of the State of California, relative to memorializing the President and Congress to increase the payments for old-age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act; to the Committee on Ways and Means.

1815. Also, Assembly Joint Resolution 30 of the Legislature of the State of California, relative to granting of travel pay and other allowance to certain soldiers of the Spanish-American War and the Philippine Insurrection who were discharged in the Philippines; to the Committee on Pensions.

1816. Also, Assembly Joint Resolution 1 of the Legislature of the State of California, relative to memorializing Congress to initiate an amendment to the Constitution of the United States to provide that the Electoral College be abolished and that the President and Vice President be elected by a direct vote of the people; to the Committee on Election of President, Vice President, and Representatives in Congress.

1817. Also, Assembly Joint Resolution 36 of the Legislature of the State of California relative to memorializing the President and the Congress of the United States to enact House bill 4009, which proposed to appropriate $50,000,000 to cooperate with the States of the United States in eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill; to the Committee on Agriculture.

1818. By the SPEAKER: Petition of the Young Men and Women Christian Association of West Virginia, concerning antilynching bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 14, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Father, in gracious blessings, be Thou with our President and the Pan American nations and their rulers. Grant that every patriot's heart may be touched today as the volumes of unity and fellowship roll skyward. We beseech Thee that the dawn of good will and brotherhood may continue to grow, as the regeneration of the world's democracies is the road to universal peace. God, be merciful unto us and bless us and cause His face to shine upon us, that Thy way may be known upon earth and Thy saving health among all nations. Let the people praise Thee, O God, let all the the people praise Thee. Oh, let the nations be glad and sing for joy, for Thou shalt judge the people righteously and govern the nations upon earth. Let the people praise Thee, O God, let all the people praise Thee, then shall the earth yield her increase and God, even our own God, shall bless us; God shall bless us and all the ends of the earth shall fear Him. In our Redeemer's name, Amen.

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

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

CALL OF THE HOUSE

Mr. RANKIN. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 42]

Allen, Del.	Dorsey	Greenwood	Mouton
Bacon	Eaton	Guyer	O'Connell, R. I.
Bates	Eckert	Harlan	Parsons
Bigelow	Ellenbogen	Hobbs	Ramsay
Binderup	Farley	Hook	Rich
Brewster	Ferguson	Jonckes, Ind.	Rutherford
Brooks	Forand	Kee	Sabath
Buckley, N. Y.	Frey, Pa.	Lord	Taylor, Colo.
Cannon, Wis.	Gifford	McGehee	Tolan
Cartwright	Gilchrist	McGranery	Wearin
Cochran	Gildea	McSweeney	Wene
Dempsey	Goodwin	Maverick	Wood

The SPEAKER. Three hundred and eighty-three Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

TRIP TO NEW YORK AND WEST POINT

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed for one-half minute in order to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. Mr. Speaker, I rise to call the attention of the Members to the trip to New York and West Point which has been arranged for this week end. If the trip has not already been called to your attention through the mails, your secretaries will have a detailed report of all of the activities in which those who make the trip will participate. We are very eager that if you intend to go you make your reservation today, if possible, with the Sergeant at Arms. The departure is scheduled for 2 o'clock on Friday, returning Sunday night.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAMNECK. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal, the disposition of business on the Speaker's desk, and special orders already entered, I may be permitted to address the House for 30 minutes.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, may I ask the gentleman on what subject he intends to address the House?

Mr. LAMNECK. The fiscal situation as it affects the Federal Government and the country.

Mr. RAYBURN. Mr. Speaker, would it suit the gentleman to modify his request and ask to address the House immediately after the calling of the Consent Calendar? The Consent Calendar will be called on Monday, and it is a short calendar, but many Members have bills on the calendar.

Mr. LAMNECK. Then, Mr. Speaker, I will modify my request and ask permission to address the House for 30 minutes following the call of the Consent Calendar.

The SPEAKER. The gentleman from Ohio modifies his request and asks unanimous consent at the conclusion of the call of the Consent Calendar on Monday to address the House for 30 minutes.

Mr. GAVAGAN. Reserving the right to object, Mr. Speaker, it may be that on Monday there will be unfinished business carried over from tomorrow. I do not know the disposition of the leaders about having a session on Friday.

Mr. RAYBURN. The disposition is not to have a session on Friday, but to stay here tomorrow until we complete the consideration of the Gavagan bill.

Mr. GAVAGAN. With that understanding, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on Monday next, following the addresses of the gentleman from Ohio [Mr. LAMNECK] and the gentleman from Michigan [Mr. SHAFER], I may be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUR OF MEETING TOMORROW

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

Mr. RANKIN. Mr. Speaker, I object.

CALENDAR WEDNESDAY

The SPEAKER. Today is Calendar Wednesday. The Clerk will call the roll of committees.

AMENDMENT OF THE LONG-AND-SHORT-HAUL CLAUSE

Mr. LEA (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4).

The Clerk read the title of the bill.

Mr. BULWINKLE. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from North Carolina raises the question of consideration of the bill. The question is, Will the House consider the bill H. R. 1668.

The question was taken; and on a division (demanded by Mr. LEA) there were—ayes 152, noes 73.

Mr. RANKIN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is, Will the House consider the bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 U. S. C., title 49, sec. 4)?

The question was taken; and there were—yeas 278, nays 97, answered "present" 1, not voting 54, as follows:

[Roll No. 43]

YEAS—278

Aleshire	Dunn	Lamneck	Rees, Kans.
Allen, Del.	Eberharter	Lanham	Reilly
Allen, Ill.	Eckert	Larrabee	Richards
Allen, La.	Edmiston	Lea	Rigney
Allen, Pa.	Eicher	Lemke	Robinson, Utah
Amlie	Engel	Lewis, Colo.	Robsion, Ky.
Anderson, Mo.	Englebright	Long	Rogers, Okla.
Andresen, Minn.	Farley	Lord	Romjue
Andrews	Fernandes	Lucas	Rutherford
Arends	Fish	Ludlow	Ryan
Arnold	Fitzgerald	Luecke, Mich.	Sanders
Ashbrook	Fitzpatrick	McAndrews	Sauthoff
Atkinson	Flannagan	McClellan	Schaefer, Ill.
Barden	Flannery	McFarlane	Schneider, Wis.
Beam	Fleger	McGrath	Schuetz
Bell	Ford, Calif.	McGroarty	Schulte
Biermann	Fries, Ill.	McKeough	Seger
Boehne	Fuller	McLaughlin	Shafer, Mich.
Boileau	Garrett	McLean	Shanley
Boland, Pa.	Gasque	McMillan	Shannon
Boyer	Gavagan	McReynolds	Sheppard
Boylan, N. Y.	Gehrmann	Maas	Short
Brooks	Gingery	Magnuson	Smith, Conn.
Brown	Gray, Ind.	Mahon, S. C.	Smith, Va.
Buck	Gray, Pa.	Mahon, Tex.	Smith, Wash.
Buckler, Minn.	Green	Maloney	Smith, W. Va.
Burch	Greever	Mapes	Snell
Burdick	Gregory	Martin, Colo.	Snyder, Pa.
Caldwell	Griffith	Mason	South
Cannon, Mo.	Griswold	Mead	Sparkman
Carter	Gwynne	Meeks	Spence
Cartwright	Hallock	Merritt	Steagall
Case, S. Dak.	Hancock, N. Y.	Michener	Stefan
Champion	Hancock, N. C.	Millard	Sullivan
Church	Harlan	Miller	Sumners, Tex.
Citron	Harrington	Mills	Sutphin
Clark, N. C.	Harter	Mitchell, Ill.	Sweeney
Claypool	Hartley	Mitchell, Tenn.	Swope
Cluett	Hennings	Mosier, Ohio	Taber
Cochran	Hildebrandt	Mott	Tarver
Coffee, Nebr.	Hill, Ala.	Murdock, Utah	Taylor, S. C.
Coffee, Wash.	Hoffman	Nelson	Taylor, Tenn.
Cole, N. Y.	Hook	Nichols	Terry
Colmer	Houston	Norton	Thom
Connery	Hull	O'Brien, Ill.	Thomas, N. J.
Cooley	Hunter	O'Connor, Mont.	Thomason, Tex.
Cooper	Imhoff	O'Day	Thompson, Ill.
Cox	Izac	O'Malley	Tinkham
Cravens	Jacobsen	O'Neal, Ky.	Tobey
Crawford	Jarman	Owen	Transue
Creal	Jarrett	Pace	Turner
Crosser	Jenkins, Ohio	Patman	Umstead
Crowe	Johnson, Tex.	Patrick	Vinson, Ga.
Crowther	Johnson, W. Va.	Patterson	Voorhis
Deen	Jones	Pearson	Wadsworth
DeMuth	Kelly, Ill.	Peterson, Fla.	Wallgren
Dies	Kelly, N. Y.	Peterson, Ga.	Welch
Dingell	Kennedy, N. Y.	Pettengill	Whelchel
Dirksen	Kenney	Phillips	White, Ohio
Ditter	Keogh	Plumley	Wilcox
Dixon	Kinzer	Poage	Williams
Dockweiler	Kirwan	Polk	Withrow
Dondero	Kleberg	Powers	Wolcott
Dorsey	Kloeb	Quinn	Wolfenden
Doughton	Kniffin	Rabaut	Wolverton
Douglas	Knutson	Rampeck	Woodruff
Dowell	Kocialkowski	Randolph	Woodrum
Drew, Pa.	Kopplemann	Rayburn	Zimmerman
Drewry, Va.	Kramer	Reece, Tenn.	
Duncan	Lambertson	Reed, Ill.	

NAYS—97

Barry	Driver	Lambeth	Rankin
Bates	Evans	Lanzetta	Reed, N. Y.
Bernard	Faddis	Leavy	Robertson
Bland	Fletcher	Lesinski	Rogers, Mass.
Bloom	Ford, Miss.	Lewis, Md.	Sacks
Brewster	Fulmer	Luce	Sadowski
Bulwinkle	Gambrill	Luckey, Nebr.	Scott
Carlson	Gearhart	McCormack	Scrugham
Casey, Mass.	Gifford	Mansfield	Secrest
Celler	Goldsborough	Martin, Mass.	Sirovich
Chandler	Haines	Massingale	Smith, Maine
Chapman	Hamilton	Moser, Pa.	Stack
Clark, Idaho	Havenner	Murdock, Ariz.	Thomas, Tex.
Clason	Healey	O'Connell, Mont.	Towey
Colden	Higgins	O'Connor, N. Y.	Treadway
Cole, Md.	Hill, Okla.	O'Leary	Vincent, B. M.
Costello	Hill, Wash.	O'Neill, N. J.	Walter
Culkin	Holmes	O'Toole	Warren
Cullen	Honeyman	Oliver	West
Cummings	Hope	Palmisano	White, Idaho
Curley	Jenks, N. H.	Patton	Whittington
Daly	Johnson, Minn.	Peyser	Wigglesworth
Delaney	Kennedy, Md.	Pfeifer	
Dickstein	Kerr	Pierce	
Doxey	Kitchens	Ramsay	

ANSWERED "PRESENT"—1

Boren

NOT VOTING—54

Bacon	Eaton	Johnson, Okla.	Sabath
Beiter	Ellenbogen	Kee	Somers, N. Y.
Bigelow	Ferguson	Keller	Starnes
Binderup	Forand	Kvale	Taylor, Colo.
Boykin	Frey, Pa.	McGehee	Teigan
Bradley	Gilchrist	McGranery	Thurston
Buckley, N. Y.	Gildea	McSweeney	Tolan
Byrne	Goodwin	Maverick	Vinson, Fred M.
Cannon, Wis.	Greenwood	May	Wearin
Collins	Guyer	Mouton	Weaver
Crosby	Hart	O'Brien, Mich.	Wene
Dempsey	Hendricks	O'Connell, R. I.	Wood
DeRouen	Hobbs	Parsons	
Disney	Jenckes, Ind.	Rich	

So the House agreed to consider the bill.

The Clerk announced the followings pairs:

On this vote:

Mr. Tolan (for) with Mr. Forand (against).

Until further notice:

Mr. Taylor of Colorado with Mr. Bacon.
Mr. Collins with Mr. Rich.
Mr. Maverick with Mr. Gilchrist.
Mr. Parsons with Mr. Kvale.
Mr. Weaver with Mr. Guyer.
Mr. Greenwood with Mr. Goodwin.
Mr. Hobbs with Mr. Eaton.
Mr. May with Mr. Byrne.
Mr. Boykin with Mr. Somers of New York.
Mr. Johnson of Oklahoma with Mr. Hendricks.
Mr. Wene with Mr. O'Brien of Michigan.
Mr. Beiter with Mr. McGranery.
Mr. DeRouen with Mr. Keller.
Mr. Starnes with Mr. Binderup.
Mr. McGehee with Mr. Mouton.
Mr. Ferguson with Mr. Wood.
Mr. Fred M. Vinson with Mr. Bigelow.
Mr. O'Connell of Rhode Island with Mr. Crosby.
Mr. Teigan with Mr. McSweeney.
Mr. Frey of Pennsylvania with Mr. Buckley of New York.
Mr. Dempsey with Mrs. Jenckes of Indiana.
Mr. Disney with Mr. Bradley.
Mr. Ellenbogen with Mr. Kee.
Mr. Hart with Mr. Gildea.

The result of the vote was announced as above recorded.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. BLAND. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The Chair feels compelled to overrule the point of order, as the recent vote discloses a quorum is present.

Mr. RANKIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair cannot entertain that motion at this time.

PERMISSION TO ADDRESS THE HOUSE

Mr. HANCOCK of North Carolina. Mr. Speaker, I ask unanimous consent that after the disposition of special orders heretofore made for Monday next I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OF THE LONG-AND-SHORT-HAUL CLAUSE

The SPEAKER. Under the recent vote the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), with Mr. WILCOX in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. BLAND. I object, Mr. Chairman.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), be, and it is hereby, amended to read as follows:

"(1) That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this act: *Provided*, That the Commission may from time to time prescribe the extent to which common carriers may be relieved from the operation of this section: *And provided further*, That rates, fares, or charges existing at the time of the passage of this amendatory act by virtue of orders of the Commission or as to which application has theretofore been filed with the Commission and not yet acted upon shall not be required to be changed by reason of the provisions of this section until the further order of or a determination by the Commission: *And provided further*, That in any case before the Commission where there is brought in issue a lower rate or charge for the transportation of like kind of property, for a longer than for a shorter distance over the same line or route in the same direction, the shorter being included within the longer distance, the burden of proof shall be upon the carrier to justify the rate or charge for the longer distance against any claim of a violation of sections 1, 2, and 3 of the Interstate Commerce Act."

The CHAIRMAN. Under the rules of the House, the gentleman from California [Mr. LEA] is recognized for 1 hour.

Mr. HOLMES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMES. As I understand the rules of the House, in the consideration of this bill 2 hours of general debate is allowed on the bill?

The CHAIRMAN. The gentleman is correct.

Mr. HOLMES. Am I to understand that 1 hour will be extended me in opposition to the bill as a minority member of the committee?

The CHAIRMAN. Is the gentleman from Massachusetts opposed to the bill?

Mr. HOLMES. I am, Mr. Chairman.

The CHAIRMAN. Is the gentleman from Massachusetts the ranking minority member of the committee?

Mr. HOLMES. I am the ranking minority member opposed to the bill.

The CHAIRMAN. The gentleman is entitled to recognition in opposition to the bill unless a minority member of the committee outranking the gentleman desires recognition.

Mr. MAPES. Mr. Chairman, the gentleman from Massachusetts [Mr. HOLMES] is the only minority member of the committee who is opposed to the bill.

The CHAIRMAN. Then the gentleman from Massachusetts will be recognized in opposition to the bill.

Mr. WHITE of Idaho. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE of Idaho. It is my understanding an arrangement has been made so that the opponents of the bill on the majority side will be given 30 minutes of time. I should like to know if that understanding is going to hold.

The CHAIRMAN. Under the rules of the House, general debate is limited to 2 hours, 1 hour to be controlled by the chairman of the committe and 1 hour to be controlled by a minority member in opposition to the bill. These two gentlemen, of course, will have control of the assignment of time, and I assume, of course, it will be assigned to those in opposition to the bill.

Mr. WHITE of Idaho. What opportunity will the opponents of the bill on the majority side have to be heard on the measure?

The CHAIRMAN. The Chair has stated to the gentleman that under the rules 1 hour of the debate will be controlled by the gentleman from Massachusetts in opposition to the bill, the gentleman from Massachusetts having been recognized for that purpose.

Mr. BULWINKLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BULWINKLE. I understand that if the gentleman from Massachusetts [Mr. HOLMES] should see fit to yield part of the time to this side of the House to be used by those in opposition, he can do so, and I should like to inquire of the gentleman from Massachusetts about that.

The CHAIRMAN. That, of course, is within the discretion of the gentleman from Massachusetts. He can yield the time as he sees fit, and the Chair will recognize those who are designated by the gentleman.

Mr. HOLMES. Mr. Chairman, I yield 40 minutes——

The CHAIRMAN. The gentleman from Massachusetts, of course, has not yet been recognized. The gentleman from California [Mr. LEA] will proceed.

Mr. LEA. Mr. Chairman, I yield myself 7 minutes.

The general rule in reference to the establishment of freight rates by the railroads is that the carrier may file a schedule announcing a new rate, and if no protest is made, this rate will go into effect 30 days after its announcement. Any interested party may protest and cause an investigation by the Interstate Commerce Commission. The Commission may deny approval or modify such proposed rate. If the Commission fails to act the rates would go into effect 7 months later.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. LEA. I shall not be able to yield at this time.

The fourth section provides an exception to this general rule. The fourth section, if we reduce it to general terms, provides that if a lower rate for a longer than for a shorter haul on the same line and in the same direction is proposed, it shall not go into effect until the rate is specifically approved by the Interstate Commerce Commission.

The practical problem here is in part the effect of competitive rates on competing carriers in this country. We have a competition at the present time as to railroad rates based upon marketing competition and also upon carrier competition. Anyone at all familiar with the railroad rate structure in this country knows that it is not and cannot logically be based upon a mileage basis. It cannot be based on an equal profit out of every equal service performed. You see a mixed train going down the track, and some cars on that train produce for the railroad four times as much profit as the car that is next to them. No practical manager of the railroad can prevent such seeming inconsistencies. Understanding the facts, we know different considerations of practical expediency control that situation. The railroad is hauling part of its cars for a minimum of profit—a small profit on some but more on others. So there is nothing particularly novel so far as the general policy of railroad rate making is concerned in the fact that in one situation we have a cheaper rate for a longer distance than for the shorter distance on the same line. The fourth section does not apply to competition as between different routes and there is no specific restriction in favor of the shorter as against the longer haul.

The importance that this question has acquired in public opinion is due to the fact that we have water carriers and motor carriers in competition with railroad companies. The fourth section was originally written when there was no Panama Canal and no motor carriers and when the railroads had a practical monopoly of transportation. Here, in the fourth section, we have a handicap in favor of water and motor carriers and against lowering of rates to meet competition by the railroads. The ships and motor carriers have no such handicap. There is no fourth section for them. They can underbid the railroad on 30 days' notice and cut out their railroad competitor for any given line of traffic they please. The railroads have no such privilege. The primary effect, from the standpoint of competition, if this bill is enacted will be to place the railroads on an equality with the water and motor carriers in competing for long-distance traffic.

The theory that justifies this adjustment of railroad rates is that the railroads by being permitted to carry the traffic for a longer distance at a lesser charge than that imposed on the short haul, will secure more traffic at an increase of income in the aggregate. It is better for the company to haul at a small margin than not to haul at all. They will carry it at a cheaper rate and in the end it will be better for the railroad company and I believe for the country. True, the railroad should not be permitted to haul without financial advantage to itself in order to take traffic from a competitor. The bill does not sanction that.

There are two things this bill will do that I believe cannot be successfully denied. One is that it will bring more freight to the railroads. They will carry more freight through and from the interior sections of the United States. This increased freight will travel at a cheaper rate than it travels today. Whatever may be the objections to this bill, there are those two things that I think are substantially not subject to reasonable dispute. The passage of this bill means more freight by rail, carried at a cheaper rate.

As to the intermediate sections which have frequently raised opposition to this legislation, those sections in my opinion will be benefited. We have had remarkable improvements along the coast lines of the United States for the past 20 or 30 years, especially in the last 15 years in contrast with the backwardness of the interior part of the country. The interior is, in part, held back by lack of transportation advantages. Cheaper freight rates are needed to carry its heavy products to the distant markets, whether it be at the seashore or in the great Central West, or at Chicago. The intermountain sections and other intermediate sections of this country are in the main shippers of heavy freight. They are much more shippers than receivers of freight. Under this bill the originating point will be given the benefit of the fourth-section clause as well as the coast-line country. The ultimate effect should be to benefit the interior sections of the country, particularly those sections which are more interested in the production and transportation of their own freight than they are in buying freight from other places.

We have opposition to this bill from water carriers and motor carriers. That is the source of the principal opposition to this bill. It is perfectly natural and human for those carriers to oppose this bill. At the present time the fourth section places a handicap on railroads, their competitors, in meeting competition. If these water carriers and motor carriers can maintain this barrier against their competitors, they would naturally be pleased. It is a natural thing for them to come here and seek to continue that barrier against the railroads. We may properly question whether or not this measure provides ample and just protection for the water and motor carriers. Every man interested in the progress of this country must recognize these three great agencies as necessary and desirable.

Each of these forms of transportation operates in a field where it serves the public. Each one of them is entitled to its part of the freight transported to the American markets. If this bill unjustly discriminates against them, if it is ruinous to either one of them, they would be justified in objecting, but in my judgment clearly it is not so unjust to any of those carriers. The only just complaint that could arise would be from an unwarranted and unlikely administration of the law.

After this bill becomes a law, carriers and shippers will have the protection of certain other provisions of the law. In the first place, the law against unjust discrimination will continue to be a part of the interstate-commerce act, and the law that requires all these rates to be reasonable will still be a part of the law that governs the administration of the fourth-section clause, and in addition to that, the I. C. C., if complaint is made against the proposed rate, or on its own motion, can suspend the rate, investigate, hold a hearing and prohibit the proposed rate if it is found to be violative of these provisions or for any reason unwarranted. The Commission can fix a minimum or maximum rate if the facts warrant.

A proposed new rate that is protested does not go into effect for 7 months unless the Commission approves it at an earlier date. If disapproved, it does not go into effect at all. The rate even after going into effect is always subject to attack and correction.

In 1920 we passed the Transportation Act. In that act we declared it to be the policy of the Congress to maintain in full vigor rail and water transportation. The rail, water, and motor carriers each has its own economic operations in which it excels the other for particular transportation service. The just rights of each can be protected under the provisions of this proposed law. A reasonable rail rate cannot reach a destructive level for ships and motor carriers. In other words, it is the duty of the Interstate Commerce Commission, which it recognizes and which it will put into

effect if this law is passed, to do justice between competing agencies engaged in transportation in the United States. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. HOLMES. Mr. Chairman, at this time I yield 40 minutes to the gentleman from Kentucky [Mr. CHAPMAN] to yield to Members on that side who are in opposition to the bill.

Mr. CHAPMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. COLE].

Mr. COLE of Maryland. Mr. Chairman, it is unfortunate, of course, that we have such a limited time to discuss this very important bill. For that reason and because of the intense interest, not only in the committee from which the bill is reported but on the floor, I shall ask to complete my statement without being interrupted.

We are faced today with a request not to enact a new law dealing with the great railroad transportation systems of this country but to amend in a manner which totally destroys possibly the most important provision of the Transportation Act, as originally enacted and amended. Before the final vote on this measure is cast, I want the Members to consider the fact that in 1887—50 years ago—when the Interstate Commerce Act was passed, such action by the Congress was the result of an intense study and comprehensive report by five distinguished Senators appointed for the purpose of investigating the conditions then prevailing in our railroad transportation system. In the report of that committee, as I have incorporated it in my remarks, too lengthy to deliver today, but which I will extend in the RECORD, more emphasis was placed by the Senate and the House at that time upon the necessity for a long-and-short-haul provision than any other part of the basic law.

That is not all. The subject has been before the Congress of the United States for the past 50 years, concretely in three different sessions, where elaborate discussion and lengthy debate took place. In 1910 the law was amended, and as the distinguished proponents of this measure will admit, I am sure, it was strengthened and not weakened. In 1920 following the war, when the railroads were returned to private control, section 4 was again strengthened and not weakened. I think in the report of the committee the language by Mr. PETTENGILL, as to the past conduct of Congress with reference to this measure, briefly and aptly states what I am trying to convey to you today. I wish I had time, Mr. Chairman, to read to you the interesting extracts I have taken, in the preparation of my remarks, from the previous debates in Congress dealing with this very subject. When you read them you will realize that all this talk today about repealing this provision because originally there was a monopoly, while today the keenest kind of competition exists, was before the Congress 50 years ago; again in 1910 and in 1920. I marvel when I think of it, how this measure has gotten as far as it has in Congress. I represent a great railroad center and seaport, but I have never heard the slightest voice raised in advocacy of repealing this provision of the law which has operated now for 50 years without any serious criticism. The respect I have for the gentlemen who propose this bill commands nothing but fairness on my part, but with all respect to them, the more you read the arguments advanced as to the reasons for the repeal of the long-and-short-haul provision the more convincing it becomes to you that the attitude of the Interstate Commerce Commission, the agency given birth at the time the fourth section was born, and which has through these years, I think, administered fairly the railroad problem, in asking this Congress not to disturb this law by repealing it in the fashion this bill would is the proper attitude.

The gentleman from Indiana [Mr. PETTENGILL] stated in the CONGRESSIONAL RECORD:

> The fourth section was first written in 1887. In 1910 it was tightened up. In 1920 the screws were tightened once more.

I have given a great deal of study to this, and I want to know, aside from the reasons advanced thus far, what sensible and convincing reason there is today to not only untighten the screws but destroy in its entirety this advisable provision of the Interstate Commerce Act.

The National Grange, in no uncertain terms, condemns it as causing immeasurable damage and injury to agriculture if it is passed. I happen to be a member of the farm bureau federation. I could not believe my own State farm bureau federation, knowing what this bill would do, agreed with the statement of the Washington representative of that great farm agency.

I am glad to possess today denial from the farm bureau of my own State of any association with this measure but asking for its defeat.

The position of the Interstate Commerce Commission in this controversy is a fair one, and I know it appeals to the Members of this House.

[Here the gavel fell.]

Mr. HOLMES. Mr. Chairman, I yield 2 additional minutes to the gentleman from Maryland.

Mr. COLE of Maryland. It will be my purpose, when the bill is read under the 5-minute rule, to offer an amendment in the nature of a substitute for this bill. The substitute will strike from existing law the so-called equidistant clause of section 4. That provision, a meaningless thing, has been criticized and its repeal advocated by the proponents of this measure and, I believe, by all the opponents of this measure. It has the support of the Interstate Commerce Commission and of all water and truck transportation. That is all the amendment will do. If it is adopted, section 4 will then provide, as it does today, and require, as it should, that before any violation of the long-and-short-haul theory is perpetrated upon the intermediate points of this country, that the Interstate Commerce Commission shall not of its own volition, but mandatorily by the act of this Congress, have its attention directed to it, and its approval of such violations must be granted before they become effective. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, I anticipated that some of my neighbors from out where the tall mountains grow would feel a little rambunctious this morning, but I did not think the deep-water people were going to feel so badly about it. When I saw they were, there was recalled to my mind two or three instances that occurred before the committee when this bill was under consideration, indicating that the deep-water people are by no means unanimously opposed to this legislation. One of the witnesses who appeared before our committee was the head of the Lumbermen's Association of the State of Washington, appearing in behalf of the Pettengill bill. I was taken by surprise. I asked him how it came that he, a representative of an industry which is peculiarly adapted to deep-water transportation, an industry located on Puget Sound, one of the finest bodies of deep water in the world, was down here in favor of the Pettengill bill. He answered in substance that the lumber industry in the Northwest has got to have something beside cheap transportation; it has got to have markets. He said that 15 years ago the railroads hauled about 75 percent of the lumber produced in the Northwest and water hauled 25 percent. He said that now it is the other way, that water hauls 75 percent and the railroads 25 percent. He said that their business with the railroad companies had shrunk correspondingly, that they had only about 25 percent of the business of the railroad carriers that they had 15 years ago, because in their financial condition the railroads are not able to buy their lumber.

Another case was that of the Southern California Fruit Growers' Exchange. They appeared before our committee in favor of this bill. This is of interest to all Californians. This is a startling statement showing what has happened to transcontinental railroad transportation in the last 15 years under the choking restrictions of the long-and-short-haul clause. Mr. Carl D. Loos, the representative of the Fruit Growers' Association, said that 15 years ago their fruit traffic east on the transcontinental lines constituted only 15 percent of the total traffic of the rail carriers. He said that today, however, it constitutes 40 percent of their traffic, due not to the increase in fruit production and shipment but to the shrinkage of other lines of freight lost to the railroads through the Panama Canal; and he said that means that the fruit business of California is furnishing 40 percent of the eastbound income of the transcontinental railroads, and that the burden on their fruit is constantly increasing. He said they wanted any change in the law that would enable the railroads to get revenue some other place.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I cannot yield in 10 minutes. We all know that section 4 is a long story, and 10 minutes is a short time. I cannot even hit the high places on this proposition, let alone yielding.

I wanted to confine myself to the inland country, but I do not believe I am even going to reach it. I wanted to show that the long-and-short-haul clause is not only of no benefit to our Intermountain States, which have been the head and front of the fight for section 4, but an absolute injury. But something that the gentleman from Maryland [Mr. COLE] said diverts me. He mentioned the thing here that troubled me after I made up my mind, after long hearings in the Seventy-fourth Congress, in favor of this bill. I attended all the hearings, both before the full committee and the subcommittee, and heard every witness. I started in with a bias against the bill. I came out, for fundamental reasons that I cannot even mention now, in favor of the bill; but even so, my mind was troubled about one proposition, and I have decided to mention it. I heard with astonishment the able gentleman from Maryland [Mr. COLE] say—and I took his words down—that this bill totally destroys railroad regulation by the Interstate Commerce Commission. The question did trouble my mind whether or not the long-and-short haul clause had not become a yardstick so embedded in the law that if it were torn out it would break down railroad rate making and disorganize the whole process. But when we had this bill up before the Rules Committee last summer for a rule, Mr. Eastman, the able Commissioner and former Coordinator of Transportation, a most able man, stated before the Committee on Rules that the Interstate Commerce Commission would have every power under this bill that it possesses under the law now.

Furthermore, when he appeared before our committee during the recent hearings I asked him specific questions. I shall ask unanimous consent to put my questions and his answers into the RECORD. I wanted to allay all doubt in my mind, so I put the question to him whether the long-and-short-haul clause was a yardstick and its repeal would affect the rate-making powers of the Commission under the law. He stated no, and specified all the powers they have under the rest of the law to fix minimum rates and all that sort of thing. He said, however, that the courts might consider that Congress intended to liberalize the law. We hope they do. He also said the Commission could fix reasonably compensatory rates with repeal of the reasonably compensatory proviso now in the law. In other words, Mr. Eastman said that the Interstate Commerce Commission would have all the powers after the passage of the Pettengill bill that it now has. His objection was that the courts might consider the Congress intended to liberalize the law.

I want to make one more statement. I want to emphasize the effect of this existing law on our inland country. I want to lay down this proposition to my western friends. Notwithstanding the fact the long-and-short-haul clause as it now reads has been in section 4 for 27 years, industry west of the Mississippi River and between the Mississippi River and the Pacific Coast Range has stood still or has dried up. I do not attribute this condition of arrested progress to the long-and-short-haul clause. I simply say that you cannot take this admitted condition and make out a case for the long-and-short-haul clause.

It was stated before the committee that since the opening of the Panama Canal more than 5,000 industries in the Mississippi Valley have died. An opponent of the bill admitted a steel industry had been transferred from Gary, Ind., to the Pacific coast within the past few years. It was stated by another opponent of the bill that during the past few years milling concerns have been transferred from Minneapolis and St. Paul to Buffalo, N. Y. It was testified before the committee that a Colorado steel company was unable to meet Atlantic coast competition in the sale of steel at Houston, Tex., and had to withdraw from that territory when its common carrier was denied fourth-section relief. It was testified before the committee that western sugar could not compete at Chicago and St. Louis with Philippine sugar refined in San Francisco and moving by water through the Panama Canal and up the Mississippi River. [Applause.]

[Here the gavel fell.]

Mr. CHAPMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. O'CONNELL].

Mr. O'CONNELL of Montana. Mr. Chairman, before I proceed with my remarks I believe I ought to tell the Members of the House that the Pettengill bill, which repeals the long-and-short-haul provisions of the Transportation Act, is unanimously opposed by the Interstate Commerce Commission. Mr. Eastman appeared before the committee and stated that body was unanimously against the repeal of the long-and-short-haul provision.

There was also a letter inserted in the RECORD which shows the Maritime Commission is also opposed to the Pettengill bill and the repeal of the long-and-short-haul provision. Two agencies of this Government are against this bill.

I am advised that previously in another session of the Congress the author of this bill attempted to get the President's approval of the bill. His letter was submitted to the Interstate Commerce Commission and Mr. Eastman returned it to the President without recommendation, and appeared later before our committee in opposition to the bill.

Mr. Chairman, when a bill comes before the Congress for consideration I believe the Members of this body ought to ask the question, What good is it going to do? What good is it going to accomplish? I do not care what may be said about that. We are told it is going to equalize competition, that it is going to give the railroads a chance to compete with water competition and with truck competition. We are told further that the water industries and the shipping industry as well as the trucking industry do not have regulation of that kind. If we say that the water carriers are committing murder and that the truck industry is committing murder in this country, shall we also let the railroads commit murder in this way? The only way to take care of the situation is by regulation of the water industry and in a similar manner by regulation of the truck industry. That is what is wrong with this bill. The wrong procedure is being followed. We are going about it in the wrong way.

If you want to put the railroads on that basis, if it is right to permit them to commit murder, that may be one thing; but the proper way is to regulate the water and trucking industry. Two of their representatives appeared before our committee and begged for regulation. They said they were willing to take it and would voluntarily accept it and wanted regulation because it would help their business.

The other argument advanced is that this will create employment for the railroad workers of this Nation, and under that pretext, under that false pretense, they have the railroad brotherhoods of this Nation fighting on their behalf. I yield to no one in this body who will fight for labor any better than I. I have four railroads in my district, and they have written to me. I will go along with labor, I will go along with the railroad employee when he is right, but I will not penalize all the people of my district in an endeavor to help him out.

Let us analyze this. Give the railroads 5,000,000 tons which the intercoastal lines now carry; give them 5,000,000 tons that the Mississippi River carriers now transport; give them 90,000,000 tons that are transported on the Great Lakes and by trucks; give them all that, and if they would carry this tonnage at the same rate that they carry it today, which they will not do, but will charge a lower rate, probably one-half of the present rate, all it would increase their revenues is eight-tenths of 1 percent.

Where is there going to be any more employment created? Where is there going to be more men put to work? I will tell you what will happen. You will penalize the trucking industry and its employees, as well as the water employees of this country. Here is a statement by Daniel Willard, president of the Baltimore & Ohio. He says:

> Today net loads of 10,000 tons are equivalent to 1,000 big trucks manned by 1,000 men.

On that basis, according to Mr. Willard, if 1 railroad worker is given employment, 200 employees of the trucks would be thrown out of employment.

You can go through the list, Mr. Chairman, and you do the same thing to the longshoremen and other employees in this country.

I heard the appeal made that this bill would help the interior of the country, and I heard the distinguished gentleman from Colorado [Mr. MARTIN] say industry had moved out of the interior and the population there had decreased. If you want to be fair about it, it is because of the water advantage the coast points have. However, they already have the coast advantage, and they already have the advantage of cheaper rates. Now you want to give them an additional advantage. Now you want to give them not only the water advantage which they now have but also a rail advantage. The effect will be to move out all the industry of the interior and practically all the population; and when you destroy the interior of this country, you destroy the United States. You ought to defeat this bill. You ought to build up the interior of our country, and I sincerely hope and trust that you will. [Applause.]

Mr. LEA. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, I am in favor of the passage of this bill, but I cannot get quite as much worked up over it as some of my friends. I think the importance of it is overestimated, both by those in favor of it and those opposed to it.

My distinguished friend the gentleman from Maryland said in substance the bill would repeal perhaps the most important provision of the Transportation Act. That is an illustration, I think, of the extremes to which some of our friends go in the discussion of the bill. As I see it, the principal effect of the passage of the bill will be on method of procedure. It is a procedural question, largely, and not so much a matter of substance.

I think it is pretty generally conceded the Interstate Commerce Commission will have practically the same control over fixing the rates of the railroads after the passage of the legislation as it now has with the fourth section in force. Rates and fares for the carrying of passengers and freight over the railroads are fixed in the first instance by the railroads themselves. They are required to file schedules of their rates and fares with the Interstate Commerce Commission and post copies of them in two public places in stations receiving passengers and freight for transportation. If the railroads want to make any changes in these rates or fares, they must file the proposed changes with the Interstate Commerce Commission and post copies of the changes in the stations 30 days before putting them into effect. At the end of 30 days, unless somebody objects and makes complaint before the Interstate Commerce Commission, or unless the Interstate Commerce Commission of its own initiative decides to make an investigation of the proposed changes, the railroads are permitted to put the new rates and fares into effect.

This is the general situation, but the fourth section provides that if a railroad desires to charge more for a shorter haul than for a longer haul over the same line, going in the same direction, the shorter distance being included within the longer, it must make application to the Interstate Commerce Commission and get the affirmative approval of the Interstate Commerce Commission before so doing. It is the delay caused by this proceeding which creates most of the demand for the repeal of the fourth section. In the majority of cases when these applications are made by the carriers, the Interstate Commerce Commission grants permission to make the changes, and there are now a multitude of violations of the fourth section in effect. However, the railroads, and a reasonable number of shippers and others, think the same rule should apply as far as the fixing of rates and fares for a short haul is concerned as applies in the fixing of rates and fares in other cases; that is, that the railroads should have the privilege of initiating these rates the same as they initiate other rates. They argue that this is a function of management, and that the Interstate Commerce Commission ought not to infringe upon or take over that function. It is conceded by the Interstate Commerce Commission, as I understand it, that the Commission, after the passage of the proposed legislation, will have the same power it now has to see to it that the rates are just and reasonable, that they are not discriminatory, and that no advantage or preference is given to any shipper.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Kentucky.

Mr. MAY. May I ask the gentleman if I am laboring under a mistaken idea about the bill? To illustrate, the shipment of a carload of coal from the mines in northeastern Kentucky to Toledo, Ohio, costs about $70. Shipping a carload of coal from the same mines to my home town, 15 miles away, costs $70. Will this bill permit the Interstate Commerce Commission or the railroads by permission of the Interstate Commerce Commission to adjust this freight rate and not charge me the same price for shipping the coal 15 miles as it would charge for shipping it 400 miles?

Mr. MAPES. The Interstate Commerce Commission will have the same power to adjust the rates the gentleman speaks of after the passage of the proposed legislation as it now has. May I say further that in my judgment the passage of the bill will not affect bus and truck transportation. It is the hope, at least, of the advocates of the proposed legislation that it will enable the railroads to compete with the water carriers for some of the transcontinental business. However, I do not think they have any particular hope of being able to compete with trucks and busses after the passage of this legislation any more than they are now able to. This bill is supported both by railroad labor and by the railroad executives, as well as others. Some of the strongest arguments in favor of the passage of the legislation at the hearings before the Committee on Interstate and Foreign Commerce were made by representatives of the brotherhoods.

The railroads are regulated and their rates and fares are fixed by the Interstate Commerce Commission. The water lines are not controlled in this respect. The gentleman from Montana [Mr. O'CONNELL] referred to a letter, quoted in the minority views from the Chairman of the United States Maritime Commission. This gentleman does not take into consideration the interests of the consumer or the shipper in his complaint about the passage of the proposed legislation, but states it will allow the railroads to compete with the water lines. I quote from the letter:

> It will be necessary for the latter to meet the reduced rail rates if they are to retain traffic, and the net result will be a lessening of the revenues of both rail and water carriers without materially increasing the amount of cargo transported.

The Chairman of the Maritime Commission in his complaint does not take into consideration the interest of the consumer or the shipper but simply the interest of the water lines. This goes to the core of the matter. The purpose of the proposed legislation is, frankly, to enable the railroads to compete with the ships in the carriage of transcontinental and other traffic.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. HOUSTON. What effect will this bill have on cattle coming out of Texas through Kansas to Chicago? The rate will be lowered, and they will go right through the packing-house districts of Kansas on into Chicago.

Mr. MAPES. If there is any rate proposed by the railroads which the gentleman thinks is unfair, unjust, discriminatory, or gives anybody a preference, he can bring the matter before the Interstate Commerce Commission in exactly the same way he has a right to do now and have the situation corrected.

Mr. HOUSTON. I understand that, but these cattlemen do not. They think there is discrimination.

Mr. MAPES. I do not believe the gentleman need worry himself about that. The cattlemen and their associations are on the alert in looking after such matters all the time.

[Here the gavel fell.]

Mr. HOLMES. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman, it is well recognized, I think, that the long-and-short-haul provisions of the Interstate Commerce Act were placed there originally because of a very great need for them. The history of the period of railroading in this country which preceded such legislation is not a very inspiring narrative, and there is no question of the great need for such legislation at the time it was placed on the statute books.

Theoretically, of course, there is no more reason why a railroad company should charge more for hauling a carload of freight 500 miles than it does for hauling it 1,000 miles than there would be for a farmer to charge more for 1 bushel of potatoes than for 2 bushels. Yet we know that in the transportation world there are situations which come up that seem to make it desirable from a competitive standpoint that railroad rates be not uniform and that railroads be able to meet the competition of other forms of transportation. So the Interstate Commerce Commission has been given the power to adjust such situations when they arise, and under existing law ample authority exists for that purpose.

I represent a section of the country which has always suffered from high transportation rates because of a lack of competition. Statements have been made here today about the loss of industries in the Middle West in recent years. This has been due very largely to a condition imposed by nature, in that we have a transportation situation where there is no water competition. However, if we pass this bill, we are going to intensify this situation rather than relieve it.

I can indicate what I mean by using an illustration which was given during the hearings by a witness who is very familiar with transportation conditions in my State. He pointed out the very great disadvantage which we suffer under existing conditions and rates, and used as an illustration the rate on canned fruits from California to Wichita, Kans. The rate to Kansas City, Chicago, and Pittsburgh is exactly the same. Of course, having the same rate from California to Pittsburgh as from California to Wichita does not help build up our section of the country. However, we have managed to live under that situation. Originally the rate was $1.05 per hundred pounds. An application was filed by the railroads to reduce this rate to 90 cents to Pittsburgh, which was allowed, and under existing law the reduction was made applicable to Wichita, Kansas City, and Chicago. Later reductions brought the rate to Pittsburgh to 73 cents, and Wichita and other immediate points received the benefit of the reduction as required by existing law.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I am sorry I cannot yield, as I have not the time.

Now, how will this and similar situations be affected if this bill becomes a law? Under the provisions of this bill, it would be possible to reduce the rate to Kansas City, Chicago, and Pittsburgh to 73 cents and retain the rate to Wichita, only a little more than half way to Pittsburgh, at $1.05.

I know it will be said by the proponents of the bill that shippers thus discriminated against have the right to go before the Interstate Commerce Commission and file a complaint and that the Commission can adjudicate the complaint and, perhaps, in its wisdom, give them some relief, but nevertheless, during that time, the discriminatory rate would be in effect and the Wichita shipper would be meeting ruinous competition and might easily be forced out of business while waiting for relief.

Under existing law the burden of going ahead and initiating action to put a new rate in effect must be taken by the railroad. Under the proposed bill the railroad puts the rate into effect and the shipper must attack it as discriminatory. This puts an unfair burden on the little shipper who can ill afford the expense of hiring rate experts and going to Chicago or Washington for a hearing.

If this bill becomes a law, it can have but one effect—lower rates between points having competitive rail and water transportation and higher rates in areas which do not have such competitive conditions. This means that the interior of the country whose development has already been retarded by adverse competitive transportation conditions will be further handicapped by being placed on a still higher plateau of freight rates. This bill is a real peril to the great interior sections of this country and should be defeated. [Applause.]

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. SADOWSKI].

Mr. SADOWSKI. Mr. Chairman, this is a bad bill; this bill should be defeated; and if I can judge the temper of this House in recent days, I think it will be defeated. The House has recently shown its ability to defeat bad legislation. This bill provides for a complete reversal of our attitude toward transportation—at least, the policies that were inaugurated by this administration. It has been the policy of this administration to foster and develop and coordinate the methods of transportation in this country. We have not tried to destroy any kind of transportation—water, rail, or motor. In fact, in 1935, we passed a motor carrier act providing legislation for the motor-carrier industry. We have tried to stabilize this transportation business because it is the people's business—it is the business of the country; but here come the railroad ownership today and ask to be permitted to step aside from these rules and regulations and to operate under a new set of rules, to go back to the jungle, and cast all this good work of this Congress and previous Congresses into the wastebasket, and to operate on the basis of the survival of the fittest again. We do not want that. I agree—and I think every Member of this House agrees—with the members of the Interstate Commerce Commission. Every member—all nine members—of the Interstate Commerce Commission oppose this bill. The President was asked by letter, by the gentleman from Indiana [Mr. PETTENGILL], for some expression of opinion upon this bill. He referred that letter to Mr. Eastman, of the Interstate Commerce Commission, and would not answer. This bill does not represent the policy of this administration. This bill does not come within the policy of this administration, so far as transportation is concerned, and that is why our committee—the Interstate Commerce Committee—was so evenly divided upon the bill. We oppose this bill, and we sincerely hope it will be defeated.

We are asked today to repudiate the judgment of the Interstate Commerce Commission and to give to the railroads the initial power to determine whether a discrimination is unfair or unjust.

The primary purpose of the long-and-short-haul clause is to give protection to the intermediate points or territories from discriminatory rate practices on the part of the railroads. Today we are asked to throw them upon the mercy of the railroads.

If this bill should pass and become a law, you shall have opened the dikes to a sea of endless trouble.

Mr. PETTENGILL. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, I shall support this bill. I do not believe that any one form of transportation should be given an advantage over any other competing transportation agency. What is fair for one is fair for the other.

The restrictions now placed upon railroads as a result of the so-called long-and-short-haul provisions of the Interstate Commerce Act do not apply to motor or water carriers. Consequently in the keen competition that now exists the railroads are under a handicap that does not apply to their

competitors. The purpose of this bill—H. R. 1668—now under consideration is to remedy that condition.

We are all aware of the serious inroads that have been made by motor and water carriers upon the established business of railroads. In many instances it has meant not only the curtailment but the elimination of railroad facilities.

I am not arguing that where, as a result of fair competition, and one or the other means of transportation are found to be unable to successfully compete, that a subsidy or any other means of assistance or advantage should be given to it merely because it is an established means of transportation. I am well aware that in our fast-moving economic system that which is old or out of date must give way to what is new and better adapted to our needs, but it is unfair to place a penalty or handicap upon one to enable another to arise and take its place.

If any other means of transportation is better, cheaper, or more adaptable to our commercial needs than another, then it has a right to gain the business, but it should be upon its merits as a competing agency rather than by a restriction placed upon its competitor. To apply this latter principle is to put a handicap upon one and grant a corresponding benefit to the other. This is now the case as the result of the provisions of the Interstate Commerce Act being applicable to railroads and not to any of their competitors in the field of transportation. And it is this inequality and unfairness that the present legislation seeks to remedy.

One of two conclusions should be reached. Either section 4 of the Interstate Commerce Act should be repealed as provided for in this bill, or it should be made applicable to all other competing agencies of transportation. Failure to do either is to continue an injust discrimination against railroads and make more difficult their effort to meet increasing cost of materials and labor, welfare and pension requirements, Federal, State, and local taxes. Nor should we overlook the fact that in addition to the handicap now placed upon railroads as a result of the long-and-short-haul clause in the Interstate Commerce Act they are also required to carry many expenses, such as road maintenance, safety devices, crossing watchmen, and many other expenses inherently a part of railroad operation that do not apply to their competitors at all, or the expenses of which are now carried by the State and local communities in which or through which they pass in the conduct of their business.

The hearings held by the committee which has this bill under consideration developed the fact that the most outspoken and strenuous opponents of its enactment were representatives of water and motor carriers who were in direct competition with the railroads. Their objection is to be expected. It is natural that they should object. It would be strange if they did not object. But an objection based solely upon natural instinct gives neither reason nor justice to sustain it. The fact is plain to see that these competitors now have an advantage which they seek to hold. If there was no advantage to them under the law as it now is, they would not be protesting against the enactment of this legislation. They are not interested from the standpoint of the shipper or anyone else. They have only one interest to serve and that is their own business; and if the present legislation sought to place the same restriction upon them as now applies to railroads under section 4, they would oppose it.

The present law and its manner of administration by the Interstate Commerce Commission have proved a great handicap to the railroads. It has prevented them from adjusting their freight rates to meet competition. This has resulted in diverting a great amount of traffic to other forms of transportation with a heavy loss of revenue to railroads, thereby resulting in less railroad employment, decreased purchases of durable goods and materials, and increased difficulty to meet taxes for Government purposes.

There can be no justification, economic or otherwise, for a condition created by law that limits one competitor in a right to fix a rate to meet the rates fixed by competitors utilizing a different method of transportation. Clearly no barrier, such as the present long-and-short-haul clause, should be set up to prevent one form—the railroads—from competing. The testimony presented to the committee shows beyond dispute that steamship lines now adjust their charges on such a basis as may be necessary to meet all-rail competition, even though such charges may be less than they charge a shipper at an intermediate port through which such traffic may move. For example, steamships operating between the north Atlantic coast cities, on the one hand, and south Atlantic, Gulf, or Pacific coast ports, and to inland points contiguous thereto, reach out far into the interior and make total charges as may be necessary to compete with the railways. They are not handicapped by any such thing as a long-and-short-haul clause.

Why should New Jersey railroads, and those of other States, be stopped through the administration of the long-and-short-haul clause from adjusting their rates to enable them to meet water competition? New Jersey, like other States on the seacoast, Gulf, or Great Lakes, is clearly interested in the continued maintenance of the water carrier serving its ports. But it is likewise heavily interested in its railways. The same is equally true with respect to motor carriers. Each form of transportation is entitled to share in the traffic available and the shipper of commodities is entitled to all the benefits to be derived from diversity of transportation facilities without being penalized by higher rates when using one form of transportation as against another, such higher rates not being the result merely of different kind of service rendered, but based solely upon a provision of law not equally applicable to all forms of transportation. The long-and-short-haul provision has proved unfair to railroads and unfair to shippers. Common fairness demands that the several forms of transportation be treated alike. It is a poor rule that does not operate both ways.

There has been some fear expressed based upon the thought that intermediate points might be required to bear an unjust part of the cost incident to the long haul. I have given this matter careful consideration and I am unable to find any substantial basis upon which such a claim can be properly made. Those who have such a thought overlook the fact that there is nothing in this bill that will in the slightest degree curtail, diminish, or take away the right, duty, and power of the Interstate Commerce Commission to fix and determine fair and just rates, having due regard to the "out of pocket" cost of the service rendered. In other words, rates and charges will still be subject to regulation and approval of the Interstate Commerce Commission even after the enactment of this bill. Consequently, it would not be possible for railroads, if relieved from the onerous burden of the long-and-short haul provision, to fix a rate for a long haul below the cost of such service merely to compete with or take away the business from competing water or motor carriers. Nor would it be possible with such regulatory power of the Interstate Commerce Commission still existing for any railroad to fix a rate for a long haul that would, directly or indirectly, place an unjust burden upon intermediate points to carry the cost of the long haul. There is no doubt within my own mind, after a most careful study of the whole subject, that the continuing regulatory power of the Interstate Commerce Commission is sufficient to fully and adequately protect shippers, motor and water carriers, in their respective rights.

The labor aspect of this question should likewise be given consideration. This bill has the united support of the 21 standard railroad organizations. Their representatives appeared before the committee and made a most impressive presentation of facts showing a widespread condition of unemployment among the railroad workers and the necessity for relief from existing conditions. Likewise, the bill has the support of most of the shippers' organizations throughout the Nation and many farm organizations. And after a most careful examination of the facts, that have a relationship to the matter, I am convinced that no public interest will suffer but will, in fact, be substantially served by the enactment of this legislation. It is essential that the railroads, the backbone of our transportation system, be permitted to function on a sound and profitable basis and adapt their rate structures to competitive requirements of commerce.

In conclusion, I again express my belief that a bill such as this, which has the united support of the railroad labor organizations, shipping organizations, and railroad management, and favorably reported to this House by the Committee on Interstate and Foreign Commerce in a form that does not diminish the regulatory power of the Interstate Commerce Commission to fix and determine fair and just rates in the public interest, is entitled to the favorable consideration of the membership of this House. [Applause.]

Mr. CHAPMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, I ask my colleagues to take the report which they have in their hands and turn to the last part of the majority report. There they will find a large list of people, commercial clubs, societies, and newspapers which have petitioned for this bill. On page 34 Oregon commences. There are about a thousand names, I should judge, on this list that are cited as being in favor of the Pettengill bill, and 308 of them are from Oregon. They certainly put the fire under me. Immediately after that list was prepared I sent letters to all those people who had petitioned and whose names appear there. Many of them are personal friends of mine. I know practically all of them. This bunch of letters that I have in my hand represents the correspondence that has gone on. Practically half of them, Mr. Chairman, have repudiated this and have said that they did not belong on the list for the bill, and the others say they were simply fooled.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. Oh, I have just 5 minutes, and the gentleman had 20 minutes. He will allow me to read this letter, and if I can have a minute or two I shall then be glad to yield. The first one that I read is from central Oregon:

PRAIRIE CITY, ORE., *March 23, 1937.*

HON. WALTER M. PIERCE,
Member of Congress, House Office Building,
Washington, D. C.

DEAR FRIEND: I know you are opposed to the enactment of the Pettengill railroad bill with the long and short haul included.

There was brought to my attention yesterday the fact that there are two men from Portland going from town to town soliciting letters and resolutions from chambers of commerce and other civic organizations favoring the enactment of the Pettengill bill. I understand their method is to contact the officers of these organizations and get their stationery and tell them that they will draft the letter and type it for them and all they will have to do is sign it. Of course, in this district they are sending these letters to you, and they are getting a lot of signers. I think this is a very underhanded way of gaining their way. I am not informed, but I suppose these men are employed by the railroads. I am also told that they are not using the same form of letter in every case, but are making it appear that these letters are original by typing them on different typewriters and misspelling words, etc. When I heard of it I thought you should be informed, as it is not a free-will desire of your constituents; hence this letter.

I see by PETTENGILL'S speech of March 20, 1936, he has listed a large number of organizations and shippers who favor his bill. I presume they were secured under the same circumstances as mentioned above.

Thanking you for past favors, I am your friend,

ROGER KENT.

Here is another one:

MARCH 17, 1937.

HON. WALTER M. PIERCE,
House of Representatives, Washington, D. C.

DEAR MR. PIERCE: In reply to your general letter of March 11 in regard to the Pettengill bill, I want to give you as best I can the position of the Condon Commercial Club regarding the matter.

The matter came up some time ago when there came to the president of the Commercial Club letters to our Representatives, written on our stationery and stating in substance that we had been and were in favor of the repeal of the fourth section of the Transportation Act. All these letters lacked were the signatures of the secretary and the president of the club. However, President McKennon, of the Commercial Club, did not sign the letters, nor did I as secretary. Instead he brought the letters to meeting where they were read. In the discussion which followed there was not one single expression of opinion favorable to the repeal or modification of the long-and-short-haul clause, but there were many against it—and especially were there many expressions of amazement at the manner in which the thing was being put over.

Upon motion from the floor duly made and carried, the letters were ordered tabled. There was then and has been since no intention of bringing them up. Had these letters been signed by mistake or misunderstanding, however, they would have committed the Commercial Club to a position which it has never been on record as holding. It is barely possible that such an error might have occurred in some instances.

The stationery was obtained from the various clubs and chambers of commerce some time last fall by a representative of the interested parties. I do not remember the gentleman's name nor do I remember the date. But I am merely explaining how the thing was handled in our case so that you may judge accordingly.

Very sincerely yours,

HAROLD F. CRAM,
Secretary, Condon Commercial Club.

Now, here is a sample of some of the telegrams that I have received:

APRIL 4, 1937.

WALTER M. PIERCE,
House of Representatives, Washington, D. C.:

Informed through Eugene Pratt that CONGRESSIONAL RECORD shows Owyhee irrigation district and Vale Owyhee Land Settlement Association endorsed Pettengill bill. That is false. Matter never presented to directors, and know they emphatically oppose it.

FRANK T. MORGAN, *Secretary.*

MARCH 19, 1937.

HON. WALTER M. PIERCE,
House of Representatives, Washington, D. C.:

List Oregon organizations favoring repeal long-and-short-haul clause sent by you Wheat League includes Condon Commercial Club. Where did this information originate? This organization has never gone on record favoring such legislation. Any report to that effect is without authorization. Please trace such, if possible, and advise us immediately. Letter follows. We are ready to go the limit to discredit this type pressure.

CONDON COMMERCIAL CLUB,
By R. M. MCKENNON, *President.*

What is the object of this legislation? It is to kill off water transportation. Be honest about it. That is all there is to it, so that there will be more money to move down to Wall Street. Will the railroads reduce freight rates? Yes; for terminals out where Mr. LEA lives. They will lower the rates until the water transportation goes out. Water transportation cannot continue at a loss. When water transportation is ruined, then up will go the rates. Are they going to get more money? Yes; in a general raise of the freight base. That is what it is, and nothing else. It is nothing more than to get more money to bolster up the great big bloated capitalization of the railroads down there in Wall Street.

Are they going to get it? Sure, they are going to get it. I have seen freight rates go up in my home 60 percent since the war, and they are going up again.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. PIERCE] has expired.

Mr. PIERCE. Mr. Chairman, I ask unanimous consent that I may have the privilege of revising and extending my remarks and including therein such letters and telegrams as I have here denying or repudiating their appearance as proponents of the Pettengill bill.

The CHAIRMAN. The Chair will remind the gentleman from Oregon that the request to extend his own remarks to include extraneous matter must be submitted in the House and not in Committee of the Whole.

Mr. BULWINKLE. Mr. Chairman, a point of order. Is this extraneous matter? It is matter that is very pertinent, in the opinion of the majority.

The CHAIRMAN. It is the understanding of the Chair that in Committee of the Whole a Member may extend his own remarks but may not include therein any extracts from other matters than his own particular remarks.

Mr. BULWINKLE. Except what he has read?

The CHAIRMAN. Of course, what he has already read is in the RECORD, or supposed to be.

Mr. BULWINKLE. I wish to call attention to the fact that this is not extraneous matter, Mr. Chairman.

The CHAIRMAN. It is the opinion of the Chair that the inclusion of telegrams, letters, or other writings other than those actually read in Committee of the Whole will have to be inserted in the RECORD with the consent of the House and not the Committee of the Whole.

Mr. HOLMES. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, I am opposed to this bill, as I regard it as unnecessary and at the same time as dangerous legislation. For years the railroads have been under the auspices and protection of the Interstate Commerce Commission, and quasi-judicial machinery has been provided whereby they can, in a proper case, obtain from the Interstate Commerce Commission the relief sought by this legislation. The railroads have, in fact, obtained this relief in the past in a vast majority of the cases where they have applied.

The history of the railroads before 1887 is not pleasant reading. It was the history of economic oppression and political corruption in both the States and the Nation. Through the medium of this unneeded legislation we are at one fell swoop returned to the old days, when the railroads exploited or destroyed localities at will. This legislation takes the burden of proof off the railroads and places it on the shoulders of the locality or shipper. To obtain relief, the locality or shipper must make a journey to Washington. He must employ rate experts and lawyers familiar with the practice before the Interstate Commerce Commission. The expense of this will be prohibitive, with the result that shippers and localities will be destroyed.

Some of the Members of the House, yielding to pressure groups, are complacent about this procedure. They fail to consider the far-reaching effect of this legislation. May I say to such Members who are voting willy-nilly on this proposition that in my judgment no legislation has been attempted during my service here that is more important to the locality or fraught with more economic danger to the Nation.

Our distances in America are so great that transportation will always be a problem of first magnitude. May I say, too, that I have no quarrel with the railroads or with the men in their service. I am definitely opposed, however, to this unneeded legislation. If this legislation is passed, it is the purpose of the railroad management to kill off coastal merchant marine, which is an essential arm of the national defense. It will kill off the waterways in the interior of the country. It will kill off truck transportation. It will drive shipping now furnishing low-cost transportation off the Great Lakes and into the discard.

Joseph B. Eastman, member of the Interstate Commerce Commission and former Coordinator, railroad-minded to a fault, testified before the Committee on Interstate and Foreign Commerce of the House on February 9 in this year of our Lord and opposed the enactment of this legislation as being against public interest and injurious to the best basic interests of the railroads.

In conclusion, let me urge that this legislation be defeated in the interest of an orderly development of the Nation. I ask you to put aside the influence of pressure groups who have been brought into this situation by virtue of the most far-flung, the most vigorous, and most efficient lobby that I have seen in my time. In the interest of the country, I ask that this bill be defeated in the House. [Applause.]

The CHAIRMAN. The time of the gentleman from New York [Mr. CULKIN] has expired.

Mr. BLAND. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Virginia makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and fourteen Members are present, a quorum.

Mr. PETTENGILL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, it is not my purpose to discuss at any length the rate structure. In fact, I could not discuss anything at any length in 10 minutes. I do want to call to the attention of the Committee at this time the industrial development that is going on in the United States, which, in my judgment, is due very largely to the long-and-short-haul clause.

In the first place, in considering it, we must remember that we are not living in the days of 1887 nor of 1900 nor of 1910, nor even 1920. May I remind the Committee that it was in 1920 that the last amendment, putting so-called additional teeth into the long-and-short-haul clause, was adopted by the Congress. It is fair to say that prior to 1920 the railroads were without effective competitors. Since that time the whole picture has changed, due to two causes, the opening to commercial traffic of the Panama Canal and the development of motor trucking.

The World War interrupted or postponed the commercial operation of the Canal. It was not until about 1920 the Canal began to be used to anything like capacity by commercial vessels.

In 1920 the Canal began to operate in its usual and expected manner, and along about 1920 the motortruck began to become an important element.

I would like to point out, if I may, by the use of this map, what the general trend has been since 1920. If you will examine the census figures, you will find that in the last 10-year period for which the census figures were made, that of all the increase in the population of the United States 60 percent of that increase is found to have occurred within 50 miles of the Atlantic Ocean, or the Gulf, or the Pacific Ocean, or the Great Lakes. In that same period you will find that the population of the central valley States has practically stood still. The increase has been so slight as to be almost negligible. I think I can point out some incidents in the industrial trend which will demonstrate why it is that our population is increasing by leaps and bounds along the Atlantic and Pacific coasts and the lower Great Lakes and not in the interior. Let us take, for example, the city of Minneapolis. This city, as you all know, has been an important center of the milling industry. Prior to 1920 that huge industry ran along in normal fashion, but with the opening of the Panama Canal it was found that flour could be shipped from the lower end of the Great Lakes by rail to New York and then by water clear around through the Panama Canal and up the Pacific coast cheaper than the Minneapolis millers could ship it from Minneapolis to Seattle by rail. What happened? A large and important section of the Minneapolis milling concerns moved their plants to Buffalo, N. Y.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. WHITE of Idaho. Does the gentleman know that 20 percent of the wheat produced in the United States is produced west of the Rocky Mountains, but that 40 percent of that wheat must find an outlet in foreign export?

Mr. WADSWORTH. If I could recognize the relevancy of the gentleman's question, I would try to answer it.

Mr. WHITE of Idaho. The gentleman has been speaking of the movement of wheat. We have always had surplus wheat in the West, but we have to find an outlet for it in the export trade.

Mr. WADSWORTH. I cannot yield for a statement. I yielded only for a question.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. Yes; I yield for a question.

Mr. HOPE. Was not the movement of the milling industry from Minneapolis to Buffalo very largely due to the milling-in-bond of Canadian wheat?

Mr. WADSWORTH. In part; but principally to take advantage of this very low rate from the Atlantic coast through the Panama Canal to the Pacific coast with which the railroads today are not allowed to compete between Minneapolis and the coast. That is what has happened, and our population trend shows it. I am trying to look at this matter from a broad national standpoint. Mr. Chairman, this country is slowly but surely, in the matter of industrial concentration, growing lopsided.

Mr. GRAY of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I cannot yield; I want to continue with my illustrations.

Let us take the steel industry. It was found in the testimony before our committee that steel produced at Pittsburgh and at Buffalo can be put on the rails and sent to the headwaters of the Chesapeake at Baltimore, or to New York, and then shipped by steamer through the Canal to Los Angeles and San Francisco cheaper than it can be shipped from Pittsburgh across the continent; so, naturally, the steel movement originating east of the west line of the State of Pennsylvania moves eastward for a short distance by rail and then by water to the Pacific coast, whereas the steel industry at Gary, Ind., cannot put its products on the west coast.

It is too far from the Atlantic to pay the rail rate from Chicago east, and the rate from Chicago to the Pacific coast is too high. Under the law, the railroads cannot reduce it. So this whole steel development around Chicago cannot compete on the Pacific coast, although it is many, many miles nearer the Pacific coast than the steel industry at Pittsburgh. And the same thing is true at Youngstown, Ohio. Youngstown, Ohio, is west of the west line of the State of Pennsylvania and cannot get into this preferred region. It is too far across the continent to the coast at present rates for it to ship. All this steel development at Cleveland, and at Youngstown, and at Chicago, therefore, is confined for its market largely to the Central West. The result of that, of course, is that the population is trending toward the Atlantic coast, or to those points on the Great Lakes which get the advantage of water transportation with which railroads are not allowed to compete. Look at the way Detroit has grown. Look at the way New York has grown. Look at the way the industrial centers of the East have grown. As an easterner, I may be proud of it; but I think it is a dangerous tendency in this country to have a concentration of industry at a few great industrial centers. It raises not only economic questions but it raises social and political questions which today are being felt all over this country.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield for a question.

Mr. PETTENGILL. The gentleman knows that the manufacturers' census shows that from 1919 to 1927, a period of 8 years, 18,000 industries were lost to Illinois, Iowa, Missouri, Montana, Nebraska, South Dakota, North Dakota, Wisconsin, and Minnesota.

Mr. WADSWORTH. That is perfectly true. The industrial development of this whole middle western country is at a standstill.

Mr. COLDEN. Will the gentleman yield?

Mr. WADSWORTH. For a question.

Mr. COLDEN. Would the gentleman deprive this country of the advantages of cheap water transportation?

Mr. WADSWORTH. No; I would not, but I would allow cheap rail transportation also, and that is forbidden. [Applause.]

Mr. GRAY of Indiana. Will the gentleman yield?

Mr. WADSWORTH. For a question only.

[Here the gavel fell.]

Mr. HOLMES. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEARHART].

Mr. GEARHART. Mr. Chairman, the bill which we have before us has as its objective the repeal of section 4 of the Transportation Act of the United States, the portion of the act now under attack being referred to as the long-and-short-haul provision. That is not a proper descriptive term to use in describing the section of the law which is being assaulted at this time. If properly described, it would be referred to as the equality-of-rate provision of the Transportation Act. It is the part of the law of the land which guarantees equality to every community, every city, every part of the United States. The act itself is one which was devised to insure fair trade practices in the United States. It is but one of the acts which have been put upon the statute books for the purpose of accomplishing that most salutory objective, but not by any means the least of them in importance.

Mr. Chairman, if we repeal section 4 as it is now written upon the statute books of the United States we are going to put the finger of approval upon discrimination and inequality as against some of the people of these United States.

I was deeply impressed with what the gentleman from New York had to say about the concentration of industry in certain portions of the United States, but I was more interested in maintaining the principal of fair dealing in every part of the United States for the benefit of every little community, of every great community; in seeing to it that each has its deserved spot under God's sun.

If we take this from the statute books it means there are going to be discriminations in favor of certain localities, and let me remind the Members, and you know this is philosophically true; you cannot discriminate in favor of anyone without at the same time discriminating against another. If some one city or section is to be given favored rates so that they shall be able to transport their goods cheaper, then all the other communities of the United States have got to pay higher rates because the railroads will have to recapture the sacrificed freight rates somewhere in order to make the books balance. If section 4 is repealed 90 percent of the communities of the United States are going to suffer as a consequence of our turning our back upon the principle of equality, fairness, and justice in order to support the principles of special privilege, inequality, and unjust discrimination.

Mr. Chairman, this is the most reactionary measure presented to the Congress during my membership herein. It would destroy equality. It would destroy fairness in business. It would destroy fairness of opportunity.

[Here the gavel fell.]

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, a gentleman favoring this bill said a moment ago that the livestock men could look well after their own interests. That certainly is true. They know what it means to have higher freight rates established. I hail from a far-off country in the Southwest. The livestock people down there, as well as the farmers of Arizona, have asked me to oppose this bill because they recognize it means higher freight rates for them in shipping in what they need from manufacturing points in the East and also in shipping out their own products. There is no question in their minds, nor in mine, as to how the livestock people and the farmers of Arizona feel about this bill.

I am glad this map has been placed before us. I ask you please to refer to the map. Two great transcontinental railroads cross Arizona, because, after all, lying within my State is the lowest portion of the continental backbone within the United States. Two-fifths of all the transcontinental rail traffic, then, apparently goes right through here. I am certainly deeply interested in the well-being of those railroads. I recognize what we owe them. It is said that the railroad brotherhoods in general have gone on record as favoring the Pettengill bill.

Mr. Chairman, I am a new Member of Congress. I understand my predecessor was flooded last session with petitions from railroad brotherhood men in Arizona asking support of this measure. I believe there is a definite decline in that demand, because it has not been made of me to so great an extent. I wonder if the railroad brotherhoods, on second thought, feel that they have been under a misconception concerning it. Have they found that the passage of this bill would mean a higher cost of living for all of them and no increase in employment? It has been shown here that any small additional traffic gathered by the rails, which would be taken away from the ships and trucks, would not appreciably increase the rail volume. In other words, that traffic increased to the railroads by this act could be carried upon the same trains and with the same crews now operating. I believe such is the situation.

Mr. Chairman, although I am a landlubber, I recommend that we do not destroy or impair the water-borne commerce from one of our coasts to another or commerce on our inland waterways. Let automotive and water transportation be duly regulated by public authority if there now exists unfair competition.

[Here the gavel fell.]

Mr. CHAPMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LUCKEY of Nebraska. Mr. Chairman, pass this Pettengill long-and-short-haul bill and you open the gates for the exploitation of the great Middle West. The only thing this legislation will accomplish is the placing of additional hardships upon the farmers, merchants, and industrialists of that great part of our country lying between the Allegheny and Rocky Mountains.

This so-called long-and-short-haul bill is a railroad bill that is being railroaded through Congress. Its sponsors say that it will allow railroads to charge less for a long haul than for a short haul. In plain and simple words, the Middle West is supposed to pay the freight rates on goods shipped from one coast to the other. The farmers from Colorado to Ohio will pay the high rates—they are the ones who will be penalized.

The railroads want to destroy their ship and truck competitors. To do this they ask the passage of this bill, which will allow for the rawest discrimination against shippers and communities. The railroads could reduce the rates between points where they now meet truck and ship competition. To make up for these losses the poor sucker who lives in and around noncompetitive points would be forced to pay higher rates.

Let me analyze this talk about putting the railroads upon a competitive basis with trucks and ships. It is the wildest possible fabrication. The Pennsylvania Railroad system is not competing against busses and trucks any more than are the other railroads. Railroad companies own fleets of busses, trucks, and ships to furnish competition with their rail lines. Now they want help to meet the competition of their own subsidiaries. The railroads have been given enormous subsidies. One hundred and fifty land grants have been made to railroads, totaling more than 168,000,000 acres, and they talk about needing more help.

This Pettengill bill must be voted down if we are to maintain a prosperous agricultural inland empire. The farmer and businessman of the Middle States cannot be forced to assume the financial support of the coastal areas.

Let me illustrate the effect that increasing freight rates between noncompetitive points has on my own State of Nebraska. These cases are irrefutable and are drawn not from fancy but from cold facts. They exist now, and under this Pettengill bill they would be increased a thousandfold.

The passage of this bill would work a distinct hardship upon our cooperative elevator members, as well as the producers of grain. The Omaha branch of the Farmers National Grain Corporation has over 230 member elevators in Nebraska alone, with an average of over a hundred farmer producers belonging to each one of these set-ups. Hence, they are in a position to hear from a great many of those producers and know, to a man, that they oppose any legislation that would repeal the long-and-short-haul clause of the Interstate Commerce Act, and they feel that the passage of the Pettengill bill would greatly penalize all elevators and shipping associations because they would come under the short-haul provision of this act.

Let me read a fine case of discrimination into the RECORD. At present the rail rate in carlots on citrus fruit from Los Angeles to New York City is $1.55 per hundredweight extra emergency rate, and the rate from Los Angeles to Omaha is $1.55 extra emergency rate. A box of oranges weighs 80 pounds. The freight, therefore, is $1.24 from the Pacific coast to Omaha or from the Pacific coast to New York City. The distance to Omaha is approximately one-half the distance to New York. Therefore it is obvious that Omaha consumers are paying 62 cents more for a box of oranges in order to permit the railroads on the long haul to deliver oranges at New York at a low cost of freight. It should be true that if the long haul produces a sufficient return at $1.24 a box, the short haul to Omaha should produce a sufficient return at 62 cents a box.

Now, when this matter is brought to argument on competition, it is asserted that the rate of $1.55 was forced upon the railroads by competition with refrigerator boats passing through the Panama Canal. However, the rate on citrus fruit before the refrigerator boats were put into service was $1.75, and the boat lines, in order to obtain tonnage, put a rate of $1.55 into effect, which was immediately met by the transcontinental railroad lines. However, there was no water rate from the Pacific coast points to Omaha, and therefore the rate here was not disturbed.

It will be clearly apparent to you that Omaha or Lincoln, even under the present control of the long-and-short haul, is discriminated against to the extent of 62 cents on every box of oranges that comes into the city, and if the Pettengill bill is passed a much greater discrimination can result, providing the transcontinental railroads may see fit to further reduce the transcontinental rate between seaboards to entirely eliminate the competitive boat service, and still enjoy the present high rate from Los Angeles to Omaha.

Just one more concrete example will show the effects of increased discrimination in rail rates as proposed in this bill. About a year ago the carriers published a rate on canned goods from California to Chicago and points east which was 15 cents per hundredweight cheaper than to my part of the country. We are in direct competition with the large wholesale grocers located in Chicago and Mississippi River points, and it does not seem that Congress should give the carriers the right to give them an advantage simply in order to help them protect themselves from water competition. Of course, it is a bad situation for them—but why should the Middle West continue to pay the cost, or to try to solve, and at the same time pay for the efforts of the carriers to meet water competition? It all resolves itself into the fact that the Middle West has for years received absolutely no advantage in the building of the Panama Canal; and, in fact, must have paid for it a good many times over because of our disadvantage in freight rates which have existed in the past and which the railroads are trying to push on us with even greater disadvantages for the future.

If the railroads can afford to cut the rates from California or the Pacific coast to Chicago in order to get the business, then they must be making some money in hauling it; and if they can haul it to Chicago at a cheaper rate than they are doing at the present time, why cannot they haul it to Nebraska, a distance of from 500 to 750 miles shorter, for the same amount? In fact, we should have a cheaper rate than Chicago or the Mississippi River, and now they propose to even charge us more. I am sure that my colleagues from the Middle West will realize that we cannot bankrupt our farmers, businessmen, and consumers to enable the railroads to compete with the water lines, and I hope all of you will realize what a disastrous effect such a situation would have.

The present fourth section of the act is a strong defense for protecting this vast intermediate territory, and we need this protection now more than ever on account of the development of the inland waterway transportation system. The Middle West naturally resents being taxed to support such a system and then to have the fourth section of the act amended so as to increase our transportation tax. We simply cannot carry the load.

[Here the gavel fell.]

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, I am opposed to this bill because I am opposed to a principle that would permit the charging of people to ride on the street car more for five blocks than would be charged for riding on the street car 10 blocks. I am opposed to the bill because it would retard and prevent the development of one of the greatest sections of the United States, a section which contains the greatest undeveloped resources in the Nation, located in that great intermountain section which reaches from Canada to Mexico.

In this great intermountain section, extending from Canada to Mexico through the Rocky Mountain region, we have been handicapped for years by high railroad freight rates and our development has been hampered. The railroads today are in a dilemma. They have been successful in "upping" their rates until they have them all out of line. Now, to get a share of the freight on the Pacific coast in competition with the steamships they desire not to reduce rates in the central part of the country but to reduce rates to the Pacific coast in order to compete with the ships, and to make the people in the interior, the part of the country which I represent, bear the burden of the cost of reducing the coast freight rates by paying a greater rate than do the people on the coast.

If you permit the repeal of this section, it will allow the railroads to lower freight rates to the coast and maintain high rates to the interior, and thus prevent the development of the interior country. As the gentleman from New York has pointed out—and I agree with him—the industrial development of this country is out of balance. If you pass this bill, you will prevent the development of any industry in the central part of this country when you repeal the fourth section, and industry will all be forced to the coast. Only recently in my State it was proposed to start a box factory, but the promoters found they could go to the coast and, because of the low rates to the coast, enjoy the same business in the interior, so we lost the box factory. We do not want to lose any industry which will develop the vast resources of this intermountain country. Our development has progressed to a point where, if we are to continue, we must have just and equitable freight rates. For this reason I am opposed to the pending bill, and hope the Committee will vote it down. [Applause.]

[Here the gavel fell.]

Mr. CHAPMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, about 10 days ago I read in the editorials of a Philadelphia paper that the gentleman from Indiana [Mr. PETTENGILL], the author of this bill, is in favor of an old-fashioned Congress. I believe the kind of old-fashioned Congress he wants is the kind of Congress that will return to the old times when the railroads controlled, when the policy was dog eat dog, everybody for himself, and the devil take the hindmost, until competition was destroyed; then railroad monopoly. This is what the pending bill will do. It will take us back to the old times. However, it is unnecessary to go back there because the railroads now have relief if they want to go before the Interstate Commerce Commission. It is unnecessary and it is unjust, because if we go back to those days we will get what we had before 1920. As the gentleman from New York stated, we had no competition then because competition was stifled. The railroads had a monopoly. We will go back to the time when from Detroit and Chicago the railroads would ship goods to Spokane and Yakima Valley, where I live, and charge us the freight rate to Seattle and then the local rates back to Spokane and the Yakima Valley. This is all the bill will do, and it is all they want it to do, otherwise they would not be in favor of the bill.

Who are for the bill? They say the railroads are for it. They are. But are the rank and file of the railroad men for it? I do not think they are.

May I say this: Let the railroads cut down their overhead expenses and then they will not be in the red. I have here a list of the commercial clubs and fruit-shipping industries in the Yakima Valley that are for this bill. The secretary of one of these clubs told me 4 years ago a certain division of a railroad laid off all the section men, except the foremen, and then kept in their employ seven vice presidents. This is why the railroads go in the red. The trouble is in their overhead expenses.

Who are opposed to the bill? The real shippers. In a strike there are three parties. There are the employers, the employees, and the suffering public. In this situation we have the water carriers on one side and the railroads on the other; and then the real shippers, the farmers, where do they stand? [Applause.]

Mr. Chairman, I would like to read a letter from the Grange.

[Here the gavel fell.]

Mr. CHAPMAN. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. COLDEN].

Mr. COLDEN. Mr. Chairman, I listened intently to the eloquent and ingenious argument in behalf of this bill proposing to repeal section 4—the long-and-short-haul clause—of the Interstate Commerce Act. I find myself in hearty accord with what my colleagues have to say about the necessity and the importance of railway transportation. No fair cititzen can deny that the railways have performed a great service in the development of the entire country. I also share with my colleagues the gratification for the safety and the efficiency of the railways.

THANKS THE WORKERS

In surveying the benefits that the railroads have contributed to this country, I think we should fully recognize the part of the railway employees. The safety, the convenience, the efficiency of railway transportation is due to the high intelligence, the efficiency, and the loyalty of the men who perform the duties and grave responsibilities involved in railway transportation. It is not to the high-paid executives who sit in lavish offices in the great cities, and much less to the bankers and the brokers who guide the financial course of these utilities, but it is due to the blue-capped engineer whose hand is on the throttle, to the fireman who supplies the fuel, to the conductor, the brakeman, the porter, the station agent, the roundhouse mechanic, the yard man, and the track worker. Safety and efficiency in travel depend upon the loyalty, the sobriety, the clear thinking, the cool-headed conduct of these men. And not all the excellent qualities of these workers can be claimed by all railroad executives. The railway workers, or at least a considerable part of them, are members of the most outstanding organization of the labor world. These men by their own efforts have brought about the enviable position which they hold in organized labor; and it must be said that these splendid men have fought many a battle with railway managers for efficiency, for safety, and for a better standard of wages and hours, which has contributed not only to their own standard of duty and living but has been the chief factor in the success of the railways that employ them.

LOW WAGES FOR SOME

I desire to give due credit to the railways for maintaining a comparatively high standard of wages and a decent standard of living for many of their employees. I am also not unmindful of the fact that the track worker is among the poorly paid employees of this country. Frequently the pay of the track worker is so low that it does not afford a decent standard of American living. The railway track worker has been unable to organize to exert his collective power to secure a wage in comparison with the higher wages paid other employees. Other railway employees themselves, by their own intelligence and organization, have exacted from the reluctant railroads a much better wage. In this connection it might be said that it is regrettable that the American seamen, the worker on the ships, and many of the waterfront workers have not been paid a scale of wages in proportion to the skilled mechanics of the railways and of other industries.

A potent influence in behalf of this bill has been brought to bear upon the Members of Congress by the various railway organizations throughout the country. In spite of the unhappy results of the opposition of the railway executives to an adequate railway pension plan and to other reasonable requests, in this instance the employees have rallied to the support of their employers, a further proof of their loyalty. Undoubtedly railroad executives, with their tongues in their cheeks, have held out promises of wider employment, better

wages, and other desired emoluments to win the support of the railway workers. If this were the only issue involved in this controversy, I would not raise my voice against this bill, but would be very happy to support it.

WHAT THE TESTIMONY SHOWS

I feel that the able gentleman from Indiana did not discuss all the issues raised by his proposed legislation. His argument was a careful and clever camouflage of the real issues in the background and the real purpose of this bill. Anent the suggestion that this measure means wider employment, let me call attention to the railway employees of the Southern Pacific Railway. At a hearing before a subcommittee of the Senate Committee on Interstate Commerce on Senate bill 563, to amend section 4 of the Interstate Commerce Act, held in May and June of 1930, Senator PITTMAN brought out this vital point—that the traffic of the railroads in a period of 12 years had increased 60 percent, but that the railroads had not increased their number of employees in the same proportion. The deduction was that, while the railroads are complaining about loss of traffic, it is not because of their interest in their employees, many of whom have been ruthlessly discharged wherever possible.

In 1930, at a hearing held in Phoenix, Ariz., on May 10, Mr. W. A. Worthington, vice president of the Southern Pacific Railway, testified that in 1930 an increase of approximately 33⅓ percent in west-bound tonnage and 15 percent in east-bound tonnage could be handled without an increase of train mileage and without requiring any additional trains; the substance of the contention of the railway representatives being that repeal of the fourth section would enable them to load empty cars and increase their volume of traffic and their revenues without a corresponding increase in cost and without the employment of additional labor.

A PECULIAR GENEROSITY

As I see it, the real objective in the proposed repeal of the fourth section is the elimination and destruction, as far as possible, of the competition of the highway and the truck, the waterway and the ship. Railways complain of the competition of the pipe line, the transmission of electric power, and the airplane—all the results of the march of progress. It has been repeated on this floor that the long-and-short-haul clause does not apply to the railway's rivals in transportation. So far as I am aware, there has been no evidence introduced to show an abuse of this long-and-short-haul principle in other lines of transportation. Sensible truckmen do not violate the sound rule of economics and of business by transporting commodities to a distance of 500 miles for a less amount than for a distance of 300 miles. It is a violation of sound economics to indulge in such practices. Consequently there must be some particular and peculiar reason why the railways ask for the violation of such a generally accepted rule.

Can you give any good reason why a meat market should sell a thousand pounds of meat for a less price than it receives for 750 pounds? Can you give any good reason why a grocery should sell a thousand sacks of sugar to the same customer for a less price than it sells him 500 sacks? Can you give any good reason why a clothing house should sell three suits of clothes or three pairs of shoes for a less price than it sells two suits or two pairs? Is there any sound reason why the poultryman should sell 10 dozen eggs for less money to the same customer than 5 dozen eggs? What would you think of a worker who offered his toil for 12 months for less than he received for 10?

The Pettengill bill is a most clever and adroit proposal to cover ruthless and ruinous discrimination with a cloak of legality. From the standpoint of economics and commerce, it offers a fallacious policy. For what reason does a railway desire to transport commodities 3,000 miles for less than it would charge to transport the same commodities a distance of 2,000 miles over the same rails? What is the purpose of a railway's desiring to offer to transport the manufactured goods of New York, Philadelphia, Chicago, St. Louis, Cleveland, and similar points, to Los Angeles, San Francisco, and Seattle for less tariff than it charges for the transportation of the same cars and similar goods to intermediate points, such as Wichita, Fort Worth, Denver, Phoenix, Salt Lake, Spokane, and other points?

REVISED RATE STRUCTURE NEEDED

The bug in the rug in this instance is a purpose to carry out a program that discriminates against intermediate points and for the sole purpose of destroying water and truck commerce between competitive points. Industry and agriculture and commerce everywhere would greet with cheers any earnest and honest effort to reduce railway transportation rates throughout this country. The railway rate structure of this country is a modern puzzle system that would confuse a Chinese lawyer or the author of a Dutch almanac. The railway executives of this country could do this country a great service if they would but simplify rate structures, eliminate some of the discriminating advantages of competitive points, and give the intermediate points, cities, and towns an opportunity of commercial and industrial development.

DISCRIMINATIONS ROB AND DESTROY

Allow me to give an example of the discriminations that exist today to the advantage of competitive points. Carload rates on commodities are the same from San Francisco and Los Angeles into Arizona and New Mexico. Los Angeles, geographically and by the usual travel routes, is but half the distance from this territory as is San Francisco. From the standpoint of logic and economics, as applied to the cost of transportation, one would arrive at the conclusion that the point but half the distance should have a correspondingly less rate. But such is not the practice. I once lived in a small town in Northwest Missouri known as Parnell. It was a half-way railway point between Kansas City and Des Moines, yet the railways would deliver lumber in Des Moines at the same freight rate as in Parnell—twice the distance. Under the fourth section this discrimination is not a violation of the law, which only limits the railway to charges for a long haul that are not less than for the short haul. But it is easy to see the effect on a small town.

Repeal of the fourth section as proposed would permit the railways to take rate making into their own hands and permit them to charge less for a long haul than a short haul. You would upset not only the transportation rate structure but you would disturb commerce, industry, and agriculture in every part of the country. It would be within the power of the railways, if they so desired, to haul Oregon wheat to Minneapolis and Chicago at a less rate than would be charged to the wheat farmers of Kansas. It would give the railways the legal right to ship flour from St. Louis to Denver for a less rate than from Topeka and other intermediate points. The same discriminations might be applied from Minneapolis to New Orleans, Galveston, and other competitive points. It would permit the railways to charge less for the transportation of rubber tires from Ohio to points in the Northwest than from the tire factories of Los Angeles. It would permit the shipping of all kinds of products east of the Mississippi to the Pacific coast for a less charge than from points in Kansas, Nebraska, Colorado, and other inland States. Such a change in railway charges would close the doors in hundreds of factories not only on the Pacific coast but in other parts of the interior. It would wholly upset the basis upon which local manufacturing and distribution is now conducted. In some parts of the country it would throw thousands of men out of work. It would place the commercial and industrial enterprises of thousands of intermediate towns and cities at the mercy of railway executives, their whims and their personal and selfish concern. And for what purpose? Only to enable railways to grab a larger volume of traffic from the highways and waterways, and probably without the running of an extra train or the employing of an extra man.

FAIR PLAY FOR WHOM?

The proponents of the Pettengill bill have talked much about fair play. What would such a policy do to the merchant marine? It would practically destroy all intercoastal shipping. It would deprive the ships plying between the Atlantic coast and the Pacific coast of their cargoes. This intercoastal shipping amounts to approximately $40,000,000 annually as against the three billion yearly income of the railways, which amounted to six billion before the depression. If the railways secured all this intercoastal transportation business, it would add but 1⅓ percent to their present revenues. This bill gives no consideration to nor does it count the cost to the 165,000 American seamen now employed by our merchant marine. Thousands of these seamen would be thrown out of employment. Other thousands of water-front employees—dock workers, warehouse employees, clerks, and checkers—would be thrown out of jobs. Analysis of the hearings on the repeal of the fourth section raises a doubt of any added employment by the railroads, but there is no question as to the result of unemployment to ships and trucks if this measure should be enacted into law.

LOS ANGELES A VICTIM

My own city of Los Angeles has expended approximately $50,000,000 in the development of one of the outstanding ports of the world. The city of Los Angeles has a bonded harbor indebtedness of $30,000,000. Not only would thousands of workers around this port be deprived of employment but the harbor revenues of the city would be seriously depleted, throwing additional burdens on the groaning taxpayer. Harbor improvements, because of loss of revenue, would fall into decay.

This harbor has developed a commerce that has averaged some 20,000,000 tons per annum during the past 10 years. It has saved to the people of the Southwest at least a hundred million dollars per year in transportation costs. If the railways succeed in destroying this water competition, it will follow as the night the day that the railway rates would advance and the people of the Southwestern States would again be at the mercy of a monopolized railway transportation system as they were before the completion of the Panama Canal.

Some of those advocating the Pettengill bill have complained of the air, the seas, the rivers, and the lakes, as if they were the transgressors in this transportation picture. According to their inverted viewpoint, Divine authority should be on the side of the railways, and the air, the rivers, and the lakes, and the seas should be penalized for invading their rights. Let us not forget that the natural transportation system of the world for centuries has been by water. The sea and the rivers and the lakes are open to whomever may desire to use them. It is the greatest highway system of the globe, and it gave its service to humankind ages before the toot of the locomotive was heard as it came round the bend.

THE QUESTION OF TAXES

A year ago our eloquent colleague from Indiana emphasized the larger amount of taxes paid by the railroads than by the ships. I accept that statement as correct, but I am quite sure that the keen and analytical gentleman from Indiana is aware of the fact that the right-of-way of the ship and the barge is not taxable property. Permit me to remind the gentleman that there are few schoolhouses on the right-of-way of the ship and the barge, and they have no part in the transportation of a vast area of our interior; and, further, railway terminals require a very heavy investment which are within the boundaries of our many cities where real estate is valuable. On the other hand, steamship lines rarely own their shipping terminals; they own no sidetracks, no depots, no roundhouses, and many other accessories which are necessary to railway transportation. Would the proponents of the Pettengill bill tax the rivers, the lakes, the seas, the air, and the highways to defeat fair and up-to-date competition? Their ardor for the railways carries them into a whirlwind of contradiction and blinds their vision in a duststorm of fallacy. The statement was made that railroads paid 8 percent of their gross income for taxes in 1934. The National Association of Manufacturers is authority for the statement that during the same year over 27 percent of the national income went for taxes. The inference is plain.

The ardent advocates of this bill ignore the vast importance of the merchant marine. A merchant marine is a formidable part of national defense to both the Army and the Navy. Without a merchant marine, the efficiency of both Army and Navy would be seriously impaired. Recall the frantic and expensive efforts to build a merchant marine during the late World War. Our national neglect of a merchant marine placed our Nation in a helpless and dependent position. Billions of funds were extravagantly poured out to supply this deficiency. Are we so soon to forget this costly lesson after spending billions to foster shipbuilding and the maintenance of a merchant marine? Are we going to doze off into lassitude and lethargy and permit the railroads to utterly destroy one of the most important adjuncts of national defense?

OPEN VERSUS CLOSED ROUTES

Much is said about the competition of the highway, the stages, and the trucks. The highway, like the water route, is open to the use of everybody. Its right-of-way is not monopolized as is the right-of-way of a railway. The waterway, the highway, and the airway are the only routes of transportation that are free from monopoly and open to all. In this evolution of transportation, in which the highway has become such an important part, are we to curb it, to restrain it, to destroy it in order to preserve a monopoly for railway transportation? If the truck and the stage, with door-to-door service, are such transportation plagues, why do the railways engage in the business of which they so loudly complain? In some instances their venture into this field is evidently to drive out competition and to restore their monopoly of transportation. This same attitude has been pursued toward waterways for many years. Many instances can be shown where the truck, the bus, the barge, and the ship are used as feeders and make an important contribution to the business of the rails.

ALL THE TRAFFIC COULD BEAR

During the World War period railway passenger rates were boosted to 3.6 cents per mile, plus a 50-percent Pullman surcharge. After the depressing effects following the war began to be felt, the railways made no attempt to meet the requirements of the public, but continued to charge the inflated prices of former years. The railroads consequently suffered tremendous loss in both freight and passenger traffic. In the foreign countries of the world which I have visited, I have found the rate for first-class travel approximately the same as in our own. But in all of these countries, without any exception, there is also maintained a second class and perhaps a third or a fourth class rate of travel corresponding to the financial ability of those who desire to travel. Instead of meeting this situation as in other countries, when the stage began to invade the province of the railways, did they reduce their charges to meet such competition? No; they began to clamor to Congress to eliminate this competition. In many instances the railroad executives organized stage companies and paralleled their own railway tracks and lived off of the traveling public that would have patronized the railroad had the passenger rates been attractive. Some of the western and southern railways, observing and analyzing the situation, reduced their rates to meet bus competition. We all know the result. Railway travel immediately increased. Revenues rose materially, the railways profited accordingly. Now, the Interstate Commerce Commission has ordered a general reduction of railway fares on the theory that the railways will profit and the public be benefited. Results approve this contention.

RAILWAYS SET UP COMPETITION

I want to cite an example that I observed last year after the adjournment of Congress. While in New York, I desired to visit Boston. I purchased a stage ticket on a line currently reported to be allied with the New York & New Haven Railway. This ticket cost $3.75, while independent

lines were offering this same service for $3. This stage contained 30 seats, and I noted that every one was occupied. Upon my return from Boston, I purchased a railway ticket on the New York & New Haven for $8.26. The car in which I rode had a capacity of 80 passengers. There were 16; only 20 percent of the car was occupied. Is it sound business to haul empty cars with a high fare and carry passengers at low rates by stage, operating the car on the railroad and the bus on the highway in the same direction, and to the same destinations? It appears to be business folly.

FOURTH SECTION SOUND

I believe the fourth section of the Interstate Commerce Act is sound and logical. A railway cannot, by any reasonable conception, haul commodities 2,000 miles for less money than it can haul the same cars over the same tracks for a distance of a thousand or 1,500 miles. The theory of the Pettengill bill is utterly fallacious in my opinion. It is a camouflaged iniquity. It will bring innumerable hardships on all intermediate points. It will establish much more flagrant discriminations between industries and cities than now exist and which should be corrected. It will destroy our merchant marine, throw thousands of seamen and waterfront workers out of employment, without bringing a corresponding increase in labor and wages to the railroad employees. Under the Pettengill bill, the Panama Canal, now paying its way, would become a Government liability. The same fate would result to many municipal harbors. The destruction of our merchant marine would be a deplorable impairment of national defense.

TWO KINDS OF WATER

The railways chronically complain about water transportation, but the public, the investor, the consumer, and the worker have also complained about the "water" in the railways—not in their equipment—but in their financial structure, their stocks and bonds. This Congress could render real service to the railways and to the public, if it rejected this measure and then proceeded on constructive lines to loosen the railways from the stifling grip of banking trusts, from stock exchange manipulations, from financial rackets, which have piped off their earnings, burdened them with unnecessary indebtedness, prevented them from using their earnings for better tracks, better equipment, and better wages, and encourage them to reduce their overhead capital structure somewhere on a par with actual investment and actual value.

SOCIAL WELFARE INVOLVED

A sociological factor of huge importance is involved in railway rate structures. Railway discriminations have contributed prosperity to favored individuals and driven others to penury and despair. Railway favoritism has enriched one industry and depleted its competitors. Railway discrimination has driven the factory, the pay rolls, and the population from the intermediate towns, with their adjacent wide acres of plenty, to the congested centers of population, and condemned thousands to murky air, to hunger, to slums, and to a sordid and barren existence. Does this Congress propose to enact legislation that will further contribute to our problem of city congestion, poverty, disease and crime, or shall we "stop, look, and listen" and halt these unfair public policies that promote profit for a few and disregard the economic and social welfare of the multitude?

Mr. CHAPMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. COLE].

Mr. COLE of Maryland. Mr. Chairman, for the benefit of our colleague the gentleman from Washington [Mr. HILL], who has just left the floor, the letter reflecting the attitude of the Grange is in the hearings and shows very clearly their opposition to the pending bill.

I am glad our distinguished colleague the gentleman from Oregon [Mr. PIERCE] took the time to discredit a lot of the alleged endorsements to this bill. I do not for one minute, even before my distinguished friend the gentleman from Indiana [Mr. PETTENGILL] takes the floor, expect him to defend all of the so-called endorsements because they were not of his making or of his origin. They were placed in the RECORD rather carelessly, I think, Mr. Chairman, with the approval of our committee, at the time one of the main proponents of this measure was before us, when he casually requested the permission of the committee to insert a list of endorsements coming from all over the country. Like the gentleman from Oregon, I have heard of many others who have found the organizations listed are not in favor of this measure.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. COLE of Maryland. I mentioned the name of the gentleman from Indiana. I yield to the gentleman.

Mr. PETTENGILL. May I say, of course, I do not know about each particular organization which is in favor of the bill. Many of the organizations were listed in the extension of my remarks a year ago, and I have never heard from anybody from the State of Oregon who stated he was inaccurately quoted in the RECORD at that time.

Mr. COLE of Maryland. Mr. Chairman, one of the main proponents of this measure, Judge Fletcher, who represents the railroad executives, was interrogated by Senator SHEPPARD, of Texas, during the Senate hearings. He was asked this question:

> And the Commission might suspend them (meaning rates under the long-and-short-haul clause) upon the application of some shipper?

Senator SHEPPARD was referring to the Pettengill bill.

Judge Fletcher answered:

> Or upon their own notion if they see fit. Ordinarily, they do not suspend such rates unless somebody objects to them, but they have the right to do so.

This means, as has been pointed out today by so many Members, that every time a new rate violating the present long-and-short-haul clause is filed by the railroads with the Commission, before the rate can be disturbed the shippers back home, small or large, must come to Washington and bear the expense of travel, lost time, and what not, in order to attack the rate. If any of you have seen the schedules which have been filed, you know what this means.

I expect my friend the gentleman from Indiana [Mr. PETTENGILL], as he has done in his report, will criticize the delay of the Commission in acting on these cases. May I state these figures before we consider amendments to this measure: Between 1930 and December 31, 1936, the number of applications in which orders were entered granting temporary or continuing relief by the Commission in long-and-short-haul cases was 193. The number of applications in which orders were entered denying relief was 36. There were 248 applications in all. I am inserting in the extension of my remarks a complete table and statement demonstrating the expeditious handling of these cases by the Commission.

Mr. Chairman, H. R. 1668, known as the Pettengill bill, was reported from the Committee on Interstate and Foreign Commerce after extensive hearings and upon a large division vote of the committee which, I am sure, will suggest the serious consideration of the measure by all Members of the House, now that it has reached the floor for discussion. A mere glance at the bill, supplemented by the general knowledge all Members of Congress have on the subject and the very helpful arguments which have been presented by both sides through the mail found in the files of each Member of the House, demonstrates the far-reaching effect and inestimable importance of any change, let alone a virtual repeal of the long-and-short-haul section of existing law, which this bill seeks to accomplish.

Of interest and importance, I am sure, to the Members of Congress, will be the historical background which this part of our law enjoys. We celebrate this year the semicentennial of the Interstate Commerce Commission Act passed in 1887, which act at that time contained a long-and-short-haul provision. It not only provided in section 4 thereof specifically as to the long-and-short-haul problem, but a major portion of the interesting, lengthy, and tremendous able debates on this new venture by the Federal Government into the transportation field, conducted in the Senate of the United States and in the House of Representatives of the Forty-ninth Congress was directed to this provision. As the long-and-short-haul section of our law has been, therefore, a part of the original law ever since its passage, and has been disturbed or rather changed by subsequent sessions of Congress only for the purpose, as I think all will concede, to strengthen it and not weaken it, when we are faced today with a measure which, I think, again, all will pretty generally concede, cuts the very heart from the existing law, weakens it to the point that it might just as well not remain in the law, then I am sure the decision of every Member of this House will be registered only after the seriousness of this bill is fully appreciated.

Tiresome as it might be to some, but because of the important bearing it has on the subject before us, I have taken the time to study and read the hearings, debates, and reports in the sessions of 1887, 1910, and 1919, and for your information, and in as an impartial a way as possible, I wish to set out some of the interesting extracts therefrom.

In the first session of the Forty-ninth Congress at page 7755 is found the first recorded vote, which was taken on July 30, 1886, of the House on the passage of the then new Interstate Commerce bill, which vote was to finally pass the House bill substituted for the Senate bill which was before the House for consideration. The debate on this bill was lengthy and participated in by many of the leaders of the House at that time. It disclosed that in 1884—the last year available at that time—that the property invested in railroads amounted to $7,431,732,458, which was more than one and one-half times the capital employed in all the various manufacturing industries of the country with one inconsiderable exception, and that equaled seven-tenths of the value of all the farms and 27 percent of all the taxable properties of the States and Territories. The number of tons of freight carried on railroads in 1884 equaled 390,074,749, valued at $9,751,868,725, and they transported during the same year 334,814,529 passengers. Fifteen hundred thousand men were employed whose daily subsistence and that of their families depended upon the business of those roads.

With the aforegoing it is interesting to note today that at the end of 1933, the property investment of class I railroads was $26,126,379,547, and that in 1931, the seven transcontinental railroads had an investment in roads and equipment of $5,580,733,734.

Other comparative figures show the phenomenal growth of the railroads during the 50 years their rates have been subject to the provisions of section 4, and other parts of the Interstate Commerce Commission law.

Congressman Caldwell, of Tennessee, in the House on July 21, 1886, presented a lengthy and illuminating discussion of the legality of regulation of railroads by the Federal Government. It was a convincing rehearsal of the law. In summarizing existing reasons for the passage of such legislation, Mr. Caldwell made this statement:

> No harm can come to railroads by being compelled to do right. Disaster, public mistrust, and enmity have resulted from their own control. Railroad wreckers have grown rich on the spoils plundered from States and stockholders. The arrogance of tyrannical corporations has produced riot and bloodshed, and misery to mechanics, and poverty and bankruptcy to farmers.

Mr. O'Ferrall, of Virginia, page 7294, had this to say with reference to the short-and-long haul:

> The fourth section declares that it shall be unlawful to charge more for a shorter than for a longer haul. That means, sir, for instance, that a railroad company or any other common carrier shall not charge A $50 for carrying a carload of cattle, flour, grain, or other property 100 miles while it hauls a like carload for B 200 miles for $40.
>
> This discrimination in favor of long distances over shorter distances is another of the crying grievances of the present system.
>
> Where is the justice of it?
>
> I know that much sophistry has been expended to justify this rule; that gentlemen "versed in railroad matters" have appeared year after year before the Committee on Commerce of this House armed with "statistics" and loaded down with "facts" to show the justice and equity of a rule which taxes one man more for a short service than another for a service perhaps 10 times longer.

Well, I do not profess to be versed in railroad matters or to be able to converse with the fluency or learning of a Gould upon these subjects, but I do profess to have a modicum of common sense, and it is that which should be brought into play in the consideration of a practical question.

Sir, the most remote part of my district is not more than 175 miles from the city of Baltimore; Chicago, I think, is about 800 miles distant from Baltimore. It costs the people of my district more to send a carload of ordinary freight to Baltimore than it does the western shipper to send a carload of live freight from Chicago to the same point, more than four times as far.

I find that in a former Congress it was shown that a carload from Omaha to San Francisco cost $300, while from Omaha to Virginia City, a distance of 600 miles this side of San Francisco, the charge was $800, so that for 600 miles shorter haul the charge was $500 more. In my own State along the lines of roads at way stations the rates are much higher for the shorter distances than they are many miles beyond for the longer distances.

So throughout the length and breadth of this country the way stations and shorter distances must pay tribute to the centers and longer distances—they are the pack horses, and must stand all that is put on them.

Now, sir, under this state of things, what remedy have the business interests of the country; what redress have agriculture, manufacturers, and commerce—the three pillars of our prosperity—unless the strong hand of our National Legislature shall be laid upon these monopolies and the decree go forth under the great seal of this Government prescribing limits beyond which they shall not go and laying down rules which they must regard?

In this section, in my opinion, will be found all that may be required to give protection against the short-and-long-haul system of imposition.

Mr. Reagan, of Texas, author of the House bill, at page 7297, in one of the many speeches he made on this subject, referring to some of the arguments in opposition to the short and long haul, had this to say:

> The House has heard elaborate arguments this evening, which I have heard repeated over and over for 10 years, to demonstrate that it is honest and right to charge one man $25 for hauling a carload of freight from Chicago to New York, and at the same time to charge another man $100 for hauling a like carload from Pittsburgh to New York. Now, sir, there is not genius, ability, plausibility, nor eloquence enough in all the hired talent of the railroad corporations to convince an honest man that that is right. What is that provision of the bill? We have been told this evening that it would work unjust discrimination. Two gentlemen from Illinois have said that. How unjust? If the railroads running, for instance, from Chicago to New York are told, "You may charge to way stations along the route as much as you charge between your terminal points, but you shall not charge more", what is the wrong? Who is injured?
>
> It is the short-haul man that is discriminated against because he may, in that event, be required to pay as much as the long-haul man; but the bill says that he shall not be required to pay more. If he is compelled to pay more, what is the result? It is that the railroads, to secure freight at a competing point, may haul from that point at rates below what will pay, and if they do that and lose upon the transaction, they claim the right to charge the people at the way stations enough more than should be charged for hauling their freight to make up the lost revenue from the undercharge upon the freight hauled between the terminal points. Is that right? What is the effect of it? If they be permitted to charge for hauling to intermediate stations more than they charge shippers at the terminal point—remember, it is not more per ton per mile, but more in the aggregate for a given amount or kind of freight—if, I say, they be permitted to charge shippers at way stations more than they charge shippers at the terminal points, then they have the power to force the manufacturing of the country from the towns and villages and neighborhoods where living is cheap and health is good, to the trade centers where there are competing roads, and the power to enrich those at these centers by impoverishing the people at the cities, towns, and communities at intermediate points. What is more, if they can charge more to shippers at the intermediate places than to those at the terminal points, they can thereby increase the value of the real estate around the centers where there is competition, and reduce the value of land, the value of labor, the value of everything that makes up the comforts of life at every intermediate point between the terminal stations.

In the report of S. 1093 from the Committee on Interstate Commerce of the Senate, Forty-ninth Congress, made on January 18, 1886, which is found in Senate Report, first session, volume 2, 1885–86, which report was presented by Senator Cullom, is found the following:

> In 1885 a committee of five Senators appointed by the President of the Senate was set up to investigate and report upon the subject of the regulation of the transportation of railroad and water routes in connection with or in competition with said railroads of freights and passengers between the several States.

The report of S. 1093 followed this investigation.

While not directly applicable to the bill now before us, but because of its reference to interesting legal interpretations

of the interstate clause of the Constitution, I quote this from that report:

The circumstances which brought about the incorporation of the commercial clause serve to explain the intent of the framers of the Constitution and the meaning of the language used. It is a well-known historical fact that one of the chief reasons for the change from a confederation of States to a Government by the people, with one Union and one Constitution, was that the confederacy was powerless to raise revenue and to regulate commerce with foreign nations and among the several States. This is shown by the fact that the first movement toward an amendment of the original Articles of Confederation was to give Congress enlarged power over the subject of commerce. When the convention assembled there was no controversy over the proposition to give to the General Government the control over commerce, and the provision now in the Constitution was incorporated in it as a necessity in the interest of the common prosperity of the people. Referring to this, Mr. Webster said:

"In the history of the times it was found that the great topic, urged on all occasions as showing the necessity of a new and different government, was the state of trade and commerce. * * * The New Jersey resolutions complain that the regulation of trade was in the power of the several States, within their special jurisdiction, in such a degree as to involve many difficulties and embarrassments; and they express the earnest opinion that the sole and exclusive power of regulating trade with foreign States ought to be in Congress. * * * The entire purpose for which the delegates assembled at Annapolis was to devise means for the uniform regulation of trade. They found no means but in a general government, and they recommended a contention to accomplish that purpose. Over whatever other interests of the country this Government may diffuse its benefits and its blessings, it will always be true, as matter of historical fact, that it had its origin in the necessities of commerce, and for its immediate object the relief of those necessities, by removing their causes and by establishing a uniform and steady system."

At page 175, under the heading, "The Necessity of National Regulation of Interstate Commerce", the committee states—page 176:

1. The public interest demands regulation of the business of transportation because, in the absence of such regulation, the carrier is practically and actually the sole and final arbiter upon all disputed questions that arise between shipper and carrier as to whether rates are reasonable or unjust discrimination has been practiced.

After summarizing the causes of complaints against the railroad system—pages 180 and 181—the essence of all the complaints is stated as follows—page 182:

It will be observed that the most important, and in fact nearly all, of the foregoing complaints are based upon the practice of discrimination in one form or another. This is the principal cause of complaint against the management and operation of the transportation system of the United States and gives rise to the questions of greatest difficulty in the regulation of interstate commerce.

It is substantially agreed by all parties in interest that the great desideratum is to secure equality, so far as practicable, in the facilities for transportation afforded and the rates charged by the instrumentalities of commerce. The burden of complaint is against unfair differences in these particulars as between different places, persons, and commodities, and its essence is that these differences are unjust in comparison with the rates allowed or facilities afforded to other persons and places for a like service under similar circumstances.

The first question to be determined, apparently, is whether the inequalities complained of and admitted to exist are inevitable, or whether they are entirely the result of arbitrary and unnecessary discrimination on the part of the common carriers of the country; and the consideration of this question suggests an inquiry as to the proper basis upon which rates of transportation should be established.

At page 195 is found a discussion under the head of "Rates on Long and Short Hauls"—

No question connected with the problem of railroad regulation has given the committee more perplexity than that relating to the utility and expediency of legislation prohibiting a carrier from charging more for a shorter than for a longer haul under any circumstances, not that we have any doubt as to the injustice of such a charge under most circumstances, but because it seems inexpedient to enforce such a regulation under all circumstances.

Palpable discriminations, peculiar to no State or locality, but too common, apparently, to all, would seem to be remedied by such a provision. It is asked for and urged to preclude the carriers from reimbursing out of local rates and shippers what they lose by reckless and needless competition upon through rates. It is too plain to be made plainer by argument that, within certain limits and under certain oft-occurring conditions, the provision would be a useful and fair one.

It does not seem as if there could be any justification for charging one shipper more for hauling a car of grain 50 miles than he or another is at the same time charged for hauling another car of grain 100 miles over the same road and in the same direction. The unfairness of the greater charge for a shorter distance is apparent, and yet when careful consideration is given to such instances and illustrations as have been cited to the committee it is difficult to avoid the conclusion that while the principle that no greater charge should be made for a shorter than for a longer distance is just and right, exceptions to the general rule may sometimes be warranted, even in the case of individual roads. And when the effect of the proposed prohibition is considered with reference to the whole internal commerce of the United States, and especially with reference to the necessity of reserving the prevailing cheap rates for long-distance transportation, there is reason to fear that the result of rigidly enforcing the proposed regulation would be to stifle competition in numberless cases where it now exists and is to the general public interest, and perhaps to deprive the country of the benefits of the low through rates now and for years given to and from the tidewater without practical or appreciable advantage to intervening points.

The purpose to be accomplished by prohibiting greater charges for shorter than for longer hauls is to equalize the existing differences between through and local rates. It is intended for the protection of those most in need of protection, the shippers at interior noncompetitive points, and to prevent corporate carriers from charging such shippers unreasonable rates in order to recoup the losses sustained in reckless rate wars and by carrying through freights at less than cost.

The accomplishment of the purpose aimed at is a "consummation most devoutly to be wished", and the necessity of remedying the discriminations complained of is apparent. The real question to be considered is, therefore, whether an absolute prohibition of a greater charge for a shorter than for a longer distance would accomplish the result desired by those who favor such legislation.

At page 197 is stated:

The committee is convinced of the necessity of some legislation upon the subject of long-and-short hauls. Many arguments of apparent strength are urged against such regulations by those who have given the question the most thoughtful consideration, but after all, the contentions for and against the proposition rest on theory, and so must rest until tested by experience. Such legislation must of necessity be largely experimental and its effects cannot be accurately determined in advance.

To guard against the dangers apprehended and predicted in case such legislation should be enacted, the committee has deemed it wise to propose that a greater charge for a shorter than a longer haul shall be declared presumptive evidence of an unjust discrimination, and that such charges shall be prohibited whenever they shall constitute an unjust discrimination. This, we believe, will place the determination of the relative difference between local and through rates upon a just and equitable basis, because in such determination the real question to be decided is not so much whether the through rates are too low as whether the local points are unjustly discriminated against. It is also proposed to place the burden of proof upon the railroads, where it properly belongs, and to compel them to justify any violation of the general principle that no greater charge should be made for a shorter than for a longer haul.

A large majority of the witnesses examined by the committee have urged the incorporation in the bill of a provision as to long and short hauls. We are satisfied that the sentiment of the country demands some regulation upon this subject, and with the safeguards provided in the bill herewith reported, we recommend the enactment of the legislation proposed, well knowing that if, upon fair trial, the provision shall be found unfair to the carrier or against the true interests of the shipper, the people will, through appropriate legislation, promptly apply the corrective.

In the second session, the Sixty-first Congress of 1910, not only because of the importance of the provisions of H. R. 17536, known as the railroad bill then being considered, but also of the participants in the debate, amongst whom we find Mr. Mann, Mr. Washburn, Mr. Adamson, and many others of well-known reputation taking a prominent part, I call your attention to these debates because the act of 1910 included the first amendment to section 4 as passed in the original act, although the original act of 1887 had been changed by the Hepburn law of 1906, and supplemented by the Elkins antirebate law of 1903, but section 4 was not involved in those proceedings. Mr. Mann, of Illinois, in opening the debates, which debates were quite lengthy, made this important statement, page 4571:

But in dealing with the railroad problems in the past, Congress has wisely been cautious. It has endeavored to move forward step by step and has not tried to gain the top of the hill with a single bound. The enforcement of the original act to regulate commerce, as amended by the Hepburn law, and supplemented by the Elkins law, has shown that those who predicted that dire disaster would follow to the railroads and the country through the enactment of such legislation were, fortunately, mistaken. Railroad construction has proceeded; railway operation has become more efficient; railway management has become wiser, and, in the main, more honest. We believe the time has come when we can properly take a new step forward in the solution of the transportation problem. Under the wise leadership of the great statesman now in the White House, who himself served as a judge on the Federal bench in construing and enforcing the Commerce Act, we are now considering propositions somewhat in advance of those which have heretofore been made into law.

With special reference to the long-and-short-haul clause, Mr. Mann had this to say, page 4580:

Now, Mr. Chairman, while we have provided that the railroads cannot charge less for the long distance than for a shorter distance, or a less aggregate than the local rates, still we did not mean to make it so absolute that it might not be departed from. We have given the Interstate Commerce Commission, as it was given in the original law, power, upon petition in special cases, after investigation, to authorize a company to charge less for the long haul than they do for the short haul. That was in the original law; and in order that the business of the country might not be unduly disturbed, in order that the railroads might have time to accommodate themselves to the making of rates which will be required under this provision of law if it be agreed to, we have provided that no lawful rates now existing shall be interfered with for a period of 6 months after the passage of this act; or, if within that time a railroad company files an application in a special case, then the existing rate will not be interfered with until the application be determined by the Interstate Commerce Commission.

Still quoting Mr. Mann:

I think it is not difficult to tell something in reference to it. Take, for instance, transcontinental transportation. You can carry freight now from New York to San Francisco for less than you can from the Mississippi River to Ogden, Utah, and there is good reason for the discrimination. Freight from New York to San Francisco is in competition with vessels going around Cape Horn or steamers transshipping at Panama. That competition will be still more strenuous when the Panama Canal is constructed, and it may happen that a railroad company cannot afford to make as low a rate between all the intervening points and cannot afford to do so without carrying part of the freight between the extreme points. There may be reasons. I do not undertake to pass upon the particular case, but I can see reasons why the rate from New York to San Francisco may be made less by the Commission possibly than the rate from Chicago to some point in Nevada.

Mr. Madden, of Illinois, page 4937, with particular reference to the long-and-short-haul section, stated:

The subject of the long and short haul, upon which there has been much discussion and many attempts to secure congressional action, has not been overlooked. In the existing law it is provided in substance that the carrier shall not charge greater compensation, "under substantially similar circumstances and conditions", for a shorter than for a longer distance over the same line in the same direction.

As I pointed out in a speech on the defects of the present law in the last Congress, that language, as construed by the courts, left with the carriers an almost unbounded discretion and latitude for discriminations and favoritism, and practically made the so-called long-and-short-haul clause of the act a dead limb of the law. Now, the bill reported, as I am glad to observe, leaves out the words "under substantially similar circumstances and conditions" in the long-and-short-haul clause and prohibits a carrier from receiving greater compensation for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, or to receive a greater compensation for a through carriage than the aggregate of the local rates. But as a safeguard against an undue and sudden disturbance of existing conditions and disjuncture of business connections, it is provided that the Commission may, upon application of the carrier, except it or relieve it from the operation of the provision. It is further provided that no rates or charges shall be required to be changed by reason of this provision prior to the expiration of 6 months after its going into effect, nor until the application to the Commission for relief from its operation shall have been acted on. Without going further into their discussion, I wish to say that I consider the limitations for the benefit of the carriers entirely proper to be enacted.

At page 5727 of the session of May 3, 1910, while the railroad bill was being read for amendment, Mr. Washburn, of Massachusetts, offered an amendment to strike out section 4, not because of any hostility to the provisions of section 4, but to restore the law as it was originally passed in 1887 and codified in 1906. In discussing his motion he stated:

This section affects one of the most complicated questions that can arise in connection with rate making, and it changes absolutely the policy under which the Interstate Commerce Act has been administered for more than 20 years. Whereas as the courts have construed the act the railroads may now take the initiative in making a lower rate for the longer than the shorter haul, and while under the existing law it is left to any party aggrieved to make complaint to the Commission, under the amendment as proposed in the bill the carrier wishing to charge less for the longer than the shorter haul is compelled to file a petition with the Interstate Commerce Commission, and only after hearing and a proper order entered by the Commission can the lower rate for the longer haul be permitted.

Aside from the fundamental objection to the section that as proposed in the bill it changes the law as already construed more than once by the Supreme Court, there is the further practical objection that it will place upon the Commission a burden under which the law cannot be successfully administered. This is not a new question. It was carefully discussed in 1887 when the original act was passed. It received very careful consideration in an opinion rendered by Judge Cooley, when chairman of the Commission in 1887, and subsequently has received judicial construction by the courts. In this connection we may perhaps profitably refer to the opinion expressed by Judge Cooley in 1887, when it was attempted to get from the Commission an opinion in harmony with the amendment proposed in the bill now before the committee.

Mr. Adamson, of Georgia, in arguing against the weakening of committee recommendations by amendments then on the floor, in part stated:

Now, it is perfectly fair to say that for the general public, for the thousands of towns in the interior, this rule should be enforced, and if there are special reasons, special cases, special points, exceptional cases that ought to be recognized for particular reasons, the conclusion of this section authorizes the Commission to permit it. It makes this difference: At present, as correctly stated by the gentleman from Massachusetts [Mr. Washburn], the railroads can take the initiative with a high hand, without interference by anybody, put their differentials in force and establish a discrimination, and then they stand in an entrenched position and must be assailed by the people in order to correct it.

At page 5735, Mr. Mann, of Illinois, took a very prominent part in the debate, particularly as to section 4. He had this important comment to make:

Mr. Chairman, for years I have been thoroughly convinced that the long-and-short-haul clause in the interstate commerce law ought to be made effective, ought to be made to mean what was intended when it was written into the law. With the millions of dollars which we are spending every year for the improvement of our waterways, for the benefit of the seacoast towns in the improvement of their harbors, I stand for the proposition that this, which all the country pays for out of the common Treasury, shall redound to the benefit of all the people.

Why should we spend millions of dollars to make for New York City a harbor with a waterway 1,000 feet wide and 40 feet deep, and then say that New York City alone shall reap the benefit in the way of competition with the railroads?

Further quoting page 5736:

I want the little towns between the terminal points, the west between the mighty oceans, to get a part of the benefits which come from these improvements, paid for out of the pockets of all. This provision as it stands in the bill is fair to the railroads. It will not have the effect of increasing unduly the rates at competitive points, and it will compel the railroads which seek to carry freight in competition with the waterways to deal fairly with those points in the interior and intermediate points which are in competition with the competitive points.

On November 11, 1919, the railroad bill, known as the amendment of 1920, during the first session of the Sixty-sixth Congress, which bill terminated Federal control, was taken up for consideration. At page 8309 the debate opened with a statement from Mr. Esch, of Wisconsin.

On November 15, 1919, page 8582, Mr. Simms, of Kentucky, sought to amend section 4 and an extended debate followed. In connection therewith Mr. French, of Kentucky, stated that this amendment was one of the most important that has been presented in connection with this bill and much time should be allotted for discussion. Quoting briefly from Mr. Simms' argument, it was stated by him that—

* * * for years and years before the act of 1910 was enacted there had been much complaint about the construction and application of the law as it then existed. As it existed a lesser charge for a longer haul than a shorter haul over the same road in the same direction had been permitted when certain conditions existed, but the exception got to be the rule.

Quoting Mr. Simms further, page 8583:

The fourth section, as it now appears in the Commerce Act, forbade any carrier to charge more for a longer haul than for a shorter haul over the same railroad going in the same direction. That was and is the general provision of the law, and the plain intent of Congress and all the rest is exceptional and conditional. Exceptions should not be construed liberally, but the general law should be so construed in order to effect the purpose intended.

There is no doubt that the purpose was to prevent railroads from absolutely destroying interior points on their lines by giving a

discriminating lower rate to a more distant point on the same road where competition existed, either by rail or water, or by both. Such a practice by the railroads had forced manufacturers and businessmen who wanted to get the best rates to forsake the non-competing interior points and go to a point where there was as much railroad competition as possible and as much water competition as possible, in order to get such rates as such competition brought about.

Further quoting, at page 8583:

Now, Mr. Chairman, natural conditions which inherently give to a section or locality water competition should and does give that locality the benefit of water competition. Where there is a water route serving the same locality that is served by a rail route, those who are at that point have their choice, and if the water transportation is satisfactory and cheaper than the rail transportation, then let them use the water transportation. Do not permit a railroad company or authorize any commission on earth to permit a railroad company to destroy the value of Government appropriations expended to build the Panama Canal, to clean out the Mississippi River, to build millions of dollars' worth of water-transportation construction, to build boats, to deepen rivers and harbors, in order simply that the people having the benefit of water service shall by reason of having it get a rate upon the railroads that actually prevents the use of the water-transportation facilities that the people paid for from taxes out of their own pockets. There is no use in further improving rivers and lakes and harbors, there is no use in further building Government canals, if privately owned corporations operated for profit are permitted to reduce their rates fixed by law as just and reasonable to a point so low as to make it more desirable to use the rail facilities than the river, lake, or ocean.

Mr. French, of Kentucky, at page 8584, had this to say:

Long ago the fight was begun against the discrimination in rate charges against the intermountain country in favor of the people living on the Pacific coast. The first law that was passed by Congress that seemed to afford the promise of relief was passed in 1887, but benefits of this law continued but a year or so and under provisions that seemed to justify exceptions discriminations were shortly begun and have continued practically ever since.

In 1910, when further legislation was obtained on this subject, we thought that we had obtained something of relief. Section 4 of the Interstate Commerce Act has to do with the long and short haul. It provides that a common carrier may not charge in interstate commerce more for hauling goods a shorter distance than it may charge for hauling it the longer distance, the charges being for service in hauling cars going the same direction and the shorter distance being part of the longer. There was a provision, however, in this law giving to the Interstate Commerce Commission the power to make exceptions when it seemed that by reason of water competition an injustice would be imposed upon the common carrier. It was not supposed, however, that the exception would come to constitute the dominant and controlling feature of the section. It was supposed that the proviso would take care of the unusual, of the extreme cases, but just the opposite has occurred. The proviso has come to be the controlling element of the paragraph and the part of the paragraph which denies the common carrier the right to charge more for the shorter distance than for the longer when the shorter is included within the longer distance has become the dominant feature of the law.

It is a matter of general knowledge why in 1887 the Interstate Commerce Commission was created and the great railroad transportation system of this country placed under Federal supervision and control. It is also of equal knowledge that the fourth section, known as the long-and-short-haul provision of the Commerce Act, at the time of the passage of the initial law, was regarded as possibly its most important provision. It is a matter of equal knowledge also that until the debacle of 1929 and the depression years following that the railroads, or no one else, seriously contended for the elimination of or the weakening of the long-and-short-haul clause.

In tracing the history of this legislation let me use this brief statement made by the proponent of this bill now before us, the distinguished gentleman from Indiana [Mr. PETTENGILL], page 4127 of the RECORD of March 20, 1936:

The fourth section was first written in 1887 in the first bill placing railroad rates and practices under Federal supervision. * * * In 1910 the fourth section was tightened up and in 1920 the screws were tightened once more.

Now, let me quote another active proponent of this bill, my distinguished colleague [Mr. MARTIN of Colorado], page 4281, RECORD of March 24, 1936:

The Interstate Commerce Act, enacted in 1887, grew out of the necessity of regulating railway rates and practices. At that time, according to various statements of the Interstate Commerce Commission, discriminations against individuals, classes of business, and communities in favor of other individuals, classes of business, and communities were rife all over the country. The railways had a monopoly of transportation. It was the heyday of railway rule. It became necessary to place railway operations under Federal regulation, and the result was the Interstate Commerce Act of 1887.

From the beginning the chief regulatory provisions of the act as it affects rates and practices in the transportation of freight and passengers has been section 4. That section, now on the statute books for 48 years, has been but twice amended—once in 1910 and again in 1920.

So it is seen, not from any words of mine as an opponent of this measure and yet one cannot be familiar with the history of the long-and-short-haul law without sharing the same views of our two distinguished colleagues whom I have quoted, the persistence of Congress in the past to keep the provision as a strong part of the regulatory law.

It must be admitted, therefore, that the section of our basic transportation law, debated as it was at great length and enjoying the distinction of the Congress at the time of being possibly the most vital part of the bill, has served through the last 50 years during the most marvelous development that any country in the world has experienced as an agency toward rapid development of railroads and maintenance of its place in the life of this Nation to the degree it has always enjoyed.

Going back for a moment to the words I quoted from Mr. PETTENGILL:

The fourth section was first written in 1887 and in 1910 it was tightened up and in 1920 the screws were turned once more.

Today we are asked not to loosen the screws a little and undo in part some portion of this law but, in effect, to adjudge it as unsound, unreasonable, and almost every other slander that language can coin, and to change it under the guise of an amendment which, if enacted into law, destroys its every worth-while provision. It is not a wonder that so many members ask why this sudden reversal by the Congress. It is not a wonder that after a similar bill passed this House without a record vote in March 1936, early in the last session, that it was embalmed in the appropriate committee of the Senate, just as I prophesy will be the case should the House make a similar mistake today.

I want to be fair; I could not be otherwise, especially with the knowledge I have of the sincerity of purpose and honesty of intention which the proponents of this measure always display; but when they come before us with a far-reaching proposal of this nature and present as the controlling reason for its enactment that while there was justification in 1887 for what was done, and further justification in 1910 and 1920 for the strengthening of the original law by Congress, because a virtual monopoly existed with the railroads at that time, the entire provision should be repealed.

Competition was one of the controlling considerations at the time section 4 was originally enacted in 1887. I call as a witness to support this statement the opinion of the Supreme Court of the United States in the case of the Interstate Commerce Commission against Alabama Midland Railway Co., in the October term, 1897, One Hundred and Sixty-eighth United States Reports, page 144, which I believe was the case having more to do with the act of 1910 than anything else. I quote from the Court's decision:

Competition is one of the most obvious and effective circumstances that make the conditions under which a long and short haul is performed, substantially dissimilar, and as such must have been in the contemplation of Congress in the passage of the act to regulate commerce. This is no longer an open question in the Court.

It has been 13 years since the last amendment, and I challenge any proponent of this measure to quote in support of the bill now before us the platforms of any of our major political parties, any President of the United States, Interstate Commerce Commission, or any important agency in this country, in support or even in advocacy of such a proposal. I repeat, it was given birth during the sad days of 1932 and 1933, when all were prone to blame their troubles and difficulties on almost any law affecting them. Now with the return of better times—and in this I include the railroads—this bill should be withdrawn by its proponents, if not overwhelmingly rejected by the Members of this House.

Let me discuss the bill briefly, because I have but a few minutes.

The bill before us changes section 4 to such an extent it is regarded as a repeal of the well-known long-and-short-haul clause. It is sufficient to say that should this measure become law, the railroads could, upon their own motion, file a schedule with the Interstate Commerce Commission providing for lower rates for a longer haul than the aggregate of the shorter hauls without approval of the Interstate Commerce Commission being obtained in advance of their effective date. This means, of course, that there is no provision against the charging of a lower rate provided it runs the almost unobstructed gantlet of scrutiny or attack ingeniously provided for in this bill. The proponents contend that the Interstate Commerce Commission can initiate objections to such rates and subject the railroads to proving the reasonableness of such lower rate and its freedom from violation of sections 1, 2, and 3 of the Interstate Commerce Act. Such can only be done, however, according to the language of this bill, when there is a case before the Commission. I assume when you refer to a case it means that some shipper, some injured party or parties, would be compelled to face the expense of filing with the Commission definite objections in which the railroads would be the defendants, before any substantial relief under this section could be granted.

In the Senate hearings of 1936, page 8, this colloquy took place:

Senator SHEPPARD. And the Commission might suspend them (meaning rates under the long-and-short-haul clause) upon the application of some shipper?

Mr. FLETCHER (Mr. Fletcher is general counsel and chief spokesman for the railroad executives and proponents of this bill). Or upon their own motion if they saw fit. Ordinarily they do not suspend such rates unless somebody objects to them, but they have the right to do so.

The original act of 1887 contained the language "under substantially similar circumstances and conditions." With this phrase in the law, the astuteness of the railroads brought about long years of litigation and finally victory in the courts; that is, victory to them, so that the long-and-short-haul clause was almost eliminated by the decision of the Supreme Court. Shortly after this decision, Congress, in 1910, struck out the language which the courts seized upon to weaken the provisions of section 4.

Another reason advanced by the proponents of this measure in repeal of section 4 was the delay in handling fourth-section cases by the Interstate Commerce Commission. While it is true in any judicial or quasi-judicial tribunal where a longer time is consumed in the adjudication of some cases than others, a more persuasive answer to the foregoing criticism of the past consideration of the Interstate Commerce Commission in the handling of these fourth-section cases is the argument that such delays present strong reason for change in the law that virtually eliminates many cases in the future was presented in the following report presented by the Interstate Commerce Commission to our committee at page 680 of the hearings on this bill:

In accordance with your request, we have now prepared a statement showing the actual time which elapsed between the date the applications were filed, regardless of any intervening circumstances that may have occurred between the time of filing and the date the order was entered by the Commission. These figures are as follows:

Applications for relief from the long-and-short-haul provision of sec. 4 to meet water competition filed during the period Jan. 1, 1930, to Dec. 31, 1936

Number of applications in which orders were entered granting temporary or continuing relief	[1] 193
Number of applications in which orders were entered denying relief	36
Number of applications pending in which no orders have been entered	15
Number of applications filed and later withdrawn	4
Total	248

[1] Includes 4 applications in which temporary relief was authorized and the application later withdrawn.

Applications for relief from the long-and-short-haul provision of sec. 4 to meet water competition filed during the period Jan. 1, 1930, to Dec. 31, 1936—Continued

Of the applications of, the average number of days elapsed after date of filing before orders were entered, were as follows:

90 applications in which temporary relief was authorized, average number of days elapsed after filing	50.14
103 applications in which continuing relief, but not temporary relief, was granted, average number of days elapsed after filing	226.7
36 applications in which relief was denied, average number of days elapsed after filing	250.3
Of the total, 229 applications, the average number of days after filing before orders were entered was	161

In my memorandum of January 29 I stated that during the year ended December 31, 1936, there were filed with the Commission 518 applications for relief from the provisions of section 4 based on various circumstances and conditions and that in 326 of these temporary relief was granted within an average of 20 days after the receipt thereof. As stated above, in arriving at this figure the time was computed not from dates of filing of the applications but from the dates of filing, or the dates on which the Commission was furnished with sufficient information to pass on the applications. Figuring from the date of filing alone, the above figure of 20 days would be 23.4 days. Of the 518 applications received in 1936, 471 have been disposed of. In the former memorandum I showed that the average time which elapsed between the date of filing, or date of submittal, before orders were entered in these proceedings, granting or denying relief, was 27.8 days. Computing the time that elapsed before orders were entered from the dates of filing of the applications, the above figure, 27.8 days, would be 34.6.

It will be noted that computation of the time that elapsed before orders were entered from dates of filing instead of dates of submittal produces a marked difference in the case of the applications based on water competition filed during the 7-year period January 1, 1930, to December 31, 1936, inclusive. However, it does not materially affect the figures for 1936.

The committee report accompanying this bill presents a comparison of the railroad operating revenues, capital expenditures, purchases of durable and consumable goods, and total expenditures between the years 1923 to 1929 and 1934. Why these figures were not brought up to show at least the year 1936 and present a more favorable comparison and also a picture of recovery by the railroads along with other industries I do not know, but as compared with the true facts there is such a glaring difference I insert at this point the extract referred to from the committee's report, found on page 9 thereof, as follows:

The importance of an adequate rail transportation system to the general welfare of this country cannot be overemphasized. The present financial condition of the railroads is well known, although some improvement is now being shown. The operating revenues of class I railroads of the United States (operating revenues of $1,000,000 or over per annum) in 1929 amounted to $6,279,520,544. In 1934 this had dropped to $3,271,446,473; in 1935 to $3,451,929,411. Their purchasing power, when good, substantially contributes to the support of basic or durable-goods industries which are now a matter of justifiable concern in this country from the standpoint of employment and economic recovery. In 1923 capital expenditures of class I railroads in the United States amounted to $1,059,-149,000. In 1934 the total amount of such capital expenditures was $212,712,000. In 1923 class I railroads purchased $760,531,000 of materials and supplies. In 1934 this amount was $274,534,000. The total as nearly as ascertainable of the purchase of durable goods in 1923 by class I railroads was $1,819,980,000, as compared with $487,246,000 in 1934. The total of consumable goods purchased by class I railroads in 1923 was $977,872,000 and in 1934, $325,690,000. The grand total of expenditures by these class I railroads for durable and consumable goods in 1923 was $2,797,-852,000 and in 1934, $812,936,000. This illustrates the importance of the rail transportation system in this country to its general economic welfare, in addition to the maintenance of adequate and satisfactory transportation service.

The question of railroad employment, gross revenues, disbursements, operating income, car loadings, and other important factors showing the condition of the railroads is such that I have requested an up-to-date statement thereof and incorporate here the following letter from Mr. Joseph B. Eastman, chairman of the legislative committee of the Interstate Commerce Commission, and statistical data accompanying that letter:

INTERSTATE COMMERCE COMMISSION,
Washington, April 13, 1937.

Hon. WILLIAM P. COLE, JR.,
House of Representatives, Washington, D. C.

DEAR MR. COLE: In accordance with your telephone request of this afternoon, I am transmitting herewith a statement of some

more recent figures showing the continued improvement of class I railways supplementing the figures submitted with my letter of February 16 to the Honorable CLARENCE F. LEA, chairman of the Congressional Committee on Interstate and Foreign Commerce.

This statement shows the index of railway employment by months for the years 1935 and 1936 and the first 3 months of 1937. Taking the employment figures for the period of 1923–25 as 100, this index shows the trend of the increase in employment since January 1935. For example, in that month the average employment was 56 percent of the average of the base figure of 100 for the period of 1923–25. For the month of March 1937, the employment had increased to 63.5 of the 1923–25 average.

In the statements submitted with my letter of February 16 to Chairman LEA, the average number of employees in 1936 was shown to be 1,065,922 as compared with 994,371 in 1935.

The attached statement shows the average number of employees for the months of January, February, and March 1936, in comparison with the corresponding period of 1937.

The attached statement also shows the following statistical items for the years 1935 and 1936: Gross revenues, disbursements for maintenance of way, structures, and equipment, net railway operating income available for interest and dividends, and net income after deducting fixed charges.

It also shows the net railway operating income available for interest and dividends for the months of January and February of 1936 and 1937 and carloadings for the first 14 weeks of the years 1935, 1936, and 1937.

Respectfully yours,

JOSEPH B. EASTMAN,
Chairman, Legislative Committee.

SELECTED STATISTICAL ITEMS OF CLASS I RAILWAYS (FROM REPORTS TO INTERSTATE COMMERCE COMMISSION)

Index of railway employment

[Relative figures: 1923–25 average=100]

Month	1935	1936	1937
January	56.0	57.3	62.8
February	56.4	60.1	63.8
March	56.3	58.8	63.5
April	55.1	59.2	
May	55.2	59.1	
June	55.6	59.0	
July	55.6	59.3	
August	55.2	59.6	
September	55.4	60.5	
October	55.4	60.4	
November	55.4	60.7	
December	56.4	62.1	

	January	February	March
Average number of employees:			
1936	981,953	1,032,413	1,021,014
1937	1,075,175	1,095,932	1,101,703

	1935	1936
Total gross revenues	$3,450,308,927	$4,052,734,149
Disbursements for maintenance of way structures, and equipment	1,075,789,169	1,237,841,740
Net railway operating income (available for interest and dividends)	499,001,512	667,257,204
Net income after deducting fixed charges	[1] 1,374,094	169,900,578

	Months of January and February—	
	1936	1937
Net railway operating income (available for interest and dividends)	$69,290,872	$76,795,318

	1935	1936	1937
Carloadings (first 14 weeks)	8,050,374	8,515,418	9,825,326

[1] Deficit

Another contention is that the population of the inland and mountain section of our country is decreasing and the existence of the long-and-short-haul clause is given as the main reason therefor. In response to this contention, the committee asked for statistics, and the Interstate Commerce Commission presented the following table in contradiction thereto:

Population of the United States by divisions

Division	Census year	Population	Percent increase over 1910
New England	1910	6,552,681	
	1920	7,400,909	12.9
	1930	8,166,341	24.6
Middle Atlantic	1910	19,315,892	
	1920	22,261,144	15.2
	1930	26,260,750	36.0
East North Central	1910	18,250,621	
	1920	21,475,543	17.7
	1930	25,297,185	38.6
West North Central	1910	11,637,921	
	1920	12,544,249	7.8
	1930	13,296,915	14.3
South Atlantic	1910	12,194,895	
	1920	13,990,272	14.7
	1930	15,793,589	29.5
East South Central	1910	8,409,901	
	1920	8,893,307	5.7
	1930	9,887,214	17.6
West South Central	1910	8,784,534	
	1920	10,242,224	16.6
	1930	12,176,830	38.6
Mountain	1910	2,633,517	
	1920	3,336,101	26.7
	1930	3,701,789	40.6
Pacific	1910	4,192,304	
	1920	5,566,871	32.8
	1930	8,194,433	95.5
Continental United States	1910	91,972,266	
	1920	105,710,620	14.9
	1930	122,775,046	33.5

Selected statistical items of class I railways, 1923, 1929, 1935, and 1936

[From reports to Interstate Commerce Commission unless otherwise noted]

Item	1923	1929	1935	1936
Average number of employees	1,857,674	1,660,850	994,371	1,065,922
Total operating revenues	$6,289,580,027	$6,279,520,544	$3,450,308,927	$4,052,734,149
Gross capital expenditures	[1] 1,059,149,000	[2] 853,721,000	[2] 188,362,000	
Purchases of materials and supplies		[3] 1,329,535,000	[2] 593,025,000	
Railway tax accruals	331,915,459	396,682,634	236,897,281	319,716,035

[1] From p. 7 of Committee Report No. 1560, House of Representatives, 74th Cong.
[2] From Ex. 733, Ex Parte 115, prepared by Bureau of Railway Economics.

The city of Baltimore, a large part of which I represent, is not only one of our great seaport cities but a large railroad center as well. The natural harbor offered by the Chesapeake Bay has been improved by widening and deepening and before long will be connected with the great Chesapeake & Delaware Canal, shortening the travel to the sea by one day, and it has naturally become the envy of many of our seaport cities. While this condition has been an incentive to the growth and development of Baltimore, that has come about through the effort of local ingenuity along with the inestimable value of contributions from the Federal Government.

Baltimore is one of the many termini of the Pennsylvania, Baltimore & Ohio, and Western Maryland Railroads. Competition from very extensive truck and water transportation has not retarded the development of these railroads, but, to the contrary, they are in a healthy condition today compared with that of a few years ago. The Pennsylvania Railroad has been within the last few years and is now electrifying at a heavy cost, its entire system between New York and Washington, and is now on the way to Harrisburg and Pittsburgh. The other railroads have kept step with this progress.

It has been always my desire as a member of the Interstate and Foreign Commerce Committee of the House to assist in bringing about legislation helpful to the railroads and their employees. With this I think they will agree.

I am proud of the service rendered by the railroads entering Baltimore; proud of the fact that the great Baltimore & Ohio has its main headquarters in the city; proud of the service rendered through new rolling stock to the patrons of this road and the vision they have shown in meeting competition legitimately.

I have not had, in my association with this bill, a single railroad official approach me in support of this measure. I am advised that the Baltimore Association of Commerce, one of the most helpful civic organizations we have, has given this subject very serious consideration. I am sure that happened because the railroads, as well as many other interests, belong to that organization and are represented on its board of governors. This resulted in their opposition to this measure. Just as I am sure this association had before it, so have I, a broad picture not only of the railroad systems, rapidly recovering as they are and expanding throughout our city and State, but also the harbor development, much of which is owned by and helps to support the railroads. Baltimore, of necessity, is the hub of many of our fine highways and has become a metropolis of first concern in the development of motor transportation. This, too, is obviously in the picture.

I am sure it is generally known that the railroads in Baltimore have many employees, much valuable property, are heavy taxpayers, and all of us are proud of the contribution they and their employees make to the life of our State, at the same time, the railroads, because of their close contact, I might say, to a very large extent, depend for the fine position they enjoy in the port of Baltimore, upon the highways bringing traffic via truck and the great harbor bringing to the railroads and taking from them intercoastal and ocean traffic of real value. The same applies to other large coastal cities. During the fiscal year of 1936 the ports of Boston, New York, Philadelphia, and Baltimore handled the following tonnage:

Port	Eastbound	Westbound	Total
Boston	417,920	74,224	492,144
New York	1,808,392	566,960	2,375,352
Philadelphia	798,190	468,116	1,266,306
Baltimore	405,635	632,589	1,038,224

On a national basis Baltimore stands fifth in the volume of intercoastal tonnage received, and ranks third among the American ports nationally in the tonnage shipped or forwarded during the fiscal year of 1936.

The total investment in the port of Baltimore is $151,540,000. Included in this amount is $90,495,000 in waterfront terminals. Municipal docks and terminals are valued at $15,015,000. Privately owned docks and terminals make up the balance of $75,480,000, and these, to some extent, are owned by the railroads.

My study of our transportation problems, influenced by my membership on this committee now for a number of years, has convinced me that legislation dealing with our transportation, regardless of what character or type involved, should not be decided entirely from a local viewpoint, but should be influenced by a broad national outlook. It is essential, therefore, that I take into consideration in this debate not only the appeal of the railroads, with which I do not entirely agree, but the fact that the passage of this bill presents, so they state and I think justifiably so, alarming consequences to our water and truck transportation activities.

It is unfortunate, I think, that labor has been brought into the consideration of this measure to the extent it has. Railroad labor is increasing in number, and will continue to do so, because of the natural development ahead of our railroads regardless of what competition is presented. They have been, and will continue to be, an indispensable part of the life of this country. But to tell me that the approval of promiscuous violations of the present long-and-short-haul law would add to any appreciable extent to the number of employees on the railroads is too ridiculous for any serious consideration, and I am sure was made by the proponents of this bill solely for the purpose of strengthening an admittedly weak case by bringing to their side a statement that labor is with them at the time when such endorsement is, as we all know, tantamount to the support of many Members of Congress.

Let us apply practically this new bill. Assume that immediately upon its passage rates from Chicago to the Pacific coast will be announced much lower than the rate from Chicago to a number of intermediate points and that this will attract additional traffic to the railroads. That means the placing of some additional cars on the trains already scheduled instead of the making up of many or of any new trains. If this is true, let anyone familiar with the railroads state how many additional employees would be placed on such trains or used in the terminals of such railroads as a result thereof. I am willing to concede in such situation, if the rosy picture painted by the railroads were realized, that should additional traffic, both passenger and freight, be attracted as a result of such reductions, that some new labor would be required, but let us not lose sight of the fact that most of the new traffic obtained thereby would be taken from the other means of transportation now handling such traffic, and in that event it follows, as night follows the day, that employment would be decreased on other transportation lines. I am not going to pursue this further, because I cannot believe that railroad labor is serious when it contends through its Washington representative that passage of this bill is going to inure to their benefit in any serious degree.

I agree that the farmer shipping his produce as a general thing from inland or intermediate points is going to be the main victim should this bill pass. The National Grange has opposed the bill in no uncertain terms. Quoting from their statement, this sentence is sufficient:

The passage of this bill would work irreparable injury to agriculture.

It was stated that the farm bureau supports this bill. When I heard this statement made during the hearings, not by a representative of the farm bureau appearing before us but by insertion in the record of a statement prepared by the executive committee of the farm bureau federation, passed at a session in Washington and not at a convention of the farm bureau, as a member of the farm bureau, I could not believe that the Maryland bureau of this national organization, knowing the facts, were in sympathy with such declaration, and I therefore asked for the views of my own State farm bureau and am happy to report that in a letter to me under date of March 9, 1937, the executive committee of the Maryland Farm Bureau, at a meeting on March 6, 1937, voted to oppose the Pettengill bill, and I congratulate them upon the stand they have taken and their willingness to differ with the executive committee of their national organization, which does not, in my judgment, reflect the opinion of the farmers of this country taking sides in support of this measure.

The American Farm Bureau Federation in its convention of 1931, when they had before them the long-and-short-haul controversy stated "the Interstate Commerce Commission should be denied the authority of allowing railroads to charge more for a short than a long haul"—page 405 of the hearings. In every convention since that year, the same resolutions have been passed in reference to transportation and in 1935 and 1936 while the bill now before us was in Congress, had been the subject of lengthy hearings and was prominently before the country, no reversal of the foregoing declaration made in 1931 was entered in the proceedings and I prophesy now that none will be entered in the farm bureau conventions when the facts are known to the members.

It is my purpose to offer a substitute for the present bill, which will amend the existing section 4, paragraph 1, by striking therefrom the so-called equidistant clause. If that amendment is adopted, it will provide for the only change in section 4 which I believe to be necessary and which the Interstate Commerce Commission advocates. In support of this statement, I support herewith a letter from Commissioner Joseph B. Eastman, legislative representative of the Commission.

In conclusion, Mr. Chairman, as one now serving his ninth year as a Member of this House, and for three terms a member of the great Interstate and Foreign Commerce Committee, I am going to be bold enough to offer this advice to my colleagues: There is nothing more controversial in our system of government, more difficult of interpretation than

the interstate-commerce clause of the Constitution, and when we look back over the past 50 years since Congress took its first bold step to regulate our then main systems of transportation, the wisdom of what was done at that time, the evolutions of the conceptions then formed and the gradual expansion through Court interpretations of the powers granted the Interstate Commerce Commission as an independent, dignified agency of the Government, compels me, aside from my own individual opinion to consider very, very seriously before I vote in opposition to the express, and enthusiastic opinion of the Interstate Commerce Commission, as I believe each and every Member of the House should do. You are asked to do that today.

I need not present any bouquets to the Interstate Commerce Commission. It is a branch of this Government which I hope will always remain independent of any departmental control. It is free from political influence and yet it commands the respect of all Members familiar with its conduct. It will be a sad encroachment upon the otherwise dignified and glorious history of that Commission which was celebrated last month upon its fiftieth birthday, should we today, in the face of the bitter opposition of that Commission, strike from the statutes governing it, and which I have shown to you to have been admittedly one of the most important parts of the Interstate Commerce Act at the time of its enactment and in every subsequent serious consideration of the act by Congress, especially in 1910 and 1920.

On the occasion of the semicentennial of the Interstate Commerce Commission, celebrated in this city on April 2, 1937, I was privileged to be present and enjoy two addresses by our colleagues—one of whom possibly had more to do with the maintainence of the basis law under which the Interstate Commerce Commission functions than any Member of the present Congress. I refer to the former Chairman of the Interstate and Foreign Commerce Committee and now our distinguished floor leader, the gentleman from Texas, Mr. RAYBURN. The other was by our colleague and present able chairman of the Interstate and Foreign Commerce, the gentleman from California, Mr. LEA. I commend both of these speeches to your reading and am sorry the estimate they placed upon the Interstate Commerce Commission cannot be translated to you at this time while you are in serious deliberation of the question involving a change in the law under which the Commission has functioned for the past 50 years and which this bill seeks to bring about in spite of the differences explained by the Commission.

Mr. HOLMES. Mr. Chairman, a year ago I made it very clear that I am opposed to this bill. At that time I emphatically stated that while there may be some evidence that the fourth section may be too drastic in its application, I also said at that time I would be pleased to cooperate in amending the fourth section to make it more flexible, but I did not want to destroy all the value that has been obtained from the application of the present fourth section in the railroad industry of the United States.

It has been brought out here today that the National Industrial Traffic League sponsors this legislation. This is true, but I have here a letter from Gilbert & Barker Manufacturing Co., of Springfield, Mass., which states:

> While this bill was introduced at the request of the National Industrial Traffic League, it does not receive the support of the entire membership, as there is a very large minority, including the writer, opposed to this bill. There has been considerable propaganda sent out regarding this bill in the past 2 years, and some of it has revealed very clearly that the main reason for the change is desired by the rail carriers to enable them to meet water competition of the Panama Canal.

Something was also said here about Youngstown, Ohio, and I have here a letter from the Youngstown Chamber of Commerce which states:

> We have consistently opposed the Pettengill bill, despite the tremendous pressure that has been brought to bear among Congressmen and Senators to approve the above measure. By referring to the record in the previous hearings it will be noted that Coordinator Eastman and the Interstate Commerce Commission voiced their views that this bill goes too far and legally gives the railways too much leeway in the making of rates. This was exactly what the fourth section of the Interstate Commerce Act was designed to restrict, and we feel that inland cities, who compete with manufacturers located at points adjoining water transportation, would be hurt by the passage of this proposed legislation.

[Here the gavel fell.]

Mr. PETTENGILL. Mr. Chairman, there have been so many requests for time on the part of the friends of the bill, as we only are allowed 60 minutes of general debate, I am not taking any time at all, and I now yield the balance of our time to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Chairman, I am interested in the passage of this legislation, not only from the viewpoint of the railroad employee but likewise from the viewpoint of the general public, who are dependent almost entirely on railroad transportation in carrying on their business and for the transportation of themselves and their families. However, the loss of business by the railroads to competitive forms of transportation has been so great that the passage of this legislation is a matter of great concern to all railroad employees.

Railroad employment is only a little over one-half of what it was in 1920. Since 1929 there has been a decrease of 500,000 employees. In 1929 there were more than 1,600,000 railroad employees. Today there are approximately 1,100,000 men and women employed in railroad service. Men who have worked more than 20 years now find themselves out of service because of a lack in volume of business. These men were trained for railroad work and are at a terrible disadvantage in any other field. They are home owners and citizens of good standing. Their monthly pay is highly important in supporting local merchants and the general community. Surely they are entitled to fair consideration in maintaining their employment and should be protected by their Government against unfair trade practices, particularly from the types of competition made potent because their employees on the average receive less compensation for their services and whose labor relations are not regulated.

The class I railroads of the United States have modernized their equipment, both plant and rolling, to such a degree that it is conservative to say that they could handle 40 percent more business than they are at the present time without any material increase in their overhead outside of the increase in pay rolls. Without volume of business, the railroads will never be able to pay a reasonable return upon the valuation of the properties, and certainly without increased volume of business there is no way in which railroad unemployment can be relieved.

There is approximately $26,000,000,000 invested in our railroads. Normally their gross operating income is more than $6,000,000,000 annually. But because of general industrial conditions now existing and unfair competition permitted by Federal statute that gross revenue has dropped 45 percent to $3,451,929,411 for 1935. We find also that only about 60 percent of the plant equipment is being used. We are all hoping and striving for a general reduction in the rail rate structure. This necessary objective can only be accomplished by restoring to some semblance of normalcy the volume of freight the railroads handle.

The opening of the Panama Canal aggravated the difficulties of our transcontinental railroad carriers. Railroad employees recognize the necessity and the desirability of the Panama Canal, but we do protest against existing laws which make it impossible for transcontinental railroad carriers to compete with intercoastal water carriers, who were made potent as competitors only because they use the Panama Canal. Particularly do we protest when these competitors are in no way under the control of the Federal Government. They go unregulated, they do not have to publish their rates, are free to change them at will without previous notice, may pay rebates, give allowances, provide storage, perform special services, allow special privileges, and otherwise secretly and openly favor individual shippers. The record of the Interstate Commerce Commission clearly indicates that these special privileges representing compensation of several cents per hundred pounds are indulged in to a very considerable extent by the water carriers.

The testimony before the subcommittee clearly disclosed that the intercoastal water carriers frankly admit that they have a monopoly upon the traffic between the Atlantic and Pacific coasts. That is made possible by the existence of the so-called long-and-short-haul clause in the Interstate Commerce Act, because that statute prohibits the railroads from charging a lower rate for transporting commodities over a long distance than over a shorter distance. The passage of this legislation would still permit the Interstate Commerce Commission to exercise control of rates charged by the railroads. The railroads merely having the right of putting into force rate structures without prolonged and exhaustive hearings being held by the Interstate Commerce Commission prior to their going into effect. However, the Interstate Commerce Commission would still be empowered to suspend the rates if they deemed them unfair and unreasonable and not in the public interest.

Bus and truck transportation, water transportation, air transportation, and pipe-line transportation are not subjected to restrictions such as are carried in section 4 of the Interstate Commerce Act. Why, then, insist upon shackling an industry which has done more than its share to develop this great country? An industry which built, maintains, and owns its operating, roadbed, and signal equipment, in direct contrast to the busses and trucks now figuratively, at least, in possession of highways, which were built and are maintained by the taxpayers, and also in contrast with water and air transportation, a large portion of whose operating cost is actually borne by the Federal Government. Why circumscribe the railroad industry with regulations preventing it from meeting competitors on a real competitive basis. Certainly you have given their competitors enough trade advantages already.

The intercoastal carriers enjoy more than a monopoly of the Atlantic-Pacific coast business. They go far into the interior, with the resultant demoralization of all other transportation. This is possible because section 4 applies to the railroad carriers but does in no way restrict any other form of transportation.

The argument has been advanced that by reason of the enactment of this legislation the rate structure to intermediate points will be materially increased.

In my opinion, this argument cannot be substantiated, because in the cases where fourth-section relief has been granted by the Interstate Commerce Commission, the rates to the intermediate points were not increased. In fact, no witness established in any degree the probability that there would be a resultant increase. Many witnesses, however, testified that there would be no increase. Their testimony was not challenged. The absurdity of the above-mentioned argument is further apparent when one realizes that the railroads must charge a rate which will return the cost of the service rendered, said rate to be approved by the Interstate Commerce Commission.

The effect on railroad freight volume, due to the viciousness of the operation of the long-and-short-haul clause, is probably best illustrated by the Panama Canal record showing that the total tonnage carried by steamship lines between the eastern and western coasts of the United States—excluding eastbound oil in tank ships—increased from 1,961,874 tons of 2,000 pounds each in 1921 to 8,230,697 tons in 1929, which tonnage for the most part was traffic which the railroads had heretofore transported, and which they would now be transporting but for the Panama Canal. This tonnage includes all sorts of traffic, including heavy articles, such as iron and steel products, as well as manufactured articles of every variety, a substantial volume of which moved from points as far inland as St. Paul, Minn., and Moline, Ill., through the Atlantic seaboard and thence by boat. For example, the rate on hoisting machinery, carloads from St. Paul, Minn., to Los Angeles or San Francisco, Calif., all rail, is $1.83 per hundred pounds, load minimum weight 30,000 pounds, while the rate from St. Paul to Baltimore by rail is 75 cents per hundred pounds, carload minimum weight 30,000 pounds, and the boat rate from Baltimore to Los Angeles or San Francisco through the Panama Canal is 75 cents, making a combination rate via this rail-and-water route of $1.50 per hundred pounds, as compared with the $1.83 per hundred pounds rate via rail direct from St. Paul to these points. This is $99 per car lower via Atlantic seaboard than via all-rail direct. The all-rail rate on agricultural implements from Moline, Ill., to Pacific coast cities is $1.86 per 100 pounds, minimum weight 24,000 pounds.

These agricultural implements can be carried by rail from Moline to the Atlantic seaboard for 54 cents per hundred pounds and thence by boat through the Panama Canal to the Pacific coast for 55 cents per 100 pounds, making a total rate of $1.09 per 100 pounds, a difference of 77 cents in favor of the rail-and-water route through the Panama Canal, or $184.80 per car.

It is cheaper to ship from St. Paul, Minn., by rail to Baltimore then by boat to the Atlantic Ocean, down the coast, through the Panama Canal, and up the Pacific coast to Los Angeles or San Francisco than by rail direct, all because by Federal statute we have "hamstrung" the railroad carriers by persisting in not modifying section 4 of the Interstate Commerce Act.

For every ton of freight recovered by the railroads, they would give 2 hours of employment, to 1 hour that remained in the transportation service by water.

In addition the railroads pay approximately 7 percent of their revenue in taxes. The intercoastal water carriers pay only about one-twentieth of 1 percent of their revenue in taxes, or about 50 cents out of every thousand dollars taken in, while the railroads pay between $70 and $80 per thousand dollars in taxes, or an amount almost 160 times greater than the intercoastal water carriers pay. Surely it is in the interest not only of fairness to the railroad carriers and their employees, but likewise in the interest of the American taxpayer that a portion of this business should be restored to a real American industry.

It is generally agreed that the railroads are one of the strongest arms of our national defense. Surely if we have learned any lesson from the World War, it is that our railroad transportation facilities must be kept in perfect order. Particularly since in time of war we can expect the intercoastal water carriers to desert their regular trades for the more profitable foreign trade, as they did during the World War. Mind you, this disertion took place in 1915 and 1916, before the United States entered the World War.

If you measure our coast line and our border line, you will find that we have more land border than we have water border in transcontinental United States, all of which merely emphasizes the necessity of maintaining in a state of good condition not only actual railroad equipment but also skilled personnel who are able immediately to operate trains.

Railroad employees have always responded in emergencies both to the call of their country and to help the railroad management. An example of this was the voluntary pay reduction of 10 percent taken by all railroad employees in October 1932. In addition to this voluntary pay reduction the employees in many instances liberalized the contracts entered into with the railroad carriers. It is conservative to say that this voluntary pay reduction and the liberalization of said contracts represented a saving to the railroad carriers and ultimately to the consuming public of at least $200,000,000 annually. Certainly the railroad employee comes to this Congress with clean hands, merely asking that the industry which employs him should be given a fair opportunity to meet cutthroat competition. In doing that I know they are upon a sound premise. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired; all time has expired. The Clerk will read the bill for amendment.

Mr. COLE of Maryland. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLE of Maryland. In amending the bill, am I correct in assuming that amendments are not in order until the entire bill has been read?

The CHAIRMAN. The gentleman is correct. The bill contains only one section. The Clerk will read the entire bill, and amendments will then be in order.

The Clerk read as follows:

Be it enacted, etc., That paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), be, and it is hereby, amended to read as follows:

"(1) That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this act: *Provided*, That the Commission may from time to time prescribe the extent to which common carriers may be relieved from the operation of this section: *And provided further*, That rates, fares, or charges existing at the time of the passage of this amendatory act by virtue of orders of the Commission or as to which application has theretofore been filed with the Commission and not yet acted upon shall not be required to be changed by reason of the provisions of this section until the further order of or a determination by the Commission: *And provided further*, That in any case before the Commission where there is brought in issue a lower rate or charge for the transportation of like kind of property, for a longer than for a shorter distance over the same line or route in the same direction, the shorter being included within the longer distance, the burden of proof shall be upon the carrier to justify the rate or charge for the longer distance against any claim of a violation of sections 1, 2, and 3 of the Interstate Commerce Act."

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in my remarks this afternoon I really did not get to the principal consideration influencing my judgment in supporting this measure. The principal consideration was that as the hearings progressed the picture formed clearly in my mind is that my State and our Mountain States generally are producing States. What I mean by that is that everything we produce, we produce in excess of consumption. We do not consume all of anything we produce. Therefore if we expect our producers to be prosperous we must find markets for this excess.

I became thoroughly convinced that if the railways were relieved of the restriction of the long-and-short-haul clause we could extend our market zones. I am thoroughly convinced on this point. I mentioned our attempt to get our steel into Houston against water rates and our failure to do so. I also mentioned our attempts to get our sugar into Chicago. What applies to sugar and steel applies to everything we produce in the Rocky Mountain States. We are surrounded, so to speak, by an iron ring. We are on the halter of the long-and-short-haul clause.

Several major efforts were made to relieve this situation. I believe if those efforts had been successful this bill might not have been here. The very able gentleman from New York [Mr. WADSWORTH] this morning showed you by this map what had happened in the way of excess development of the Atlantic and Pacific coasts and the region around the Lakes, as well as the handicaps and lack of development and inability to compete on the part of the industries from Youngstown, Ohio, west.

There were what are known as the Transportation cases of 1922.

Mr. HOLMES. Mr. Chairman, will the gentleman yield for a question?

Mr. MARTIN of Colorado. I am sorry I have not the time.

They are, perhaps, the three major transportation cases that have been produced under section 4.

In the first of these cases all the transcontinental railroads joined for dollar rate per hundred from a Pittsburgh-Omaha zone to the Pacific coast, to enable all that area to compete with a 95-cent rate from Pittsburgh to the Atlantic coast and then around to the Pacific coast by water. This rate would have extended from Pittsburgh to Omaha. Mind you, Omaha would have been under the same $1 rate. This application was denied.

These three cases were presented to us by Commissioner Eastman at the hearings. They were of such importance he singled them out and concluded his argument by a reference to them.

This transcontinental rate was denied by the Commission. The Commission denied the joint application of all the transcontinental roads in the country. I had been studying this question for a year, and I saw I was closer to what I wanted to get than I had ever been before, and I asked the Commissioner, "What section was the loser by the denial of these applications?", and he said, "I think it was the Middle West."

There was a chance to put the Middle West on the map, and the Interstate Commerce Commission denied it. Then came the Western Continental Lines, west of Chicago, and they applied for a through rate under section 4 from Chicago to the coast, a Chicago-Denver zone. It would have put Denver in the Chicago zone, but at a lower rate.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, this is all in the RECORD. I have copies of it right there on my desk. Denver would have been in this blanket rate, and at a lower rate than Chicago from there to the coast. That application was denied. It was not necessary to ask Mr. Eastman what section of the country lost by that. There was a chance to put Denver on the map on an equality with the eastern points, and he said so. He said that would have put these western points on an equality with Pittsburgh and the eastern coast, while retaining their advantages of location, and, therefore, the application was denied. The third was the Southern Pacific cases. They were denied. There were three major cases where relief was denied, that, if it had been granted, probably this bill would not be here today. The present law was called by the gentleman from California [Mr. GEARHART] an equality law. I think it is an inequality law. We are not so much interested, in the mountain country, in rates that will bring things in as we are in rates that will take things out. [Applause.]

Mr. PIERCE. Mr. Chairman, I rise in opposition to the pro-forma amendment. In reply to the gentleman from Colorado [Mr. MARTIN] I ask this question: Is there another ton of freight to come from anywhere under this legislation? Is it not to divert freight from one line to another? That is all. You are not going to make any more freight. There is nothing making any more business. It is simply changing the trend of it. Why has this country grown around the southern part of the lakes and along the Atlantic? Because they have had cheaper rates. Why have not we grown? We have not had the rates and enjoyed them. Do you expect we are going to grow because we will have to pay more freight? The object is to get more money into the hands of the railroads, and to kill water and truck transportation as far as possible. There cannot be any other object. I shall never forget, and I believe the experience can be repeated when this bill passes, the time when I needed a car of copper wire in eastern Oregon. I purchased it in New Jersey. The rate from the New Jersey point to Portland, by water, was $720 for the car. The back haul, 300 miles, $480. When the car of copper came to North Powder I had paid the entire freight bill, $1,200, which was the rate through to Portland and the back haul. It did not take that joy ride. I had the copper and used it, and I read the extra freight into the capital structure of the power company that I controlled at that time. That kind of freight rate had been read into the capital structure of all freight-using enterprises in Spokane, Salt Lake City, and every city in Colorado, all of the great mountain region. There is no question about that. What are you after? You are seeking to destroy competition. You say you cannot get through rates now. You can if you will give the same rates to us in the interior.

I am pleading for the great mountain interior. Our friend from Colorado makes out a case because the Interstate Commerce Commission in that particular case denied fourth-section relief. They had a right to deny it. Do we mean here in the House, with just a few days or hours of

study, to set ourselves up as having more knowledge of this freight situation, of this rate schedule, than the men of the Interstate Commerce Commission? Oregon has furnished two men on that Commission, able ones. Two of them are on that Commission now. They have given a lifetime of study to the rate structure. They say do not disturb the fourth section. They not only say that individually but they said it in the record. Are we going to set ourselves up as superior to them? Are we going to override their judgment of 50 years of Federal experience with the Transportation Act? I do not think we should. I think we should allow it to stay as it is because it carries with it the decisions, through these long years, and the construction that they have put upon it. There is but one object, and that is to get more money into the railroads, not for their employees but to pay more dividends on watered stocks and bonds. Railway labor is helping to put over this bill while the railways have been betraying them and attaching to every letter for this bill a letter against all labor legislation. That is the sole and one object. [Applause.]

Mr. COLE of Maryland. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COLE of Maryland: Page 1, after the enacting clause, strike out all that follows and in lieu thereof insert the following:

"That paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), be, and it is hereby, amended to read as follows:

"(1) That it shall be unlawful for any common carrier subject to the provisions of this part to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this part, but this shall not be construed as authorizing any common carrier within the terms of this part to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the Commission such common carrier may in special cases, after investigation, be authorized by the Commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such destinated common carrier may be relieved from the operation of this section; but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from a more distant point that is not reasonably compensatory for the service performed; and no such authorization shall be granted on account of merely potential water competition not actually in existence, as a through rate then the aggregate of the intermediate rates subject to the provisions of this act: *Provided*, That the Commission may from time to time prescribe the extent to which common carriers may be relieved from the operations of this section: *And provided further*, That rates, fares, or charges existing at the time of the passage of this amendatory act by virtue of orders of the Commission or as to which application has heretofore been filed with the Commission and not yet acted upon shall not be required to be changed by reason of the provisions of this section until the further order of or a determination by the Commission: *And provided further*, That in any case before the Commission where there is brought in issue a lower rate or charge for the transportation of like kind of property for a longer than for a shorter distance over the same line or route in the same direction, the shorter being included within the longer distance, the burden of proof shall be upon the carrier to justify the rate or charge for the longer distance against any claim of a violation of sections 1, 2, and 3 of the Interstate Commerce Act."

Mr. BLAND. Mr. Chairman, a parliamentary inquiry.

Mr. COLE of Maryland. Mr. Chairman, is this to be taken from my time?

Mr. BLAND. Mr. Chairman, the gentleman from Maryland had not been recognized when I submitted my parliamentary inquiry.

The CHAIRMAN. The Chair will state for the benefit of the gentleman from Virginia that he had already recognized the gentleman from Maryland.

Mr. BLAND. I was on my feet and submitted a parliamentary inquiry immediately upon the conclusion of the reading of the substitute.

Mr. COLE of Maryland. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. BLAND. Mr. Chairman, my parliamentary inquiry is this: If the substitute should be voted down, will an opportunity then be given to perfect the original bill?

The CHAIRMAN. Certainly.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. COLE of Maryland. I yie!

Mr. BULWINKLE. Mr. Chairman, I desire to submit a unanimous-consent request. I ask unanimous consent that debate upon the substitute amendment offered by the gentleman from Maryland be extended to 30 minutes, one-half of the time to be controlled by the gentleman from Maryland [Mr. COLE] and one-half to be controlled by the gentleman from Indiana [Mr. PETTENGILL].

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. THOMAS of New Jersey. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentleman from Maryland is recognized.

Mr. COLE of Maryland. Mr. Chairman, the effect of this substitute for the pending bill is to remove from the present long-and-short-haul clause the so-called equidistant provision. In other words, if this substitute is approved, it means that the law will be as it is today with the exception that this language will be eliminated from existing law. The language to be eliminated reads:

And if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on the line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points.

Obviously this language is meaningless and has proven so. The proponents of the Pettengill bill, now before the House, have condemned this language. I think I can state that every member of the Committee on Interstate and Foreign Commerce is in favor of removing it from the present law. The difference arises, of course, that others want to take so much more from existing law. My substitute is, in substance similar to a bill introduced by the gentleman from Texas [Mr. RAYBURN] last year. One of the main witnesses before the committee had this to say as to the equidistant clause:

The so-called equidistant rule added by the 1920 amendment is a nuisance to everybody, including the Commission, which has recommended its repeal. It has accomplished nothing in the public interest but has had the effect of driving railway rates to mileage-rate scales in disregard of the true circumstances and conditions, economic and otherwise, surrounding the production and movement of the traffic. In addition, it is in part responsible for the filling up of the rate schedules with useless and unused rates and routing provisions, so much so as to make such tariffs exceedingly complicated and costly. It is further unfair, because at equidistant points it frequently requires at those points lower rates than the conditions thereat warrant, in that the special conditions may be present at the competitive point which prevent a normal rate, which conditions are not found at the equidistant point.

The report of the committee on the bill before us, with reference to the clause which my substitute seeks to remove, states:

The "equidistant clause", i. e., that the relief granted shall not include intermediate points as to which the haul of the carrier is not longer than that of the direct line between the competitive points; and (c) the prohibition against the granting of relief on account of "merely potential water competition not actually in existence."

It may be said that there is practical unanimity of opinion on the part of the Federal Coordinator, the Commission, the railroads, water lines, and the shipping public that the equidistant clause is a nuisance to everybody, causes needless delay and much expense and confusion to all concerned, and should be eliminated.

[Here the gavel fell.]

Mr. COLE of Maryland. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. THOMAS of New Jersey. Mr. Chairman, I object.

Mr. BULWINKLE. Mr. Chairman, I move that the time of the gentleman from Maryland be extended 5 minutes.

The motion was agreed to.

Mr. COLE of Maryland. Mr. Chairman, I am particularly pleased at this action of the House, because I believe that

what I shall say in the next few minutes will do the distinguished gentleman from New Jersey a great deal of good. Possibly I overestimate myself in view of the subject, but I shall try.

Before presenting this substitute, having the respect, as I believe the Members of this House have for the Interstate Commerce Commission, I asked for an expression of their views as to the particular amendment in the nature of a substitute now before you. That expression is in the form of a letter which I received this morning from Mr. Eastman, and is as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, April 14, 1937.

Hon. WILLIAM P. COLE, Jr.,
House of Representatives, Washington, D. C.

DEAR MR. COLE: You have asked my views in regard to an amendment of section 4 of part I of the Interstate Commerce Act, which would eliminate the so-called "equidistant clause", reading as follows: "And if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points."

I am heartily in favor of such an amendment, and it is also favored by most of the members of the Commission. In my fourth report on transportation legislation, as Federal Coordinator of Transportation, which was transmitted to the Congress by the Commission on January 21, 1936, and printed as House Document No. 394, Seventy-fourth Congress, second session, I recommended such an amendment, giving the following reason, at pages 58–59 of the report:

"The reason for eliminating the clause described in (b), which is known as the equidistant clause, is briefly that it has given rise to serious practical difficulties in the administration of the section. In this connection reference may be made to *Commodity Rates on Lumber and Other Forest Products* (151 I. C. C. 763), which sets forth these difficulties in detail and the differing views which the Commissioners have entertained as to the interpretation and application of this clause. The underlying principle is one which the Commission endeavored to apply in the administration of the section prior to the insertion of the clause in 1920, and which it would in any event have continued to apply in order to avoid violation of sections 1 and 3 of the act. A meticulous application of this principle, however, as distinguished from a reasonable application creates practical difficulties in the designing of rate structures and the publication of the rates in reasonably simple tariff form which are well-nigh insuperable and ought by all means to be avoided. They have been avoided by a construction of the law which some Commissioners believe to be valid and others do not. A sound conclusion is that the clause is unnecessary and undesirable and ought to be eliminated."

The Commission's letter of transmittal contained the following paragraph, on page 8:

"(7) We approve the recommendation that legislation be enacted amending section 4 of part I, Interstate Commerce Act, by eliminating the so-called equidistant clause."

The only Commissioners who did not join in this approval were Commissioners McManamy and Lee.

Respectfully yours,

JOSEPH B. EASTMAN, *Commissioner.*

So, Mr. Chairman, this substitute removes from existing law a provision which is hardly capable of sensible interpretation and has been found so by those administering the act. It does nothing more. It leaves all of the present teeth and guts in the fourth section which the so-called Pettengill bill will remove. If this substitute is adopted we will still have section 4 as it is today, because the condition mentioned in the language I seek to strike out can still be taken into consideration by the Commission in the operation of section 4.

[Here the gavel fell.]

Mr. PETTENGILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to say to the friends of this bill that is before the House that they should vote down this substitute amendment. If the Pettengill bill carries, the subject matter sought to be stricken out by the Cole amendment will go out of the bill. His motion is to take out of the bill something that is unquestionably of no benefit to anybody. It is a milk-and-water amendment that does not do what the proponents of the bill want done, but if the bill carries, all that would be eliminated by the amendment of the gentleman from Maryland [Mr. COLE] goes out of the bill anyway.

Mr. RANKIN. Mr. Chairman, I favor this Cole amendment. I am unalterably opposed to the entire Pettengill bill, the object of which is to raise freight rates to the helpless freight payers of this country, to help pay dividends on watered stock of railroads, and to drive competition off the face of the earth.

You passed one Pettengill bill last year or the year before to outlaw motor transportation for the benefit of the railroads. What has been the result? You have inspired a system of bootlegging of freight the like of which this Nation had never seen. It is a matter of common knowledge that since the passage of that bill this city of Washington is being flooded with bootleg coal, bootlegged in here from Pennsylvania and West Virginia, to say nothing of the vast amount of other kinds of freight that is being bootlegged into the District.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield for a question; yes.

Mr. PETTENGILL. I sponsored no such bill as the gentleman refers to.

Mr. RANKIN. The gentleman from Indiana supported it, and his influence helped to pass it. He is now sponsoring one that is even worse than that one.

You can go just so far with the American people in perpetrating thievery within the law, but the time comes when they revolt. How are you going to enforce this measure? How are you going to continue to wring from helpless shippers of this country annually hundreds of millions of dollars in overcharges? How are you going to continue to discriminate against the people in your own districts and your own towns by piling these enormous burdens upon them only to gratify the cupidity of the big railroads of the country?

Oh, they say that chambers of commerce have written us. Why, certainly they have, because the railroads have sent men up and down the country misinforming the people, telling them that this bill meant one thing when it meant another, and have induced them to sign petitions to their Congressmen which they are now repudiating.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield for a question; yes.

Mr. THOMAS of New Jersey. Has not the T. V. A. been doing the same thing?

Mr. RANKIN. No.

Mr. THOMAS of New Jersey. I say they have.

Mr. RANKIN. The answer is no. I showed the gentleman from New Jersey the other day how the people of New Jersey are being robbed by the Power Trust. [Applause.] But that question is not before the House at this time.

Mr. THOMAS of New Jersey. Will the gentleman yield?

Mr. RANKIN. I decline to yield further.

Mr. Chairman, I appeal to the Members of the House to support the Cole amendment and help us to at least take some of the viciousness out of this bill. The passage of this measure without the Cole amendment will mean the destruction of shippers who do not enjoy the advantages of water rates.

It will remove the protection now given interior points to be heard prior to publication of lower rates through higher rated interior points to points beyond. It will cause the expenditure of large sums of money by these defenseless shippers, filing suspension proceedings and defending them, where rates are published, without due notice, and which discriminate against interior points. Suspension proceedings are not always successful. It will then cause the expenditure of large sums of money to file formal complaints and defend them on each commodity where discrimination exists because of such publication. A delay of nearly 2 years will occur even if successful at all.

During this time their competitors will enjoy the lower rates.

It will result in the reduction of numerous rail rates to water points without corresponding reductions to interior points. This will give these water points extremely low rates to destroy the interior shippers and jobbers in their competitive territory. It will bring about a reduction of rail rates to named water points and then in turn lower water rates to those points. This will be an additional disadvantage to interior points with use of trucks from water points.

It will permit water points to have extremely low water rates under rail rates and use of trucks to trade territory lower than interior wholesalers can obtain to reach the same territory. It will concentrate jobbing and wholesaling at such water points, to a greater extent than they now enjoy. We are doing extremely well to hold our own under present arrangements. Large water points admit their desire to increase their advantages.

It was admitted in House hearings in June by Mr. J. G. Kerr, assistant to the vice president in charge of traffic of the Association of American Railroads, headed by Mr. Pelly, that there was "plenty of flexibility in section 4 today, if it were utilized by the Commission to give the relief that is really needed." It will be seen that carriers admit the present law is flexible enough, if proper applications are filed and supported and the Commission will give them what they are entitled to have. Therefore no need can be shown for complete destruction of the fourth section of the act by change. Weaker interests are always entitled to protection from stronger interests.

The Interstate Commerce Commission themselves, with vast knowledge and experience of carriers' methods and past performances, is opposed to repeal of the fourth section as set forth in this bill. Mr. Joseph B. Eastman, Federal Coordinator and a member of the Commission, was formerly in favor of a change, but, after further study, is now opposed to such a change, because of its widespread discrimination. He said the fourth section was originally passed to prevent unjust discrimination and to repeal it would only cause a return of such a condition. He also stated that passage of this bill would permit carriers "to contend with force that Congress intended the Commission should change its policy in order that rail carriers would get more tonnage and water lines less."

The burden of proof, as it should be, is on the carriers to justify such departures, and the passage of this bill would postpone such burden until protest had been made to the Commission against rates filed and placed in effect. Therefore, placing the burden on the shipper to initiate action, while present status of the fourth section places it on the carrier.

It would cause a return of conditions prevailing prior to April 1, 1922, when rates to interior points were much higher than if shipped the same distance to water points. Carriers have not always protected firms in interior towns in the past because of greater pressure from large water points. We have no reason to believe they will do so in the future, with increased pressure created at such points.

It will cause the carriers loss of revenue to water points and trucks from water points to attempt such rate-cutting. It will reduce rail tonnage to and from interior points, because of reduced tonnage of all kinds to interior points as well as to water points. That is because more tonnage will be concentrated at water points to be handled at water rates on lower rates and from water points by truck to interior points. River points will play rail carriers against water carriers and truck carriers to beat down rates only for themselves. It will create a vicious circle.

When carriers' tonnage is reduced to interior as well as water points it means loss of jobs for rail employees. This creates a vicious circle.

The principal support of this bill is from shippers located at water points or where they have both water points and interior shipping points and can use both to their decided advantage.

The chairman of the Interstate Commerce Committee in the Senate charged that rail-employee support and petitions obtained by them from friends, chamber of commerce, Rotary clubs, and influential citizens was propaganda obtained by coercion of their employees. Therefore such support is without knowledge of the question involved and the destruction passage of this bill will cause.

Water carriers and truck carriers are not asking for permission to charge higher rates to intermediate points than they charge to points beyond. They are complying with the law. Only rail carriers desire such relief to destroy competition confronting them. They again would like to hold a monopoly in the transportation field. That should never again be permitted.

Regardless of rail carriers' assurance to protect interior points, we can only base our hopes on their past performances. Our pleas have failed in the past against such advantages enjoyed by water points and concerns have gone out of existence because of such influence. We have many examples of promises forgotten.

When this competition is driven from the field and the destruction of interior points is completed, then your river traffic will have been driven out of existence and water points will thereafter pay the penalty of their own folly in supporting this vicious legislation, and instead of helping the railroad laborer it will result in throwing more of the out-of-work on those lines now serving interior points.

Mr. THOMAS of New Jersey. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I appreciate very much what the gentleman has had to say about power trusts over a long period of time and what he had to say about the wicked railroads. But may I say, Mr. Chairman, to the gentleman from Mississippi and to the other Members of this House this is the first time I have ever said anything on this floor, other than to ask a few questions, but when I make a statement on the floor it goes in the RECORD. I do not go around afterward and change it. About 2 months ago I asked the gentleman from Mississippi a couple of questions.

Mr. BULWINKLE. Mr. Chairman, a point of order. The gentleman is not confining himself to the last two words of the bill.

The CHAIRMAN. The gentleman from New Jersey will proceed in order.

Mr. THOMAS of New Jersey. Mr. Chairman, referring to this bill and to some of the statements the gentleman from Mississippi made here today, I just want to refer back a short time when I asked the gentleman from Mississippi one or two questions. He answered those questions on the floor of the House and then inserted in the RECORD something entirely different from what took place on the floor as between the gentleman from Mississippi and myself.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of New Jersey. When I asked the gentleman to yield this afternoon, and when I have asked the gentleman to yield at other times, the gentleman from Mississippi refused to yield.

Mr. RANKIN. Mr. Chairman, a point of order.

Mr. THOMAS of New Jersey. And I also refuse to yield to the gentleman.

Mr. RANKIN. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from New Jersey has the floor at present. The gentleman from New Jersey will proceed in order.

Mr. THOMAS of New Jersey. Mr. Chairman, with reference to this amendment that has been offered, I believe it takes all of the strength away from the Pettengill bill. May I say in behalf of the people of the State of New Jersey that this Pettengill bill will do more to help railroad laborers in the State of New Jersey than any bill that has been passed here this year? For this reason we in New Jersey are very much in favor of it.

Mr. Chairman, I yield back the balance of my time.

The pro-forma amendments were withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. COLE].

The question was taken; and on a division (demanded by Mr. COLE of Maryland) there were—ayes 82, noes 104.

Mr. COLE of Maryland. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. PETTENGILL and Mr. COLE of Maryland to act as tellers.

The Committee again divided; and the tellers reported there were ayes 96 and noes 112.

So the amendment was rejected.

Mr. BLAND. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BLAND: Page 2, line 17, insert a new paragraph, as follows:

"No application for any increase in rates, fares, or charges shall be received or considered by the Interstate Commerce Commission unless and until the applicant for such increase in rates, fares, or charges shall show to the Commission that at least 30 days prior to making said application the applicant has filed with the Governor of each State in which said increase will apply a copy of the tariff schedule showing all increases sought in said application, with a memorandum thereto attached explaining each and every increase requested in said application.

Mr. MAPES. Mr. Chairman, I make a point of order against the amendment that it is not germane to the paragraph under consideration. This amendment applies to all fares and rates. The bill relates only to the long-and-short-haul clause.

The CHAIRMAN. Does the gentleman from Virginia [Mr. BLAND] wish to be heard?

Mr. BLAND. Mr. Chairman, the amendment is in accord with the Interstate Commerce Act and with the particular section under consideration. The amendment relates to any rates, fares, or charges that may involve a greater or shorter distance. It is not limited to any particular point. It is rates, fares, and charges generally, and the amendment deals with the procedure for the protection of the public, so that they shall know that increases are sought.

The CHAIRMAN. The bill now before the Committee, in line 10, page 1, provides that the Commission may from time to time prescribe the extent to which common carriers may be relieved from the operation of this section; that is, relative to compensation, freight rates, or freight charges.

The amendment offered by the gentleman from Virginia deals with the establishment of rates and the posting of notice in connection therewith, and, in the opinion of the Chair, is germane. The point of order is therefore overruled.

Mr. BLAND. Mr. Chairman, in the discussion of this bill a great deal has been said about the water carrier and the railroad. There is a third party whose interest transcends that of either the water carrier or the railroad, and this party is the public.

The long-and-short haul provision is the simple, equitable provision that you shall not charge less for the haul from terminus to terminus than the aggregate of the charges for the intermediate hauls. This bill would do away with this provision. As a practical illustration, it would permit a rate between two distant points, say Philadelphia and San Francisco, to be reduced to a minimum, and at the same time permit the rates to the intermediate points to be raised by any amount within the discretion of the Commission.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLAND. No; not now. If the gentleman will give me more time, I will yield.

Mr. MAPES. I do not have control of the time.

Mr. BLAND. If the gentleman will get me more time I will yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLAND. The proposition here, it is stated, is to raise more money for the railroads, and to do this putting the water carriers out of commission by lowering the rates between the distant termini, and permitting the intermediate rates to be raised. If you are going to raise more money and if, at the same time, you are going to lower the rates between distant termini, where are you going to get the money except from an increase along the lines, that is, at intermediate points in the interior of the country. That burden falls upon the people in the interior. [Applause.]

Water competition exists today. The carriers can go before the Interstate Commerce Commission. The gentleman from Maryland [Mr. COLE] has shown that in 250 cases the railroads have been there, and practically all of them have been granted relief in the average time of 22 days. However, the burden of proof is upon the carrier. Do away with this law and what can be done? The gentleman from California [Mr. LEA] showed that all a railroad has to do is file its schedule. It posts its rates around in the stations. Did you ever try to read one of these schedules? In my time I have represented railroads, and I have tried to read a schedule, but could not make head or tail out of it until somebody came along and explained to me what the schedule meant. This is the type of notice to be given to the little towns in Arkansas, Wyoming, and all through the country. This is the only notice they get. Then they must retain a lawyer and come here to fight the change of rate. Today the railroads under this law can raise the issue, if they wish to, but the burden is upon them. By this measure the burden is placed upon the man at home, first, to know the railroad is trying to increase the rate; second, to get a lawyer to interpose objection to it; and, third, to try out the question.

My amendment in effect says if you want to increase the rate notify the Governors of the States in which the rates will be increased, so they can notify their people and be prepared to protect them against iniquitous, unjust, and unlawful increases. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. HOLMES) there were—ayes 89, noes 103.

So the amendment was rejected.

Mr. GEARHART. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. GEARHART: Page 1, line 10, after the word "act", insert "but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance."

Mr. GEARHART. Mr. Chairman, the amendment which has just been read is interpretative in its nature. The portion of the bill which it would interpret is as follows:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this act.

Mr. Chairman, all this portion of the bill means is that the railroad shall not charge more for the long haul than for the aggregate of the intermediate hauls. This provision is a joker. There is not a railroad in the United States that is thinking for even a moment of charging more for the long haul. They are looking for the opportunity to charge less for the long haul and more for the short hauls to discriminate against the inland cities and communities throughout the country.

The interpretative amendment which I offer is taken from the existing law, without change. It merely provides that in the interpretation of this joker, the first paragraph of the bill, the Commission shall not determine that, because the railroads are forbidden to charge more for the long haul, they are granted the right, by inference, to charge more for the short haul. In other words, it leaves the opening sentence to mean exactly what it states, and defeats what I fear the proponents of this bill desire. It slams the door on the argument that the Commission should regard the enactment of the Pettengill bill as a mandate to render decisions adverse to the interests of the people and in favor of discrimination and unfair and unequal rates throughout the United States.

[Here the gavel fell.]

Mr. HILL of Washington. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Virginia [Mr. BLAND] stated that there is a third party involved here and that is the public. After all, the public is the real party, but those of us who are older remember a statement which, I believe, was made by some railway official years ago, "The public be damned." Do you recall that? They are not saying it openly today, but undercover they have the same attitude toward the public—the public be damned.

My good friend the gentleman from Colorado [Mr. MARTIN] stated that what we want out in the West are lower railroad rates for what we ship out. I believe so, too, but I am here to

tell you that the railroad companies do not know what is to their own interests. They are charging, for example, on apples which we ship from the West to the Midwest the price of one box of apples for shipping three boxes. Why do they not come down in their freight rates and get more traffic? The same thing was true a year ago and you recall when the order went out that they should reduce their passenger rates to 2 cents. The Pennsylvania Railroad, not knowing its own interests, opposed this order, but when they were compelled to comply with the order the same as the Baltimore & Ohio and our western railroads, and charge a 2-cent fare, what was the result? The result was they got so much more traffic that they made more money than ever. They cannot see their own interest.

I now wish to mention two other things which I did not have an opportunity to state a while ago when I had 3 minutes yielded me. Who are for this Pettengill bill? I have here, on page 37 of the report, a list of them and all of those who are for it are commercial clubs and large fruit shipping companies in the State of Washington, and not one of the real shippers. Not very many of the real public are for it, but the commercial clubs and the fruit shippers are for it. They have only personal interests. The fruit shippers of the city of Yakima and Yakima County always get their money from the growers.

They always get their pound of flesh, and so do the railroad companies, and quite often the farmer has to pay a railroad bill and get nothing for his products. It is time for the railroad companies to wake up and realize that unless the farmers get reasonable rates and prosper, neither can the railroads in the long run.

May I now read what the State Grange, which represents the real shippers and the real farmers of the State of Washington, have said on this question:

The astonishing statement that "agriculture favors repeal of the long-and-short-haul clause of the Interstate Commerce Act" was made by an attorney representing American railroads last week during a House of Representatives hearing on the Pettengill bill.

So agriculture favors the Pettengill bill! That's a new one, especially to farmers. Evidently the railroad attorney knows more about what farmers want than do the farmers themselves.

American agriculture is emphatically opposed to the Pettengill bill or any bill which would repeal the protective clause that prevents railroads from charging a higher rate for a short haul than for a longer haul over the same line and in the same direction.

Long-short-haul rate discrimination must be carried on at the expense of inland commerce in order to enable railroads to underbid cheap water-borne freight. Somebody has to pay the difference, and the farmer is the goat. The majority of farmers are essentially inland producers, intermediate shippers.

The National Grange is on record against the Pettengill bill. So are other leading farm organizations. But although the Interstate Commerce Commission has granted hundreds of concessions to railroads under present law, the railroads still insist on "whole hog or none."

Agriculture cannot tolerate this. The Pettengill bill must be defeated.

This is an editorial in the Grange News, in the State of Washington, and this represents the attitude of the farmers and the real shippers in the State of Washington.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, you should realize by this time that the intermountain country is interested in section 4.

Mr. Eastman, as Coordinator of Transportation, in a report he filed in the Seventy-fourth Congress, said that the advocates of the long-and-short-haul clause in section 4 were actuated by a zeal bordering on fanaticism. After what you have seen and heard here today I do not think any argument on my part is necessary at this time to prove that the Coordinator had a pretty good line on the advocates of the long-and-short-haul clause in section 4.

When I had the floor a short while ago, I said that notwithstanding the fact that section 4, with the long-and-short-haul clause, had been in effect for 27 years, the West had stood still or had dried up with respect to its population and its industries.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I cannot yield now. There is another of the gentlemen that Commissioner Eastman had in mind. [Laughter.]

I stated I did not claim this condition was due to section 4. I think it possible that a case could be made out for it if it were necessary. What I said was that while I do not claim this state of arrested development in the intermountain country is due to section 4, you cannot take that admitted condition and make out a case for section 4.

I want these gentlemen to get up and tell this House what section 4 has done for the West in the last 27 years. They are complaining here now of existing railroad rates. Let them give you some facts in support of the faith that is in them. They claim they are being discriminated against now. They claim they cannot ship things in and they cannot ship things out. Everything they say on this floor in this debate is an indictment of and an argument against section 4 and its administration by the Interstate Commerce Commission during the last 27 years, and yet they clamor to retain it. I cannot understand that state of mind. If the intermountain country during the last 27 years had been prosperous, if it had been progressive, if its industries had been built up instead of drying up and being removed to the deep-water ports of the Atlantic and Pacific coasts—if that was the condition, and it was proposed to repeal this section, I can see where you would have an argument, and I think I would give you the benefit of the doubt; if that great country from the Missouri River to the Coast Range had kept pace or half kept pace with development of the coasts and it was proposed to repeal this section, I think I would feel doubtful about casting my vote for it. But the way I look at the situation, the way every man from the Mountain States knows the conditions to be, I cannot see that we have anything whatever to risk by repealing section 4. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired. The question is on the amendment offered by the gentleman from California [Mr. GEARHART].

Mr. O'MALLEY. Mr. Chairman, I ask unanimous consent that the amendment be again read for information.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by Mr. GEARHART.

There was not objection, and the Clerk read as follows:

Amendment offered by Mr. GEARHART: Page 1, line 10, after the word "act", insert: "But this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. BLAND. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLAND: Page 2, lines 4 and 5, strike out the words "by virtue of orders of the Commission", and on page 2, line 7, strike out the word "required" and insert the word "permitted", and on page 2, line 7, strike out the word "changed" and insert the word "increased."

Mr. BLAND. Mr. Chairman, the purpose of this amendment will be apparent from reading the section as it will read if the amendment is adopted:

That rates, fares, or charges existing at the time of the passage of this amendatory act or as to which application has theretofore been filed with the Commission and not yet acted upon shall not be permitted to be increased by reason of the provisions of this section until the further order of or a determination by the Commission.

My object in offering that amendment is this. This is a very adroit provision which has been written into this bill. It is that rates, fares, or charges existing at the time of the passage of the amendatory act by virtue of the orders of the Commission, and so forth. They have had 250 cases involving this question, and they have passed on about 194, as I recall. I understand a large number of cases involve relief to the railroads. Those are all that would be affected by this section as the committee has written it. I say that all

of these rates, fares, or charges, whether fixed by schedule duly filed or by order of the Commission, insofar as this section is concerned, shall not be permitted to be increased except by order of the Commission. May I say to you that I believe this bill would fail if it could really be comprehended; that when the schedules are filed and posted in the regular way and 30 days pass, those schedules become the rates unless complaint is made by somebody against them. You or your town may think the rates are satisfactory, but unless you are diligent in watching those rates to see whether an increase has been asked, you may wake up one fair morning with a considerable increase, because automatically the schedules that have been filed by the railroads become the existing rates. I ask that insofar as this schedule is concerned, that may not be the case until the Commission expressly passes on the increase by an order. If the proponents of the bill desire to protest against increases, let them accept this amendment.

Mr. PETTENGILL. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Virginia [Mr. BLAND] I think wholly misunderstands the history of the act. He implies that the language he is now seeking to change has been adroitly written, as he says, into this bill for some Machiavellian purpose. I call the attention of the gentleman from Virginia to the fact that that language has been in the bill for 17 years and we are not changing it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia. [Mr. BLAND].

The question was taken; and on a division (demanded by Mr. COLDEN) there were ayes 63 and noes 88.

So the amendment was rejected.

Mr. PETTENGILL. Mr. Chairman, I would like to see if it is possible to agree upon a limitation of debate. I would suggest 15 minutes. Is that agreeable?

Mr. HOLMES. No. I would have to object to that. I understand there are many Members in opposition to this bill who have several amendments to offer.

Mr. PETTENGILL. Would the gentleman suggest some other time within reason?

Mr. HOLMES. I would say about 45 minutes.

Mr. PETTENGILL. Mr. Chairman, I move that all debate on this bill and all amendments thereto close in 20 minutes.

The motion was agreed to.

Mr. MURDOCK of Arizona. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK of Arizona: On page 2, line 17, after the word "act", strike out the period, insert a colon and the words "*And provided further*, That rates, fares, or charges existing at the time of the passage of this act to or from points other than water ports shall not be increased."

Mr. PETTENGILL. Mr. Chairman, I make the point of order that the amendment is not germane, because, as I understand it, if agreed to, it would freeze every rate, fare, and charge in the United States, and would forever forbid the Interstate Commerce Commission to permit any change thereafter to be made. Therefore it is not germane to the section of the bill or to the bill itself which was intended to give the Interstate Commerce Commission full authority from time to time to agree to the raising or lowering of rates. It would freeze every rate in the United States for all time.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard on the point of order?

Mr. MURDOCK of Arizona. I maintain it is entirely within the domain of Congress to pass such legislation, if in its wisdom it sees fit to do so.

The CHAIRMAN. Of course, the question is not whether the Congress, in its wisdom, may see fit to do so, but the question is whether or not this amendment is germane to the bill. The Chair will give the benefit of his views to the gentleman at this point, subject to change, if the gentleman submits an argument that convinces the Chair he is wrong.

Mr. BLAND. Mr. Chairman, may I call attention to the fact that this bill is directed to fixing rates? That is the very purpose of the bill. Consequently, when the purpose of this bill is the fixing of rates, a provision which provides that certain rates shall not be increased is certainly germane. That is the whole purpose of the bill.

The CHAIRMAN (Mr. WILCOX). The Chair will give the benefit of his views at this point. As the Chair understands the bill, it seeks to give discretion to the Interstate Commerce Commission in the fixing of rates. As the Chair understands the gentleman's amendment, it would freeze all existing rates between points other than water ports at the existing rate. If that is true, in the opinion of the Chair, it seeks to accomplish directly the opposite purpose to that set forth in the bill. For that reason, in the opinion of the Chair, the amendment is not germane.

That ruling of the Chair, however, is open for the discussion of the gentleman if he can convince the Chair he is wrong.

Mr. MURDOCK of Arizona. The justice of the decision appeals to me, Mr. Chairman, and I shall not comment further.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GEARHART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEARHART: On page 2, line 2, after the words "this section", strike out the colon, insert a semicolon and the following: "but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from a more distant point that is not reasonably compensatory for the service performed."

Mr. GEARHART. Mr. Chairman, this is the amendment which has been identified as the reasonably compensatory amendment.

As the membership all understands, it is the purpose of the bill under consideration to make it possible for the railroads to discriminate in rate making, to grant favors to some at the expense of others. There is no use attempting to conceal the purpose or of attempting to explain it away. It is simply a bold scheme to amend the Transportation Act so that it will be possible for the railroads to discriminate in favor of some, to the disadvantage of others.

The amendment which I have offered assumes that premise and recognizes that that is just exactly what is going to be done to us. Since we are going to get it, it is purposed to provide a measure of protection against the overdoing of it, if you please. It says as simply as anything could be stated that, in fixing these discriminatory rates, those which they choose to fix lower than they are now, that in fixing them the railroads shall fix them at a figure which will return to the railroads a reasonable compensation for the service rendered.

In other words, it will prevent the railroads from fixing rates which will compel the carrying of freight at a loss. In a nutshell, it protects the railroads from themselves. Now, you know, and I know, and everyone knows, that if they do carry freight at a loss for one class of shippers, they have got to make up the loss by overcharging another class, and that other class may include the people whom you represent. In all probability you will get stuck somewhere along the line. The purpose of this amendment is to provide that no rate shall be fixed at a figure so low that the freight will be carried by the railroads at a loss. It is a provision to protect the people—shippers and consumers alike—from the unavoidable consequences of unjust discrimination, from special privileges unjustly extended to others.

Mr. HOUSTON. Mr. Chairman, I move to strike out the last word, that I may ask the author of this bill a few questions on some points that are not quite clear. Can the author of the bill advise us how much traffic he estimates will be recovered for the railroads from the Panama Canal in the event this bill becomes a law?

Mr. PETTENGILL. I do not think any east-bound traffic, but there will be some west-bound traffic.

Mr. HOUSTON. How much?

Mr. PETTENGILL. I do not know; I cannot say.

Mr. HOUSTON. How much do the railroads say?

Mr. PETTENGILL. It might be a substantial amount of west-bound traffic to fill up cars that are going west empty, originating mostly in the Middle West.

Mr. HOUSTON. It would not be any great percentage of what goes through there today, would it?

Mr. PETTENGILL. It would be some substantial percentage. I do not know how much; nobody can estimate how much.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. I yield.

Mr. COLDEN. If the railroads got all the intercoastal traffic, $40,000,000 per annum, as compared with $3,000,000,000 they are now getting, it would only increase their traffic 1⅓ percent.

Mr. HOUSTON. How many trains would that make?

Mr. COLDEN. It would mean $40,000,000 a year. I could not tell the gentleman offhand how many trainloads that would be.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. I yield.

Mr. BULWINKLE. I suggest to the gentleman from Kansas that I intend to move to recommit the bill with instructions to report it back as amended by the Cole substitute.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield that I may answer the question he propounded?

Mr. HOUSTON. I yield.

Mr. WADSWORTH. Perhaps I can demonstrate by one instance what may be done in west-bound traffic. The city of Los Angeles, a municipality, desired a large consignment of steel to be used in the erection of a huge municipal water-supply system. It was a Government consignment and, therefore, was free from the inhibitions of the long-and-short-haul clause under the law; so the municipal authorities of Los Angeles negotiated with the railroads to find out at what rate they would ship that enormous consignment of steel from the East across the continent to Los Angeles. They agreed on a 75-cent rate. The rate fixed by the Interstate Commerce Commission under existing law was $1.05; but as this was a Government consignment, the 75-cent rate was permitted to be charged by the railroads, a reduction of 30 cents. The railroads transported 2,000 cars of steel from Chicago, Kansas City, Youngstown, Pittsburgh, and did it at a profit. That is what the railroads could do if given a chance. The Government is willing to get the lower rates for the longer haul but will not permit private shippers to get it.

Mr. HOUSTON. Will the gentleman allow me to ask him a further question along the same line?

Mr. WADSWORTH. Yes; but I do not know that I can answer it.

Mr. HOUSTON. If the gentleman cannot, then I will ask the author of the bill. Wichita, Kans., is 30 miles off the center of the United States. You can ship livestock, hogs in particular, for 99 cents a hundred, and packing-house prepared goods at $2.01 to the west coast. That gives the west coast a chance to come into the middle portion of the United States and take out the choice hogs, leave the culls, but not prepared goods; on the other hand, the New York rate on prepared goods, packing-house goods, is cheaper than that on livestock. Why is that so?

Mr. WADSWORTH. I am not familiar with the situation; I could not possibly answer the gentleman's question.

[Here the gavel fell.]

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. CRAWFORD. Mr. Chairman, reserving the right to object, may I ask a question in that 5 minutes?

Mr. HOUSTON. Certainly.

Mr. KENNEY. Mr. Chairman, reserving the right to object, will this additional 5 minutes be taken out of the time allotted for debate of amendments?

The CHAIRMAN. Yes; it will be taken out of the 20 minutes.

Mr. KENNEY. Mr. Chairman, I ask unanimous consent that this time may be added to the 20 minutes allotted for debate.

Mr. THOMAS of New Jersey. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Kansas asks consent to proceed for 5 additional minutes.

Is there objection?

There was no objection.

Mr. HOUSTON. Will the gentleman from Indiana [Mr. PETTENGILL] answer the question I asked a moment ago?

Mr. PETTENGILL. I am sorry, I did not hear the question.

Mr. HOUSTON. I want to know what effect this bill will have on Wichita, which is about 30 miles off-center of the United States, from the packing-house point of view. The rate on livestock is about 99 cents a hundred and on prepared packing-house goods about $2.01. We go to New York, the same distance approximately, and the rate on livestock is higher than on prepared goods. Why is that?

Mr. PETTENGILL. I am sorry I cannot answer the question.

Mr. HOUSTON. I have not found anybody who could answer that, and this is not said in disparagement of the gentleman.

Mr. PETTENGILL. I do not know why there is a difference.

Mr. HOUSTON. Did I understand the gentleman to say the Farm Bureau is in favor of this bill?

Mr. PETTENGILL. The American Farm Bureau has gone on record in favor of this bill, as shown by pages 18, 19, and 20 of the report.

Mr. HOUSTON. They were against it last year, but they are for it this year?

Mr. PETTENGILL. Yes. They endorsed it as a national organization.

Mr. COLE of Maryland. Will the gentleman yield on the Farm Bureau situation?

Mr. HOUSTON. If I have the time, I will be pleased to. I understand that on the west coast for a number of years corn has been coming up from South America by water.

Mr. PETTENGILL. I understand that is correct.

Mr. HOUSTON. And that corn from the Middle West, from Iowa, Nebraska, and Kansas cannot get to the west coast on account of the high rates.

Mr. PETTENGILL. Yes.

Mr. HOUSTON. Will this bill affect that situation?

Mr. PETTENGILL. Yes. It will give a market to the middle western farmers. It will permit the middle western farmers to compete on the west coast with products brought in by water from Argentine, Australia, and the other countries.

Mr. HOUSTON. Let us take canned goods. Under the present law Wichita, Kansas City, and Pittsburgh the rate is the same. When the rate was lowered from $1.05 to 73 cents at Pittsburgh and Kansas City, the jobbers at Wichita were able to get the same rate. In the event this bill becomes law, how does that affect the situation? If Kansas City and Pittsburgh get a lower rate, will Wichita get it?

Mr. PETTENGILL. Wichita will have the right to ask the railroads to give them the rate which will permit them to get their goods in a competitive market. The purpose of this bill is to bring the producers of the Nation closer to the markets of the Nation, and the tendency will be to reduce freight rates rather than raise them.

Mr. COLE of Maryland. Will the gentleman yield?

Mr. HOUSTON. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. The gentleman asked about the endorsement of the American Farm Bureau of this bill. The gentleman from Indiana stated that, from the hearings, such was the case. I want to point out that the Farm Bureau as a national organization not only has never endorsed this bill but in 1931, in so many words, opposed any change of the fourth section of the Interstate Commerce Act. Never in a national convention of the Farm Bureau has the Pettengill bill been endorsed, or anything like it.

Mr. HOUSTON. I just heard the question brought up that the Farm Bureau had endorsed it. I thought they had not last year, but they did this year.

[Here the gavel fell.]

Mr. O'CONNELL of Montana. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I heard some of the questions that the gentleman who just preceded me on the floor asked. Of course, the answer was given as to what it is expected this bill will bring about; but there is one thing to remember. The gentleman spoke about the rate on corn and hogs; but application has to be made to the railroad. You have to go to the railroad and get its permission. When you are not at a water competitive point, when there is no water competition and the railroad can get the business anyway, you are not going to get that kind of a rate.

I heard the gentleman from Colorado say he wanted the opportunity to move some of his production in the interior to the outer market. We have been trying to do that for a long time. We have gone to the railroads and asked them for rates. We have asked them to lower their rates, but they will not listen to us. They will not listen to any of our appeals because we are not at a competitive point. We do not have water competition out there.

Mr. Chairman, the railroads have 80 percent of the traffic in the United States today and they are just as greedy today as they were in 1920. They want to hog it all. They want every bit of the traffic. They want to have the monopoly they had before the enactment of the Interstate Commerce Act. That is all they want by this bill.

We have a terrible situation in the interior. The industries at interior points are moving out. The population is decreasing. This is not because of the provisions of section four. It is because there is a huge water advantage all around the rim of the country. Now, you not only want to give the coast cities a water advantage, you want to pass this bill and give them a rail advantage, in addition, so industries in the interior will move out and leave us worse off than we were before.

Mr. Chairman, we cannot afford to destroy the interior of this country. We cannot afford to destroy the industries in the interior of this country. There ought to be coordination of transportation in the United States. There is a place in the United States for the water carriers. There is a place in the United States for the truckers, and there is a place in the United States for the railroads. This bill destroys water competition and it destroys truck competition. I sincerely hope and trust you will not permit this bill to pass. We have regulated many industries. We have regulated the coal industry and we have regulated the issuance of stocks, bonds, and other kinds of securities. Now, you want to come along and say to the railroads, "Go ahead. We are going to remove this regulation and will allow you to write your own ticket."

I sincerely hope and trust that despite all the talk there has been here today the Members will vote with the people of the United States, the consumers of the United States, because, no matter what transportation agency is involved, the final consumer is the one who pays the freight bill in the United States. I sincerely hope and trust you will defeat the Pettengill bill today. [Applause.]

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. GEARHART. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. GEARHART. Mr. Chairman, I ask unanimous consent that the Clerk again read the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk again read the Gearhart amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. HILL of Washington) there were—ayes 63, noes 103.

So the amendment was rejected.

Mr. LEA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. WILCOX, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. LEA. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. BULWINKLE. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BULWINKLE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Motion to recommit offered by Mr. BULWINKLE: I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the bill back to the House forthwith with the following amendment: Page 1, strike out all that follows after the enacting clause, and in lieu thereof insert the following:

"That paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), be, and it is hereby, amended to read as follows:

"'(1) That it shall be unlawful for any common carrier subject to the provisions of this part to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this part, but this shall not be construed as authorizing any common carrier within the terms of this part to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the Commission such common carrier may in special cases, after investigation, be authorized by the Commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section; but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and no such authorization shall be granted on account of merely potential water competition not actually in existence as a through rate than the aggregate of the intermediate rates subject to the provisions of this act: *Provided*, That the Commission may from time to time prescribe the extent to which common carriers may be relieved from the operation of this section: *And provided further*, That rates, fares, or charges existing at the time of the passage of this amendatory act by virtue of orders of the Commission or as to which application has heretofore been filed with the Commission and not yet acted upon shall not be required to be changed by reason of the provisions of this section until the further order of or a determination by the Commission: *And provided further*, That in any case before the Commission where there is brought in issue a lower rate or charge for the transportation of like kind of property for a longer than for a shorter distance over the same line or route in the same direction, the shorter being included within the longer distance, the burden of proof shall be upon the carrier to justify the rate or charge for the longer distance against any claim of a violation of sections 1, 2, and 3 of the Interstate Commerce Act.'"

Mr. BULWINKLE (interrupting the reading of the motion to recommit). Mr. Speaker, I ask unanimous consent that the further reading of the motion to recommit be dispensed with and the motion printed in the RECORD. It is the Cole amendment, which has been read in Committee.

Mr. COLE of Maryland. Mr. Speaker, reserving the right to object, I understand the motion to recommit is identical with the amendment which I offered and was defeated by such a close vote in Committee?

Mr. BULWINKLE. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BULWINKLE) there were—ayes 103, noes 145.

Mr. BULWINKLE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from North Carolina demands the yeas and nays. All those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Forty-nine Members have risen, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. BULWINKLE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from North Carolina demands the yeas and nays. All those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Seventy Members have risen, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 269, nays 119, not voting 42, as follows:

[Roll No. 44]

YEAS—269

Aleshire	Doughton	Kelly, Ill.	Pace
Allen, Ill.	Douglas	Kelly, N. Y.	Patterson
Allen, La.	Dowell	Kennedy, N. Y.	Patton
Allen, Pa.	Drew, Pa.	Kenney	Pearson
Amlie	Drewry, Va.	Kerr	Peterson, Fla.
Anderson, Mo.	Duncan	Kinzer	Pettengill
Andresen, Minn.	Dunn	Kirwan	Poage
Andrews	Eberharter	Kleberg	Polk
Arends	Eckert	Kloeb	Powers
Arnold	Edmiston	Knutsen	Quinn
Ashbrook	Eicher	Knutson	Rabaut
Atkinson	Ellenbogen	Kocialkowski	Ramspeck
Barden	Engel	Kopplemann	Randolph
Beam	Englebright	Kramer	Rayburn
Beiter	Farley	Lambertson	Reece, Tenn.
Bell	Fernandez	Lamneck	Reed, Ill.
Biermann	Fish	Lanham	Reed, N. Y.
Bigelow	Fitzgerald	Larrabee	Rees, Kans.
Boehne	Fitzpatrick	Lea	Reilly
Bolleau	Flannagan	Lewis, Colo.	Richards
Boland, Pa.	Fleger	Long	Rigney
Boylan, N. Y.	Ford, Calif.	Lord	Robsion, Ky.
Bradley	Fries, Ill.	Lucas	Rogers, Okla.
Brooks	Fuller	Ludlow	Rutherford
Brown	Garrett	Luecke, Mich.	Ryan
Buck	Gasque	McAndrews	Sanders
Buckler, Minn.	Gehrmann	McGranery	Sauthoff
Caldwell	Gingery	McGrath	Schaefer, Ill.
Carter	Gray, Ind.	McGroarty	Schneider, Wis.
Cartwright	Green	McKeough	Schuetz
Case, S. Dak.	Greever	McLaughlin	Schulte
Celler	Gregory	McLean	Secrest
Champion	Griffith	McMillan	Seger
Church	Griswold	Maas	Shafer, Mich.
Citron	Guyer	Magnuson	Shanley
Clark, N. C.	Gwynne	Mahon, S. C.	Shannon
Claypool	Halleck	Mahon, Tex.	Sheppard
Cluett	Hancock, N. Y.	Maloney	Short
Cochran	Hancock, N. C.	Mapes	Smith, Conn.
Coffee, Nebr.	Harlan	Martin, Colo.	Smith, Va.
Coffee, Wash.	Harrington	Mason	Smith, Wash.
Cole, N. Y.	Harter	Maverick	Smith, W. Va.
Colmer	Hartley	May	Snell
Connery	Hennings	Mead	Snyder, Pa.
Cooley	Hildebrandt	Meeks	South
Cooper	Hill, Ala.	Michener	Sparkman
Cravens	Hill, Okla.	Millard	Spence
Crawford	Hoffman	Mills	Stefan
Creal	Hook	Mitchell, Ill.	Sumners, Tex.
Crosby	Houston	Mitchell, Tenn.	Sweeney
Crosser	Hull	Mosier, Ohio	Swope
Crowe	Hunter	Mott	Taber
Crowther	Imhoff	Mouton	Tarver
Deen	Izac	Murdock, Utah	Taylor, S. C.
DeMuth	Jarman	Nelson	Taylor, Tenn.
Dies	Jarrett	Nichols	Teigan
Dingell	Jenckes, Ind.	Norton	Thom
Dirksen	Jenkins, Ohio	O'Brien, Ill.	Thomas, N. J.
Ditter	Johnson, Okla.	O'Connor, Mont.	Thomason, Tex.
Dixon	Johnson, Tex.	O'Day	Thompson, Ill.
Dockweiler	Johnson, W. Va.	O'Malley	Transue
Dondero	Jones	O'Neal, Ky.	Turner
Dorsey	Keller	Owen	Vincent, B. M.
Vinson, Ga.	Weaver	Wolcott	Woodrum
Voorhis	Wheichel	Wolfenden	Zimmerman
Wadsworth	White, Ohio	Wolverton	
Wallgren	Wilcox	Wood	
Wearin	Withrow	Woodruff	

NAYS—119

Allen, Del.	Disney	Lemke	Rankin
Barry	Driver	Lesinski	Robertson
Bates	Evans	Lewis, Md.	Robinson, Utah
Bernard	Faddis	Luce	Rogers, Mass.
Binderup	Fletcher	Luckey, Nebr.	Romjue
Bland	Forand	McClellan	Sacks
Bloom	Ford, Miss.	McCormack	Sadowski
Boren	Fulmer	McFarlane	Scott
Brewster	Gambrill	McReynolds	Scrugham
Bulwinkle	Gavagan	Martin, Mass.	Sirovich
Burch	Gearhart	Massingale	Smith, Maine
Burdick	Gifford	Merritt	Somers, N. Y.
Byrne	Haines	Miller	Stack
Carlson	Hamilton	Moser, Pa.	Steagall
Casey, Mass.	Havenner	Murdock, Ariz.	Sullivan
Chandler	Healey	O'Brien, Mich.	Terry
Chapman	Hendricks	O'Connell, Mont.	Thomas, Tex.
Clark, Idaho	Higgins	O'Leary	Thurston
Clason	Hill, Wash.	O'Neill, N. J.	Tinkham
Colden	Holmes	O'Toole	Tobey
Cole, Md.	Honeyman	Oliver	Towey
Collins	Hope	Palmisano	Treadway
Costello	Jenks, N. H.	Patman	Umstead
Culkin	Johnson, Minn.	Peterson, Ga.	Warren
Cullen	Kennedy, Md.	Peyser	West
Curley	Keogh	Pfeifer	White, Idaho
Daly	Kitchens	Phillips	Whittington
Delaney	Lambeth	Pierce	Wigglesworth
DeRouen	Lanzetta	Plumley	Williams
Dickstein	Leavy	Ramsay	

NOT VOTING—42

Bacon	Ferguson	Jacobsen	Sabath
Boyer	Flannery	Kee	Starnes
Boykin	Frey, Pa.	Kvale	Sutphin
Buckley, N. Y.	Gilchrist	McGehee	Taylor, Colo.
Cannon, Mo.	Gildea	McSweeney	Tolan
Cannon, Wis.	Goldsborough	Mansfield	Vinson, Fred M.
Cox	Goodwin	O'Connell, R. I.	Walter
Cummings	Gray, Pa.	O'Connor, N. Y.	Welch
Dempsey	Greenwood	Parsons	Wene
Doxey	Hart	Patrick	
Eaton	Hobbs	Rich	

Mr. PATMAN changed his vote from "yea" to "nay."

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Taylor of Colorado with Mr. Bacon.
Mr. Boykin with Mr. Rich.
Mr. Cannon of Missouri with Mr. Gilchrist.
Mr. Parsons with Mr. Kvale.
Mr. Greenwood with Mr. Goodwin.
Mr. Hobbs with Mr. Eaton.
Mr. Tolan with Mr. Welch.
Mr. Frey of Pennsylvania with Mr. Buckley of New York.
Mr. Ferguson with Mr. McSweeney.
Mr. Hart with Mr. Gildea.
Mr. Kee with Mr. McGehee.
Mr. O'Connell of Rhode Island with Mr. Walter.
Mr. Starnes with Mr. Dempsey.
Mr. Fred M. Vinson with Mr. Wene.
Mr. Cox with Mr. Jacobsen.
Mr. Mansfield with Mr. Gray of Pennsylvania.
Mr. O'Connor of New York with Mr. Boyer.
Mr. Doxey with Mr. Patrick.
Mr. Goldsborough with Mr. Flannery.
Mr. Sutphin with Mr. Cummings.

Mr. STACK. Mr. Speaker, my colleague the gentleman from Pennsylvania, Mr. GRAY, is unavoidably away from the Hall. If present, he would have voted "aye."

Mr. SCOTT. Mr. Speaker, my colleague the gentleman from California, Mr. TOLAN, is absent because of illness. If he were present, he would vote "aye."

Mr. QUINN. Mr. Speaker, my colleague the gentleman from Pennsylvania, Mr. FREY, is absent. If present, he would vote "aye."

Mr. CANNON of Missouri. Mr. Speaker, I was unavoidably detained and was not in the Chamber at the time my name was called. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON of Missouri. Would I be entitled to recognition by the Chair for the purpose of announcing how I would have voted had I been present?

The SPEAKER. Under a strict construction of the precedents the Chair does not think the gentleman would be permitted to do so.

Mr. CANNON of Missouri. Under the same circumstance, Mr. Speaker, would I be entitled to recognition by the Chair to announce how a colleague would have voted had he been present?

The SPEAKER. The Chair would make the same ruling in that respect.

In view of the fact the question has been raised by the parliamentary inquiry of the gentleman from Missouri, the Chair will state that a practice has grown up in the House, because no objection has been raised by any Member, whereby when certain Members fail to be present and answer to their names, some of their colleagues undertake to explain how they would have voted if present. This question has been raised several times in the past, and it has been held uniformly that it is an improper practice. The Chair, therefore, is inclined to adhere to the decisions heretofore established.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed and to include therein some references to previous debates in the House and Senate on this measure and some correspondence with the Interstate Commerce Commission and a few references to the hearings on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that on Tuesday next, after disposition of business on the Speaker's table, my colleague the gentleman from Massachusetts [Mr. MCCORMACK] may be permitted to address the House for 20 minutes, and following his remarks I may be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that his colleague the gentleman from Massachusetts [Mr. MCCORMACK], on Tuesday next, after disposition of matters on the Speaker's table, may address the House for 20 minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts also asks unanimous consent that at the conclusion of the remarks of the gentleman from Massachusetts [Mr. MCCORMACK] he may be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

Mr. HARLAN. Mr. Speaker, at the conclusion of the special orders already arranged for Tuesday next, I ask unanimous consent that I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXTENSION OF REMARKS

By unanimous consent, Mr. CURLEY, Mr. RANKIN, Mr. BERNARD, Mr. MAVERICK, and Mr. MOSER of Pennsylvania were granted leave to extend their own remarks in the RECORD.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the statements of those who repudiated the endorsements they are said to have given for the Pettengill bill, only the names of those who appear in the report of the majority.

The SPEAKER. Is there objection?

Mr. TABER. I object.

GENERAL LEAVE TO PRINT

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their own remarks on the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that tomorrow, after the disposition of business on the Speaker's table and any other pending special order, I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

Mr. GAVAGAN. Mr. Speaker, I reserve the right to object. Under the parliamentary situation and the unfinished business for tomorrow, I regret that I must object.

NAVY DEPARTMENT APPROPRIATION BILL, 1938

Mr. UMSTEAD. Mr. Speaker, I submit a conference report and statement upon the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes, for printing under the rule.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix and to include therein a statement of 21 railroad brotherhoods respecting a bill that I have introduced.

The SPEAKER. Is there objection?

There was no objection.

Mr. SECREST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article written by my colleague, Mr. CARTWRIGHT, of Oklahoma.

The SPEAKER. Is there objection?

There was no objection.

THOMAS JEFFERSON MEMORIAL

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEARIN. Mr. Speaker, I am introducing a resolution today requiring that all pending action on the part of the Thomas Jefferson Memorial Commission be held in abeyance until the said Commission has held a competition for the selection of a design for the Thomas Jefferson memorial under the supervision of the American Institute of Architects and the said design so selected has been reported back to the United States Congress for final acceptance and approval by a majority of the Members of the House and Senate. It will be recalled that I introduced a similar resolution in the Seventy-fourth Congress, and it expresses a principle which I believe should become an established rule of action for the United States Government when memorials or public buildings are to be erected.

The present Thomas Jefferson memorial design was selected by the Thomas Jefferson Memorial Commission without any opportunity being granted for hearings, much less an architectural competition. I object strenuously to the awarding of a contract to any architect in such manner, even Mr. Pope, of New York, and especially upon the basis of a 6-percent commission when 5 percent is the customary rate, and there is a provision in the District of Columbia that limits the commission on buildings erected by the District to 3 percent on all contracts under $2,000,000 and 2¾ percent on all contracts over $2,000,000. The present situation is a result of the delegation of too much authority to congressional commissions without any supervision whatsoever upon the final action of the body on the part of the Congress which should always be the case. For that reason it is important that even after the selection of the design through a proper democratic and Jeffersonian method the results thereof should again be checked over by the legislative body and voted upon. We have more than one architect in America, although one might not think so if he were to observe recent architectural trends in Washington, D. C.

No fair-minded people, either architects or laymen, can or will object to a program of architectural competitions for the selection of the designs of Government buildings. Thomas Jefferson himself suggested such a procedure for the selection of the design for the United States Capitol and the White House and it was followed. An opportunity is thus given to young men in the profession throughout the United States to prove their ability. New thought and originality are brought to light and the average man in the street is given his chance, which principle Thomas Jefferson fought for from the beginning to the end of his public career. The response to such a program would be marked, as was evidenced by the fact that 550 artists recently submitted designs for the murals on the walls of a new post-office building to be erected in the State of Texas.

The creative ability of young men and women of this Nation ought to be so inspired and encouraged by the United States Government. Who knows but what another L'Enfant or great genius might be brought to light; and certainly the author of the Declaration of Independence, the founder of the Democratic Party, would be the last one on earth to object to such new thought. He was in the vanguard of those who struck out from the shelter of the British Crown and founded a new nation. No one can make a pilgrimage to Monticello, which to my mind is the most beautiful home in America, without becoming vividly aware of Jefferson's urge to give the new and the modern a chance. It was he who conceived the idea of and installed the first double doors, both of which opened, regardless of which half is moved, from which design the principle of the double-acting street-car doors was developed. It was Jefferson who conceived of and built recessed beds in his home, rolling doors that slid into the walls, concealed dumbwaiters, the first revolving chair, a combination music rack and tea table, and other things equally as new and startling. If an architectural competition were to bring forth a new thought, a new design to memorialize a great American, I believe that none would be more inspired or more happy about the discovery than Thomas Jefferson.

It is imperative that the United States Congress prevent the desecration of the memory of Jefferson by requiring the selection of the design for his memorial to be made as a result of an architectural competition and demanding that the final action be approved by the chosen representatives of the people in the legislative branch of the Government that he who led the new and liberal thought of his time loved so well.

LEAVE TO ADDRESS THE HOUSE

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent that on Thursday next, after the disposition of business on the Speaker's table, I be permitted to address the House for 45 minutes.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HANCOCK of North Carolina, for several days, on account of illness in family.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Thursday, April 15, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed by the Committee on the District of Columbia to consider H. R. 5400, a bill to regulate sales of real estate, etc., will meet Thursday, April 15, 1937, at 10:30 a. m., in room 345, House Office Building.

COMMITTEE ON THE POST OFFICE AND POST ROADS

Air-mail hearings will continue at 10:30 a. m. in room 213, House Office Building, on Thursday, April 15, 1937.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, April 15, 1937, at 10:30 a. m. to continue hearings on the Florida ship canal.

The Committee on Rivers and Harbors will meet Monday, April 19, 1937, at 10:30 a. m. to continue hearings on the Bonneville Dam project, H. R. 4948 and H. R. 6151.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 20, 1937, at 10 a. m., in room 328, House Office Building, to consider H. R. 5394, to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

COMMITTEE ON MILITARY AFFAIRS

There will be a hearing before the Committee on Military Affairs Tuesday, April 20, 1937, at 10:30 a. m., in room 1310, New House Office Building, for the consideration of H. R. 4415, to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes.'"

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Tuesday, April 20, 1937, at 10:30 a. m., in connection with the bill (H. R. 4746) to prohibit interstate transportation of goods, wares, and merchandise in certain cases.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary on Friday, April 23, 1937, at 10:30 a. m., on the following bills: H. R. 4894, to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff; and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

EXECUTIVE COMMUNICATIONS, ETC.

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

554. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year 1938, amounting to $10,000 (H. Doc. No. 230); to the Committee on Appropriations and ordered to be printed.

555. A letter from the Acting Secretary of the Treasury, transmitting a copy of a proposed bill to impose an occupational excise tax upon certain dealers in marihuana, to impose a transfer tax upon certain dealings in marihuana, and to safeguard the revenue therefrom by registry and recording; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. VOORHIS: Committee on Flood Control. H. R. 4854. A bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, without amendment (Rept. No. 598). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 5632. A bill to provide a preliminary examination and survey of the Conewango Creek and Davis Brook in Chautauqua County and Cattaraugus County, N. Y., with a view to the control of their floodwaters; with amendment (Rept. No. 599). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIMMERMAN: Committee on Flood Control. H. R. 5756. A bill authorizing a preliminary examination and survey of the Wyaconda River in Clark and Lewis Counties, Mo., with a view to the controlling of floods; with amendment (Rept. No. 600). Referred to the Committee of the Whole House on the state of the Union.

Mr. SECREST: Committee on Flood Control. H. R. 5827. A bill to authorize a preliminary examination and survey of Gilmore Creek, Winona County, Minn., with a view to control of floodwaters; without amendment (Rept. No. 601). Referred to the Committee of the Whole House on the state of the Union.

Mr. WALLGREN: Committee on Flood Control. H. R. 5826. A bill to authorize a preliminary examination and survey of Root River, Fillmore and Houston Counties, Minn., with a view to control of floodwaters; with amendment (Rept. No. 613). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 5828. A bill to provide a preliminary examination of the Fountaine Qui Bouille (Fountain) River and its tributaries, in the State of Colorado, with a view to the control of their floods and the conservation of their waters; with amendment (Rept. No. 614). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 905. A bill for the relief of Leib Milgrom; without amendment (Rept. No. 588). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 2331. A bill for the relief of Max Natenson; without amendment (Rept. No. 589). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4312. A bill for the relief of Lawrence Kussell; without amendment (Rept. No. 590). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4452. A bill for the relief of Pietro Di Giacinto; without amendment (Rept. No. 591). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4569. A bill for the relief of Isador Katz; without amendment (Rept. No. 592). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4691. A bill for the relief of Pompeo Ercolano; without amendment (Rept. No. 593). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4758. A bill for the relief of Nazzareno Candeloro; without amendment (Rept. No. 594). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 5216. A bill for the relief of Rachel or Rochel Bursk; without amendment (Rept. No. 595). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 5271. A bill for the relief of Jacob Graev; without amendment (Rept. No. 596). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 5317. A bill to authorize the cancelation of deportation proceedings in the case of Patrick Kane; without amendment (Rept. No. 597). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 3579. A bill for the relief of Manuel Joaquim Ferreira; without amendment (Rept. No. 602). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 3665. A bill to confer citizenship on Agatha Kwiatkowski; without amendment (Rept. No. 603). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 3944. A bill for the relief of Brajna Migdal; without amendment (Rept. No. 604). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 3951. A bill for the relief of Manfred Ehrenfried; without amendment (Rept. No. 605). Referred to the Committee of the Whole House.

Mr. CLAYPOOL: Committee on Immigration and Naturalization. H. R. 4118. A bill for the relief of Bridget Della Cawley Ebbole; without amendment (Rept. No. 606). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 4127. A bill for the relief of Jacob Labovitz; without amendment (Rept. No. 607). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 4132. A bill for the relief of Francesco Sapienza; without amendment (Rept. No. 608). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 4137. A bill for the relief of Mario Sigismondo Nascinovich and his wife, Vittoria Nascinovich; without amendment (Rept. No. 609). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 4174. A bill for the relief of Salvatore Boucino (also known as Salvatore Bucino and Salvatore Buccino); without amendment (Rept. No. 610). Referred to the Committee of the Whole House.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4247. A bill for the relief of Rose Hausman Weidman (nee Reisla Hausman); without amendment (Rept. No. 611). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ATKINSON: A bill (H. R. 6380) to amend the World War Veterans' Act, 1924, as amended, and veterans' regulations affecting World War veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. ALLEN of Illinois: A bill (H. R. 6381) to authorize a preliminary examination and survey of the Galena River, also known as Fever River, in Illinois and Wisconsin, with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. KOPPLEMANN: A bill (H. R. 6382) declaring Park River, Hartford County, Conn., to be a nonnavigable waterway; to the Committee on Interstate and Foreign Commerce.

By Mr. SWEENEY: A bill (H. R. 6383) to reclassify the salaries of watchmen, messengers, and laborers in the Postal Service, and to prescribe the time credits for service as substitute watchmen, messengers, and laborers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. RANKIN: A bill (H. R. 6384) to liberalize the provisions of existing laws governing service-connected benefits for World War veterans and their dependents, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. DOUGHTON: A bill (H. R. 6385) to impose an occupational excise tax upon certain dealers in marihuana; to impose a transfer tax upon certain dealings in marihuana; and to safeguard the revenue therefrom by registry and recording; to the Committee on Ways and Means.

By Mr. PATTON: A bill (H. R. 6386) to authorize a preliminary examination and survey of San Jacinto River and its tributaries, lying within Montgomery, Walker, San Jacinto, Grimes, Waller, Liberty, and Harris Counties, State of Texas; to the Committee on Flood Control.

By Mr. PIERCE: A bill (H. R. 6387) to authorize the completion, maintenance, and operation of the Bonneville project for navigation and flood control, and for other purposes; to the Committee on Rivers and Harbors.

By Mrs. NORTON: A bill (H. R. 6388) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia, relating to offenses against property; to the Committee on the District of Columbia.

By Mr. JOHNSON of Minnesota: A bill (H. R. 6389) reducing the rate of interest on obligations of home owners to the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

By Mr. MAAS: A bill (H. R. 6390) to authorize the construction of a Naval Reserve armory at St. Paul, Minn.; to the Committee on Naval Affairs.

By Mr. DIES: A bill (H. R. 6391) to authorize the prompt deportation of criminals and certain other aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. DeROUEN: A bill (H. R. 6392) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such land in the city of Lake Charles, Calcasieu Parish, La., as may be necessary for the location of a post-office building in said city, and also to construct a suitable building thereon, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. CASE of South Dakota: A bill (H. R. 6393) for the relief of certain counties in the State of South Dakota for judgments against them because of patents in fee having been erroneously issued by the United States on certain trust lands; to the Committee on Claims.

By Mr. SWEENEY: A bill (H. R. 6394) to adjust the compensation of persons employed for making special deliveries; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: A bill (H. R. 6395) granting pensions to certain surgeons who served the United States during the War with Spain, including the Philippine Insurrection and the Boxer Rebellion; to the Committee on Pensions.

By Mr. O'CONNOR of Montana: A bill (H. R. 6396) to extend the time for the construction of a bridge across the Missouri River at or near Poplar, Mont.; to the Committee on Interstate and Foreign Commerce.

By Mr. BERNARD: Resolution (H. Res. 184) creating a select committee of the House of Representatives to investigate the administration of Puerto Rico; to the Committee on Rules.

Also, resolution (H. Res. 185) making an appropriation for the investigation authorized by House Resolution 184; to the Committee on Accounts.

By Mr. WEARIN: Joint resolution (H. J. Res. 322) to provide for a competition among architects for a design for the proposed Thomas Jefferson Memorial; to the Committee on the Library.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Texas, memorializing the President and the Congress of the United States urging the passage of Senate bill 1375, concerning the livestock industry; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of Delaware: A bill (H. R. 6397) for the relief of John W. Watson; to the Committee on Claims.

By Mr. BUCK: A bill (H. R. 6398) granting a pension to Elizabeth Halsey; to the Committee on Pensions.

By Mr. BYRNE: A bill (H. R. 6399) for the relief of Susie M. Smith; to the Committee on Claims.

By Mr. CASE of South Dakota: A bill (H. R. 6400) for the relief of Francis A. Wolfe; to the Committee on Claims.

By Mr. CLUETT: A bill (H. R. 6401) granting an increase of pension to Margaret Corcoran; to the Committee on Invalid Pensions.

By Mr. DRIVER: A bill (H. R. 6402) for the relief of Emory M. McCool, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. DOCKWEILER: A bill (H. R. 6403) for the relief of Frank N. Curtiss; to the Committee on Military Affairs.

By Mr. FITZPATRICK: A bill (H. R. 6404) for the relief of Martin Bevilacque; to the Committee on Naval Affairs.

Also, a bill (H. R. 6405) for the relief of Gus Roth; to the Committee on the Judiciary.

By Mr. HARRINGTON: A bill (H. R. 6406) authorizing and directing the Secretary of the Treasury to reimburse Anne Jones for the losses sustained by her by reason of the negligence of the United States in maintaining the premises of the old post-office building at Sioux City, Iowa; to the Committee on Claims.

By Mr. JOHNSON of Minnesota: A bill (H. R. 6407) for the relief of Chester Nordeen; to the Committee on Claims.

By Mr. KELLY of New York: A bill (H. R. 6408) granting a pension to Charles F. Walker; to the Committee on Pensions.

By Mr. McGROARTY: A bill (H. R. 6409) granting a pension to William A. Miles; to the Committee on Pensions.

By Mr. PEYSER: A bill (H. R. 6410) granting a pension to Mary Lord Harrison; to the Committee on Pensions.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 6411) for the relief of Agnes Dalton; to the Committee on Claims.

By Mr. SMITH of West Virginia: A bill (H. R. 6412) for the relief of Edison McGinnis; to the Committee on Claims.

Also, a bill (H. R. 6413) for the relief of William G. Hubbard II, alias Andrew Palmer; to the Committee on Naval Affairs.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 6414) granting an increase of pension to Mary Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6415) granting an increase of pension to Martha Gorsuch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6416) granting an increase of pension to Ella N. Herwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6417) granting an increase of pension to Sarah J. Hochstetler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6418) granting a pension to Adelia T. Hoover; to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 6419) to provide for the determination by the Special Mexican Claims Commission of the claim of Mrs. James D. McConaughey; to the Committee on Claims.

By Mr. BEVERLY M. VINCENT: A bill (H. R. 6420) granting a pension to Laura C. Clarke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6421) granting a pension to Sarah Ann B. Emry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6422) granting a pension to Bettie Dillard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6423) granting a pension to Jamaica Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6424) granting a pension to Belle Bratton Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6425) granting a pension to Andrew J. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6426) granting a pension to Jennie Welborn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6427) granting a pension to Sylvia Abner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6428) for the relief of R. A. Williams; to the Committee on Claims.

Also, a bill (H. R. 6429) for the relief of Mrs. Hugh A. Thomas; to the Committee on Claims.

Also, a bill (H. R. 6430) for the relief of the heirs of Edmund P. Lee; to the Committee on War Claims.

Also, a bill (H. R. 6431) granting a pension to Lee Rigsby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6432) granting a pension to Annie Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6433) granting an increase of pension to Burley L. Van Fleet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6434) granting a pension to Maggie Sanders; to the Committee on Invalid Pensions.

By Mr. O'TOOLE: Joint resolution (H. J. Res. 323) authorizing the reinstatement and reappointment and placing on the rolls of the Alcoholic Tax Unit certain former employees; to the Committee on the Civil Service.

PETITIONS, ETC.

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

1819. By Mr. ASHBROOK: Petition of Mrs. Ed F. Lower, of Baltic; Mr. and Mrs. Harold Neldon, of Blissfield; and E. C. Walker, of Warsaw, Ohio, protesting against any legislation that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1820. By Mr. CASE of South Dakota: Petition of Katherine Schaeffer and 16 citizens of the city of Yankton, S. Dak., protesting against the President's proposal to increase the size of the Supreme Court, and urging that an independent judiciary be retained; to the Committee on the Judiciary.

1821. Also, petition of R. B. Driver and 35 other citizens of the city of Philip, S. Dak., protesting against the President's proposal to increase the size of the Supreme Court, and urging that an independent judiciary be retained; to the Committee on the Judiciary.

1822. By Mr. COFFEE of Washington: Petition in the nature of a telegram of the Washington Packers, Inc.; Pacific Lumber Agency of Sumner; Rhubarb Growers and Puget Sound Bulb Exchange; and Puget Sound Vegetable Growers Association, all of Sumner, Wash., urging the passage by Congress of the Pettengill bill for equalization of rates between water and land carriers; to the Committee on Interstate and Foreign Commerce.

1823. By Mr. COLDEN: Resolution of the Phyllis Wheateley Club, Oakland, Calif., urging the enactment of antilynching legislation pending before Congress; to the Committee on the Judiciary.

1824. Also, resolution adopted by Booklovers Study Club, of Berkeley, Calif., urging the enactment of antilynching legislation pending before Congress; to the Committee on the Judiciary.

1825. Also, resolution adopted by the Fanny Wall Children's Home and Day Nursery, Oakland, Calif., urging the enactment of antilynching legislation pending before Congress; to the Committee on the Judiciary.

1826. By Mr. CONNERY: Petition of representatives of the Luther League of the Bethesda Lutheran Church, Lynn, Mass., opposing the militarizing of the Civilian Conservation Corps either in whole or in part; to the Committee on Education.

1827. Also, petition of the mayor and City Council of Lawrence, Mass., urging that every effort be made to curtail or to prohibit Japanese textile imports; to the Committee on Interstate and Foreign Commerce.

1828. Also, petition of the General Court of Massachusetts, requesting Congress to repeal certain acts prejudicial to the oil-consuming States and to the nonproducing States; to the Committee on Interstate and Foreign Commerce.

1829. By Mr. CRAWFORD: Petition of J. J. Evans and others, residing near Cedar Lake, Mich., protesting against the proposal to permit the executive branch to control the judicial branch of the Government; to the Committee on the Judiciary.

1830. Also, petition of Mrs. J. W. Clevenger and others, protesting against the proposal to subordinate the judicial branch of the Government; to the Committee on the Judiciary.

1831. By Mr. GOODWIN: Petition of the Ulster County Taxpayers' Council, Saugerties, N. Y., opposing war and urging strict neutrality by our Government; to the Committee on Foreign Affairs.

1832. By Mr. KEOGH: Petition of the Merchants' Association of New York, concerning the Doughton bill (H. R. 6215); to the Committee on Ways and Means.

1833. Also, petition of the New York State Motor Truck Association, Inc., concerning the Pettengill bill (H. R. 1668); to the Committee on Interstate and Foreign Commerce.

1834. By Mr. KRAMER: Resolution of the Assembly and Senate of the State of California, pertaining to memorializing the President and Congress to appropriate $50,000,000 to cooperate with the States in the eradication of noxious weeds, etc.; to the Committee on Agriculture.

1835. Also, resolution of the Metropolitan Young Democratic Club of Los Angeles, endorsing the President's plan for the reform of the Federal judiciary, etc.; to the Committee on the Judiciary.

1836. By Mr. McLEAN: Resolutions of the Argonne Post, No. 6, American Legion, Elizabeth, N. J., endorsing the Universal Service Act as adopted by the Eighteenth National Convention of the American Legion; to the Committee on Military Affairs.

1837. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, favoring repeal of laws prejudicial to oil-consuming and non-oil-producing States; to the Committee on Ways and Means.

1838. By Mr. PFEIFER: Petition of the Merchants Association of New York, concerning the Doughton bill (H. R. 6215) to repeal subsection (d) of section 148 of the Revenue Act of 1936; to the Committee on Ways and Means.

1839. Also, petition of the New York State Motor Truck Association, Inc., concerning the Pettengill bill (H. R. 1668); to the Committee on Interstate and Foreign Commerce.

1840. By Mr. QUINN: Resolution by the Pennsylvania Federation of Labor, endorsing the proposed change in the Supreme Court as suggested by the President; to the Committee on the Judiciary.

1841. Also, resolution by the Fraternal Order of Police of Pittsburgh, Pa., endorsing Senate bill no. 70 and House Resolution No. 167; to the Committee on Ways and Means.

1842. Also, resolution by the Central Council of Slavic and Allied Civic Leagues of Allegheny County, Pa., endorsing the proposed change of the membership of the Supreme Court as suggested by the President; to the Committee on the Judiciary.

1843. By Mrs. ROGERS of Massachusetts: Petition of the General Court of the Commonwealth of Massachusetts, requesting Congress to repeal certain acts prejudicial to the oil-consuming States and to the nonproducing States; to the Committee on Interstate and Foreign Commerce.

1844. By Mr. RUTHERFORD: Petition of citizens of Athens, Bradford County, Pa., protesting against the President's proposal to "pack" the Supreme Court; to the Committee on the Judiciary.

1845. By Mr. SCOTT: Petition of the student cabinet of the University of California Young Men's Christian Association, urging Congress to oppose the plan to retain a permanent naval base in the Philippines, because the need for a naval base at such a distance from our natural boundaries is not only absurd as a defensive measure but would necessitate immense expenditures and doubtless antagonize Japan; to the Committee on Naval Affairs.

1846. By Mr. SWOPE: Petition of Minnie Alverta Altland and 17 other citizens of Dauphin County, Pa., favoring the enactment of House bill no. 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1847. By Mr. THOMAS of New Jersey: Petition of Robert M. Nitsche, of Garfield, N. J., containing 50 signatures of persons in Garfield and neighboring municipalities of New Jersey, to prevent America's onslaught and total communism eventually; to the Committee on Labor.

1848. By Mr. COFFEE of Washington: Petition in the nature of a telegram of the West Coast Lumbermen's Association of Seattle, Wash., urging the enactment of the Pettengill bill so as to provide parity between marine and land transportation; to the Committee on Interstate and Foreign Commerce.

1849. Also, petition in the nature of a telegram of the Tacoma Chamber of Commerce, Tacoma, Wash., stating that we should have service of all transportation agencies at fair competitive freight rates, thus affording an equal opportunity to carry freight traffic, and therefore urging the enactment into law by Congress of the Pettengill bill (H. R. 1668) amending the fourth section of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

1850. Also, petition in the nature of a telegram of the Tacoma Auto Freight Depot, stating that enactment of House bill 1668 would put 90 percent of the line's haul trucks out of business in the State of Washington, and therefore urging defeat by Congress of the Pettengill bill (H. R. 1668); to the Committee on Interstate and Foreign Commerce.

1851. Also, petition of Local, No. 338, Millmen's Union, Seattle, Wash., expressing the conviction that the recent election was a mandate on the part of the American people to our President, as a support to the New Deal, and urging that a continued and forward march be made to the accomplishment of progressive ideals, and therefore urging support by Members of Congress of the President's judiciary reform proposal; to the Committee on the Judiciary.

1852. Also, resolution of the county commissioners, Pierce County, Wash., urging the wisdom of releasing political subdivisions of the various States from certain Reconstruction Finance Corporation obligations, and therefore urging the advisability of Members of Congress supporting House bill 5528, known as the Brown-Rabaut bill, and stating that such legislation would be of tremendous help in rehabilitating the finances of such subordinate governmental bodies throughout the Nation; to the Committee on Banking and Currency.

1853. By the SPEAKER: Petition of the Daughters of 1812, Norfolk, Va., urging the enactment into law of Senate bill 4, concerning the Norfolk commemorative half-dollar bill; to the Committee on Coinage, Weights, and Measures.

1854. Also, petition of the Alumnae of Norfolk College for Young Ladies, Norfolk, Va., urging the enacting into law of Senate bill 4, concerning the Norfolk commemorative half-dollar bill; to the Committee on Coinage, Weights, and Measures.

1855. Also, petition of the city of Chelsea, Mass., concerning House Joint Resolution 275, a resolution for the selection of a site and the erection of a statue to the memory of Haym Salomon, the Revolutionary patriot; to the Committee on the Library.

1856. Also, petition of the friends of the Supreme Court, concerning their resolution dated April 9, 1937; to the Committee on the Judiciary.

SENATE

THURSDAY, APRIL 15, 1937

Rev. John W. Rustin, minister of the Mount Vernon Place Methodist Episcopal Church South, Washington, D. C., offered the following prayer:

Eternal God, Father of us all, forgive us that too often when we pray we bow our heads before Thee instead of our hearts. In the busy rush of life may we stop long enough to hear the voice of the Son of Man, who said, "Peace I leave with you, my peace I give unto you. Let not your heart be troubled, neither let it be afraid."

Enlarge, we pray Thee, our thoughts. Thou hast set us in so great a universe, deep and high beyond our apprehension. Enlarge our horizons, expand our minds, greaten our hopes. Withdraw us from the small and mean limitations of daily life and as from some high hill give us a larger outlook on life. Enlarge our sympathies lest we who are more fortunate than our brothers forget that great band of underprivileged people who so sorely need our help.

Bless, we pray Thee, this Nation of ours, and give to this body of men, charged as they are with the responsibility of its leadership, strength of body, clarity of mind, and moral and spiritual courage to lead us.

Cross Thou the inner thresholds of our lives so that this day we may find spiritual peace.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 12, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4985) to regulate commerce in bituminous coal, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate nos. 11, 12, and 13 to the said bill, and concurred therein; that the House had receded from its disagreement to the amendment of the Senate no. 8 to the bill and concurred therein with an amendment, in which it requested the concurrence of the Senate; and that the House insisted upon its disagreement to the amendments of the Senate nos. 5 and 7 to the bill.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices; and

H. R. 456. An act for the relief of Ernest and Lottie Dunford.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1668. An act to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4);

H. R. 4676. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Frederick W. Didier;

H. R. 4982. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Justin Olds;

H. R. 5142. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister;

H. R. 6142. An act to authorize the furnishing of steam from the central heating plant to the District of Columbia; and

H. J. Res. 319. Joint resolution making an appropriation for the control of outbreaks of insect pests.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 8), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 1455) to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered; that if and when the said bill is returned by the President, the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the said bill be deemed to be rescinded; and that the Secretary of the Senate be, and is hereby, authorized and directed, in the reenrollment of the said bill, to make the following correction, viz: In the language inserted by the engrossed House amendment no. 4 on page 2, at the end of line 11 of the engrossed bill, strike out the word "lieutenant" and insert the words "lieutenant colonel."

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 10), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, the Clerk of the House is authorized and directed to strike out in section 4-A the following: "and interstate commerce on the one hand."

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1228. An act to amend the National Housing Act;

S. 1414. An act to provide for the settlement and adjustment of claims of contractors in connection with the construction of the factory building at the Reedsville Experimental Community, Arthurdale, W. Va.;

H. R. 77. An act for the payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 456. An act for the relief of Ernest and Lottie Dunford;

H. R. 1089. An act for the relief of Charles M. Perkins;

H. R. 1870. An act for the relief of Kate Carter Lyons;

H. R. 1871. An act for the relief of John S. Hemrick;

H. R. 1923. An act for the relief of Evangelos Karacostas;

H. R. 2320. An act for the relief of Peter Karampelis;

H. R. 2780. An act for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased;

H. R. 2936. An act for the relief of E. B. Gray;

H. R. 3701. An act for the relief of the Sterling Bronze Co.; and

H. R. 5551. An act to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians.

ENROLLED JOINT RESOLUTION AND BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee had presented to the President of the United States the following enrolled joint resolution and bills:

On April 9, 1937:

S. J. Res. 53. Joint resolution providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes.

On April 12, 1937:

S. 463. An act for the relief of George A. Hardy, Mang B. Kiechle, John C. McLeod, and Earl W. Zimmer;

S. 1038. An act for the relief of Victor M. Ruiz C and Luz Elena Robles;

S. 1310. An act for the relief of Cesaria Del Pilar; and

S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard.

On April 13, 1937:

S. 462. An act to authorize any Government department to exchange used parts of certain types of equipment for new or reconditioned parts of the same equipment.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Dieterich	La Follette	Radcliffe
Andrews	Duffy	Lee	Reynolds
Ashurst	Ellender	Lewis	Russell
Austin	Frazier	Logan	Schwartz
Bailey	George	Lonergan	Schwellenbach
Bankhead	Gerry	Lundeen	Smith
Barkley	Gibson	McAdoo	Steiwer
Bilbo	Gillette	McCarran	Thomas, Okla.
Borah	Green	McGill	Thomas, Utah
Bridges	Guffey	McKellar	Townsend
Brown, Mich.	Hale	McNary	Truman
Bulkley	Harrison	Minton	Tydings
Bulow	Hatch	Moore	Vandenberg
Burke	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Norris	Walsh
Caraway	Holt	Nye	Wheeler
Chavez	Hughes	O'Mahoney	White
Connally	Johnson, Calif.	Pepper	
Copeland	Johnson, Colo.	Pittman	
Davis	King	Pope	

Mr. MINTON. I announce that the Senator from Alabama [Mr. BLACK], the Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Tennessee [Mr. BACHMAN] is unavoidably detained.

The Senator from Washington [Mr. BONE], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], and the Senator from Texas [Mr. SHEPPARD] are detained on important public business.

The Senator from Connecticut [Mr. MALONEY] is absent because of a death in his family.

Mr. AUSTIN. I announce that the Senator from Kansas [Mr. CAPPER] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness.

The Senator from Massachusetts [Mr. LODGE] is absent in attendance on a funeral.

Mr. ELLENDER. I announce that my colleague the senior Senator from Louisiana [Mr. OVERTON] is absent because of illness.

Mr. BARKLEY. I announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate on important business.

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

SENATOR FROM NEW JERSEY

Mr. MOORE. Mr. President, my colleague from New Jersey, Hon. WILLIAM H. SMATHERS, is present and desires to take the oath of office.

The VICE PRESIDENT. If the Senator will come forward, the oath of office will be administered to him.

Mr. SMATHERS, accompanied by Mr. MOORE, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTIONS AND BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following joint resolutions and acts:

On March 30, 1937:

S. J. Res. 110. Joint resolution declaring Joseph P. Kennedy eligible for appointment as a member of the United States Maritime Commission.

On April 6, 1937:

S. J. Res. 75. Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

On April 9, 1937:

S. J. Res. 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937.

On April 12, 1937:

S. J. Res. 53. Joint resolution providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes.

On April 13, 1937:

S. 1500. An act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes; and

S. J. Res. 102. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

On April 14, 1937:

S. 179. An act for the relief of J. H. Richards;

S. 308. An act for the relief of the estate of Alice W. Miller, deceased;

S. 420. An act for the relief of A. D. Hampton;

S. 525. An act for the relief of Harry King;

S. 766. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction finder station, North Truro, Mass., on December 27, 1934;

S. 784. An act for the relief of Amelia Corr;

S. 1057. An act for the relief of Joseph A. Ganong;

S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and also to officers of the Foreign Service of the United States at foreign stations;

S. 1285. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property;

S. 1310. An act for the relief of Cesaria Del Pilar;

S. 1311. An act for the relief of Norman Hildebrand;

S. 1314. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930;

S. 1315. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the Naval Radio Station, Eureka, Calif., on January 17, 1930;

S. 1317. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932;

S. 1320. An act to provide for the reimbursement of certain civilians employed at the naval operating base, Hampton Roads, Va., on May 4, 1930, for the value of tools lost in a fire on Pier 7 at the naval operating base on that date;

S. 1454. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in Building No. 125, United States Navy Yard, Washington, D. C., on July 16, 1935; and

S. 1550. An act to provide for the appointment of two additional circuit judges for the ninth judicial circuit.

LEGISLATIVE APPROPRIATIONS—REPORT OF COMMITTEE ON APPROPRIATIONS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, which was read and ordered to lie on the table, as follows:

UNITED STATES SENATE,
Washington, April 15, 1937.

To the PRESIDENT OF THE SENATE:

Under the order of the Senate of the 12th instant, Mr. TYDINGS, from the Committee on Appropriations, filed with me, as Secretary of the Senate, on the 14th instant the bill (H. R. 5068) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes, with amendments and an accompanying report (No. 333) thereon.

Very truly yours,

EDWIN A. HALSEY, *Secretary.*

REGULATION OF BITUMINOUS-COAL INDUSTRY

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The legislative clerk read the resolution (H. Con. Res. 10), as follows:

House Concurrent Resolution 10

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, the Clerk of the House is authorized and directed to strike out in section 4-A the following: "and interstate commerce on the one hand."

Mr. NEELY. Mr. President, the sole purpose of this concurrent resolution is to strike from the enrolled bill seven words which were inadvertently put into it. I ask unanimous consent for the present consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MCNARY. Mr. President, I was unable to hear the statement of the Senator. What is the nature of the request?

Mr. NEELY. The request is for the immediate consideration of the resolution and also for its adoption. The sole purpose of the resolution is to strike from the enrolled bill seven words which the copyist inadvertently repeated.

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

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

NAVAL APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRNES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6 and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 13, 14, 15, 17, 18, 19, 21, 23, 24, 25, and 26, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,277,109"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,429,800"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,698,189"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except not more than three officers of the rank of rear admiral"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Model Testing Plant: Toward the model testing plant, authorized by the Act approved May 6, 1936 (49 Stat., pp. 1263, 1264), including buildings and facilities and purchase of land, $3,000,000: *Provided*, That no part of such sum shall be available for the provision, by contract or otherwise, of any buildings or facilities for testing other than surface and subsurface craft."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,330,699"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,993,753"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 12.

JAMES P. BYRNES,
ROYAL S. COPELAND,
ELMER THOMAS,
DAVID I. WALSH,
FREDERICK HALE,
Managers on the part of the Senate.

WILLIAM B. UMSTEAD,
W. R. THOM,
GEO. W. JOHNSON,
J. G. SCRUGHAM,
J. O. FERNANDEZ,
J. W. DITTER,
CHARLES A. PLUMLEY,
Managers on the part of the House.

The report was agreed to.

RETURN OF AN ENROLLED BILL BY THE PRESIDENT

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying enrolled bill, ordered to lie on the table, as follows:

To the Senate:

In compliance with the request contained in the resolution of the Senate of April 12, 1937 (the House of Representatives concurring), I return herewith S. 1455, "An act to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United

States Army and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered."

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 15, 1937.*

LAWS OF FIRST NATIONAL ASSEMBLY OF THE PHILIPPINES

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith copies of laws enacted by the First National Assembly of the Philippines during its first session, from June 16, 1936, to October 10, 1936, and its special session from October 19, 1936, to October 30, 1936.

The missing numbers will be sent you when copies are received from the Philippine Islands.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 15, 1937.*

REPORTS OF GREAT LAKES EXPOSITION COMMISSION

The VICE PRESIDENT laid before the Senate a joint letter from the Secretaries of State, Agriculture, and Commerce, members of the United States Great Lakes Exposition Commission, submitting, pursuant to law, a financial statement of expenditures, together with other reports concerning the character and extent of Federal participation in the Great Lakes Exposition in Cleveland, Ohio, during the year 1936, which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT presented the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on the Judiciary:

Senate joint resolution petitioning Congress to make theft of livestock on land under Federal control a Federal offense

Whereas under the Taylor Grazing Act a great area of the Western States comes under the control of the Federal Government; and

Whereas there has been an increasing activity in the theft of livestock on the open ranges in the western country in the last few years; and

Whereas, on account of the immense area to be supervised, it is practically impossible for State and local authorities to suppress these crimes: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of Nevada, That Congress be requested to enact such legislation as will constitute livestock theft on areas under control of the Taylor Grazing Act a Federal offense; and be it further

Resolved, That properly certified copies of this resolution be forwarded to the President of the Senate and the Speaker of the House, to the legislatures of our sister States, and to our Senators and Representatives in Congress at Washington.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Representatives of the State of Texas, which was referred to the Committee on the Judiciary:

Whereas there is now pending in the Seventy-fifth Congress of the United States, S. 1375, which is "A bill to provide for the punishment of persons stealing animals moving in interstate commerce, and for other purposes"; and

Whereas stealing of animals is rapidly reaching alarming proportions and the apprehension and conviction of persons engaged in the stealing of animals is becoming increasingly more difficult because of modern means of transportation and the inability of State governments to afford protection to its citizens beyond the borders of the State; and

Whereas the passage of S. 1375 would enable the Federal Government to apprehend and convict persons transporting, concealing, or receiving stolen animals, who are now able to evade punishment; and

Whereas the passage of said S. 1375 would be extremely beneficial to the State of Texas and all of the States in the United States which are concerned with the establishment and protection of the livestock industry of the State: Now, therefore, be it

Resolved by the house of representatives of the forty-fifth legislature, That the Seventy-fifth Congress of the United States is hereby respectfully memorialized and urged to give every consideration to S. 1375 to the end that it may be speedily enacted into law; be it further

Resolved, That the Senators and Representatives of the State of Texas in the Congress of the United States are hereby requested to give their support to, and vote for, the aforesaid measure, and that copies of this memorial be forwarded forthwith to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to Senators and Representatives from the State of Texas in said Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of California, which was referred to the Committee on Agriculture and Forestry:

Assembly joint resolution relative to memorializing the President and the Congress of the United States to enact bill H. R. 4009, which proposes to appropriate $50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill.

Whereas during recent times numerous noxious weeds, such as the wild morning glory, sometimes known as the creeping jenny, or field bind weed; the Russian knapweed, leafy spurge; Canada thistle; perennial sow thistle; quack grass; Johnson grass; Bermuda grass; nut grass; Klamath weed, and many others have invaded the farm and agricultural lands and gardens in most of the States of the United States, including the State of California; and

Whereas it has been estimated that noxious weeds are costing the United States $3,000,000,000 every year; and

Whereas little organized effort has been made to control such noxious weeds; and

Whereas a definite effort made in the State of Idaho to check such weeds has clearly demonstrated that the work can be successfully accomplished; and

Whereas there was introduced in the House of Representatives by D. WORTH CLARK, of Idaho, a bill known as H. R. 4009, which has as its purpose enabling each State to furnish financial assistance as far as practicable for the control and eradication of noxious weeds within such States and the appropriation of $50,000,000 by the Federal Government to aid in such work; and

Whereas H. R. 4009 is general in its application and is well designed to accomplish the purposes desired; and

Whereas not only will the eradication of noxious weeds in the State of California and other States of the Union bring inestimable benefit to agriculture, and as a result to all citizens of this State and other States at large, but it will in addition result in the employment of numerous men who are now unemployed and thereby hasten economic recovery: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States are respectfully urged to enact legislation proposed by bill H. R. 4009, and that Henry A. Wallace, Secretary of Agriculture, is also urged to expedite consideration favorable to said bill; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives and to the Chairman of the Committee on Agriculture of the House of Representatives and to each member of the Committee on Agriculture of the House of Representatives, and to Henry A. Wallace, Secretary of Agriculture, and to each Senator and Member of the House of Representatives from California in Congress, and that such Senators and Members from California are hereby respectfully urged to support such legislation.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Claims:

Assembly joint resolution relative to the granting of travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine Insurrection who were discharged in the Philippines

Whereas certain persons who enlisted in the Regular Army of the United States in the year 1898 under special act of Congress for the duration of the War with Spain, who were honorably discharged from such enlistment while serving in the Philippines, who did not there reenter the military service of the United States through commission or enlistment, who embarked at Manila within 1 year after such discharge for return to the United States, have never been granted or allowed travel pay or allowance for transportation and subsistence between the Philippine Islands and San Francisco, Calif.; and

Whereas many of these men are residents of the State of California; and

Whereas the allowance of travel pay to said men constitutes a legal and legitimate obligation of the United States; and

Whereas the Honorable JOHN F. DOCKWEILER, Representative in Congress from the Sixteenth District, on January 8, 1937, introduced a bill, no. H. R. 2279, in the House of Representatives of the Seventy-fifth Congress of the United States granting travel pay and other allowances to certain soldiers in the Spanish-American War and the Philippine Insurrection who were discharged in the Philippines: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the President and Congress of the United States are hereby memorialized to use their utmost endeavors to secure the passage of said bill, no. H. R. 2279, granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine Insurrection; and be it further

Resolved, That the Governor transmit copies of this resolution to the President of the United States, the Secretary of War, to the members of the California delegation in Congress, and to the presiding officers of the Senate and the House of Representatives, and to the chairman of the Committee on War Claims.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Finance:

Assembly joint resolution relative to memorializing the President and Congress to increase the payments for old-age assistance and aid to the blind made by the Federal Government to the several States under the provisions of the Social Security Act

Whereas the present contributions made by the Federal Government to the State of California are inadequate to permit the State of California to increase the allowance for old-age assistance and aid to the blind to $50 a month; and

Whereas the people of the State of California believe that $50 a month is a reasonable amount to permit the aged and the blind to maintain suitable and respectable standards of living; and

Whereas an increase in the allowance to the aged and to the blind to $50 a month would, without increased assistance from the Federal Government, constitute a destructive financial burden to the counties of the State of California: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the President and Congress of the United States are hereby respectfully urged to enact as quickly as possible such suitable legislation as will provide that the Federal Government shall pay to each State of the United States an amount equal to at least one-half of the total amount of the payments made by that State for aid to the aged and to the blind, not counting so much of such expenditure with respect to any individual for any month as exceeds $50; and be it further

Resolved, That the President and Congress are respectfully urged to understand and appreciate the seriousness of a condition which is peculiar to only two States in the United States whereby great numbers of aged people are coming to California because of that provision in the Social Security Act which makes them eligible for a pension after only 5 years residence, a condition which will before long seriously affect the financial condition of California unless the Federal Government recognizes that this is a Federal and not a State obligation and make such increases in its allowances to California as are necessary to meet this obligation; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States; and that such Senators and Representatives from California are hereby respectfully urged to support such legislation.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on the Judiciary:

Assembly joint resolution relative to memorializing Congress to initiate an amendment to the Constitution of the United States to provide that the electoral college be abolished and that the President and Vice President be elected by a direct vote of the people

Whereas electors of the President and Vice President of the United States are in effect no more than messengers whose sole duty it is to certify and transmit the election returns; and

Whereas the electoral college is not adapted to modern times and is cumbersome and expensive; and

Whereas many voters are confused by the numerous names of electors appearing on the ballot and thereby divide their vote between opposing candidates without intending so to do; and

Whereas the abolition of the electoral college would result in a great monetary saving:

(a) In shortening the ballot.

(b) In abolishing fees and expenses now paid to electors; and

Whereas, in the opinion of the members of both houses of the California Legislature, a large majority of the citizens of the United States desire that the electoral college be abolished and that they be enabled to vote directly for the President and Vice President of the United States: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is respectfully urged to initiate an amendment to the Constitution of the United States abolishing the electoral college and providing that the President and Vice President be directly elected by a majority of the qualified voters of the States of the United States, with the understanding, however, that the voting shall still be on the same basis as under the present law, namely, one vote for each congressional district and one vote for each senatorial district; and be it further

Resolved, That the Governor of the State of California is hereby requested to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the General Court of Massachusetts, favoring the enactment of legislation to repeal certain acts prejudicial to the oil-consuming States and to the nonproducing States, which was referred to the Committee on Interstate Commerce.

(See concurrent resolution printed in full when presented today by Mr. WALSH and Mr. LODGE.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Portsmouth (Ohio) Rotary Club, favoring the plan of flood control outlined in a resolution adopted at Huntington, W. Va., by the Ohio Valley Conservation and Flood Control Congress, which was referred to the Committee on Commerce.

He also laid before the Senate resolutions adopted by the Board of Commissioners of Orange, N. J.; the Council of the City of Columbus, Ohio; the Municipal Housing Commission of the City of Louisville, Ky.; and the Slovak Alliance of Bridgeport, Conn., and vicinity, favoring the enactment of Senate bill 1685, providing low-cost housing construction, which were referred to the Committee on Education and Labor.

He also laid before the Senate a memorial, numerously signed, of sundry citizens of the United States, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the Marion County (Oreg.) Bar Association and the Women's Protest Meeting at Chicago, Ill., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted at Minot, N. Dak., by the North Dakota State Committee of the National Committee for Agriculture, favoring the enactment of legislation to enlarge the membership of the Supreme Court, and also the adoption of a constitutional amendment to further guarantee the needs of agriculture and labor, which were referred to the Committee on the Judiciary.

He also laid before the Senate petitions signed by members of the Federated Council of Church Women of America; Circle No. 2, W. M. S., St. Paul's Methodist Church, and Christ Episcopal Women's Auxiliary, all of Houston; and St. Paul's Episcopal Auxiliary, of Freeport, all in the State of Texas, praying for the enactment of Senate bill 1709, the so-called Wagner-Van Nuys antilynching bill, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the board of aldermen of the city of Chelsea, Mass., favoring the enactment of legislation to authorize the selection of a site and the erection of a statue to the memory of Haym Saloman, Revolutionary patriot, which was referred to the Committee on the Library.

Mr. JOHNSON of California. Mr. President, I present 564 memorials, carrying 14,443 names, relative to the pending Court-reorganization bill and asking that it be not passed. I have presented heretofore memorials aggregating 36,000 names, and, with the memorials now presented, the number of petitioners or memorialists will equal 50,000. I have others to present subsequently.

The VICE PRESIDENT. The memorials presented by the Senator from California will be received and referred to the Committee on the Judiciary.

Mr. LA FOLLETTE. I ask consent to present a very large number of petitions gathered under the auspices of the American Labor Party of New York City, and transmitted to me through the office of Labor's Nonpartisan League in Washington, in support of the President's Supreme Court proposal. I ask that the receipt of these petitions may be noted in the RECORD, and that they be transmitted to the Committee on the Judiciary.

The VICE PRESIDENT. The petitions presented by the Senator from Wisconsin will be received, noted, and referred to the Committee on the Judiciary.

(The petitions presented by Mr. LA FOLLETTE, numerously signed by sundry citizens of the United States, praying for the enactment of legislation to reorganize the judicial branch of the Government, were referred to the Committee on the Judiciary.)

Mr. HALE presented the memorial of Mrs. Sophia Olsen, of Kingman, Maine, remonstrating against the enactment of legislation which might disturb or abridge the religious rights and privileges of the people, or close the mails to the transportation of the New Testament and other Christian periodicals, which was referred to the Committee on the Judiciary.

Mr. KING presented a resolution adopted by the executive council of the Junior Bar Conference, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Wheel of Progress, Washington, D. C., protesting against the enactment of legislation to change the Supreme Court unless such change shall be made by constitutional amendment duly submitted to the people, which was referred to the Committee on the Judiciary.

Mr. TYDINGS presented a resolution adopted by the Washington (D. C.) Central Labor Union, favoring an appropriation as the contribution of the District of Columbia toward the unemployment compensation fund, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the Young Men's Democratic Club of Takoma Park, Md., protesting against the provision in the District of Columbia appropriation bill seeking to deprive per-diem workers of annual and sick leave and pay for legal holidays, which was referred to the Committee on Appropriations.

He also presented a memorial signed by employees in the water register office, water department, Washington, D. C., remonstrating against the provision in the District of Columbia appropriation bill seeking to deprive per-diem workers of annual and sick leave and pay for legal holidays, which was referred to the Committee on Appropriations.

He also presented petitions of sundry citizens of Baltimore and vicinity, in the State of Maryland, praying for the enactment of the bill (H. R. 2257) to provide old-age compensation for the citizens of the United States, and for other purposes, which were referred to the Committee on Finance.

He also presented a resolution adopted by the District of Columbia Trucking Association, protesting against any diversion of special motor vehicle tax funds, which was referred to the Committee on the District of Columbia.

Mr. HUGHES presented a memorial of sundry citizens of Delaware and Maryland, remonstrating against the enactment of the bill (S. 1270) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Democratic State Committee at Dover, and the Eleventh War Democratic Legion, of Wilmington, both in the State of Delaware, favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Democratic League of Delaware, Inc.; and Local Union No. 313, International Brotherhood of Electrical Workers, both of Wilmington; the New Castle County Democratic Executive Committee, all in the State of Delaware; and the General Grievance Committee, Brotherhood of Locomotive Firemen and Enginemen, Pennsylvania Lines East, at Philadelphia, Pa., favoring the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Delaware, praying for the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented a petition signed by members of the faculty of the George Gray School, of Wilmington, Del., praying for the enactment of the so-called Harrison-Black bill, being the bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education, which was ordered to lie on the table.

Mr. WALSH presented a resolution adopted by the mayor and council of the city of Lawrence, Mass., favoring the enactment of legislation to curtail or prohibit Japanese textile imports, which was referred to the Committee on Finance.

Mr. WALSH and Mr. LODGE presented the following concurrent resolutions of the General Court of Massachusetts, which were referred to the Committee on Interstate Commerce:

Resolutions requesting Congress to repeal certain acts prejudicial to the oil-consuming States and to the nonproducing States

Whereas the Congress of the United States has enacted legislation forbidding the interstate transportation of petroleum products made from crude oil produced in excess of the production laws of the oil-producing States (Public, No. 14, 74th Cong., ch. 18, 49 Stat. pp. 30–33); and

Whereas Congress has enacted certain legislation permitting the oil-producing States by means of State compacts to circumvent the Federal antitrust laws (Public Resolution No. 64, 74th Cong., ch. 781, 49 Stat. pp. 939–941); and

Whereas Congress has appropriated special funds to the Bureau of Mines of the Department of the Interior for the purpose of issuing forecasts of market demand for crude oil and refined petroleum products, and recommended production to come from the respective States; and

Whereas Congress has enacted certain legislation to provide revenue in connection with the importation of crude petroleum and its products (Revenue Act of 1932, as later amended); and

Whereas all the above-mentioned statutes have proven unfair to the wholesaler, dealer, and consumer of petroleum products in the nonoil-producing States, resulting in the nonproducing States subsidizing the producing States: Therefore be it

Resolved, That the General Court of Massachusetts hereby requests the Congress of the United States to repeal immediately the four items of legislation herein referred to, and to refrain from passing any additional legislation inimical to the welfare of the petroleum-consuming States; and be it further

Resolved, That Congress is hereby requested immediately to pass legislation forbidding the Department of the Interior or any other Federal Government department from issuing, in any manner whatsoever, forecasts of market demand of petroleum products or recommended production thereof from the respective States; and be it further

Resolved, That copies of these resolutions be forwarded by the secretary of the commonwealth to the presiding officers of both branches of Congress and to each Member thereof from this Commonwealth.

Mr. TRUMAN presented the following resolution of the House of Representatives of the State of Missouri, which was referred to the Committee on Finance:

Whereas under the social-security and relief programs large numbers of citizens of this and other States are eligible for assistance; and

Whereas the General Assembly of Missouri and the legislatures of the other States have evidenced a desire to fully provide for the aged and unfortunate citizens of their respective States; and

Whereas large appropriations of public funds have been made in Missouri and other States financed by heavy and burdensome taxation upon the people of the States; and

Whereas trained social workers and relief workers have descended upon the States as the plague of locusts descended upon Egypt and are eating the substance of the people and are depriving the aged and unfortunate of the money so sympathetically appropriated by the legislatures of the several States; and

Whereas these alleged trained social workers and relief workers are constantly becoming more arrogant and oppressive toward the legislatures and more unkind toward the aged and unfortunate; and

Whereas said social-security workers working under the Old Age Assistance Board under instruction of the Federal Social Security Board are about to set up budgets and approval sheets; instructions for food for the aged; food budgets; clothing budgets; weekly food budgets; household budgets; low-cost special diets, including diabetic diets, weekly orders, smooth diets, sample of menus, cardiac diets, bland diets, ulcer diets, secondary anemia diets, and a lot of other tomfoolery suggestions unheard of by the people of this State; and

Whereas the people who have attained the age of 70 years have learned how to handle their own business and economy and are entitled, as a matter of natural right, to lead and direct their own lives without interference from bureaucratic employees: Therefore be it

Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Missouri, That the Senators and Representatives in Congress from Missouri be memorialized to define and curb the powers of the Social Security Board and Relief Administration, so as to relieve the taxpayers, the aged, and the unfortunate of this and other States of the plague of social-service workers and relief workers above described, in order that we may again come back to earth and allow the people of the great State of Missouri and other States to live in their natural way, undisturbed by cellar smellers, snoopers, dieticians, and other unnecessary and overinquisitive employees of the social-security and relief program; be it further

Resolved, That such legislation as is hereafter enacted by the National Congress be considered also in the light of permitting the several States to attend to their own business without uncalled for and unnecessary interference on the part of the Federal Government, and that grants made to the several States be unconditional, inasmuch as all moneys so granted originate in and are provided by the several States; be it further

Resolved, That the chief clerk of the house be instructed and authorized to send a certified copy of this resolution to each of the Senators and Representatives of Missouri in Congress.

Mr. REYNOLDS presented the following joint resolution of the Legislature of the State of North Carolina, which was referred to the Committee on the Judiciary:

Joint resolution endorsing the recommendations of the President of the United States of February 5, 1937, for reforms in the Federal judicial system and requesting the Senators and Members of Congress from North Carolina to support the measure presented to carry out this purpose

Whereas Franklin D. Roosevelt, President of the United States, in a message to Congress on February 5, 1937, recommended the enactment of a measure making important changes in the Federal judicial system, including a provision which would empower the President, when any Judge of the United States Supreme Court, appointed to hold office during good behavior, has hereafter attained the age of 70 years after at least 10 years of service and within 6 months thereafter has neither resigned nor retired, to nominate, and with the consent of the Senate to appoint one additional judge for such Court: *Provided*, That this increase in the number of Judges so appointed shall not result in more than 15 members of the Supreme Court of the United States, or more than two additional judges of the Circuit Court of Appeals or other specified court; and

Whereas, by reason of the recommendations of the President of the United States to Congress and action upon the bill presented by the President for the purpose of carrying out his recommendations, presents an issue of great natural importance in which the people of North Carolina and all other people of the United States are vitally concerned; and

Whereas the people of the State of North Carolina are strongly supporting the President of the United States in his recommendations to Congress and a great majority of the people of this State firmly believe that the enactment of such measure is vital to the future happiness and welfare of our people; and

Whereas the members of the General Assembly of North Carolina desire to express to the President of the United States and to our Representatives in Congress full endorsement and approval of the measure presented by the President to Congress, and to urge Members of Congress from North Carolina to support the same: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the General Assembly of North Carolina does hereby fully endorse and approve the recommendations made by the President of the United States, Franklin D. Roosevelt, in his message to Congress of February 5, 1937, and that we do hereby recommend to and urge upon the Members of Congress from North Carolina that they shall vote for and support the measure presented to Congress to carry out said recommendations.

SEC. 2. That duly certified copies of this joint resolution shall be immediately forwarded to the President of the United States and to the Members of Congress from North Carolina, and the Members of Congress from North Carolina are requested to present this joint resolution to the Congress of the United States promptly after the receipt thereof.

SEC. 3. That this resolution shall be in force and effect from and and after its ratification.

DEVELOPMENT OF NEW USES FOR SOUTHERN AGRICULTURAL PRODUCTS

Mr. BILBO. Mr. President, on the 12th instant I introduced a bill providing for the establishment of a research laboratory for the Southern States. The Mississippi Chemurgic Council, on the 13th of April, adopted resolutions at a meeting held in Jackson, Miss., endorsing the bill. I ask unanimous consent to have printed in the RECORD, and appropriately referred, the resolutions adopted by that council.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

JACKSON, MISS., *April 14, 1937.*

Senator THEODORE G. BILBO,
Washington, D. C.:

Whereas it is the unanimous conviction of this conference that farm chemurgy offers the greatest possibilities for the solution of the South's agricultural, industrial, and general economic and social problems; and

Whereas basic research on new uses for the South's major agricultural crops is the immediate essential in the initiation of the farm chemurgic program in the South: Now, therefore, be it

Resolved by those here assembled in the First Mississippi Farm Chemurgic Conference at Jackson, April 12–14, That we individually and as a group seeking the solution of the aforementioned problems and representing 12 Southern States do heartily endorse the objectives set forth in the bill introduced by Senator THEODORE G. BILBO, of Mississippi, in the United States Senate on April 12, providing for the establishment by the Federal Government of a laboratory for research on new uses for the South's major crops and strongly urge upon the President, Secretary of Agriculture, and the Congress of the United States the enactment of legislation to accomplish the purpose at this present session of Congress; be it further

Resolved, That Senator BILBO be extended the commendation and appreciation of this conference for his progressive action in behalf of such a laboratory and for his notification of this conference by telegram of the introduction of his bill; be it further

Resolved, That copies of this resolution be sent by telegram to all Senators and Representatives from the 12 Southern States represented at this meeting, the Secretary of Agriculture, and the President of the United States.

Adopted unanimously this the 13th day of April, A. D. 1937.

MISSISSIPPI CHEMURGIC COUNCIL,
J. C. HOLTON, *Chairman*,
H. O. HOFFMAN, *Secretary*,
Jackson, Miss.

REPORTS OF COMMITTEES

Mr. McCARRAN, from the Committee on the District of Columbia, to which was referred the bill (S. 2082) to authorize the furnishing of steam from the central heating plant to the District of Columbia, reported it without amendment and submitted a report (No. 334) thereon.

Mr. WALSH, from the Committee on Education and Labor, to which was referred the bill (S. 1967) to authorize the Department of Labor to continue to make special statistical studies upon payment of the cost thereof, and for other purposes, reported it with an amendment and submitted a report (No. 335) thereon.

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (H. R. 2144) for the relief of Henrietta Jacobs, reported it without amendment and submitted a report (No. 336) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 664. A bill for the relief of Minnie M. Sears (Rept. No. 337); and

S. 1822. A bill for the relief of Harry Burnett (Rept. No. 338).

Mr. ELLENDER, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 1275. A bill for the relief of Sarah L. Smith (Rept. No. 339); and

H. R. 4023. A bill for the relief of Lucy Jane Ayer (Rept. No. 340).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 1637) for the relief of Mrs. Charles R. Warner, reported it with an amendment and submitted a report (No. 341) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 1087: A bill for the relief of Lucretia Norris (Rept. No. 342); and

H. R. 1913. A bill for the relief of Matt Burgess (Rept. No. 343).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. NEELY:

A bill (S. 2141) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and seventy-fifth

anniversary of the founding of the town of Romney, W. Va.; to the Committee on Banking and Currency.

A bill (S. 2142) to provide for connecting the intakes at the Tygart Dam with the water system of the city of Grafton, W. Va.; to the Committee on Commerce.

A bill (S. 2143) to create an executive department of the Government to be known as the "Department of Peace"; to the Committee on the Judiciary.

A bill (S. 2144) granting a pension to Jane Bollinger; and

A bill (S. 2145) granting an increase of pension to Berma Yearkey; to the Committee on Pensions.

By Mr. MOORE:

A bill (S. 2146) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the city of Perth Amboy, N. J.", approved July 23, 1935; to the Committee on Claims.

(By request.) A bill (S. 2147) to amend the Agricultural Adjustment Act, as amended; to the Committee on Agriculture and Forestry.

(By request.) A bill (S. 2148) for the relief of Dr. Francesco Verdiglione; to the Committee on Claims.

(By request.) A bill (S. 2149) for the relief of Josephine Methven; to the Committee on Finance.

(By request.) A bill (S. 2150) for the relief of Josephine Pencak Pipala (nee Jozefa Pencak); and

(By request.) A bill (S. 2151) for the relief of Lodovico Marot (or Lewis Marrow), Daniza Marot, his wife, and their two children Giuditta and Giovanna Marot (or Marrow); to the Committee on Immigration.

By Mrs. CARAWAY:

A bill (S. 2152) for the relief of Sue F. Melton; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 2153) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries; to the Committee on Claims.

By Mr. PEPPER:

A bill (S. 2154) for the relief of Hattie Tolbert; and

(By request.) A bill (S. 2155) for the relief of the Trent Trust Co., Ltd.; to the Committee on Claims.

By Mr. BURKE:

A bill (S. 2156) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes; to the Committee on Commerce.

By Mr. HAYDEN:

A bill (S. 2157) authorizing credits to disbursing officers for expenses incident to the creation of subsistence homesteads corporations; to the Committee on Claims.

A bill (S. 2158) to authorize a preliminary examination and survey of the Gila River, in Arizona, from Gillespie Dam downstream to a point near Wellton, with a view to the control of its floods, and for other purposes; to the Committee on Commerce.

By Mr. BYRD:

A bill (S. 2159) for the relief of George R. Slate; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 2160) to create the office of Counselor of the Department of State; to the Committee on Foreign Relations.

By Mr. THOMAS of Oklahoma:

A bill (S. 2161) to establish a national system of university supervised correspondence study, and for other purposes; to the Committee on Education and Labor.

A bill (S. 2162) to create an old-age-pension system, and for other purposes; to the Committee on Finance.

(By request.) A bill (S. 2163) to authorize the deposit and investment of Indian funds; to the Committee on Indian Affairs.

By Mr. NYE:

A bill (S. 2164) declaring lands under territorial waters of continental United States to be a part of the public domain, and for other purposes; to the Committee on Public Lands and Surveys.

(Mr. WALSH introduced Senate bill 2165, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

(Mr. WALSH also introduced Senate bill 2166, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. WALSH:

A bill (S. 2167) granting a pension to Velma G. Rose (with accompanying papers); to the Committee on Pensions.

By Mr. TRUMAN:

A bill (S. 2168) providing for the advancement on the retired list of the Army of Edmund L. Butts; to the Committee on Military Affairs.

By Mr. LEE:

A bill (S. 2169) for the relief of James C. Wilkinson; to the Committee on Claims.

By Mr. JOHNSON of California:

A bill (S. 2170) to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life in the air through the use of radio communication, and for other purposes; to the Committee on Commerce.

By Mr. BYRNES:

A bill (S. 2171) relating to the exclusion of certain deposits in determining the assessment base of banks insured by the Federal Deposit Insurance Corporation; to the Committee on Banking and Currency.

By Mr. BONE and Mr. SCHWELLENBACH:

A bill (S. 2172) to prevent speculation in lands in the Columbia Basin prospectively irrigable by reason of the construction of the Grand Coulee Dam project and to aid actual settlers in securing such lands at the fair appraised value thereof as arid land, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. REYNOLDS:

A bill (S. 2173) to amend the Social Security Act to permit the investment of certain amounts of the old-age reserve account and the unemployment trust fund in interest-bearing obligations of a State; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 2174) for the relief of Mary F. England, Margaret Fulton, and Tyler M. Fulton, children of Winston Cabell Fulton; to the Committee on Claims.

By Mr. WHITE:

A bill (S. 2175) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the Aroostook War, which led to the settlement of the international boundary line between the United States and Canada through the Webster-Ashburton treaty; to the Committee on Banking and Currency.

A bill (S. 2176) granting a pension to Addie A. Hasselbrock; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 2177) granting an increase of pension to Marie Louise Lord (with accompanying papers); and

A bill (S. 2178) granting an increase of pension to Telesphore Thivierge (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 2179) to add certain lands to the Umpqua National Forest in the State of Oregon; and

A bill (S. 2180) to stabilize communities, farm income, forest industries, employment, and taxable forest wealth; to assure a continuous and ample supply of forest products; and to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, and amelioration of climate; to the Committee on Agriculture and Forestry.

A bill (S. 2181) for the relief of Pherne Miller; to the Committee on Claims.

A bill (S. 2182) granting an increase of pension to Mary A. Miller (with accompanying papers); to the Committee on Pensions.

A bill (S. 2183) to provide for the improvement of the lighting system at Oregon Caves National Monument; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 2184) reenacting section 821, chapter 4, part 7, title 20, of the Code of the District of Columbia and making the words "all taxes", therein contained, include special assessments; to the Committee on the District of Columbia.

A bill (S. 2185) for the relief of Anthony J. De Amara; to the Committee on Naval Affairs.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 133) to authorize an appropriation for the expenses of participation by the United States in the Tenth Pan American Sanitary Conference; to the Committee on Foreign Relations.

AMENDMENT OF PUBLIC CONTRACTS ACT

Mr. WALSH. Mr. President, I introduce a bill to amend the so-called Walsh-Healey Public Contracts Act, which I ask may be referred to the Committee on Education and Labor and printed in the RECORD. I ask also that a statement explanatory of the bill may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and referred as requested by the Senator from Massachusetts; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 2165) to amend "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

A bill to amend an act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes

Be it enacted, etc., That the act of June 30, 1936 (49 Stat. 2036), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", is hereby amended by striking out all of section 1 after the enacting clause as far as subsection (d) and inserting the following in lieu thereof:

"That in any contract (except contracts for amounts less than $2,500) made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for supplies or services there shall be included the following representations and stipulations:

"(a) That the contractor is the manufacturer of the supplies or a regular dealer in the supplies or services required under the contract;

"(b) That all persons employed by the contractor in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than such minimum fair wage as may have been determined in the manner hereinafter defined;

"(c) That no person employed by the contractor in the performance of the contract shall be permitted to work in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week."

Section 1 (d) is amended by inserting after the word "contractor" the clause "and no person shall be permitted by the contractor to perform industrial home work."

SEC. 2. Section 2 of the said act is amended by inserting the letter "(a)" before the first sentence thereof and by the addition thereto of the following subsections:

"(b) Where the contractor is a regular dealer, he shall submit with his bid a certificate executed by the person who manufactures and from whom the contractor secures all or any part of the supplies specifically required under the contract, which certificate shall contain the same representations and stipulations required of a manufacturer contracting directly with the Government;

"(c) Any breach or violation of any of the representations and stipulations contained in such certificates as are required under subsection (b) of this section shall subject the party responsible therefor to the provisions of subsection (a) of this section."

SEC. 3. Section 3 is amended by striking out the period at the end of the second sentence, inserting a colon in lieu thereof, and by the addition of the following: "*Provided, however*, That such list shall contain the names of persons who are refusing to comply with directions or orders of the National Labor Relations Board issued pursuant to sections 9 and 10 of the National Labor Relations Act."

SEC. 4. Section 5 is amended as follows: In the twenty-third line of said section insert after the word "and", the words "the Secretary of Labor."

SEC. 5. Section 6 is amended by striking out the period at the end of the final sentence, inserting a colon in lieu thereof, and by the addition of the following: "*Provided, however*, That no such overtime rate shall be required for hours in excess of 8 in any one day if such day occurs within a week in which the aggregate number of hours does not exceed 40."

SEC. 6. Section 7 is amended to read as follows:

"SEC. 7. Whenever used in this act—(a) The word 'person' includes one or more individuals, partnerships, associations, corporations, trustees, legal representatives, trustees in bankruptcy, or receivers;

"(b) The word 'employed' shall mean manually engaged in the manufacture or preparation for shipment of the supplies required under the contract or in the furnishing of services to the Government;

"(c) The word 'supplies' shall also include articles, materials, equipment;

"(d) The words 'the minimum fair wage' shall mean the minimum wage in an industry which has been determined by the Secretary of Labor after notice and hearing to be the prevailing rate of wages paid to the majority of persons employed in the industry at the minimum classification: *Provided, however*, That where no single rate is paid to such a majority, the average rate shall be taken as the prevailing rate: *And provided further*, That a special rate may be determined for learners, apprentices, and handicapped workers in industry where such persons are employed if the Secretary of Labor finds that the payment of such a special rate is the custom of the particular industry and that such a determination is in the public interest;

"(e) The word 'manufacturer' shall mean a person who owns, operates, or maintains a factory or establishment which produces supplies of the general character described in the specifications and required under the contract;

"(f) The words 'regular dealer' when used in reference to a supply contract shall mean a person who owns, operates, or maintains a store, a warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business;

"(g) 'Industrial home work' means any work in a home on materials or articles for an employer, contractor, or subcontractor;

"(h) 'Home' means any room, house, apartment, or other premises, whichever is most extensive, used as a place of dwelling, including outbuildings on such premises;

"(i) 'Home worker' means any person engaged in manufacturing in a home materials or articles for an employer, contractor, or subcontractor."

SEC. 7. Section 9 is amended to read as follows:

"SEC. 9. This act shall not apply to (a) contracts where the contracting officer is authorized by statute or otherwise to purchase in the open market without advertising for proposals;

"(b) Contracts for dairy, meat and nursery products, and perishable foods;

"(c) Contracts for agricultural or farm product, including such products of this character as are processed for first sale by the original producer, or purchased by the Secretary of Agriculture;

"(d) Contracts with a common carrier for carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line, where published tariff rates are in effect;

"(e) Contracts for the furnishing of services by radio, telephone, telegraph, or cable companies, subject to the Federal Communications Act of 1934;

"(f) Contracts for public utility services, including electric light and power, water, steam, and gas."

SEC. 8. The act is amended by the addition of the following section:

"SEC. 12. Whenever the President finds that a national emergency exists, he is authorized to suspend the application of this act to such contracts as he deems necessary."

SEC. 9. This act shall apply to contracts entered into pursuant to invitations for bids issued on or after 30 days from the effective date hereof.

The statement presented by Mr. WALSH, explanatory of the bill proposing amendments to the Walsh-Healey Public Contracts Act, is as follows:

This bill is designed to reinforce and clarify the basic labor principles enunciated by Congress in the passage of the Walsh-Healey Public Contracts Act of 1936. The principal changes contemplated by this bill are the extension of the scope of the act to all contracts in excess of $2,500 (the present limit is $10,000) and contracts for services as well as supplies; to place on the ineligible list bidders persistently remaining in violation of the National Labor Relations Act; and to require bids by dealers to contain certificates that the goods were manufactured in accordance with the labor conditions of the act.

Under this bill the wage, hour, child-labor, and convict-labor conditions remain substantially the same. Certain administrative difficulties which have arisen under the minimum-wage section and application of the safety and sanitary sections to industrial home work, however, are corrected by clarifying language. Provision is also made for preserving the basic 40-hour week by permitting contractors to allow for compensatory time off within a week for days in which their operations lasted for more than 8 hours without payment of additional overtime provided that the aggregate number of hours for the week does not exceed 40. The other amendments are chiefly of a technical character designed

to clarify and retain the administrative practice which has developed under the regulations of the Department of Labor with respect to the present law.

Detailed analysis of these amendments follow:

Section 1: The corresponding section of the act contains the stipulations with regard to the inclusion of labor provisions in contracts for supplies. In addition to broadening the ambit of the act by lowering the exemption from $10,000 to $2,500 and covering contracts for services as well as supplies, these amendments specifically forbid contractors to permit contract work to be performed in homes of workers.

Section 2: This is an amendment to the enforcement section (section 2) and is intended to remedy a conspicuous weakness in the present law. At present, dealers contracting directly with the Government do not have to make any stipulations with regard to the conditions under which the goods were manufactured. A manufacturer who bids direct has to do so, however. It has been discovered in some cases that dealers have fulfilled their contracts by buying goods from factories not conforming to the act, placing these goods in their warehouses and then furnishing them to the Government. This practice is contrary to the spirit of the act and has operated to the disadvantage of manufacturers who have been bidding in full compliance. This amendment would require a dealer bidding directly to submit a certificate by the manufacturer supplying the goods containing the same representations and stipulations with regard to the labor standards of the act. It will be noticed that this amendment does not attempt to reach intermediate manufacturers shipping raw materials or parts to a manufacturer who has a Government contract. It simply places the responsibility for carrying out the labor conditions of the act in every instance upon the manufacturer who is actually fabricating the supplies for the Government. It does not make a contractor responsible for policing labor conditions in the plants of other employers.

Section 3: The corresponding section of the act contains provisions for placing delinquent contractors on a list circulated by the Comptroller General under the terms of which they would be ineligible to receive Government contracts for 3 years. The amendment would add to this list firms which have been found to be violating the National Labor Relations Act and have continued to refuse to conform to orders or instructions of the Labor Relations Board.

Section 4: The amendment proposed is one to correct an apparent typographical error in the language of section 5 of the present law.

Section 5: As section 6 reads at present the Secretary of Labor is compelled to fix an overtime rate for all employment in excess of 8 hours in any one day or 40 hours in any one week. Under the regulations issued by the Department in connection with this section, this overtime rate has been established as one and one-half times the basic hourly or piece-time rate. This has caused hardship to some industries which had four 9-hour shifts with a half holiday on the fifth day of the week. Other manufacturers operating on an 8-hour shift have also incurred penalties on days when certain conditions required overtime work even though they permitted compensatory time off on other days so as to keep the weekly hours within the 40-hour limit. This amendment would relieve manufacturers of the obligation of paying a daily overtime rate if they conformed to the 40-hour week.

Section 6: The amendments enumerated are designed to supplement the section dealing with definitions. The definitions of "person", "employed", "supplies", "manufacturer", "regular dealer" are in substance the same as those appearing in the regulations of the Secretary of Labor under the existing law (Reg. 504, dated Sept. 14, 1936). The definitions of "industrial home work", "home", and "home worker" are virtually the same as those appearing in the uniform State laws prohibiting or regulating home work. The most important feature of this section is the new definition of "minimum fair wage" which really amends section 1 (b) of the present act as well as section 7. At present the minimum wage is defined as that "determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract." This language is found to be ambiguous and confusing in the administration of the act because it sets up three standards for the Secretary's administrative findings which are not necessarily consistent with one another, namely, prevailing wages (a) on similar work, (b) in the particular or similar industries, and (c) in groups of industries currently operating in the locality. The principal ambiguity results from the fact that the word "locality" modifies only the last phrase. It is evident that the legislative intent of the present minimum-wage section was to direct the administrative authorities to give effect to geographic differentials. Because of the ambiguity which has been described, however, it is not clear that the present subsection does accomplish this and the word "locality" is so vague as to be almost meaningless. The amendment by permitting the averaging of different minima in industries where there was no single prevailing standard is better designed to carry out the legislative intent expressed by the last Congress since it prevents the wage standard paid in one area which has the highest cost of living from becoming the wage standard for the country as a whole by allowing each industrial section to be weighted according to the number of its employees in the minimum classification.

Section 7: These amendments clarify the statutory exemptions enumerated under section 9 of the act. It was deemed desirable to clarify the meaning of the open-market clause so as to resolve any possible doubt which may have arisen in connection therewith. The language of the first subsection is in harmony with the departmental regulations. (See art. 2 of regulations 504.) This regulation has been upheld by the Comptroller General and informally approved by the Attorney General. The other classes of exempted contracts set forth in this proposed amendment are virtually the same as those exempted by the present law except the one contained in subsection (f) relating to public utilities, which has already been the subject of an administrative exemption. (See art. 603 (a) of regulations 504.) The reason for the exemption is patent. Inasmuch as public utilities in most localities have a franchise giving them a monopoly, the statute requiring competitive bidding is generally an empty formality in these instances.

Section 8: This amendment adds a new section giving the President the power to suspend the application of the act to certain classes of contracts in the event of a national emergency. Almost identical language is contained in the Bacon-Davis Prevailing Wage Act, as amended (act of Aug. 30, 1935, 49 Stat. 1011, U. S. C., title 40, sec. 276 (a)). The President's authority has never been used to impair the policy of that act and it is not believed that the inclusion of this provision would weaken the present law.

DISPENSING WITH OATH IN FILING INCOME-TAX RETURNS

Mr. WALSH. Mr. President, I also introduce, for reference to the Committee on Finance, a bill providing that individual income-tax returns may be made without the formality of an oath, and I ask that a short explanatory statement pertaining to the bill may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and referred as requested by the Senator from Massachusetts; and, without objection, the statement will be printed in the RECORD.

The bill (S. 2166) to provide that individual income-tax returns may be made without the formality of an oath, and for other purposes, was read twice by its title and referred to the Committee on Finance.

The statement presented by Mr. WALSH in connection with the bill is as follows:

This bill is patterned after the Massachusetts law, has the approval of the Secretary of the Treasury, and is designed to eliminate the necessity of individuals having to swear to their income-tax returns.

The statute providing for the making of income-tax returns requires the same to be under oath. The Massachusetts law, which does not require the administration of oaths on State income-tax returns but does require a written declaration that the returns are made under penalty of perjury, was submitted by Senator WALSH to the Secretary of the Treasury with the recommendation that the principle of the Massachusetts law be adopted. The Secretary of the Treasury, in his opinion approving this bill, states as follows:

"The experience of the Department is that there has been a frequent disregard of the prescribed formalities incident to the administering of oaths by notaries public and other persons authorized to administer oaths. As a result, much of the solemnity and psychological effect usually attached to the proper administering of an oath is lost. Because of some formal defect in the administering of the oath, the Government, in numerous instances, has been unable to prosecute taxpayers for perjury for false statements made in their income returns."

He further states that, in his opinion, a law such as proposed would discourage the making of dishonest returns at least as effectively as the present requirement of an oath. He recommends that the taxpayer's signature should be affixed or acknowledged before two individuals in order to enable the Government to prove the authenticity thereof if such becomes necessary.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 1668. An act to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4); to the Committee on Interstate Commerce.

H. R. 4876. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Frederick W. Didier;

H. R. 4982. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Justin Olds; and

H. R. 5142. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister; to the Committee on the District of Columbia.

H. R. 6142. An act to authorize the furnishing of steam from the central heating plant to the District of Columbia; to the calendar.

H. J. Res. 319. Joint resolution making an appropriation for the control of outbreaks of insect pests; to the Committee on Appropriations.

REORGANIZATION OF FEDERAL JUDICIARY—AMENDMENTS

Mr. McCARRAN submitted amendments intended to be proposed by him to the bill (S. 1392) to reorganize the judiciary branch of the Government, which were referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. McNARY submitted an amendment intended to be proposed by him to the Interior Department appropriation bill for the fiscal year 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, under the caption "National Park Service", insert the following:

"Oregon Caves National Monument, Oreg.: For the improvement of the lighting system, including the purchase and installation of equipment and supplies, at Oregon Caves National Monument, Oreg., $9,700."

TEMPORARY ASSISTANT CLERK TO COMMITTEE ON THE JUDICIARY

Mr. ASHURST submitted the following resolution (S. Res. 116), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary hereby is authorized to employ an assistant clerk for 2 months to be paid from the contingent fund of the Senate at the rate of $120 per month.

CONSERVATION AND UTILIZATION OF AQUATIC LIFE

Mr. SCHWELLENBACH submitted the following resolution (S. Res. 117), which was referred to the Committee on Commerce:

Resolved, That a special committee of five Senators, to be composed of three members from the majority political party and two members from the minority political party, to be appointed by the President of the Senate, is authorized and directed (1) to investigate all matters pertaining to the replacement, conservation, and proper utilization of aquatic life (including marine and freshwater food and game fishes and shellfish) of the United States, its Territories, and waters adjacent thereto, with a view to determining the most appropriate methods for carrying out such purposes, and (2) to report to the Senate as soon as practicable, but not later than the beginning of the first regular session of the Seventy-sixth Congress, the results of its investigations, together with its recommendations for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings; to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fifth Congress until the final report is submitted; to employ such clerical and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $20,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

SUPREME COURT ARGUMENTS IN LABOR CASES

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed as one Senate document the arguments before the Supreme Court of the United States in the cases arising under the National Labor Relations Act and the Railway Labor Act (S. Doc. No. 52).

I ask further that in another document the arguments before the Supreme Court in the cases arising under the Social Security Act and the Alabama unemployment compensation law be printed as a Senate document (S. Doc. No. 53).

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made.

CROP INSURANCE SYSTEM FOR FRUITS AND VEGETABLES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The legislative clerk read Senate Resolution 108, submitted by Mr. PEPPER on March 31, 1937.

Mr. McNARY. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

PROPOSAL FOR JUDICIAL REFORM—ADDRESS BY SENATOR BARKLEY

[Mr. LOGAN asked and obtained leave to have printed in the RECORD an address on the subject of The Proposal for Judicial Reform, delivered by Senator BARKLEY at a mass meeting at the stadium, Chicago, Ill., on the 10th instant, which appears in the Appendix.]

PROPOSED SUPREME COURT CHANGES—ADDRESS BY SENATOR GREEN

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address on the subject of Proposed Supreme Court Changes, delivered by Senator GREEN at a dinner of the Law Society of Massachusetts in Boston, Apr. 14, 1937, which appears in the Appendix.]

SEVENTY-SECOND APPOMATTOX ANNIVERSARY BANQUET—ADDRESS BY SENATOR DAVIS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered by him Apr. 9, 1937, at McKeesport, Pa., at the seventy-second Appomattox anniversary banquet, Captain A. B. Campbell Camp, No. 99, Sons of Union Veterans of the Civil War, which appears in the Appendix.]

STABILIZATION OF BITUMINOUS COAL INDUSTRY—ADDRESS BY SENATOR DAVIS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD a radio address delivered by him Apr. 10 on the subject of Stabilization of the Bituminous Coal Industry, which appears in the Appendix.]

FEDERAL AID FOR EDUCATION OF UNDERPRIVILEGED CHILDREN—ADDRESS BY SENATOR PEPPER

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a radio address delivered by Senator PEPPER on Apr. 10, 1937, on the subject Federal Aid for the Education of Underprivileged Children, which appears in the Appendix.]

ADDRESS BY SECRETARY HULL UPON RECEIVING MEDAL FROM WOODROW WILSON FOUNDATION

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD the address delivered by Hon. Cordell Hull, Secretary of State, upon the occasion of receiving the medal awarded him by the Woodrow Wilson Foundation at the Biltmore Hotel, New York City, Monday, Apr. 5, 1937, which appears in the Appendix.]

JEFFERSON DAY ADDRESS BY HON. JAMES A. FARLEY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley, at a Jefferson Day dinner at the Penn Athletic Club, Philadelphia, Pa., Apr. 13, 1937, which appears in the Appendix.]

A PLEA FOR WORLD PEACE—ADDRESS BY GOVERNOR EARLE

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address on the subject of Peace, delivered by Hon. George H. Earle, Governor of Pennsylvania, at Philadelphia, on Thursday, Apr. 8, 1937, which appears in the Appendix.]

THE TRAFFIC PROBLEM IN WASHINGTON

[Mr. GIBSON asked and obtained leave to have printed in the RECORD two editorials relating to the traffic problem in Washington, D. C., published in the Washington Post of Apr. 4 and Apr. 15, 1937, which appear in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY H. B. LEE

[Mr. HOLT asked and obtained leave to have printed in the RECORD an address delivered by H. B. Lee, former attorney general of West Virginia, before the Civitan Club in Charleston, W. Va., on the subject of Reorganization of the Federal Judiciary, which appears in the Appendix.]

LEGISLATIVE APPROPRIATIONS

The VICE PRESIDENT. Morning business is closed.

Mr. TYDINGS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. McNARY. Mr. President, by unanimous consent granted on Monday last the bill was reported during the recess, and it was understood it might be taken up today. At that time I reserved the right to object if any Senator desired the bill to go over another day. I do not desire this morning to object. I have no objection to the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland?

There being no objection, the Senate proceeded to consider the bill (H. R. 5966) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1938, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. KING. Mr. President, will the Senator from Maryland explain why we have such a large appropriation as $24,000,000 plus for a Federal agency which, though important, requires but a limited personnel?

Mr. TYDINGS. Mr. President, the legislative appropriation bill, as will be seen by reference to the report of the committee, carries $1,035,680.22 less than the estimate for 1938. It is $1,316,121.22 under the appropriation for 1937. I can say with absolute candor that the committee attempted in every way it could to reduce the amount of the appropriation.

The only increases in the bill are small ones. The total of those increases over the amount carried by the bill as it came from the House is $86,462.76. Demands were made upon us for many large appropriations. For instance, leading from the power plant to various Government buildings is a pipe line which, having been in the ground for some 30 or 40 years, is beginning to show serious signs of decay and has to be replaced. Items of that kind, which could not be postponed in the interest of economy were consequently adopted. Outside of that, and items for moderate repairs here and there in the Capitol, there were no extras added to the bill. Only $86,462 was added by the Senate Appropriations Committee.

As the bill is read for committee amendments, several small amendments will be noted providing increases of salaries. I may say that nearly every employee of the Senate came or sent someone to see the committee in an effort to obtain an increase in salary. We would have liked, of course, to have been in a position to act favorably on all such requests. We did not grant any increases in salaries except where there was special merit back of the request, and only then in a few cases.

In view of the fact that the amount carried by the bill is considerably under that of last year and considerably under the estimate approved by the Bureau of the Budget for this year, I hope the Senate will find that the committee have done a fair job in the interest of reducing Government expenses.

Mr. President, I now ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the first committee amendment.

The first amendment of the Committee on Appropriations was, under the heading "Senate—Office of the Secretary", on page 2, line 22, after the word "Parliamentarian", to strike out "and Journal clerk,", so as to read:

Parliamentarian, $5,000 and $1,000 additional so long as the position is held by the present incumbent.

The amendment was agreed to.

The next amendment was, on page 2, line 24, after the word "incumbent" and the semicolon, to insert "Journal clerk, $3,780."

The amendment was agreed to.

The next amendment was, on page 2, line 25, after the word "clerk" and the comma, to strike out "$3,600" and insert "$3,780", so as to read:

Principal clerk, $3,780.

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the word "librarian" and the comma, to strike out "and" and insert "$3,120", so as to read:

First assistant librarian, $3,120.

The amendment was agreed to.

The next amendment was, on page 3, line 7, after the word "stationery" and the comma, to strike out "at $3,120 each" and insert "$3,320", so as to read:

Keeper of stationery, $3,320.

The amendment was agreed to.

The next amendment was, on page 3, line 9, after the word "incumbent" and the comma, to strike out "four" and insert "three"; in the same line, after the word "each" and the comma, to strike out "one at $2,640" and insert "two at $2,640 each, clerk in Disbursing Office, in lieu of position created by resolution of May 12, 1932, $2,400"; and at the end of line 11, to strike out "five" and insert "six", so as to read:

Clerks—one at $3,180, one at $2,880 and $300 additional so long as the position is held by the present incumbent, three at $2,880 each, two at $2,640 each, clerk in Disbursing Office in lieu of position created by resolution of May 12, 1932, $2,400, six at $2,400 each.

The amendment was agreed to.

The next amendment was, on page 3, line 12, after the word "each" and the semicolon, to strike out "two at $2,040 each, two" and insert "three"; in line 13, after the word "each" and the comma, to strike out "four" and insert "three"; in line 14, after the word "laborers" and the dash, to insert "one at $1,740"; and in line 15, after the word "each" and the comma, to strike out "two in Secretary's office, at $1,680 each" and insert "one in Secretary's office, $1,680, one, $1,560", so as to read:

Three at $1,860 each, three at $1,740 each; special officer, $2,460; laborers—one at $1,740, one at $1,620, five at $1,560 each, one in Secretary's office, $1,680, one, $1,560; in all, $196,680.

The amendment was agreed to.

The next amendment was, on page 3, at the end of line 16, to change the total appropriation for salaries in the office of the Secretary of the Senate from $120,800 to $126,860.

The amendment was agreed to.

Mr. BORAH. Mr. President, I should like to ask the Senator in charge of the bill of what the increases with reference to the office of the Secretary consist. I see they amount to $6,260. What are the increases?

Mr. TYDINGS. Mr. President, it would be difficult for me to give the Senator exact information as to each of the increases. We originally rejected them in the committee, and there was some thought that we had acted too quickly in the interests of economy; that there were certain employees of long standing who were being underpaid in relation to comparable pay in other Senate offices where the same kind of work was being done and the same hours of work were being put in.

The committee therefore went carefully into each case, and made some moderate adjustments. The pay is not in excess of—in fact, I do not believe it approaches—the pay for similar offices at the other end of the Capitol; and when it was shown to us that the employees in question were doing a type of work for which the pay was not adjusted in keeping with the pay of the same class of work performed elsewhere, we allowed these moderate increases.

Mr. BORAH. Were there any increases of positions?

Mr. TYDINGS. In the office of the Secretary? Yes; I recall that there was one increase in position. I will explain to the Senator what that is, because we had considerable debate about it in the committee.

At present, the parliamentarian is also the journal clerk. He is one of the most efficient men in the whole Capitol. He not only has to keep a series of documents at the desk, but when the calendar is being acted upon very rapidly it is necessary for him at the same time to keep a very comprehensive record. In the House those duties are separated, because it is found to be conducive to accuracy to do so; so we have separated the office of journal clerk from the office of parliamentarian of the Senate. That is the only case in which a new office has been created.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, under the subhead "Committee employees", on page 4, line 3, to change the appropriation for salary of assistant clerk to Committee on Appropriations from $4,200 to $4,800.

The amendment was agreed to.

The next amendment was, on page 7, at the end of line 5, to change the total appropriation for committee employees from $503,460 to $504,060.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Sergeant at Arms and Doorkeeper", on page 7, line 23, after the figures "$2,100" and the comma, to strike out "one $2,000, two at $1,800 each" and insert "two at $2,000 each, one $1,800"; on page 8, line 1, after the figures "$1,500" and the semicolon, to insert "assistant doorkeeper, $2,880"; in line 2, after the word "messengers" and the dash, to strike out "one $2,640; four" and insert "three"; in line 3, after the word "doorkeepers" and the comma, to strike out "including one for the minority"; in line 4, after the word "each" and the semicolon, to strike out "twenty-nine" and insert "thirty-one"; in the same line, before the word "for", to strike out "two" and insert "four"; in line 5, after the word "door", to strike out "$2,400" and insert "$2,640"; in line 13, after the word "passage", to strike out "$1,680" and insert "$1,740"; in line 16, after the word "chief" and the comma, to strike out "$2,460" and insert "$2,740"; in line 20, after the word "one" and the comma, to strike out "$1,920" and insert "$2,160"; in line 21, after the word "at" where it occurs the second time, to strike out "$1,320" and insert "$1,380"; in line 22, before the word "at" where it occurs the first time, to strike out "twenty-eight" and insert "thirty"; and in line 26, after the words "in all", to strike out "$260,664" and insert "$264,704", so as to read:

Salaries: Sergeant at Arms and Doorkeeper, $8,000; two secretaries (one for the majority and one for the minority), at $9,600 each; two assistant secretaries (one for the majority and one for the minority), at $4,320 each; Deputy Sergeant at Arms and storekeeper, $4,800; clerks—one $3,000, one $3,100, two at $2,000 each, one $1,860, one to the secretary for the majority, $1,800; one to the secretary of the minority, $1,800, one $1,800; assistant doorkeeper, $2,880; messengers—three (acting as assistant doorkeepers, at $2,400 each) thirty-one (including four for minority), at $1,740 each; four, at $1,320 each; one at curb door, $2,040, and $360 additional so long as the position is held by the present incumbent; two special messengers, at $1,800 each; clerk on Journal work for CONGRESSIONAL RECORD to be selected by the Official Reporters, $2,600; upholsterer and locksmith, $2,400; cabinetmaker, $2,040; three carpenters, at $2,040 each; janitor, $2,400; five skilled laborers, $1,860 each; laborer in charge of private passage, $1,740; three female attendants in charge of ladies' retiring rooms, at $1,500 each; three attendants to women's toilet rooms, Senate Office Building, at $1,500 each; telephone operators—chief, $2,740; fourteen, at $1,560 each; laborer in charge of Senate toilet rooms in old library space, $1,200; press gallery—superintendent, $3,600; assistant superintendent, $2,520; messengers for service to press correspondents—one, $2,160; three at $1,440 each; laborers—three, at $1,380 each; thirty, at $1,260 each; three, at $480 each; special employees—seven, at $1,000 each; twenty-one pages for the Senate Chamber, at the rate of $4 per day each, during the session, $15,204; in all, $264,704.

The amendment was agreed to.

The next amendment was, under the subhead "Post Office", on page 9, line 6, after the word "master", to strike out "$2,040" and insert "$2,280", and in line 7, after the words "in all", to strike out "$53,100" and insert "$53,340", so as to read:

Salaries: Postmaster, $3,600; Assistant Postmaster, $2,880; chief clerk, $2,460; wagon master, $2,280; twenty-six mail carriers, at $1,620 each; in all, $53,340.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses of the Senate", on page 11, after line 19, to insert:

For payment to Hon. JOHN H. OVERTON, a Senator from the State of Louisiana, for expenses incurred, including counsel fees, in the contest resulting from the election held November 8, 1932, $2,593.78.

The amendment was agreed to.

The next amendment was, under the heading "Joint Committee on Printing", on page 24, line 21, after the word "stenographer", to strike out "$2,400" and insert "$2,640", and in line 23, after the words "in all", to strike out "$11,620" and insert "$11,860", so as to read:

Salaries: Clerk, $4,000 and $800 additional so long as the position is held by the present incumbent; inspector under section 20 of the act approved January 12, 1895 (U. S. C., title 44, sec. 49), $2,820; assistant clerk and stenographer, $2,640; for expenses of compiling, preparing, and indexing the Congressional Directory, $1,600; in all, $11,860, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Buildings and Grounds", on page 27, line 6, to strike out "$101,278" and insert "$103,107", so as to read:

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol power plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; purchase of waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 (U. S. C., title 41, sec. 5) and 3744 (U. S. C., title 41, sec. 16) of the Revised Statutes, $103,107.

The amendment was agreed to.

The next amendment was, on page 27, line 9, after the figures "$9,280", to strike out the colon and the following proviso: "*Provided*, That no part of this appropriation shall be expended to maintain, repair, or operate this garage to provide parking space for any privately owned, motor-propelled, passenger-carrying vehicle not the personal property of a Senator, Representative, Delegate from a Territory, or the Resident Commissioner from Puerto Rico", so as to read:

Legislative garage: For maintenance, repairs, alterations, personal and other services, and all necessary incidental expenses, $9,280.

The amendment was agreed to.

The next amendment was, on page 28, line 4, after the words "in all" and the comma, to strike out "$242,000" and insert "$292,080, of which $23,000 shall be for painting office and committee rooms, corridor and stairway walls, and interior woodwork in office and committee rooms; $6,000 for office and committee room rugs; $17,000 for repairing and reconditioning office doors, door frames, and door panels; and $5,000 for letter-filing cabinets and storage units", so as to read:

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment and for labor and material incident thereto and repairs thereof; and for personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, acting through the Architect of the Capitol, who shall be its executive agent; in all, $292,080, of which $23,000 shall be for painting office and committee rooms, corridor and stairway walls, and interior woodwork in office and committee rooms; $6,000 for office and committee room rugs; $17,000 for repairing and reconditioning office doors, door frames, and door panels; and $5,000 for letter-filing cabinets and storage units.

The amendment was agreed to.

The next amendment was, on page 29, line 1, before the word "of", to strike out "$940,370" and insert "$947,870", so as to read:

Capitol power plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and folding and storage rooms of the Senate; for heating the Government Printing Office and Washington City post office, and for light and power therefor whenever available; personal and other services, engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel in connection with the maintenance and operation of the heating, lighting, and power plant, $947,870, of which sum $462,250 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the heading "Library of Congress—Increase of the Library", on page 35, line 13, after the numerals "1939" and the comma, to strike out "$100,000" and insert "$110,000", so as to read:

For purchase of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, by purchase, gift, bequest, or exchange, to continue available during the fiscal year 1939, $110,000.

The amendment was agreed to.

The next amendment was, under the heading "Government Printing Office", on page 42, line 1, after the word "binding", to insert a comma and "including the total cost of work produced on the multilith, multigraph, and other similar equipment", so as to read:

All amounts in the Budget for the fiscal year 1939 for printing and binding for any department or establishment, so far as the Bureau of the Budget may deem practicable, shall be incorporated in a single item for printing and binding for such department or establishment and be eliminated as a part of any estimate for any other purpose. And if any amounts for printing and binding, including the total cost of work produced on the multilith, multigraph, and other similar equipment, are included as a part of any estimates for any other purposes, such amounts shall be set forth in detail in a note immediately following the general estimate for printing and binding: *Provided*, That the foregoing requirements shall not apply to work to be executed at the Bureau of Engraving and Printing.

The amendment was agreed to.

The PRESIDENT pro tempore. That concludes the committee amendments. The bill is before the Senate and is open to amendment.

Mr. TYDINGS. Mr. President, now that the committee amendments have been disposed of, the Senator from Arizona [Mr. HAYDEN] has an amendment which has received the approval of the committee. It would have been incorporated in the bill, but because we did not think the language was sufficiently exact we asked the Senator from Arizona to perfect the amendment. The committee is unanimously in favor of the amendment about to be offered.

Mr. HAYDEN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 42, after line 13, it is proposed to insert:

Section 23 of the Independent Offices Appropriation Act, 1935, shall not prevent adjustments in the established hourly rates of pay of the employees in the Government Printing Office whenever it is determined, as provided by the act approved June 7, 1924, that such established rates were on June 1, 1932, inequitable, unjust, or unfair.

Mr. HAYDEN. Mr. President, the Public Printer appeared before the Committee on Appropriations and stated that there was considerable embarrassment in the operation of the existing law, which requires that if an employee is temporarily transferred to do other work at another hourly rate, his pay must automatically change for the number of hours he is engaged in the other type of labor. The result is that if an employee drawing a lower hourly scale of wages is selected to do, for a short time, work at a higher scale of pay, there is a feeling among the employees that favoritism is shown. The Public Printer indicated that the existing situation is bad for the morale of the Government Printing Office. He further stated that if this amendment should be adopted there would be quite a material saving in the operation of the Government Printing Office.

There appeared before our committee the head of the Typographical Union, Mr. William Field, who said that he spoke for the organized employees in the Government Printing Office, and that they heartily approved such a change in the law.

Mr. ADAMS. Mr. President, I desire to ask the Senator from Arizona if in fact this amendment does not go far beyond what is necessary to accomplish the desired purpose.

As I understand, all that is desired to be acomplished is that a man who is on a regular scale of pay may be transferred temporarily to another position at a different scale of pay without affecting his basic hourly pay. As I caught the phrasing of the amendment, it would give to whoever has the authority to fix wages the power to change the wage scale whenever he thought an injustice was being done.

Mr. HAYDEN. Mr. President, let me explain to the Senator from Colorado that the amendment is strictly limited in its scope. A change in the hourly rate of pay can be made only in accordance with the basic law which applies to wages in the Government Printing Office. That law is found in section 40, title 44, of the United States Code, which provides that the Public Printer is authorized to fix the wages of all employees, and if there is any disagreement about the rates of pay, the dispute is to be settled by the Joint Committee on Printing.

I ask to have the section from the code to which I refer printed in the RECORD at this point.

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

The section is as follows:

40. Employment by Public Printer of employees; pay: The Public Printer may employ, at such rates of wages and salaries, including compensation for night and overtime work, as he may deem for the interest of the Government and just to the persons employed, except as otherwise provided herein, such journeymen, apprentices, laborers, and other persons as may be necessary for the work of the Government Printing Office; but he shall not, at any time, employ more persons than the necessities of the public work may require or more than 200 apprentices at any one time. The minimum pay of all journeymen printers, pressmen, and bookbinders employed in the Government Printing Office shall be at the rate of 90 cents an hour for the time actually employed. Except as hereinbefore provided, the rate of wages, including compensation for night and overtime work, for more than 10 employees of the same occupation shall be determined by a conference between the Public Printer and a committee selected by the trades affected, and the rates and compensation so agreed upon shall become effective upon approval by the Joint Committee on Printing; if the Public Printer and the committee representing any trade fail to agree as to wages, salaries, and compensation either party is hereby granted the right of appeal to the Joint Committee on Printing, and the decision of said committee shall be final; the wages, salaries, and compensation determined as provided herein shall not be subject to change oftener than once a year thereafter. Employees and officers of the Government Printing Office, unless otherwise herein fixed, shall continue to be paid at the rates of wages, salaries, and compensation (including night rate) authorized by law on June 7, 1924, until such time as their wages, salaries, and compensation shall be determined as hereinbefore provided. (Jan. 12, 1895, ch. 23, secs. 39, 47, 50, 28 Stat. 607, 608; June 8, 1900, ch. 791, sec. 1, 31 Stat. 643; Mar. 4, 1909, ch. 299, sec. 1, 35 Stat. 1021, 1024; Aug. 24, 1912, ch. 355, sec. 1, 37 Stat. 482; July 8, 1918, ch. 139, sec. 1, 40 Stat. 836; Aug. 2, 1919, ch. 30, 41 Stat. 72; Feb. 20, 1923, ch. 98, 42 Stat. 1278; June 7, 1924, ch. 354, sec. 1, 43 Stat. 658.)

Mr. ADAMS. But does not the amendment give the Public Printer the power to increase the basic hourly wage, and thus increase the pay?

Mr. HAYDEN. I do not think the amendment can be so construed, and there is no intention to change the basic wage rates by its enactment.

Mr. ADAMS. Is it not possible to put in the amendment a specific provision limiting it so that where a man having a definite pay scale is temporarily transferred it shall not affect his hourly rate, either up or down?

Mr. HAYDEN. I do not happen to have an extra copy of the amendment. Will the Chair have the amendment restated?

The PRESIDENT pro tempore. The amendment will be restated.

The LEGISLATIVE CLERK. On page 42, after line 13, it is proposed to insert the following words:

Section 23 of the Independent Offices Appropriation Act, 1935, shall not prevent adjustments in the established hourly rates of pay of the employees in the Government Printing Office whenever it is determined, as provided by the act approved June 7, 1924, that such established rates were on June 1, 1932, inequitable, unjust, or unfair.

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

Mr. HAYDEN. I yield.

Mr. TYDINGS. I think I somewhat shared the opinion of the Senator from Colorado [Mr. ADAMS]; but after carefully reading over the amendment it seemed to me that if it means what it says, perhaps we would have the safeguard which he desires.

As this is a Senate amendment and calculated to reduce expense, I will say to the Senator from Colorado that if the door is left open as might be supposed from a hasty reading of the amendment, I am sure that in conference the House and Senate conferees, with the full consent of the Senate, will feel at liberty to add such words as will carry out what is known to be the intent of the amendment.

Mr. ADAMS. I will say to the Senator, if he will permit me, that I do not read the amendment as tending to operate to reduce expenses. It reads to me as if it would tend inevitably to increase the expenses.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I yield.

Mr. BYRNES. I desire to read the amendment to the Senator, and ask wherein it would be possible to save any money.

The amendment reads:

Section 23 of the Independent Offices Appropriation Act, 1935 shall not prevent adjustments in the established hourly rates of pay of the employees in the Government Printing Office whenever it is determined, as provided by the act approved June 7, 1924, that such established rates were on June 1, 1932, inequitable, unjust, or unfair.

The Public Printer may change them if he determines that they are inequitable, unjust, or unfair. Manifestly, the only object of this amendment would be to increase and not to decrease compensation. To decrease compensation, the Public Printer would have to determine that the compensation was inequitable, unjust, or unfair to the Government.

Mr. HAYDEN. That is, in truth and in fact, the condition now. It is inequitable, unjust, and unfair to pay a higher hourly scale of wages for temporary work, whereas the custom in every other Department of the Government is that an employee detailed to perform a service nominally requiring a higher rate of pay, retains his lower rate of pay unless he works for 90 days or more in the higher-paid employment.

Mr. BYRNES. Mr. President, would not the Senator agree that under the language used discretion would be left to the Public Printer to increase the salaries?

Mr. TYDINGS. Mr. President, I think that what the Senator from South Carolina and the Senator from Colorado desire is what the committee wanted in the form of an amendment when they asked the Senator from Arizona to prepare this amendment. I will say to the Senator from South Carolina that it is very difficult to interpret the language other than as the Senator from South Carolina at first blush would interpret it; but it has to be read in connection with the entire measure.

Mr. HAYDEN. Certainly.

Mr. TYDINGS. If the Senate is willing to have the conferees perfect the amendment beyond the peradventure of a doubt so as to avoid increasing the salaries, the conferees will endeavor to interpret the Senate action in that regard.

Mr. ADAMS. Mr. President, as I understand, what the Senator from Arizona desires to avoid is the bookkeeping incident to adjustments which are now being made, when employees are shifted from one scale to another; but this amendment authorizes the adjustments, the very thing we are trying to avoid.

Mr. BYRNES. Mr. President, I make a point of order against the amendment.

The PRESIDENT pro tempore. The Senator will state the grounds of his point of order.

Mr. BYRNES. I make the point of order on the ground that the amendment is legislation. The only effect of the amendment would be to repeal section 23 of the Independent Offices Appropriation Act of 1935.

Mr. HAYDEN. I concede that the point of order is well taken.

Mr. TYDINGS. Mr. President, I shall ask the Senator from Arizona to withdraw the amendment. I think it ought to be in a little more perfect shape, and we can take care of the matter in the deficiency bill, or in some other bill, if it is in the interest of economy.

Mr. HAYDEN. Inasmuch as a point of order has been made, I withdraw the amendment.

The PRESIDENT pro tempore. The Senator from Arizona withdraws the amendment.

Mr. HAYDEN. Mr. President, I desire to bring another matter to the attention of the chairman of the subcommittee. I notice from a reading of the bill that apparently the committee overlooked two positions under the Senate which are no longer necessary. If the Senator from Maryland will look at page 8, lines 7 and 8, he will find that provision is made for two special messengers at $1,800 each. Those two special messengers were heretofore provided, one for the former Senator from Oklahoma, Mr. Gore, and one for the late Senator from Minnesota, Mr. Schall, both of those Senators being blind. There being no Senators at the present time suffering from blindness, I move to strike out, on lines 7 and 8, the words "two special messengers at $1,800 each."

Mr. TYDINGS. Mr. President, while the committee evidently overlooked this matter, because it was in the estimate that came to us we assumed the messengers were for routine work connected with the Senate. In view of what the Senator from Arizona has said, I feel at liberty to state that we gladly accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. TYDINGS. In view of the fact that the Senate had adopted the amendment of the Senator from Arizona, it will be necessary that the totals be corrected, and I ask that the clerk be authorized to make the totals conform with the appropriations in view of the amendment just adopted by the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I notice that in the item on pages 30 and 31 pertaining to the Botanic Garden, which is under the direction of the Joint Committee on the Library, the Senate committee retained the amount appropriated by the House. I shall not offer any amendment, but I should like to have an explanation from the Senator from Maryland.

When the former Director of the Botanic Garden resigned, or was retired, instead of appointing a new Director at the salary which the law carried, the joint committee authorized the Architect of the Capitol, Mr. David Lynn, to perform the duties of Superintendent of the Botanic Garden. He has continued for the last 2 years or more to perform those duties without any additional compensation. Of course, that is only a temporary or tentative arrangement; it may be necessary or advisable later to employ a regular Director or Superintendent of the Botanic Garden, which, as the Senator knows, has been greatly improved in recent years.

I wondered whether it was the intention of the committee, by this reduction in the appropriation, to carry the implication that the Architect of the Capitol would be expected to continue to perform these duties, somewhat in the form of ex-officio duties, because of his position at the Capitol, or whether, if the joint committee decided to select a regular superintendent, there would be any way by which the compensation could be paid.

Mr. TYDINGS. It could be taken care of in a deficiency bill. The Architect of the Capitol called this situation to our attention, and made a note in his recommendations that the place was unfilled, and I think he recommended that it should be filled. However, the House committee in its report made this statement:

The total recommended for the Botanic Garden is $101,662, which sum is $13,325 less than the 1937 appropriations and a like amount under the estimates. The appropriation for salaries is reduced by $4,600, being the amount carried for the salary of the Director. For several years the Architect of the Capitol, acting under the direction of the Joint Committee on the Library, has performed the administrative duties of Director in addition to his other duties and has assigned the active supervisory work to the landscape engineer of his office. The salary of the director has, therefore, not been used, and the committee feels it should be deducted from the appropriations until the need for its reinsertion arises.

The amount for annual maintenance of the conservatory, greenhouses, and the Poplar Point nursery is reduced from $28,725 to $20,000.

It was only in view of the fact that in the hearings and in its report the House committee seemed to have considered this matter, and decided not to make provision this year, the Senate committee, with some degree of reluctance, did not insert the provision in this year's bill.

Mr. BARKLEY. I do not understand that the Architect of the Capitol and the Acting Director of the Botanic Garden appeared before the House committee. My information is that he knew nothing about this reduction until the bill had been reported to the House or had passed the House. In the last 2 or 3 years, and since he has been acting as Director, we have reduced the expenses of the Botanic Garden by omitting to fill positions where employees have died or resigned. That has been partly due to the fact that we have ceased congressional distribution of bulbs, shrubs, or seeds, or anything else, out of the Botanic Garden. However, I hope this provision is not to be regarded as settling the question as to whether we shall at any time in the future, when the committee shall consider it advisable, appoint a regular Director of the Botanic Garden.

Mr. TYDINGS. Our action at this time was based on the fact that in the House report the committee of the House singled this matter out without adverse comment. We did not want to insert it in view of the report which I have read.

Mr. BARKLEY. Of course, I think the committee ought to be commended for being able to save this amount by the employment of one of our employees rather than filling the place when it is vacant.

The PRESIDENT pro tempore. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. TYDINGS. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. TYDINGS, Mr. BYRNES, Mr. ADAMS, Mr. McCARRAN, and Mr. HALE conferees on the part of the Senate.

INDEPENDENT OFFICES APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 4064, the independent offices appropriation bill, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,

April 12, 1937.

Resolved, That the House recede from its disagreement to the amendments of the Senate nos. 11, 12, and 13 to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate no. 8 to said bill and concur therein with the following amendment:

In lieu of the matter proposed to be inserted by said amendment insert: ": *Provided further*, That no part of the appropriation or of the reappropriation contained in this paragraph shall be used to pay the compensation of any employee of the Social Security Board not appointed pursuant to the civil-service laws and regulations"; and

That the House insist upon its disagreement to the amendments of the Senate nos. 5 and 7 to said bill.

Mr. BYRNES. I move that the Senate disagree to the amendment of the House to Senate amendment 8, and also further insist upon Senate amendments numbered 5, 7, and 8.

The motion was agreed to.

Mr. BYRNES. I now move that the Senate ask for a further conference with the House on Senate amendments numbered 5, 7, and 8 and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. GLASS, Mr. BYRNES, Mr. RUSSELL, Mr. ADAMS, and Mr. STEIWER conferees on the part of the Senate at the further conference.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Mr. WALSH. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No. 323, being Senate bill 1131, the naval petroleum and oil-shale reserves bill.

Mr. McNARY. Mr. President, at the time of the calling of the calendar on Monday I objected to the consideration of this bill because I did not feel that sufficient explanation had been given of its provisions. At this time I should like to have some disposition made as to the calendar before we take it up piecemeal.

Mr. BARKLEY. Mr. President, it is not contemplated that the calendar will be called today except for the consideration of the bill to which the Senator from Massachusetts has referred. I hope the Senator from Oregon will therefore not object. The Senate considered the calendar last Monday.

Mr. McNARY. I suggest that we dispose by unanimous consent of the question of calling the calendar at this time, and proceed to the consideration of the bill referred to by the Senator from Massachusetts.

Mr. BARKLEY. I ask unanimous consent that the consideration of the calendar be dispensed with for today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Is there objection to the request of the Senator from Massachusetts that the Senate proceed to the consideration of Senate bill 1131?

There being no objection, the Senate proceeded to consider the bill (S. 1131) to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, which had been reported from the Committee on Naval Affairs with amendments.

Mr. WALSH. Mr. President, before the amendments are taken up I should like to make a brief explanation of the bill, which has been requested.

The bill deals with our oil reserves. A brief statement on the subject was made a few days ago when the bill was reached upon the call of the calendar. I then called attention to the fact that under the law of 1920 the Navy Department was entrusted with the conservation, care, control, and protection of our naval reserves. The power given to the Navy at that time was limited to lease making if, in the opinion of the naval authorities, our oil could best be conserved by making leases to those who possessed adjoining acreage of oil lands.

I pointed out the fact that we have four oil reserves. One is in Alaska, so remote from transportation facilities that for the purpose of this legislation it need not be considered. It may, however, some day be of great value.

Another oil reserve is the famous Teapot Dome, which is located in Wyoming, and which, since the investigation of a few years ago, is closed, capped, and the oil that remains there is being conserved. In that reserve there are approximately 17,000,000 barrels of oil.

The other two reserves are of importance in connection with the proposed legislation. They are located in California and are known as naval reserve no. 1 and naval reserve no. 2. They are adjoining each other, and in a moment I shall point out to the Senate the location and the importance of these reserves and some other facts by referring to the map which is placed on the wall in the rear of the Chamber.

Before taking up reserve nos. 1 and 2, I call to the attention of the Senate the fact that there are two shale reserves, one in Colorado and one in Utah over which the Navy has jurisdiction but at the present time no other authority. It is expected that these shale reserves will be of great value after the present known supply of oil in this country is exhausted. A retorting process recently discovered will make it possible to extract oil from shale at about double the cost of present oil production per barrel. The proposed bill turns these shale reserves over to the Navy for conservation and protection. That is one of the new provisions of the bill and is in addition to the authority given to the Navy under the act of 1920.

I shall now turn to the map, because it very clearly explains the situation of these reserves. I am sorry the map is not larger. The irregular black line at the top of the map and the irregular black line at the bottom of the map show the limits of the two reserves. Reserve no. 1 is divided from reserve no. 2 by the black crisscross sectional line. Reserve no. 2 is the acreage below the black line to which I have just referred. Reserve no. 1 is the acreage of land above the black line and reaching up to the line at the top of the map.

Let me talk first about reserve no. 2. The squares marked in blue upon the map are sections 1 mile square in area. The sections marked in blue are Government-owned sections. The sections marked in red or pink are privately owned sections of land of the same size as the Government sections, each being about a square mile in area. Until leases were made in reserve no. 2, all the sections marked in blue were in the possession of the Government and contained valuable oil deposits. The sections marked in red were then owned and are still owned by private companies.

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

Mr. WALSH. I yield.

Mr. McNARY. When did the Government acquire title to the sections designated by the color green?

Mr. WALSH. I am pleased that the Senator has called attention to that subject. There are two sections colored green. One is section no. 36 and the other is section no. 16. They are colored in green to indicate that they are still in litigation. It is expected that the litigation will end satisfactorily to the Government, and that those sections will eventually come back into the possession of the Government. They are patented school sections, and were first conveyed to the State of California, and were in turn conveyed by the State of California to private oil companies. The United States Government is seeking to set aside those conveyances to the State of California on the theory that the land was known to be mineral land or to contain minerals or oil at the time of conveyance, and therefore the conveyances are not valid. They are important sections, and much litigation has resulted in connection with them.

The black marks all over the map indicate where wells have been drilled. In some cases the oil has been exhausted. In other cases it has not been exhausted. In still other cases operations are being carried on.

The blue strip in the northeast corner of the map is a very important strip.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. WALSH. I yield.

Mr. McNARY. When did the Government acquire title to its property in reserve no. 1?

Mr. WALSH. It was always public land. By Executive orders in September and December 1912 it was reserved for the Navy and by the act of 1920 it was transferred to the Navy for conservation and protection. I am about to explain concerning the leases.

Mr. McNARY. The sections colored pink are privately owned?

Mr. WALSH. These outside sections are all privately owned.

Mr. McNARY. But are the sections colored pink in reserve no. 1 privately owned?

Mr. WALSH. The sections in reserve no. 1 colored pink are all privately owned, being owned by the Standard Oil Co.

Mr. McNARY. Did the private owners get title to that land from the Government?

Mr. WALSH. They got title to the land indirectly from the Southern Pacific Railroad Co.

Mr. McNARY. Are all the sections colored pink in reserve nos. 1 and 2 owned by the Standard Oil Co.?

Mr. WALSH. Not all in no. 2, but all in no. 1 are so owned. I think there are some other interests located in no. 2.

The section colored blue, which I now indicate on the map, is Government land where leases were made because wells had been drilled in the adjoining private land; and in order that the Government should not have its oil drained into private wells, leases were made so as to provide royalties for the oil which would have seeped into the privately owned wells. The number of leases that have been made in reserve no. 1 is four. In reserve no. 2, 20 leases have been made.

The number of wells in reserve no. 1 is 54. The number of wells in reserve no. 2 is 420. All these leases were made since 1920. Had no leases been made in reserve no. 2, the Government would now own all that oil.

I shall now give the Senate the acreage. Reserve no. 1 contains over 38,000 acres. Reserve no. 2 contains over 30,000 acres.

The amount of oil which has been extracted from Government-owned land in reserve no. 2 is over 100,000,000 barrels. The amount of oil that is estimated to remain there is about 50,000,000 barrels. Thus two-thirds of the oil is gone.

The leases are still in operation on reserve no. 2. They are 20-year leases; and, as Senators know, they were made soon after Mr. Fall became Secretary of the Interior. Most of the leases would expire in 1942.

One of the important provisions of this bill is designed to give the Secretary of the Navy authority to terminate the leases in reserve no. 1 at their expiration, if he sees fit to do so. It is claimed that the terms of the leases are such that they can be renewed by the private companies. An act of Congress preventing the renewal of the leases will permit the Secretary of the Navy to terminate the leases at their expiration. That is one of the powers granted by this bill and one of its principal features.

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

Mr. WALSH. Certainly.

Mr. KING. Is it very clear that the persons who have leases may not set up a valid claim that provisions are found therein under the terms of which the Government may not cancel or revoke them?

Mr. WALSH. I assume the legal question propounded by the able Senator from Utah is worthy of consideration but, in any event, it will help to strengthen the arm of the authorities of the Government if, by the provisions of this bill, authority is vested in the Secretary of the Navy to terminate the leases. It is the opinion of the Navy Department, and I assume that the Department has given a great deal of thought and attention to the legal question raised by the able Senator—that they can terminate the leases if they choose to do so.

Mr. KING. But we do run the risk of having suits against the Government for alleged damages sustained by reason of the cancelation of leases which the lessees contend to be valid?

Mr. WALSH. I assume there is such a possibility. The enactment of the bill, however, will afford the further advantage that the Government will be able in any new lease it may make to limit the amount of oil which may be extracted. It has already been able to do so under some of the modified leases now extant. That advantage will accrue after the present leases have expired. But, for all practical purposes, reservation no. 2 is gone; it is no longer valuable as a permanent reserve, and all we can do is to collect the money on the oil it produces. Wells have been drilled all

over it; the leases are continuing in operation, and so that vast oil reserve is practically of little value except for the royalties which the Government is receiving each year and which have amounted to about $2,000,000 a year on both reserves since the leases were made in 1920. The total amount collected to January 1937 is about 32,000,000.

Mr. BORAH. Mr. President——

Mr. WALSH. I yield to the Senator from Idaho.

Mr. BORAH. I thought there was a question of fraud entering into these leases in the first instance, was there not? I thought the Government had made some charge of that kind.

Mr. WALSH. I said the other day that, in reviewing the conclusions in the report of the committee which investigated the so-called Fall leases, I was surprised to find there were no recommendations for additional legislation, it apparently being the opinion of the late able Senator from Montana that the Government could not show fraud on the leases in reserve no. 2. The wells here had been in operation for some time before the investigation. However, suits were instituted in the case of sections 16 and 36, and also in the yellow areas on the chart, which represent the Doheny leases, and which have been restored to the Government. All these areas (indicating on chart) were leased at one time by Fall, and all the sections represented on the chart by the yellow coloring are now in possession of the Government as the result of the revocation of those leases. These two sections (indicating on chart) are still in litigation. I am pleased the Senator asked the question, because it enables the point to be brought out that the result of the suits instituted following the investigation has been not only to restore to the possession of the Government the two sections indicated but has also brought about the restoration of the entire acreage marked on the map in yellow from the Pan American Petroleum Co. This valuable asset is the result of the persistent and courageous leadership and public spirit of the late Senator of Montana, Senator Walsh.

Mr. BORAH. As I understand, the areas in the lower section in green or blue are leased?

Mr. WALSH. The areas colored blue are Government owned, but the black marks indicate wells, showing that the area is all being drilled and that the oil is being extracted from them all. That area is all leased.

Mr. BORAH. The areas marked in blue are Government owned but leased?

Mr. WALSH. Exactly.

Mr. BORAH. Has there ever been any question raised as to the validity of those leases?

Mr. WALSH. I understand not.

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

Mr. WALSH. I yield.

Mr. KING. Apropos to the question propounded by the Senator from Idaho, I have a rather indistinct recollection of a suit having been instituted by the Government, when Mr. Palmer was Attorney General, for the purpose of reclaiming lands owned by or claimed by a number of persons, including railroads and oil companies. The suits were determined adversely to the claim of the Government; and after a full investigation, my recollection is, by one of the agencies of Congress, the conclusion was reached that the facts presented would not warrant carrying the case to the Supreme Court of the United States; and the decision of the lower court, probably of the circuit court of appeals, became a finality.

Mr. WALSH. The Senator is correct and has made a valuable contribution by his suggestion. Most of the pink sections in both reserve no. 1 and reserve no. 2 represent sections in litigation where cases have been decided against the Government. Some of the yellow-colored sections represent those decided in favor of the Government.

Mr. PITTMAN. Mr. President——

Mr. WALSH. I yield to the Senator from Nevada.

Mr. PITTMAN. I think the case to which the Senator from Utah referred was the case against the Standard Oil Co. of California involving section 36. The question in that case was as to whether it was known mineral land at the time the State of California selected it. That question was not raised, as I recollect, in any of the other cases.

Mr. WALSH. I thank the Senator from Nevada. I should not let the RECORD appear to indicate that a tremendous contribution was not made by the late able Senator from Montana, because, though there was no legislation, suits were instituted and prosecuted which resulted in restoring to the possession of the Government whatever we have in these oil reserves at the present time which, of course, is of tremendous value.

Mr. President, I have said that little legislation can be enacted or little action taken on the part of our Government to save this great reserve no. 2 to our country, except when the present leases expire, if it is wise to do so, to cancel them or to extend them and limit the amount of oil that may be taken out over a long period of time, so that the Government may have a reserve supply of oil. But what our course of action shall be in reference to reserve no. 1 is of tremendous importance. Here is a vast deposit of oil, estimated to be of a value of $600,000,000, or having a known value of that amount. If it is found, as it is expected and hoped, that underneath the present sands there are other oil deposits, such as I understand have been discovered in other parts of California, we will have another oil deposit of equal value to the $600,000,000, making this reserve worth over a billion dollars. We still have hope that in the event of there being a deposit below the present known sands in reserve no. 2 the Government will also have that oil in its possession.

Mr. McNARY. May I ask the Senator are there any operating wells owned by the Government on Government property in the area indicated by the blue color in reservation 2? Are there any wells on that Government property?

Mr. WALSH. There are 400 wells in operation, but not Government operation.

Mr. McNARY. That is what I thought; there is no Government operation there.

Mr. WALSH. There is no Government operation there at all.

Mr. McNARY. Then, the Senator is proceeding upon the theory that wells being operated on privately owned property are draining the Government deposits?

Mr. WALSH. The Government property itself has been leased and the oil is being extracted from the Government property on a royalty basis. The authority has been only to lease for conservation purposes. This authority unfortunately was apparently disregarded.

Mr. McNARY. Yes; but that is on leased property.

Mr. WALSH. It is on leased property; it is practically all leased.

Mr. McNARY. I did not know that the areas indicated by the blue color on the chart were leased; I thought they were still within the possession and ownership of the Government.

Mr. WALSH. The title of the land is in the possession of the Government; but the black marks indicate areas on leased land where wells have actually been drilled and are in operation under leases made by the Government. The title only is in the Government.

Mr. BORAH. Mr. President——

Mr. WALSH. I yield.

Mr. BORAH. As I understood, those areas indicated by blue are all leased?

Mr. WALSH. Exactly, in reserve no. 2.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

Mr. WALSH. Certainly.

Mr. PITTMAN. Originally there were a great many mining claims on reserve no. 2. All the blue sections there were claimed by someone under a mining location, which was the only way one could locate before the enactment of the leasing law. When Mr. Taft, I think in 1909 or 1910, declared that area to be a naval reserve, a question arose as to whether he had authority to do it. Then Congress passed what was called the Pickett Act, which was intended to allow those who had started oil operations on the area indicated by blue in reserve no. 2 to proceed with those operations to patent, provided that they conducted the work diligently and continuously. In a great many cases they did not do this, or, at least, the Government so alleged. Suits were brought to evict them. Then Congress began to try to get a leasing law enacted, a uniform law for the location, acquisition, and development of mining and oil property.

In drawing that bill it was contended before the committee that a great number of those who were then claiming the blue sections in reserve no. 2 were entitled to patents because they had complied with the Pickett Act; that others, while technically not having complied with the Pickett Act, possibly because they had ceased to work for 30 or 60 or 90 days, as the case might be, at least had equities, and so the bill provided for three classes of equities. Under those equities, various of the former claimants on the blue sections were granted leases. That is the reason why the Government is leasing in the blue sections today.

Mr. WALSH. The Senator's observations are very helpful. I had just entered the Senate when the leasing bill was before the Senate, and I recall the very great interest the Senator from Nevada took in that measure. If he did not actually introduce the measure, I know he supported it on the floor. My own study of the question has not gone back of 1921. Therefore, I am very glad to have the previous history, which indicates the reason why there have been some sections in the hands of private owners.

The Navy Department wants authority to engage in negotiations with the Standard Oil Co., who own the pink sections, and to exchange, for example, section 31 for section 34, to exchange section 29 for section 28, to exchange section 19 for section 18, and so forth, with the purpose of having all of the Government's sections united and together, and putting the sections owned by private companies along the boundaries of our reserves. Had this been done in reserve no. 2, instead of the leasing policy, we would now have reserve no. 2 in our possession.

Mr. LA FOLLETTE. Mr. President——

Mr. WALSH. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. In view of the geological formation in reserve no. 1, to what extent will there be draining of the total deposits by operations on the exchanged sections even though they are on the periphery, so to speak, of the reserve?

Mr. WALSH. My information is that the drainage will extend not more than 1 mile from the privately owned property. The reason why wells have been drilled on the blue section in reserve no. 1 was on the theory that there was drainage from the Government-owned land into the wells owned by private interests adjoining.

Mr. LA FOLLETTE. They were so-called offset wells to take care of and extract oil which otherwise would have been drained by operations outside of or near the boundary of reserve no. 1. Is not that correct?

Mr. WALSH. That is correct.

Mr. DUFFY. Mr. President——

Mr. WALSH. I yield to the junior Senator from Wisconsin.

Mr. DUFFY. Does the bill give to the Secretary of the Navy the power to negotiate with reference to exchanges? If there should be some differences, would he have the power to make some adjustments?

Mr. WALSH. Yes; he would have that power. The Navy Department has sought to conduct negotiations already, but the Standard Oil Co. has refused, saying "You have no authority to do it, and we do not know what Congress might do. You must get some official authority before we can negotiate with you."

The Navy Department believes the Standard Oil Co. is willing and perhaps desirous to enter the negotiations, because it is also to their advantage to have their acreage contiguous.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. WALSH. Certainly.

Mr. KING. I am in entire sympathy with the suggestion, and approve of it, to give authority to make the exchanges between the Government and the Standard Oil Co., or any other organizations or persons who may own oil lands. I am disturbed, however, over the provisions beginning on page 3 of the bill, which read as follows:

> In the event of the inability of the Secretary of the Navy to make satisfactory exchanges of land or agreements for the conservation of naval petroleum with the private owners of lands or leases within or adjoining naval petroleum reserve no. 1, as provided for in this act—

Here is the point—

> he is hereby authorized, with the approval of the President, to acquire such privately owned lands or leases in naval petroleum reserve no. 1 by purchase or condemnation. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

It seems to me that authority is being given to a Federal agency to entail upon the Federal Government a burden of many millions of dollars because, as the Senator knows, and from his statement it is evident, these lands contain large deposits of oil, many millions of barrels of oil of great value, and if we should be compelled to condemn the property containing the oil a burden might be imposed upon the Government amounting to hundreds of millions of dollars.

Mr. WALSH. The provision to which the Senator has referred was inserted in the bill at the request of the House of Representatives when the bill was there in 1930. Personally I am of the opinion that the best thing the Government could do would be to buy out the Standard Oil Co. I personally favor that plan, from the limited information I have been able to obtain in reference to the subject matter. However, the Navy Department does not contemplate that plan, and it is believed that the existence of the proposed power would be very helpful in entering into negotiations. In fact, it is the one thing the Standard Oil Co. does not want; that is, any legislative act giving authority to condemn. I have reached the conclusion that the provision ought to be retained in the bill.

Mr. KING. Of course, the limitations indicated in the last sentence of the Senator would mean really authorizing the Navy to expropriate any of these oil lands and that whatever price they may agree to pay for the same, Congress will make the necessary appropriations. It seems to me it is legislation that is rather dangerous and I shall feel disposed not to vote for the bill only because of that provision, because I heartily approve of the rest of the provisions. I do not like to give such unlimited authority to the Navy without the Congress having a voice in the matter, to expropriate lands which may cost us hundreds of millions of dollars.

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

Mr. WALSH. I yield.

Mr. FRAZIER. In the Navy Department appropriation bill, which passed the Senate recently, was an item setting aside $10,000,000 for protection of oil in oil reserve no. 1. I do not know whether that is to be used for buying other lands or not, but that amount was set aside for protection of oil in reserve no. 1 for the use of the Navy.

Mr. WALSH. I am informed by the expert from the Navy Department that that appropriation will probably not be used, but it is made available so that in the event the Standard Oil Co. proceeds to drill wells in the pink section, we also can drill wells to protect our interests. The information which the expert from the Navy Department gives me is that the appropriation is available for that purpose only, but it is not contemplated that it will be used unless the Standard Oil Co. starts to drill wells.

Mr. FRAZIER. Are there any producing wells in Reserve No. 1?

Mr. WALSH. In the blue section at the end there are 54 producing wells.

Mr. FRAZIER. What is the condition in the pink sections?

Mr. WALSH. Only in section 31 are there producing wells. That section is owned by the Standard Oil Co., and

they are not operating the wells. I assume that is because of the litigation in reference to the next section, and because the Standard Oil Co. are disposed to wait for the termination of that litigation before they go ahead.

Mr. FRAZIER. In the other pink sections are there wells in operation?

Mr. WALSH. No; not in any other pink section. This is the only section in which there are producing wells.

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

Mr. WALSH. Yes.

Mr. KING. Would the Senator be willing to accept an amendment running along these lines?—

That the Navy Department, or such official as deemed most appropriate, is hereby authorized and directed immediately to enter into negotiations for the acquisition of these lands, as well as the others, for the purpose of obtaining title, with a view to acquiring the lands and the oil wells, and to submit to the Congress or to the President the result of the negotiations.

I would also authorize the officials to enter into contracts subject to the approval of the Congress of the United States. I will say very frankly that I do not like to have us commit ourselves to the expenditure of an unlimited sum that may be required where we authorized the purchase of lands without any limitation whatever. I am perfectly willing to authorize the proper officials to enter into negotiations for the acquisition of these lands and the termination of the leases, and to submit the result of their negotiations to Congress in a tentative agreement, so that, if we desire to approve them, we may do so, and then make the necessary appropriations.

Mr. WALSH. I will say again to the Senator that I should be willing, if he desires it, to have the power of eminent domain removed, although I think it would be unfortunate to do so. I should agree with the Senator in all he says if we were sure the power would be exercised. Of course, everything here is subject to the President's approval, and we had an unfortunate experience heretofore with the same reserves; but I can see that it is going to be of great advantage in dealing with the Standard Oil Co. to say, "All right, now; if you do not enter into this deal, we will have eminent domain." The Navy Department itself has not asked for that. It is in this bill because the House committee inserted it in the bill.

Mr. KING. I am willing to follow the Navy.

Mr. WALSH. As I said to the Senator before, I think, there are only seven sections which are owned by the Standard Oil Co., and the number of sections owned by the Government is 49. It would be of great advantage to get rid of the seven.

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

Mr. WALSH. I yield.

Mr. POPE. About when do these 20-year leases expire?

Mr. WALSH. In 1941 and 1942.

Mr. POPE. Do the leases contain an option of renewal?

Mr. WALSH. Yes; the lessees claim they have a right to renew them.

Mr. POPE. That is the legal question which the Senator from Utah raised a few minutes ago?

Mr. WALSH. Yes.

Mr. POPE. This bill, however, attempts to give to the Secretary of the Navy power to terminate the existing leases and to make releases, and then to make certain changes which the bill points out?

Mr. WALSH. The Senator is correct.

Mr. POPE. Does the bill do anything else besides those two things?

Mr. WALSH. Those two things are the main features of the bill. The bill has a provision that no benefit from any leases heretofore or hereafter made shall extend to foreigners whose governments do not grant reciprocal privileges to citizens of the United States. The bill vests in the Secretary of the Navy necessary administrative authority, and it provides that all revenue accruing under the act shall be deposited in the Treasury as miscellaneous receipts.

Mr. POPE. But those two things are the substantial things in the bill?

Mr. WALSH. Yes; they are.

Mr. President, I have not any further statement to make in reference to the matter. It is a very important measure from the standpoint of oil conservation. It has been thought out very thoroughly by the Navy Department. Extensive hearings have been held by the Naval Affairs Committee; and we all feel very strongly that steps should be take immediately, especially as the leases are expiring, to retain, as far as humanly possible, all the oil in reserve no. 1.

Mr. LA FOLLETTE. Mr. President——

Mr. WALSH. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. As I understand, the power of eminent domain referred to in the question asked by the Senator from Utah [Mr. KING] could only possibly involve those seven sections. Is that correct?

Mr. WALSH. That is correct.

Mr. LA FOLLETTE. So we have at least that limitation on the exercise of the power. Is it not the Senator's opinion that in these negotiations it might strengthen the position of the Government tremendously to have that power in the hands of the Navy Department, and is not that the reason why the House incorporated that provision in the bill?

Mr. WALSH. Unquestionably. The Senator has stated the situation just as it is and just as the Naval Affairs Committee felt it to be.

Mr. LA FOLLETTE. One other question, if the Senator please: As I understand, the only authority existing anywhere for the extraction of oil from reserve no. 1 rests in the Navy Department, in the event of operation on privately owned sections in reserve no 1, to drill offset wells in order to protect the Government's interests?

Mr. WALSH. The Senator again has correctly stated the facts.

Mr. LA FOLLETTE. The bill does not in any way alter that policy, nor does it confer any additional authority upon any department or agency of the Government?

Mr. WALSH. None whatever.

Mr. President, I suggest that we now act upon the committee amendments.

Mr. O'MAHONEY. Mr. President, the Committee on the Judiciary and the Committee on Appropriations have been holding daily sessions, morning and afternoon, during the past 2 weeks, and I have not had an opportunity to read the pending bill or to read the report. I understand that the Senator now proposes to proceed with the consideration of the committee amendments.

Mr. WALSH. Yes.

Mr. O'MAHONEY. May I, then, have an understanding with the Senator that while he is proceeding with the consideration of the amendments I may seek an opportunity to read the bill and the report?

Mr. WALSH. I do not think the Senator will have time to do so, because the consideration of the committee amendments will not take long. Briefly stated, the bill gives authority to the Navy Department to negotiate exchanges of sections of oil lands.

Mr. O'MAHONEY. In what States?

Mr. WALSH. Not in the Senator's State. I said earlier that Teapot Dome has been capped, and its operation is a closed incident. The reference is to oil reserve no. 1 in California.

Mr. O'MAHONEY. This bill deals with California only?

Mr. WALSH. Yes.

Mr. O'MAHONEY. And the authority granted here is, briefly, an authority to exchange lands?

Mr. WALSH. Yes; to enter into negotiations for the exchange of lands, and then to exchange them with the approval of the President. The officials now have no authority to do anything but lease in the event there is a seepage of oil.

Mr. O'MAHONEY. The Public Lands Committee was not consulted with respect to the bill?

Mr. WALSH. No.

Mr. O'MAHONEY. The bill has been fully considered in the Naval Affairs Committee, and hearings have been held?

Mr. WALSH. Yes; in past years a similar bill was considered by the House Naval Affairs Committee and favorably reported; action was not taken in the House.

Mr. O'MAHONEY. How does the bill provide for the consummation of any exchange?

Mr. WALSH. The bill only provides for opportunity to enter into negotiations, and then to conduct negotiations subject to the approval of the President. It is assumed that the yellow Government-owned sections will be exchanged for pink sections privately owned. In fact, it is thought that the changes will be limited practically to section 31, section 29, and section 19; that these three will be pushed back and take the place of sections 18, 20, and 28.

Mr. O'MAHONEY. The object, then, is to consolidate holdings?

Mr. WALSH. So that the Government lands will be contiguous and one whole area, and that the privately owned lands also will be contiguous.

Mr. O'MAHONEY. Can the Senator advise me as to whether or not any grazing land is involved in this matter?

Mr. WALSH. It is not.

Mr. O'MAHONEY. None of this land is within a grazing reserve under the so-called Taylor Grazing Act?

Mr. WALSH. The expert of the Navy Department informs me that there is none.

Mr. O'MAHONEY. So, in the opinion of the Senator, the consideration of this bill at this time will not affect the jurisdiction of any other department?

Mr. WALSH. That is my opinion.

Mr. O'MAHONEY. I thank the Senator.

The PRESIDING OFFICER. The clerk will state the amendments reported by the committee.

The amendments of the Committee on Naval Affairs were, in section 1, page 2, line 10, after the word "otherwise", to insert "such use and operation to be for the protection of the aforesaid reserves or for carrying out the provisions of this act"; on line 17, to strike out "all" and insert "those"; on page 3, line 7, before the word "extraction", to strike out "illegal" and insert "wrongful"; on line 13, after the name "United States", to insert "no contract to sell the oil and gas products thereof, other than royalty oil and gas products"; on page 4, line 8, before the word "submit", to strike out "annually"; on line 9, after the word "law", to insert a colon and "*Provided*, That the Secretary of the Navy shall report annually to the Congress all purchase and condemnation proceedings entered into under the authority herein granted"; on line 23, to strike out "1936" and insert in lieu thereof "1937"; on page 5, line 1, to strike out "1936" and insert in lieu thereof "1937"; on line 3, after the word "authority", to insert "limited as provided in such plan or lease"; on line 13, to strike out "1936" and insert in lieu thereof "1937"; on line 15, after the word "benefit", to strike out "of" and insert "from"; on line 18, after the word "this", to strike out "act. In", and insert "act, and in"; on line 19, after the words "violation of", to strike out "the foregoing" and insert "any of these"; and on page 6, line 3, after the word "form", to strike out "and upon such blanks", so as to make the bill read:

Be it enacted, etc., That the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes", approved June 4, 1920 (41 Stat. 813), relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves, contained in the paragraph entitled "Investigation of Fuel Oil and Other Fuel", and embodied in the United States Code, title 34, section 524, be amended so as to read as follows:

"The Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves, naval oil-shale reserves, and other naval fuel reserves as are or may become subject to the control and use by the United States for naval purposes; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, such use and operation to be for the protection of the aforesaid reserves or for carrying out the provisions of this act; and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil and gas from lands in the naval reserves, for the benefit of the United States, subject to the applicable limitations and restrictions of this act; and to exercise exclusive jurisdiction and control over those lands within the borders of naval petroleum reserves nos. 1 and 2 which are embraced by leases granted pursuant to the provisions of the act of Congress approved February 25, 1920, entitled 'An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain' (41 Stat. 437).

"In order to consolidate and protect the oil lands owned by the Government the Secretary of the Navy is authorized to contract with owners and lessees of land within or adjoining such reserves for conservation in the ground of oil and gas and for compensation for estimated drainage in lieu of drilling or operating offset wells, and to exchange Government land in naval petroleum reserve no. 1, the right to royalty production from any of the naval petroleum reserves, and the right to any moneys due to the Government as a result of the wrongful extraction of petroleum products from lands within naval petroleum reserve no. 1, for privately owned land or leases within naval petroleum reserve no. 1: *Provided*, That no lease of any portion of the naval petroleum reserves, no contract to alienate the use, control, or possession thereof from the United States, no contract to sell the oil and gas products thereof, other than royalty oil and gas products, no contract for conservation or for compensation for estimated drainage, and no exchange of any land, any right to royalty production or any right to any moneys as hereinabove authorized shall become effective until approved by the President: *Provided further*, That the Secretary of the Navy shall report annually to the Congress all agreements entered into under the authority herein granted.

"In the event of the inability of the Secretary of the Navy to make satisfactory exchanges of land or agreements for the conservation of naval petroleum with the private owners of lands or leases within or adjoining naval petroleum reserve no 1, as provided for in this act, he is hereby authorized, with the approval of the President, to acquire such privately owned lands or leases in naval petroleum reserve no. 1 by purchase or condemnation. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act. Such sums shall be expended under the direction of the President, who shall submit to the Congress estimates therefor in the manner prescribed by law: *Provided*, That the Secretary of the Navy shall report annually to the Congress all purchase and condemnation proceedings entered into under the authority herein granted.

"Leases of lands of the United States within the naval petroleum reserves, in existence prior to July 1, 1936, excepting those leases which have become a part of an approved unit or cooperative plan and agreement, shall terminate at the expiration of their initial 20-year periods, and the lands covered by such terminated leases may be re-leased upon such reasonable terms and conditions as the Secretary of the Navy may prescribe, with the preferential right in the former lessees to leases of the same if and when the lands are re-leased: *Provided*, That every unit or cooperative plan of development and operation entered into after July 1, 1937, and every lease entered into subsequently to July 1, 1937, with respect to lands owned by the United States within the naval petroleum reserves, shall contain a provision whereby authority limited as provided in such plan or lease is vested in the Secretary of the Navy to alter or modify from time to time in his discretion the rate of prospecting and development on, and the quantity and rate of production from, such lands of the United States under said plan or lease, any law to the contrary notwithstanding.

"Citizens of another country, or corporations controlled by citizens of another country, the laws, customs, or regulations of which deny the privilege of leasing their public lands to citizens or corporations in this country, shall not by contract made subsequently to July 1, 1937, or by stock ownership, holding, or control, acquire or own any interest in or right to any benefit from any lease of land in the naval petroleum, naval oil-shale, or other naval fuel reserves at any time made under the provisions of the Mineral Leasing Act of February 25, 1920, or of this act, and in the event of any violation of any of these provisions, the Secretary of the Navy shall have the right to cancel such lease forthwith.

"The Secretary of the Navy is hereby authorized to prescribe necessary rules and regulations and to do any and all things necessary or proper to accomplish the purposes of this act. All statements, reports, and representations required thereby shall be under oath, unless otherwise specified, and in such form as the Secretary of the Navy may require.

"Except as otherwise provided in this act, all moneys which may accrue to the United States under the provisions of this act, or of the said act of February 25, 1920 (41 Stat. 437), from lands within the naval petroleum reserves, naval oil-shale reserves, or other naval fuel reserves on account of the petroleum products extracted therefrom shall be deposited in the Treasury of the United States as miscellaneous receipts; and any or all oil, gas, gasoline, or other hydrocarbon substances accruing to the United States as royalties from leases of lands within the naval petroleum reserves, the naval oil-shale reserves, or other naval fuel reserves under authority of this act shall be paid for in money or be paid in kind as the Secretary of the Navy may elect.

"Any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located, whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the regulations promulgated under this act and in force at the date of

the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes and for remedies for breach of specified conditions thereof."

SEC. 2. All acts or parts thereof in conflict with the provisions of this act are hereby repealed.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MINTON in the chair) laid before the Senate messages from the President of the United States submitting several nominations and conventions, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. BARKLEY (for Mr. LOGAN), from the Committee on the Judiciary, reported favorably the nomination of Robert Lee Williams, of Oklahoma, to be judge of the United States Circuit Court of Appeals for the Tenth Circuit, vice George T. McDermott, deceased.

Mr. BAILEY, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the following nominations:

Edward Albright, of Tennessee, now Envoy Extraordinary and Minister Plenipotentiary to Finland, to be Envoy Extraordinary and Minister Plenipotentiary to Costa Rica, vice Leo R. Sack, resigned;

Fred Morris Dearing, of Missouri, now Ambassador Extraordinary and Plenipotentiary to Peru, to be Envoy Extraordinary and Minister Plenipotentiary to Sweden, vice Laurence A. Steinhardt;

R. Henry Norweb, of Ohio, now Envoy Extraordinary and Minister Plenipotentiary to Bolivia, to be Envoy Extraordinary and Minister Plenipotentiary to the Dominican Republic, vice H. F. Arthur Schoenfeld;

H. F. Schoenfeld, of the District of Columbia, now Envoy Extraordinary and Minister Plenipotentiary to the Dominican Republic, to be Envoy Extraordinary and Minister Plenipotentiary to Finland, vice Edward Albright;

Laurence A. Steinhardt, of New York, now Envoy Extraordinary and Minister Plenipotentiary to Sweden, to be Ambassador Extraordinary and Plenipotentiary to Peru, vice Fred Morris Dearing; and

John H. Lord, of Massachusetts, now a Foreign Service officer of class 7 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

Mr. PITTMAN also, from the Committee on Foreign Relations, reported favorably the nominations of sundry persons for promotion in the Foreign Service of the United States.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the Calendar of Nominations is in order.

UNITED STATES MARITIME COMMISSION

The legislative clerk proceeded to read sundry nominations to the United States Maritime Commission, as follows:

Rear Admiral Henry A. Wiley, retired, to be member for a term of 4 years from September 26, 1936.

Rear Admiral Emory S. Land, retired, to be member for a term of 6 years.

Edward C. Moran, Jr., of Maine, to be member for a term of 5 years.

Thomas M. Woodward, of Pennsylvania, to be member for the remainder of the unexpired term of 3 years from September 26, 1936.

Joseph P. Kennedy, of New York, to be member for the remainder of the unexpired term of 2 years from September 26, 1936.

Mr. COPELAND. I move that the nominations be confirmed en bloc.

Mr. BARKLEY. In this connection I wish to say that the Senator from Alabama [Mr. BLACK], who was interested in these nominations, is ill and is not able to be present today. He sent word that he did not desire any delay in action on the nominations on account of his absence, but that if he were present he would vote against the confirmation of the first two names submitted, the nominations of Rear Admiral Henry A. Wiley, retired, and Rear Admiral Emory S. Land, retired. I make this statement on behalf of the Senator from Alabama.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the nominations be confirmed en bloc.

Mr. MCNARY. Mr. President, I have no objection to that, but why does not the Senator incorporate in the motion a provision that the President be notified?

Mr. COPELAND. I should be very happy to add that to my motion, that the nominations be confirmed en bloc and that the President be notified.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion was agreed to.

The PRESIDING OFFICER. The nominations are confirmed en bloc, and the President will be notified.

MISSISSIPPI RIVER COMMISSION

The legislative clerk read the nomination of Col. Francis B. Wilby to be a member of the Mississippi River Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST GUARD

The legislative clerk read the nomination of Frank A. Erickson to be lieutenant.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the Executive Calendar.

ADJOURNMENT TO MONDAY

The Senate resumed legislative session.

Mr. BARKLEY. There being no further business, I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 19, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 15, 1937

COMMISSIONER OF EDUCATION FOR PUERTO RICO

Jose M. Gallardo, of Puerto Rico, to be commissioner of education for Puerto Rico, vice Jose Padin.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Harry Albert Pudge, Cavalry, with rank from September 1, 1931.

TO CHEMICAL WARFARE SERVICE

Capt. Leonard Marion Johnson, Field Artillery, with rank from August 1, 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 15, 1937

UNITED STATES MARITIME COMMISSION

Rear Admiral Henry A. Wiley to be a member of the United States Maritime Commission.

Rear Admiral Emory S. Land to be a member of the United States Maritime Commission.

Edward C. Moran, Jr., to be a member of the United States Maritime Commission.

Thomas M. Woodward to be a member of the United States Maritime Commission.

Joseph P. Kennedy to be a member of the United States Maritime Commission.

MISSISSIPPI RIVER COMMISSION

Col. Francis B. Wilby, Corps of Engineers, United States Army, to be a member of the Mississippi River Commission.

COAST GUARD

Frank A. Erickson to be a lieutenant.

POSTMASTERS

ARKANSAS

Charles M. Davis, Scott.
Don H. Stalls, Turrell.

CONNECTICUT

Frank E. Collins, Rockfall.

ILLINOIS

Joseph S. Flaherty, Harvey.

INDIANA

Leander Franklin Adams, Depauw.
Ruth O. Storen, Lexington.
Bessie D. Perkins, Whiteland.

KANSAS

Haicie M. Brundage, Brownell.

MARYLAND

Florence Blair, Midland.

MASSACHUSETTS

Martin J. Healey, Hubbardston.

MISSISSIPPI

Robert B. Cox, Batesville.
Scott H. Speck, Blue Springs.
Frances H. Cooke, Coffeeville.
Nathan B. Williams, Fernwood.
Nadine L. Hall, Hickory Flat.
Fannie L. Pierce, Kreole.
William F. Henson, Ripley.
Ruby M. Summers, Saucier.

MONTANA

Nora F. Witt, McCone City.

OHIO

Ivah Averill, Copley.
John Roth, Excello.
Clark W. Mathias, Northfield.

WISCONSIN

Ella W. Weidner, Abrams.
Velma C. Grossman, Dale.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 15, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Create in me a clean heart, O God.

We pray, blessed Heavenly Father, that this immortal prayer may voice the longing of every breast. Hear us, for we are poor and needy, but Thou dwellest in eternity and Thy estate is boundless and transcends every measure we have on earth. We praise Thee that Thou dost not move in the narrow sphere of time. Let us listen to that richer and greater wisdom: The statutes of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes. Almighty God, Thou art ever sounding across the years the law of right and wrong; it is the secret that can harmonize and stabilize the world. May we lay hold on the greatness of God and be clothed with the spirit of the Master. We pray that our people may be patient, and may they live not alone for outward prosperity. Oh, let cooperation prevail among us and our Republic become a song and not a strife—a poem of human brotherhood. Through Christ. Amen.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed joint resolutions of the House of the following titles:

On April 12, 1937:

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry.

On April 14, 1937:

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended.

GOLDIE SCAGGS

Mr. WARREN. Mr. Speaker, I offer a privileged resolution (H. Res. 186) from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 186

Resolved, That there shall be paid out of the contingent fund of the House to Goldie Skaggs, widow of J. C. Skaggs, late an employee of the House, an amount equal to 6 months' compensation, and an additional amount, not to exceed $250, to defray funeral expenses of the said J. C. Skaggs.

The resolution was agreed to.

PAYMENT OF SALARIES FOR DECEMBER EACH YEAR

Mr. WARREN. Mr. Speaker, I offer House Joint Resolution No. 228, authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year, and ask for its consideration.

The Clerk read as follows:

House Joint Resolution 228

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol Police and Office of Legislative Counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December on the 20th day of that month, each year, except when the 20th of the month falls on Sunday, in which case the said salaries shall be paid on the 19th of December.

Mr. SNELL. Mr. Speaker, will the gentleman tell us why it is necessary for this legislation?

Mr. WARREN. Prior to the ratification of the Norris amendment this resolution was passed by each body every year at the December session. I have looked it up and find it was passed for the past 30 years in the December sessions. It has been approved by the Clerk of the House. I may state it is one of the few resolutions that I can bring before the House that does not cost anybody anything. [Laughter and applause.]

Mr. SNELL. The gentleman is to be congratulated.

The SPEAKER. The question is on agreeing to the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAWS ENACTED BY FIRST NATIONAL ASSEMBLY OF THE PHILIPPINES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the

complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith copies of laws enacted by the First National Assembly of the Philippines during its first session, from June 16, 1936, to October 10, 1936, and its special session, from October 19, 1936, to October 30, 1936.

The missing numbers will be sent you when copies are received from the Philippine Islands.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *April 15, 1937.*

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. BOYLAN of New York. Mr. Speaker, will the gentleman yield so that I may submit a unanimous-consent request to correct the RECORD?

Mr. RICH. I yield.

EXTENSION OF REMARKS

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

Mr. RICH. I yield to the gentleman from Indiana.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend in the Appendix of the RECORD a statement issued by the gentleman from Ohio [Mr. BICKLOW].

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT OVER

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

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

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

Mr. RICH. I yield.

Mr. TABER. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal and disposition of the matters on the Speaker's table and the special orders already granted, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had concurred without amendment in a concurrent resolution of the House of the following title: "House Concurrent Resolution 10, concurrent resolution relating to the enrollment of H. R. 4985."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5232) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes."

The message also announced that the Senate further insists upon its amendments to the bill (H. R. 4064) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes", numbered 5, 7 and 8; disagrees to House amendment to the amendment of the Senate numbered 8, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLASS, Mr. BYRNES, Mr. RUSSELL, Mr. ADAMS, and Mr. STEIWER to be the conferees on the part of the Senate.

THE ANTILYNCHING BILL

The SPEAKER. The gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. RICH. Mr. Speaker, for a week or more I tried to get the floor for 15 minutes, and I had quite a time in securing unanimous consent. One of the objectors, after his first objection, came over and sat down beside me. I asked him, "For what reason did you object to my unanimous-consent request?" He said he was fearful that the time taken on Thursday might interfere with the consideration of the antilynching bill. After the request was granted, I stated to the gentleman that if for any reason the 15 minutes that might be granted me for Thursday would interfere with the antilynching bill I would be glad to yield my time to him.

I now yield to my colleague the gentleman from New York, Mr. GAVAGAN, for the purpose of taking up the antilynching bill, and I hope I may secure time in the future for my remarks. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. RICH] yields back the balance of his time.

Mr. GAVAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1507, with Mr. O'CONNOR of New York in the chair.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 8 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, this bill is pernicious. Commendable in its purpose to suppress lynching, which no one condones and against which no one is more bitterly opposed than I, yet the means by which it attempts to eradicate this evil is revolting and shockingly illegal and unconstitutional.

Lynching and mob violence are indefensible, but they are no more indefensible than this bill, which is a reckless, arrogant, and illegal attempt upon the part of the Federal Government to usurp the lawmaking and the law-enforcing powers and agencies of the State governments.

The bill does more than destroy State rights; it completely destroys State sovereignty, and makes the States, including all State and county officers, responsible, not to the State governments of which they are a part, and to which they have sworn allegiance, but responsible to the ukase of Federal officers, Federal courts, and Federal bureaucrats.

The despised force bill of reconstruction days was no more a wanton or reckless disregard of the inherent and exclusive rights of the States than this vicious measure.

In addition to placing State and county officers of State governments, from Governor to constable, under supervision and control of Federal laws and Federal courts and subject to prosecution in Federal courts for acts committed, not in their individual, but in their official capacity as State officers; the bill goes still further in penalizing counties, which are subdivisions of State governments created by the States and which cannot be sued, even in State courts, except by grant of the State, and are in this bill made responsible in civil damages recoverable in Federal courts, in suits brought by Federal district attorneys.

Furthermore, individual citizens who are not officers may be prosecuted in Federal courts, upon the whim and caprice of Federal judges, for violation of State laws.

These recitations of the contents of the bill sound so fantastic and unreasonable where we live under a dual system of government, with State and the Federal Government each being sovereign and supreme in its own sphere, that it would not seem possible that a bill like this would be introduced, much less considered by the Congress of the United States, and in order that my indictment of the bill may be shown as accurate and not exaggerated I propose to analyze the terms of the bill.

WHAT THE BILL DOES

Section 1 defines a "mob" or "riotous assemblage" to mean an assemblage composed of three or more persons acting in concert, without authority of law, to kill or injure any person in the custody of any peace officer.

Section 2 stipulates that if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law and the equal protection of the laws of the State.

Section 3, subdivision (a), makes it a Federal offense for any officer or employee of any State or governmental subdivision thereof charged with the duty or who possesses the power or authority as such officer to protect the life or person of any individual injured or put to death by any mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or put to death, or any officer of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in a mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of the State all persons so participating shall be guilty of a felony punishable by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Subdivision (b) further stipulates that any officer of any State or governmental subdivision thereof who has in his custody or control a prisoner and who conspires or confederates with any person who is a member of a mob to injure or put such prisoner to death, or to suffer such prisoner to be taken from his custody shall also be guilty of a felony, and the punishment shall be not less than 5 years nor more than 25 years' imprisonment.

Section 4 provides that when a person is injured or put to death by a mob that the United States district court of that district shall have jurisdiction to try and punish all members of the mob or those who participated therein, provided that the Federal judge finds that the State has failed, neglected, or refused to prosecute such offenders; or that the jurors obtainable for service in the State court are so strongly opposed to such punishment that there is a probability that those guilty of the offense would not be punished in the State court, and a failure for more than 30 days after the commission of an offense by a mob to indict the persons guilty thereof, or a failure diligently to prosecute such persons, is declared sufficient to constitute prima-facie evidence of the failure, neglect, or refusal of the State officers to so act.

Section 5 provides that when a person is seriously injured or put to death by a mob or riotous assemblage, that the county in which such offense is committed shall be liable to the injured person or to his legal representatives, if he should die, in a sum of not less than $2,000 nor more than $10,000 as "liquidated" damages, recoverable in a civil action against such county in the United States district court of the judicial district wherein such person is put to the injury or death, the suit to be brought and prosecuted by the United States district attorney, and provides that the judgment may be collected by levy of execution upon any property of the county, or the Federal court may compel payment thereof by mandamus, and any officer of such county or other person who disobeys or fails to comply with any lawful order of the Federal court shall be liable to punishment for contempt and to any other penalty provided by law, and the amount so recovered shall be exempt from all claims by creditors of the deceased.

Section 6 provides that in the event a person is injured or put to death by a mob, and should be transported by the mob from one county to another county during the time intervening between his seizure and his being put to death, the county in which he is seized and also the county in which he is put to death shall be jointly and severally liable to pay the sums provided for in section 5.

This provision is shockingly unjust, for, even though a prisoner was never in the custody of any official of the county, if the mob should execute him in that county, although no citizen of the county participated in his execution, and possibly it occurred at night, the prisoner having been brought into the county when the citizens of that county were asleep and were unaware of it, and the county government not having participated therein, either through its officers or its citizens, the county is nevertheless liable for liquidated damages of from $2,000 to $10,000 merely because the prisoner was slain in that county without their knowledge, without their consent, and without their participation.

It will be observed that all portions of the bill, except section 4, relate not to individuals but to State and county officers.

It has been held, from the great decision in *McCullough v. Maryland* (4 Wheat. 316), decided in 1919, that neither State nor Federal Government can impose any duty or obligation upon each other, because the power to burden or control involves the power to destroy.

The citizens of the United States owe a dual obligation to both the State and Federal Governments, and they may be prosecuted in the Federal courts for the violation of Federal laws, or in the State courts for the violation of State laws, but never before has it been proposed that the Federal Government can take over the prosecution of State laws or State officers in Federal courts.

State officers are created by the laws of the States, elected by the citizens of the States, their duties are prescribed by the laws of the States, and they are responsible alone to the people who elected them.

The State is absolutely supreme and sovereign in all of its functions of government, and it was never contemplated by our Constitution or system of government that they should be responsible to any other sovereignty.

It would be just as legal for the State governments to pass laws making Federal officers amenable and subject to prosecution in State courts for their failure to perform their duty as Federal officers as it is for the Federal Government to undertake to punish State officers in Federal courts for failure to perform what the Federal Government claims to be a neglect in the performance of duties as State officers.

Citizens of the State are amenable to the laws of both the State and Federal Government, but officers of the respective governments, in their official capacities, are amenable only to the government which created them.

The proponents of this measure base their right solely upon the fourteenth amendment to the Federal Constitution, which is as follows:

> No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This amendment was adopted shortly after the close of the Civil War, nearly 70 years ago, and it is significant that no law such as is proposed by this bill has ever been passed by Congress.

A careful reading of this amendment discloses that it is restrictive, and not affirmative. It prohibits the abridging of the rights of citizens, and denies to the States the right to deprive persons of life, liberty, or property without due process of law, but it does not transfer from State sovereignties or State courts to Federal sovereignty and Federal courts the police powers of the States.

Cooley, in his great work on constitutional limitations, and all other legal textbook writers and courts have uniformerly held, since the adoption of the fourteenth amendment, that its adoption did not deprive the States of their police powers, but that such powers were retained in the States, and the Federal Government has no right to usurp the function of the police powers with reference to either the making or the enforcing of State laws.

The only effect of the fourteenth amendment was to nullify any law passed by a State which did abridge the privileges and immunities of the citizens of the United States, or that deprived any person of life, liberty, or property without due process of law, and any person who felt himself aggrieved by reason of any such law passed by a State, or in the administration of a law passed by the

State, had his remedy in appealing to the Federal courts for the protection of those rights guaranteed him under the fourteenth amendment. But no court has ever held that the fourteenth amendment gave the Federal Government the power to pass affirmative legislation to penalize States or State officers in the performance of duties involved in the police powers, and which powers were vested exclusively in the States.

At the time the fourteenth amendment was submitted, an effort was made to submit the amendment in a different form so that Congress should have power to make such laws, and those who favored giving Congress such power proposed to submit the fourteenth amendment in this language:

Congress shall have power to make all laws which shall be necessary and proper to secure to citizens of each State all privileges and immunities of the citizens of the several States, and to all persons in the several States, equal protection of the right to life, liberty, and property.

But the amendment in this form was rejected. If the fourteenth amendment had been submitted and adopted in this language, then there would be some ground for the contention that the fourteenth amendment authorized this legislation, but the fact that it was rejected and submitted in a negative form, precludes any color of authority for Congress to pass a law such as is proposed in this bill. And thus it is apparent that at the time the fourteenth amendment was submitted, that it was never intended that it should give the Congress power to pass affirmative laws, usurping the functions of the State government, as is attempted to be done in this bill.

We have Federal laws dealing with many crimes, but they are all based upon the authority conferred upon Congress by the States in the Federal Constitution with reference to interstate transactions.

Kidnaping, for instance, which is just as heinous a crime as lynching, we passed in Congress a law making it a Federal offense; but only in those cases where the victim is transported from one State to another. We have also made it a Federal offense for a criminal to escape from one State to another, or to transport stolen property from one State to another, and the White Slave Act makes it an offense to transport a female for illicit purposes from one State to another, and many kindred offenses; but this is the first time it was ever proposed that Congress should pass a law making it an offense to transport from one county to another.

The tendency has been during the past decade to give more power to the Federal Government with reference to all matters, but this measure goes far beyond any other ever proposed, even in the dark days of reconstruction, when there was bitterness and hatred and ill will prevailing between the sections.

This is a direct attempt to destroy and remove the last vestige of power of a sovereign State to make and enforce its own laws. If this bill becomes a law, then we will no longer have sovereign States, but they will be mere puppets, subservient to the Federal Government. This bill is a death blow to the rights of the States to exist as such, and the Federal Government sets itself up as the guardian and administrator of State governments, State courts, and State officers, and need will no longer exist for the maintenance of State governments.

I have not undertaken to discuss the policy, the wisdom, or the necessity of any legislation dealing with lynching. Each of the States now has ample laws upon this question, and the matter of their enforcement is left to the States.

There is a serious doubt as to the wisdom of this legislation transferring the law-enforcing powers from the State to the Federal Government, even if Congress had the power so to do. Believing, however, as I do, that Congress has no such right, I base my opposition solely upon what I conceive to be the impregnable ground that the Federal Government cannot usurp the functions of the State government. If such can be done, then the State governments are not only doomed but are already dead.

I am opposed to lynch law, but I am also opposed to lynching the Constitution and mobbing the rights of the States. As one who still believes in the dual system of government and in abiding by the oath which I took when I became a Member of this body, to support the Constitution of the United States, I cannot support this measure, and I protest its passage.

The tragedy of the situation is that the bill will be passed, not because a majority believe it to be constitutional, or that Congress has the power to pass it, but because political expediency demands its passage.

God save the Republic from legislation enacted for such a purpose. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, for many years this legislation has been agitated before the Congress, and for an equal number of years I have entertained a very profound conviction about it. I have gone on record in opposition to it a great many times, and have written letters to my constituents in great numbers. I say this not for the purpose of indicating—far from it—that I have an overweening confidence in the infallibility of my judgment but merely to indicate that, whether my judgment be fallible or infallible, my conviction upon this question is very, very deep—so deep that I find myself impelled to separate myself for a moment from many men with whom I have cooperated politically in this Chamber upon numerous occasions.

Every now and then a group of citizens, and sometimes some public officers, or with the connivance of public officers, arise in their passions and violate the laws which they themselves have made. Sometimes the incidents of that sort are horribly distressing. Doubtless every Member of this House was shocked at the news that came to us from Mississippi a couple of days ago. Doubtless an overwhelming majority of the people of Mississippi were shocked at it. It is an incident the like of which has occurred from time to time in various parts of the country. It is an incident the like of which has occurred from time to time throughout the ages, when men, swept off their feet by passion, violate the laws they themselves make.

I have always believed that the people who make the laws—and they do it in good faith and in their sober judgment—must in the last analysis be depended upon to see to it that the laws are obeyed, and that, generally speaking, it is futile for a central power to endeavor to turn its weapons against a people in the hope that they can be compelled to behave. It is far healthier that the processes of education and enlightenment and understanding be urged upon the people of the country to the end that the progress achieved shall be permanent; and I rejoice that up to this point the people of the States and the communities have shown without any doubt whatsoever a growing understanding of the horror of lynching, and by their own attitude toward that crime have achieved a very, very marked reduction in its frequency. I should hope that that tendency would continue and that as we consider this problem we shall brush aside from our minds the hysteria and passion of the moment and have regard for the long future.

It is not my intention to discuss the constitutional problems involved in this bill, but to demonstrate why I believe it to be a futile measure that can never be enforced, that it is a snare and a delusion which will bring disillusionment to multitudes of good people. In attempting to demonstrate this I am going to ask your indulgence while I paint the picture which might very well be presented to our eyes in the event of the enactment of this bill. In order to paint that picture I shall bring it down, to use a colloquial term, "to cases." I live in the county of Livingston, in the State of New York. The county of Livingston is a creature of the State of New York. Its officers are appointed or elected in accordance with the laws of the State of New York. It is a rural county. Let us assume the very, very difficult thing to assume, that a lynching occurs in the county of Livingston and that "it appears", to use the language of this act, that the local officials have failed to protect the victim. Jurisdiction is promptly given to a Federal court, and the officials of that county, of whom it is said that it appears they have failed to exercise due diligence in protecting the victim, may be indicted in a Federal court charged with a crime which is rated as a felony, and if convicted they may be fined up to $5,000 and imprisoned up to 5 years. The bill does not stop with this treatment of county officers, for section 3 reads:

Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death * * * who fails, neglects, or refuses to make all diligent efforts to protect such individual * * * shall be guilty of a felony.

Under this section it is entirely possible that not merely the sheriff of the county or the deputy sheriffs or the prosecuting attorney may face charges, but even the Governor of New York may face the charge of having failed to exercise the power which he possesses in protecting the individual.

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I cannot yield.

Mr. GAVAGAN. I am sure if the gentleman had read the bill he would not have made that statement.

Mr. WADSWORTH. I have read the language. "Any officer or employee of any State * * * who possesses the power", and the Governor of a State does possess the power, in that he may call out the National Guard to protect the life of an individual threatened by a mob. If he fails to do so, or to exercise due diligence, under this statute he may be faced with the charge of being a felon.

I am not stretching this matter beyond the language of the bill, but, however that may be, we find legislation proposed to the effect that the Federal Government may come into a county of a State and on the theory that the officials of the county have failed to enforce State law, imprison the officials. I think this cannot be doubted as an accurate analysis of the bill.

The thing does not stop there. The county in which the crime has been committed shall be held liable to pay liquidated damages to the relatives of the victim in sums varying from $2,000 to $10,000. Under the terms of this bill, the county will be called upon to pay such sum as fixed by a Federal judge.

How is this money to be collected? If the Federal authorities go to the county treasurer and demand of him the sum of $2,000 or $10,000, they will be met with the assertion, which cannot be gainsaid, that the county treasurer has no right, under the laws of the State of New York, to pay over the money. He may pay out money from the county treasury only as the result of appropriations made by the board of supervisors, or in accordance with some special State act. It is assumed the Federal authorities will then go to the board of supervisors and demand of the board an appropriation of $10,000 out of the county treasury to pay the damages. Of course, they will there be met with the assertion, the correctness of which cannot be denied, that the Board of Supervisors of the County of Livingston cannot, under New York State law, appropriate any money out of the county treasury except for purposes made legitimate by New York State law. It is impossible for them to do it under the law. Whereupon, under this bill, the county treasurer and the members of the board of supervisors may be held in contempt of a Federal court. Think of it! Because county officials and the board of supervisors insist upon obeying the laws under which they perform their functions they shall be held in contempt of a Federal court and subject to fine and imprisonment for the contempt. This means, Mr. Chairman, that the Federal Government is going to employ its power to destroy the government of the county. It can tie up the county's governmental machinery with a contempt order, and still the money will not be collected.

The bill then goes on to state the Federal Government, acting through the Federal courts, may levy upon the property of the county in order to get the money. What is the property of the county? There is the courthouse, there is the jail, there is the poorhouse, and perhaps there are one or two other structures owned by the county. The county also owns road-making machinery, which is movable, and I suppose could be seized. The county may have a bank account, which might be seized by Federal officers. The county may own a coal pile, with which it heats the courthouse and the jail. This might be seized. Under this bill the property of the county is to be levied upon by the Federal Government.

Am I overpainting the picture when I say such a thing is fantastic, and can never be enforced? This whole process will die aborning. The instant the Federal Government begins to apply the provisions of this bill, the whole thing will stop. It is unenforcible. It cannot stand the light of day in a single court, for if it be true that the Federal Government can step in and seize the property of a county, imprison its officers, and destroy its government, then, indeed, there is no such thing as a Federal Union of States under the Constitution of the United States. [Applause.]

The thing about which I protest in this connection is not the motive of the authors or the introducers of the bill. I protest against its utter futility. Its authors and its supporters are leading multitudes of people to believe this will be an effective police measure over the people of the counties. My solemn conviction is that it will fall down before it starts. I hate to see the Congress or any other legislative body pass legislation in the heat of the moment, whatever the motives, which will end up in dissolutionment. We do infinite harm when we legislate in that fashion.

I intimated at the beginning of my remarks my belief that slowly but surely this terrible problem involving lynching is solving itself. I know we are disconcerted at times by news which reaches us, but we ought to be tremendously grateful that such incidents are becoming less and less frequent. I entertain the philosophy, which may seem old-fashioned, that a self-governing people cannot be driven into moral conduct with a bayonet.

I have far more faith in the efficacy of an appeal to the conscience of people. This has been going on in recent years with respect to lynching. More and more communities have learned to abhor it. Public sentiment, even in those parts of the country where it was most frequent, is now piled up against it. Slowly, but surely, it is disappearing. We shall never attain, I suppose, 100 percent of perfection in this government of ours. No democracy has ever attained it, but at this moment we are the best example of democracy in the world, and this is due, in my judgment, almost entirely to the fact that under our form of government we trust the people of the localities to work out their salvation [applause]; that we have not encouraged this turning to Washington and asking Washington to wield a club over the people of the communities. Our march toward law and order has been logical and steady because the people want it so, not because they are regimented into it.

I hope I have an understanding of the exceedingly difficult problems that confront some portions of this country. I do not join in bitter criticism of great regions or great groups of our people. I am distressed as much as the next man, and perhaps more than some people, at the breakdowns that occasionally occur.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. WADSWORTH. However, I remind you they are sporadic, they are local, and they are diminishing. The disease from which they have been springing is being cured. When it is cured, or brought to a near approach to a complete cure, these sporadic outbreaks will have ceased.

I trust the people who live in these communities, faced with this very difficult problem, and I hope the Congress, neither for political motives nor through a mistaken idea of what kind of country we live in or what kind of government we live under, will not pass legislation repudiating that philosophy which has underlaid to this day the development of American democracy. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, the gentleman who just preceded me seemed to think it would be some sort of reversal of court procedure if a judgment rendered at the hands of 12 jurors provided some means for its collection. I would like to ask him this question: If one of you

gentleman should visit the city of St. Louis and should fall into a sewer, you would have to go into the Federal courts to get damages, would you not? The same Federal court would provide you with the same means of collection from the city of St. Louis. Is there anything strange or unusual about this? If any man, at any time, at any place, is entitled to a judgment, after a hearing of the evidence, he is entitled to a means of collecting his judgment. I take no stock in this argument whatever, although it seemed to meet with the applause of some gentlemen.

One other point the gentleman stressed is that because an enlightened conscience and an educated people had gradually deterred the commission of this crime, you need no law. I will ask you what law there is on the statute books, State, Federal, or what not, of which the same thing could not be said. Has not all crime been decreased because of an enlightened conscience and public opinion? Which of the two renders the most good in the deterring of crime, conscience, or the governing power? Why, conscience does most of it. I take no stock in that argument.

The gentleman also laments the fact that the law would subject either one of two counties that may be involved, but the gentleman forgot to tell you that it did not provide for proceedings against both counties or for two remedies, but it provides that one judgment is sufficient. If I were attorney for such a party, I would pitch the suit upon the county where I had the best case. I can conceive of a case where an officer of one county would act in collusion with another by saying, "Go over yonder and get that man and bring him over here and hang him under my protection." In such a case I would pitch my suit in the county where that occurred, but in a case where they had simply stepped over the border line of another county in fleeing from somebody else, I would not subject them to such suit. I also may say here that in a case of a spontaneous outburst of mental anger, when a man has committed some crime, but is never in custody, this law does not apply; and if it did or if it were passed with such a provision, it would never be held constitutional.

There is abundant precedent, in my judgment, for considering this measure constitutional. I used to entertain opinions to the contrary. I have changed them in the past few years. The principal is responsible for the act of his agent. Who is the agent—who is the State—any one person? Put your finger on the State. Every State officer is the State, not the Governor alone, because a constable is the State as much as is the Governor.

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield?

Mr. CREAL. This man must be in the custody of an officer; there must be collusion or failure to perform his duty. In Kentucky we used to have lots of lynchings, but we have not had one in 7 years. We passed a law providing that the Governor could remove the sheriff or a jailer if he failed to exercise due diligence or put up a sham show of resistance.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. CREAL. Yes.

Mr. MAY. That is an instance in our own State where the State law itself has effected the objective sought to be accomplished by this law.

Mr. CREAL. Absolutely.

Mr. MAY. Then why the necessity of this law?

Mr. CREAL. And a Federal law will reach the question. Why do not the States pass a similar law? If they did, perhaps this agitation would not be here. You admit that you are going into the Federal courts and are going to question the acts of Federal officials. Great God, you go into a Federal court now to determine how much you shall pay into a telephone booth or how many pennies you drop into a streetcar slot, under a law passed as a city ordinance. You can go into a Federal court for anything that affects a few dollars and cents, to have due process of law, but they want to deny the Federal court the right to go in to determine the question of whether a man's life was taken legally or illegally.

This is not a question of white and black. Oklahoma has lynched 64 white men and 16 Negroes since 1890. There have been decades where the white men far exceeded the number of Negroes that were lynched.

As a prosecutor for a long time I always felt that if a mob should beat me to a case that such would be a reflection on my ability to proscute and a reflection on the integrity of all officers of the court and the men who might be called as jurors. The whole public has an interest in all cases of this nature and the whole public is entitled to hear and know the facts instead of dealing with hearsay evidence that moves a mob.

I have in my time seen and heard of too many hairbreadth escapes from being a mob victim only to be vindicated and acquitted later to the complete satisfaction of all the public.

Mob violence is rapidly decreasing in the South, and, in my judgment, should there be an increase elsewhere, it will develop in the North and East from violent industrial disturbances.

This law cannot and does not affect a situation where a man was mobbed before he was ever in custody of the officers—no official or county can be proceeded against under this law, for that would be beyond their control.

Since Kentucky officers under Kentucky law might be removed from office by the Governor for failure to use due diligence in protecting a prisoner, I want these officers to have all the protection they can get by deterring people from taking prisoners from them and thus jeopardizing their official positions.

In places where a crime is bad and guilt is positive there is still less use for mobs in the South than anywhere, for that prisoner, in a southern court, before a southern jury, if guilty, would have no more chance to escape punishment than a snowball in hades. Then, if just punishment does come, the only choice is whether it should be by legal methods or illegal ways. As many innocent persons have narrowly escaped mobs it is sufficient warranty to assume that many innocent persons have not escaped mobs.

Statistics show that of all lynchings in 48 years past that only 8 percent were ever accused of rape. They have mobbed them when they have violated no law of the land and where they were not accused of violation of any law.

There may have been a time in pioneer life when courts were few and far away that there was more justification for lynching than now. But with power to call hastily a special term of court for a quick trial there is not one excuse, defense, or reason that can be given to justify.

Why, your boy or mine might unknowingly fall into company with an escaping criminal and be overtaken by a mob, who would hang them both because they had heard that there were two men implicated.

Mobs have lost reason and move swiftly and listen to no explanations. America is the only country in the world where mob custom has tried to become a part of the common law.

It is a bad, dangerous, useless, vicious custom. The people have more faith in their officers, juries, and open trials doing justice than they do in a mob acting on hearsay evidence, often incapable of analyzing evidence, and in no humor to listen to reason.

Where any State officer willingly permits a prisoner to be taken from him and lynched he should be held accountable. That is the kind of cases this bill deals with, and none other. History shows the State does not act, and in a way almost impossible to act, because such procedure would have to be where the crime was committed, and too many connecting influences block action.

Knowing that such will result in such cases is an inducement to commit this violation. But if they were to be taken to a Federal court before a jury not of their county, and know it, they would think twice before action.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. CURLEY].

Mr. CURLEY. I am sorry that I have to disagree with the sentiments expressed by my distinguished colleague from New York [Mr. WADSWORTH]. I have always entertained a very high regard for him in the long period of years that it has been my proud privilege to know him. We differed politically in the past, and we differ now. Usually he is nothing, if not accurate; but he is not accurate now on this proposed legislation. I requested the gentleman twice this afternoon to yield to a question I desired to ask of him on the very point about which he was speaking. I now call his attention to section 3 of the proposed Gavagan bill. It says there in plain language that any layman can understand—and for the first time in this debate a layman is having his say, for I am not a lawyer, thank Heaven. We had enough legalistic quicksand the day before yesterday, and the debate on long-and-short-haul legislation yesterday, if it never did anything, it did take us out of that quicksand, so that we may be here today to resume this discussion of the antilynching bill.

Section 3 of the proposed bill specifically states:

SEC. 3. (a) Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death by any mob or riotous assemblage or any officer or employee of any State or governmental subdivision thereof having any such individual in his custody, who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or being put to death, or any officer or employee of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in such mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Get that point in this law.

I wish I had the power of the lungs of my distinguished friend from Texas [Mr. MCFARLANE], so that I could make my voice resound against the walls of Congress and penetrate to the people of this country.

Permit me to state in connection with the purpose of this legislation that I am not "district" minded, nor "State" minded, nor "section" minded, but I am nationally minded, having only the best interests of all the people at heart of our great Nation under the protection of the organic law of this country—the Constitution of the United States.

NOT SECTIONAL

I regret exceedingly to note the injection of sectional views in the debate on this bill. It has no place in this discussion at all. I offer as a potential argument against this sectional viewpoint the fact that a distinguished American citizen of this great Nation, a former Member of the United States Senate, and now a Member of the House of Representative, spoke against this bill in the Well of the House today—the Honorable JAMES W. WADSWORTH. Now, Mr. WADSWORTH comes from the great Commonwealth of New York, the Empire State of the Union, and that of itself should signify to those raising such futile arguments of the nonsectional viewpoints of this bill. Then again, from the Commonwealth of Kentucky we find at least two distinguished Representatives in this House in favor of antilynching legislation.

Then we go to the State of California, the extreme western section of our country, and we find the same sentiment of the nonsectional type on the merit of this legislation.

I listened very, very attentively to the 50-minute address delivered by our distinguished chairman of the Judiciary Committee today on this proposition. I was very much impressed with the deep sincerity indicated, not alone in his remarks, but in his proven illustration of the several points he raised in his discussion against this proposed antilynching bill.

CRIME OF LYNCHING

It is pretty difficult to disagree with a gentleman of his keen knowledge of living conditions and the philosophy of life, and I read and agreed with this marvelous expression of opinion against the crime of lynching to the Governor of Mississippi in the newspapers of yesterday.

I have no quarrel with him personally in this matter; and I speak, too, with all due sincerity on the question when I mention the fact that I rose in a polite parliamentary manner and requested the gentleman to yield for a question, which he courteously complied with. Inasmuch as he had stated the States of the South were able to handle their own situation, or words to that effect, I propounded this question to him:

Is the gentleman familiar with the result of the national poll of the sentiment of the people taken during the political campaign last fall by the Institute of Public Opinion?

I could not quite understand what his reply to my question indicated except an evasion. Then I asked:

Will the gentleman yield for another question?

And he courteously granted my request for the second time.

SOUTH FAVORS LEGISLATION, POLL SHOWS

I then asked him:

Does the gentleman know the result of the national poll taken recently by the Institute of Public Opinion on the question of antilynching legislation which indicated that 65 percent of the poll in the South were in favor of antilynching?

To which he replied, "Yes."

In reply to my request that he yield for the third time, he said: "Oh, no, no, no", or words to that effect.

I then pointed out to the illustrious chairman of the powerful and important Committee on the Judiciary [Mr. SUMNERS of Texas] that only within the last few months, in fact last January, the report of an exhaustive poll was printed in a great many of the leading newspapers of the country. The question put to the people of the country by the American Institute of Public Opinion was: "Should Congress enact a law which would make lynching a Federal crime?" The results of this poll show the vote to be as follows:

	Yes	No
	Percent	*Percent*
Nation	70	30
New England	75	25
Middle Atlantic	72	28
East Central	77	23
West Central	70	30
South	65	35
Mountain	65	35
Pacific Coast	59	41
Groups:		
Women	75	25
Young persons	77	23
Reliefers	72	28
Farmers	69	31
Small towns	75	25
Urban	70	30

It is noted from these figures, which are no doubt very accurate, that opposition to this legislation is not sectional. The Southern States voted 65 percent in favor of it, against only 35 percent in opposition.

These figures contravert the contentions of the opponents of this antilynching bill.

CRIME NEVER PUNISHED

To my mind the saddest tragedy in mankind is the beautiful legal theories that have been slain by ugly facts brought out in this debate. Now, a fact is just like a birthmark. You may cover it up, but it can never be wiped out. And the facts as published from the record indicate, to wit, 5,105 men and women were the victims of the atrocious crime of lynching. Of this number, 99⅞ percent of the aforesaid lynchings were never punished. There were only eight-tenths of 1 percent that were only slightly punished.

Several opponents of this humane bill submitted certain statistics indicating the gradual decrease in the number of these vicious crimes. While the statements are laudatory they do not indicate a true picture of the situation. I do not believe you can measure human values by the yardstick of a mathematical formula in this discussion. It simply does not cancel.

If we glance down through the corridor of the years to 1882, 54 years ago, and visualize the appalling panorama of

brutal lynchings over these years, an unbiased mind would not alone be shocked but mortified and would be compelled by the force of concrete evidence of the merit of the proposed antilynching bill.

May I add in conclusion to the foregoing evidence in this discussion the following strengthening information? When the Seventy-fourth Congress adjourned in 1936, after sidetracking another antilynching bill, known as the Costigan-Wagner Federal antilynching bill, the opposition staged an 8-day filibuster against it notwithstanding the fact that the legislation had a total of 42,000,000 people pledged in its favor.

How, then, can any Member here say that this is not a popular bill? It is my belief that this bill should be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I now yield to the gentleman from Tennessee [Mr. MITCHELL].

Mr. MITCHELL of Tennessee. Mr. Chairman, the bill under consideration is known as the Gavagan antilynching bill. It seeks to place liability upon the State or political subdivision in which a lynching takes place. It also makes every peace officer liable who is charged with and possesses the power or authority as such officer to protect the life or person of the individual put to death by any mob or riotous assemblage. The district court in which the offense is committed is given jurisdiction to try such cases. The county in which the individual is injured or put to death by a mob or as a result of a riot is made liable in damages to the legal representatives of such person in the sum of not less than two nor more than ten thousand dollars damages. And the Federal district courts are given the power to enforce the payment thereof by levying execution upon any property of the county and may compel payment by mandamus or other process. If the person so injured or put to death is transported from one county to another between his seizure and putting to death, the county in which he is seized and the county in which he is put to death are jointly and severally liable.

This extraordinary authority is claimed by the advocates of the bill under the provisions of the fourteenth amendment to the Constitution on the ground that the State has denied to the person injured or lynched the equal protection of the law, and that his life or liberty was taken without due process of law as guaranteed every citizen by said amendment.

The tenth amendment to the Constitution provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

In this amendment we have set forth the doctrine of States' rights, in which so many of us firmly believe. There is no delegation of power in Congress to control the police power of the respective States so long as the States have an organized government performing its function under the Constitution. Any effort by Congress to pass legislation as is proposed in the present antilynching bill is itself lawless and without justification. It is a greater wrong than the one it seeks to correct. It is clearly unconstitutional. We, as Members of the House, have subscribed to an oath to uphold and defend this great charter of liberty. We should not, therefore, violate it. Any effort made to pass legislation of this kind and force it upon the States in an invasion of States' rights. It is an effort to interfere with the police power of the States.

The proposed legislation is in violation of article 4, section 4, of the Constitution, which provides:

> The United States shall guarantee to every State in this Union, a republican form of Government and shall protect each of them against invasion, and on application of the legislature, or of the Executive [when the legislature cannot be convened] against domestic violence.

Certainly lynching comes under the head of domestic violence and, according to the Constitution above quoted Federal action should only be taken when the State legislature or Governor makes application for assistance. The Congress of the United States has no jurisdiction until this is done. Mob violence is wholly a State issue. It is the prerogative of the respective States to deal with lynching committed within their boundaries. It is not within the jurisdiction of the Federal Government to dictate to, or interfere with, the local police regulations of the States. Ample statutes have been passed by each State to correct this evil. Congress should not, and does not, have this right. The framers of the Constitution wisely provided against it. No one who opposes this bill seeks to justify lynching or mob violence. It is lawless. It is indefensible.

The peace officers of my State—Tennessee—are diligent in the enforcement of the law against lynching and mob violence, and the taxpayers in many instances have suffered greatly because of the effort of officers of the law to protect their prisoners. In one instance, 2 years ago, in one of the finest sections of the South, the courthouse was burned, largely because the Governor had called the State militia to the scene to protect a Negro from violence. It also resulted in the death of some three or four citizens before order was restored, but the prisoner was protected and regularly tried by the court and jury. I refer to this unfortunate incident only to show how zealous the officers of the law and the people are to administer their own laws in Tennessee. It has been many, many years since a lynching occurred in my State. I know of no reason for the passage of this bill at this time. It will not accomplish the results intended. The fact that the Congress assumes to pass this bill and by so doing, invade the province of State sovereignty and State rights is within itself more lawless than the offense which it seeks to correct. There is no justification for the passage of this bill. It accomplishes nothing. It arouses sectional hatred. It is intended to rebuke the South, the Southern States. And, as a matter of fact, there is today less violations of the law in the South than any other part of our country.

We had better be engaged in passing legislation to outlaw sit-down strikes in America than passing this unconstitutional measure. I am a friend always to the workingman and to labor, and have supported all reasonable measures for their protection since I have been a Member of the House, but I cannot, and do not, defend their so-called right to take possession of the property of their employer and hold possession unlawfully while they dictate a wage scale. It is a well-known fact in law that force or duress vitiates and makes void every contract so entered into. The parties on each side of the agreement must have the right, and do have the right under the law, to exercise their own free will and judgment. This does not obtain when force or undue influence is applied to either side of the agreement. I am anxious to help labor and have supported legislation for collective bargaining, but cannot, and do not, approve lawlessness on the part of either the employer or the employee. Neither do I have any excuse to offer or justification to make, however well-meaning they may be, for any mob or assemblage that undertakes to take the law into their own hands and assume the right to administer it. This is contrary to orderly government, contrary to law, and cannot be justified. Neither can the Congress justify in law their action when and if they pass the present antilynching bill. It is violative of the Constitution and a clear invasion of the rights of the sovereignty of the States.

Each Member of the House has taken an oath to uphold and support the Constitution, and no legislation should be passed which seeks to destroy or undermine the principles of that great document of human freedom. We should be true to ourselves, true to our oath of office, true to our country, and thus reflect credit upon the people who honor us by their support and whose representatives and agents we are. This can best be done by defeating the bill before us, and again asserting in no uncertain terms and recognizing the sacred right of each State to administer its own internal affairs. Let each State enforce its own police regulations. They alone are sovereign and clothed with the right to so do. Let us vindicate by our action in voting against this bill the principle of local self-government and the right of a free people to administer their own laws within the States. This is the basic principle upon which the Democratic Party was founded and has lived to serve mankind throughout the years. It is loved and cherished by all free men. It is the principle for which brave and patriotic soldiers have fought, bled, and died on the field of battle to sustain. It is the principle for which great and good men have stood from the beginning of the history of our Nation to the present. Let us revere the landmarks of the fathers. Let us hand down to future generations this same inalienable right, loved and cherished by all Americans from Jefferson to Roosevelt. Let America continue to bear aloft the torch of freedom and to lead the nations of the earth in the ways of peace, happiness, and freedom. This, in my judgment, is the measure of our responsibility and the debt we owe future generations.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 8 minutes to the gentleman from North Carolina [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, I approach a discussion of this question with a feeling of sadness. I do not and I shall not undertake to discuss it with any feeling of animosity toward my northern brethren, and certainly with none toward the black people of the South. In the beginning of my remarks I wish to resent just one statement that was made by the gentleman from Ohio—that these lynchings are due entirely to our dislike of the Negro. I say here and now that there is no good Negro in the South, wherever he may be, who will not have the love and the protection of his white friends. Let me tell you something—I wish I could talk to you about it: The only funeral oration I ever delivered in my life was over a colored man. He had lived with my father for more than a half a century. After age came upon him, he came to live with me. I did not ask him to do anything. I clothed him, I fed him, and, in fact, I belonged to him; he did not belong to me. Whatever he said I did without argument, without question, because I loved him, because he was honest and courageous; and when the sun set for him behind the western sky there was not a member of my family who did not give him up with the same feeling that we would feel for one of our own. And now I ask some of our northern folks, did you ever have a black mammy, any of you? These boys from the South know what it means. I just say this to you: If you ever had one to raise you and chide you and take charge of you and direct you, one to whom you could go when somebody stepped on your little toes and hurt your heart, so that she might put her loving black arms around you, I say to you, if you never had, then you have never been more than half raised. [Laughter and applause.]

Like the old black mammy that Gov. Bob Taylor used to tell about, who was in charge of some southern child. He told of one little fellow who had broken into the pantry and had gotten into the jam and had it smeared all over his clothes; and when she found him, in a very severe tone of voice, she upbraided him for breaking into Mis' Sallie's jam: "Here you are, you little rascal, all covered with jam, breakin' into that pantry. What in the world am I ever goin' to do with you?" And then as the tears came into his eyes and he came up to her, she put her arms around him and said, "Come here to me, you little rascal. Breakin' into that jam. The first thing anybody knows when you get a little bigger you will be breakin' into Congress."

I know them. Now, Mr. Chairman, I could tell you of others who have been as dear to me. I know. To quote from Whittier's Snowbound:

> And when the sunset gates unbar,
> Shall I not see thee waiting stand,
> And, white against the evening star,
> The welcome of thy beckoning hand?

And they will not all be white arms either. I shall be disappointed if there is not a pair of black arms and hands that will be there waiting, waiting for me. [Applause.]

So do not tell me I have come here in animosity to the Negro. It is our problem. I would not say a word to mar the magnificent speech that was made by the gentleman from New York [Mr. WADSWORTH]. His analysis of this bill has been wonderful. Do not inflict it upon us. We will take care of it in my State. Every other State in the South will take care of it. We have already done it. In my own State, in my own town, almost, within the past year were two cases that might have provoked violence, one since this bill was reported, yet our courageous sheriffs went out and took charge of the prisoners, kept them in safety. One of them was tried and the other one will be tried in an orderly way. We have real men in the South who are sheriffs and who represent the law; men who will really lay down their lives.

Just week before last—I will not go into the details of it—one was taken from a small town in my own district, when ordinarily there would have been feeling and animosity; and there was. But he was kept safely.

Let us alone. We will handle this problem. When you read this bill, as the gentleman from New York has read it to you, that an officer of the law in the discharge of his duty trying to protect a prisoner, if a mob shall take him away from him, he shall become a felon. I know you gentlemen do not want to write that on the law books.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WEAVER. I want to place in the RECORD what we have done in North Carolina. I have before me the statutes. They are not recent. They were passed in 1893 and they provide rigid laws against lynching. Under those laws we have made a most magnificent record.

It has been charged that mobs go unwhipped of justice and that there are no convictions. I want to expose the fallacy of such statements as far as my State is concerned.

My colleague the gentleman from North Carolina [Mr. CLARK] has told you of the action of the late Governor Bickett, of my State, in repelling a mob at our State capitol.

In 1925, in the district of my colleague the gentleman from North Carolina [Mr. WARREN], a fiendish outrage was committed. A young white man from New Jersey had been committed to jail charged with criminal assault on a young white woman. Pending the preliminary examination, a mob took him out of jail, carried him out in the country, and horribly mutilated him, and there left him to die. He was a stranger in my State, without friends, without money, and without influence. The State was shocked and stunned and the good name of a great county had been stained.

The forces of the law acted with incredible swiftness under the leadership of the State solicitor, Hon. Donnell Gilliam, a young man of high character and ability. At Raleigh there was a governor of force and stamina, the later Gov. Angus MacLean, who was chairman of the War Finance Corporation during the World War. He immediately ordered a special term of court. Then came confessions, but the leaders of the mob decided to fight it out. At the trial the "yellow press" of the Nation was well represented. They had come down to see a judicial whitewashing.

The men charged with the crime were well known and had large family connections. The majority of them were young men of previous good character who in the heat of passion had surrendered to the mob spirit. The citizenship of the county insisted that the trial should be held there, as they demanded the right to wipe out the blot and stain, and they did it. [Applause.]

The defendants were represented by a brilliant coterie of counsel, including the president of the North Carolina Bar Association, the Democratic State chairman, and many others. Appearing with the solicitor in the prosecution were my colleague the gentleman from North Carolina [Mr. WARREN], who had just been elected to Congress, and Hon. Angus D. MacLean, who recently resigned as Assistant Solicitor General of the United States.

There were 32 members of the mob, and all 32 were convicted. Sentences were imposed ranging from heavy fines to imprisonment from 1 to 30 years at hard labor.

It was the first instance in America where every single member of a mob was brought to trial and every single member of that mob was convicted. The young man was then tried for his life for criminal assault and was acquitted.

It was one of the most remarkable exhibitions of law enforcement that has even taken place in any court anywhere.

In October of the year 1925 three white women in quick succession were criminally attacked by Negroes. The mob spirit was rampant. The jail was stormed, but the prisoners were protected. The same Governor called out the National Guard and ordered a special term to try both the rapists and the mob. One of the defendants was convicted and electrocuted, while the others in an atmosphere of intense hostility were acquitted by a jury of white men and were safely escorted to their homes under the order of the court. Then the mob was tried for storming the jail, and 20 of them were convicted and given heavy prison sentences.

Sometime after that in the district of my colleague, Mr. BARDEN, a brave superior court judge prevented a lynching during the trial of a case.

These, Mr. Chairman, are just some of the answers that North Carolina hurls at the measure of the gentleman from New York [Mr. GAVAGAN], whose bill is an insult and challenge to the sovereignty of every State in the Union.

[Here the gavel fell.]

Mr. WEAVER. I ask you, with this record, with the South trying to meet her problem, to let us alone. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. GUYER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, let me say to the gentleman from North Carolina [Mr. WEAVER] that next to the State of Virginia, North Carolina has the best record in preventing lynching of any of the Southern States.

The gruesome lynching at Duck Hill, Miss., of two colored men taken out of the hands of the sheriff in broad daylight proves the immediate need for a Federal antilynching law.

The victims had just pleaded not guilty when seized by a cowardly and brutal mob of lawless ruffians, armed to the teeth, who tortured and burned the two young Negroes to death by use of a blowtorch. It amounted to a rape of justice, liberty, civil rights, equal rights, human rights, and human lives and of the Constitution itself. Every member of the mob, amounting to 100, who, in defiance of the law and the courts, took part in this barbaric abomination should be apprehended, tried, and convicted to long terms in prison.

This is a typical lynching case, and the actual test of the ability of certain Southern States to protect colored citizens from violence is whether the members of the mob are arrested and convicted. If they are, then there is no real need for Federal antilynching legislation, but if not then even the southern Democrats should vote for the bill.

But, judging from past experience, I doubt if the members of this atrocious, bloodthirsty mob will be convicted and imprisoned; only time will tell.

I am unwilling, however, to believe that intelligent, law-abiding southern people have any sympathy with rule by mob violence, torture, or with such bestial acts, and that they must see the need for Federal legislation.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. GUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Chairman, I am glad to have the opportunity and the privilege to again register my voice in vehement condemnation of the ghastly practice of lynching, and my vote in support of legislation designed to further outlaw this relic of barbarism. An effort has been made to minimize the importance and necessity of this legislation, but I remind you that since this bill was taken up for consideration, only on day before yesterday, in the State of Mississippi two young colored men were mobbed and lynched in a manner which has shocked the conscience of the entire Nation. These two young colored men, whose guilt had not been definitely established, were seized by a mob and put to death by the application of acetylene torches to their naked bodies. In all of the annals of the horrors of the Dark Ages no more brutal, barbarous, cowardly, and inhuman crime is recorded. The history of the Spanish Inquisition, infamous for its acts of sadistic cruelty, does not afford a parallel. And yet scores of other cases in recent years of equal or greater repugnance and atrocity could be recited.

Mr. Chairman, I ask unanimous consent to extend my remarks by including remarks which I made on the floor of the House on January 10, 1922, when the Dyer antilynching bill was being considered.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The remarks are as follows:

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the House, I am in thorough sympathy with the spirit of the legislation proposed by the measure under consideration. Relief of the nature provided by this bill is absolutely necessary if the nefarious practice of lynching is to be stamped out in this country. It may be that some of the provisions of this measure are subject to criticism and should be amended, but let me remind you, gentlemen of the Congress, that the lynching disease is so deep-rooted and malignant that it will not yield to ordinary treatment; it requires the scalpel of the surgeon; colorless and teethless legislation will not suffice.

I take it that there is not a man in this Chamber that has the inclination much less the hardihood to attempt to defend, extenuate, or justify the practice of lynching. It is universally condemned, whether committed in the North or in the South. Whether practiced in New England or west of the Mississippi, we all admit that it is a wicked, damnable, diabolical crime, disgraceful of any community in which it may be perpetrated. The mob is a relic of the Dark Ages and is a product of barbarism. It has no eyes nor ears nor conscience. It is blind to justice and deaf to reason and is void of pity or compassion. Vengeance is its sole shibboleth, and in its bloody wake is found the charred and mangled bodies of its unfortunate victims, guilty and innocent alike. Fired by the mob spirit men become veritable maniacs, their "reason flees to brutish beasts", their sense of justice departs, and often crimes are committed too horrible for description or contemplation.

An incident occurred in my own district recently which shows the grim unreasonableness, the absolute recklessness, the utter disregard for justice of the mob, and demonstrates the imperative need for some sort of legislation of this character. A white woman had been assaulted. A poor, illiterate, unfortunate Negro tramp who happened to be in the locality where the dastardly crime was committed was arrested on suspicion and cast in prison. A mob immediately assembled. A cry went up for vengeance. A victim was demanded. Fired by the characteristic spirit of the mob, the jail was stormed, and in the excitement and stress of the hour a score or more of persons, many of whom were innocent bystanders—men, women, and children—were shot, trampled upon, or otherwise injured. The officers of the law successfully resisted and repelled the attack and saved the life of the poor, unfortunate Negro. The excitement of the affair soon subsided, and in less than 10 days the innocence of the Negro was established beyond the peradventure of a doubt, and he was discharged from prison and went his way without further molestation.

We all admit that every means should be provided to protect and safeguard the womanhood of the land. We all agree that the crime of rape is the most hideous and heinous to be found in the criminal catalog. No death could be invented too cruel for the rape fiend. By his foul deed he forfeits every right to any sort of respectable or honorable consideration. Yet in the interest of law and order, yea, in the interest of our boasted civilization, his punishment must be inflicted according to the forms of law, after he has been duly, legally, and constitutionally convicted. The demands of justice may be delayed for a few days, and peradventure some guilty fiend may escape punishment; but, Mr. Chairman and gentlemen, it were far better that a guilty man escape punishment occasionally than that an innocent man undergo the terrible tortures and ignominy of death at the hands of a cruel and relentless mob. [Applause.] Mr. Chairman, does any Member believe that the fear of the mob has ever deterred anyone from the commission of this unspeakable crime? Certainly not. The infernal brute who attacks women is so steeped in degradation and is so void of conscience and soul that neither the noose nor the torch have any terrors for him. I am not influenced in my attitude on this bill out of any consideration whatever for the rapist. I am opposed to the mob because it moves without reason or responsibility, and thus menaces the innocent as well as the guilty. I am opposed to lynching as a matter of principle. I am opposed to it because it is degrading and demoralizing in its very nature; because it is in defiance of law and breeds contempt and disrespect for our governmental institutions; and is, therefore, a species of anarchy.

The committee report accompanying and supporting this bill recites that from 1889 to 1921, 3,377 persons met their death at the hands of a mob in this country. Of the total number thus barbarously murdered, 2,658 were Negroes, 617 were whites, and 2 were Mexicans; and of this number 51 were women and 10 were ex-service men. Thus it appears that the mob neither respects the color nor the sex of its victim. If it were absolutely known that every person lynched was guilty of the crime imputed to him the enormity of the situation would be somewhat reduced, but the verdict of a mob is inexorable and is not subject to appeal or review, and therefore the guilty and the innocent suffer alike.

It is a common impression, Mr. Chairman and gentlemen, that all Negroes lynched have been charged with a crime against women, but the report of the committee exposes this fallacy. Less than one-third of the persons lynched, both white and black, have been charged with this unspeakable crime.

While I realize that numerous lynchings have occurred in this country which were beyond the power of the civil authorities to prevent, nevertheless, in my candid opinion, a large percent of these outrages would not have happened had the officers charged with the upholding and enforcement of the law performed their full duty.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I beg the gentleman's pardon. I cannot. I have not sufficient time.

The fourteenth amendment to the Federal Constitution guarantees to every citizen the "equal protection of the law", and it is the solemn duty of every officer charged with the responsibility of upholding the law to employ every effort and means to make this provision of the Federal Constitution effective. This bill not only makes those who participate in a mob guilty of a felony but it also makes guilty of a felony any officer—State, county, or municipal, charged with the power or authority to protect the life of any person that may be put to death by a mob—who fails, neglects, or refuses to make all reasonable efforts to prevent such person from being so put to death. Too often, Mr. Chairman and gentlemen, the officers charged with upholding the law are in sympathy with law violations and merely make a pretense and a mockery of law enforcement.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman 2 minutes more.

The CHAIRMAN. The gentleman from Tennessee is recognized for 2 minutes more.

Mr. TAYLOR of Tennessee. The whole country is sick nigh unto exhaustion with such travesty. The law must be enforced whether good or bad if our institutions shall prevail and our civilization continue. A good law should be enforced for manifest reasons, and only the genuine enforcement of a bad law will develop and expose its viciousness and lead to its repeal. With laws based on simple justice, sound human experience, and the spirit of the teachings of the meek and lowly Nazarene, and with officials with the courage, fidelity, and integrity to enforce them the future safety of our Nation is secure. The individual or community that cannot trust the regular, ordinary governmental agencies and institutions to make good the guaranties of the Republic is sadly lacking in the essential elements of good citizenship. The majesty of the law must be vindicated and upheld, and order must be maintained irrespective of cost or hazard.

Mr. Chairman, the lofty sentiments of the immortal Lincoln are peculiarly apropos today:

"Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice. In short, let it become the political religion of the Nation."

[Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. MCREYNOLDS] such time as he may require.

Mr. MCREYNOLDS. Mr. Chairman, in my opinion the present bill is fraught with many dangers more far reaching than the unlawful practice which it undertakes to correct.

To my mind there are not many things more horrible than lynching, excepting the character of crime with which most of those who reap this fate are charged. Regardless of the offense, I feel that lynching is not justifiable under any circumstances; not only on the theory that the man guilty of these horrible crimes has met his death, but mob violence strikes at the very safeguard of our laws and administration. When the law is at one time taken in the mob's own hands, even under what some would consider justifiable reasons, immediately this same spirit will at once undertake to destroy the law for even smaller offenses.

No one can be more against lynching than I am, and the abuses of the result of such action, but this bill will destroy State rights if held to be valid, and in my opinion will not add to enforcement of the law against mob violence. It has been effectively demonstrated that the laws in this country cannot be enforced unless they meet with public approval. There has also been demonstrated that when the Federal Government undertakes to step in and be responsible, thus taking away the rights of the States and local courts, that it is invariably left to the Federal courts, without proper cooperation from local authorities.

For the colored race this act would be a step in the wrong direction. In some sections it would create resentment and feeling that would not be to the best interest of that race.

I fear that those who have tried to pass legislation of this kind for many years are guided and controlled by views probably coming from their own section and constituents, and not from that broad experience which might give them a proper insight as to what probably might be the disastrous results of such legislative action.

I am bitterly opposed to this legislation; first, because I think it is clearly unconstitutional; second, because it cannot be effective; and third, because it is not to the best interests of those who might become involved.

It is useless for me to go into the constitutionality of this act, that many times has been discussed on this floor as well as that of the Senate. The most able lawyers in this body for the past 15 years, as well as in the Senate, regardless of politics, have insisted that an act of this kind is clearly unconstitutional, with which opinion I am in thorough accord. For the benefit of the House, I might refer to one of the most able arguments, and which, to a great extent, was the basis of other legal arguments against the constitutionality of acts of this character. In January 1922 you will find that our most brilliant and able lawyer, who was then and is now chairman of the Judiciary Committee of the House—I refer to the Honorable HATTON W. SUMNERS of Texas—went into the legal questions very extensively relative to legislation of this character and should convince anyone that this act is clearly unconstitutional. I feel that if the Members of this House would consider the legal arguments there presented, without biased prejudice or interest, they would reach the same conclusions that he reached.

The provisions of this bill are very obnoxious, and especially do I desire to call your attention to sections 5 and 6, which provide that any county in which a person is seriously injured or put to death by a mob or riotous assemblage shall be liable to the injured person or the legal representatives of such person for a sum not less than $2,000 nor more than $10,000 as liquidated damages.

In other words, you propose to tax the taxpayers of what might be an innocent county to pay damages to the representative probably of some human wretch.

Section 6 provides that if any person so put to death shall have been transported by such mob or riotous assemblage from one county to another during the time intervening between his seizure and putting to death, the county in which he is seized and the county in which he is put to death shall be jointly and severally liable to pay the forfeiture herein provided.

In other words, if a mob in one county seizes a prisoner and at the dead hours of night brings him into another county where they have no notice that a crime has been committed, and he is put to death in that county, the people of that county can be punished by damages in the amount of not less than $2,000 nor more than $10,000. He may be seized from officers in New York and carried to Florida and put to death in the State of Florida where such State or county authorities have no knowledge of such action. This bill undertakes to make such a county liable. If this is justice, then I do not know what justice means.

I predict the day will come when many of those who are supporting this measure on the floor of this House will see the folly of their way and the great injustice done to the local people when an offense of this character is committed in their own county.

I am frank to say, under present conditions, that it is more likely to occur in other sections of the country than in some of the Southern States, which many of us have the honor to represent.

Of course, I recognize the fact that this bill is going to pass this House regardless of what we may say or do, because you have brought it before the House by a majority of the House. I have every confidence, however, that the Supreme Court of the United States will never sustain the constitutionality of this bill, and which, if sustained, will set a precedent giving the Federal court jurisdiction of any local offenses wherein Congress should pass such legislation.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOSER] such time as he may require.

Mr. MOSER of Pennsylvania. Mr. Chairman, for some years it was in line with my public duty and privilege as well to represent the strong arm of the Government of the United States in the investigation and prosecution before the Federal courts in various States of persons charged with a violation of Federal law. It is but natural that such experience would engender convictions as to the prosecution of law and trial by jury.

I have colabored with those engaged in the prosecution for violations of the Mann Act and the Volstead Act. Both were noxious laws, designed to prevent practices therein held to be criminal in the enforcement of which the strong arm of government was invoked to stamp out the form of crime therein described by forcing violators to stand in awe of the majesty of the Government of the United States. Both failed in their preconceived purpose and only had the effect of creating contempt for the impotence of the Federal authority to enforce, by the proponents of the measures as well as those guilty of their violation.

I have sought this recognition of the House at this point and moment that my remarks may closely follow that able and masterful discussion by the gentleman from New York [Mr. WADSWORTH], who is, in my humble opinion, buttressed by experience, absolutely right on this question.

I crave the indulgence of the Committee for my sentimentality in mentioning that my earliest immigrant ancestor came to America 229 years ago last January and chose as his first abode Dutchess County, N. Y., represented in this House by the gentleman from New York [Mr. FISH], a proponent of the antilynching bill, but moved on to Livingston County, N. Y., represented by the gentleman from New York [Mr. WADSWORTH], before moving on to Pennsylvania and taking land on a patent from William Penn, which from the date it was set up as a county in 1751 is now Berks County, and which I have the honor of representing in this House.

In all this span of time history available to me and tradition has failed to reveal that a lynching ever occurred. Coincidently, not one resident of the district has communicated to me a desire that I either support or oppose the antilynching bill, trusting rather to the traditional convictions inherited and developed to properly represent them on this measure. I cannot therefore conceive it to be my duty to do any other than vote against this antilynching bill. I cannot say to the law-abiding people who have never resorted to mob violence: "The Government of the United States, through the vote of your Representative in Congress, says you may not do what you have ever disdained to do."

Section 4 of this proposed bill, lines 12 to 17, says:

A failure for more than 30 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such persons, shall be sufficient to constitute prima-facie evidence of the failure, neglect, or refusal described in the above proviso.

Mr. Chairman, I have investigated cases for the Federal Government that have led to the prosecution of those guilty of crime. In innumerable instances it was not possible to apprehend within a given limit of time. The time I consumed was never restricted. In the investigations that led to the obtaining of evidence on which to apprehend, and on which to convict, frequently many months were necessarily consumed, and at times years, approaching dangerously near the deadline of the statute of limitations—3 years. I cannot under any circumstances vote to make my people liable under such prima-facie evidence amenable to the proviso therein mentioned.

Mr. Chairman, I shall not attempt to go into further detail concerning my opposition to the various provisions of this bill. All have been adequately covered by others addressing the Committee.

I yield to no one in my love for law and order and respect for constituted authority. I yield to no community, as able to present a better record than my own, on the subject matter of the purpose of this bill. I cannot support a measure that would have the effect to discourage a public official in the performance of his official duties lest he lay himself open to the provisions of this proposed legislation and render himself liable thereunder. In the light of personal experience, this bill, if ever enacted into law, will not have the effect to encourage local authorities to go forth and prosecute it. Its passage and enactment will therefore, in my opinion, have the effect to remove as well as withhold the protection of law now enjoyed by those accused of such crimes that experience has shown lead to lynching.

My vote against this bill will not be an endorsement of lynching, as has been charged from this House floor. It will be a vote of my community, saying to the Federal Government, You failed in the purpose ascribed to the Mann Act, you failed in the purpose ascribed to the Volstead Act, your impotence has proved the utter futility of attempting to police the Nation, you have failed utterly in the matter of enforcing laws requiring policing State lines; now, by the vote of our Member, you shall not attempt to interfere further with the rights of the States by attempting to police county lines for crimes never committed in this law-abiding community.

"Accordingly, all experience hath shewn" it is impossible to regiment, by legislation, the morals and passions of humanity.

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I have one or two very persuasive reasons for wanting to make a brief statement on this matter.

We do not seem to know these days whether a bill is constitutional or unconstitutional until it is passed on by the Court; we do not know whether it is a law or not until court procedure declares it. I have read both sides of the argument on the constitutional questions involved, which forced me to read again and again the fourteenth amendment. Briefly, the fourteenth amendment provides that no State shall deprive any person of life, liberty, or property without due process of law. It further states that Congress shall have the right to enforce the provisions of that amendment. I want to paraphrase that by saying that in any State where the authorities fail to protect life and liberty Congress apparently has the power to enforce the law. That is very convincing to me.

I recognize the futility of this legislation, but as old friends of the colored race the Republican Party are still with you, even though you have almost entirely deserted us. [Laughter.] But I desire to extend my sympathy, and I wish you would page Dr. Stanley High for the moment. This certainly is the beginning of the cleavage begun by those now paying the price of Negro support, as was stated by the gentleman from Georgia [Mr. PACE] a few days ago. The Democrats from various large cities were not formerly greatly interested. They stood with the Democrats of the South, but now they have a constituency that they must represent, and they will not only represent them in this matter but other provisions of the fourteenth amendment will soon be considered. It is a beginning of the cleavage. I may say to the gentleman from Chicago that I understand perfectly well that this is only a beginning of his activities, undoubtedly, to have not only protection of life and property but may soon insist on other rights of citizens that seemingly at least have been greatly abridged.

But I know it is largely the problem of the South, and I want to say to my good friend from Texas [Mr. SUMNERS] that I fully agree with him. It is their problem. You know how best to solve it. This bill will prove futile. A culprit will not be allowed to get into the hands of the sheriff. This act applies, you know, only after they get into the hands of the sheriff. They will find a way out. [Laughter.] But having the faith of my forefathers and my Republicanism, I certainly will vote for the bill; that is, I have finally salved my conscience as to its constitutionality by simply rephrasing the reading of the fourteenth amendment.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RANKIN. Let me say to the gentleman from Massachusetts that the reason there was included in the bill the provision that it should apply only where a man was under arrest, was to protect the racketeers in other States where they go out and murder innocent people. Under this bill, you see, they can murder or lynch innocent people and the perpetrators would go unpunished.

Mr. GIFFORD. Mr. Chairman, I did not yield to the gentleman to make a speech.

Mr. RANKIN. This bill applies only to people who are under arrest.

Mr. GIFFORD. I will answer the gentleman. In regard to gangsters, our officers really try to get them.

Mr. RANKIN. Where and when did that start?

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, this bill deals with a subject of great human interest. There are no questions involving complicating figures or abstract scientific problems. The only question is, has any man the right to take the life of another except by due process of law? If no one man has this right, has a mob or group of men this right? The fifth amendment of the Constitution provides that every man has the right to life. If he forfeits that right he does so because some law so provides, and if a law does so provide, that law or some other law provides how his forfeiture of that right is to be determined and how punished.

There can be no question but that out of the relation of master and slave that once existed in the Southland that there remains yet much of that same spirit. The white masters have by their natural overlording built up a sentiment that shows itself upon the least attempt of the colored man to show equality, even if shown with the finest humility. That feeling of superiority has shown itself in high places so long that those not in high places think that if they can join a lynching party and take the life of some defenseless colored man they are doing the right thing to continue to show to the world that the relation of master and slave still exist. When the southern people clear this prejudice from their hearts and really set their forces to wipe out this disgraceful system of administering the law they will eradicate lynching.

One of the most striking illustrations of this overloading in high places was shown by Chief Justice Taney in the opinion he wrote in the Dred Scott decision. Among other things, he said: "The Negro race is regarded as so far inferior that it has no rights." Further, he said: "The Negro might lawfully and justly be reduced to slavery for the white man's benefit." There is too much of that sentiment remaining yet. If there is not the proper sentiment in the Southern States to support legislation to stamp out the practice of lynching the Federal Government should intercede so as to carry to all American citizens the provisions of the Constitution. When men are being lynched and deprived of their lives without due process of law, in fact without any law and in open defiance of law, we should extend the power of the Federal Government to their protection. I shall vote for this bill with the hope that we may blot this brutal and barbaric practice from our land.

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. FLEGER].

Mr. FLEGER. Mr. Chairman, I wish to take this opportunity to voice my support of the Gavagan antilynching bill. To me it is one of the most humane pieces of legislation which will be considered by the House during this session. Had this law been in effect sometime ago the horrible example of mob violence which took place several days ago would probably have been averted.

So far all efforts to give protection against mob violence through Federal means have been defeated, not because of any sound reason but because of racial prejudices that unfortunately exist in many of our States. It is difficult to assign any convincing reason why unfortunates who may have incurred the hate of their particular community should be subjected to lawless mob murder. Yet we find in Congress and in various State legislatures organized opposition to the enactment of any antilynching legislation which can be properly enforced. There is one outstanding exception, Virginia. Since the passing of Virginia's protecting law there has been not one lynching to mar the bright record of this State. Contrast this with another of the Southern States. The double lynching which took place 2 days ago is an example of uncontrolled mob violence. The newspapers tell how two colored men were tortured and lynched by a mob of over 100 white men near Duck Hill, Miss., after they had pleaded innocent in court to a charge of murdering a white man. A third colored man suspected by the mob of complicity in the slaying of a country storekeeper was severely whipped and run out of the county after narrowly escaping the same fate of the other two Negroes. One man was tied to a tree and tortured slowly to death by flames applied to his body by a blow torch. Another man was shot by members of the mob and his body burned. This, ladies and gentlemen, was not in the days of the catacombs; it occurred in a civilized country—our country—in April 1937.

The proponents and sponsors of this bill are not trying to give protection to criminals. They do, however, seek to protect those who in many instances have been innocent of any crime, yet, because of mob rule, have suffered the tortures inflicted by the mob without justification. A good example of this occurred in the past few days in the whipping of the innocent Negro bystander.

The conviction of innocent people is not uncommon. A good illustration of it centers around a case in the State of Ohio, wherein the accused being of Negro race was convicted and incarcerated in the State penitentiary for a crime of which he was innocent, and for which he was subsequently proven innocent through the confession of the guilty person. Had this man been living in the community where the lynching took place several days ago, it would undoubtedly have resulted in his death at the hands of the mob without giving him the benefit of a trial, which has been guaranteed to all citizens of the United States.

The fault, as I see it, lies with the public officials who condone such atrocities. Why is it that Virginia and the Northern States are free from this type of crime? The answer is in the proper enforcement of laws by public officials.

The present bill which we are now considering has the endorsement and the support not only of the 15,000,000 Negroes of the United States, who are praying for its passage, but from practically every organization that is interested in law and order and in the general welfare of the public.

There is nothing in this bill that in any way endangers honest public officials who are willing to do their duty as they have sworn to do it. There is nothing that in any way endangers the liberty and freedom of any individual who respects the laws of the United States.

We have had many instances in the past years where local and State governments have been powerless to cope with outbreakings of mob violence. We have had many instances where innocent victims have been cruelly tortured and murdered before any court of justice had an opportunity to pass upon the guilt or innocence of the accused.

No right-thinking American citizen should deny to any other citizen the right of a fair and impartial trial by a jury of his peers. This bill makes it possible for the Federal Government to step in where local governments and public officials condone such violence or willfully fail in the suppression of these crimes. It removes the enforcement from

political influences and gives assurance of respect for law and order. It should be passed unanimously without delay. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. LANZETTA].

Mr. LANZETTA. Mr. Chairman, I arise in support of the antilynching bill sponsored by my colleague from New York [Mr. GAVAGAN].

After listening to the arguments on Monday against the resolution to discharge the Committee on Rules and on Tuesday against the bill proper, it seems to me that the opponents of this legislation are trying to raise a smoke screen so as to hide the real issue that is involved in this measure.

The real issue involved in this proposed antilynching legislation is whether the wanton, brutal, cowardly, and deliberate murder and torture of colored people by lawless mobs shall continue to go unpunished, or whether the constitutional provisions that they shall not be deprived of their right to live without due process of law shall prevail.

The opponents, in trying to scuttle this measure, argue that it is unconstitutional and that we as Members of Congress have no right to legislate against the continuing of this butchery of human beings, which has been a blot on the escutcheon of this great Nation since its birth.

Truly the gentlemen that are now interposing these arguments cannot be serious in their contention, for if they are right then all of our labors as Members of this great deliberative body are but idle gestures. Of what use would it be to the 125,000,000 people in the United States for us to legislate for their material well-being if we have not the power to pass laws protecting their lives, the one thing most essential to them if they are to enjoy the benefits of our legislative efforts? While I agree that the right to protect persons in their lives lies originally with the States, nevertheless I am in full accord with the supporters of this bill that Congress has the right and the power to legislate on this subject once it is satisfied that the States have been derelict in their duty, as in the present case.

Mr. Chairman, many of the States have failed to protect the lives of colored persons from the rapacity of bloodthirsty mobs. They stand indicted on their own record of dismal failure to punish the perpetrators of these atrocities. In the face of thousands of lynchings which have taken place up to a few days ago and the small percentage of convictions obtained against the participants of this mob rule, what credence can be given to the statements made by the opposition that there is no need for passing this bill, and that the States can very well take care of this most serious problem?

If the States that now object to antilynching legislation by Congress have been unable to wipe out this horrible form of crime up to now, why must we wait until more human beings are slaughtered and tortured to death before taking this much-needed step? Let us do it now, and let the passage of this bill serve as notice to all concerned that hereafter punishment will be meted out for this particular crime.

Mr. Chairman, the crime of lynching is not committed behind closed doors but out in the open. In many cases before the crime is perpetrated, practically every man, woman, and child in the community knows about it. In some cases its gruesomeness has been so spectacular as to attract the attention of practically the whole countryside. Do the gentlemen who oppose this bill, and who stand before this House today imploring us to do nothing about this most abhorrent situation, really want us to believe that under such circumstances, with hundreds—yes, thousands—of witnesses present, that no indictments nor convictions could be had?

I may be credulous, but I am not so gullible as to believe that if the constituted authorities, from the Governors down to the prosecutors, in the States where mob rule has run rampant, were sincere in their efforts to apprehend and to punish the persons guilty of these atrocities, that the convictions obtained would not have been far greater than what they actually are. Besides, a greater number of convictions, coupled with severe punishment of the guilty, would have acted as a strong deterrent to persons who are inclined to take the law into their own hands at the least provocation.

The burning and killing at Duck Hill, Miss., the other day of two Negroes, and the beating up and torturing of a third Negro, who was innocent and had nothing to do with the crime, since he was let go, is a glaring example of the fact that no provocation is necessary to start lawless mobs on a rampage of torture and murder. From the newspaper reports it appears that the crime was committed as far back as December of last year, with more than ample time intervening to have cooled the hottest heads, and that the prisoners were in the custody of the law at the time they were seized by the mob. What reason or excuse did this mob have for taking the action which it did? None whatsoever.

Mr. Chairman, it is a well known fact that lynchings are not the result of the actions of relatives of the injured party, but rather the work of outsiders whose desire to kill and torture in cold blood is ever present and encouraged by the thought that they are immune from punishment for this sort of crime.

The ridiculously small percentage of convictions for the crime of lynching is more than ample proof that as long as the perpetrators of these inhuman and lawless acts continue to remain unpunished, that this type of crime will continue to be a scourge upon the fair name of our country and a horror to the people of the colored race, who, unfortunately, have been the greatest sufferers from this form of atrocity. Since many States have shown an apathy toward punishing this type of criminal, then I, for one, am in favor of placing the enforcement of the law against such crimes in the hands of the Federal Government, under whose Constitution all of us, both white and colored, first derived our inalienable rights to life, liberty, and the pursuit of happiness.

In conclusion I wish to take exception to the statement of the gentleman from Alabama that those of us who are supporting this bill are ourselves guilty of mob action. This distortion of the efforts and ideals of millions of men and women, who are supporting this antilynching legislation, makes us more determined than ever to put a stop to this modern form of barbarism, which has no place in our present society and which cannot and must not be condoned under any circumstances. [Applause.]

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I think I realize, as does each and every other Member of this House, that what I may say, or anyone else may say, on the question before us will have little influence upon the vote that is cast on this bill.

It is rather interesting that those who are opposed to the bill, generally speaking, give as their reason or excuse for opposing this measure, the ground of its being unconstitutional, and particularly in violation of the fourteenth amendment. We have during the past 2 or 3 days heard a great deal said about State's rights and their protection. I think I appreciate the earnest effort, wherever it is earnest on the part of the Members of this House in the discussion of this bill, to want to protect the rights of the States. I hope we shall be as earnest as to human rights. I have a profound respect for those Members who vote against the bill on the ground that in their opinions humanity will be better served and progress will move further if the measure is defeated by the Congress of the United States. Those persons who take such a position fairly and honestly on this question, I say, are to be commended.

But those of us who vote against it and use as an excuse, rather than a reason, that it is unconstitutional, then we are not doing our full duty as Members of this Congress.

I believe it has been plainly shown from the facts and figures which have been presented to this Congress that the States have failed in their obligation in the protection of humanity when we find that during the last 50 years more than 5,000 persons have lost their lives by mob violence. It is a disgrace, a crime, and a black spot upon the face of

humanity when we are faced with a situation that proves the States and the people of the communities of the States have failed in their obligation to protect the rights of human life.

And I realize that we have not protected the interests of human lives in other respects. It is true that where murders are committed and the accused brought to trial that in many cases proper punishment is not meted out where it should be. But when we are met face to face with figures which show that during the last 50 years in 99 percent of the cases where lynchings have occurred—those who have committed this infamous crime have been permitted to go scot free—it behooves us as Americans to do something about it, and to do it now.

In the past few days we have spent a lot of time defending a constitution that provides that the enunciation of it, among other things, is to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty to ourselves and to our posterity.

I am not going to discuss with you the question of the constitutionality of this proposed measure, except to say that this same question was debated when the famous Lindbergh Act was enacted into law. This same question was debated and discussed vehemently when the so-called Mann Act was passed by this Congress.

And so I say that if we could lay aside our bias and our prejudice—and I realize it is practically impossible—we would take a different view of this legislation as it faces us this afternoon. The Negro has made progress in the advancement of civilization far more than could have been expected of him during the past 75 years; and while we give a great amount of credit to the Negro for lifting himself by his own boot straps, so to speak, yet we must give an immense amount of credit to a great many white people with whom he has been associated and who have made a special effort to assist him in the progress he has made.

So, this afternoon, the colored man of the South and of the North, and of the East, and of the West is asking for the same protection and the same right to which every human being living within the confines of the United States is entitled, and that is a fair and impartial trial and equal protection under the law. We have confused too many times during the heat of this discussion the subject of murder with that of lynching. They are not comparable. Murder is committed by an individual or individuals, who are, if apprehended, brought to trial. Lynching is committed by citizens of a community who flaunt the law, and take the law into their own hands for the purpose of meting out punishment against individuals, with the desire in their hearts that such individual shall not have or be entitled to a fair trial.

I believe that if you are opposed to mob violence, if you are opposed to savagery, and of bloodthirsty brutality on the part of enraged human beings who presume to flaunt the law by inflicting the ugliest tortures of death that human minds can conceive, if you think that every citizen in this great country of ours, regardless of race, creed, or color, is entitled to the same protection under the law, then I believe you will support this measure. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, I hope we will be able to consider this important item of legislation from the standpoint of its merits. It is not to be expected there will not be, in the nature of things, some consideration of political interest and some consideration of sectional attitude. We can only do our best to examine this question upon its merits.

FAR-REACHING EXTENSION OF FEDERAL POWER OVER THE STATES PROPOSED BY THIS BILL—NOT RESPECTFUL COOPERATION WITH THE STATES

This, Mr. Chairman, is the most far-reaching item of legislation, everything considered, which has been proposed in this country within a century. It is entirely different from the ordinary extension of Federal power, which is extended into a State in an attitude of respectful cooperation with the agencies of that State. This is a power given to the Federal Government to prosecute a State in the criminal courts.

If the gentleman from New York [Mr. WADSWORTH] is correct in his statement as to what is meant by the provisions of this bill, will you vote to give the Federal Government power to prosecute the Governor of your State if he does not call out the militia when some Federal official thinks he should?

Do not believe for 1 minute you can establish this sort of power in the Federal Government as against the States of the South—and that is what you are seeking to do under this bill today—and that the day will not come in our Government's life when the Federal power will be sent against your States with the same sort of overlordship. The question before statesmen today is whether or not you want to establish this power proposed in this bill as a part of the governmental policy of this Nation.

In 1922 I discussed the constitutionality of the Dyer antilynching bill. It was similar to this bill. I had in mind until a few moments ago to do a similar thing with regard to this bill. I have changed my mind. I am going to go deeper. That document over in the Congressional Library is not the Constitution of this Nation. It is a body of organic law adopted by the people. However, beneath that document, beneath its words, is the Constitution of a living government. I want to discuss it today in relation to this bill.

AT VARIANCE WITH FUNDAMENTAL NATURE OF OUR GOVERNMENT

Our Government by its nature is built upon the people. Our real Constitution is a living thing. It is rooted in the governmental concepts of the people. Unless it is sustained by their governmental capacity, it fails. If this Government of the people fail in this country, as in all other countries where such a thing occurs, government will resort to its only other alternative, a dictator. By its nature our Government is pyramidal in its shape. It starts with the individual and builds up through the community, up through the States, to the capstone, which is the Federal Government. By its nature—I mean by the nature God Almighty gave it—it functions from the bottom upward. We are trying to reverse the natural direction of its operation. It cannot be done. Neither can we stand this pyramid on its point. The members who sat in the Constitutional Convention did not try to do it. Of course, they did not write the Constitution in a creative sense. It came through the ages, every provision originating out of necessity, tested and developed by experience among a people peculiarly gifted with the genius of self-government. No political philosopher suggested its provisions. No convention fashioned them.

I do not at this moment distinguish between the written and the basic Constitution. Back in the Germanic forests in the first century, Tacitus looked in upon the people who afterward were known as the Angles and the Saxons. He saw the people gathered together to attend to the business of government. A leader submitted a proposition to them. If those people, the Anglo-Saxons, people like you and I, approved the proposition, they brandished their weapons. If they disapproved, they murmured, and that was the end of it. They, the people, spoke the voice of government. It was the voice of authority not from the top downward. It was from the bottom upward.

You cannot make a government of a free people, our sort of government, function from the top downward. Nature has fixed that as certainly as it has fixed the laws of our own bodies. We cannot violate these laws and escape punishment. With our eyes open, warned by all the lessons of experience, we propose the violation of this fundamental law today.

You cannot establish a great governmental overlord here in Washington, place the hand of superior authority above the voice of the elected representatives of the people, and perpetuate this system of government. It cannot be done. Yet today you are going to take the farthest step in that direction which has been taken in the centuries. Why? Let any statesman answer why. If there ever was a time in the history of this Nation when we needed to turn in the other direction, it is now. [Applause.]

When we began this administration, due to economic conditions, that fascinatingly interesting thing which has often happened in Anglo-Saxon governmental history occurred.

Sensing a crisis requiring a greater strength and a quicker pick-up than our institutions functioning normally afford, we concentrated in the Central Government emergency powers to deal with an emergency situation.

Do not ask me questions for a while, please. Give me your ears and your minds. I do not need your mouths. I have too much mouth now myself. Lend me your ears and your brains. I need them both. When I get through here I will give you back your ears; and if I forget and keep your brains, I will not have any too much anyhow. A lot of you fellows would never miss them, and your friends would never notice the difference. [Laughter.]

CHALLENGE TO STATESMEN

Statesmen of America, sitting in this Chamber at the high peak of human history, when you are challenged to be the greatest statesmen that ever walked the earth, what are you fixing to do to this governmental structure of ours? What are you fixing to do today, statesmen of America, against the fundamental nature of our Government? You are trying to reverse the natural direction of governmental operation. You are giving power to the Federal Government to lay its hands in coercion upon the Governor of your State and upon the officers of your State, upon the sovereign States themselves, to hale them before a Federal court and put them in stripes if perchance they fail to obey the mandate of the Federal Government with regard to procedure in the discharge of their State governmental duties.

Do you think you can establish that sort of thing in this matter as a part of the law and policy of the land, and turn back? Do you think you can make this system of government of ours function from the top downward? God Almighty has written in His great economy that you cannot do it. There is no king, no hereditary nobility to govern. There is no governor but the people. This Government is not resident in Washington. This Government is resident out in your States, among your people.

God Almighty in His knowledge and wisdom has devised the plan of teaching people how to do a thing by having them to do it. No people ever preserved the power of self-government except by exercising that power. They must govern or they lose the power to govern. That is fixed by a law of Nature universal in its application.

PRICE OF ECONOMIC RECOVERY

When this administration came into power all over the country we recognized instinctively the existence of this crisis which I spoke of; that it required a quicker pick-up and a stronger power than Anglo-Saxon institutions ordinarily afford. We made the Central Government strong by moving away from the people many of their accustomed governmental duties. That has made more necessary that all duties not associated with economic recovery falling within the governmental capacity of the people be left in the smaller governmental units where the people by doing them may give some exercise to their governmental muscles.

Let no man in America underestimate what that shift of governmental responsibility is costing us. We had to do it, I agree, but let nobody underestimate what it is costing us in self-confidence, in self-reliance, in determination of a people to work out their own problems, get to themselves thereby the ability to work out the bigger problems of tomorrow. In such a time, in such a situation, you bring in this monstrous governmental proposition that has no connection with economic problems, at a time when we need to send our people back to the discharge of their governmental responsibilities; at a time when they must assume greater duties of government or surrender the opportunity to be free.

NECESSITY FOR PEOPLE TO GOVERN

We have no foolproof system of government. Governments are subject to the laws of cause and effect.

No people ever were able to preserve their liberty who lost the ability to operate a system of free government. No people were ever able to preserve that ability or any other ability except by continuing to use it. [Applause.]

I challenge the history of the ages for an exception. No people in all the history of the ages ever were able to operate a system of self-government who lost the ability to govern. Write it down, statesmen, today. Whoever, after the formative period of a government is finished, moves away from the people the necessity to govern, moves against the best interests of his government. All true progress after that time is in that direction which moves the opportunity and the necessity to govern closer and closer to the people.

Now, what is the excuse for this bill? I will not say it is political. I am glad we did not have to vote yesterday. I felt pretty mad about that lynching in Mississippi, and I sent them a red-hot telegram. I believe if we had voted yesterday I might have joined your mob to lynch the Constitution as you are proposing to do today. I had the mob spirit pretty high in me yesterday.

Why are you going to do this? Does anybody underestimate the importance of what we are going to do? It is a major thing. We are a nation now. The States have grown together by natural processes at the points of physical and governmental contact. We are a nation, created such not by the Constitution. It never constituted either the fact or strength of union. It was as the tape of the horticulturist, holding the parts together until Nature could tie in the fibers of union.

All true progress in this Nation from now on has to be in that direction which puts the necessity of government and the power of government closer and closer to the people. This bill moves it away. This bill interferes with the development of community responsibility and capacity to prevent lynching.

LYNCHINGS REDUCED—NO OTHER CRIME CAN SHOW SUCH REDUCTION

I come from the South, and I speak advisedly about this thing. We do not want the necessity to govern in this matter taken from us. Is it because we want to see these poor people lynched? No. We know that only the communities can protect. We know that public sentiment, public purpose, and public capacity of the communities of the right sort is rapidly developing under the fact of exclusive responsibility. We come here and appeal to you of the other States not to interfere with that development.

We live in a peculiarly difficult situation with two dissimilar races living together, trying an experiment that has never succeeded in the history of the ages. It is a difficult situation, a dangerous situation, a delicate situation, and we know better how to handle it than you do. We know the probable effect of this invasion of the States, directing their official personnel under threats of Federal punishment. We come here and ask you to give us a chance to finish this work.

Are we making progress which justifies that request? Here are the lynchings [indicating on chart] from 1882 to 1892, inclusive; there was an average of one lynching for each 380,000 people; and here is the period of the next 11 years, 1893 to 1903, inclusive, one lynching for each 555,000 population. Here is the next 11 years, 1904 to 1914, inclusive, one lynching for each 1,308,000 population. Here is the next period, 1915 to 1925, one lynching per 2,129,000 population. The next period, 1926 to 1936, inclusive, one lynching per 7,488,000 population. During last year there was one lynching per 15,000,000 population.

Are you honest about this thing? Do you want to see lynching stopped in America? I would be willing to make the proposition to any Member on the floor of this House that I would be willing to vote for this bill if you could point to a single major crime in America that has been reduced as rapidly as this crime of lynching. [Applause.]

I did not want to be interrupted, but I yield now, and I want the RECORD to show that I yield and no Member accepts.

This is the record between 1892 and last year. On a basis of population the number of lynchings in this country were reduced over 5,000 percent. (I mean on a population basis there were over 50 times more lynchings in 1892 than in 1936, over 5,000 percent more.) You do not give us any encouragement for this. I have seen in my own city the sheriff put up machine guns and shoot down the mob. Do we hear anybody say anything about that? You point to 5,000 who have been lynched, but do you tell the people the truth—that last

year there were only nine; as a matter of fact, eight? Why is it you want to say things like that, which appear in the papers and are uttered on this floor, about us of the South?

GIVE US A CHANCE TO FINISH THE JOB

We have the same sort of spirit you have. We are men of the same blood. Why do you do it? We have reduced lynching 5,000 percent and we can finish the job. We know how to do the job. We can say things to our people you cannot say, just as you can say things to your people that we could not say. I can talk to the people of Texas. I am a southern man and I can talk to the Governor of Mississippi. Human nature is the same everywhere. Why do you not leave us alone and see what we can do about it? I put it to you, man to man; why do you not give us a chance? What would you think if you had some major problem in your country that your people had been working on for many, many years, and we of the South and the West would get together and come up there, over your protest, when you had said, "Boys, stay out; we have a bad situation; we have a difficult situation; we have a dangerous situation, and we know more about it than you do. Stay out; for God's sake stay out, and see if we cannot stop it." How would you like it? Do you think our coming would help you?

What would you think if we came in there over your protest because we had the major number of votes, in violation of the Constitution of the United States, and did what you are proposing to do to us today? You can do this thing to us today; but as the God of justice reigns in the heavens, there will come a day when the law of retribution will send somebody to do a like thing to you. You are establishing this power of the Federal Government going into sovereign States, and of the United States marshal laying his hand upon the governor of a State, charging him with some violation of Federal law in dealing with the people who elected him to office. Do you think that you can establish that principle and power in the Federal Government and not have that thing come home to plague and bedevil the people who do it?

We are standing at the high peak of history this day. All the world is in strife and confusion. Whether we can win through our difficulties no sober person will hazard a prophecy. A united, governmentally capable people should be able to win. This bill operates against unity and governmental capacity.

We do not need 2-by-4 politicians, not in an hour like this. When we look to the future we do not know. We ask the watchman on the tower, what about my Nation, and he says, "I do not know." No man can see through this curtain of smoke that enshrouds the earth this day now while you sit there and I stand here.

COMPARE LYNCHINGS WITH GANGSTERS

You indict my people of the South. Read the speeches in the RECORD day before yesterday. What is your proof? What is your case?

Here is your case: Eight or nine lynchings last year, 1 for each 15,000,000 population, a reduction of over 5,000 percent since 1892. And you people who are all hot and bothered about it, you people living in these big gang-ridden cities, where combinations of crooked politicians and gangsters murder and terrorize and rob, are looking with a spyglass into my section of the country for something to bestir your righteous indignition. Do you believe that these gangsters of yours are murdering and robbing by due process of law? Are you affording their victims due process of law? Why do you not include them in the denunciations of this bill?

I am not talking about the written Constitution; I am talking about the fundamental constitution that underlies this Government. That is what is being violated by these provisions. Tell me now, honest, man to man, would you pass this law—and I am asking you on your conscience, man to man under your oath—would you pass this law today, would you vote "aye" for this bill today if you did not think it was necessary? Would you do it anyway? In the secret recesses of your conscience, answer the question. Would you vote for it if you did not think it was necessary? Do you tell me that when the people of the States have reduced a major crime to 1 in 15,000,000 population, making a progress of 5,000 percent since 1882, that you think it is necessary—man to man, before your God, to do this monstrous thing, weakening the structure of your Government? Of course you do not; we had just as well be candid about it.

TUSKEGEE INSTITUTE PREDICTS CONTINUING DECLINE IN LYNCHINGS

Mr. Chairman, down in Alabama there is the greatest constructive agency dealing with the colored man in this Nation, the Tuskegee Institute. They are very high-class people. The president of that institution, recently discussing the decrease in lynching, had the following to say. Remember this is not a white man who is speaking; this is a colored man, a colored statesman, the same type of man that this man MITCHELL, who comes from Chicago, is. [Applause.] And if MITCHELL holds himself throughout the years as he is today, his head on his shoulders and his feet on the ground, he stands a chance to be recognized by the historian of the future as the greatest statesman his race has produced in a century. [Applause.] I want now to have read to you what the president of Tuskegee Institute says about it, and I ask my friend, Mr. MILLER, of Arkansas, to read this:

Mr. MILLER (reading):

There are a number of interesting features to be noted. From 1882 to 1885 there were more whites lynched than Negroes. Concerning the decline of lynchings in the United States, I call attention to sheet no. 2, "Lynchings, white and Negroes, by periods, 1882–1936." You will note that there has been a steady decline in the number of lynchings for each of the 10-year periods, 1887–96 to 1927–36. Judging from the trends shown in this table, there is every reason to believe that there will be a further decline in lynchings.

There are probably three major factors that have contributed to this decline. The first of these is the tendency for frontier characteristics in the South to disappear (lynching was a special characteristic of the frontier in America, both in the West and in the South). Second, the breaking down of isolation in the South by increased facilities: (1) Rural Free Delivery; (2) more telegraph offices; (3) more telephones in small towns and rural areas, and (4) recently the radio and paved roads. Third, increasing agitation within the South during the past 40 years against lynchings. This has resulted in an increasing sentiment against the evil. This sentiment has expressed itself in the increasing efforts to prevent lynchings.

From 1914 to 1919 the number of persons lynched was much greater than the number of persons prevented from being lynched. From 1920 to the present the number each year prevented being lynched has greatly exceeded the number lynched.

These facts and trends seem to indicate unquestionably that there will continue to be a decline in lynchings in the United States. Not only in these statistics but in many other ways is there employed a growth in the humanitarian attitude of the American people. This growth, I believe, has paralleled the development of educational and social agencies, all of which bid fair to rid this Nation of the barbaric practice of lynching.

Mr. SUMNERS of Texas. Mr. Chairman, that is the testimony of a colored man on the ground. Here is what we are interested about. How do you think that decrease could have happened? It happened only by the development of a sense of community responsibility and community outrage at the offense of lynching. That has to go first.

It could not have happened any other way. The purpose and capacity of the people of the South to stop this barbarous practice has grown. Why am I apprehensive about this law? I live in the South. I would not lie to you about this. I know that when there is danger of lynching there is no possible defense of the person in danger except the people in the community at the time. These lynchings happen in isolated communities, and that is an interesting fact. We in this country, in our westward migration from the Atlantic coast to the Pacific Ocean, have moved, the population has moved in advance of organized government. When these populations moved into these isolated valleys government sprang up.

LYNCHING FORM OF EXECUTION OF PIONEER HOME-MADE LAW

Home-made government. Life and property were made safe. The most perfectly functioning democracy of all time, because they did not even require the paraphernalia of government. Lynching was the method of execution of that home-made law. As organized government has moved on as the communities have settled up, as roads have been

opened up, as it has been made possible to get officers out there quickly, people have come to be protected in their communities by a regular constabulary. This home-made law, this home-made government has passed out of the picture. In some rural communities yet there is practically no police protection. The people protect themselves. In such a community, when a crime is committed, there is a feeling of personal responsibility and of personal and family danger and concern that does not obtain in a city, because these people are their own police officers. Not only is that true but because of lack of police protection the sense of community danger is greater. If there is a cry of distress, everybody grabs his gun and goes. It is his business. In the city we grumble at having our slumber disturbed and wish the police would hurry up and quiet things down so we may go to sleep again.

By the way, I want to make this statement——

Mr. CREAL. Mr. Chairman, will the gentleman yield for a question?

Mr. SUMNERS of Texas. No; not now. Perhaps I will later. I want to make this statement: There are 14,000,000 colored people in these United States, and we sometimes read in the papers of a horrible crime committed by one of them. It is an infinitesimal percentage of the people who do these things. The few people who do these horrible things are not representative of the colored people of the South. [Applause.]

I will cite you a case to illustrate what I am talking about, and I am going to show you the dangers of this law. In my State, in a community made up of Bohemian citizens, one day when the family went away to the field they left a little 14-year-old girl at home. When they came back home they found this little child weltering in her own blood. They found a man on the railroad tracks, about 3 miles away. He was detained. The whole countryside was aroused. Why? Because every father in that community knew that it was just a matter of accident that it was the daughter of that family and not his own daughter.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself additional time. I may use it all.

Now, I am not trying to make a constitutional speech, but I am talking about something that is as fundamental as the Constitution. I am talking about the instincts of the people. I am talking about how you would have felt if you had lived there. I am trying to show what we have to deal with and how hard it is. This man was identified by the little girl; still they did not do anything. They took him down about 3 miles to a little village and the constable had him in charge. Really the people had him in charge, the father, brothers, and neighbors. Can you not understand? Somebody said, "If this man committed that crime, unless he has bathed his body, he has this child's blood on his person.

They examined his body and he was clotted with blood; and they killed him on the spot. Bad? Yes. But suppose you had this law on the books, what would have happened in that community? As it was, when the people had calmed down and cooled off and had come to their senses, they began to say, "We must not do this any more; we must control ourselves." A little child ruined for life by a brute, as unworthy of human sympathy as a lion in a community. Only one constable. People are close to each other in such communities. They are exposed to common dangers. It is not easy.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. No. The gentleman made a big speech a little while ago. Let me make a big one now.

I know what is making this reduction in lynchings possible; and I tell you, and you will not believe me. Suppose a United States marshal had gone into that community and had taken the father and brothers of that child away off to the Federal court and put them in jail and sent them to the penitentiary as you provide for in this bill. Do you think that would have helped to strengthen those people's purpose to prevent lynching in the future? I do not mean this in any offensive way; but has anybody got little enough sense to believe that if you had taken that father away from the bedside of that little torn girl it would have helped to stabilize the people? And then, in this great bill, you would have levied a tax on the father of that child and the neighbors of that child to raise $10,000 to pay it over to the estate of this hound of hell that had destroyed that child's life. That is what you propose to do in this bill. You strut around here and talk about being statesmen!

DIFFICULTY OF SEPARATE RACES LIVING TOGETHER

And why are you doing it? Does anybody fail to know that the purpose to defend has got to precede defense? We have a pretty difficult situation down there, not insofar as the mass of colored people are concerned. It is these rare exceptions which are magnified by outsiders for financial or political profit.

We do not understand these lines of racial cleavage. They do not seem to be noticed until large numbers of dissimilar races are thrown into intimate contact. It is an interesting thing, not that one race is better than the other, but these lines of racial cleavage seem to have been drawn in the counsels of infinite wisdom, and the instincts of racial self-preservation seem to have been placed there to guard them. We do not understand it. We can see the phenomenon at work. That is all we know about it. When are they to be broken down, I do not know, and you do not know. But we are doing our best, these colored men and women, white men and women, trying their best to live together; and only here and there some member of the colored race or some member of the white race, an exception to the rule, goes bad.

UNFAIR TO SOUTH

What I think is the most unfair thing you men from the North are doing in this debate, and it is unfair—I leave it to you when you reach your calmer moments—to talk about these 5,000 people that have been lynched as though that number is associated with our present problem. You do not point to the fact that we have reduced the number of lynchings to nine last year. You almost seem to regret that fact. Not a man from the North has stood on this floor and in justice to his fellow countrymen of the South let the world know the truth. It is not right, boys; it just is not right.

We did wrong when we violated the great law that God Almighty announced to Adam at the gates of the Garden of Eden when we brought these colored people here to do our work; it was not right. I cannot understand at all the horrible institution of slavery. Every drop of my blood revolts against the lynching of a human being. We have been paying the price. For a long time we have been paying. You sold them to us, you brought them in your boats from New England and sold them. You stole them out of Africa and sold them to us. [Applause.]

As soon as you got your money you got all hot and bothered about their being in the condition into which you sold them. I am glad they were freed. Slavery was not only wrong to the black man, but it was fast destroying the civilization of the South. And there is an interesting thing about that, too. It seems that a divine providence has guided and guarded these colored people since they came here, the most interesting chapter I know of in the history of the races of men. There was no door that was open to them that could liberate them from the jungles of Africa except the door of slavery. They had lived through ages and ages in Africa, in the tropics. Living was easy; they did not have to struggle, their minds were not developed. Nobody would have hired them and brought them out. Only slavery opened this door. Horrible as it was, it was the only possible escape. If they had got out and had not had the protection of ownership of their bodies they probably would have been destroyed by the white man's vices.

Because of the fact that they were brought into close contact with white men and were compelled to work, they improved. Ages and ages of inaction made them indisposed to work. They were compelled to work, and through the use of their hands they developed their brains.

Even the War between the States seemed to have been necessary for them, because if they had been freed—and they would have been freed long before they were if you people from New England had left us alone; but if they had been freed without your interference they would have settled down on their masters' plantations. War seemed to have been necessary to break even in a measure the old attachment. I am not sure that the carpetbagger was not necessary to drive this line of cleavage a little deeper. It was a pretty hard one to drive through.

I am not sure but that the carpetbagger was necessary—and, to be truthful with you, I am not sure that the pestiferous interference of you people from the rest of the country, such as is manifested by this bill, may not have been necessary—I am not certain about it. If our situation had been reversed, I suppose we would have misbehaved as badly as you have, so I am not angry with you. You have not paid your share for this thing yet. We have been paying, and paying, and paying, and paying for the violation of that great fundamental law when we were not willing to do our work. You brought them into slavery. We were each section responsible for the tragedy of the terrible war. After the war no helpful hand was extended to that battle-cursed country. Maybe that was good, too, but you have not paid your part. You keep this thing up, this thing being done for political profit, and finally this great big question is going to move up into your part of the country and you will not know what to do with it. [Applause.]

I do not believe you have stopped to think about what you are doing. There has got to be an end to this holier-than-thou bedeviling of your brethren who live in the South. It is a bad habit. It may become an expensive habit.

FUTILITY OF THIS BILL

Now, may I say to my friend who has been wanting for a long time to ask me a question, go ahead.

Mr. CREAL. The gentleman has spoken of a great many of these isolated communities. May I ask if the gentleman thinks this bill applies to situations in communities of that kind, except where the persons accused are in custody?

Mr. SUMNERS of Texas. What you are fixing to do by this bill is to have the constable leave these persons wandering around out there, where there is a disposition to lynch them, until the folks can go and get them. Then they would not have been taken from the custody of an officer, and under this bill there would be no lynchings. [Applause.] Do you think that in any community where the sheriff is not willing to protect the persons accused against those who want to lynch them, he would arrest such a person, knowing he could be sued and prosecuted? Oh, you are a smart bunch. This is what people do when they monkey with something they know nothing about. [Laughter and applause.] You had better leave it to us, and attend to something you know something about. [Applause.]

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. CURLEY. What is the gentleman's opinion of the poll which was conducted last fall by the Institute of Public Opinion?

Mr. SUMNERS of Texas. You mean of my people?

Mr. CURLEY. No; I mean about general public opinion in the political campaign, the Institute of Public Opinion poll as published in the Washington Post is the one to which I refer.

Mr. SUMNERS of Texas. Wait a minute. I spoke several times in the last campaign, and I thought it was over and gone. I do not want to talk about it again.

Mr. CURLEY. I will bring it right down to the present issue then. What is the gentleman's opinion about the statement made by the same institute to the effect that a recent poll showed that 65 percent of those polled in the Southern States are in favor of this antilynching bill?

Mr. SUMNERS of Texas. I do not claim to know about that particular poll, but I do not claim the rest of the country has a monopoly on people who have no more sense than that.

Mr. CURLEY. You do not think much of 65 percent of the Southern people, then.

Mr. SUMNERS of Texas. That is right; I will say it to them. Do not bother about me and my people.

Mr. CURLEY. Will the gentleman yield for another question?

Mr. SUMNERS of Texas. No; I am afraid you would make it too long.

"FEDERALITIS"

May I say that we have some editors down in my country advocating this bill. What I am afraid of is that in this whole country we have a chronic acute attack of "federalitis." [Appause.] You cannot find better evidence of it than that in this year 1937 the American Congress actually has in contemplation the passage of this bill. We have down in the South some editors, too, who favor the bill. The people have a notion that if anything is wrong, they want Uncle Sam to come and remedy it. They cannot build a hogpen down in this country now without wanting some Federal man to come in and show them how to build it. They really prefer to have him build it. You are voting to put some little 2-by-4 Federal marshal astraddle the neck of your Governor in this bill. We have some editors down there who ought to know better but who do not.

I want you to understand, also, you do not have the only editors in this country who can compete for the booby prize in statesmanship and editorial wisdom. We have some in the South of such ability that you can bring the best you have and our fellows will go around the track twice before yours get started. [Laughter and applause.]

Are there any more questions? I do not want to take up any more time. If I have been mean, I have not meant to be.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. HOFFMAN. In regard to this "federalitis" about which you are talking, was it a part of it when they sent 30,000 colored people up into Michigan before last November and kept them up there until after this April election?

Mr. SUMNERS of Texas. You mean they did not vote for you? [Laughter and applause.]

Mr. HOFFMAN. Let me answer the gentleman's question. In spite of the fact these people were brought up there and were paid for it, they did not vote for me, but I am here. [Applause.]

Mr. SUMNERS of Texas. May I say to the gentleman I am glad he is here.

Mr. HOFFMAN. So am I.

Mr. SUMNERS of Texas. If we have to have a Republican.

Mr. GAVAGAN. Mr. Chairman, I raise the point of order that the discussion has wandered far afield and is not in order under the rule under which we are proceeding to debate.

The CHAIRMAN. The gentleman from Texas will proceed in order.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes; if the gentleman will ask me a question which will not take me out of order.

Mr. MAY. I hope the gentleman will be patient enough to let me state my question.

In the great debate of 1832 between Webster and Haynes, back close to the time when the Constitution was written, the question was whether or not ceding to the States just a little bit of our public domain would purchase the States and destroy their liberty. How does this apply to the situation today, when the States are coming here and asking for everything in the world they want, and getting it? Is this bill an outcrop of this spirit of trying to let the Government run everything? [Applause.]

Mr. SUMNERS of Texas. I do not know, but I am not in favor of this bill outcropping any further. Is the gentleman?

Mr. MAY. Neither am I.

Mr. SUMNERS of Texas. Does anybody else want to ask me any questions?

I want everyone to understand I know better than to close a speech this way, because the thing to do is to make the speech and close with a grand peroration. I do know better.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. BIERMANN. Aside from the lawyers who are immediately involved and are attempting to pass this bill, does the gentleman know of any first-class lawyer in the United States who thinks this bill is constitutional?

Mr. SUMNERS of Texas. No; I do not; and if I heard of one who thought it constitutional, I would not think he is a first-class lawyer. [Laughter and applause.]

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. WOODRUFF. Will the gentleman return with me to this "federalitis", as the gentleman calls it? I think everyone in the country knows there has been a tremendous growth of this so-called "federalitis", and will the gentleman agree with me that the inspiration for most of it has come from mighty high places in this Government?

Mr. SUMNERS of Texas. We have this thing in our own hands today, and we want to show "high places" how things ought to be done. [Laughter.]

Mr. WOODRUFF. I would like to ask the gentleman further if he does not believe it would be a good thing to get away from most of this "federalitis" and not stop at this point.

Mr. SUMNERS of Texas. That is right, but let us start right today.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MOTT. I rather took the gentleman's statement to mean that this antilynching bill is an outgrowth of this recent "federalitis." It is a fact, however, is it not, that a similar bill has been introduced in the Congress from time to time and the first agitation for this measure came up long before "federalitis" seized the country?

Mr. SUMNERS of Texas. That is right; yes.

May I make this statement? When this bill was pending in 1922 there were 63 lynchings, I believe, that year, and it was predicted that if the bill did not go through and become law, we might expect about every other colored person in the country to be lynched in about 12 months. The truth is that since about 1922, as I have already indicated, notwithstanding the increase of population, and as stated by the president of Tuskegee Institute, we have been constantly decreasing the number of lynchings, constantly increasing our purpose and efficiency in the protection of those in danger; in fact, making progress in the suppression of this crime, which has no parallel in this country. I believe that every unbiased, fair student who wants to see lynching stopped, who is familiar with the condition, who is not the head of some organization that is getting money by scaring people and taking up a collection and saying, "We will take care of you for so much per head", will agree that there is neither necessity nor justification for this proposed legislation. [Prolonged applause.]

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Chairman, I yield to no man here in admiration for the speech to which we have just listened. I yield to no man here in admiration of the character and the capacity of our colleague who delivered the speech. All the more do I regret that he should have built that speech on so fragile and indefensible a foundation. The gentleman gave us to understand that we ought to act in this matter in consonance with the theory of State and local responsibility, and that we have no constitutional warrant to proceed otherwise.

I admire his description of the origin of our Constitution, the growth of the spirit that led to its framing. I regret he has forgotten the language of the fifth amendment. I regret he has not recalled it was one of the 10 articles demanded by the people as a condition to the adoption of the Constitution. I regret he has forgotten that the article to which I refer has been described by authority as a repetition of the common law, and I appeal to the common law of a thousand years, I appeal to those who wrote the Constitution, I appeal to those who have sworn to support the Constitution, and I ask them—I demand of them—that they remember the language:

No person shall be deprived of life without due process of law.

This provision was a condition precedent to the adoption of the Constitution, demanded because engrained in the Saxon character. It is the embodiment of our belief that no person shall be deprived of life without a fair trial by his fellows. Being in the Constitution it is the warrant, the justification, the cause, the demand why we should give it effect. That it has not been enforced is no excuse, that the violations of it have decreased is no palliation.

Furthermore, observe that the constitutional provision carries with it by implication power to enforce obedience. To this end Congress may enact as it sees fit, save that cruel and unusual punishments are forbidden by the eighth amendment. I have found no judicial decision to the contrary. This it is that dissolves all doubt as to the constitutionality of the provisions in the measure before us.

Also there can be no valid question on the score of States' rights. Remember that the amendment was one of the 10 adopted within 3 years of ratifying the Constitution itself. The power in this matter reserved to the States remained exclusively to them only during that period. Since then the Federal power has been paramount, even if not exercised. Federal powers do not lapse by lack of use.

In the exercise of such power the Federal Government has no exclusive privilege. It is still the duty of the States to see that no person shall be deprived of life without due process of law. We all rejoice that the extent of the wretched evil has been greatly lessened.

You say there were but nine lynchings last year. Thank God, there were only nine lynchings, but they were nine lynchings too many. Those of day before yesterday were too many. Until we can wipe out this stain altogether we shall have forsworn the Bill of Rights that prescribes our duties. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. MAVERICK].

CONSTITUTIONAL RIGHTS OF CITIZENS SHOULD BE GUARANTEED

Mr. MAVERICK. Mr. Chairman, I am from the South, and I never knew that a Republican was white until I was 21 years old. [Laughter.] When I think of Republicans I can always remember such words as "Black Republicans" that I learned as a child. All of my people were Confederates. The men in my family ranked from privates, corporals, and sergeants up to generals in the Confederate Army.

I am in favor of an antilynching bill. I am not in favor of any Federal bill that takes over local law enforcement. But I am in favor of a bill which guarantees constitutional rights of all American citizens within the United States of America. [Applause.]

In the last few days we have heard a lot of speeches about "racketeering organizations"—and the reference is made to colored organizations. I do not approve of them. I approve of neither colored nor white racketeering organizations.

I have also heard a great deal about States' rights, about how we should "thank God for the Supreme Court", how this legislation is directed at the South. I have also heard that this is some evil move by Tammany Hall, which operates in New York City. Further, I hear it is an appeal for the colored vote. The last few days have been the greatest field days for emotion and excitement that Congress has had in many years.

As far as I am concerned, I would like to see the South be willing to give a Federal bond that this lynching be stopped for all time. That is because it is not only a disgrace to the South, but it is a disgrace to the whole United States of America.

NORTHERN AND SOUTHERN DEMOCRATS—"POLITICAL PURPOSES"

Several have made reference to the fact that the northern Democrats are proposing this legislation for "political purposes." Whereas this may be true, it also may be true of southern Democrats that they are opposing it for "political purposes." You can vote for or against this bill and still be honest.

The fact is, this is a political Government, and its purposes are fundamentally political. There is nothing strange about that.

But, as I have said, insofar as I am concerned, I am a southerner and live in a southern district. In my district the colored people do not vote, and if they did they would probably vote against me. I am therefore not for the lynching bill to get colored votes. I am doing it because I think it is right, and because it will take a stigma from the escutcheon of the United States of America.

ANGLO-SAXON INSTITUTIONS—LOCAL SELF-GOVERNMENT

Today, also, we have heard a great deal about Anglo-Saxon institutions. How our forefathers were for local self-government. The truth is that historically in the entire world the only place that lynching has been practiced or is being practiced today is in the United States of America. It is peculiarly an American institution.

ORIGIN OF TERM "LYNCH LAW"

The word "lynching" came from the Lynch family, who lived in Virginia, and I am descended from that family. (See below II, Origin of Lynch Law.) But the Lynches never lynched anybody. All they did was to enforce the law against Tories and reactionaries during the Revolution.

I feel this way about it. One of our speakers read a report of a colored college professor at Tuskegee Institute to the effect that there were more white people lynched than there were colored people. Well, then, let us vote for this bill, so that white people are not lynched any more anywhere in the United States.

Let us do it for the white people.

Realizing that this is a 100-percent American institution, since we are talking about percentages of the reduction of lynching, let us get rid 100 percent of this 100-percent American institution.

SOUTHERN PEOPLE OVERWHELMINGLY OPPOSE LYNCHING

Every American, no matter where he lives, should have his constitutional rights protected and guaranteed. And down in the South, according to the Gallup poll, more than 65 percent of the people are in favor of a Federal antilynching law. The people there are as much opposed to lynching as the people anywhere in the United States of America (IV, Attitude of the South). A very small minority—an infinitesimal portion of the population—have occasionally disgraced the various States.

But the stigma has been put on the whole South. Yet, as I said in the first place, it covers the whole Nation, so I am in favor of blocking it out by guaranteeing the constitutional rights of all American citizens and punishing such officials as do not conscientiously do their duty.

Mr. Chairman, the first man to oppose slavery was the founder of the Democratic Party, Thomas Jefferson. He wrote a clause for the Declaration of Independence, but it was taken out. (See below, I, Lost Clause.)

This fastened slavery on the South, and the Dred Scott case made the Civil War certain. (See below, III, Dred Scott case.)

We in the South today (V, South Today) need to become an integral part of the economic and political picture of the Nation, and we should have minimum standards for the people everywhere (VI, This Is a Nation).

Mr. Chairman, exercising my privilege to extend and revise my remarks, I am going to discuss some important phases of American history. The South has had unfortunate things happen to it time after time. I shall discuss them numerically, and they are as follows:

I

THE LOST CLAUSE OF THE DECLARATION OF INDEPENDENCE

Jefferson tried to prohibit slavery

When Jefferson wrote the Declaration of Independence he bitterly opposed slavery. His hope was to abolish slavery at the very birth of the Nation. He had slaves himself, but he realized that it was a political institution that should be abolished; that economically it would destroy the people. For these reasons, when he wrote the Declaration of Independence, he included a denunciation of the slave traffic.

Speaking of the English King as the Government in connection with slavery, this "lost clause" of which I have obtained a photostatic copy from the library, is as follows:

LOST CLAUSE OF THE DECLARATION OF INDEPENDENCE

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce; and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people upon whom he also obtruded them, thus paying off former crimes committed against the liberties of one people with crimes which he urges them to commit against the lives of another.

The original Declaration of Independence, as signed, is on display and has been seen by millions of Americans. This lost clause has probably only been seen by a handful of people—probably only a few hundred, but much less than a thousand. It is in the original draft of the Constitution which was not signed, but from which the final draft of the Declaration was copied. In this final draft the antislavery clause was omitted.

This lost clause is deeply interesting to every American. Had it been adopted, undoubtedly slavery would have been eliminated in the Constitution when it was written. But due to the fact that people from the New England States were shipping slaves to the South, and because of the recorded objection of South Carolina and Georgia, this clause was eliminated.

Thus slavery was fastened on the South. The result was, included with a few other events, that the people of the North and South had to endure a bloody war.

II

HISTORICAL ORIGIN OF LYNCH LAW

Statute of the State of Virginia

In the State of Virginia there lived Col. Charles Lynch, Jr. He was the son of Charles Lynch, Sr., who came from Ireland. Charles Lynch, Sr., was kidnaped and highjacked out of Galway, Ireland, brought to Virginia, and sold on the block to the highest bidder as an indentured servant.

But he was an apple-cheeked Irish boy, and he soon married the landlord's daughter. They had several children, one of whom was to become the famous Colonel Lynch, of Lynch's court, a brave Revolutionary soldier and a cavalry officer of first rank. He had a sister, Penelope, who married Robert Adams, Jr., and from which union I am descended.

Col. Charles Lynch was a member of the Quaker Church. The country around Lynchburg and Bedford, Va., was settled by Quakers, and Lynchburg was established by the colonel's brother. Colonel Lynch was put out of the Quaker Church for taking solemn oaths. That was when he became a member of the house of burgesses just preceding the Revolution.

At the outbreak of the Revolution he was a justice of the peace with William Preston, Robert Adams, Jr., and James Calloway, all living near Bedford. While he was not off at the front fighting, he was at home handling Tories and the Liberty Leaguers of the day.

THE LYNCH COURT OF BEDFORD, VA.

Now this is to point out the actual origin of lynch law. The court greatly exceeded its authority. It exercised the

power of a district court. It imprisoned Tories, and it also sentenced them to 39 lashes, and until they cried "Liberty forever." On one occasion a Tory was fined £20,000. It is pointed out this was no very heavy fine on account of the great inflation of the currency, but at any rate they exercised the power of a district court.

After the war the Tories and reactionaries who had suffered at the hands of Colonel Lynch, Adams, and the others, began filing suits. The Virginia Legislature soon met and in the October term of 1782 passed the following act:

LYNCH STATUTE OF THE STATE OF VIRGINIA

An act to indemnify certain persons in suppressing a conspiracy against this State.

I. Whereas divers evil-disposed persons in the year 1780 formed a conspiracy and did actually attempt to levy war against the Commonwealth; and it is represented to the present General Assembly that William Preston, Robert Adams, Jr., James Callaway, and Charles Lynch, and other faithful citizens, aided by detachments of volunteers from different parts of the State, did, by timely and effectual measures, suppress such conspiracy. And whereas the measures taken for that purpose may not be strictly warranted by law, although justifiable from the imminence of the danger;

II. *Be it therefore enacted*, That the said William Preston, Robert Adams, Jr., James Callaway, and Charles Lynch, and all other persons whatsoever concerned in suppressing the said conspiracy, or in advising, issuing, or executing any orders, or measures taken for that purpose, stand indemnified and exonerated of and from all pains, penalties, prosecutions, actions, suits, and damages, on account thereof. And that if any indictment, prosecution, action, or suit, shall be laid or brought against them, or any of them, for any act or thing done therein, the defendant, or defendants may plead in bar, or the general issue, and give this act in evidence.

I suggest that this be read very closely where it says:

Whereas divers evil-disposed persons * * * did actually attempt to levy war against the Commonwealth * * *

which looks mightily like Colonel Lynch wrote the legislation himself; for he had a good sense of humor. Indeed, since the Revolution had been started by the State of Virginia, apparently the writer of the statute simply reversed the language for the fun of it.

In the history of lynching it is well to remember this, because the origin of the name was of a legally constituted tribunal exceeding its authority, due to the emergency of war. But lynch law within a generation or two began to mean the exercise of rough frontier justice in western places where there were no peace officers. Because of rapid migration to the West, especially in such times as the gold rush, there would not even be a Federal marshal anywhere near a given community. The citizens, lacking any form of law, would get together at informal meetings in order to protect themselves.

This was the only law they had, but it was called lynch law and was reasonably respectable. However, there were many instances of barbarities and cruelties, because of the lack of proper rules of legal evidence.

TERM OF "LYNCH LAW" CHANGES IN MEANING

Thereafter lynch law began to mean the summary hanging or burning of a Negro for committing some offense, either of murder or the raping of a white woman. However, it is now grown to such proportions that lynching means the summary punishment by death of anyone, white or black, anywhere in the United States, for any cause suitable to the mob.

It is strictly an American custom and exists nowhere else except in the United States of America. Its origin is strictly through the Lynch court. This is indicated by the act passed by the Legislature of Virginia.

III

DRED SCOTT CASE

Supreme Court case is leading cause of Civil War

In this case the Court said:

This case involves private rights of value and constitutional principles of highest importance, about which there had become such a difference of opinion, that the peace and harmony of the country required the settlement of them by judicial decision.

This was the astonishing attitude of the Supreme Court. Imagine writing an opinion and thereby settling the vast social and economic forces of the day. By declaring the Missouri Compromise unconstitutional it meant that slavery could not be adjusted or compromised by the elected representatives of the people.

It meant slavery could be extended to the entire West.

It meant economic destruction to the white settlers, or "free soilers" of the West.

It was not moral indignation that led the free soilers to immediate opposition, but they knew that they would be destroyed by competition of slave labor. Vast millions of acres of agricultural and mineral wealth, great forests and rivers where human beings could live, would thus be destroyed economically, and as a place for free representative government.

The Iowa Legislature and most of the western legislatures and northern legislatures immediately denounced the Supreme Court, stating that they did not intend to obey its opinion. So I shall read some typical resolutions of different legislatures.

This particular one is an excerpt from the New Hampshire Laws, June 1857, chapter 1999, page 1925:

NEW HAMPSHIRE RESOLUTION ON THE SUPREME COURT

First. That the great power vested in the Supreme Court of the United States and the permanent tenure of office by which it is removed from the direct control of the people, require that its action should be the object of constant and vigilant observation; that an influence upon it can be exerted only by public expression of censure upon any attempt of the Court to transcend the limits of its authority; and that it is especially the duty of the legislatures of the several States to expose and denounce any such attempt.

Second. *Resolved*, That the decision of the Court in the case of *Dred Scott v. John F. A. Sanford*, as pronounced by Chief Justice Taney, contradicts the facts of history, is repugnant to the Constitution, and subversive to the rights and liberties of the people.

Seventh. *Resolved*, That the expression of extrajudicial opinions from the Supreme Bench, on subjects agitating the public mind, is undignified and unbefitting the position, and the use made of such position to propagate political doctrines tends directly to destroy confidence in the integrity of the Court and respect for its decisions.

Eighth. *Resolved*, That in undertaking to decide those questions which, according to its practice, were not in issue, the Court evinced a desire illegally to control the action of Congress; that such course justifies the apprehensions entertained by the framers of the Constitution that there might be danger from the too great latitude left to the discretion of the Court; that a repetition of and persistence in such action would confirm the belief that there was a design and purpose on the part of the Court to usurp the functions of the legislative department, and justify the State in resisting, by all constitutional means, the enforcement of laws dictated by the Court.

VERMONT RESOLUTION

From the Vermont Laws, November 1857, page 83:

Resolved, That Vermont reasserts the constitutional right of Congress to regulate slavery in the Territories of the Union by legislative enactments; that such right is clearly conferred by the Constitution itself, and its timely exercise is indispensable to the safety and perpetuity of the Union.

Resolved, That these extrajudicial opinions of the Supreme Court of the United States are a dangerous usurpation of power, and have no binding authority upon Vermont or the people of the United States.

Resolved, That no ingenious sophistry of the judges of that Court can make it appear that the citizens of each State are not citizens of the United States, and citizens when in the other States, and entitled as such to all rights and privileges of citizens in the several States.

Resolved, That whenever the Government or judiciary of the United States refuses or neglects to protect the citizens of each State in their lives or liberty, when in another State or Territory, it becomes the duty of the sovereign and independent States of this Union to protect their own citizens, at whatever hazard or cost.

SEVENTY TO EIGHTY-FIVE PERCENT WHITE SOUTHERNERS NONSLAVE OWNERS

Just previous to the Civil War from 70 to 85 percent of the white population were nonslave owners. President Woodrow Wilson made long research on this subject, which he reports in Division and Reunion, Epochs of American History. He says that only one in six of the whites were slave owners, and at most one in five. That means from 80 to 85 percent of the white people were nonslave owners. Woodrow Wilson further refers to the poor whites who belonged neither to the ruling class nor the slave class but were despised by both.

Then, in reference to the tiny white population controlling southern society and, as a matter of fact, the entire Nation, he says:

The ruling class in each State was small, compact, and on the whole homogenous. It was intelligent, alert, and self-conscious. Its feeling of separateness from other sections of the country grew more and more intense * * *.

In my opinion, by far the majority of white people were opposed to entering the Civil War upon any theory of either slavery or States' rights. The nonslave owners had nothing whatever to gain except to fasten upon themselves an economic system which would continue to destroy them and their white descendants.

As a result, whole regiments from Tennessee, Kentucky, Virginia, Missouri went into the Federal Army. Large groups of people from all the Southern States, even Texas and Alabama, went away to join the Federal Army.

But the slave-owning class controlled the South, just as the industrial class controlled the Union during the administrations of Coolidge, Harding, and Hoover. And so, when they forced a war and the drums began to beat, people who did not join the Army were called slackers and cowards, just as they were in the World War.

MEMOIRS OF MARY A. MAVERICK

I am going to read from the Memoirs of Mary A. Maverick, my grandmother:

The Civil War soon came on and Mr. Maverick and my sons did not shrink from what they conceived to be their duty. Mr. Maverick had always been a Union man in sentiment, he loved the Union of the States, and although he may have believed (before the question was settled) that we had the abstract right to withdraw from the Union, he thought the Union was sacred, and that the idea of a dissolution of the Union ought not to be harbored for a moment.

Having such ideas and convictions, he found life to be uncongenial and unpromising for him in South Carolina, where the doctrines of nullification and ultimate secession were aggressively espoused by an overwhelming majority of the ruling class. He came to Texas, but all doctrines and issues of the former time bloomed into life about him when Texas became a member of the Union.

Creeping beneath the shadow of the manifold blessings of the Union came the bitter and unceasing strife. At last he came to believe the quarrel was forced upon us, and that there was before us an irrepressible conflict which we could not escape no matter where we turned.

The secession convention of 1861 met; there was intense excitement and, need I say, deep gloom; the hour came at last when he was compelled to take his choice for or against his kith and kin. The question was no longer whether secession was right or wrong, wise or unwise; the question was now narrowed down to this, Even if you could sever your fate from that of your people, would your heart permit you to do it?

Thus it appeared to him, and he did a simple, straightforward, unselfish act, and an act which, nevertheless, gave him deep pain, when he cast his vote for secession.

When the war was ended the sentiment was unanimous in our family that all the old issues had been settled and that the result of the conflict was right.

IV

ATTITUDE OF SOUTH ON SUBJECT OF LYNCHING

Gallup poll shows 65 percent in favor of Federal law

The people of the South who have engaged themselves in lynchings are of such a small proportion of the population as to be not worth counting. You can go from one end of the South to the other, and even where lynching is condoned you will not find any man who is proud that he ever was in a lynching bee. As much as I have traveled over the South I have never had a man admit that he actually helped commit a crime, or conspired to take a man out of a jail and participate in a lynching. I have had a very few tell me that they happened to be near a lynching and saw it. But never have I had one man admit that he really participated in the criminal act of lynching.

The American Institute of Public Opinion, which held the polls on the Presidential election, and proved to be very accurate, recently held a poll in the South. It was shown that something like 65 percent of the people of the South favored a Federal antilynching law. This poll was of white people. The number of people in the South opposing lynching was much greater than California.

VIRGINIA HAS GOOD LAW AND NO LYNCHINGS FOR 10 YEARS

It is true that consideration should be given the objection to the Federal antilynching law on the basis of violating States' rights and local self-government. Indeed, the State of Virginia has passed an antilynching bill of its own, providing for severe punishment and the use by the Governor of the power to spend money and enforce the law. As a result Virginia has not had a single lynching since the law was enacted 10 years ago.

Some of the Southern States who object to the Federal antilynching bill have done nothing to pass laws of their own. Had they done so and eliminated lynching, the Federal antilynching bill would not now be considered.

It is to be understood that the Federal antilynching bill does not set up a system of Federal officers and spies throughout the South. It merely provides that in case the law is not faithfully carried out by officers, that those officers shall either be fined or imprisoned, and that counties permitting violation of the law shall also pay fines.

GIVE DEATH PENALTY IN ORDERLY FASHION RATHER THAN BY SCREAMING MOB

It is also said that this will increase lynching. I do not believe it. I believe that if the Federal Government cooperates with the State government, and it is known that officers must follow the law; and if the people know that there is a certainty of prosecutions, I believe that lynchings will cease probably altogether.

There is one principal point to be understood in the lynching matter. Horrible crimes committed by persons that have been lynched are admitted. Emotional reactions of the relatives must be considered. But—and this is the point—why not penalize the person committing an offense, with the death penalty in an orderly fashion rather than have a screaming mob committing bestialities and horrible maimings?

Some say that if the courts have the matter of carrying out penalties against guilty persons, there will be prolonged hearings, mistrials, and appeals, and the defendants will not eventually suffer the penalties.

In my opinion, any Negro who is guilty of murder or rape will certainly be convicted, and certainly suffer the penalty of the law.

V

THE SOUTH TODAY

King Cotton makes slaves of us all

The situation of the South must be considered in relation to the economic and political background that I have here stated. At the Battle of Appomattox, when Lee surrendered to Grant, the South was broken.

Ever since then we have been starved and kicked around by the financial interests of New York, and the South has been operated as a colony, about on a basis of any other colony. Whatever wealth we had has been taken away from us.

As a result of this, we have been forced to live off of glory and magnolia blossoms. Having little economic power ourselves, we have worked harder and harder. We have worked cotton season after season, and King Cotton has just about destroyed us.

As a result—and this can be authenticated by authorities in the universities of the South—the following is the status of the South. It has—

First. The lowest soil fertility in the Nation.

Second. Lowest wages.

Third. Worst labor laws.

Fourth. Worst housing.

Fifth. Worst condition of land utilization and ownership.

These conditions are in the face of marvelous basic resources. Even our soil-fertility condition can be corrected by an intelligent plan of rehabilitation. Our job in the South is to use our resources properly.

However, the way things are now, many of our white sharecroppers are fully as bad off as the Negroes. Worse, they live no higher in their standard than did the Negro slaves before the Civil War, largely because they have no regularity of food and clothing, as the Negro slaves did who belonged to their masters.

We must also understand that numerically the white-tenant group is far more important in the South than the Negro. There are 1,200,000 of these white tenants, including sharecroppers, and only 700,000 Negro tenants. Thus we cannot

view these problems of the South purely from a racial viewpoint. It is an economic question, involving our whole society. If we improve economic standards of all the people, white or black, many other bitter problems will be solved also.

VI

THIS IS A NATION

Minimum standards and protection for all citizens

Mr. Chairman, as I have said in the first place, I am proud of being a southerner. I do not hope to influence anyone who is a Member of Congress, or do I have egotism or vanity enough to think that I could.

My southern colleagues are able, honorable, and conscientious men. A majority of them have served their country in Congress much longer than I have, and with great distinction. It is not easy to differ with such fine and patriotic men.

But for me, I believe the time has come for the South to break its isolation. Economically we must be an integral part of the Nation. The Democratic Party has a mission to perform and we should have unity, North, South, East, and West.

Whereas we speak of States' rights and the Constitution, we must know that the Constitution was written by the people for all the people of the United States. We want everyone to get decent treatment. We want the Negro to have economic justice just as much as we want the white man to have justice.

We need better wage scales in the South. That is good business. If we have a high purchasing power, then we can have a generally higher standard of living. Our merchants can make money. We can prosper.

If we, considering the situation of our soil and lands, take full advantage of our connection with the Nation, we can make our land the most flourishing in the entire world. From the lowest of fertility in the Nation we can rise not only to the highest in the country, but the highest in the world.

There are dozens of things more important and vital to the South than an antilynching law. For my part, I am willing to see it enacted, and I doubt if there will ever rise a necessity of prosecution. At least, if it becomes necessary it will not be over one or two times; thereafter black criminals as well as white criminals will suffer the extreme penalty through due process of law for violating the peace and dignity of our States.

Let us move forward to our serious problems of land and humanity, the conservation of our natural resources, of wages and working conditions, better business, and higher living standards for all.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, I have listened with a great deal of interest to the arguments, both pro and con, on this bill. Like most propositions that come before us, it does not present a question where all the right is on one side and all the wrong on the other. No one has taken the floor and stated that he was in favor of lynching. On the contrary, every speaker without exception has denounced and deplored the rule of the mob.

The argument against the passage of this measure is that it is unconstitutional. I make no pretense at being an expert on the Constitution, but I am of the opinion that it is a fair statement to both sides to say that the unconstitutionality of the measure is debatable. No man, whether he poses as a constitutional expert or not, can state with certainty that the measure is or is not constitutional. The best that he can do is state his belief and opinion. Cases have been cited to support both sides. When I am confronted by a question of constitutionality such as this bill presents, I am content to let the Supreme Court decide whether it is or is not constitutional. Whenever I favor a legislative measure about which there is a constitutional doubt I wish, of course, to resolve that doubt in favor of its constitutionality and let the Supreme Court have the last word on it. The argument of its unconstitutionality, therefore, does not deter me from voting for it.

To my mind, a much more impressive argument advanced by the opponents of this bill is that the question of lynching is a local one and presents a problem for local authorities who are on the ground floor, who have to live with it, and who, therefore, ought to be more vitally interested in its solution than anyone else.

A careful reading of this bill, however, discloses that it does not interfere with the local authorities dealing with the situation but by its provisions sets a time limit of 30 days in which the State and local government has free and unrestrained authority to take action. If a State does take action within 30 days on a situation which calls for action, it will not be affected by the provision of this bill. If it fails to take action within 30 days, then I do not see how it or its representatives can complain if the National Government steps in and puts into effect the age-old American idea of law and order so that the stigma of lynching may be a thing of the past, no longer staining the name of American justice. That the fear of prompt national action will act as a deterrent to lynching is my honest belief because men who take part in mob action are without moral courage. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. TOWEY].

Mr. TOWEY. Mr. Chairman and ladies and gentlemen of the Committee, I have listened with intense interest to the debate upon this antilynching bill, both in committee and on the floor of the House, and I have reached the conclusion that there is not a man or a woman in this House who in their hearts are not bitterly opposed to this tragic and indefensible crime against human life and against the due processes of orderly government.

When I raise my voice today in favor of this bill I speak not my thoughts as an individual, but I believe I express the sentiments of the entire people in my State when I say that the crime of lynching has disgraced America long enough, and if States and other governmental bodies involved cannot and will not stop lynching, then the aroused public sentiment of the entire Nation must stop it.

Throughout the debate much has been said about the lack of merit of this bill, but if it lacks all other merits it has this merit, that when the law-enforcement authorities fail to perform their duties and hand over a man presumably innocent in the eyes of the law to a riotous mob, then, unless the State takes the necessary action to punish the perpetrators of the crime, a Federal offense is committed, and there is brought into play the great power of public opinion which will be added to that campaign of education which those in opposition to the bill say is the proper solution of the problem.

This bill is not directed against the good people of the South, but is directed only against the lawless elements which are not solely found in the South, but in all sections of our land, and the purpose of the bill operates wherever there may be committed the crime of lynching and remains unpunished.

This bill, contrary to some opinions expressed here on the floor, does not deprive the States of their rights. It is only when the States fail to carry out the orderly processes of government that the act becomes operative, and only after a finding of fact by a Federal judge sitting in a Federal court, that the State has been negligent and neglectful of its duties.

We have had a terrible example of the crime of lynching within the last 48 hours in a State of our Nation. The officer in charge says he does not recognize the perpetrators of the crime. It seems rather strange to most of us that in small communities, where these lynchings usually occur, where everybody knows everybody else, that the perpetrators of the crime are never known and that they go unpunished.

It is the belief of the proponents of this bill that if the perpetrators of these crimes were brought to justice and made pay the penalty for their inhuman and unholy acts, that legislation of this character would be unnecessary and there would be no lynching. It is the failure of the States to take action when crimes of this character occur that renders legislation on the part of the Federal Government necessary.

The entire Nation now looks to Mississippi to see if these murderers who committed this brutal lynching will be brought to the bar of justice. The action taken by the State officials in this case will prove a real answer to the necessity for this legislation.

I believe this bill deserves the support of all who believe in the due processes of law and order and in the sanctity of human life, and I shall vote for it based upon these considerations.

I yield back the balance of my time.

Mr. GAVAGAN. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. MITCHELL].

Mr. MITCHELL of Illinois. Mr. Chairman, we are discussing what is to my mind the most important piece of legislation insofar as the Negroes of the United States are concerned that has been brought before this House during the Seventy-fifth Congress. Many things have been said in the debate, which I am inclined to believe were said either for political purposes or in the heat of argument. This is the first voice that has been raised by that group of people who have suffered most, of course, from mob violence. You have been told of the large number of people who were mobbed in this country. You have been told the number is more than 5,000. We have been asked to be absolutely truthful in all of our assertions, and I shall endeavor to be.

Mr. Chairman, there is not any danger in this country that so terrorizes the Negro and hinders him along all lines of development as this accursed thing we are talking about this afternoon. Think of what happened in Mississippi only 24 or 48 hours ago. Men who had been convicted of no crime, men who had pleaded that they were not guilty, not only was the law taken out of the officials' hands, but the officers of the law said the mob was orderly and they proceeded to let them take from them those prisoners and snuff out their lives in the most horrible manner that could be conceived by human beings.

Now, what is the purpose of government except to protect the lives of the individuals of that government? What was the fourteenth amendment of the Constitution written into the Constitution for, except for the purpose of protecting the lives of the newly emancipated slaves? I know what you have done with it. You have taken it and have construed it as protection for corporations and corporate interests in this country. That is to the credit of my Republican friends. It was never intended that the fourteenth amendment should do otherwise than protect human life. I ask again, if it is not the purpose of government to protect the lives of the people of the government, then what right has it to exist?

There are Negroes in all of the northern cities who would like to live in my beloved southland. They have left, as I said in my speech last Monday, quoting the words of Booker Washington, because their lives were in jeopardy; not only by this accursed lawlessness that we are talking about by which lives are snuffed out, but if they take the lives of those people does it not follow that in much greater degree they will take the property of those people? And they cannot be heard in many instances in their own defense.

Now, this is the voice of one not who belongs to the race that has constituted the mob but this is the voice of one who is representing that race that has suffered most at the hands of the mobs.

I have had my own experience. I shall never forget many years ago when I was a boy, Booker Washington, that great man whom we honored the other day, was invited to this city and dined with the President of the United States. When he returned to Tuskegee there was grave danger of him being mobbed. He had committed no crime. He was not even charged with having committed a crime, but because he was recognized by Theodore Roosevelt and was invited to the White House for a luncheon, when he returned to the South I shall never forget it was my duty to stand all night long with a rifle in my hand to protect the property of that institution and protect the life of that great man.

I am not charging the South with being any more lawless than some other sections of the country. You cannot find an instance where more brutality was resorted to than in Coatesville, Pa. I have here the sworn record. I have here a speech made by Theodore Roosevelt on that subject, that terrible crime that was committed by the State of Pennsylvania.

We are also thinking of what happened in California only 2 or 3 years ago when the Governor stood by and said:

> It is the proper thing to do to lynch them for certain crimes, if you care to do it, and I am thinking seriously of paroling or pardoning certain other criminals and turning them over to the mob to be lynched.

It was then that our present President spoke out and said:

> This is collective murder, and it is not to be condoned by those in high or low positions.

I say to you, Mr. Chairman, that this does not seek to infringe upon the right of any State.

First of all, as individuals and as citizens of the United States we have a right to live in peace, in harmony, and in prosperity along with the other citizens.

I want to discuss just one other thought that has been offered here on this floor, and I am not challenging the thought, but I want to bring to your minds something that should go along with it. We have been told by my friends from the South—and I am from the South; I come from Alabama, and I make no apology for it—but we have been told that our best friends are in the South. That may be true; I am not disputing that, but I want to say to you people that the best friend the white man has is the Negro, the best friend that the American Government has is the Negro. We have never raised our voices and our hands to strike down an Executive of this Nation. We have never planted bombs in various places because we disagreed with certain theories. We have taken all that you have done to us. You have shortened our school terms and discriminated against us in a thousand other ways, but we have remained loyal. You say you are our friends. Then why not give us an equal opportunity along with you and let us develop our children the same as you do yours? This would prove your assertion of friendship. [Applause.]

My friends, it is upon the shoulders of this Congress to say to the 14,000,000 Negroes, at least 13,000,000 of whom are always in deadly fear that they will be attacked, to say to them that you are going to assure us the protection that the Constitution provides that every citizen shall enjoy. And I say to you in closing my remarks that I am speaking as one who has had some experience with the mob. I recall not so many years ago when I lived in the South and was president of an agricultural school. I was often referred to, as you heard my distinguished colleague the gentleman from Texas [Mr. SUMNERS] refer to me today, as being one of the leading citizens of my community, but do you know a bloodthirsty mob formed on one occasion and marched within 3 miles of my school for the purpose of snuffing out my life. I had not been charged with any crime. The only thing I had done was to stop payment on a $20 check that a fellow had secured from me by false representation. Because I would not pay the check this mob formed and marched within 3 miles of my school. I shall never forget how I stood with a Winchester rifle in my hand, how my wife stood with a pistol in her hand, waiting all night long for this mob to show up and to snuff out our lives. I did not have to commit crime to be the subject of one of these lawless mobs.

They talk about the constitutionality of the bill. It is perfectly constitutional to protect the migratory birds. It is all right and perfectly constitutional for us to go into these States and run down blind tigers. I shall never forget the other day when we had our hearing and the chairman of the Judiciary Committee was speaking on friendly terms to one of the men who had testified and said: "I hope we can do something for you."

The man replied, "Yes; I hope you will do at least as much for me as you do for the bootleggers and those who engage in the illicit manufacture of liquor."

Mr. Chairman, this legislation is constitutional. We have the right to protection. We have stood by the Government. We are going to continue to stand by the Government. I am going to vote for this bill, and I will vote for any bill

that will safeguard the rights of individuals to enjoy their privileges as American citizens and protect their lives. I hope this bill will be passed overwhelmingly; and I say to you that you can do nothing that will encourage this 15,000,000 people, who are subject to mob attack, which would mean half as much as the passage of this bill. The best thing you can do to encourage them in their honest struggles to be citizens, and to be useful citizens, is to pass this piece of legislation as it has been presented to us. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. KENNEY].

The CHAIRMAN (Mr. SHANLEY). The gentleman from New Jersey is recognized for 4 minutes.

Mr. KENNEY. Mr. Chairman, I am in favor of this bill and want to expend every effort on behalf of the legislation, because I regard it as a great measure in defense of human rights. And the question of human rights raised here is that of the selfsame human rights guaranteed by the Constitution of the United States to every man and woman of whatever race, color, or creed.

The Gavagan bill, which has public sentiment behind it, will safeguard and make more secure our constitutional rights. It serves notice on the country that no group or mob can defiantly break into jail and take a person in custody out of the hands of the law and inflict upon him injury or death, without grave responsibility resting upon the jailer and the community.

I feel this bill is necessary. I am going to vote for it believing it is necessary. It is necessary to bring about a different code of honor. The gentleman from New York [Mr. WADSWORTH] hit the chord, in my opinion, when he said that the greatest deterrent to lynching would be education, enlightenment, and understanding. This bill, being a drastic bill, will make for all of that. Without it we shall not have the enlightenment and understanding to wipe out the crime of lynching. Every sheriff down South after the passage of this bill will undertake to educate his people to know what it means to break into jail and take a man out of the custody of the sheriff, the marshal, or other custodian. Other officials will impress upon the people of their counties that prisoners cannot with impunity be taken away by the mob and put to death by mob rule.

Oh, I know that when an atrocious crime is committed the usual reaction is to take the law into one's own hands, but education will take care of it. When people come to understand their honor is avenged by delivery to the law-enforcement officers, the desire to lynch will disappear. We had dueling in this country. Our code of honor changed in that regard. It passed away. We had feuds in this country. They have disappeared, the last ending only the other day after 100 years when a new understanding appeared on the horizon of the parties involved. Lynching will go with the coming of new viewpoints. The bill under debate will impress upon the country the desirability of compliance with law and order. Let the States pass drastic laws to punish atrocious crimes. But let all obey the fundamental law of the country—our Constitution.

Now, it is my sincere hope that this bill, when enacted into law, will never be applied. May all of our people come to a better understanding of the value of human rights. No innocent man should be put to death at the hands of the mob, and no man should be deprived of his constitutional right to be tried by due process of law. The passage of this bill will make people think and arrive at a different understanding which will forever blot out lynching.

Finally, the bill is, in my judgment, constitutional. It does not interfere with any of the rights of the States. On the contrary, I regard it as necessary in order to uphold the law and rights of the States. Only when the authority of the State breaks down does the Federal Government come in under the bill. The Supreme Court of the United States to preserve the constitutional rights of persons charged with crime, has more than once extended its arm to uphold the guaranties set forth in fifth and fourteenth amendments of the United States Constitution, where these have been threatened by the States. Only the other day Mr. Chief Justice Hughes, in the outstanding case of the National Labor Relations Board against the Jones & Laughlin Steel Corporation, stated that the Court could impose a sanction for the enforcement of a judicial decree. And in the opinion in that case it was further said Congress could also impose a sanction adding that the fact that in one case it was a judicial sanction and in the other a legislative one, was not an essential difference in determining its propriety. In the crime of lynching very often more than one State is involved. There may be a conspiracy in one State, the person lynched may be seized in another, and the actual lynching may take place in a third State. The bill is necessary to reach those guilty of lynching. This bill has for its purpose the preservation of the fundamental rights guaranteed by our Constitution, that no man shall be deprived of his life without due process of law and shall be afforded the equal protection of the laws. These rights have been lost to some and as long as there is any probability of lynching in the future this bill is necessary and ought to be passed by the Congress. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. HIGGINS] such time as he may require.

Mr. HIGGINS. Mr. Chairman, I am pleased at the opportunity afforded me to say a few words in behalf of the passage of the Gavagan antilynching bill now before the House for consideration. May I take this opportunity to say that the colored people of America should be everlastingly indebted to that able and courageous Representative from New York, the Honorable JOSEPH A. GAVAGAN, and to his aide in sponsoring this legislation, the capable and tireless Representative from Illinois, the Honorable RAYMOND S. MCKEOUGH. Both men have worked untiringly to bring this matter before the House for consideration, and I am confidently sure that the great colored population of this country will always hold in high regard these two men who, above all others, are more responsible for the passage of this legislation than any other men in Congress.

The primary objective of this legislation is to put a stop to the seemingly endless series of mob murders which have disgraced America before the world. The problem is a national one and calls for action by Congress, for the reason that in certain sections of our country State and local authorities have little or no regard for the spiritual law, not to mention the State laws, as far as permitting lynchings to go unpunished. The Gavagan-McKeough bill has the necessary teeth in it to change completely the un-American practice of lynching that is, in fact, looked upon as law in many of the Southern States in this country. It is the duty of the Federal Government to assure its citizens of orderly and legal procedure before constituted authorities in such criminal cases. When States and their officials have been derelict in this duty, then the Federal Government must intervene to correct the situation and restore the orderly process of law which guarantees equal protection before the law to all men. The best evidence at hand to demonstrate the fallacy of the argument that the respective States do not permit lynchings is the fact that thousands of men and women, white and black, have been lynched during the past generation and no punishment was inflicted upon more than 99 percent guilty of lynching by State authorities.

The question of the constitutionality of any antilynching legislation may arise in days to come, but it seems to me that the fourteenth amendment of the Constitution, providing, as it does, that no State—

> Shall deny to any person within its jurisdiction the equal protection of the law * * * and Congress shall have power to enforce by appropriate legislation the provisions of this article—

establishes the fact that it is the duty of the Congress, under the Constitution, to enact such laws as may be needful to assure that no State shall deny to any person within its jurisdiction the equal protection of the laws. The Supreme Court in several opinions has given its interpretation of the equal-protection clause of the Constitution. The matter has become one of great national concern. The President of the United States has taken occasion to denounce this vile form of collective murder and set forth that we cannot

and do not excuse those in high or low places who condone the lynch law.

Let us, through the passage of the Gavagan-McKeough bill, eradicate from American life the vicious and un-American system of lynching, incidents of which have been a blot upon the pages of our history. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY of Indiana. Mr. Chairman, I thank the gentleman for the opportunity to speak, and yield back the balance of my time.

Mr. GAVAGAN. Mr. Chairman, I yield the time remaining to the gentleman from Illinois [Mr. MCKEOUGH].

Mr. MCKEOUGH. Mr. Chairman, I know of no occasion on which I could better defend my appearance before the membership of this body than an occasion such as this, when the personnel of the Congress is asked to consider one of the most humane requirements with relation to legislation that has come before the Congresses of this, our common country, in many, many years. I presume that if an explanation be necessary for my taking the time of those who comprise this great body to discuss a matter such as this, it is most naturally explained by reason of the fact that I come from a people who, next to their love of God, love liberty and justice to the extent that they are so well known in that respect that no further statement from me is required. I am Irish, and because I am, not only do I love my God but likewise I love liberty and I love justice. There is no threat incident to my position with relation to this antilynching legislation. I support it because I believe in law and order.

I do not know how anyone under the guise of constitutional objection or otherwise might appear on the floor of Congress to oppose the enactment of an antilynching law. It is beyond my power of comprehension that any man or any woman from any State in this glorious Union of ours would ever rise to speak in opposition to the enactment of a law that requires in its application the very fundamental of government that we give virile life to that declaration of Thomas Jefferson that all men are created equal. The founders of this Government breathed the soul of that understanding into the Constitution of our Nation when they met in Philadelphia and adopted what has proved to be the greatest instrument of liberty in all the history of the world. Yea! I say to you, if this law be not constitutional, then we make a mockery of the Declaration of Independence; we nullify all that we love in the Constitution. Ah! but more than that; we destroy all that is symbolized in the glorious flag of our country, which appeared on the battlefields of Europe in the recent World War to guarantee that people might have justice and live under whatever kind of government they desired. The late Woodrow Wilson, our glorious war President, prompted the declaration of war that we might protect life on the high seas of the world.

Despite this, we find in the Congress of our country men who have secured for themselves the great reputation as statesmen who are taking the position today that if this law is enacted we destroy the sacred principle of States' rights. I yield to none in my affection for the principle of States' rights; no, I yield to none on that principle but believe the principle of States' rights is not involved in this law. We protect that principle when we declare, as proposed in this bill, that where the local officers of the States fail in their duty, the strong arm of the Federal Government then moves in. Who among you can attack the philosophy of this kind of a democratic government? I know none who successfully can.

I understand, I believe, as fully as anyone who has been denied a training in the law what the Constitution of our country represents; and happily, I might add, in no way attempting to become facetious, I am not handicapped by preconceived conclusions as I consider this measure which, it appears, the rigidity of thought due to training in the law imposes.

All who opposed the enactment of this legislation today talked of the unconstitutionality of the Gavagan antilynching bill. They cite opinions of the Supreme Court to sustain this contention; but, strangely, I note carved in the marble over the entrance to the Supreme Court the following words: "Equal justice under law." This is all that the Gavagan bill seeks to secure, and it is therefore difficult to understand why there should be such vigorous opposition to its enactment. May I say at this time that it was a pleasure for me to have cooperated with my warm personal friend, the distinguished gentleman from New York [Mr. GAVAGAN], the sponsor of this measure, as well as with the distinguished Member from Massachusetts [Mr. MARTIN], in helping to secure the necessary 218 signatures on the discharge petition and thus insure consideration of this fundamentally important legislation by the present Congress.

Those of the opposition should have no quarrel with any of us who support this measure, because, as I have previously said, we have taken the position that we have given the local officers of the States 30 days within which to function in the interest of law and order before the Federal Government intervenes.

I was somewhat amused by the remarks of the learned gentleman, well schooled in the law, always looked upon as a constitutional authority, the distinguished chairman of the Judiciary Committee, who referred, in passing, to the fact that this is an exposition of the great concentration of government in a central, Federal body, and the gentleman referred to the racketeers and the gangsters of the large cosmopolitan cities of our country. I come from Chicago, and I make no apology for the splendid record of law and order that is maintained by this great city of my birth.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. MCKEOUGH. I am sorry; I have not the time.

I say to those who seek to include racketeers and gangsters in this proposed legislation that under the Federal law which provided for an income tax, there were sent to Federal prisons from Chicago, as well as from other large, cosmopolitan cities, by the Federal Government, many racketeers and gangsters who had received large profits during the days of prohibition, and there was no complaint made by local officers of the various States. And, incidentally, what group in the Congress was it, among those representing the various sections of the country, that was most responsible for the enactment of prohibition which made a farce of the fundamental rights of the people in our democracy by denying to our people for all too long a period of time the right to drink the beverages of their choice.

Who were in the solid block that voted in this House for prohibition? It was not those who represented Chicago, or those who represented New York City. No; it was those from the section of our country who now protest the enactment of antilynching legislation on the basis it is unconstitutional. Was there any place in our great country where there was a clearer demarcation of the line of support for prohibition than in the Southland? Now, they talk about the Constitution, when all that those who seek to pass this bill desire is that the Federal Government may move in when the local officer moves out, or fails to move at all, and say to those we are required to protect, "We give you the strong arm of the Federal Government that you may be secure in your God-given rights."

Unhappily leaders of mobs cannot be prosecuted by the Federal Government under the Federal income-tax laws in that the only profit such un-American procedure develops is the added shame that rightfully belongs to those who lead and participate in such unlawful actions. Shame, I regret to add, is not considered profitable.

I say, in conclusion, Mr. Chairman, when the roll is called I accept the challenge of the chairman of the Judiciary Committee. I am willing to meet the issue as man to man, and when the names are called, while I know it is dangerous to be a prophet, I prophesy to the great glory of this Government and to the great honor of those who will vote in the affirmative, that, roughly, 275 votes will go out to the country as an indication that the Seventy-fifth Congress, as made up in the House of Representatives, is the answer to that challenge, and will show that we love democracy and that we will protect every man, woman, and

child, regardless of his creed or his color, by passing this antilynching legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That for the purposes of this act the phrase "mob or riotous assemblage", when used in this act, shall mean an assemblage composed of three or more persons acting in concert without authority of law to kill or injure any person in the custody of any peace officer with the purpose or consequence of depriving such person of due process of law or the equal protection of the laws.

Mr. COLMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 1, strike out all of lines 3 to 9, inclusive, and insert in lieu thereof the following: "That for the purpose of this act the phrase 'mob or riotous assemblage' when used in this act shall mean an assemblage composed of two or more persons acting in concert without authority of law to kill, injure, or kidnap any person with the purpose or consequence of depriving such person of due process of law and the equal protection of the law."

Mr. GAVAGAN. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill, and I wish to be heard on the point of order.

Mr. COLMER. Will the gentleman reserve his point of order?

Mr. GAVAGAN. I am sorry, but I must refuse to reserve the point.

Mr. Chairman, in spite of the sophistries uttered in the attack on this bill as represented by the argument of the gentleman from New York [Mr. WADSWORTH], this bill provides for the taking of a prisoner from the possession or authority of a duly constituted peace officer by a mob of three or more persons for the purpose of inflicting bodily injury or death upon the prisoner, and not until these three conditions exist does this bill become operative. The gentleman's amendment refers to the crime of kidnaping, entirely different from the crime we are attempting to legislate in this bill. The crime of kidnaping is already provided for by Federal statute, its detection, prevention, and punishment. Clearly, Mr. Chairman, within the rules of the House the amendment is not germane to the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLMER. I do not desire to be heard upon the point of order.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Mississippi offers an amendment to the first section of the bill to include kidnaping in addition to the crime of lynching, but in addition thereto the gentleman, by his amendment, strikes out the words in line 7 "in the custody of any peace officer." The gentleman's amendment would extend the class to which this bill applies to kidnaping. The addition of kidnaping might not be objectionable, but this bill applies to the death or injury of persons "in the custody of a peace officer", while the proposed amendment takes those words, quoted, out of the bill. The Chair does not think the amendment is germane, and sustains the point of order.

Mr. COLMER. Mr. Chairman, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment by Mr. COLMER: Page 1, line 5, strike out the word "three" and insert in lieu thereof the word "two", and in line 7, strike out the words "in the custody of any peace officer."

Mr. GAVAGAN. Mr. Chairman, I make the same point of order to that.

The CHAIRMAN. The Chair is prepared to rule. The ruling of the Chair just made on the previous amendment offered by the gentleman from Mississippi will apply to this amendment, as to the second provision in the amendment striking out the language of the bill "in the custody of any peace officer." The Chair therefore sustains the point of order.

Mr. COLMER. Mr. Chairman, I move to strike out the last word. I had hoped, in view of the discussion that was had here the other day between the gentleman from New York [Mr. FISH] and myself on the question of gang murders, that the point of order would not be made against this amendment. Of course, I shall not challenge the ruling of the Chair; that is water over the mill, but I did want an opportunity for this House to vote upon the question as to whether or not it is just as unlawful to commit murder, whether it be in the South, the North, the East, or the West, by a gang or any other lawless mob. There was a lynching in my State since this bill began to be considered. I am just as sorry for that, and I deplore it just as deeply, as any of you so-called defenders of the colored people's rights. I am sure that I deplore that just as deeply as does the distinguished gentleman from New York, who is advocating this monstrosity, must have resented and deplored the gang murders that have gone on in his great city of New York.

Mr. GAVAGAN. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The gentleman from Mississippi will proceed in order.

Mr. COLMER. Mr. Chairman, murder is murder wherever it occurs and under whatever conditions it is engineered. We do not want lynching any more than I take it the gentleman from New York wants gang murders, but they are all on a parity, and if it is constitutional for the American Congress to legislate in the one field, then it ought to be just as constitutional for it to legislate in the other. I say, as one who served as prosecuting attorney for 13 years in my State and who has had this problem to deal with first-hand, that in this idle gesture that you are making you are going to do the cause of the prevention of lynching more harm than has ever been done it before. I say to you, as one who personally went out and prevented mob violence on one occasion as a district attorney, that you, by this idle—and I hate to say—political gesture—and I will not say it—are going to put these people whom you say you are defending in a most unsatisfactory and uncertain position. As has already been pointed out on the floor of the House today, you are going to place these officers of the law in a position where they will be afraid to take these men charged with these atrocious crimes into their custody so that they will not have to be met with the proposition enacted in this law. I am no constitutional lawyer. I am not even as fair a lawyer as the gentleman from New York [Mr. GAVAGAN] said I was when he was here the other day. Certainly I do not put myself in the class of the Father of his Country, George Washington, nor with that great statesman, Thomas Jefferson, and my respect for the Deity would refrain from making any further comparison, such as was made here the other day. [Applause.]

Mr. Chairman, the following table furnished me by the Library of Congress shows the crime conditions with reference to homicide in the city of New York, the home of Mr. GAVAGAN. This table shows that murder in this city is appalling compared with the negligible lynching in the country. My amendment would give the gentleman a dose of his own medicine by placing gang murders in the same category with lynching.

New York City, period 1930–35

Year	Homicides	Arrests	Convictions	Discharged or acquitted
1935	427	383	66	----------
1934	426	351	360	83
1933	524	420	428	74
1932	505	449	461	100
1931	569	433	444	110
1930	496	377	357	81

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McCLELLAN. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. McCLELLAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for 5 additional minutes. Is there objection?

Mr. GAVAGAN. Mr. Chairman, I dislike to object, but we want to finish this bill tonight. The House is going to adjourn over until Monday and we want to finish tonight, so, sorry as I am, I must object.

The CHAIRMAN. Objection is heard. The gentleman is recognized for 5 minutes.

Mr. McCLELLAN. Mr. Chairman, it is not with any hope that I can stay the hand that is raised to strike this blow that I arise to speak in opposition to this measure having for its purpose and the practical effects of which will be to open old wounds and attempt to heap scorn and derision on one part of the country to the pleasure and elation of another section.

I cannot stop you who are determined to force this bill through. You have the strength to do it, but you do not have the right—neither the moral nor legal right—and I would be lacking in courage and shirking the discharge of my duty were I to remain silent and fail to lift my voice in protest and sound a warning—a warning which you may refuse to hear now, but the echo of which sooner or later will resound with such forces as will not only open your ears and cause you to hear but will jar your vision to a realization of the error you are committing today.

Let us strip this thing of its sham and pretense. No one is deceived. You parade under the guise of wanting to blot out crime. That is the excuse you offer for sponsoring this bill, but the veil you wear is so transparent that your real purpose is revealed rather than concealed. You primarily desire to rebuke, embarrass, and humiliate the Southland, and at the same stroke, for political purposes, make a gesture calculated to win political support from the Negro race. Thus motivated you proceed in the name of human rights and liberty, as you claim, and some of you, particularly the gentleman from New York [Mr. FISH], have gone so far as to say that on this issue human rights rise above the Constitution. May I remind you that those of you who take that position and share that view are resorting to the same argument in support of this bill that the mobster would offer in support of the excuse or alibi he makes for the lynching he has committed. You say you want to or are willing to go beyond the limitations of the Federal Constitution and exercise a power you do not have under its provisions in your zeal to punish and seek retribution from those who may commit a certain type of reprehensible crime. The mobster, using the same logic and reasoning you are employing, says he has ignored the law and the Constitution because the process and results of the law are too slow and uncertain, and because he wants to uphold the honor and defend the virtue of womanhood.

No one has seriously contended this measure is constitutional. It is not expected that any impartial court will hold it to be. It must ultimately be conceded that you have no legal right to pass this law and hurl this slur and insult into the face of the Southern States.

There is no need for it. If there was ever an occasion and condition that would have justified Federal intrusion on the rights of States by legislation of this character that time has passed because the undisputed record contained in the minority report of the committee on this bill shows the crime of lynching was committed only eight or nine times last year—1936—throughout the whole United States, with a population of nearly 130,000,000, whereas in the decade from 1904 to 1914, with a population of 90,000,000, there was an average of 69 lynchings per year. The record, therefore, reveals in 22 years a decrease in total number of lynchings of over 800 percent, with an increase of 44 percent in our population. This showing and progress warrant and justify the statement that if permitted to continue without the unlawful interference you propose by the enactment of this law, within another 10 years the crime would seldom, if ever, occur. By the general enlightenment of the people and an increasing vigilance on the part of law-enforcement officers, we are swiftly and surely banishing this evil from our midst. This law you want to pass will only serve to arouse resentment and produce an agitation that may rise in intensity to the extent that it will defeat the very objectives you seek. The result will be that you are prolonging this evil, retarding its removal, and with this slur seriously handicapping the fine womanhood and manhood of the South, who know their problems better than you and who are far more capable of applying an effective remedy. [Applause.]

This law is not going to stop lynching; neither is it going to promote law enforcement. In the first place, in your eagerness and haste to sting, you have so loosely drafted this bill that there are thousands of justices of the peace in the South who never saw but one law book—the statutes of their State—who are possessed of sufficient judicial intelligence to know how the penalties of this law may be evaded. Again, when you undertake to enforce the provisions of this law by trying the cases in the Federal courts, do you not realize that you must appeal to jurors composed of citizens whom you now seek to condemn? You say they are unwilling to enforce the law against murderous lynching; do you expect by the passage of this bill to stimulate their desire for law enforcement? If, serving as jurors, they would acquit the lynchers under the State law, I can see no justification for the hope that as jurors they would convict for the same offense under a Federal statute.

Again I assert you have no moral right to pass this law. Murder is a crime, whether produced below the Mason and Dixon's line by a rope or torch in the hands of a mob, or by machine guns or sawed-off shotguns in the hands of gangsters on the avenues of Chicago and New York.

It has been wisely said that charity should begin at home. With equal truth and emphasis we may declare that reform should first be accomplished by those who advocate it. I remind the sponsors of this bill that you have not met this challenge and have already failed to conform to one of the long-established principles and maxims of equity by not coming with clean hands. You are straining at a gnat while you swallow a camel. [Applause.] When you left New York on this so-called humanitarian mission to stamp out crime in the South, you left the land where the harvest is great and the laborers are few, and journeyed to fields where the grain has already been gathered. You propose to come into the South with your insulting intrusion to remove the stain of a few drops of blood here and there while you wade through pools of blood from the bodies of murder victims in your own streets and within the confines of your own premises. [Applause.] When you have mopped from the sidewalks of New York the blood of innocent children who, while at play, were shot down like rats by gangsters, when you show us that you can keep crime from thriving and operating practically at will in your own bailiwick, when you have squelched the stench of the corruption in which you wallow in the largest and, as you would proclaim, the most civilized city in the world, then, but not until then, are we in the South ready or willing to concede that your standard of morals, of virtue, of citizenship, of society, and respect and obedience to law are superior to ours. He who in moments of weakness may yield to impulses and temptation, cannot safely follow an habitual drunkard who preaches without practicing reform. [Applause.]

The efforts of some of you from New York City to lead this great reform movement and in your denouncements against this crime remind me very much of the Negro boy who was so black that all of his white friends called him "Midnight." He was not resentful of the white man's thus referring to his color and black features, but a yellow Negro, thinking to emphasize the distinction between their colors, hollered across the street to him, "Hello, thar, Midnight", and the black boy replied, "Shut up; you is about a quarter to 12 yourself", so if the lynching pot is black in the South, the gangsters kettle in New York is blacker.

I should like to direct your attention and invite you to read the parable spoken by our Lord, to His disciples and the multitudes assembled, more than 1,900 years ago when He walked with them here on earth and when He said:

Can the blind lead the blind? Shall they not both fall into the ditch?

And why beholdest thou the mote that is in thy brother's eye but perceiveth not the beam that is in thine own eye?

Why dost thou say to thy brother, "Brother, let me pull out the mote that is in thine eye", when thou thyself beholdest not the beam that is in thine own eye?

Thou hypocrite, cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye.

Paraphrasing the language and admonition of the Savior in the parable just quoted, I say to you who are sponsoring this bill and making this hypocritical gesture to the gullible who sit in the grandstand ready to applaud, solve your own crime problems before you undertake to perform an illegal, major operation on ours, without our consent and over our protest. You will do well to apply your energies and devote your talents to silencing the ring of machine-gun fire from organized gangs thriving on corrupt political protection in the city of New York, and if you will learn how to protect your innocent citizenship on your own avenues, you can honorably wear the crown of glory you strive to place on your brow. [Applause.]

The same form of hypocrisy denounced by our Lord in this parable parades on the floor of this House today, robed in a false claim of being the protector and promoter of great humanitarian rights, and in your desire and anxiety to cast a slur and heap scorn and ridicule on your southern neighbor by the enactment of this law in flagrant violation of the Constitution you have sworn to uphold, you bring down on your own heads the righteous condemnation of all who are willing to look beyond the screen of pretense you have attempted to set up as a shield to hide the diabolical purposes you propose to accomplish.

If left alone, the South will blot out forever this evil about which you complain. The strides that have been made in this direction are more than reassuring and point with certainty to this end, but we of the South deny that the city of New York has the superior enlightenment, wisdom, and moral integrity to show us the way. [Applause.]

Mr. TERRY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 3 minutes.

Mr. McKEOUGH. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, we were very much interested this afternoon in the chart that was presented by the chairman of our committee showing a very decided reduction in the number of lynchings, particularly in the part of the country whence he comes. That is very creditable indeed. It is very praiseworthy, and the public in those communities is entitled to our congratulations; but, on the other hand, let me ask these gentlemen from those States, What have you done to punish those who participated in those eight lynchings? What will be done with reference to the punishment that should be meted out, undoubtedly, to those who perpetrated that dastardly crime in one of the States in the South yesterday? That is a very pertinent question.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Not just now.

There were eight too many lynchings last and three too many this year. The lynching yesterday was terrible and gruesome and unspeakable—too horrible to relate. I shall not detail at this time the awful scene.

Mr. COLMER. Mr. Chairman, will the gentleman yield to me right there?

Mr. CELLER. No. The gentlemen from your State and elsewhere, I know, mean to do right. Your communities, however, are to blame. But we cannot close our eyes to certain facts which are as clear as day.

Mr. COLMER. I understood that the gentleman asked a question. I just wanted to answer him. I will be very brief.

Mr. CELLER. I yield.

Mr. COLMER. Much has been said about this unfortunate lynching in Mississippi 2 days ago, but nothing has been said about the fact that in my State, Mississippi, a white man now is awaiting death by the noose because, peculiar though it may seem, of the torch murder of 2 Negroes.

Mr. CELLER. I am very happy to hear that. There would be no need for the legislation if lynchers were punished. But I ask, Why is it that in the gentleman's State and other States—why is it that, despite what the gentleman says, there can be the horrible spectacle that was witnessed in the State of Mississippi day before yesterday?

Mr. COLMER. What about the horrible crimes committed in New York?

Mr. CELLER. We have crimes in New York. We arrest the culprits. They must stand trial. Our city's populace loathe these criminals. They get no comfort from our people. Our people do not applaud or participate in these murders. We at least try to bring the perpetrators to justice. What prosecutions are going to eventuate in the gentleman's State of Mississippi? A Federal judge, George C. Holt, in 1911 stated that there were over 300,000 lynchers in the country that have gone afoul of the law and nothing has been done by way of meting out punishment to them. Since 1911 how many more are there? There is all manner and kind of subterfuge, there is all manner and kind of evasion, when it comes to judgment that should be placed upon those culprits, upon those who run afoul of your murder statutes. Certainly it does not lie in the mouth of anyone to proclaim this decrease in lynching and, on the other hand, say nothing about the perpetrators of the eight lynchings last year or the three lynchings up to date this year. When it comes to the question of decrease, what about the narrowly averted lynchings? The National Association for the Advancement of Colored People tell that in 1935 there were 102 cases of narrowly averted lynchings. Apparently mobs and mob hysteria are not decreasing. That does not square very well with the so-called decrease that we heard about today. In 1936, again, there probably were over a hundred almost-perpetrated lynchings.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. CELLAR. Something was stated with reference to the streets of New York and the streets of Chicago. We do have crimes on our streets; we do have malefactors of the law, but we punish them. [Laughter.] That is our pride; we punish them. You can laugh all you like, but you can look at the statistics, and after you look at the statistics of New York and the other large centers of population, you will find beyond peradventure of doubt at least that the populace of those cities deplore and denounce lynch law in those cities. They at least demand arrests and trials. There are no lynchings. There is no connivance by any manner of means on the part of the citizenry of those communities when it comes to murder, when it comes to racketeering, and when it comes to gansterism. New Yorkers do not lend any aid and comfort to these malefactors. They do not give them asylum, as some citizens in some States protect lynchers.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. But what can you say with reference to certain of those communities where there is utter connivance in the crime lynching; where the sheriffs, the constables, the marshals, and the county overseers raise no finger to arrest or develop punishment of these culprits?

In a word, I believe that the only remedy for lynching is to restore the confidence of society in the just, prompt, and efficient trial and punishment of lynchers. Virginia is free of lynchings. It has and enforces its lynch law.

Finally it may be asserted with reasonable confidence that the effectiveness or ineffectiveness of the judicial system and the enforcement of law during any given period has indirectly affected the number of lynchings. (P. L. Black, Lynching in Iowa.)

In other words, lynchings rise or fall with the degree of enforcement of murder and lynching statutes. Lack of enforcement surely has caused the crime of lynching. Punish mobs and mob violence and lynchings will disappear.

Mr. RANKIN. Mr. Chairman, realizing that there is probably nothing I could say that would affect the final vote on this vicious measure, which is being jammed through Congress by high pressure and false propaganda, I would remain silent on this occasion were it not that my silence might be misunderstood.

There has been a great deal of debate in the cloakroom and in the corridors about changing the name of this so-called antilynching bill. For my part, I think it should be called "a bill to encourage rape", since that will probably be its ultimate effect—if it ever becomes law.

There are some Members, however, who think it should be called "a bill to make Harlem safe for Tammany." [Laughter.]

This is not a new proposition. It is simply the old force bill of carpetbag days in a little different form. In those days it was sponsored by corrupt Republican carpetbaggers—the most vicious set of thieves that ever robbed and plundered and murdered the helpless white people of the Southern States.

A few demagogues on the Republican side brought this measure in and shoved it through the House in 1922. The more decent members of that party became ashamed of it and let it die in the Senate.

Today the measure is brought in here fostered by an irresponsible element of so-called Democrats for the purpose of taking care of their own political hides at home. Their dishonest duplicity not only runs through this entire debate but it is written into the face of the bill, as I shall show in the course of these remarks. They are simply hurling their insulting charges and insinuations at the white people of the South in order to "bunk" a few Negro voters in their own districts. It is useless to argue with such men under these circumstances.

We have just heard two of the ablest speeches ever delivered on this floor against this vicious measure—one by the distinguished gentleman from New York [Mr. WADSWORTH] and the other by the distinguished gentleman from Texas [Mr. SUMNERS]. They might as well have been speaking in Statuary Hall. This House is lashed into a fury of insanity by the inspired propaganda for this measure, and no appeal to reason will have any effect.

The sponsors of this bill are pretending to do so in the interest of the Negroes, when in fact they are the worst enemies to the peace, the happiness, and prosperity of the Negroes of this country to be found in public life today. You Members who vote for this bill will be doing the innocent Negroes of this country an irreparable injury, to say nothing of the damage you are doing to the white people of the land.

I am a far better friend to the Negroes than any man who sponsors or supports this measure. I know what this agitation does to him. The Negro is a tenant at sufferance wherever he comes in contact with the white man. His very existence in the community depends upon the peaceful relationship existing between him and the white people around him. Disturb that relationship, as the passage of this measure would do, and the Negro will be the sufferer. He is no longer an economic asset to the South, if he ever was. If you stir dissension between the whites and blacks, the Negro must move on. I have seen whole communities cleared of Negro tenants in 1 year because of disturbances of this character.

This bill will encourage the more vicious element of the Negro race to attack white women and to perpetrate other crimes for which the innocent Negroes will be made to suffer. But you Members who are supporting this bill do not care anything about the innocent Negroes. You do not even pretend to protect the innocent Negro by this bill, as I shall show in a moment.

When this measure was before the Congress on a former occasion, a brutal Negro raped a white girl here on the Capitol Grounds. She was a telephone operator down at the Driscoll Hotel, right here at the foot of Capitol Hill, and lived just beyond the Library of Congress. She worked in the evenings and had to go home around 12 o'clock at night. This vicious brute watched her to see which way she went, and finally waylaid her on the shaded curved walk in front of the south wing of the Library, just across the street from the House Office Building, dragged her into the underbrush, choked and beat her to insensibility, outraged her, and left her lying there, a living example of the consequences of the legislative perfidy you are about to perpetrate. That is what you are encouraging with this measure which you pretend is designed to protect the innocent. [Applause.]

Similar attacks increased all over the country and finally burst out in horrible race riots, in which, as usual, the Negroes became the chief sufferers. Pass this measure and stir this trouble anew, and you will probably clear whole counties in the South of their Negro populations. Where will they go? Shall we send them to New York to become the wards of Tammany Hall? Shall we send them to Ohio, Indiana, Illinois? Shall we send them to Washington? Shall we send them into other Northern States to pad your relief rolls, add to your burdens, and intensify a growing trouble that you people do not understand or know how to cope with?

One man in this House from one of the largest cities in a Northern State told me on yesterday that three-fourths of the people on relief in his city were Negroes. It would be interesting to know the number of Negroes on relief in Harlem—New York—Pittsburgh, Pa., and other places where pompous politicians are boasting of their power and pandering to that element for support.

Take it here in the District of Columbia, the Nation's Capital. In 1930, according to the Government census, there were 132,000 Negroes in the District of Columbia. Yet, according to the testimony given before the Committee on Appropriations of this House on March 4, 1937, by Mr. Rufus S. Lust, president of the Washington Taxpayers' Association, 137,000 different Negroes have been given relief, at one time or another, in the District of Columbia since 1932. They have crowded in here by the thousands, and I am sure they have done the same thing in other cities in the Northern States. Do you want the rest of them?

You would think, to hear some flannel-mouthed demagogues talk, that the people of the South delighted in lynching Negroes. They exploit, with malignant pleasure, every instance in which a Negro is put to death. But they never talk of the horrible instances that drove the people to such madness, nor do they ever give credit for the tremendous battles that have been waged by the white people of the South to prevent lynchings, even in the face of the most shocking outrages.

They give no credit for the thousands of worthy peace officers of the South who are constantly taking their lives in their own hands and are often killed or injured trying to protect Negroes who have perpetrated such heinous crimes as to stir within the breasts of home-loving, law-abiding white men the most powerful resentments that ever beat against the battlements of self-restraint.

They give no credit to the white people of the South who have spent millions of dollars rushing their State militia to the scenes of such crimes in order to prevent the people of an outraged community from taking the law into their own hands.

Under such circumstances our peace officers, and all their deputies, and invariably National Guards, have been used to protect not only the accused but also the innocent Negroes from mob violence until public excitement died down.

But this bill does not pretend to protect the innocent man at all. Oh, what a fraud, what a mockery! What a deception, for men to stand on this floor and pretend that this bill will stop lynching, when it throws the innocent man to the mob and takes away from the guilty culprit even the protection he now has!

The only defense you men who vote for this bill will have when the people call you to account next year will be to plead your ignorance of its contents and its consequences. You are going to find that there is a great difference between running on the ignorance or shortcomings of an opponent and pleading your own ignorance, cowardice, or stupidity as justification for your votes in this House.

This bill does not pretend to protect an innocent Negro, or one who is not under arrest, and all of you know it. It only applies when a mob of "three or more persons acting in concert * * * to kill or injure any person in the custody of a peace officer." That simply takes away the protection these Negroes now have. It subjects the officer who has the culprit in charge to a fine of $5,000 and imprisonment for 5 years in the Federal penitentiary, and compels the taxpayers of the county in which a Negro rapist is lynched,

or through which he is even taken by the mob, to a penalty of $10,000, to be paid to the family of the deceased.

That simply means that an officer is deterred from attempting to do his duty. If the mob beats him to the victim, then he and his country are in the clear. I wonder how many peace officers you think are going to rush in, take all the risks involved, subject themselves and their bondsmen to a penalty of $5,000, themselves to a term of 5 years in the Federal penitentiary, and the hard-working taxpayers of the county, including the family of the woman who has been outraged, to the payment of $10,000 to the family of a Negro brute who outrages and murders a defenseless, helpless, innocent woman or child. It might not be out of place to inquire if there is anybody who thinks that the family of such a fiend would ever live to collect that penalty.

As an example of legislative stupidity I submit that this bill is just about the last word.

And now I am going to show that as an example of legislative dishonesty it is without a parallel. It does not protect the innocent at all, and does not pretend to. A mob can form and go out and lynch all the Negroes or all the white people in a community, and this bill will not apply—unless the people lynched are "in the custody of a peace officer." They pretend that the white people of the South are lynching innocent Negroes, and then they fail to protect an innocent man who is not in the custody of a peace officer. Why did they do that? I will tell you why. They were afraid they would protect innocent people from the gang murderers in their own States and protect the innocent Negroes who are killed by the thousands in race riots in those States. They knew that if they applied the same penalties to their own officials, or their own counties, they are trying to impose upon the South, they could never come back to Congress.

You see, a bunch of racketeers in New York or Chicago or Pittsburgh or Jersey City, or anywhere else in the country, could go in and kill as many people as they want to and this bill would not apply, even if the peace officer stood by and watched the killings or even participated in the mob, so long as the victims were not under arrest.

No wonder Lindbergh moved to England to get protection for his wife and child from the ruthless racketeers so studiously and carefully protected by this bill.

There were more Negroes killed in one race riot in Chicago or in one race riot in Springfield, Ill., the former home of Abraham Lincoln, or in the race riot in East St. Louis than have been lynched in the South since the Civil War. They are going to have a race riot in New York one of these days that will be the most disastrous confusion of tongues, perhaps, that has ever happened on this continent, but the innocent women and children who are killed in such a riot will not be protected by this bill, because they will not have committed any crime, and therefore will not be in the "custody of a peace officer."

I am utterly surprised to see our Jewish friends advocating this monstrosity. I never knew until I came to Congress that there was really any anti-Semitic sentiment in the Eastern States. We do not have many Jews in my section of the country, and those we do have are, as a rule, merchants, tradesmen, lawyers, etc., who get along well and are always treated with the utmost respect. But I find that conditions are different in the East, and growing worse. Now, suppose this feeling is intensified until there is an outbreak against the Jewish people along the Atlantic seaboard. This bill would not protect them so long as they are not "in the custody of a peace officer." They can lynch every Jew in New York, in New Jersey, or Massachusetts, or any other State, but so long as they are not under arrest or "in the custody of a peace officer" they would not be protected by this law.

You are in a great deal more danger of outbreaks of this kind in the Eastern States than we are of race troubles in the South if you will just let us alone.

Let me say to our friends from the Pacific coast who are supporting this measure, that less than 30 years ago you people were in a frenzy of excitement and fear over the danger of the "yellow peril." You called aloud for help, and the white people of the South responded to a man. It was the call of the race, the call of a white civilization. One Congressman from the Pacific coast told me that he never knew a southern Democrat to falter.

Some of you are now manifesting your gratitude by supporting this vicious measure which you know, and which you admit privately, is an outrage, the only object of which is to harass and abuse the white people of the South, the best friends you had in the hour of your own danger. I wonder if the people of the West will support you in this manifestation of ingratitude.

In the Literary Digest of April 10, 1937, appears an article under the heading—

Sex crime wave alarms United States. Police grope for method to stem rising tide of perversion.

Then the article proceeds to tell what has recently occurred in Detroit, Mich., and which should be a warning to the people of that section of the country that instead of punishing the South you are merely piling up trouble for yourselves. The article reads as follows:

In Detroit, Bernice Onisko, 17, was beaten, ravished, and strangled on March 6 within 150 feet of her home. She was returning from confession at a nearby church when attacked. Police rounded up and questioned more than 200 suspects; found no killer.

As if the Onisko case had opened a Pandora's box of evil passions, more than 75 women and girls were attacked or molested in their homes or on Detroit streets within the next few weeks.

They caught one Negro who had raped a white girl on the library grounds in Detroit. He grabbed her one night as she walked along a shaded path, put his hand over her mouth, dragged her into the shrubbery, choked her and beat her almost to death, ravished her and left her to drag her way back to the path to give the alarm. They caught him, went through the form of a trial, and sentenced him to a term in the penitentiary. They have no capital punishment in the State of Michigan, so the worst these criminals can get is a term in the penitentiary, which is something on the order of a sit-down vacation, since they have about succeeded in outlawing every kind of work that a convict can do in that State.

The first thing they know, Detroit will break forth into the flames of a race riot. Decent white people are not going to sit supinely by and let these brutes outrage defenseless women in this manner, law or no law. You cannot expect people to continue to maintain their composure and self-control under conditions of this kind.

I remember on one occasion a little woman in one of the counties which I represent was dressing to go to a church meeting, when she saw in the mirror the reflection of a Negro brute entering the window. She reached and got her husband's pistol, but she was so badly frightened that she was too weak to pull the trigger. He took the gun from her trembling hand, put it in his pocket, outraged her, and took a razor and cut her throat from ear to ear and left her weltering in her own blood in the parlor of her own home. He went home and told his wife what he had done and she exposed him. He confessed and gave up the pistol he had taken from the woman's hand, and told them where to find the razor he had used to kill her.

On another occasion, there was a Negro in a county jail in a district adjoining mine. The jailer had made a trusty of him and sent him out to his home one day to get some article or to take a message to his family. The jailer had a beautiful daughter about 16 years of age. This Negro conceived the idea of outraging her, but there were obstacles in his way. In order to accomplish his purpose, he first had to kill her mother. As soon as he entered the home, this poor mother sensed his purpose and rushed between him and his intended victim. He cut her throat with a razor, but she held her throat with her hand, screamed as best she could, making a gurgling sound, and fought that beast off till her daughter could escape, then fell exhausted, and expired.

Suppose that had been your wife or mother, Mr. GAVAGAN, or of any of the rest of you advocates of this measure. How long do you think you would have remained cool and collected, as you pretend to be now?

Yet, in the face of those conditions, the South has fought the evil of lynching and reduced it to a minimum.

Now, the truth is that this bill will not protect anybody, and I do not believe its sponsors intend to protect anybody by it. I do not believe that any intelligent man thinks for a moment that this measure will prevent a single lynching or save the life of a single human being; but, on the other hand, every intelligent man, it seems to me, is bound to know that it will encourage outbreaks, leave the innocent exposed to the mob, and take away the protection the guilty now have.

But, Mr. Chairman, we are told that this is just the beginning of a series of drives to destroy the color line and try to force race amalgamation on the American people. If they should succeed, America would sink into the mire of mongrelism; and instead of the proud Nation, the proud civilization we now enjoy, this country would go down to future generations inhabited by a mongrel race. God forbid that such a tragedy should ever befall my native land!

One Member from Connecticut [Mr. KOPPLEMANN], I understand, has already introduced a bill to wipe out segregation in the District of Columbia—force Negroes and whites to attend the same schools, the same theaters, patronize the same hotels and restaurants. Mr. O'CONNOR of New York stated on the floor that he favored such a measure and hoped the gentleman from Connecticut would pursue it.

That would ruin the District of Columbia. If that measure should pass and be signed by the President, it would bring chaos to the District. As long as it is even pending, with the possibility or threat of passage, a man would be crazy to buy property in the District of Columbia. If it ever does pass during my service in this House, then I am ready to vote to move the Capital to some other place.

I can tell the gentleman from Connecticut and the gentleman from New York that they are not going to force social equality on the South. You may coax the rest of the Negroes into New York and Connecticut, Michigan, Massachusetts, Illinois, and other Northern States, but the white people of the South are never going to submit to racial equality. The Negroes are there, and we treat them better than they are treated anywhere else on the face of the earth. We are not responsible for their presence in the South, but we are responsible for maintaining our white civilization. The Negroes were thrust upon us through the unfortunate instrumentality of slavery. We did not reduce them to slavery; we bought them from the people of the North; and let me say in that connection that they did not reduce the Negroes to slavery, because they were slaves in Africa before the American slave traders ever purchased them. Slavery was the worst curse the South has ever experienced and the greatest blessing the Negro had ever known up to that time. It elevated him from the position of savage to that of servant, and for the first time showed him the light of a Christian civilization.

The South has been punished as no other people ever have since the children of Israel escaped from Egyptian bondage. That punishment was formerly visited by those who were admittedly our enemies. Now it is attempted by our pretended friends.

At no time in all history has one race ever done so much for another as the white people of the South have done for the Negro race. For tens of thousands of years he roamed at will through the continent of Africa, one of the richest countries in all the world, feasting upon his fellow man, and never even developed the art of agriculture to the extent of making his living out of the ground.

For countless ages he trod the sands of his native soil with gold and diamonds beneath his feet and never even dreamed of the theory of values.

He bowed beneath his master's whip at the building of the Pyramids and watched succeeding civilizations rise and fall, and all he ever learned was to construct a rude shelter of bark and grass with which to shield his head from the beating rays of a tropical sun.

He saw the dawn of civilization and watched the pageant of the centuries pass without so much as manifesting a desire to participate in the progress until he was brought to this country and shown the light of a Christian civilization through the unfortunate instrumentality of slavery.

If that enslavement was a crime, you people must bear your part of the responsibility as we have borne our part of the burden.

You can just forget all this crazy talk about social equality between the whites and Negroes of the South. It is not going to happen.

There are only four possible solutions of the race question: Amalgamation, extermination, deportation, and segregation. Amalgamation is too horrible to even consider; deportation seems to be out of the question; extermination is too cruel for contemplation. The only possible feasible solution is to follow the course mapped out and pursued by the people of the South for more than 300 years—a complete segregation of the two races. [Applause.]

Mr. HARLAN. Mr. Chairman, I move to strike out the words "riotous assemblage" in the fourth line.

Mr. Chairman, after watching this debate, as I and the rest of you have, I have come to the conclusion: This House is divided into four groups. There is, first, a group which does not want any lynching bill at all. Then there is a group which does not want any lynching bill introduced by a Democratic Negro Congressman. Then there is a group which wants the most radical bill we can possibly get through. Fourth, there is a group which would like to have a moderate, workable, antilynching bill.

The other day when the Mitchell bill came before the House it was snowed under because those who did not wish any bill introduced by a Negro Democratic Congressman to pass, of course, voted against it. Those who did not wish any bill voted against it because they wanted the most radical bill they could get so that it would be defeated in the Congress or there would be a better chance of its being invalidated in the courts. Those who wanted a radical bill did not, of course, vote for the Mitchell bill. Those of us, in such a painful minority, who wanted a mild, workable bill, were snowed under. Otherwise, we would offer the Mitchell bill this afternoon as a substitute for the Gavagan bill.

It seems to me we ought to see a little humor in this situation. Here is a political party which had control of the House for about 12 years. During this time they carried most of the States in the North by the Negro vote. In all of that time they did not do anything toward passing any lynching bill, except the Dyer bill futility in 1922. The main prop of their support has now drifted over to the other side, and we are here trying to secure equal protection and give a little encouragement to that large Negro group which has finally repudiated the party of privilege. However, it is not good Republican politics to let a Democratic Negro legislator father a bill, so it is to be defeated.

It seems to me that those from the South who have become so agitated here have been very largely responsible for this bill, because if a mild bill had been permitted to come through we would not now have so much objection to it. However, now we have this extreme bill, and it is going to go through this House.

I was interested in hearing the remarks of some of the southern gentlemen against the rape of the Constitution which they believe this bill performs. A few years ago the same gentlemen were down here talking in favor of the Volstead Act, which, of course, from our viewpoint was a hundred times worse than this so far as infringing States rights is concerned. I just wondered how the gentlemen would talk if the scene could be changed and we should have another Volstead Act down here.

The whole thing impresses me as a reflection upon, oh, shall I say, though I do not like to, the sincerity of our whole program here. We all talk so much, and we all get so "hey up", when in the back of our minds there are a lot of thoughts, a lot of motives, and a lot of purposes which have nothing to do with what we are talking about.

May I close by saying I sincerely hope that after this bill goes through the House and gets into the other Chamber somebody with a little less emotion and a little more sanity will take the mild Mitchell bill and substitute it for this bill. Then the gentleman from Harlem [Mr. GAVAGAN] will have the name and the credit, and the gentleman from

Chicago [Mr. MITCHELL] will have the consolation of giving us a workable antilynching law. [Applause.]

Mr. GAVAGAN and Mr. COX rose.

The CHAIRMAN. The Chair will state that preference in recognition is to be given to the gentleman from New York, who is handling the bill, and, after that, to the members of the Judiciary Committee. The Chair is endeavoring to grant recognition to several Members who have already spoken to the Chair. Does the gentleman from New York now demand recognition?

Mr. GAVAGAN. Mr. Chairman, I demand recognition in opposition to the amendment of the gentleman from Ohio.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GAVAGAN. Mr. Chairman——

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. GAVAGAN. I shall be very happy to yield to the gentleman.

Mr. KITCHENS. Do I understand the gentleman questions whether the words "riotous assemblage" should be stricken?

Mr. GAVAGAN. I am rising in opposition to that amendment.

Mr. KITCHENS. I would like for the gentleman to explain to the House why you use both expressions, "mob or riotous assemblage."

Mr. GAVAGAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVAGAN. As I understand the situation, Mr. Chairman, and if I am in error I hope the Chair will correct me, the gentleman from Ohio moved to strike out the words "riotous assemblage" as contained in line 4, page 1, of the bill.

The CHAIRMAN. The gentleman is correct.

Mr. GAVAGAN. And I believe this was in the nature of a pro-forma amendment.

The CHAIRMAN. The Chair is not able to determine that question. The Chair has recognized the gentleman from New York in opposition to the amendment striking out those two words.

Mr. GAVAGAN. Mr. Chairman, the gentleman from Ohio [Mr. HARLAN] evidently has some motive, which I cannot understand, in offering his amendment. The gentleman seemed to be serious about it and took the floor for 5 minutes and all we heard was a dissertation on somebody else's bill or the motives of other people and then, finally, he finished referring to the motives of the "gentleman from Harlem."

One would think that the Members of this intelligent, or supposed-to-be-intelligent body when they propose an amendment would at least, instead of blatantly shouting hot air, talk upon the amendment.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. GAVAGAN. I yield.

Mr. CASE of South Dakota. Some of us have a serious question in mind. We are wondering whether under the language "any county in which a person is seriously injured or put to death by a mob, or a riotous assemblage" would mean that if a boy in college was seriously injured by a group of students in some sort of hazing operation, this section would apply.

Mr. GAVAGAN. Although the question does not pertain to this particular amendment, I am very happy to say to the gentleman, and I cannot repeat it too often, this bill only applies to a situation where a person is in the custody of law-enforcement officers and is taken from the custody of such officers by a mob consisting of three or more persons who thereupon inflict bodily injury or death upon such prisoner. To my mind that language describes a riotous assemblage, and this is the only situation that could arise that would make this bill operative, and every one of you who is a lawyer knows this to be so.

This bill is to stop lynching, as its title proclaims, and we all know it is intended to apply to an unfortunate person charged with crime in the custody of a police officer, and such prisoner is taken from the custody of the officer by three or more persons or a mob that in turn carries out its ideas of law and justice by inflicting personal injuries or death upon the prisoner.

Ah, Mr. Chairman, we have heard the bugaboo about constitutionality. We heard the distinguished gentleman from Texas today consume almost 50 minutes, and never discuss the question of constitutionality. Why? Because he is too good a lawyer not to know that he cannot, as a lawyer, under the terms of this bill and under our constitutional mandate, proclaim that this Congress is constitutionally powerless to do anything in this situation.

[Here the gavel fell.]

Mr. HARLAN. Mr. Chairman, I ask unanimous consent that the amendment which I offered may be withdrawn, as it was a pro-forma one.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COX. Mr. Chairman, I move to strike out the paragraph.

Mr. Chairman, for more than 100 years the people of the South have kept life in the Democratic Party. At times they have been its only friends, and now when the party has grown strong and powerful, it turns upon them and proposes to deal to them this wicked and cowardly blow. The way has long since been prepared for the passage of this measure. There is nothing the opposition can do to stop it. Those behind it are in the majority, and they propose to have their way.

There is just as much malice in the pending bill against the South as there was in any of the reconstruction measures following the War between the States. The bill is but one of a series that is intended to be put upon the country in an effort to break the spirit of the white South and, in time, bring about social equality, but in this regard it will fail as all the rest will fail.

The color line in the South is a permanent institution. [Applause.] It will not break, and cannot be wiped out by a Federal law dictated in hate. Her people mean to maintain their racial purity and will not be mongrelized. [Applause.]

Mr. ROBSION of Kentucky. Mr. Chairman, in the time given me under general debate on April 13 I discussed at considerable length and urged the passage of H. R. 1507, the Gavagan antilynching bill, and in my speech on that occasion I called attention to what I regard as a weakness, not only in the Gavagan bill but also in the Mitchell bill. I now desire again to call to the attention of the Members of the House, and especially to the attention of the author and gentleman in charge of the bill, Mr. GAVAGAN, this weakness in his bill.

The whole theory of this proposed legislation is based upon the idea that the States and local communities have failed to give equal protection of the laws as provided in the Federal Constitution to persons lynched, and because of local influences and conditions there is no effective action taken against the lynchers. This measure proposes to give jurisdiction to United States courts to investigate, indict, and try members of the mobs and to assess damages against the county in the event that the States fail to give equal protection of the laws to the citizens.

I pointed out in my speech the other day that of the approximately 5,200 persons murdered by lynching since 1882, only 49 percent of these lynched persons were in custody at the time they were lynched. Fifty-one percent were not and had not been in custody at the time they were lynched.

The protection provided in this bill does not attach until and unless the person lynched by the mob is "in custody of a peace officer." On today an amendment was offered to this bill to strike out the language "in the custody of any peace officer." I regret that the gentleman from New York [Mr. GAVAGAN] made objection and raised a point of order to this amendment, and his objection to this amendment was sustained. With the defeat of that amendment the bill will still retain the language "in the custody of any peace officer."

This, of course, means that the Federal courts cannot take jurisdiction and investigate these lynchings and punish the mob nor can the Federal courts assess any damages against any county as punishment where a person has been murdered or injured by a mob, who was not at the time in the custody of a peace officer such as sheriff, jailer, or the court.

I am not a recent friend or convert to this character of legislation. I spoke and voted for the Dyer antilynching bill when we passed it here in the House in 1922. I have always believed in the necessity and propriety of this character of legislation, although I do not have very many colored people residing in my congressional district.

I am strongly inclined to believe that if the provision "in the custody of any peace officer" remains in the bill it will more than likely encourage the lynching of persons not in custody and might encourage rather than prevent lynching in this country.

Mr. COX. Will the gentleman yield?

Mr. ROBSION of Kentucky. I regret that I cannot yield as I have but a few minutes' time to present the matter I have in mind.

The reason I make this statement is, what inducement would there be for an officer to take into custody a person who might be accused of a crime and might be lynched when if he did so he might subject himself to the jurisdiction of the United States courts and might be indicted and tried in a United States court for negligence in the event that the mob should take his prisoner from him and lynch him and it would subject his county to damages in the sum of from $2,000 to $10,000. The peace officer who had heard some threats about lynching some person might say to himself, "Why should I rush out and take this person into custody? If I do and the mob should take my prisoner away from me and lynch him, it would at once give jurisdiction of the matter to a United States court and I could be indicted by the Federal Grand Jury and tried in the Federal court and my county could be subjected to damages of from $2,000 to $10,000. Why should I hurry to take this man, woman, or child into custody?"

We must bear in mind under this bill a United States court cannot assume jurisdiction in any case unless the person lynched is in custody. There can be no action taken against the officer or the county until and unless the person lynched is taken into custody. It seems to me we are failing to give proper protection to persons who will not be taken into custody. The records disclose that the greatest number of innocent women, children, and men who have been lynched in this country are those who have not been taken into custody.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. CELLER. Is it not more likely that the bill will be declared constitutional as it is now written than with this amendment?

Mr. ROBSION of Kentucky. I do not think so. If Congress has the power to pass this bill and reach out and take hold of an officer of a State or subdivision and assess damages against the county on account of the mob lynching a prisoner in the custody of an officer and punish them and assess damages, it seems to me we can reach out and protect the innocent people of the country lynched, even though they may not be in custody; and if we cannot reach out and protect innocent women, children, and men who might be lynched, even though not in the custody of an officer, it would lessen my interest in this character of legislation.

Of course, it is our desire to uphold the Constitution and laws of this country and give to the accused a fair and impartial trial before an impartial court and jury; but we are especially concerned in protecting from the vengeance of the mob innocent persons even though they are not in the custody of an officer. As I have said, the whole theory of this legislation in giving Federal courts jurisdiction is based upon the proposition that local communities fail to give equal protection of the laws to citizens who are lynched, and because of local influences or conditions there is nothing done about it.

If the words "in the custody of any peace officer" are stricken from the bill, then all perpetrators in the murder-lynching of any citizen where the State fails to give to such person or persons the equal protection of the laws could be investigated, indicted, and tried in a United States court, and the county where such mob murder occurs could be sued and recovery had, whether the lynched person was in custody or not in custody at the time he or she was taken by the mob and lynched.

I shall be greatly disappointed if Mr. GAVAGAN, the author of this measure and in charge of it, does not himself offer amendments and aid in amending the bill so that it may apply in all cases of lynchings where persons have been denied the equal protection of the laws as provided in the Constitution of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GAVAGAN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York that all debate upon this section and all amendments thereto close in 5 minutes.

The question was taken; and on a division (demanded by Mr. GAVAGAN) there were—ayes 75, noes 125.

So the motion was rejected.

Mr. HOOK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. The Chair is informed that the amendment goes to the title of the bill, which is not in order until after the passage of the bill.

Mr. HOOK. Mr. Chairman, then I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HOOK: Section 1, line 3, strike out the word "or" after the word "mob" and insert a comma. Also after the word "mean", in line 4, insert the following: "Any person or persons directly or indirectly participating in or responsible for any mob confiscating any factory, shop, store, home, or property and unlawfully holding same in violation of law."

Mr. GAVAGAN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Michigan offers an amendment which extends the scope of the bill to a seizure of property, and so forth, clearly not within the province of the bill, which is directed solely toward the crime of lynching. The Chair sustains the point of order.

Mr. HOOK. Mr. Chairman, I move to strike out the last word. I come from a section of the country that I believe is one of the most law-abiding sections that we have in these United States. We have not had one single solitary lynching in all its history. I believe in law and order, and I should like to have the bill extended so as to give us real protection and real law and order so that we will not be menaced by these sit-down strikes that may come into my district. Oh, I have heard you talk here about the men who have been prosecuted in the cities. Let me tell you a story about one of the gangsters from the city of Chicago who is now roaming this country free from any attempt of the officers to apprehend him.

I happened to be in the city of Chicago shortly after Tommy O'Connor, one of the notorious gangsters, was condemned for murder, and was in the bull pen about to be executed. He was supposed to have escaped. I was taken by the jailer of Cook County jail in Illinois through the jail and he showed me how Tommy O'Connor escaped. He showed me how he went through a 5-foot wall with a handpick; went through a little hole about that size—less than 1 foot in diameter—went down the hall, took the keys away from an officer, and then out through a window on to a lean-to, from there to a car that was waiting, and was then driven away. I started to laugh. He said, "What are you laughing about?" I said, "I understand Tommy O'Connor has been picked up in Ohio." He said, "You don't believe that. You are laughing because of what I have shown you. I don't blame you, because Tommy O'Connor never escaped

from this jail. He was chased out of jail. He is right in the city of Chicago today because it is the safest place for him. He will never be taken in as long as he stays here in Chicago providing the right bunch remain in office. Tommy O'Connor is still at large today. Can you deny it?"

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. CHURCH. Will the gentleman name the warden he was with that day?

Mr. HOOK. I do not recall the name of the jailer right now.

Mr. CHURCH. I wish in your extension of remarks you would name the warden.

Mr. HOOK. I will name him. His name, if I remember correctly, was "Meisner."

Now, if we are going to have law and order, let us have it. Let us have law and order right down the line. Just as the gentleman who preceded me said, let us not pass a law which will make it a crime to take a person away from the hands of the officers and at the same time it will not be a crime to mob a person before that person is in the hands of the officer. Let us make it a crime to lynch a person at any time. Let us have a constitutional bill if we are going to have a bill at all. Let us have an answer to the question I asked the other day, that the gentleman from the Republican side just propounded. Let us not make innocent counties responsible for actions which their citizens may not participate in at all. If we are going to have a bill, let us have a real bill. I believe honestly that when a section of the country has done such an admirable job in reducing crime as the good people in the South have done, they should not be slapped in the face by a coalition, if you please; by those in the Republican and Democratic Parties who are just looking for votes and using this slurring piece of legislation and an appeal to mob passion to do it. I have never been a demagogue and never will be. Let us have an honest bill or none at all. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOOK] has expired.

Mr. FORD of Mississippi. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. FORD of Mississippi moves that the Committee do now rise and report the bill back to the House with the enacting clause stricken out.

Mr. FORD of Mississippi. Mr. Chairman, much has already been said on the constitutionality of the pending bill, and many cases have been cited to show that this measure is wholly unconstitutional. Therefore, I shall refrain from giving dignity to the measure by attempting to further discuss its unconstitutionality. It is obvious to those of us who have listened to the debate that the Northern Democrats, apparently for political reasons, are going to join the Republicans and pass this bill. If the bill passes both Houses of Congress and is signed by the President, there can be only one hope for the South, and that is that the Supreme Court will decline to yield to the enormous pressure recently put upon it and do its duty by declaring a law of this kind unconstitutional as a usurpation and invasion of States' rights. If the Supreme Court of the United States should fail to do its clear-cut duty and hold this law to be constitutional, then the governors and members of the legislatures of the respective States might as well resign and turn everything over to the supervision of the United States.

Entering a judgment against a county will in no way prevent lynchings but will make the innocent taxpayers pay for the acts of a few who constitute the mob.

Education has done more to reduce the crime of lynching than anything else. The local communities have been made to realize that the law will punish those who commit atrocious crimes, if given an opportunity, and the citizens as a rule cooperate with the peace officers in preventing mob violence.

The proponents of this bill may think they are doing good for the cause, but in my judgment the passage of this law will encourage the Negroes to commit the crime of rape as well as other heinous crimes, and if this happens, there can be no question but that lynchings will increase instead of decrease, as has been the case in the last several years.

Mr. Chairman, it is legislation of this kind as well as words like those used by our Democratic colleague from New York [Mr. O'CONNOR], chairman of the Rules Committee, that makes the South wonder why they should be penalized. I quote from Mr. O'CONNOR's remarks on the floor of this House on April 12:

I should like to see the question of the Negroes in America, 15,000,000 of them, seriously considered by the people of this country and by Congress, and I should like to tell you where to start. Start in your Capital, the District of Columbia. In the Capital of the Nation the Negro does not get a square deal. Right in the shadow of the Capitol you have segregation and Jim Crowism. If that were properly brought to the attention of this Nation, the people of the 48 States would never tolerate it. * * * I would like nothing better than to devote the rest of my life to seeing that these 15,000,000, the largest racial group in the United States, get a square deal in this country.

Mr. Chairman, ever since the reconstruction days the State that I have the honor to represent in part has always been in the Democratic column when the roll was called, but now that the Democratic Party is in power, the northern Democrats, with few exceptions, are showing their gratitude to the South by turning on their southern colleagues in Congress and subjecting them to this twentieth century force bill.

This bill may pass, but I warn the Members of this House that the Southern people will not submit to its provisions and they will never submit to social equality as advocated by the gentleman from New York [Mr. O'CONNOR]. [Applause.]

Mr. KNUTSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am in sympathy with the objective of this legislation. However, I find it very hard to reconcile the position that a number of southern Members have taken today with the position they have taken on the proposal to rape the Supreme Court of the United States.

I do not expect to vote for the pending legislation, as I have no desire to join in this mad race between the executive and the legislative branches of our Government to see who shall be the first to deliver the death blow to the Constitution and States' rights. I have no idea that this legislation would put a stop to lynch law. I do not believe that its proponents entertain any such hope as that. Had I the remotest idea it would put a stop to lynching I would vote for it gladly. I fear, Mr. Chairman, that if this legislation is enacted it is going to return to bother us in the North. The South is not the only section of the country where there are race problems.

The race question has become a real problem in the North, more especially in big centers like Chicago, Philadelphia, and New York; and I urge that we should act with the utmost caution on what appears to me to be the entering wedge in the complete destruction of States' rights.

All must realize that the people of the South have a most delicate problem to deal with. All in all, I would say they have done a fairly good job of it. Let us do nothing here today to either retard the forward movement or to make it more difficult. To my mind this legislation is on all fours with several witch-burning measures that have been before us in years gone by. Let us not forget our ill-starred ventures into the field of regulating morals by legislation. If this measure is enacted, it will be repealed within 10 years, and those who sponsor it will be among the first to ask for its repeal. Let us cut out all this sectionalism, which is unworthy of a great lawmaking body. We are all Americans, whether from North, South, East, or West. Let us not have a repetition of the reconstruction days that followed the Civil War. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi to strike out the enacting clause.

The question was taken, and on a division (demanded by Mr. MCCLELLAN) there were—ayes 68, noes 125.

So the motion was rejected.

Mr. BIERMANN, Mr. KITCHENS, and Mr. ELLENBOGEN rose.

The CHAIRMAN. The Chair will state that there are seven sections to this bill. It would expedite matters if Members having only pro forma amendments would apportion them over the different sections.

Mr. BIERMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BIERMANN. Mr. Chairman, I would inquire if after the next section is read some of us who have not been able to get any time at all will be given 5 minutes.

The CHAIRMAN. The Chair intends to recognize every Member seeking recognition.

The Clerk read as follows:

SEC. 2. If any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law and the equal protection of the laws of the State, and to the end that the protection guaranteed to persons within the jurisdictions of the several States, or to citizens of the United States, by the Constitution of the United States, may be secured, the provisions of this act are enacted.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to vote against this measure not because I favor lynching—I think there is no one here who favors lynching—but because I believe, I may say I know, that this bill is unconstitutional. When I go back home to private life probably I shall have to look over some votes here that I think I could have improved upon, but I shall never have to turn over the pages of my memory and find any place where I voted for any measure, no matter who advocated it, that I thought was unconstitutional. [Applause.]

Mr. Chairman, this bill is not calculated to stop lynching. I have listened to most of the debate and I have not heard a single person say on this floor how this bill is going to diminish lynching. If it is not calculated to diminish lynching, what excuse is there for passing it?

The gentleman from New York [Mr. CELLER] asked what had been done to punish the perpetrators of the eight lynchings last year. I do not know what has been done. He said that in New York they have crime, but they punish crime. Let us see. In the years from 1930 to 1934, inclusive—I got these figures from the World Almanac—there were in the city of New York 2,582 homicides. The police records of the city of New York show that for these 2,582 homicides there were 2,080 arrests; in other words, the arrests for homicides in New York City were 502 less than the homicides themselves. There were 502 killings for which no one was so much as arrested. The gentleman says that they punish these criminals in New York City. In these 5 years, when there were 2,582 homicides in the city of New York, there were, according to the police records of that city, 428 convictions. [Laughter.] In other words, according to the records, less than one person was punished for every six murders in New York City from 1930 to 1934, inclusive.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. CELLER. The gentleman does not mean to presume that there were 2,582 felonious homicides. There are all manners and kinds of homicides, homicides by destruction by automobile, for instance.

Mr. BIERMANN. I mean criminal homicides.

Mr. CELLER. Will the gentleman classify them?

Mr. BIERMANN. If the gentleman wants me to, I will put that in the RECORD.

Mr. CELLER. I have it right here. Put it in—classify them.

Mr. BIERMANN. Felonious homicides. This leaves out accidental killings, and leaves out suicides. It includes only felonious homicides and the figure is 2,582 for the years 1930 to 1934, inclusive.

Mr. CELLER. I have it right here before me, felonious homicides in New York, 376.

Mr. BIERMANN. In 5 years?

Mr. CELLER. In 1 year. I am speaking about a year.

Mr. BIERMANN. I said from 1930 to 1934, inclusive.

Mr. CELLER. Then the gentleman should indicate the felonious homicides in contradistinction to manslaughter by negligence.

Mr. BIERMANN. The gentleman cannot take up my time in that way. I do not refer to accidental killings and I do not include suicides; but I mean criminal killings, of which there were 2,582 in the city of New York during these 5 years, with only 428 convictions of murder. If we are going to pass unconstitutional legislation to prevent killings, let us do something to deal with the wholesale killings in New York City. Lynching in the United States has declined from 226 in 1892 to 8 in 1936, but New York City still has a situation in which less than one-sixth of its murders are followed with convictions. [Applause.]

[Here the gavel fell.]

Mr. OWEN. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, no one in this House is more opposed to mob violence than I am. For 20 years in my State I indicted and prosecuted people. There was never a time during those 20 years when I put on the soft pedal in prosecuting a white man who was indicted for violence toward a Negro. Numbers and numbers of times white men have been convicted of assault upon colored men. No man is more opposed to mob violence than I am. I yield to no man a greater fidelity to observance of law and order than I have.

I regret this bill is aimed directly at my section of the country, the section which in the formation of the Government and in its preservation has contributed as much as any other section of our Union. No section of the United States has contributed more or has been more loyal to the Government than the section from which I come, the last of the 13 original colonies, yielding to the Government the two great States of Mississippi and Alabama. We have been loyal throughout all the days.

What is the purpose of this bill? The purpose of the bill is to prevent mob violence. I join hands with you in that enterprise. I disagree with the belief of the author and the advocates of the bill that it will suppress lynching. I believe this bill will encourage lynching, for the very reason that, knowing the colored man as I do, I think this bill will encourage him to commit the unspeakable crime.

As stated by a gentleman on the floor this afternoon, the distinction between the two races is so well defined and so well established that no law, I care not whence it comes, will deter the white man down there from wreaking his vengeance on the brute who commits the unspeakable crime.

My father was a country physician. Countless hundreds of times at all times of night I have been with him on an errand to visit a sick colored man or his family, without the slightest hope of reward. I have been in their homes. This very day I am supporting on a farm of mine 50 or more colored men and their families without hope of reward. Are you doing that? I have the highest regard for the colored man. You do not think one-tenth as much of him as I do. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Texas [Mr. SUMNERS], the chairman of the Committee on the Judiciary, exhibited a great deal of concern over what he was pleased to describe as an acute attack of "federalitis", which, he said, is afflicting the House today.

"Federalitis", I gathered from his remarks, was the imposition by the National Government of its authority over the States, and injection into State affairs of the Federal arm of the Government.

This fear and concern on his part was rather amusing to me. While he was talking I could not help but wonder how he and his comrades had been able to survive for more than 4 long years a chronic and severe siege of this same sickness.

During that 4 years he and his comrades have been suffering from "federalitis", which has completely paralyzed not only their actions but their thinking, and it is encouraging, indeed, if at last they have discovered the cause of their trouble.

Heretofore "federalitis" has seemed to be the one panacea for all the ills, not only of these southern gentlemen but of their Democratic colleagues from the North.

The gentleman stated, in substance, that we could never hope for any good results, any great reform, by attempting to apply remedies "from the top downward."

But that is just exactly what the gentleman has been doing for, lo, these many months. If men were out of work, if individuals needed funds, if a community needed an improvement of any kind, if votes were wanting, then large and repeated doses of Government money were administered, and then "federalitis" continued to grow more violent in its symptoms, that is, it always needed more of the same—more money.

The gentleman from Mississippi [Mr. RANKIN] also is greatly worried today about this attempt to force the Federal authority into the affairs of his State. Just why he should be worried is again something at which we all marvel when we remember that, day after day, week after week, month after month, day and night, if his actions in the House indicate anything, this little baby of his, the T. V. A., which he has changed and wet-nursed and most assiduously and almost constantly been feeding Federal pap, has grown so large and strong that it not only has come in contact with private business but has invaded the businesses not only of corporations, the mention of which usually give him a spasm, but has taken an active part in the affairs of towns, counties, and States.

The gentleman from Mississippi [Mr. RANKIN] should be the last, as he sits back and views with commendable pride his brain child, which has been fatally affected with "federalitis" from the moment of its birth, to worry about Federal interference in local affairs.

The gentleman from Georgia [Mr. COX], whose ability, integrity, and independence I so greatly admire, said that the South for long years had been the backbone of the Democratic Party, that it had kept the fires of democracy alive through all the lean years. That statement was true; it was accurate. He then complained because Democrats in New York, by the introduction and passage of this bill, were bringing trouble to the party in the South.

It is my regret that I cannot sympathize with him, for I remember how blue-blooded, aristocratic democracy of the Democratic South went north to New York City, sought, wooed, won, and married a fair daughter of the Tammany Tiger. It is not my fault if that alliance gave birth to this baby over whom he is now worrying.

Papa or Mama Tammany, whichever it may be, puts forward this bill on the theory that it will prevent, and, failing in that, punish lynchings in the South.

Papa or Mama Southern Democracy is quite sure that the infant will bring only trouble and will increase lynchings in the South. With the latter view I agree.

Nor can I sympathize with some of these other gentlemen who are complaining about Federal interference in State affairs, for I remember that no longer ago than the latter part of last October, P. W. A. and W. P. A. workers came into my home State of Michigan, so they could vote in the November election, and some of them, I am advised, were held over until after our April election this spring.

That was an imposition of Federal authority to which I strongly objected. Nevertheless, until today we suffered in silence, and I only speak of it now to explain my lack of sympathy with those who are now so bitterly complaining and who voted at one time something over $4,000,000,000 to the President so that he might inoculate not only the States but all the little communities with this "federalitis" bug.

My heart today does not go out to you gentlemen of the South the way it should. You took the Negro vote away from the Republican Party by promising them all sorts of things, and now when I, for instance, have a chance to get back some of that vote in my district by supporting an antilynching bill, we are given the opportunity of voting, not for a real antilynching bill, but for a bill which, on its face, inevitably would increase the wrong which you say you wish to eradicate.

You gentlemen of the Old South ask us to go along with you and vote against this bill. I for one am going with you, but not because of your complaint about "federalitis." I am going to vote against this bill—and I had intended to vote for an antilynching bill when I came into the House and before I read it—because it will not accomplish the ostensible purpose for which it was introduced. It will only aggravate the trouble it is supposed to eradicate.

In 1922 the Republicans of this House passed an antilynching bill, but the Democrats of the South over in the Senate killed it.

This bill may accomplish one thing, and that is to give the Democratic Party in New York City the votes of a few more colored people. If any Negro supports a Democrat because of the passage of this bill, it will be through a mistaken idea as to its terms.

This bill on its face states that it is for the purpose of extending the equal protection of the laws to all citizens and to punish the crime of lynching. If its terms did that, I would vote for it. But listen to its language. It provides, briefly, that when a mob or riotous assemblage without authority of law kills or injures "any person in the custody of any peace officer", with the purpose of depriving such person of due process of law or the equal protection of the laws, they shall be punished by a fine of not more than $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Now, note the words "in the custody of any peace officer." The bill does not protect anyone else, nor does it punish any person or persons who commit the crime of lynching, unless they take the person lynched from the custody of a peace officer.

Lynchings occur in the communities where public sentiment is temporarily in favor of it and, as the gentleman from Tennessee and three or four others have today very clearly pointed out, the effect of these words, "any person in the custody of any peace officer", are words of limitation and will encourage lynching.

Just assume for a moment that a revolting crime has been committed; that John Jones is suspected of that crime; that the sheriff of the county knows of this suspicion; that a mob is about to gather, or has gathered together, with the intent to lynch John Jones.

Now, I ask you—and answer this question for yourself—assuming that the sheriff knows that a mob is about to form, or that the mob, having formed, intends to lynch John Jones; assume that the sheriff knows, as he will if this bill passes, that, if once he takes John Jones into his custody and thereafter John is lynched or injured, then he, the sheriff, becomes liable to a fine of $5,000 and imprisonment for 5 years; will he hasten to take John Jones into custody, or will he wait before taking John into custody until he knows whether or not he can successfully protect him against the mob?

No sheriff confronted by this state of facts will think of taking John Jones into custody, of risking the danger of a lynching, knowing that, if he fails to protect John Jones, he himself may be sent to the penitentiary, until he has ascertained whether or not the mob really means business. When he learns that fact, it may be too late—John Jones may be dead—dead because the sheriff feared to take the chance of going to the penitentiary if he was unable to protect his prisoner.

The enactment of this bill withdraws from every man suspected of a crime in a community where lynching may take place the protection which the peace officer would otherwise be inclined to give him.

I shall vote against this bill. If it passes, as I assume it will, I shall offer an amendment to strike from its provisions the words "in the custody of any peace officer", and so

endeavor to amend the bill to make it effective to protect everyone who stands in danger of being denied the equal protection of the laws. [Applause.]

Mr. DUNN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I have heard it said on the floor today by Members that if this bill were enacted into law it would not stop lynching, and I have heard other Members say that if it were enacted into law it would stop lynching. I am sincere when I make the statement that I want to see the time come, and I hope it is not far distant, when lynching and mob violence will be discontinued.

A few years ago in the district I represent many poor, unfortunate Negroes were brought from the South and placed in the mills and factories to take the place of union men. I am not blaming the gentlemen from the South for this because I do not believe they were responsible. These colored people were brought to Pittsburgh, shoved into the mills, and, after working there a short time, were discharged and helplessly put on the streets. Many of them were sent to jail as vagrants. The southerners should not be criticized any more severely for the treatment of the Negroes than the people of the North and other parts of the country. No matter where the poor Negro goes he is not given a square deal by any class of people in the United States. Every broad-minded man will have to admit that Representatives from the Southern States have sponsored constructive, progressive, and humanitarian legislation which did not apply to one class but all classes of people.

We not only have race hatred in this country but we also have religious and national hatred. If the clergymen of every religious denomination in the world would preach the brotherhood of man instead of preaching to their congregations that their particular religion is the true and only religion, and that their religion was established by the great God of the Universe, and that all other religions are but the creation of man, it would undoubtedly banish from the hearts and minds of the majority of the people in the world the ignorance, superstition, and hatred which has caused and is causing a great deal of the human misery that now exists. People of every nationality, race, color, and creed have subjected themselves to unbearable torture and have sacrificed their lives for the betterment of mankind.

Mr. Chairman, I am for this bill, because I believe if it becomes a law it will prevent to a great degree lynching and mob violence. [Applause.]

The Clerk read as follows:

SEC. 8. (a) Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death by any mob or riotous assemblage or any officer or employee of any State or governmental subdivision thereof having any such individual in his custody, who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or being put to death, or any officer or employee of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in such mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

(b) Any officer or employee of any State or governmental subdivision thereof, acting as such officer or employee under authority of State law, having in his custody or control a prisoner, who shall conspire, combine, or confederate with any person who is a member of a mob or riotous assemblage to injure or put such prisoner to death without authority of law, or who shall conspire, combine, or confederate with any person to suffer such prisoner to be taken or obtained from his custody or control to be injured or put to death by a mob or riotous assemblage shall be guilty of a felony, and those who so conspire, combine, or confederate with such officer or employee shall likewise be guilty of a felony. On conviction the parties participating therein shall be punished by imprisonment of not less than 5 years or not more than 25 years.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. I cannot let the statement of the gentleman from Iowa go by unchallenged with reference to crime statistics in the city of New York. I anticipated attacks would be made upon the fair name of my city and I prepared myself with reference thereto. New York does pride itself, despite what you may say or think to the contrary, on the enforcement of its criminal statutes. In the first place, the record of the punishment of homicides throughout the country is 44 percent, and the record in New York City as to homicides is equally as good. With reference to what the gentleman said concerning homicides, I wish to put into the RECORD the exact number of homicides for a particular year, and I take the year 1932 as an example. I shall divide between homicides which are felonious and homicides through criminal negligence, like abortion, and justifiable homicides and accidental maiming resulting in homicide. We find this very significant situation, that the amount of felonious homicides in New York City in 1932, for example, a typical year, was 376. Of these the actual number of offenses was determined to be 328. Those who were cleared by arrest, 193, after trial; those who were not cleared after arrest, after trial, 135. In other words, almost all of them were given a trial, almost all of them were given an opportunity to have due process of law. That is the distinction with reference to New York and these other communities of which mention has been made this morning. We find this very significant situation, that the percentage of punishment of lynching in various States is as follows, and I get my facts from the University of North Carolina: All that Alabama has done with reference to punishment of lynchers is to punish to the extent of 4 percent; Georgia, 8 percent; Oklahoma, 3 percent; Virginia, 4 percent; Mississippi, 3 percent; Texas, 7 percent; Missouri, 3 percent. That is what my figures show, and you can get them from the University of North Carolina, particularly from the book by James H. Chadburn, professor of law of that university. Time will not permit my putting into the RECORD at this time more detailed figures. Suffice to say there is a shameful disregard of duty upon the part of the prosecuting officers in many of the States of the Union concerning punishment of lynchers.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. O'MALLEY. I want to point out to the gentleman that in spite of his overwhelming pride in his own city, the city that I represent, Milwaukee, has the lowest rate of homicides of any city in the United States.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. McFARLANE. How many homicides have there been in the city of New York for the last 5 years, and for each of those years how many of those murderers were sent to prison?

Mr. CELLER. I can tell the gentleman how many were sent to prison in the year 1932. Of the 328 cases, 135 went to prison, and 193 were cleared after trial. The figure for proximate years was similar.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PATRICK. Mr. Chairman, I rise in opposition to the pro forma amendment. Coming as a new Member of Congress, I have to say a few words to sort of clear up our votes, especially of those from the South. Is there any doubt in the minds of the people of this body of one thing, and that is that we all want to dispose absolutely and forever of the crime of lynching. Has anybody any doubt of that? No true citizen wants to see the faggot or noose of the lyncher. You see how the figures have gone. Do you not know that in the South, where lynchings have happened, that we want to get rid of lynching and dispose of it, and do you not suppose further that we know more about how to handle it in our section than anybody else on the face of God's earth? Do you not trust our sincerity and judgment? Will you not help us? The figures on the chart shown by the gentleman from Texas [Mr. SUMNERS] showed you how we have gone down the line in amazing decrease. Lord knows that we have tried to do it. I have been prosecuting attorney, and I have seen the time when

some great crisis would arise in our county, and the sheriff would get up at midnight and hurry to the place where the crime had been committed to get his hands on the poor unfortunate that might have committed the crime so that there would be no mob violence. With this law on the statute books what will the sheriff do? Will he hurry to get himself sent to the penitentiary for 5 years and get his county sued and that put on record against him? Are you discouraging lynching, or are you putting down a bar to start us back the other way? We do not want any lynching. We are the last people of the world who want the further stench of that thing in our nostrils. Let us in each section handle this thing the best way possible; we handle it the best we can, and in yours, the same for you.

Mr. ELLENBOGEN. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ELLENBOGEN. Mr. Chairman, I do not believe that anyone who has looked into the lynching of both white and colored people and who has regard for the sanctity of human life and the equal protection of laws can oppose this bill. A lynching mob violates the rights guaranteed to a citizen of the United States by the Constitution. The mob seizes and imprisons its victim, deprives him of a trial in a court of law, tortures him, and finally puts him to death. Lynching is open defiance of law and of the courts.

Senator Costigan, a great humanitarian and eminent Member of the United States Senate, termed it "open and boastful anarchy."

Following the lynching at San Jose, Calif., President Roosevelt denounced it as "collective murder" and declared, "We do not excuse those in high or low places who condone lynch law."

Only 2 days ago, a horrible lynching occurred at Duck Hill, Miss. The report of the United Press, dated April 13, as it is contained in the Philadelphia Record, says that the victims were lynched by a Mississippi mob which tortured them with blow torches.

"Operating from a school bus, the mob of more than 300 men chained their victims to a tree and tortured them with fire."

No one can excuse or justify lynching, and I do not believe there is a Member in this House who would want to undertake to do so.

After all the agitation against lynching and for a Federal antilynching bill we had 39 lynchings in the last 2 years. Evidently the States alone cannot cope with this open and defiant resistance to law, and cannot assure to their inhabitants the protection of the laws and the sanctity of human life.

Lynchings have not been confined to Negroes. In many cases white people have been lynched by the most cruel and brutal methods. I will vote for this bill and hope it will pass.

Mr. KITCHENS. Mr. Chairman, I move to strike the last 10 lines.

Mr. Chairman, I have been in the city of Washington about 3 months. I see here, yonder and there, from all this Nation, questions of race and religion, and sections that are growing antagonistic. Anyone can perceive that.

We have just read the second paragraph of this bill, which says that when any State or county does thus or so the county will be liable for the damages that occur. That means that a State, under this law, if constitutional, will be liable for damages.

I told my people when I was running for this office that if I were elected, as I had enlisted three times in wars of the United States, serving twice in foreign countries, I would never vote to send an American boy beyond the confines of the American continent to fight the wars of anybody. Now, since I have been seeing this thing going on in Michigan, since I have been seeing what is going on up in Pennsylvania and in other States of this Union, I have thought seriously about whether I would ever be called upon to send soldiers of the United States Government into those States to shoot down citizens. It is worrying me. I do not want them sent to my State to enforce this law. I will never vote to send an American soldier to shoot down an American citizen, except in case of a revolution. Yet we are having serious situations arise in this country. As the gentleman from Texas [Mr. SUMNERS] showed you, we are taking care of the situation in our part of the country. Lynching is being gradually eliminated. Several from the South who have spoken on this bill have been prosecuting officers at sometime in their lives. I have never been a prosecuting officer, but I have stood in defense of both black and white. I have stood in defense of a white man with a mob crying to lynch him, and he was later acquitted by a jury. I have stood in defense of two Negroes who were beaten, whipped, and the blood flowed from their bodies, and they were later released. The gentleman from New York [Mr. CELLER] says, "What have you done?" I will tell you. I helped to bury two of the finest sheriffs that Columbia County, State of Arkansas, or any other State, ever produced. They were trying faithfully to perform their duties down there and protect their people.

These matters will adjust themselves. The gentleman from New York [Mr. GAVAGAN] says there was sent down from Sinai the command, "Thou shalt not kill." That is true as to murder, but I question the gentleman's credentials. I would like to see his commission from God Almighty to come down into my section of the country and protect it.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. KITCHENS] has expired.

Mr. O'MALLEY. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I learned a great many things from this debate which in the 4 years I have been here I did not know about until today. First of all, I learned how many prosecuting attorneys had been elected to Congress. I learned likewise that practically everybody who had anything to say on this floor was against lynching, but that a great many of them did not want to do anything about it this way. They have not suggested any other way to do it, nor do we find any other bills that would suggest a better way. One bill was before the Committee on the Judiciary for 4 years and we were unable to get that bill onto this floor. With everybody against lynching, still some of us confess we are not able to arrive at a way to express our opinion in a law. Of course, the city I come from does not have any lynchings. We do not have any crime to speak about. I believe in 1935 we had only one willful murder. There is no other city in the Nation that has a record like that. That happens because the people of my city do not want crime. They do not approve of it and have had the moral courage to suppress it without fear or favor, politics, or expediency. Any section of the country that does not want lynching can stop it, I believe; but only in the past few days we see this most deplorable crime repeated right in the face of these expressions here in Congress. I do not think this is the most perfect bill in the world. I do not think this is the best bill that could be brought out, but I think it is a definite, worth-while expression of the Congress of the United States against this mob rule, and that is the reason I intend to vote for it. My vote is my expression of my opinion and the opinion of our people against disregard of law and order.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I cannot yield right now.

I want to contrast the conduct of the sponsor of this bill in his liberality in allowing everybody to speak upon the bill who wanted to with the conduct which we experienced last Thursday when a bill came in here to investigate the sit-down strikes and another bill to investigate some propaganda someone alleged was being carried on in the United States.

That conduct of those controlling Thursday's time impressed me by its strictures and lack of debate. The sponsor of this bill has given all the opportunity to the opposition that it has desired to offer amendments that might point some better way out of this problem; and very few, if any, amendments have been forthcoming. Because this is the best bill that we could get on the floor of this House, because

it is the only bill that we could hope to act on at this session, and, while I do not think it is perfect, I intend to vote for it as an expression of my sentiment against lynching and mob rule.

Mr. RANDOLPH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I have no desire to discuss the provisions of the pending measure. When the roll is called upon this bill, and there will be a roll call, I shall vote for what I believe to be right and best. My mind is already made up as to how I shall vote.

I resent, however, what the gentleman from Michigan said when he asserted that the Democratic Party did not receive the support of the Negro voters of this country until 1936. A large percentage of the Negro citizens of West Virginia voted for the election of President Roosevelt in 1932, before they were on the so-called relief of which the gentleman from Michigan speaks. They believed in 1932 that the Democratic Party held out promises to them. Those promises have become splendid performances; and I believe that the support the Negro has given to our party in 1932 and 1936 is simply significant of greater support in coming years. [Applause.]

[Here the gavel fell.]

Mr. SHANNON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHANNON: Page 3, line 21, after the word "by", strike out "imprisonment of not less than 5 years or not more than 25 years" and insert "a fine not exceeding $5,000 or imprisonment not exceeding 5 years, or by both such fine and imprisonment."

Mr. SHANNON. Mr. Chairman, my purpose in offering this amendment is to harmonize the penalties provided in the bill.

Paragraph (a) of section 3 provides for one penalty, and paragraph (b) of the same section provides for another penalty, much more severe.

The purpose in offering this amendment is to have some light shed on the reason why the penalty should be so different in different paragraphs of the same section.

Mr. GAVAGAN. Subparagraph (a) refers to an officer or an employee of a State. Subparagraph (b) presupposes a case where the person is in the custody of the officer at the time, and presupposes connivance on the part of the officer.

Mr. SHANNON. What objection can there be to making the penalties agree? Why not accept this amendment?

Mr. GAVAGAN. Because subparagraph (a) involves mere negligence. Subparagraph (b) involves connivance.

Mr. SHANNON. Conspiracy, and under the general Federal conspiracy law the punishment grades down from a penitentiary sentence to a fine and sentence in jail.

Mr. GAVAGAN. The framers of the bill thought that negligence or failure to do something, nonfeasance as it is called in law, should not be punished so severely as direct misfeasance.

Mr. SHANNON. The gentleman undertakes to define a conspiracy and to fix the penalty therefor.

Mr. Chairman, I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

The Clerk read the bill, as follows:

SEC. 4. The district court of the United States judicial district wherein the person is injured or put to death by a mob or riotous assemblage shall have jurisdiction to try and to punish, in accordance with the laws of the State where the injury is inflicted or the homicide is committed, any and all persons who participate therein: *Provided*, That it is first made to appear to such court (1) that the officers of the State charged with the duty of apprehending, prosecuting, and punishing such offenders under the laws of the State shall have failed, neglected, or refused to apprehend, prosecute, or punish such offenders; or (2) that the jurors obtainable for service in the State court having jurisdiction of the offense are so strongly opposed to such punishment that there is probability that those guilty of the offense will not be punished in such State court. A failure for more than 90 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such persons, shall be sufficient to constitute prima facie evidence of the failure, neglect, or refusal described in the above proviso.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been quite interested in listening to the debate on this question. It is the first time I have seen a real exhibition of bitterness, or I might say, sectional bitterness, which is most regrettable. I regret to state that in my opinion this bill was conceived in prejudice and born of demagogy. It is very difficult for me to understand why some so-called Democrats should permit themselves to indulge in the type of comment which they have indulged in, directing their thrusts at the South, the birth place of the Democratic Party and the great host of Democratic leaders coming from that section.

We of the South believe in States' rights. The Democratic Party has always taken that position and now we are confronted with a type of synthetic or veneered Democrat which not only refuses to recognize this principle but jeers at it. I wish to state that there is not a Member in this House or a person anywhere else that dislikes or detests the crime of lynching any more than I do. There is not one kind word that can be said of mob violence or the spirit which prompts or carries through lynching. The sentiment in my section is absolutely against it; the people of the South are just as cultured and refined as any people on the face of this earth; they are just as brave as any people on this earth. Our courts are headed by wise, brave, courageous, and intelligent judges. Our sheriff offices are filled with capable, law-abiding, and law-enforcing men who are elected by the people.

We in the South are friendly to the Negro. I am friendly to the Negro. I have occupied many positions where I have been able to do the Negro a lot of good, and I have never refused him yet. May I say to the gentleman from New York, I have spent more hours in their behalf than he has minutes.

I am sincere in my opposition to the bill, because I think it is a thrust at the distinguished, able judiciary of the South and at those noble and courageous gentlemen who occupy the sheriffs' offices and other law-enforcement offices in the South. I heard the gentleman from New York [Mr. FISH] address the House on Tuesday, and he established only two things: One, that he had ancestors; and the other, that he despised the South. It has not been many months since the gentleman was wooing the South with a great deal of ardor, and I am wondering why it is that he cannot love us in April as in November. We of the South have a great problem, and have had a great problem for a number of years. We believe we are working this problem out and we believe we are in better position to work it out than any other group, whether they be from Illinois, New York, or Connecticut.

Mr. Chairman, we have traveled a long way from the days of the reconstruction, when we had visited upon us the carpetbaggers, and everything else, from the wooden-nutmeg salesman from Connecticut on up. We think we have done a pretty good job under the circumstances. May I say that in my own section not one single incident of the kind which has been referred to as lynching or mob violence has happened in the last several years where anyone was injured but that every single offender was convicted, and I helped do it in some of the cases. [Applause.]

Do not tell me I am not sincere when I say I am opposed to lynching. Yes, I am opposed to it. My heart is just as sincere as yours could ever be when I say this.

Do not tell me this is going to stop lynching or retard it. If the good God above will save us in the South from the so-called volunteer reformers from Chicago, New York, and other sections, who have not time to give attention to the horrible gangster wars and machine-gun murders in their own sections and who know nothing of our troubles, I think the South will survive in good shape. [Applause.]

The Governor of North Carolina and every law enforcement officer within that State stands ready to protect any man from mob violence. This bill, in my opinion, puts a premium on the sheriff's failure to do his duty and a penalty on the innocent taxpayers of a community in which an

offense might occur, even though they despise it as much as anyone on earth.

No; I am not in favor of lynching. I will risk my life to prevent it, and the good sheriffs and judges down there will do the same thing. I am a friend of the Negroes in my section, and they know it. So is the Governor and other State officials. They call on me and talk to me about these problems. One of the finest Negro leaders in the South is located in my town, and he has talked to me about these problems. He is not in favor of putting a premium on lynching. He is in favor of retarding it. This bill will not retard it but will present a new problem and hamper our Governor and other State officials in the fine work which they are doing. Imagine penalizing innocent taxpayers of a county and placing State officials in jeopardy. If I thought this bill would stop lynching or prevent lynching, I would be willing to waive my views in this instance upon the question of State's rights and vote for it, but I do not believe such would be the case, and I believe the good colored people of this Nation have been misled and misinformed, and I am wondering if those who have taken the leading part in the misleading campaign have not been prompted by motives other than those disclosed.

Mr. VOORHIS. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I have sought this time because I want to express regret that this debate has resolved itself into an argument along sectional lines.

I believe it is true, as has been stated by a number of southern Members here today, that other sections of the country are just as guilty of having things like this happen as the South has ever been. I believe it is true that the southern Members who have spoken here today mean exactly what they say when they state that they are as much concerned about getting rid of lynching as anyone else; but I likewise believe there are a great many of us in this Hall who sincerely want to find a way to do something practical about this matter, not only because we feel it is an evil when a Negro is lynched but also because we have seen violence in our own sections of the country and because we know it is not just the South but other places as well that are in need of something being done along the line of this legislation.

I voted for the Mitchell bill because, though I knew it was not perfect, I felt that bill was almost sure to do some good in ridding our Nation of the terrible evil of lynching. This measure, I am frank to say, seems to me to be too extreme, not because I would not see us do everything possible to rid the Nation of lynching but because I am worried about reactions to the bill if it passes. I am sincerely hopeful, as stated by the gentleman from Ohio [Mr. HARLAN] a while ago, that we are not going to do something that is going to make matters worse. I am deadly in earnest when I say I seek a way to do something to rid the Nation of this great danger and to protect every person in our country against lawless violence.

I would point out that it is not enough to say that mob action on the part of a group of citizens is "justified", because, after all, we must remember that even though such action may seem to be justified, orderly enforcement of law and orderly government necessarily depend upon the use of orderly and legal processes.

I wish we could remove any spirit of condemnation of one or another section from this debate. I wish we could look at the problem as men and as American citizens, viewing it from the standpoint of the faults in our own section or the prejudices within our own hearts that have led to such things, and get down to business so we may pass a measure that will do some good.

Probably in the end I shall vote for this measure, but I shall not vote for it because I want to cast any aspersions upon the southern section of this Nation. If I vote for it, it will be because I desire to do the best thing I have any power to do to help eliminate something that seems to me to be a great evil in every section of the Nation where it raises its head and which by the wisest and best means that we can devise must be wiped out in our Nation. [Applause.]

Mr. O'NEILL of New Jersey. Mr. Chairman, I move to strike out the section.

Mr. Chairman, practically speaking, it has been suggested that this bill is designed to make the city of New York safe for the Democratic Party. If it does this, it is all right with me, and if any effort I may extend in helping to pass this bill will convince the Negroes in New Jersey that they will get as good a break from the Democratic Party as they will from the Republican, that is all right with me too, and it ought to be all right with the colleagues of my own party from the South, because they may remember that until some Democrats came here from the North they were not in the majority.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of New Jersey. I yield to the gentleman.

Mr. BULWINKLE. Well, we were here, all the time, were we not, when you were not here? [Laughter.]

Mr. O'NEILL of New Jersey. The gentleman was here, and the reason there were not so many Democrats here from the North was because of the fact there had been debates in the Congress of the United States on lynching legislation before, and we could never get the colored vote.

Mr. Chairman, I do not regard this as a sectional piece of legislation, and I do not regard lynching as a sectional problem.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield again?

Mr. O'NEILL of New Jersey. I yield to the gentleman.

Mr. BULWINKLE. Do I understand the gentleman to say the reason he is here now is because we had some debates on an antilynching bill?

Mr. O'NEILL of New Jersey. I do not know whether the gentleman understood me to say that or not, but I did not say it.

Mr. BULWINKLE. Did the gentleman come here from a colored district or did the Negro vote send him here?

Mr. O'NEILL of New Jersey. Mr. Chairman, I would be pleased to discuss this matter later with the gentleman, but I have been trying all afternoon to get 5 minutes, and I have one point I want to make here.

I do not regard lynching as a racial problem, neither do I regard it as a sectional problem. I think it is entirely an American problem, and the indication that this bill will pass this afternoon with a proper display of American tolerance is gratifying to me. We may well recall the case suggested by the gentleman from Illinois, the California lynching of 3½ years ago. We might remember, too, that to this day there still exists grave doubt as to the guilt of at least one of the men lynched. That lynching involved no man of color. It was a white mob taking the law into their own hands and destroying, not a colored life but two white lives. How, then, does this become a sectional problem as insisted by the opponents of the bill? How does it become a racial problem?

Mr. Chairman, lynching is a heinous crime against American concepts and as such alone should it be treated. The gentleman from North Carolina wishes to know whether I represent a Negro district. I represent a number of Negroes, and I am grateful for the suffrage of those who voted to send me here, and I intend to represent them as vigorously as I would any other person in the district. I made such a statement during my campaign, not to an audience of Negroes but to an audience of whites. For years in New Jersey the Negro has been told that to send a Democrat to Congress would be to prevent the enactment of antilynching legislation. Today will give the lie to that. It is gratifying to perceive that the bill will pass and, I hope, with a fitting display of proper American tolerance. I am happy to be here to cast my vote for this measure to guarantee rights conferred by the Constitution. The bill does not attempt to protect anyone who commits a crime. It is designed to insure the proper functioning of the processes of law. [Applause.]

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PHILLIPS. Mr. Chairman, one of the Members a moment ago referred to citizens of our State of Connecticut as in the past selling wooden nutmegs. I take this opportunity to apologize for our ancestors in Connecticut inasmuch as they so imposed upon the ancestors of the gentleman who said people of our State had sold his ancestors wooden nutmegs instead of the genuine article.

I am not empowered to speak for the State of Connecticut, but only for a small section of it, the section right near the New York line, next to my friend's on the Republican side, Mr. MILLARD. We know the problems of New York, and we have respect in Connecticut for the way New York meets its problem, and equally we have respect and sympathy for our friends meeting their problems in the South. As far as I am concerned in this House at this time or any other, I care not where the chips may fall as regards how I vote, as long as I vote as I think is right, and, Mr. Chairman, you and I, all of us, vote according to the dictates of our conscience as we have been brought up to see the right from our mother's knee, and how else can we vote. I have never seen any bill in this House since I have been here that I have hated to vote for more than I have for this bill, because of the bitter passions it has aroused, and yet I vote for it, and am in favor of the bill, representing in my humble way the small section whence I come.

From the time that we in our section have been brought up from our mother's knee, just as you people everywhere else have been brought up to believe, I believe that there is a higher law than the law of the United States, that there is a higher constitution than the Constitution of the United States and that is the law under God Almighty Himself who judges us all. So we have to follow the consciences we have under that supreme judgment. We in our part of Connecticut do not criticize anyone, we indict no one. To the best of our humble ability we follow our consciences, and for this reason I favor this bill. Some of us believe this is the higher law, this is the unforgivable sin, namely, that any man who given the opportunity does not help this suffering human being or help any living thing, who withholds his help from any living thing or human being in suffering has committed, according to our consciences, the unforgivable sin. So I am voting for this bill and I hope there will be no more sectional talk or recrimination. I am voting for the bill according to the dictates of my conscience, conscious of this higher law, this supreme judgment.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MURDOCK of Arizona. Mr. Chairman, I regret the sectional difficulties we have heard discussed here today. But evidently this is not a sectional question, for I have not heard anything about my section brought into the debate. We have in Arizona a considerable colored population, and as a school man, a college man, I have had many of these young people in my classes and they were of high quality. I have always treated colored students fairly, which they appreciate. I believe I can say with the same authority as my friend from that city of splendid record that there has not been a lynching of a colored person within the entire history of Arizona and I am proud of that fact.

I have risen at this moment to say one thing which is on my mind. The other day I voted not to consider the Mitchell bill, not because I was opposed to the subject matter of that bill, but because I was told the Gavagan bill was superior to it. A hasty consultation with office files revealed that I had received communications from an organization representing the colored people asking my support of the Gavagan bill. Now I find myself in this dilemma. After more considerate thought, I question the constitutionality of this Gavagan bill, should it become a law.

I know there are some who say if there is any doubt about the constitutionality of a bill it is the business of the lawmaker to go ahead and enact the law, if he thinks it necessary or desirable, and let the courts handle the question of constitutionality. I cannot agree with that attitude. I am perhaps presumptuous in this, being a layman, but I am one who has lately criticized the Supreme Court of the United States for declaring unconstitutional so many of the recent acts of needed legislation of this body. However, even so, I have never brought myself to believe that we ought to take away from that high tribunal the power of judicial review. Feeling that way, I believe we ought to be more conscientious about what kind of statutes we enact.

If this law is unconstitutional, and I am beginning to think it would be so held by the Court, it is certainly not my duty to enact it, and throw it into their laps for decision. It is because of that belief, and in spite of the fact that I should like to have some sort of legislation of this kind enacted to protect all classes of people, particularly the colored people, that I feel constrained to vote against this measure, because I seriously doubt its constitutionality.

Mr. DISNEY. Mr. Chairman, I move to strike out the last word. I should like to ask some of the lawyers on the committee a question or two about this section.

In line 1, on page 4, it reads, "the Federal court can punish, in accordance with the laws of the State", and so forth. Do you mean in accordance with the State procedure, or does the Federal judge get the last speech like he does with us? What is meant by that?

Mr. GAVAGAN. Does the gentleman want to ask me a question?

Mr. DISNEY. Yes. I am asking you a question.

Mr. GAVAGAN. That refers to procedure.

Mr. DISNEY. Then you have Federal procedure, trying people for murder in the Federal court; is that it?

Mr. GAVAGAN. No. You would have State procedure and rules of evidence.

Mr. DISNEY. Well, which does the gentleman mean then?

Mr. GAVAGAN. It means procedure existing in the locality.

Mr. DISNEY. Then we would have State procedure in a Federal court trying people for murder?

Now, under section 1 of the proviso, who is going to determine whether or not that section of the State has become outlaw? Is the Federal judge going to determine that?

Mr. GAVAGAN. Of course he determines if a basis exists for the operation of the statute.

Mr. DISNEY. Who is going to decide that the jurors are so prejudiced that they cannot return a fair verdict?

Mr. GAVAGAN. Provided a change of venue was sought upon that ground, the Federal judge would decide it on the evidence.

Mr. DISNEY. But you will have State procedure in the Federal court?

Mr. GAVAGAN. Yes. That is existing law in the Federal courts today. The Court follows State law and procedure excepting those cases where the Federal courts adopt a different rule.

Mr. DISNEY. Now, in the last sentence of that section you say, "a failure for more than 30 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such persons, shall be sufficient to constitute prima facie evidence of the failure, neglect, or refusal described in the above proviso."

Mr. GAVAGAN. Presumption of evidence; yes.

Mr. DISNEY. Then you are going to make that a felony for their failure to do that; is that correct?

Mr. GAVAGAN. No, no. You raise a presumption. I think I can clear the gentleman's mind. The last paragraph refers to the presumption of evidence; not the burden of proof, but the burden of going forward with the evidence. This presumption will aid in going forward with the evidence.

Mr. DISNEY. What are you going to do about your Federal people unless they catch him within 30 days and indict him? Suppose the State does not do it for 30 days and

the Federal Government does not do it? Then where do you go from there?

Mr. GAVAGAN. Oh, if you are going to presume they will not enforce this act——

Mr. DISNEY. Let me refer to section 3. You say:

Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual—

And so forth. In your State and in my State the Governor is charged with that duty, and you make him guilty of a felony under section 3.

Mr. GAVAGAN. I am glad the gentleman brought that up, because that has been misstated.

Mr. DISNEY. That is not a misstatement. In our State he is charged with that duty.

Mr. GAVAGAN. He is charged with that duty, I assume, in every State, but the prisoner must be in the custody of an officer before the officer can be liable under this bill. That is my interpretation of this bill.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The Clerk read as follows:

SEC. 5. Any county in which a person is seriously injured or put to death by a mob or riotous assemblage shall be liable to the injured person or the legal representatives of such person for a sum not less than $2,000 nor more than $10,000 as liquidated damages, which sum may be recovered in a civil action against such county in the United States district court of the judicial district wherein such person is put to the injury or death. Such action shall be brought and prosecuted by the United States district attorney of the district in the United States district court for such district. If such amount awarded be not paid upon recovery of a judgment therefor, such court shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county, or may otherwise compel payment thereof by mandamus or other appropriate process; and any officer of such county or other person who disobeys or fails to comply with any lawful order of the court in the premises shall be liable to punishment as for contempt and to any other penalty provided by law therefor. The amount recovered shall be exempt from all claims by creditors of the deceased. The amount recovered upon such judgment shall be paid to the injured person, or where death resulted, distributed in accordance with the laws governing the distribution of an intestate decedent's assets than in effect in the State wherein such death occurred.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 4, beginning in line 18, strike out all of section 5.

Mr. SMITH of Virginia. Mr. Chairman, I realize that the hour is getting late. I further realize, after listening to the debate today, that it is utterly futile to discuss the merits, if any, of this piece of nonsensical legislation.

My amendment strikes out the entire section which undertakes to impose a fine upon subdivisions of sovereign States in this Union.

I do not care to discuss it other than to explain that that is what it does, and I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. GAVAGAN) there were ayes 102 and noes 93.

Mr. GAVAGAN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. SMITH of Virginia and Mr. GAVAGAN to act as tellers.

The Committee again divided; and the tellers reported there were ayes 128 and noes 118.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 6. In the event that any person so put to death shall have been transported by such mob or riotous assemblage from one county to another county during the time intervening between his seizure and putting to death, the county in which he is seized and the county in which he is put to death shall be jointly and severally liable to pay the forfeiture herein provided. Any district judge of the United States District Court of the judicial district wherein any suit or prosecution is instituted under the provisions of this act, may by order direct that such suit or prosecution be tried in any place in such district as he may designate in such order.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Strike out all of section 6.

Mr. SMITH of Virginia. Mr. Chairman, again I will consume only 1 minute of the time of the House in explaining this amendment.

The purpose of this amendment is to strike out section 6 and merely complete the purpose of the amendment which struck out section 5.

I do not want to consume the time of the House, but I do want the amendment understood. It merely carries out the purpose of the amendment which struck out section 5.

Section 6 is that section which divides responsibility for the fine or penalty between the county in which the taking from the officer occurs and the county in which the lynching occurs.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Virginia. I yield.

Mr. McREYNOLDS. Is it not true that if this section stays in the bill that a man might be taken away from an officer in one county or one State and carried over into another, there be put to death, and that the people of that county, knowing nothing about it and being innocent, yet would suffer the penalty under this bill?

Mr. SMITH of Virginia. Yes; but with section 5 stricken out I think this section would be inoperative.

Mr. GAVAGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this section and the previous section that was stricken by the teller vote constitute the heart of this bill. Do not fool yourselves about that. This bill will not be worth the paper it is written on if these amendments are adopted.

Now, I do not want to detain the House, but I serve notice right here and now that I am going to demand a separate roll-call vote on every one of these amendments. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. If any provision, sentence, or clause of this act or the application thereof to any person or circumstances is held invalid, the remainder of this act, and the application of such provision to other person or circumstances, shall not be affected thereby.

Mr. EBERHARTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the action which was taken by the committee in eliminating sections 5 and 6, as the gentleman from New York has said, actually destroys the act entirely. I think the committee was very unwise in adopting the two amendments which have just been adopted.

For my part, I represent a district in the western part of Pennsylvania, the city of Pittsburgh, which is known as the workshop of the world. In that particular district there is a large percentage of colored population. I know that the intelligent and the God-fearing and law-abiding colored population of my district want this bill enacted into law. I know that the intelligent and the God-fearing and the law-abiding white people of my district want this bill enacted into law. I say that if these people want it enacted into law for that reason, I should vote for the bill, and I will vote for the bill. I think it is a good bill. It should be passed as drawn without these amendments. I hope that when the matter comes to a record vote that these amendments will be reinserted and that the bill will be passed by the House as drawn.

The bill will take away from the good people of this district in which I live the fear which the colored people have always had. It will make for more harmony and more peace; and I say that this House should go on record by passing the bill and reasserting its faith in the fourteenth amendment to the Constitution of the United States.

Mr. COOLEY. Mr. Chairman, I move to strike out the last section.

I apologize for imposing upon the patience of the House at this late hour of the evening. I feel certain that most of my colleagues have already made up their minds upon the bill now under consideration, and I have no idea that anything that I might say will alter the course of any one of you. However, I would not be true to my own feelings if I did not at this time state that I am unalterably opposed to this legislation. I am particularly opposed to certain sections of the bill which I consider not only unconstitutional but vicious and un-American. I have reference to those sections which have just been voted out under the amendment offered by the distinguished gentleman from Virginia [Mr. SMITH]. These two sections, nos. 5 and 6, seek to penalize innocent subdivisions of sovereign States and to make inaction on the part of law-abiding, God-fearing people a crime and to provide for the imposition of heavy penalties upon innocent counties and communities in which a person is seriously injured or put to death by a lawless mob or riotous assemblage which may have invaded their county, perhaps, in the dead hours of the night, while the citizens of that county, including the officers of the law, were sleeping in peace with God and their fellow men and wholly ignorant and innocent of the perpetration of any offense against the law. What could be more ridiculous, more unconstitutional, or more un-American than a law subjecting an innocent people to the pains and penalties of a criminal statute and to a judgment for liquidated damages in the amount of $10,000 for the commission of an offense of which they were wholly innocent and which might have been committed even while they were sleeping in the comfort and quietude of a law-abiding community? That is one provision of this iniquitous measure.

Section 5 further provides that in the event the amount awarded as liquidated damages is not paid upon recovery of a judgment, thereafter such court, meaning the United States district court, shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county, or may otherwise compel payment thereof by mandamus or "other appropriate process." What is meant by "appropriate process"? It means, of course, the use of the full force of the law enforcement agencies of the Federal Government, which includes the use of soldiers if the situation necessitates the use of them. What a drastic and unusual use of Federal power. Imagine the Federal Government using its law enforcement agencies and its soldiers in enforcing the collection of a penalty imposed upon a subdivision of a sovereign State.

When the suggestion was made on the floor of the House yesterday that this section provided for the imposition of a penalty upon an "innocent county" the gentleman from New York, the author of this vicious and iniquitous measure, took the position that in the event injury or death was inflicted upon the body of any person taken from the custody of officers of the law in a particular county, regardless of the circumstances in connection with the commission of the offense, the county in which the crime was consummated was not an innocent county and should, therefore, be subjected to the penalty provided. People do not commit crimes while they are asleep. One must be conscious of guilt before he is guilty in law or must demonstrate a reckless disregard of the rights and privileges of others and be guilty of culpable negligence before he can be subjected to the penalties of a criminal statute.

If an atrocious crime is committed in the bosom of one community and the malefactor is apprehended by the sheriff, who does his very best to protect his prisoner, even to the extent of jeopardizing his own life, and a mob of enraged citizens place violent hands upon the prisoner, take him from the sheriff, and carry him even hundreds of miles to a remote community and there injure or put him to death without the knowledge of the citizens of that community, and the law-enforcement agencies who are charged with the duty of protecting the citizens of that community, the county, however innocent it may be, will be subjected to the heavy penalty provided in this section. Such an absurdity has never been written into the law of any civilized state or nation, and yet we are asked to vote for this measure. I will welcome a roll-call vote, and I will welcome an opportunity to vote against this shocking and un-American measure and every word and every syllable of it. [Applause.]

Can it be possible that an intelligent Congress will be foolish enough to vote for such a measure?

Great crimes are often committed under the dark shadows of night and while law-abiding citizens are resting in the quietude of their homes. Imagine the people of a law-abiding community awaking in the morning to find that a lawless mob from some distant county or State has abused or lynched some brute in the form of a man in their county in the dead hours of the night and perhaps left his body hanging from a limb of a tree; no matter how enraged they may be over such a display of violence and no matter how innocent they may be, yet they will be subject to the penalties of this statute which we are asked by our votes to visit upon them. This is such an outrage upon our American sense of justice that it will never be tolerated or enforced in any self-respecting Commonwealth of this Union.

This bill should be called a bill to encourage lynching. If we pass this measure, in my opinion, lynching will increase rather than decrease. If the officers of the law fail to take the accused person into custody after diligent efforts to do so and the person is seized by a mob and lynched there is no liability upon the officers or the county. If the officer actually takes the person into custody and he is by force and violence taken from him and injured or put to death then the officer may be tried, convicted, and subjected to fine and imprisonment and condemned to wear the stripes of a felon and a fine imposed upon his county. Will this provision encourage diligent or dilatory tactics on the part of the officers of the law?

This bill includes not only sheriffs, deputy sheriffs, jailers, and constables, but also prosecuting officers, trial judges, and even the Governors of our 48 States. If any of them are accused of failing, neglecting or refusing "to make all diligent efforts" to protect such individual from being injured or put to death then they may be haled before the Federal court and placed on trial and upon conviction subjected to the penalties of the law.

I am unwilling to insult the integrity and the patriotism of the law-enforcement officers of my district, my State, and the Nation by voting for a measure which is predicated upon the idea that they might become particeps criminis in mob violence and lawlessness and murder.

I know from experience that the law-enforcement officers of my State, from the Governor down to and including every township constable, abhor lynching and make diligent efforts to protect all persons accused of crime. In many instances our officers jeopardize life and limb and property in protecting their prisoners. When a person is lynched we hear a lot about it. When officers of the law protect their prisoners even at the risk of their own lives they are too seldom commended for it.

Intelligent people know that we cannot by the enactment of law control the passions of the human race. Even while our soldiers were fighting, bleeding, and dying on the far-flung battlefields of France, defending the principles upon which this great Nation was founded and making the supreme sacrifice that we might live in a land of law and order, lynchings occurred in different sections of this Republic. Even during the progress of the debate on this measure, mob violence has lifted its head and men have been lynched. Until men learn to control their human instincts, mob violence, murder, and homicide will continue in exact ratio with the rise and fall of the barometer of human passions.

Lynch law was once the lex loci of the frontier, but there is no place for it in an enlightened society in which there exist tribunals for the punishment of those who have violated the law. Yet occsionally a horrible and revolting crime is committed and men rise up and take the law into their own hands. This can neither be justified nor excused,

but we are not helping the situation by passing this law, which is nothing more nor less than vicious demagoguery which seeks by "mob violence" to lynch the Constitution and every principle of American justice. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. COOLEY) there were—ayes 83, noes 133.

So the amendment was rejected.

The CHAIRMAN. Under the resolution, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'CONNOR of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, under the resolution, he reported the same back to the House with sundry amendments.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. GAVAGAN. Mr. Speaker, I demand a separate vote on each amendment, or if we may, under the parliamentary procedure, vote on both amendments en bloc, this would be satisfactory to me.

The SPEAKER. Is a separate vote demanded on either amendment?

Mr. GAVAGAN. Yes; a separate vote is demanded on each amendment.

The SPEAKER. If the gentleman from New York does not demand a separate vote, the amendments will be voted on en bloc.

Mr. GAVAGAN. Then I have no disposition to demand a separate vote.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the Chair being in doubt, the House divided; and there were—ayes 141, noes 163.

Mr. SMITH of Virginia. Mr. Speaker, I demand tellers.

The SPEAKER. On this vote the gentleman from Virginia demands tellers.

Mr. GAVAGAN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GAVAGAN. I do not believe the gentleman's request has come in time. The Chair had announced the vote.

Mr. SMITH of Virginia. Mr. Speaker, I was on my feet before the Chair announced the vote.

Mr. GAVAGAN. The Chair had also announced that the amendments had not been agreed to. Under the rules of the House, I respectfully submit, it is too late now for the gentleman's request.

The SPEAKER. The gentleman from Virginia was on his feet requesting tellers on this vote.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 252, answered "present" 1, not voting 39, as follows:

[Roll No. 45]

YEAS—139

Allen, La.	Colmer	Green	Leavy
Allen, Pa.	Cooley	Gregory	Lewis, Colo.
Atkinson	Cooper	Griffith	McClellan
Barden	Cox	Hamilton	McFarlane
Biermann	Cravens	Hancock, N. Y.	McGroarty
Bland	Deen	Hendricks	McMillan
Boren	DeRouen	Hill, Ala.	McReynolds
Brooks	Dies	Hill, Okla.	Mahon, S. C.
Brown	Disney	Hofman	Mahon, Tex.
Buck	Doughton	Hook	Maloney
Bulwinkle	Doxey	Houston	Mansfield
Burch	Drewry, Va.	Jarman	Massingale
Caldwell	Driver	Johnson, Okla.	Maverick
Cannon, Mo.	Duncan	Johnson, Tex.	May
Cartwright	Faddis	Jones	Miller
Chandler	Fernandez	Kee	Mills
Chapman	Ford, Miss.	Kerr	Mitchell, Tenn.
Clark, N. C.	Frey, Pa.	Kitchens	Moser, Pa.
Coffee, Nebr.	Fuller	Kleberg	Mott
Cole, Md.	Fulmer	Knutson	Murdock, Ariz.
Cole, N. Y.	Garrett	Lambeth	Murdock, Utah
Collins	Gasque	Lanham	Nelson

Nichols	Ramspeck	Steagall	Warren
O'Neal, Ky.	Rankin	Sumners, Tex.	Wearin
Owen	Rayburn	Taber	Weaver
Pace	Richards	Tarver	West
Patman	Robertson	Taylor, S. C.	Whelchel
Patrick	Rogers, Okla.	Terry	White, Idaho
Patton	Romjue	Thomas, Tex.	Whittington
Pearson	Sanders	Thomason, Tex.	Wilcox
Peterson, Fla.	Smith, Conn.	Turner	Williams
Peterson, Ga.	Smith, Va.	Umstead	Woodrum
Phillips	South	Vincent, B. M.	Zimmerman
Poage	Sparkman	Vinson, Ga.	The Speaker
Polk	Spence	Voorhis	

NAYS—252

Aleshire	Drew, Pa.	Kinzer	Ramsay
Allen, Del.	Dunn	Kirwan	Randolph
Allen, Ill.	Eberharter	Kloeb	Reece, Tenn.
Amlie	Eckert	Kniffin	Reed, Ill.
Anderson, Mo.	Edmiston	Kocialkowski	Reed, N. Y.
Andresen, Minn.	Eicher	Kopplemann	Rees, Kans.
Arends	Ellenbogen	Kramer	Reilly
Arnold	Engel	Kvale	Rich
Ashbrook	Englebright	Lambertson	Rigney
Barry	Evans	Lamneck	Robinson, Utah
Bates	Farley	Lanzetta	Robsion, Ky.
Beam	Fitzgerald	Larrabee	Rogers, Mass.
Beiter	Fitzpatrick	Lemke	Rutherford
Bernard	Flannery	Lesinski	Ryan
Bigelow	Fleger	Lewis, Md.	Sacks
Bloom	Fletcher	Long	Sadowski
Boehne	Forand	Lord	Sauthoff
Boileau	Ford, Calif.	Lucas	Schaefer, Ill.
Boland, Pa.	Fries, Ill.	Luce	Schneider, Wis.
Boyer	Gambrill	Luckey, Nebr.	Schulte
Boylan, N. Y.	Gavagan	Ludlow	Scott
Bradley	Gehrmann	Luecke, Mich.	Secrest
Brewster	Gifford	McAndrews	Seger
Buckler, Minn.	Gildea	McCormack	Shafer, Mich.
Burdick	Gingery	McGranery	Shanley
Byrne	Goldsborough	McGrath	Shannon
Carlson	Gray, Ind.	McKeough	Short
Case, S. Dak.	Gray, Pa.	McLaughlin	Sirovich
Casey, Mass.	Greever	McLean	Smith, Maine
Celler	Griswold	Maas	Smith, Wash.
Champion	Guyer	Magnuson	Smith, W. Va.
Church	Haines	Mapes	Snell
Citron	Halleck	Martin, Colo.	Snyder, Pa.
Clason	Harlan	Martin, Mass.	Somers, N. Y.
Claypool	Harrington	Mason	Stack
Cluett	Hart	Mead	Stefan
Cochran	Hartley	Meeks	Sullivan
Coffee, Wash.	Havenner	Merritt	Sutphin
Colden	Healey	Michener	Sweeney
Connery	Hennings	Millard	Swope
Costello	Higgins	Mitchell, Ill.	Taylor, Tenn.
Crawford	Hildebrandt	Mosier, Ohio	Teigan
Creal	Hill, Wash.	Norton	Thom
Crosby	Honeyman	O'Brien, Ill.	Thomas, N. J.
Crosser	Hope	O'Brien, Mich.	Thompson, Ill.
Crowe	Hull	O'Connell, Mont.	Thurston
Crowther	Hunter	O'Connor, Mont.	Tinkham
Cullen	Imhoff	O'Connor, N. Y.	Tobey
Curley	Izac	O'Day	Tolan
Daly	Jacobsen	O'Leary	Towey
Delaney	Jarrett	O'Malley	Transue
Dempsey	Jenckes, Ind.	O'Neill, N. J.	Treadway
DeMuth	Jenkins, Ohio	O'Toole	Wallgren
Dickstein	Jenks, N. H.	Oliver	Walter
Dingell	Johnson, Minn.	Palmisano	Welch
Dirksen	Johnson, W. Va.	Patterson	Wene
Ditter	Keller	Pettengill	White, Ohio
Dixon	Kelly, Ill.	Peyser	Wigglesworth
Dockweiler	Kelly, N. Y.	Pfeifer	Withrow
Dondero	Kennedy, Md.	Plumley	Wolcott
Dorsey	Kennedy, N. Y.	Powers	Wolfenden
Douglas	Kenney	Quinn	Wolverton
Dowell	Keogh	Rabaut	Woodruff

ANSWERED "PRESENT"—1

Wadsworth

NOT VOTING—39

Andrews	Cummings	Hancock, N. C.	Pierce
Bacon	Eaton	Harter	Sabath
Bell	Ferguson	Hobbs	Schuetz
Binderup	Fish	Holmes	Scrugham
Boykin	Flannagan	Lea	Sheppard
Buckley, N. Y.	Gearhart	McGehee	Starnes
Cannon, Wis.	Gilchrist	McSweeney	Taylor, Colo.
Carter	Goodwin	Mouton	Vinson, Fred M.
Clark, Idaho	Greenwood	O'Connell, R. I.	Wood
Culkin	Gwynne	Parsons	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he voted "aye."

Mr. WIGGLESWORTH, Mr. GRISWOLD, Mr. ANDERSON of Missouri, and Mr. ALLEN of Delaware changed their vote from "yea" to "nay."

Mr. NICHOLS and Mr. GREEN changed their votes from "nay" to "yea."

Mr. WADSWORTH. Mr. Speaker, may I ask if the gentleman from New York, Mr. FISH, is recorded as voting?

The SPEAKER. The gentleman from New York [Mr. FISH] is not recorded.

Mr. WADSWORTH. Mr. Speaker, I have a pair with the gentleman from New York, Mr. FISH. Were he present, he would vote "nay" upon this question. I voted "yea"; but in view of my pair, I ask unanimous consent to withdraw my vote.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I do not know whether I can qualify to vote on this roll call or not.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MANSFIELD. Mr. Speaker, I was at the door, just getting here from a conference, when my name was called.

The SPEAKER. The gentleman does not qualify unless he was in the Chamber at the time his name was called.

Mr. MANSFIELD. I cannot say I was inside the Chamber.

Mr. MAGNUSON. Mr. Speaker, I believe the gentleman from Texas [Mr. MANSFIELD] is mistaken when he states he was not in the Hall when his name was called. I happened to be looking at the time because I am in the "M's" also, and I saw the gentleman coming through the door.

The SPEAKER. Was the gentleman from Texas within the portals of the Chamber when his name was called?

Mr. MANSFIELD. I may state to the Speaker that I do not know positively whether I was or not. Just as I got inside the doorway my attention was called to the fact that my name had been called.

The SPEAKER. The Chair will take the assurance of the gentleman from Washington, Mr. MAGNUSON, that the gentleman from Texas was present. How does the gentleman from Texas desire to vote?

Mr. MANSFIELD. I vote "yea", Mr. Speaker.

Mr. DOXEY. Mr. Speaker, my colleague, the gentleman from Mississippi, Mr. McGEHEE——

The SPEAKER. Does the gentleman desire to announce how his colleague would vote?

Mr. DOXEY. I do not want to violate any of the rules of the House, Mr. Speaker, but I want to announce the fact that he is unavoidably absent from the Chamber.

Mr. SNELL. Mr. Speaker, I make a point of order against any such announcement in view of the ruling of the Speaker on yesterday.

The SPEAKER. Under the ruling of the Chair the Chair cannot entertain a statement about how a Member would have voted.

So the amendments were rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Starnes (for) with Mr. Gilchrist (against).
Mr. Hobbs (for) with Mr. Eaton (against).
Mr. Wadsworth (for) with Mr. Fish (against).
Mr. Pierce (for) with Mr. Binderup (against).
Mr. Hancock of North Carolina (for) with Mr. Parsons (against).
Mr. Mouton (for) with Mr. Bacon (against).
Mr. McGehee (for) with Mr. Sheppard (against).
Mr. Boykin (for) with Mr. Holmes (against).
Mr. Flannagan (for) with Mr. Harter (against).

General pairs:

Mr. Sabath with Mr. Gwynne.
Mr. Taylor of Colorado with Mr. Carter.
Mr. Fred M. Vinson with Mr. Goodwin.
Mr. Schuetz with Mr. Gearhart.
Mr. Greenwood with Mr. Culkin.
Mr. Wood with Mr. Andrews.
Mr. Clark of Idaho with Mr. O'Connell of Rhode Island.
Mr. Lea with Mr. Scrugham.
Mr. McSweeney with Mr. Buckley of New York.
Mr. Ferguson with Mr. Cummings.

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SNELL. Mr. Speaker, I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 277, nays 120, answered "present" 1, not voting 33, as follows:

[Roll No. 46]

YEAS—277

Aleshire	Eberharter	Kirwan	Randolph
Allen, Del.	Eckert	Kloeb	Reece, Tenn.
Allen, Ill.	Edmiston	Kniffin	Reed, Ill.
Allen, Pa.	Eicher	Kocialkowski	Reed, N. Y.
Amlie	Ellenbogen	Kopplemann	Rees, Kans.
Anderson, Mo.	Engel	Kramer	Reilly
Andresen, Minn.	Englebright	Kvale	Rich
Arends	Evans	Lambertson	Rigney
Arnold	Faddis	Lamneck	Robinson, Utah
Ashbrook	Farley	Lanzetta	Robsion, Ky.
Barry	Fitzgerald	Larrabee	Rogers, Mass.
Bates	Fitzpatrick	Lea	Rutherford
Beam	Flannery	Lemke	Ryan
Beiter	Fleger	Lesinski	Sabath
Bernard	Fletcher	Lewis, Md.	Sacks
Bigelow	Forand	Long	Sadowski
Bloom	Ford, Calif.	Lord	Sauthoff
Boehne	Frey, Pa.	Lucas	Schaefer, Ill.
Boileau	Fries, Ill.	Luce	Schneider, Wis.
Boland, Pa.	Gambrill	Luckey, Nebr.	Schulte
Boren	Gavagan	Ludlow	Scott
Boyer	Gehrmann	Luecke, Mich.	Secrest
Boylan, N. Y.	Gifford	McAndrews	Seger
Bradley	Gildea	McCormack	Shafer, Mich.
Brewster	Gingery	McGranery	Shanley
Buck	Goldsborough	McGrath	Shannon
Buckler, Minn.	Gray, Ind.	McKeough	Short
Burdick	Gray, Pa.	McLaughlin	Sirovich
Byrne	Greever	McLean	Smith, Conn.
Carlson	Griswold	Maas	Smith, Maine
Case, S. Dak.	Guyer	Magnuson	Smith, Wash.
Casey, Mass.	Gwynne	Mapes	Smith, W. Va.
Celler	Haines	Martin, Colo.	Snell
Champion	Halleck	Martin, Mass.	Snyder, Pa.
Church	Hancock, N. Y.	Mason	Somers, N. Y.
Citron	Harlan	Maverick	Stack
Clason	Harrington	Mead	Stefan
Claypool	Hart	Meeks	Sullivan
Cluett	Hartley	Merritt	Sutphin
Cochran	Havenner	Michener	Sweeney
Coffee, Wash.	Healey	Millard	Swope
Colden	Hennings	Mitchell, Ill.	Taber
Cole, Md.	Higgins	Mosier, Ohio	Taylor, Tenn.
Connery	Hildebrandt	Mott	Teigan
Costello	Hill, Okla.	Nichols	Thom
Crawford	Hill, Wash.	Norton	Thomas, N. J.
Creal	Honeyman	O'Brien, Ill.	Thompson, Ill.
Crosby	Hope	O'Brien, Mich.	Thurston
Crosser	Houston	O'Connell, Mont.	Tinkham
Crowe	Hull	O'Connell, R. I.	Tobey
Crowther	Hunter	O'Connor, Mont.	Tolan
Cullen	Imhoff	O'Connor, N. Y.	Towey
Culkin	Izac	O'Day	Transue
Curley	Jacobsen	O'Leary	Treadway
Daly	Jarrett	O'Malley	Voorhis
Delaney	Jenckes, Ind.	O'Neill, N. J.	Wallgren
Dempsey	Jenkins, Ohio	O'Toole	Walter
DeMuth	Jenks, N. H.	Oliver	Wearin
Dickstein	Johnson, Minn.	Palmisano	Welch
Dingell	Johnson, Okla.	Patterson	Wene
Dirksen	Johnson, W. Va.	Pettengill	White, Ohio
Ditter	Kee	Peyser	Wigglesworth
Dixon	Keller	Pfeifer	Withrow
Dockweiler	Kelly, Ill.	Phillips	Wolcott
Dondero	Kelly, N. Y.	Plumley	Wolfenden
Dorsey	Kennedy, Md.	Polk	Wolverton
Douglas	Kennedy, N. Y.	Powers	Woodruff
Dowell	Kenney	Quinn	
Drew, Pa.	Keogh	Rabaut	
Dunn	Kinzer	Ramsay	

NAYS—120

Allen, La.	Doughton	Lanham	Patton
Atkinson	Doxey	Leavy	Pearson
Barden	Drewry, Va.	Lewis, Colo.	Peterson, Fla.
Biermann	Driver	McClellan	Peterson, Ga.
Bland	Duncan	McFarlane	Poage
Brooks	Fernandez	McGroarty	Ramspeck
Brown	Ford, Miss.	McMillan	Rankin
Bulwinkle	Fuller	McReynolds	Rayburn
Burch	Fulmer	Mahon, S. C.	Richards
Caldwell	Garrett	Mahon, Tex.	Robertson
Cannon, Mo.	Gasque	Maloney	Rogers, Okla.
Cartwright	Green	Mansfield	Romjue
Chandler	Gregory	Massingale	Sanders
Chapman	Griffith	May	Smith, Va.
Clark, N. C.	Hamilton	Miller	South
Coffee, Nebr.	Hendricks	Mills	Sparkman
Cole, N. Y.	Hill, Ala.	Mitchell, Tenn.	Spence
Collins	Hoffman	Moser, Pa.	Steagall
Colmer	Hook	Mouton	Sumners, Tex.
Cooley	Jarman	Murdock, Ariz.	Tarver
Cooper	Johnson, Tex.	Murdock, Utah	Taylor, S. C.
Cox	Jones	Nelson	Terry
Cravens	Kerr	O'Neal, Ky.	Thomas, Tex.
Deen	Kitchens	Owen	Thomason, Tex.
DeRouen	Kleberg	Pace	Turner
Dies	Knutson	Patman	Umstead
Disney	Lambeth	Patrick	Vincent, B. M.

Vinson, Ga.	West	Whittington	Woodrum
Warren	Wheichel	Wilcox	Zimmerman
Weaver	White, Idaho	Williams	The Speaker

ANSWERED "PRESENT"—1

Wadsworth

NOT VOTING—83

Andrews	Cummings	Hancock, N. C.	Scrugham
Bacon	Eaton	Harter	Sheppard
Bell	Ferguson	Hobbs	Starnes
Binderup	Fish	Holmes	Taylor, Colo.
Boykin	Flannagan	McGehee	Vinson, Fred M.
Buckley, N. Y.	Gearhart	McSweeney	Wood
Cannon, Wis.	Gilchrist	Parsons	
Carter	Goodwin	Pierce	
Clark, Idaho	Greenwood	Schuetz	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "no."

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Fish (for) with Mr. Wadsworth (against).
Mr. Gilchrist (for) with Mr. Starnes (against).
Mr. Eaton (for) with Mr. Hobbs (against).
Mr. Parsons (for) with Mr. Hancock of North Carolina (against).
Mr. Sheppard (for) with Mr. McGehee (against).
Mr. Holmes (for) with Mr. Boykin (against).
Mr. Harter (for) with Mr. Flannagan (against).
Mr. Binderup (for) with Mr. Pierce (against).
Mr. Bacon (for) with Mr. Andrews (against).

Additional general pairs:

Mr. Taylor of Colorado with Mr. Carter.
Mr. Fred M. Vinson with Mr. Goodwin.
Mr. Schuetz with Mr. Gearhart.
Mr. McSweeney with Mr. Buckley of New York.
Mr. Ferguson with Mr. Cummings.
Mr. Bell with Mr. Clark of Idaho.
Mr. Greenwood with Mr. Wood.
Mr. Scrugham with Mr. Patrick.

Mr. WADSWORTH. Mr. Speaker, how is the gentleman from New York [Mr. FISH] recorded?

The SPEAKER. The gentleman is not recorded.

Mr. WADSWORTH. Mr. Speaker, I have a pair with the gentleman from New York, Mr. FISH, on this vote. Were he present, he would have voted "yea." When my name was called, I voted "no." In view of the fact, I withdraw my vote of "no" and answer "present."

Mr. WOLCOTT changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL LEAVE TO PRINT

Mr. GAVAGAN. Mr. Speaker, I ask unanimous consent that each Member of the House have 5 legislative days within which to extend his own remarks upon the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. LUCKEY of Nebraska. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Pettengill bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts from a statement by Mr. Wilson. I have an estimate.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOMAS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial appearing in the Houston Post of about 500 words concerning the Army engineers.

The SPEAKER. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL, 1938

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

ECONOMY, DEFICITS, OR INCREASED TAXES

Mr. CANNON of Missouri. Mr. Speaker, the agricultural appropriation bill will be reported to the House Monday, and it is my understanding that the committee will be authorized to call it up during the coming week.

The agricultural appropriation bill is perhaps of more general interest and touches intimately a larger number of districts than most of the supply bills. For that reason numbers of Members usually appear before the committee with requests for increases of current appropriations or funds for the establishment of new activities during the hearings on the bill. This year the requests have exceeded previous years both in number of projects proposed and in the amounts requested. A large part of the membership of the House has been before the committee, and I regret to say it has been necessary for the committee to deny practically all applications in excess of the Budget estimates. Unfortunately some have been disposed to interpret the attitude and action of the committee as personal, and I would like to take advantage of the opportunity to assure all who came before us that every effort was made to comply with the suggestions made by our colleagues, and no request was denied for any reason save lack of funds. As it is, we are submitting the largest total appropriation ever reported to the Congress for the purpose. Had we granted all requests it would have been necessary to sell the site of the Treasury itself to provide the funds to finance the bill.

So, I wish to ask the indulgence of Members toward the members of the committee, and to ask the support of the House in protecting the bill from amendments providing further increases when it comes up on the floor. It is an unpleasant duty to be compelled to deny a colleague an appropriation he considers necessary for his district and if the committees err, as they frequently do, it is always on the side of prodigality rather than parsimony. Various amendments will be offered, many of them of great merit and of wide appeal. Unquestionably the money would be well spent for the purpose proposed but there is a limit to the amount we can allocate to this bill and it is necessary to cut the coat to the cloth. I trust the membership of the House will have this in mind and will be inclined to take into consideration the unusual fiscal situation which confront the country today.

For 7 years the Government has been operating on borrowed money. We are now entering on the eighth year in which the national expenditures have exceeded the national income. Nineteen billion dollars have been added to the national debt and it is still increasing.

As far back as 1933 fiscal reports indicated an approach to a balanced Budget and we were told that if a way could be found to add $120,000,000 to $135,000,000 to the revenues, the Budget would be balanced in 1934. At the opening of the present session of Congress we were cheered by the announcement that a balanced Budget was already in sight and that a balance would be reached in 1939. When the recent December loan was floated we were assured that it was the last of the "new money" loans and that future borrowing would be limited to short-term bills as required by current balances, but newspapers this afternoon carry the statement that these weekly bills must be continued and another loan is scheduled for September.

In the meantime we have been setting an all-time record for peacetime spending. Observers estimate that for 9 months the Government disbursed approximately five and a half billions, as compared with five billion for the same period last year, and that for the current fiscal year expenditures will exceed those of last year. During the month of January disbursements reported by the Secretary of the Treasury approximated $635,000,000 as contrasted with about $372,500,000 the preceding January.

At the same time expected revenues have failed to materialize. Notwithstanding increases in revenue at the rate of nearly $56,000,000 for the month of January the deficit exceeds that of the previous January by something like $120,000,000.

Early in the year tax receipts were reported to be $150,000,000 under the published estimates. A little later they were said to be falling short by about $300,000,000. In March they were falling $400,000,000 below. And now we are told they are close to $600,000,000 short of the amounts promised by Treasury experts, with every prospect of increasing discrepancies. The enactment of legislation now pending in the House and its committees could easily precipitate a total deficit approximating $3,000,000,000.

Of course, there is the other side. Much of the current expenditures is in the nature of advances which will eventually return to the Treasury. Vast sums are in fact investments in public works and improvements which add to the national wealth and prosperity. Reduced receipts from income taxes are due to delayed partial payments which will be realized before the end of the year. Large sums are accounted for by charges incident to the Social Security Act. The stabilization fund is in effect an offset amounting to $2,000,000,000. Business is recovering rapidly, and the national income is mounting, and with it the Government income is increasing and has already reached the highest figures since 1929.

But the deficit grows. Inflation is advancing. Government bonds are depreciating and rates of interest are rising. Prices on Government purchases are increasing. The rising cost of living is stimulating labor agitation.

The Budget must be balanced. We can take our choice—larger deficits with increased taxes or economy. There is no alternative.

There is probably not a Member in the House who does not endorse economy in these supply bills and who does not believe that a balanced Budget is imperative. And yet the calendars of the House are crowded with bills authorizing new expenditures, and the committees of the House are importuned in season and out of season to increase appropriations and extend the activities of the Government into new and costly fields. Mr. Speaker, one of the most prescient passages in all the pages of Holy Writ is the record of one who said, "Behold I go"—and went not. When this Congress is judged it will be judged not by the lip service we give economy, not by the protestations of thrift and retrenchment reported in the RECORD, but by the roll calls on propositions to spend money that is not in the Treasury, and which never will be in the Treasury, unless it is borrowed at a cost so serious as to appall those who look into the future less than a generation away. [Applause.] I trust that during the remainder of the session we may have your cooperation in holding the supply bills within the bounds reported by the committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HAINES, on Monday, April 19, 1937, on account of important business.

To Mr. MITCHELL of Illinois, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 456. An act for the relief of Ernest and Lottie Dunford; and

H. R. 4985. An act to regulate interstate commerce in bituminous coal, and for other purposes.

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

S. 1455. An act to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 456. An act for the relief of Ernest and Lottie Dunford;

H. R. 1089. An act for the relief of Charles M. Perkins;

H. R. 1870. An act for the relief of Kate Carter Lyons;

H. R. 1871. An act for the relief of John S. Hemrick;

H. R. 1923. An act for the relief of Evangelos Karacostas;

H. R. 2320. An act for the relief of Peter Karampelis;

H. R. 2780. An act for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased;

H. R. 2936. An act for the relief of E. B. Gray;

H. R. 3701. An act for the relief of the Sterling Bronze Co.; and

H. R. 5551. An act to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at 7 o'clock and 4 minutes p. m., the House, pursuant to its order heretofore entered, adjourned until Monday, April 19, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE POST OFFICE AND POST ROADS

Air-mail hearings will continue at 10:30 a. m., in room 213, House Office Building, on Friday, April 16, 1937.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Monday, April 19, 1937, at 10:30 a. m., to continue hearings on the Bonneville Dam project, H. R. 4948 and H. R. 6151.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Tuesday, April 20, 1937, at 10:30 a. m., in connection with the bill (H. R. 4746) to prohibit interstate transportation of goods, wares, and merchandise in certain cases.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 20, 1937, at 10 a. m., in room 328, House Office Building, to consider H. R. 5394, to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

COMMITTEE ON MILITARY AFFAIRS

There will be a hearing before the Committee on Military Affairs, Tuesday, April 20, 1937, at 10:30 a. m., in room 1310, New House Office Building, for the consideration of H. R. 4415, to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes.'"

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary on Friday, April 23, 1937, at 10:30 a. m., on the following bills: H. R. 4894, to limit the right of removal to Federal courts in suits against

corporations authorized to do business within the State of residence of the plaintiff; and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

EXECUTIVE COMMUNICATIONS, ETC.

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

556. A letter from the United States Great Lakes Exposition Commission, transmitting a financial statement, including a detailed statement of expenditures, together with other reports, concerning the character and extent of Federal participation in the Great Lakes Exposition in Cleveland, Ohio, during the year 1936; to the Committee on Foreign Affairs.

557. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 12, 1937, submitting a report, together with accompanying papers, on a preliminary examination of Blackstone River, from Narragansett Bay at Providence, R. I., to Worcester, Mass., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

558. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 13, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of channel to Point Chugae, Dauphin Island, Ala., and to Old Basin or Indian Mounds, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

559. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 12, 1937, submitting a report, together with accompanying papers, on a preliminary examination of waterway from Tampa Bay to Fort Pierce Harbor, Fla., via Manatee River, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DOUGHTON: Committee on Ways and Means. H. R. 6215. A bill to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations; without amendment (Rept. No. 615). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 6391. A bill to authorize the prompt deportation of criminals and certain other aliens, and for other purposes; without amendment (Rept. No. 618). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5990) granting an increase of pension to Samuel S. Erret, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CALDWELL: A bill (H. R. 6435) to provide for the establishment in the Department of Agriculture of an experiment station for the development of tung trees; to the Committee on Agriculture.

By Mr. BLAND: A bill (H. R. 6436) authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act; to the Committee on Merchant Marine and Fisheries.

By Mr. EDMISTON: A bill (H. R. 6437) to increase the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

By Mr. McCORMACK: A bill (H. R. 6438) to expedite the dispatch of vessels from certain ports of call; to the Committee on Merchant Marine and Fisheries.

By Mr. CHANDLER: A bill (H. R. 6439) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and to repeal section 78 thereof and all acts and parts of acts inconsistent therewith; to the Committee on the Judiciary.

By Mr. BOYLAN of New York: A bill (H. R. 6440) to provide for the taxation of operators of radio-broadcast stations; to the Committee on Ways and Means.

By Mr. CULLEN: A bill (H. R. 6441) to exempt certain securities from the stamp taxes imposed by section 800 of the Revenue Act of 1926, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. BOEHNE: A bill (H. R. 6442) to amend the Social Security Act to include employees of organizations for religious, charitable, and like purposes for old-age benefits; to the Committee on Ways and Means.

By Mr. FERNANDEZ: A bill (H. R. 6443) to amend the act (Public, No. 162, 74th Cong.), approved June 24, 1935, entitled "An act to authorize the naturalization of certain resident alien World War veterans"; to the Committee on Immigration and Naturalization.

By Mr. KRAMER: A bill (H. R. 6444) to amend the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof"; to the Committee on Foreign Affairs.

By Mrs. NORTON: A bill (H. R. 6445) to provide 1 day of rest in 7 for workers employed in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 6446) to prohibit in the District of Columbia the operation of any automatic merchandise vending machine, turnstile, coin-box telephone, or other legal receptacle designed to receive or be operated by lawful coin of the United States of America, or a token provided by the person entitled to the coin contents of such receptacle in connection with the sale, use, or enjoyment of property or service by means of slugs, spurious coins, tricks, or devices not authorized by the person entitled to the coin contents thereof; and to prohibit in the District of Columbia the manufacture, sale, offering for sale, advertising for sale, distribution, or possesion for such use of any token, slug, false or counterfeited coin, or any device or substance whatsoever except tokens authorized by the person entitled to the coin contents of such receptacles; and providing a penalty for violation thereof; to the Committee on the District of Columbia.

By Mr. DITTER: A bill (H. R. 6447) to protect the right of secrecy in pending applications for patents; to the Committee on Patents.

By Mr. DOUGHTON: A bill (H. R. 6448) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. HEALEY: A bill (H. R. 6449) to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes"; to the Committee on the Judiciary.

By Mr. HENDRICKS: A bill (H. R. 6450) authorizing a preliminary examination and survey of Kissimmee River Valley and its tributaries, and the watershed thereof, in the State of Florida, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. PETERSON of Florida: A bill (H. R. 6451) providing for a preliminary examination and survey of the waterway from Stuart to Punta Rasa, Fla.; to the Committee on Rivers and Harbors.

By Mr. LEMKE: A bill (H. R. 6452) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. TOLAN: A bill (H. R. 6453) to increase the minimum salary of deputy United States marshals to $2,000 per annum; to the Committee on the Judiciary.

By Mr. DITTER: A bill (H. R. 6454) to deny certain Federal aid to counties in which lynchings occur; to the Committee on the Judiciary.

By Mr. MILLS: A bill (H. R. 6455) to create a National Pollution Board in the United States, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. HOFFMAN: A bill (H. R. 6456) to provide for the registration of labor organizations having members engaged in interstate or foreign commerce, and to impose duties upon such labor organizations and the members thereof, and to impose liability for unlawful acts upon such organizations and the members thereof, and for other purposes; to the Committee on Labor.

By Mr. McGRATH: A bill (H. R. 6457) to authorize a preliminary examination and survey of the Pajaro River, Calif., with a view to the control of its floods, and for other purposes; to the Committee on Flood Control.

By Mr. CALDWELL: Resolution (H. Res. 187) requesting information from various Government agencies for a complete and accurate report of the tung-oil situation, and for other purposes; to the Committee on Ways and Means.

By Mr. CRAWFORD: Resolution (H. Res. 188) requesting the Secretary of the Interior to report to the House of Representatives all of the facts within the knowledge of his Department relative to the Palm Sunday massacre in Ponce, P. R.; to the Committee on Insular Affairs.

By Mr. LORD: Joint resolution (H. J. Res. 324) proposing an amendment to the Constitution of the United States empowering Congress and the States to levy taxes upon compensation of Federal and State officers or employees; to the Committee on the Judiciary.

By Mr. MERRITT: Joint resolution (H. J. Res. 325) making an appropriation for certain improvements in the East River, New York City, and on site of New York World's Fair 1939, and for other purposes; to the Committee on Rivers and Harbors.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of South Dakota, memorializing the President and the Congress of the United States to urge consideration of their Senate Joint Resolution No. 8, relative to a statue of Gen. William Henry Harrison Beadel; to the Committee on the Library.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to repeal Public, No. 14, Seventy-fourth Congress; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of Pennsylvania: A bill (H. R. 6458) for the relief of Jack Nelson; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 6459) granting an increase of pension to Sarah M. Beaumont; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 6460) for the relief of Benjamin Elia Benjaminoff; to the Committe on Immigration and Naturalization.

By Mr. BOREN: A bill (H. R. 6461) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claim which William Franklin Bourland of the Chickasaw Nation of Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOWELL: A bill (H. R. 6462) granting a pension to Mrs. J. Madison Williams; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 6463) for the relief of Abraham Dritz; to the Committee on Claims.

By Mr. HALLECK: A bill (H. R. 6464) granting an increase of pension to Rebecca H. Dunkelbarger; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 6465) for the relief of William Francis McLean; to the Committee on Naval Affairs.

By Mr. HENDRICKS: A bill (H. R. 6466) granting a pension to Lillie Daley; to the Committee on Invalid Pensions.

By Mrs. HONEYMAN: A bill (H. R. 6467) for the relief of the Portland Electric Power Co.; to the Committee on Claims.

Also, a bill (H. R. 6468) to authorize the cancelation of deportation proceedings in the case of John Grinwood Taylor; to the Committee on Immigration and Naturalization.

By Mr. McCORMACK: A bill (H. R. 6469) for the relief of Anthony Caramagno; to the Committee on Claims.

By Mr. NICHOLS: A bill (H. R. 6470) for the relief of Roy Chandler; to the Committee on Military Affairs.

Mr. PETERSON of Florida: A bill (H. R. 6471) for the relief of Ralph J. Neikirk; to the Committee on Claims.

Also, a bill (H. R. 6472) for the relief of Sallie E. Perrin; to the Committee on Claims.

Also, a bill (H. R. 6473) for the relief of Paul H. Brinson; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 6474) granting a pension to Bettie Dick; to the Committee on Invalid Pensions.

By Mr. SMITH of Maine: A bill (H. R. 6475) granting an increase of pension to Melissa A. Haskell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6476) granting an increase of pension to Harriett Chamberlin; to the Committee on Invalid Pensions.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 6477) granting a pension to Flora Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6478) granting an increase of pension to Emma Duncan; to the Committee on Invalid Pensions.

By Mr. STACK: A bill (H. R. 6479) for the relief of Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner; to the Committee on Military Affairs.

By Mr. WITHROW: A bill (H. R. 6480) to confer citizenship on Kathrina Biermeier; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 6481) to confer citizenship on Andrew Biermeier; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

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

1857. By Mr. ARNOLD: Petition of Charlotte Steuart and other prominent citizens of Mount Vernon, Jefferson County, Ill., urging the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1858. By Mr. BLAND: Petition of 37 citizens of Newport News, Va., objecting to paragraph 6 of section 14 of House bill 3291; to the Committee on the District of Columbia.

1859. By Mr. CARTER: Petition of the Central Labor Council of Alameda County, in Oakland, Calif., by William A. Spooner, its secretary, for the outright repeal of the "red rider"; to the Committee on Appropriations.

1860. By Mr. CURLEY: Resolutions of the Merchants' Association of New York, endorsing House bill 6215, to repeal subsection (d) of section 148 of the Revenue Act of 1936, requiring the filing of lists of compensation paid to officers and employees of corporations; to the Committee on Ways and Means.

1861. By Mr. GOODWIN: Petition of the Monticello Council, No. 63, Junior Order United American Mechanics, Monticello, N. Y., opposing any change in the present judiciary branch of the Government, unless by amendment; to the Committee on the Judiciary.

1862. By Mr. HART: Petition of the Board of Commissioners of the City of Orange, N. J., memorializing the Congress of the United States to enact the United States Housing Act of 1937, being Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

1863. By Mr. KINZER: Petition of citizens of Lancaster County, Pa., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1864. By Mr. KRAMER: Resolution of the Assembly and the Senate of the State of California, pertaining to amending the Constitution to provide that the electoral college be abolished and the President and Vice President be elected by a direct vote of the people, etc.; to the Committee on Election of President, Vice President, and Representatives in Congress.

1865. By Mr. KVALE: Petition of the conferees attending the annual weed conference of Rock County, Luverne; Big Stone County, Ortonville; Lac qui Parle County, Madison; Nobles County, Worthington; Renville County, Olivia; Pipestone County, Pipestone; Chippewa County, Montevideo; Yellow Medicine County, Clarkfield; Murray County, Slayton; Lyon County, Marshall; and Murray County, Redwood Falls, of the State of Minnesota, endorsing House bill 4009, providing for Federal appropriation of $50,000,000 for weed control on the basis of $3 of Federal funds to $1 of State funds; to the Committee on Agriculture.

1866. By Mr. LORD: Petition of Lydia S. Fagan and 22 residents, of Franklin, N. Y., protesting against the President's bill or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1867. By Mr. McLEAN: Petition of the Lorraine Republican Club, Lorraine, N. J., protesting against the reorganization of the Supreme Court; to the Committee on the Judiciary.

1868. By Mr. MURDOCK of Utah: House Joint Memorial No. 4 of the Utah State Legislature, relating to the proposal in the Congress of the United States to reduce the number of Civilian Conservation Corps camps in the United States from 2,100 to 1,400; to the Committee on Labor.

1869. By Mr. MOTT: Two petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1870. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, memorializing Congress in favor of making the National Youth Administration a permanent organization; to the Committee on Education.

1871. By Mr. WIGGLESWORTH: Petition of the Court of Massachusetts, requesting Congress to repeal certain acts prejudicial to the oil-consuming States and to the nonproducing States; to the Committee on Ways and Means.

1872. By the SPEAKER: Petition of the city of Columbus, Ohio, favoring the United States Housing Act of 1937, being Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

1873. Also, petition of the Slovak Alliance of Bridgeport and vicinity, favoring the Wagner-Steagall bill; to the committee on Banking and Currency.